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Briefing on How To Use the Federal Register—
For information on briefing in Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

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

Regulation Identifier Numbers (RINs)

Agencies have begun including a Regulation Identifier Number in the headings of their **Federal Register** documents. RINs also appear in entries listed in the *Unified Agenda of Federal Regulations,* which is published in the **Federal Register** in April and October of each year. Assigning RINs makes it easier for the public and agency managers to track the entries at the various stages of their development.

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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

Animal and Plant Health Inspection Service

7 CFR Part 371

[Docket No. 88-402]

Organization, Functions, and Delegations of Authority

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) to reflect changes in the internal APHIS organization. It is anticipated that this reorganization will stimulate interdependence and cooperation throughout the agency, enhance the ability of the Administrator to manage the agency, and provide improved support to the field organization through better planning, clearer direction, timely action, and better use of resources.

EFFECTIVE DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: John E. Schneider, Human Resources Division, APHIS, USDA, Room 213, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6658.

SUPPLEMENTARY INFORMATION:

Background

The statement of organization, functions and delegations of authority of the Animal and Plant Health Inspection Service (APHIS) is being revised to reflect changes made in the internal APHIS organization. This reorganization creates a headquarters organization based on function, rather than program discipline.

The statement of organization, functions, and delegations of authority was approved by APHIS and USDA management after a lengthy and complete review of all APHIS activities and consultation with affected individuals and groups, both within and outside the organization. It represents the best balance of needed changes within the headquarters operation with proven methods of accomplishment within the agency.

The major changes and reasons for them are:

(1) Redefine the Roles of the Animal Damage Control (ADC), Plant Protection and Quarantine (PPQ), and Veterinary Services (V) Units

As a result of the reorganization, these units are now responsible principally for field delivery of domestic agricultural protection programs. Reporting lines have been streamlined, since all Regional Directors are now reporting directly to their Deputy Administrator. With separate APHIS units for support in planning, program design, recruitment, training, and certain other functions, the domestic agricultural protection programs now have a greater base of technical support.

(2) Establish a Policy and Program Development Unit

This unit will establish and manage or coordinate agency-wide planning, policy development, program design, and evaluation systems that until the reorganization have been fragmented or nonexistent. It will enable APHIS to place greater emphasis on planning, especially strategic planning, long-range planning, and emergency program planning, and should provide for orderly identification, analysis, and resolution of policy issues. Since regulations development is an expression of policy, that function is also included in this unit.

(3) Establish a Biotechnology, Biologics, and Environmental Protection Unit

Creation of this unit demonstrates recognition of the evolving importance of and need for visibility for activities related to regulation of the products of biotechnology. The unit brings together current staff who coordinate regulatory activities and those who conduct operational activities, such as issuing permits for movement and release of organisms and licensing of veterinary biologics. Consolidating preparation of environmental documents in this unit provides for greater consistency and efficiency in preparation of these documents.

(4) Establish a Regulatory Enforcement and Animal Care Unit

The reorganization consolidates these activities into one line organization. This provides for greater consistency and efficiency in violation case processing, underscores the agency's commitment to animal welfare and horse protection, facilitates development of specialized expertise in animal care, and provides for more direct involvement of the Administrator in the management of both regulatory enforcement and animal care activities.

(5) Establish an International Services Unit

This unit brings together the international program activities now located throughout the agency. It will place greater emphasis on management of highly complex and sensitive international activities and provide for greater consistency in management and delivery of these programs and an increased opportunity for cross-utilization of resources.

(6) Establish a Science and Technology Unit

The reorganization consolidates into one unit agency activities involving laboratory support, methods development, and research. The unit brings together the National Veterinary Services Laboratories from VS, the Denver Wildlife Research Center from ADC, the National Monitoring and Residue Analysis Laboratory and the Methods Development Centers from PPQ. This consolidation allows more sharing of laboratory resources, improves the agency's ability to recruit and retain top scientific talent, and helps APHIS move toward its goal of establishing the laboratories as centers of excellence.

(7) Redesignate the Administrative Management Unit as the Management and Budget Unit

This redesignation makes the title of the unit consistent with the title of the Deputy Administrator responsible for the unit and better reflects the actual functions of this organization. Other changes within this unit include elevating Equal Employment

Opportunity (EEO) and Civil Rights activities, including EEO counseling, by moving them from the Human Resources Division and establishing them as separate units reporting directly to the Deputy Administrator for Management and Budget. This organizational placement is consistent with that of other agencies in the Department and underscores the agency's commitment to EEO action.

(8) Establish a Recruitment and Development Unit

This unit consolidates all agency technical and administrative training into one unit, providing greater consistency and efficiency in training design and delivery. It strengthens the agency's scientific and technical base by placing greater emphasis on recruiting, training, and continuing career development activities.

It is anticipated that these changes will stimulate interdependence and cooperation throughout the agency, enhance the ability of the Administrator to manage the agency, and provide improved support to the field organization through better planning, clearer direction, timely action, and better use of resources.

Executive Order 12291 and the Regulator Flexibility Act

This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity to comment are not required, and this rule may be made effective less than 30 days after publication in the **Federal Register.** Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Finally, this action is not a rule as defined by Pub. L. 96–354, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reduction Act

This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with state and local officials. (See 7 CFR Part 3015, Subpart V.)

List of Subjects in 7 CFR Part 371

Organization and functions (Government agencies).

Accordingly, 7 CFR Part 371 is revised as follows:

PART 371—ORGANIZATION, FUNCTIONS, AND DELEGATIONS OF AUTHORITY

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371.14 Delegations of authority.
371.15 Concurrent authority and responsibility to the Administrator.
371.16 Reservation of authority.
371.17 Availability of information and records.

Authority: 5 U.S.C. 301.

§ 371.1 General statement.

(a) The Animal and Plant Health Inspection Service (APHIS) was created by the Secretary of Agriculture on April 2, 1972 (37 FR 6327, March 28, 1972).

(b) *Central Office.* The central offices of APHIS are located at Washington, DC, and Hyattsville, Maryland, and consist of the offices of the Administrator, the Associate Administrator, six Deputy Administrators, and five Directors, as follows:

Administrator
Associate Administrator
Deputy Administrator, Plant Protection and Quarantine (PPQ)
Deputy Administrator, Veterinary Services (VS)
Deputy Administrator, Management and Budget (M&B)
Deputy Administrator, Animal Damage Control (ADC)
Deputy Administrator, Regulatory Enforcement and Animal Care (REAC)
Deputy Administrator, International Services (IS)
Director, Policy and Program Development (PPD)
Director, Recruitment and Development (R&D)
Director, Legislative and Public Affairs (LPA)
Director, Science and Technology (S&T)
Director, Biotechnology, Biologics, and Environmental Protection (BBEP)

(c) *Field organization:* The locations of the principal field offices for the major programs are as follows:

(1) *PPQ.*

Northeastern Region: 505 South Lenola Road, Building Blason II, First Floor, Moorestown, NJ 08057.

Southeastern Region: 3505 25th Avenue, P.O. Box 3659, Gulfport, MS 39501.

South Central Region: 3505 Boco Chica Boulevard, Suite 360, Brownsville, TX 78521.

Western Region: 9580 Micron Avenue, Suite I, Sacramento, CA 95827.

(2) *VS.*

Western Region: 317 Inverness Way South, Englewood, CO 80112.

Northern Region: Building 12, GSA Depot, Scotia, NY 12302.

Southeastern Region: 500 Zack St., Suite 310, Tampa, FL 33602–4021.

Central Region: 1600 Throckmorton St., Suite 308, Forth Worth, TX 76102.

(3) *Management and Budget.*

Field Servicing Office: Butler Square West, 100 North Sixth St., Minneapolis, MN 55403.

(4) *ADC.*

Western Region: Building 16, Denver Federal Center, P.O. Box 25266, Denver, CO 80225–0266.

Eastern Region: 215 Centerview Drive, Suite 104, Brentwood, TN 37027

(5) *S&T.*

Methods Development Centers:

Hoboken Methods Development Center, 209 River Street, Hoboken, NJ 07030

Mission Methods Development Center, Moore Air Base, Route 3, Box 1000, Edinburg, TX 78539

Otis Methods Development Center, Building 1398, Otis ANGB, MA 02542

Whiteville Methods Development Center, P.O. Box 279, Whiteville, NC 28472

Research Center: Denver Wildlife Research Center, Building 16, Denver Federal Center, P.O. Box 25266, Denver, CO 80225–0266.

Laboratories:

National Veterinary Services Laboratories, P.O. Box 844, Ames, IA 50010.

National Monitoring and Residue Analysis Laboratory, P.O. Box 3209, Gulfport, MS 39503

(6) *IS.*

Latin America Region: American Embassy, Reforma 305, Col. Cuauhtemoc 06500 Mexico, D.F. Mailing Address: c/o U.S. Embassy, Mexico City, P.O. Box 3087, Laredo, TX 78044.

Screwworm Program: Mexico-U.S. Commission for Eradication of Screwworms, P.O. Box 3087, Laredo, TX 78044

Foot-and-Mouth Disease Program: Mexico-U.S. Foot-and-Mouth Disease Program, "AMEMB, Mexico City," P.O. Box 3087, Laredo, TX 78044

Pan-U.S. Commission for the Prevention of Foot-and-Mouth Disease, American Embassy–AGRI, Box E, APO Miami 34002

§ 371.2 The Office of the Administrator.

(a) *The Administrator.* The Administrator of APHIS, under the direction of the Assistant Secretary for Marketing and Inspection Services, formulates, directs, and supervises the execution of APHIS policies, programs, and activities. The Administrator is authorized to take any action, execute

any document, authorize any expenditure, promulgate any rule, regulation, order or instruction required by or authorized by law and deemed by the Administrator to be necessary and proper to the discharge of the functions assigned to APHIS and to delegate, and provide for redelegation of authority to appropriate officers and employees consistent with, and with due regard to, the continuing responsibility for the proper discharge of delegations made by the Administrator. Delegations and provisions for redelegations are stated in § 371.14.

(b) *The Associate Administrator.* The Associate Administrator shares overall responsibility with the Administrator for general direction and supervision of the programs and activities assigned to APHIS and is authorized to act for the Administrator in performing all functions for which the Administrator is responsible.

(c) *Deputy Administrator, Plant Protection and Quarantine (PPQ).* The Deputy Administrator for PPQ is responsible for:

(1) Participating with the Administrator for APHIS and other agency officials in the overall planning and formulation of all policies, programs, procedures, and activities of APHIS.

(2) Providing leadership, direction, and coordination to PPQ programs and activities to protect the Nation's agricultural resources from harmful pests, and to prevent the entry of plant pests and animal diseases into the United States and their spread in foreign commerce. The basic laws authorizing PPQ programs include:

(i) Section 102, Organic Act of September 21, 1944, as amended, and the Act of April 6, 1937, as amended (7 U.S.C. 147a, 148, 148a–148e), relating to control and eradication of plant pests and diseases;

(ii) The Mexico Border Act, as amended (7 U.S.C. 149);

(iii) The Golden Nematode Act (7 U.S.C. 150–150g);

(iv) The Federal Plant Pest Act, as amended (7 U.S.C. 150aa–150jj);

(v) The Plant Quarantine Act, as amended (7 U.S.C. 151–164a, 167);

(vi) The Terminal Inspection Act, as amended (7 U.S.C. 166);

(vii) The Honeybee Act, as amended (7 U.S.C. 281–282);

(viii) The Federal Noxious Weed Act of 1974 (7 U.S.C. 2801–2813);

(ix) The Endangered Species Act of 1973 (87 Stat. 884);

(x) Executive order 11987;

(xi) The responsibilities of the United States under the International Plant Protection Convention;

(xii) Lacy Act Amendments of 1981 (16 U.S.C. 3401–3408); and

(xiii) Title III (and Title IV to the extent that it relates to activities under Title III) of the Federal Seed Act, as amended (7 U.S.C. 1581–1610).

(3) Participating in the development of regulations (including quarantines) pursuant to laws relating to PPQ programs and activities.

(4) Cooperating with and providing technical assistance to state and local governments in regard to plant pest control programs. Cooperating with and providing technical assistance to foreign governments with regard to pests and diseases of international quarantine significance. These activities are carried out by the PPQ Operational Support Unit and by PPQ regional and field offices.

(d) *Deputy Administrator, Veterinary Services (VS).* The Deputy Administrator for VS is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing the administration of the national programs to protect the health of the Nation's livestock and poultry resources involving:

(i) Section 306 of the Tariff Act of June 17, 1990, as amended (19 U.S.C. 1306);

(ii) Act of August 30, 1890, as amended (21 U.S.C. 102–105);

(iii) Act of May 29, 1884, as amended, Act of February 2, 1903, as amended, and Act of March 3, 1905, as amended, and supplemental legislation (21 U.S.C. 111–114a, 114a–1, 115–130);

(iv) Act of February 28, 1947, as amended (21 U.S.C. 114b–114c, 114d–1);

(v) Act of June 16, 1948 (21 U.S.C. 114e–114f);

(vi) Act of September 6, 1961 (21 U.S.C. 114g–114h);

(vii) Act of July 2, 1962 (21 U.S.C. 134–134h);

(viii) Act of May 6, 1970 (21 U.S.C. 135–135b);

(ix) Sections 12–14 of the Federal Meat Inspection Act, as amended, and the portion of section 18 of the Act that pertains to the issuance of certificates of condition of live animals intended and offered for export (21 U.S.C. 612–614, 618);

(x) Improvement of poultry, poultry products and hatcheries (7 U.S.C. 429);

(xi) 28 Hour Law, as amended (45 U.S.C. 71–74);

(xii) Export Animal Accommodation Act, as amended (46 U.S.C. 466a–466b);

(xiii) Purebred animal duty-free entry provision of Tariff Act of June 17, 1930, as amended (19 U.S.C. 1202, Part I, Item 100.01);

(xiv) Virus-Serum Toxin Act (21 U.S.C. 151–158);

(xv) Sections 203 and 205 of Agricultural Marketing Act of 1946, as amended, with respect to voluntary inspection and certification of inedible animal byproducts and inspection, testing, treatment, and certification of animals and a program to investigate and develop solutions to the problems resulting from the use of sulfonamides in swine (7 U.S.C. 1622, 1624);

(xvi) Section 101(d) of the Organic Act of September 21, 1944 (7 U.S.C. 430);

(xvii) The Swine Health Protection Act (7 U.S.C. 3801–3812); and

(xviii) Conducting diagnostic and related activities necessary to prevent, detect, control or eradicate foot-and-mouth disease and other foreign animal diseases (21 U.S.C. 113a).

(3) Providing leadership and direction in planning, developing, budgeting, staffing, and implementing field programs through the Regional Directors for all phases of domestic activities in VS.

(4) Directing, coordinating, and integrating the activities of subordinate staffs that provide support in planning, coordinating, and developing animal health information systems and maintaining a federal-state program operation capable of responding to exotic disease outbreaks.

(5) Cooperating with and providing technical assistance to state and local governments, other APHIS organizations, other federal agencies, and colleges and universities with regard to VS programs and activities. These activities are carried out by the VS Operational Support Unit and by VS regional and field offices.

(e) *Deputy Administrator, Management and Budget (M&B).* The Deputy Administrator for M&B is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing management support functions of the agency, including Equal Employment Opportunity (EEO) and Civil Rights, budget and finance, personnel, administrative services, and information resources management activities.

(3) Advising and assisting the Administrator and other agency officials on agency legislative affairs. Providing advice and direction to legislative

liaison. Fulfilling reporting requirements, including the management and control of timely responses to inquiries from Members of Congress and others as referred by the White House or the Office of the Secretary of Agriculture.

(4) Leading and guiding program and administrative reviews and inspections to assess the implementation of policies and procedures, and to assess the accomplishment of program and administrative objectives.

(5) Evaluating and taking final dispositions on all administrative issuances.

(6) Coordinating General Accounting Office (GAO) and Office of the Inspector General (OIG) activities in APHIS.

(7) Administering the execution of cooperative agreements and Master Memoranda of Understanding, all agreements between APHIS and other agencies, and all agreements that require the signature of more than one Deputy Administrator or Director.

(8) Providing management support services for the Federal Grain Inspection Service (FGIS), the Office of Transportation (OT), the Agricultural Cooperative Service (ACS), the Packers and Stockyards Administration (P&SA), and the Agricultural Marketing Service (AMS) as agreed upon by the agencies, with authority to take actions required by law or regulation. The term "management support services" includes budget, finance, personnel, procurement, property management, communications, paperwork management, and related administrative services.

(f) *Deputy Administrator, Animal Damage Control (ADC).* The Deputy Administrator for ADC is responsible for:

(1) Participating with the Administrator of APHIS and agency officials in the overall planning, formulation, and evaluation of all policies, programs, and activities of APHIS.

(2) Planning, providing leadership, formulating and coordinating policies, and directing and administration of the program to control verebrate animal conflicts with agriculture, industry, natural resources, public health and safety, and with other activities of man, as authorized by the Act of March 2, 1931 (7 U.S.C. 426, 426b).

(3) Meeting and dealing with outside interest groups, advisory groups, Members of Congress, officials of other governmental agencies, and others interested in animal damage and nuisance control to elicit their cooperation, to explain ADC programs and their goals, and to gain acceptance and understanding of the programs.

(4) Cooperating with and providing technical assistance to other federal, state, local, private, and foreign agencies in regard to animal damage and nuisance control within the parameters of authorized missions and goals.

These activities are carried out by the ADC Operational Support Unit and by ADC regional and field offices.

(g) *Deputy Administrator, Regulatory Enforcement and Animal Care (REAC).* The Deputy Administrator for REAC is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Directing the formal investigation of reported violations of laws and regulations applicable to APHIS activities. Referring violation cases to the Office of the General Counsel (OGC) for preparation of formal complaints involving:

(i) (Laboratory) Animal Welfare Act, as amended (7 U.S.C. 2131–2147, 2149–2155); and

(ii) Horse Protection Act (15 U.S.C. 1821–1831).

(3) Directing the inspection of facilities covered by the Animal Welfare Act and directing activities covered by the Horse Protection Act.

(4) Maintaining liaison and cooperating with other federal agencies, industry, humane groups, and private citizens involved with regulatory enforcement and animal care activities.

(5) Providing recommendations for policy and program changes and promulgating procedures and guidelines for the conduct of field activities.

These activities are carried out by the REAC Units and by field offices.

(h) *Deputy Administrator, International Services (IS).* The Deputy Administrator for IS is responsible for:

(1) Participating with the Administrator of APHIS in the overall planning and formulation of international policies, programs, and activities.

(2) Directing a corps of foreign service personnel carrying out APHIS activities abroad. Maintaining and administering the Foreign Service personnel system for employees of APHIS in accordance with section 202(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 3922), E.O. 12363, dated May 21, 1982, and the provisions of § 2.51(a)(1) of this title.

(3) Developing and maintaining systems for monitoring and reporting the presence and movement of agricultural diseases and pests.

(4) Developing and maintaining cooperative relationships and programs with other federal international agencies, foreign governments, industry and international organizations, such as the Food and Agricutlure Organization of the United Nations, with regard to APHIS activities in foreign countries.

(5) Maintaining systems for observing the effects of plant and animal diseases endemic in foreign countries and evaluating the impact on the agriculture industry.

(6) Developing and directing programs designed to facilitate the export of United States plants and animals and their products.

These activities are carried out by the IS Operational Support Unit and IS regional and field offices.

(i) *Director, Policy and Program Development (PPD).* The Director for PPD is responsible for:

(1) Participating with the Administrator of APHIS and other executive team officials in the overall planning and formulation of agency policies, program, and activities.

(2) Planning, providing leadership, and administering the development of agency-wide planning and evaluation models and strategies; designing multi-year approaches to major changes in program direction and developing new program initiatives; managing an agency decisionmaking process (issue management); developing regulatory actions; developing risk assessment systems and models and conducting studies of significant exotic an newly introduced plant and animal pests, diseases, and organisms; and developing predator control projects.

(3) Providing for the design of APHIS Policy Communications System.

(j) *Director, Recruitment and Development (R&D).* The Director for R&D is responsible for:

(1) Formulating and recommending recruitment, employee development, and training policies and procedures consistent with APHIS's overall personnel policies.

(2) Developing recruitment procedures and strategies for locating and developing sources of candidates to fulfill immediate and long-range needs.

(3) Designing, developing, and delivering training and employee development programs.

(k) *Director, Legislative and Public Affairs (LPA).* The Director for LPA is responsible for:

(1) Advising and assisting the Administrator of APHIS and other agency officials on all matters relating to agency legislative affairs.

(2) Preparing legislative proposals in connection with APHIS programs and responsibilities, based on recommendations from program officials. Assisting in the development of support material for agency witnesses for congressional hearings. Preparing legislative reports when requested by Congress.

(3) Establishing and maintaining liaison with members of Congress, various congressional committees and subcommittees, and their staffs on all matters pertaining to APHIS legislative affairs. Providing members of Congress with periodic updates on issues in which they have demonstrated continuing interest.

(4) Planning, administering, providing leadership, and conducting an information program to promote interest in and increase the public knowledge and acceptance of APHIS programs and activities.

(5) Cooperating in information activities of the Office of Governmental and Public Affairs.

(6) Coordinating with other APHIS offices on interrelated information management and dissemination activities.

(7) Administering, with other APHIS programs, the international information activities of APHIS.

(8) Planning, developing, and maintaining agency-wide internal communication systems.

(9) Drafting and administering policy guidelines on press contacts, photography, audiovisual, graphic design, radio-TV, and policy/editorial/graphics clearance for popular publications. Planning, providing leadership, and conducting a policy communication program to express and interpret APHIS policies in written form to members of Congress, state and industry leaders, officials of foreign governments, and private citizens.

(10) Preparing timely and responsive replies to written inquiries by identifying accurate sources of information, determining necessary agency actions, tailoring responses to the interests of the recipient, ensuring that the responses adhere to APHIS policies and are consistent with other responses, and securing the corroboration of appropriate agency officials. Establishing and maintaining a system for the control of written inquiries referred by the Office of the Secretary or sent directly to the agency.

(11) Preparing position papers regarding trends and patterns in APHIS program issues that are of special interest to the Administrator and his immediate subordinates.

(12) Providing editorial assistance to other staffs in the preparation of regulations, procedural manuals, articles for publication, and standard replies to recurring questions posed by correspondence answered at the program level. Developing policies, coordinating and maintaining control of APHIS activities that fall within the scope of the Freedom of Information Act (FOIA) and the Privacy Act. Making all initial determinations to deny information requested under the FOIA. Ensuring that files coming within the scope of the Privacy Act are properly identified, used, and safeguarded.

(l) *Director, Science and Technology (S&T).* The Director for S&T is responsible for:

(1) Participating with the Administrator of APHIS and other agency officials in the overall planning and formulation of all policies, programs, and activities of APHIS.

(2) Providing laboratory support, diagnostic services, methods development, and research activities in support of all APHIS programs.

(3) Cooperating and coordinating with other government agencies, state agencies, and industries to ensure that the technical needs of APHIS programs are considered and met.

(4) Coordinating registration of chemicals and other substances developed for use in APHIS control and eradication programs.

These activities are carried out by the National Veterinary Services Laboratories, the Denver Wildlife Research Center, the National Monitoring and Residue Analysis Laboratory, and the Plant Methods Development Centers.

(m) *Director, Biotechnology, Biologics, and Environmental Protection (BBEP).* The Director for BBEP is responsible for:

(1) Coordinating and executing biotechnology regulatory policy within APHIS and other USDA regulatory agencies and acting as a liaison with these agencies, other federal agencies, and private organizations.

(2) Advising the Administrator on requirements for compliance with the National Environmental Policy Act (NEPA) and ensuring NEPA compliance.

(3) Providing briefing material, recommendations, and other specific written materials on biotechnology regulatory policy to the Administrator and the Assistant Secretary for Marketing and Inspection Services.

(4) Directing and coordinating the activities of the Veterinary Biologics field office.

(5) Providing oversight and management for BBEP staffs and functions.

§ 371.3 Plant protection and quarantine.

The PPQ Operational Support unit and the four PPQ regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, PPQ, are responsible for Plant Protection and Quarantine as follows:

(a) *PPQ operational support.* (1) Participating with the Deputy Administrator, PPQ, in the overall planning and formulation of all PPQ programs and activities.

(2) Directing, coordinating, and integrating the activities of subordinate staffs that provide operational support, guidance, and planning to field programs conducted in the four domestic regions.

(3) Developing and maintaining cooperative relationships and programs with other federal agencies, state and local governments, and industry with regard to plant protection activities and programs designed to protect farm crops and other valued plant life from harmful insects, nematodes, diseases, and weeds.

(b) *PPQ regional offices.* (1) Participating with the Deputy Administrator, PPQ, in the operational planning and implementation of policies, programs, and activities of PPQ.

(2) Planning, providing leadership, coordinating, and conducting PPQ regional programs and activities to protect the Nation's agriculture from harmful plant pests and diseases, and preventing the entry of these plant pests and diseases and animal diseases into the United States or their spread in foreign commerce. (Activities relating to animal diseases are concerned with import and export of animal products and byproducts).

(3) Developing and maintaining cooperative relationships and programs with other federal agencies, state and local governments, and industry with regard to plant protection activities and programs designed to protect farm crops and other valued plant life from harmful insects, nematodes, diseases, and weeds.

§ 371.4 Veterinary services.

The VS Operational Support unit and the four VS regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, VS, are responsible as follows:

(a) *VS Operational Support.* (1) Participating with the Deputy Administrator, VS, in the overall planning and formulation of policies, programs, and activities of VS within the APHIS framework.

(2) Directing, coordinating, and integrating the activities of subordinate staffs that provide operational support, guidance, and planning to field programs involving the detection, control, and/or eradication of animal diseases and parasites, and involving the enforcement of quarantines governing the importation and exportation of live animals, animal semen, and eggs.

(3) Monitoring and evaluating ongoing programs to ensure that they are effective, efficient, and in compliance with laws, regulations, and policies.

(4) Providing technical guidance, advice, and information in support of field operations units and personnel.

(5) Coordinating and monitoring VS import and export programs.

(6) Negotiating animal health protocols with foreign countries to facilitate the export of United States livestock.

(7) Cooperating with other APHIS organizations and other federal and private agencies in developing plans, programs, and procedures to protect the nation's livestock and poultry resources.

(8) Maintaining close liaison and cooperative relationships with other APHIS organizations, the Agricultural Research Service, other federal and private agencies, and colleges and universities involved in research and development activities relating to the control and eradication of animal diseases and other programs relating to VS objectives and missions.

(b) *VS Regional Offices.* (1) Participating with the Deputy Administrator, VS, in the overall planning and formulation of all policies, programs, and activities of VS.

(2) Planning, providing leadership, and coordinating VS programs and activities within the Region (comprising several states) to protect the health of livestock, poultry, and other valued animal life through the detection, control and/or eradication of animal diseases and parasites and through the enforcement of quarantines governing the importation and exportation of live animals, animal semen, eggs, and other live animal tissues and specimens.

(3) Supervising, directing, coordinating, and integrating the activities of subordinate Area Offices that are responsible for the conduct of Federal and multi-state cooperative programs.

§ 371.5 Management and budget.

The Budget and Accounting Division, Human Resources Division, Administrative Services Division, Information Systems and Communications Division, Resource Management Systems and Evaluation Staff, Equal Opportunity and Civil Rights Staff, Equal Opportunity Counseling, and the Field Servicing Office, under the direction of the Deputy Administrator for Management and Budget, are responsible as follows:

(a) *Budget and Accounting Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of all administrative management policies, programs, and activities for APHIS, ACS, and OT.

(2) Planning, providing staff leadership and administering the budget and related programs and the fiscal and related management programs necessary to meet the requirements of program and administrative activities in APHIS, ACS, and OT.

(3) Assisting in formulating current and long-range policies and programs relating to APHIS, ACS, and OT budget and multi-year programs and financial plans and coordinating the development of the documentation of these programs and plans.

(4) Assisting in developing the accounting and related financial systems necessary for APHIS, ACS, and OT. Developing procedures and instructions to implement the systems, and maintaining these systems.

(5) Planning and providing for the selection, documentation, negotiation, and implementation of cooperative agreements.

(b) *Human Resources Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of all administrative management policies, programs, and activities for APHIS, FGIS, ACS, P&SA, and OT.

(2) Planning for and providing staff leadership and assistance to managers and program leaders of APHIS, FGIS, ACS, P&SA, and OT in the areas of organization, position management, performance appraisal, position classification, salary and wage administration, placement, employee relations, and labor management relations.

(3) Providing leadership in the development of personnel policy for recruitment, employee development, training, and the Foreign Service Personnel System.

(4) Leading and coordinating personnel management review and evaluation activities throughout APHIS to ensure that personnel management programs are effective, efficient, and in compliance with laws, regulations, and policy.

(5) Providing certain operating personnel services for APHIS, FGIS, ACS, P&SA, OT, and AMS, was agreed upon by APHIS and each of the other Agencies.

(6) Developing, implementing, and maintaining a career management initiative and organizational development program.

(c) *Administrative Services Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of all administrative management policies, programs, and activities for APHIS, FGIS, ACS, P&SA, OT, and AMS.

(2) Planning for and providing staff leadership and operating administrative services and assistance to managers and supervisors in: Real and personal property management and utilization; procurement of supplies, equipment, and services through competitive and noncompetitive procedures or from established contract sources; safety, health and environmental concerns; development and control of forms and reports; records security; printing and distribution; mail and shuttle service; and directives management. Providing overall direction and coordination for the design and construction of facilities.

(d) *Information Systems and Communications Division.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of information resources management policies and programs in support of APHIS programs.

(2) Planning, directing, and conducting studies to determine the feasibility of applying automated data systems and techniques to agency operations. Determining the advantages of using automated systems and processing in terms of economic and other considerations.

(3) Developing and designing automated data systems, standards, and new and improved methods and techniques for translation into basic program structures relative to systems analysis, computer programming and equipment utilization and capabilities. Assisting agency managers in determining informational requirements. Analyzing types and volume of data involved, cost of present methods and cost and advantages of applying electronic data processing.

(4) Developing computer programs to meet objectives of specific programs and projects, including all levels of electronic data processing documentation and the testing or

"debugging" of machine programs. Designing procedures and advising in the development of source documents to facilitate the conversion of data from source documents to machine media.

(5) Reviewing and evaluating existing systems and computer programs and implementing improvements.

(6) Planning, managing and/or coordinating agency policies, methods, and procedures for telecommunications, records management, micrographics and correspondence management.

(e) *Resource Management Systems and Evaluation Staff.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of administrative and management policies, programs, and activities of APHIS.

(2) Developing, implementing, coordinating, and directing a Resource Management Evaluation System, including on-site reviews of domestic and international programs, with the objective of determining the use of resources in terms of efficiency, effectiveness, and compliance with appropriate laws, rules, regulations, and agreements. Assessing delivery of administrative services to APHIS programs to determine their impact on program mission accomplishment.

(3) Collecting, analyzing, evaluating, and reviewing management information and data, including critical incidents, to assist management in formulating current and long-range policies, procedures, and systems and providing staff assistance to the Deputy Administrator in the management of OIG and GAO liaison activities and the analysis of OIG and GAO reports.

(4) Carrying out these and related projects or studies with the assistance of functional or program specialists from other organizations in order to assure adequate staffing, a proper mix of expertise, and acceptance of work products.

(f) *Equal opportunity and civil rights.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of administrative policies and programs.

(2) Providing leadership in the overall development and planning of all policies, programs, and activities of equal employment opportunity.

(3) Developing and implementing Equal Employment Opportunity (EEO) plans of action for APHIS, FGIS, ACS, P&SA, and OT.

(4) Establishing statistical information systems and reporting procedures for agency accomplishments.

(5) Representing the agency in negotiations and at meetings on EEO, both within and outside the Department.

(6) Establishing guidelines for EEO action plans. Evaluating and approving EEO action plans prior to their implementation.

(7) Examining programs to ensure that programs or interpretations of programs tending to discriminate are eliminated. Reviewing current and proposed legislation and recommending changes to remove any discriminatory elements.

(8) Coordinating civil rights programs.

(g) *Equal opportunity counseling.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of administrative policies and programs.

(2) Developing and maintaining a comprehensive Equal Employment Opportunity Counselor Program and complaint processing and adjudication program designed to prevent prohibited discrimination and to attempt settlement of complaints based on race, color, religion, sex, national origin, age, marital status, and physical and mental handicaps for employees and applicants for employment.

(h) *Field Servicing Office.* (1) Participating with the Deputy Administrator for M&B in the overall formulation of personnel, financial and administrative services policies and programs for APHIS, FGIS, ACS, P&SA, and OT.

(2) Within the provisions of applicable policies, procedures and laws, providing personnel, financial and administrative services to personnel in AMS, APHIS, FGIS, ACS, P&SA, and OT.

(3) Participating in planning management reviews. Providing assistance and advice to program officials and supervisory personnel concerning personnel, financial, and administrative problems. Providing guidance on the implementation of policies, procedures, and regulations.

§ 371.6 Animal damage control.

The ADC Operational Support unit and the ADC Regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, ADC, are responsible for:

(a) *ADC Operational Support.* (1) Coordinating the development of annual operational plans for national program activities that are compatible with APHIS and ADC strategic long-range plans.

(2) Developing and maintaining an ADC operating policy manual for use at state and local levels.

(3) Participating in program evaluations of field activities. Assuring that identified deficiencies are corrected in an appropriate and timely manner.

(4) Developing and maintaining ADC programmatic data systems. Working with ADC Regional Directors and other APHIS units to ensure that the data base meets field and headquarters data needs.

(5) Preparing briefing and issue papers involving ADC activities. Ensuring that appropriate solutions to field problems are attained.

(6) Preparing routine correspondence on ADC activities requiring signature by the Deputy Administrator for ADC or the APHIS Administrator. Participating with Regional and State Directors in obtaining appropriate information for this correspondence.

(7) Coordinating technical and nontechnical training activities of ADC headquarters and field units. Facilitating the identification of training needs.

(8) Obtaining information and preparing routine reports regarding operational activities.

(9) Identifying research and methods development needs of field operations units.

(10) Identifying, analyzing, and resolving operational needs associated with pesticide registration and use, both nationally and within a state.

(11) Coordinating environmental issues related to operational activities; collecting and assembling data required for environmental documents as requested; ensuring compliance with environmental policy in carrying out operational activities; and ensuring that an ongoing monitoring program is in place to assess the impact of operational activities on the environment.

(12) Acting as liaison with internal and external organizations regarding ADC program operations.

(13) Providing representation and liaison with all industry groups and other agencies having an interest in wildlife management issues related to ADC operational program activities.

(14) Providing committee representation to all agency, intra-agency, and industry groups on issues involving national and state ADC operational activities. Representing the Deputy Administrator on committees involving ADC operational issues and interests.

(15) Identifying, analyzing, and resolving all national and state issues requiring technical policy interpretation.

(16) Developing, reviewing, and approving publications and presentations about national and state operational activities involving headquarters, regional, and state personnel.

(17) Determining national and states' needs relative to ADC public education

and information program activities. Acting on these needs by establishing priorities and ensuring that these needs are met through assisting in the development of appropriate information documents and by coordinating with other units in APHIS with specific public information responsibilities.

(b) *ADC Eastern Regional Office.* (1) Managing Federal-cooperative ADC programs in the Eastern Region, comprised of 31 Eastern States and the District of Columbia. Through supervision of the State Directors, ensuring that all program activities in the Eastern Region are conducted in accordance with applicable laws, regulations, and policies.

(2) Assisting in providing administrative direction to ADC programs in the Eastern Region.

(3) Advising the Deputy Administrator, ADC, and other agency officials on policies, programs, and resources needed to manage vertebrate animal conflicts with agriculture, industry, natural resources, public health and safety, and other human activities.

(4) Providing recommendations for research needed to develop or improve techniques for the control of wildlife damage and nuisance problems.

(5) Assisting the Deputy Administrator, ADC, in initiating, evaluating, and improving Federal-cooperative ADC programs in the Eastern Region.

(6) Managing resources allocated to the Eastern Region.

(c) *ADC Western Regional Office.* (1) Managing Federal-cooperative ADC programs in the ADC Western Region, comprised of 19 Western States. Though supervision of the State Directors, ensuring that all program activities in the Western Region are conducted in accordance with applicable law, regulations, and policies.

(2) Assisting in providing administrative direction to ADC programs in each Western State.

(3) Advising the Deputy Administrator and other agency officials on policies, programs, and resources needed to manage vertebrate animal conflicts with agriculture, industry, natural resources, public health and safety, and other human activities.

(4) Providing recommendations for research needed to develop or improve techniques for the control of wildlife damage and nuisance problems.

(5) Assisting the Deputy Administrator, ADC, in initiating, evaluating, and improving Federal-cooperative ADC programs in the Western Region.

(6) Managing resources allocated to the Western States.

(7) Managing aircraft operations for the aerial hunting activities carried out in the Western States.

(8) Managing the activities of the Pocatello Supply Depot, which procures or manufactures control materials and devices used nation-wide, maintaining quality control of these items, and assisting in the preparation of labels for registered products.

§ 371.7 Regulatory enforcement and animal care.

The units of REAC, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, REAC, are responsible for:

(a) *Regulatory enforcement.* (1) Supervising and conducting investigations of alleged violations of the Code of Federal Regulations and applicable laws.

(2) Coordinating field enforcement activities with VS and PPQ field offices at the state and regional level and with other Federal, state, and local law enforcement agencies.

(3) Meeting with industry groups, state and local authorities, and other organizations to explain and discuss the APHIS regulatory enforcement program.

(4) Developing procedural guidelines for the conduct of APHIS field enforcement activities.

(5) Maintaining liaison and coordination among program line and staff entities, OGC, OIG, the USDA Hearing Clerk, and other organizations that may be involved in the enforcement of regulations.

(6) Reviewing investigative case reports and determining appropriate disposition.

(7) Analyzing violation case data to identify trends in noncompliance patterns, highlighting the possible need for changes in APHIS regulations, and identifying needed changes in enforcement resources and/or priorities.

(b) *Animal care.* (1) Inspecting and reinspecting USDA licensed and registered facilities under the Animal Welfare Act.

(2) Performing inspections at horse shows, sales and auctions. Monitoring Designated Qualified Person programs under the Horse Protection Act.

(3) Maintaining liasion with the regulated industries and with humane organizations, other Federal agencies, and state and local governments.

(4) Responding to complaints and inquiries from industry, humane groups, and private citizens.

(5) Developing operational plans and procedures for the national animal care programs; performing analyses, assessments, and reviews of animal care activities; and providing necessary reports and recommendations.

§ 371.8 International services.

The IS Operational Support unit and the IS Regional offices, under the administrative direction of the Administrator and the functional and technical direction of the Deputy Administrator, IS, are responsible for:

(a) *IS operational support.* (1) Developing specific plans and providing technical backup for IS programs that prevent, control, or eradicate animal and plant diseases and pests that threaten American agriculture.

(2) Developing and evaluating programs in foreign countries designed to enhance the export of U.S. plants and animals, and their products.

(3) Providing technical consultants to APHIS international personnel as well as to other Federal international agencies and foreign governments.

(4) Providing operational planning and internal review capability as needed to support plant and animal health activities as carried out by APHIS international services personnel.

(5) Coordinating the development and planning activities necessary for APHIS to initiate new programs or special projects as determined appropriate by APHIS, other Departmental agencies, or other international organizations and countries.

(6) Maintaining liaison with the Agricultural Research Service, the Foreign Agricultural Service, the Office of International Cooperation and Development, the Department of State, the Department of Commerce, and military officials with regard to APHIS international services activities.

(7) Working with foreign governments on scientific and technical exchanges when deemed mutually beneficial.

(b) *IS Regional Offices.* IS regional offices are responsible for:

(1) Participating with the Deputy Administrator for IS and other agency officials in the overall planning and formulation of all policies, programs, and activities as they relate to foreign plant programs in which APHIS has an interest.

(2) Planning, providing leadership and coordinating Cooperative Plant Health programs and activities within a Region (comprised of several countries). Developing and maintaining a system for monitoring and reporting on foreign pest situations and evaluating their

significance and potential hazard to U.S. agriculture.

(3) Maintaining contact and exchanging plant pest and disease information with research and regulatory officials of foreign countries and with staffs of the Foreign Agricultural Service, the State Department and its Agency for International Development, the United Nations Food and Agriculture Organization, the Pan American Health Organization, and similar international organizations.

(4) Implementing and evaluating programs in foreign countries designed to facilitate the export of U.S. plants and plant products.

§ 371.9 Policy and program development.

The units of Planning and Evaluation, Policy Analysis and Development, Regulatory Analysis and Development, Plant Protection Management Systems, and Animal Health and Depredation Management Systems, under the administrative direction of the Administrator and the functional and technical direction of the Director, PPD, are responsible for:

(a) *Planning and evaluation.* (1) Sharing with the Director the responsibility for advising the APHIS Administrator and his top staff on strategic planning, operational planning, and agency evaluations.

(2) Designing, implementing, and managing the agency's strategic planning processes that establish the basic framework for overall planning and formulation of all policies and critical agency programs. Ensuring that operational and multi-year plans conform to the strategic plan.

(3) Providing a system that monitors and analyzes world events and trends that may effect the future of the organization. Assessing the APHIS organizational environment to identify strengths that might help, and weaknesses that might hinder, the accomplishment of agency goals.

(4) Designing, implementing, and coordinating the agency evaluation system; developing an annual evaluation plan; monitoring performance of the system; and establishing a mechanism for follow-up and for ensuring that results are fed into the decisionmaking process.

(5) Conducting and coordinating studies and analyses of present programs and support functions and estimating their potential and expected results. Evaluating results against established goals and objectives and evaluating program effectiveness and progress.

(6) Representing APHIS in maintaining liaison with the various planning and evaluation staffs of the Department. Maintaining close cooperation with program staffs and serving as a consultant on the application of planning and evaluating analytical measures and techniques.

(7) Providing advice and assistance in the development, review, modification, and updating of the APHIS component of the Department's multi-year program and financial planning system.

(8) Providing guidance and expertise for training in planning and evaluating techniques and analytical methods.

(b) *Policy analysis and development.* (1) Designing, implementing, and managing an agency decisionmaking process that provides for timely identification and analysis of emerging issues. Providing guidelines for the identification and prioritization of critical issues. Organizing and coordinating interdisciplinary committees to identify desired outcomes and to develop proposed options for achieving them. Conducting and coordinating timely analysis of potential impacts; providing recommendations, and when requested, action plans for the Administrator; and tracking the progress of each critical issue.

(2) Conducting short- and long-term analyses of agency issues, programs, and policies using benefit cost analysis, econometric analysis, decisionmaking under uncertainty and other analytical techniques to provide top management with estimates of the impacts of alternative policy options.

(3) Conducting regulatory analyses in support of the critical issues management system; analyzing the impacts of APHIS regulations on affected industries, consumers and the economy as a whole. Conducting regulatory flexibility analyses to determine the impact of regulations on small businesses and to analyze alternatives to minimize the impact.

(4) Providing guidance to other APHIS staffs on analytical techniques for investigating APHIS policy issues; reviewing and critiquing analytical reports prepared by other APHIS staffs as well as working papers and research done for APHIS by outside contractors.

(5) Providing expertise for training in analytical techniques and developments in quantitative methods, economic analysis and other topics relevant to bringing a modern analytical approach to APHIS program and policy issues.

(c) *Regulatory analysis and development.* (1) Advising the Administrator and other key officials on matters pertaining to APHIS regulatory policy, including matters relating to **Federal Register** documents.

(2) Developing and drafting proposed/final regulations and other documents for publication in the **Federal Register** (dockets). Reviewing dockets for adequacy, clarity, and compliance with APHIS program policies, USDA policies, and applicable laws and regulations.

(3) Coordinating, as appropriate, intra- and inter-agency review of **Federal Register** dockets. Establishing and maintaining an agency-wide clearance and control system for **Federal Register** documents, and related documents.

(4) Maintaining a system for monitoring existing regulations to determine their need, enforceability, and burdens consistent with Departmental policies and statutory requirements.

(5) Maintaining the official administrative record for APHIS **Federal Register** documents.

(6) Serving as focal point for analysis of agency and public comments on proposed APHIS rules.

(7) Conducting public hearings concerning proposed APHIS regulatory actions.

(8) Maintaining liaison with the OGC and with other Government agencies, including the Office of the Federal Register, and Office of Management and Budget, the Small Business Administration, the Environmental Protection Agency, and the Department of the Interior concerning APHIS **Federal Register** documents.

(9) Providing advice to agency personnel in the preparation of various materials for agency or public distribution concerning APHIS **Federal Register** documents, such as press releases, economic analyses, regulatory impact statements, and replies to public inquiries.

(d) *Plant Protection Management Systems.* (1) Identifying, analyzing, and selecting viable scientific and technical options, design approaches and research needs in order to design new Plant Protection and Quarantine (PPQ) programs and major changes to existing programs within the framework of the agency's strategic plan.

(2) Establishing major PPQ program goals, objectives, measurement criteria, and data needs for evaluating program outcomes.

(3) Developing emergency program plans, including response strategies, guidelines, and emergency action and contingency plans capable of controlling and eradicating any exotic disease or pest that might threaten crops, other plant life, or plant products of the nation.

(4) Monitoring and evaluating assigned project designs performed elsewhere in the agency and providing technical guidance as necessary to ensure consistency and adequacy of approach and design.

(5) Overseeing the integration of PPQ operational plans to ensure that they support the long-term goals of the agency.

(6) Coordinating and developing systems or models to assess the risk of exotic plant organisms entering the U.S. and becoming established and the potential biological and economic impacts and appropriate regulatory strategies to manage the risk.

(7) Conducting risk assessments on significant newly introduced exotic plant organisms, thereby providing the technical and scientific basis for subsequent policy formulation, planning, and regulatory activities.

(8) Conducting risk assessments of exotic plant pests and diseases.

(9) Conducting exotic organism entry pathway studies.

(10) Conducting epidemiological investigations of introduced pests, diseases, and weeds.

(11) Conducting assessments of regulatory strategies designed to prevent the introduction of exotic organisms.

(12) Providing scientific and technical support to PPD programs and activities.

(e) *Animal Health and Depredation Management Systems.* (1) Within the framework of the agency's strategic plan, designing new VS and ADC programs and major changes to existing programs requiring the identification, analysis, and selection of viable scientific and technical options, design approaches and research needs.

(2) Establishing major VS and ADC program goals, objectives, measurement criteria, and data needs for evaluating program outcomes.

(3) Developing emergency program plans, including response strategies, guidelines, and emergency action plans and contingencies capable of controlling and eradicating any exotic disease or pest that might threaten the U.S. animal industry.

(4) Monitoring and evaluating assigned project designs performed elsewhere in the agency and providing technical guidance as necessary to ensure consistency and adequacy of approach and design.

(5) Overseeing the integration of VS and ADC operational plans to insure that they support the long-term goals of the agency.

(6) Coordinating and developing systems or models to assess the risk of exotic animal organisms entering the United States and becoming established and the potential biological and economic impacts and appropriate regulatory strategies to manage the risk.

(7) Conducting risk assessments of significant newly introduced exotic animal organisms as well as predator control projects, thereby providing the technical and scientific basis for subsequent policy formulation, planning, and regulatory activities.

(8) Conducting risk assessments of exotic animal pests and diseases.

(9) Conducting exotic organism entry pathway studies.

(10) Conducting epidemiological investigations of introduced pests and diseases.

(11) Conducting assessments of regulatory strategies designed to prevent the introduction of exotic organisms.

(12) Providing scientific and technical support to PPD programs and activities.

§ 371.10 Recruitment and development.

The units of Career Systems and Recruitment; Management, Technical Training, and Development; Professional Development Center, and Professional Development Coordination and Training, under the administrative direction of the Administrator and the functional and technical direction of the Director, R&D, are responsible for:

(a) *Career systems and recruitment.* (1) Formulating and recommending recruitment and career development policies and procedures consistent with APHIS's overall personnel policies.

(2) Identifying recruitment needs, intermediate and long-range, and forecasting needs for specialized occupational expertise.

(3) Developing and maintaining a database to identify appropriate external sources of personnel and expertise.

(4) Developing strategies and plans for recruitment.

(5) Conducting recruitment activities independently and with program personnel.

(6) Establishing and maintaining a system for evaluating the recruitment process and its results.

(7) Identifying and developing options within APHIS for career movement.

(8) Devising mechanisms for enabling employees to choose and pursue alternative career paths.

(b) *Management, technical training, and development.* (1) Developing and recommending supervisory and management development programs.

(2) Developing and managing selection processes for entry to supervisory and management development programs.

(3) Designing, developing, and delivering, or arranging for delivery of training and development experience for all employees.

(4) Working with senior executives to identify and carry out opportunities for growth in leadership skills.

(5) Developing and administering a system for evaluating the effectiveness of participant selections and programs.

(6) Recommending improvement of management practices to promote and enhance the payoff of management training and development.

(c) *Professional Development Center.* (1) Designing, processing, and working with supervisors and managers to implement processes to identify training and development needs of employees carrying out plant health programs and related biological support activities.

(2) Designing and developing instructional programs for employees engaged in carrying out plant health programs, nationally and internationally.

(3) Delivering and arranging for others to deliver courses and developmental assignments, and evaluating those programs to determine their effectiveness and any need for change.

(4) Developing and keeping up-to-date operational models for use in training programs and by line program personnel.

(d) *Professional development coordination and planning.* (1) Developing the basic concepts, procedures, guidelines, and models for packaging a complete scientific instructional course.

(2) Working with universities and professional education organizations to provide development opportunities for technical and professional employees.

(3) Identifying and evaluating employee development needs of technical and professional employees.

(4) Designing, developing, and delivering courses and seminars to prepare employees to effectively carry out animal health and animal care programs.

(5) Developing and maintaining an automated job information and skill/interest bank system.

(6) Revising and updating the veterinary accreditation education model as required.

§ 371.11 Legislative and public affairs.

The units of Public Information, Executive Correspondence, Legislative Services, and Media Services, under the administrative direction of the Administrator and the functional and technical direction of the Director, LPA, are responsible for:

(a) *Public information.* (1) Providing leadership in planning, developing, and

implementing information programs for animal health, veterinary biologics, animal welfare, biotechnology, animal damage control, plant protection and agricultural quarantine inspection, and regulatory enforcement activities of APHIS.

(2) Coordinating staff emergency activities, with input from other staff groups, providing on-site and headquarters information support to the Regional Emergency Animal Disease Eradication Organization (READEO) and the Preparedness for Emergency Plant Pest Actions (PEPPA) task force and other emergency operations.

(3) Preparing and issuing press releases, background statements, special reports and other informational material to the general public and special groups in agriculture and other affected industries.

(4) Maintaining contact with general and trade media for release of immediate and complete information regarding agency programs and policies.

(5) Drafting and distributing information to the public, through the Office of Governmental and Public Affairs of the Department.

(6) Conducting public information programs in support of cooperative international pest and disease eradication campaigns carried out in foreign countries.

(7) Preparing and issuing news releases, magazine articles, background statements, special reports, and other informational materials to the public, press, and others in agriculture, government, and industry in the United States and foreign countries.

(8) Collaborating, as appropriate, with foreign officials, the United States Information Agency, U.S. Agricultural Counselors and Attaches, and other governmental and private organizations and individuals in the planning and conduct of assigned educational activities associated with APHIS cooperative programs in foreign countries.

(9) Preparing major speeches, background statements, special reports and other materials required by APHIS and Departmental officials concerning USDA's international activities.

(10) Advising and training foreign personnel in public information techniques, either on site in foreign countries, or at headquarters. Cooperating with international organizations, such as FAO and the Interamerican Institute for Cooperation in Agriculture, to conduct feasibility studies of public information aspects of proposed agricultural programs, to evaluate existing public information capabilities, and to propose improvements, if needed.

(b) *Executive correspondence.* (1) Coordinating all agency activities in carrying out the Freedom of Information and Privacy Acts. Making all initial determinations to deny information requested under the FOIA. Ensuring that files coming within the scope of the Privacy Act are properly identified, used, and safeguarded.

(2) Writing, tracking, and preparing all Departmentally controlled correspondence, Congressional correspondence, and other high-priority correspondence, as determined by the Administrator.

(3) Preparing timely and responsive replies to written inquiries by identifying accurate sources of information, determining agency actions necessary, tailoring responses to the interests of the recipient, ensuring that they adhere to APHIS policies and are consistent with other responses, and securing the corroboration of appropriate agency officials.

(4) Preparing reports on legislation as requested by Congressional staffs or committees and monitoring "The Congressional Record" for items of interest to APHIS.

(5) Providing editorial assistance to staffs in the preparation of speeches, briefings, regulations, procedural manuals, articles for publication, and standard replies to recurring questions posed by correspondence answered at the program level.

(6) Preparing speeches and briefings for top Department and agency officials and also Congressional testimony support material for agency witnesses for Congressional hearings.

(7) Analyzing proposed legislation to determine its impact on APHIS programs and preparing legislative reports when requested by Congress.

(c) *Legislative services.* (1) Advising and assisting the Administrator and other agency officials on all matters relating to agency legislative affairs.

(2) Preparing legislative proposals in connection with APHIS programs and responsibilities, based on recommendations from program officials.

(3) Analyzing proposed legislation to determine its impact on APHIS programs and preparing legislative reports when requested by Congress.

(4) Establishing and maintaining liaison with Members of Congress, various Congressional committees and subcommittees, and their staffs on all matters pertaining to the legislative affairs of APHIS. This includes responding to Congressional telephone inquiries and tracking, monitoring, and reporting on pertinent legislation and hearings.

(5) Managing and providing reports on various advisory committees.

(d) *Media services.* (1) Designing, producing, and/or coordinating production of graphic design, photographic and video-related materials.

(2) Conducting pre-printing policy, editorial, and graphic design reviews of manuscripts for outside publication.

(3) Conducting media relations and legislative affairs training.

(4) Planning, developing, and maintaining agency-wide internal communication systems.

(5) Monitoring APHIS issues in the media.

§ 371.12 Science and technology.

The units of the National Veterinary Services Laboratories, the Denver Wildlife Research Center, the Plant Methods Development Center, and the National Montioring and Residue Analysis Laboratory, under the administrative direction of the Administrator and the functional and technical direction of the Director, S&T, are responsible for:

(a) *National Veterinary Services Laboratories.* (1) Participating with the Director, S&T, and the Deputy Administrator, VS, in the overall planning and formulation of all policies, programs, and activities of Animal Health Programs as they affect laboratory and testing services.

(2) Planning, providing leadership, coordinating, and conducting a laboratory support and diagnostic services program to animal disease control and eradication programs; and a laboratory support program to the biologics program regulating the production and marketing of veterinary biologics in interstate and international commerce.

(3) Providing other laboratory support as appropriate to other APHIS organizations.

(b) *Denver Wildlife Research Center.* (1) Developing or adapting existing techniques to resolve animal damage and nuisance problems effective and economically with minimal risks to humans and the environment.

(2) Conducting studies in biology, ecology, and behavior as required for development of control methods.

(3) Evaluating the impact of new or existing damage control methods on target species and on the environment.

(4) Providing data as required for the registration and for the maintenance of registrations of control materials and devices.

(5) Assisting the Deputy Administrator for ADC and the ADC Operational Support unit in ADC operational control practices and in developing and reviewing technical training and certification programs.

(6) Consulting with the interested public, ADC operational programs staffs, and others as required to ensure that the research program is designed to meet operational program needs.

(7) Maintaining a current reference library specializing in animal damage and nuisance control.

(c) *Plant Methods Development Center.* (1) Participating with the Director, S&T, and the Deputy Administrator, PPQ, in the overall planning and formulation of all policies, programs, and activities of APHIS as they relate to methods development initiatives.

(2) Planning, providing leadership, and administering the development of methods and procedures and providing scientific and technical support for APHIS programs and activities, especially as they relate to plant pest control (including biological control) and quarantine operations.

(3) Supervising, directing, coordinating, and integrating activities of methods development centers.

(4) Developing new and improved techniques and methods for managing agricultural pests and for making decisions in agricultural production.

(5) Developing new techniques that provide operational evaluation of biological control organisms in field use.

(6) Developing new techniques for quarantine and commodity treatments and insect and disease survey and detection.

(7) Directing, coordinating, and developing new technologies that include pesticide efficacy, bioassay, and biological control as needed to support APHIS program goals.

(d) *National Monitoring and Residue Analysis Laboratory.* (1) Participating with the Director, S&T, in the overall planning and formulation of all policies, programs, and activities of S&T.

(2) Planning, providing leadership, coordinating, and directing a laboratory support program for pesticide residue analyses and collection of environmental components (air, soil, vegetation, waiver, sediment, fishes, birds, mammals, reptiles, and invertebrates), crops and animal products, analyses of program pesticide concentrates, industrial hygiene monitoring and sample analyses in work areas, taxonomic determination of insect species by chemcial analyses, and trace analyses of organic chemicals in various sample matrices.

§ 371.13 Biotechnology, biologics, and environmental protection.

The units of Biotechnology Coordination and Technical Assistance, Veterinary Biologics, Biotechnology Permits, and Environmental Documentation, under the administrative direction of the Administrator and the functional and technical direction of the Director, BBEP, are responsible for:

(a) *Biotechnology Coordination and Technical Assistance.* (1) Providing technical guidance and support to all BBEP units.

(2) Analyzing comments and preparing issue papers and correspondence on biotechnology regulatory policy.

(3) Advising APHIS personnel on the preparation of various documents for APHIS and public distribution.

(4) Coordinating responses on Freedom of Information Act requests pertaining to biotechnology, biologics, and environmental documents, and reviewing and assisting in the preparation of environmental assessments.

(5) Preparing annual reports on APHIS biotechnology regulatory activities.

(6) Ensuring proper notification to the Office of Agricultural Biotechnology on the receipt of permit applications and issuance of permits and licenses.

(7) Preparing the BBEP budget in cooperation with APHIS Management and Budget officials.

(8) Acting as liaison with APHIS R&D Staff in recruiting for BBEP positions and providing for professional development.

(b) *Veterinary biologics.* (1) Recommending licensure of veterinary biologics establishments and products and issuing importation permits under 9 CFR Parts 101–118.

(2) Establishing test methods and criteria for product acceptance and serial release.

(3) Establishing license requirements ensuring compliance by each applicant before issuance of a license.

(4) Establishing production standards and procedures.

(5) Reviewing veterinary biologics labels and advertising claims for compliance.

(6) Establishing criteria for inspection of licensed establishments and the evaluation of such inspections.

(7) Developing policies and directives governing and pertaining to biologics activities and programs.

(8) Serving as consultant and advisor to government officials, professional and industry organizations, and the general public concerning scientific and administrative aspects of the biologics program.

(c) *Biotechnology permits.* (1) Reviewing and processing permit applications under Part 340 of this chapter.

(2) Issuing permits for the introduction of regulated articles.

(3) Maintaining liaison with state departments of agriculture, the academic community and scientific societies.

(4) Providing technical information for environmental analysis for permits allowing environmental release of regulated articles.

(5) Serving as a resource at the request of the Administrator for other APHIS and USDA units, and other government agencies.

(d) *Environmental documentation.* (1) Planning, producing, and analyzing all environmental documentation relative to compliance with the NEPA and other environmental laws. This documentation includes but is not limited to environmental assessments, environmental impact statements, and records of decisions.

(2) Ensuring agency compliance with NEPA.

(3) Conducting public hearings and analyzing comments on agency NEPA regulations and conducting agency scoping hearings relating to environmental impact statements.

(4) Serving as liaison with the Department's Office of the General Counsel on matters pertaining to NEPA-related documents and other environmental laws.

§ 371.14 Delegations of authority.

(a) *Associate Administrator.* The Associate Administrator is delegated the authority to perform all the duties and to exercise all the functions and powers that are now, or that may become, vested in the Administrator, including the power of redelegation except where prohibited, and including authority reserved to the Administrator in § 371.16 of this part. The Associate Administrator is also authorized to act for the Administrator in the absence of the Administrator.

(b) *Deputy Administrators and Directors.* The Deputy Administrators of PPQ, VS, ADC, M&B, REAC, and IS, and the Directors of PPD, R&D, LPA, S&T, and BBEP, and the officers they designate to act for them—with prior specific approval of the Administrator—are delegated the authority, severally, to perform all duties and to exercise all the functions and powers that are now, or that may become vested in the Administrator (including the power of

redelegation, except where prohibited) except authority that is reserved to the Administrator. Each Deputy Administrator or Director shall be responsible for the programs and activities in APHIS assigned to that Deputy Administrator or Director.

(c) *PPQ, VS, ADC, REAC, M&B, S&T, REAC, and IS.* The Directors of Operational Support for PPQ, VS, ADC, and IS; the Regional Directors for PPQ, VS, ADC, and IS; the Directors of the National Veterinary Services Laboratories, the Denver Wildlife Research Center, the Plant Methods Development Centers, and the National Monitoring and Residue Analysis Laboratory; and the Assistant Deputy Administrator for REAC are delegated authority in connection with the respective functions assigned to each of them in this part. They are authorized to perform all the duties and exercise all the functions or powers that are now or that may become vested in the Administrator except the authorities reserved to the Administrator or a Deputy Administrator. The Directors of the Budget and Accounting, Human Resources, Administrative Services, and Information Systems and Communications Divisions, Resource Management Systems and Evaluation Staff, the Field Servicing Office, Equal Opportunity and Civil Rights, and Equal Opportunity Counseling are delegated authority in connection with the respective functions assigned to each of them in this part to perform all the duties and exercise all the functions and powers that are now or that may become vested in the Administrator except the authorities reserved to the Administrator or Deputy Administrator.

(d) *Area veterinarians in charge, VS.* Area Veterinarians in Charge of VS programs are delegated authority to:

(1) Issue exemptions to facilities or premises from the requirements of section 4 of the Swine Health protection Act pursuant to section 4(b) of the Act (7 U.S.C. 3803), and

(2) Issue permits to operate facilities to treat garbage pursuant to section (5)(a) of the Swine Health Protection Act (7 U.S.C. 3804).

§ 371.15 Concurrent authority and responsibility to the Administrator.

(a) No delegation or authorization in this part shall preclude the Administrator or each Deputy Administrator or Director from exercising any of the powers or functions or from performing any of the duties conferred upon each, respectively. Any delegation or authorization is subject at all times to withdrawal or amendment by the Administrator, and in their respective fields, by each Deputy Administrator or Director. The Officers to whom authority is delegated in this part shall:

(1) Maintain close working relationships with the officers to whom they report,

(2) Keep them advised with respect to major problems and developments, and

(3) Discuss with them proposed actions involving major policy questions or other important considerations or questions including matters involving relationships with other federal agencies, other agencies of the Department, other divisions and staffs or offices of the agency or other governmental or private organizations or groups.

(b) *Prior authorizations and delegations.* All prior delegations and redelegations of authority relating to any functions, program, or activity covered by the Statement of Organization, Functions and Delegations of Authority, shall remain in effect except as they are inconsistent with this part or are amended or revoked. Nothing in this part shall affect the validity of any action taken previously under prior delegations or redelegations of authority or assignments of functions.

§ 371.16 Reservation of authority.

The following are reserved to the Administrator, or to the individual designated to act for the Administrator:

(a) The initiation, change, or discontinuance of major program activities.

(b) The issuance of regulations pursuant to law.

(c) The transfer of functions between Deputy Administrators or Directors.

(d) The transfer of funds between Deputy Administrators or Directors.

(e) The transfer of funds between work projects within each Deputy Administrator's or Director's area, except those not exceeding 10 percent of base funds or $50,000 in either work project, whichever is less.

(f) The approval of any change in the formal organization, including a section, its equivalent, or higher level.

(g) The making of recommendations to the Department concerning establishment, consolidation, change in location, or abolishment of any regional, state, area, and other field headquarters, and any region or other program area that involves two or more states, or that crosses state lines.

(h) Authority to establish, consolidate, or change a location or abolish any field office or change program area boundaries not included in paragraph (g) of this section.

(i) Approval of all appointments, promotions, and reassignments in GS–14 and GM–14 and above.

(j) Authorization for foreign travel and for attendance at foreign and international meetings, including those held in the United States.

(k) Approval of all appointments, promotions, and reassignments of employees to foreign countries.

(l) Approval of budget estimates.

(m) Authority to determine the circumstances under which commuted traveltime allowances may be paid to employees performing inspection and necessary auxiliary services after normal working hours or on holidays, when these services come within the scope of the Act of August 28, 1950 (7 U.S.C. 2260).

§ 371.17 Availability of information and records.

Any person desiring information or to comment on the programs and functions of the agency should address correspondence to the appropriate Deputy Administrator or Director, APHIS, U.S. Department of Agriculture, Washington, DC. 20250. The availability of information and records of the agency is governed by the rules and regulations in Part 370 of this chapter.

Dated: May 25, 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89–12914 Filed 5–30–89; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL TRADE COMMISSION

16 CFR Part 303

Textile Fiber Products Identification Act

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: On November 15, 1988,[1] the Commission initiated a notice-and-comment rulemaking proceeding to solicit comment on whether a new generic name and definition should be added to Rule 7, 16 CFR 303.7, of the Rules and Regulations Under the Textile Fiber Products Identification Act, 15 U.S.C. 70, et seq., to describe a new fiber developed and manufactured by the Sun Company ("Sun"), of Radnor, Pennsylvania. The Commission has analyzed the record developed during that proceeding and has concluded that Sun has not shown that its fiber is

[1] 53 FR 45913.

sufficiently different from nylon to justify the creation of a new definition and name to describe it. The Commission announces, therefore, that Textile Rule 7 will not be amended.

DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney (202/326-3035), Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

Rule 6, 16 CFR 303.6, of the Rules and Regulations under the Textile Fiber Products Identification Act requires manufacturers to use the generic names of the fibers contained in their textile fiber products in making required disclosures of the fiber content of the products. Rule 7, 16 CFR 303.7, sets forth the generic names and definitions that the Commission has established for synthetic fibers. Rule 8, 16 CFR 303.8, contains the procedures for establishing new generic names.

On February 3, 1988, Sun's subsidiary, the Sun Refining and Marketing Company, requested that the Commission establish a new generic name and definition for a fiber it manufactures. Sun's application describes its fiber as a polyetheramide that it has identified by the trademark "VIVRELLE." Sun notes that its fiber is now commercially available from Snia Fibre, an Italian Company with which Sun jointly developed VIVRELLE, and that it will soon become available in this country, first as an import and, later, as a domestically manufactured product. The application and related materials were placed on the rulemaking record.

Sun has been designating VIVRELLE as "nylon." Sun contends, however, that its fiber is substantially different from nylon, both chemically and in terms of its physical performance. Sun's fiber is fully described in Sun's application and in the November 15 Notice.

Sun contends that VIVRELLE, which it describes as a block copolymer of a conventional nylon with a polyetheramide, is a synthetic "comfort" fiber. It views VIVRELLE as a unique combination of three important comfort-related characteristics: softness, moisture absorption and moisture transport and, therefore, as an ideal candidate for consumer apparel such as sweatsuits, undergarments, etc. Sun presents considerable data that show that the polyetheramides are superior to conventional nylons in the factors relevant to comfort. Sun submits that the differences are substantial enough that the polyetheramides should not have to be classified with conventional nylons.

Sun proposes a new generic fiber classification and definition for its fiber and a corresponding change to the existing definition of nylon so consumers will not mistakenly associate VIVRELLE with nylon and nylon's properties. Sun recommends the name "OXAMID" for its fiber.

After an initial analysis of Sun's application, the Commission, on June 14, 1988, granted Sun the designation "SU 0001" for temporary use in describing the fiber pending final disposition of the application.

Section B. Analysis of Comments and Final Action

The November 15 Notice solicited comment on the application generally as well as specifically on whether the application met the following three criteria, which the Commission has identified as grounds for granting petitions for new generic names, and which the Commission has applied to Sun's application: [2]

1. The fiber for which a generic name is requested must have a chemical composition radically different from other fibers, and that distinctive chemical composition must result in distinctive physical properties of significance to the general public.

2. The fiber must be in active commercial use or such use must be immediately foreseen.

3. The granting of the generic name must be of importance to the consuming public at large, rather than to a small group of knowledgeable professionals such as purchasing officers for large Government agencies.

In addition to Sun's application, the record includes a supplemental filing from Sun responding to specific questions, posed by staff, relating to the application. This filing was placed on the rulemaking record at the beginning of the comment period.[3] The record also includes a comment from the E. I. du Pont de Nemours & Company ("Du Pont").[4]

Chemical Composition

After a thorough analysis of the record, the Commission finds that VIVRELLE cannot accurately be described as "radically different" in chemical structure from nylon. In Rule 7 of the Textile Rules, nylon is defined as a manufactured fiber in which the fiber-forming substance is a long-chain synthetic polyamide in which less than 85% of the amide-linkages are directly attached to two aromatic rings.[5] According to Sun's application, VIVRELLE is a block copolymer of conventional nylon (for example, nylon-6, or nylon-6,6) with a polyetheramide. By Sun's estimation, "* * * at least 15% of the amide linkages in the block copolymer are attached to aliphatic ether units. In general, the maximum amount is 40%." [6]

A reading of Sun's application suggests, however, that Sun appears to be producing a mixed, block copolymer with 15% polyetheramide in the fiber. The application does not convincingly demonstrate that Sun will be producing a fiber in which significantly greater than 15% by weight of the conventional nylon amide units or linkages have been replaced or substituted. In its supplemental filing, Sun suggests that the amide interchange reaction in its copolymer is indeed apparent from indirect physical evidence, such as melting point/differential scanning calorimetry data.[7] But weight fractions of the individual constituents suggest that, at 15% claimed amide interchange, it remains uncertain that more than 15% of the amide linkages are attached directly to aliphatic ether units. Restated, it is unclear that 15% or more of the amide linkages have been substituted. Consequently, VIVRELLE has not been shown to have a chemical composition radically different from nylon.

The current definition of nylon includes a broad range of long-chain polyamide-based fibers, which permits an equally broad range of chemical

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[2] The criteria appear at 38 FR 34112, 34114 (Dec. 11, 1973).

[3] 206-24-3. The comments in this proceeding have been placed on the public record under the numerical designation 206-24. Sun's application is numbered 206-24-1, the November 15 Notice is 206-24-2, Sun's supplemental answers are 206-24-3, and Du Pont's comment (and technical attachments) is numbered 206-24-4. References to these documents will be made by using these numerical designations and a page reference.

[4] Du Pont believes that Sun has not demonstrated that VIVRELLE is chemically and physically different enough to justify describing it as anything other than nylon. Du Pont points out that there are several fibers in current production, classified as "nylon," that exhibit properties similar to those Sun attributes to VIVRELLE, such as Du Pont's Supplex and Antron nylon 6,6 fibers, Imperial Chemical Industries' Tactel nylon-6,6 fiber and Allied Chemical's Hydrofil nylon-6 fiber. Du Pont also believes that "the granting of a new generic name and definition for aliphatic polyetheramide block copolymers could lead to a proliferation of applications for new generics based on fiber compositions that are only marginally different in chemical structure from the current definition of nylon and exhibit property differences which are largely imperceptible to the consuming public."

[5] 16 CFR 303.7(i).

[6] 206-24-1, 3-4.

[7] 206-24-3, 1. See also Attachments 1-3, especially the Report by R. M. Thompson.

structure and physical properties to be included under the definition. All of these fibers are generically nylon.[8] The Commission finds that the current definition is appropriate to describe VIVRELLE chemically.

Physical Properties

In addition to finding that VIVRELLE's chemical composition is not "radically different" from that of nylon, the Commission finds that VIVRELLE does not possess "distinctive physical properties of significance to the general public." While Sun has shown that VIVRELLE has desirable physical characteristics that could make the fiber useful to the general public, it has not demonstrated that these are linked to a radical chemical difference from nylon (discussed immediately above), nor has it shown that the physical characteristics are "distinctive." Indeed, as Du Pont notes in its comments for the public record and by means of the two patents attached to its comment, there are several nylons in production that have similar physical characteristics.[9]

In summary, Sun's application does not demonstrate that its new fiber has a chemical composition that is radically different from nylon, nor does it demonstrate that the fiber possesses distinctive physical properties that result from a chemical difference. Consequently, the Commission denies Sun's application on the basis that Sun has not met the first of the published criteria mentioned earlier—it must be radically different chemically and have distinctive physical properties.

Section C. Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a regulatory analysis (5 U.S.C. 603–604) are not applicable because the Commission is not amending the Rules and Regulations Under the Textile Fiber Products Identification Act.

List of Subjects in 16 CFR Part 303

Labeling, Textile, Trade practices.

Authority: Sec. 7(c) of the Textile Fiber Products Identification Act, 15 U.S.C. 70(e); Sec. 553 of the Administrative Procedure Act, 5 U.S.C. 553.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 89–12870 Filed 5–30–89; 8:45 am]

BILLING CODE 6750-01-M

[8] There is one exception—aramid—which has been demonstrated to have a radically different chemical structure, and for which a new generic definition was, therefore, granted. 38 FR 34112 (Dec. 11, 1973).

[9] 206–24–4, 3. See footnote 4, above.

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 140

Conduct of Members and Employees of the Commission

AGENCY: Commodity Futures Trading Commission.

ACTION: Final Rule.

SUMMARY: The Commission is amending its Code of Conduct for Commission members and employees. Section 140.735–8(a) of the Commission's Code of Conduct, 17 CFR 140.735–8(a), generally prohibits Commission members or employees from accepting any gift, meal, entertainment or other thing of monetary value from an organization or person with whom they transact official business.

Section 140.735–8(b) of the Code of Conduct, 17 CFR 140.735–8(b), provides several exceptions to this general prohibition. The amendment deletes two of the exceptions in order to reduce redundancy and to promote certainty in the application of the exceptions. The Commission's rule changes, which relate solely to agency organization, procedure, and practice, have been approved by the Office of Government Ethics of the Office of Personnel Management.

EFFECTIVE DATE: This rule change shall be effective on May 31, 1989.

FOR FURTHER INFORMATION CONTACT: Susan M. Milligan, Attorney, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–7110.

SUPPLEMENTARY INFORMATION: In 1988, the Commission revised its Code of Conduct to conform one of the exceptions to the prohibition on acceptance of things of value by Commission members and employees to a recent interpretation by the Office of Government Ethics ("OGE"). *See* FR 13288 (April 22, 1988) (Proposed Rule); 53 FR 27677 (July 22, 1988) (Final Rule).

At the time that it approved these revisions OGE noted that the Code of Conduct contains two exceptions to the general prohibition to acceptance of things of value that embody the concept of nominal value. A general exception to allow acceptance of things of nominal value appears at § 140.735–8(b)(1) of the Code. A more specific exception allowing acceptance of unsolicited advertising or promotional material of nominal value such as pens, pencils, and calendars appears at § 140.735–8(b)(4) of the Code. In practice, the Commission generally has not permittted the acceptance of things of nominal value unless those items are of the type described in § 140.735–8(b)(4) of the Code. In order to eliminate duplicative references to things of nominal value, the Commission is now deleting § 140.735–8(b)(1).

Further, at the time that it approved the 1988 revisions to the Code of Conduct, OGE expressed the view that § 140.735–8(b)(6) of the Code should be deleted since it was broader than the permissible exceptions set forth in Executive Order 11222 and the model OGE regulations at 5 CFR 735, which establish the general prohibition against acceptance of things of value. Section 140.735–8(b)(6) of the Code permits the Commission to grant other exceptions to the general prohibition "when warranted and appropriate in a particular situation." In fact, the Commission's records reflect that it has never invoked this exception. The Commission is acceding to OGE's request to eliminate § 140.735–8(b)(6) of the Code of Conduct. In order to preserve its flexibility to handle unforeseeable circumstances that may occur in the future, however, the Commission is adding a footnote at the end of § 140.735–8(b)(7) to provide that the Commission may grant other exceptions with the concurrence of OGE in the event it believes an exception not covered by the Code would be warranted in a particular situation. The Commission anticipates that the need to use this procedure will arise with extreme infrequency.

The Commission has determined that this amendment to the Code of Conduct relates solely to agency organization, procedure and practice. Therefore, the provisions of the Administrative Procedure Act, 5 U.S.C. 553, generally requiring notice of proposed rulemaking amd other opportunity for public participation, are not applicable. The Commission further finds that there is good cause, to make this amendment effective upon publication in the **Federal Register.**

List of Subjects in 17 CFR Part 140

Commodity futures, Conflicts of Interest, Ethics, Organization, Functions and procedures.

Accordingly, the Commission, pursuant to the authority contained in Executive Order 11222 and 5 CFR 735–202(b), proposes to amend its Code of Conduct, Subpart C of Part 140 of Chapter I of Title 17 of the Code of Federal Regulations as specified below:

PART 140—[AMENDED]

1. The authority citation for 17 CFR Part 140 continues to read as follows:

Authority: 17 U.S.C. 12a.

§ 140.735–8 [Amended]

2. Section 140.735–8(b) is proposed to be revised to read as follows:

* * * * *

(b) *Exceptions.* This paragraph does not apply: When the circumstances make it clear that it is obvious family or personal relationships rather than the business of the persons concerned which govern and are the motivating factors; when, on infrequent occasions, food and refreshments of nominal value are offered in the ordinary course of a luncheon or dinner meeting or other meeting [14a]; when unsolicited advertising or promotional materials, such as pens, pencils, note pads, calendars and other items of nominal value are offered; when local transportation is provided to the member or employee while he is on official business and alternative arrangements are impracticable; to customary loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees such as home mortgage loans; if the General Counsel approves in advance, to reasonable travel and subsistence expense reimbursement by potential employers provided the Commission member or employee is engaged in bona fide post-Commission employment negotiations and is not on official business at the time; or if the General Counsel approves in advance, to attendance and acceptance of food and refreshments served at widely-attended group events. In deciding whether Commission members and employees may attend and accept food and refreshments at such group events, the General Counsel will consider whether:

(1) It is in the Commission's interest that the Commission member or employee attend the event where food and refreshments are being served;

(2) The sponsor of the event is an individual or entity that is regulated by the Commission, or an individual or entity that has some other business connection with the Commission or is directly involved in a matter pending before the Commission so that the timing or other circumstances surrounding the event would create an appearance of impropriety that outweighs the agency's interest in the Commission member's or employee's attendance;

(3) The event will be of mutual interest to the government and industry such as a reception, seminar, conference, industry trade fair, or training session, whose informational value is not merely incidental to its entertainment value (In instances where the Commission has paid for a member's or employee's admission to a conference or seminar, the member or employee may participate in all events hosted by the conference organizers as part of the paid admission. However, attendance and acceptance of food and refreshments at receptions and other events hosted by parties other than the conference sponsor, but held during the course of the conference, must be approved in advance by the General Counsel in accordance with the requirements of this section);

(4) The food and refreshments offered in conjunction with the event will be excessive;

(5) There are any other relevant factors that should be considered in reaching a determination.[14b]

* * * * *

Issued in Washington, DC on May 24, 1989 by the Commission.

Jean A. Webb,

Secretary to the Commission.

[FR Doc. 89–12888 Filed 5–30–89; 8:45 am]

BILLING CODE 6351–01–M

[14a] For purposes of paragraph (b)(2) of this section, the Office of Government Ethics of the Office of Personnel Management, has defined the term "meeting" to mean a luncheon, dinner, or other meeting attended by a large group at which the Commission member or employee is the guest speaker, or a meeting at which food is brought in to facilitate the continuance of the work and is not itself the focus of the meeting. *See* October 23, 1987 Memorandum Re: Acceptance of Food and Refreshments by Executive Branch Employees from Donald E. Campbell, Acting Director, Office of Government Ethics at 4–5.

[14b] The Commission, with the concurrence of the Office of Govenment Ethics, may grant other exceptions if the Commission determines that an exception is warranted and appropriate in a particular situation. See 5 CFR 735.202(b).

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Salinomycin, Roxarsone, and Lincomycin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by A.H. Robins Co. providing for use of currently approved salinomycin, roxarsone, and lincomycin Type A medicated articles to make combination drug Type C medicated feeds for the prevention of coccidiosis and for improved feed efficiency in broiler chickens.

EFFECTIVE DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–128), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4317.

SUPPLEMENTARY INFORMATION: A.H. Robins Co., 1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261–6609, filed NADA 140–581 providing for combining separately approved salinomycin, roxarsone, and lincomycin Type A medicated articles to make combination drug Type C medicated feeds for broiler chickens. The Type C medicated feeds contain: salinomycin sodium, 40 to 60 grams per ton; roxarsone, 45.4 grams per ton; and lincomycin, 2 grams per ton. The feed is indicated for the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* including some field strains of *E. tenella* that are more susceptible to roxarsone combined with salinomycin than to salinomycin alone, and for improved feed efficiency in broilers.

The NADA is approved and the regulations are amended in 21 CFR 558.325 by revising paragraph (c)(3)(xv) and in 21 CFR 558.550 by adding new paragraph (b)(1)(xiv). The basis for approval is discussed in the freedom of information summary.

These are new animal drugs used in Type A medicated articles to make Type C medicated feeds. Lincomycin and roxarsone are Category II drugs which, as provided in 21 CFR 558.4, require an approved form FDA 1900 for making a Type C medicated feed from a Type A article. Therefore, an approved FDA 1900 is required for making a Type C medicated feed containing salinomycin, roxarsone, and lincomycin as provided in approved NADA 140–581 and in § 558.550 as amended by this final rule.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers

Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(ii) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, Part 558 is amended as follows:

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

1. The authority citation for 21 CFR Part 558 continues to read as follows:

Authority: Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b); 21 CFR 5.10 and 5.83.

2. Section 558.325 is amended by revising paragraph (c)(3)(xv) to read as follows:

§ 558.325 Lincomycin.

* * * * *

(c) * * *

(3) * * *

(xv) Salinomycin with or without roxarsone as in § 558.550.

* * * * *

3. Section 558.550 is amended by adding new paragraph (b)(1)(xiv) to read as follows:

§ 558.550 Salinomycin.

* * * * *

(b) * * *

(1) * * *

(xiv)(*a*) *Amount per ton.* Salinomycin 40 to 60 grams, roxarsone 45.4 grams, and lincomycin 2 grams.

(*b*) *Indications for use.* For the prevention of coccidiosis caused by *Eimeria tenella, E. necatrix, E. acervulina, E. maxima, E. brunetti,* and *E. mivati,* including some field strains of *E. tenella* that are more susceptible to roxarsone combined with salinomycin than to salinomycin alone, and for improved feed efficiency.

(*c*) *Limitations.* Feed continuously as sole ration. Not approved for use with pellet binders. Drug overdose or lack of water may result in leg weakness. Do not feed to layers. Do not allow horses, adult turkeys, guinea pigs, rabbits, hamsters, or ruminants access to this feed. Ingestion by these species may result in severe gastrointestinal effects or may be fatal. Withdraw 5 days before slaughter. Lincomycin hydrochloride monohydrate as provided by No. 000009 in § 510.600(c) of this chapter. Roxarsone as provided by No. 017210 in § 510.600(c) of this chapter.

* * * * *

Dated: May 23, 1989.

Gerald B. Guest,

Director, Center for Veterinary Medicine.

[FR Doc. 89–12857 Filed 5–30–89; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 20 and 301

[T.D. 7941]

Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A; Procedure and Administration

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final regulations.

SUMMARY: This document contains corrections to Treasury Decision 7941, which was published in the **Federal Register** for Tuesday, February 7, 1984 (49 FR 4467). The final regulations relate to a special lien under section 6324A for estate taxes deferred under section 6166 or 6166A.

FOR FURTHER INFORMATION CONTACT: Donald W. Kanuk, (202) 566–3862 (not a toll-free number).

SUPPLEMENTARY INFORMATION

Background

The final regulations that are the subject of these corrections provide the public with the guidance needed to comply with the law and affect those estates electing a special lien in favor of the United States on property as security for deferred payments of estate tax. They reflect changes in the applicable law made by the Tax Reform Act of 1976, the Revenue Act of 1978, and the Economic Recovery Tax Act of 1981.

Need for Correction

As published, T.D. 7941 contains typographical errors which have proven to be misleading and are in need of correction.

Correction of Publication

Accordingly, the publication of the final regulations (T.D. 7941) which was the subject of FR Doc. 84–3321, is corrected as follows:

1. On page 4467, in the preamble, column 3, in the last two lines of the second paragraph, under the heading "Special Analysis", the language "1545–0754" should read "1545–0757."

2. On page 4469, column 2, the last two lines of the second paragraph under § 301.6324A–1, the language "1545–0754" should read "1545–0757."

Dale D. Goode,

Chief, Regulations Unit, Assistant Chief Counsel, (Corporate).

[FR Doc. 89–12824 Filed 5–30–89; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Custodial Care; Correction

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule; correction.

SUMMARY: This document is to correct an administrative error printed in the **Federal Register** on Thursday, May 11, 1989 (54 FR 20385). In the heading of the document "Amdt. No. 20" is listed. The amendment number should be "21." All other information remains unchanged in the CHAMPUS custodial care document.

FOR FURTHER INFORMATION CONTACT: Rose M. Sabo, Office of Program Development, OCHAMPUS, telephone (303) 361–4014.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

May 24, 1989.

[FR Doc. 89–12831 Filed 5–30–89; 8:45 am]

BILLING CODE 3810-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 7F3500/R1026; FRL-3578-8]

Pesticide Tolerance for Avermectin B_1 and Its Delta-8,9-Isomer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the residues of the insecticide avermectin B_1 and its delta-8,9-isomer in or on the raw agricultural commodity (RAC) cottonseed. This regulation to establish a maximum permissible level for residues of the chemical was requested pursuant to petitions by Merck and Co., Inc., Merck

Sharp and Dohme Research Laboratories.

EFFECTIVE DATE: May 31, 1989.

ADDRESS: Written objections, identified by the document control number [PP 7F3500/R1026], may be submitted to the Hearing Clerk (A-110), Environmental Protection Agency, Rm. 3708, 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: By mail:

George LaRocca, Product Manager (PM) 15, Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Washington DC 20460

Office location and telephone number: Rm. 200, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-2400

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of May 13, 1987 (52 FR 18019), which announced that Merck and Co., Inc., Merck Sharp and Dohme Research Laboratories, Hillsborough Rd., Three Bridges, NJ 08887, had submitted pesticide petition (PP) 7F3500 proposing to establish tolerances in or on the raw agricultural commodity (RAC) cottonseed at 0.005 part per million (ppm) for the residues of the insecticide/miticide avermectin B_1 and its delta-8,9-isomer [a mixture of avermectins containing > 80 percent avermectin B_{1a} (5.0 dimethyl avermectin A_{1a}) and < 20 percent avermectin B_{1b} (5-O-demthyl-25-di(1-methyl-propyl)-25-(1-methylethyl) avermectin A_{1a})].

No comments were received in response to the notice of filing.

In May 1989, the Agency issued a conditional registration for avermectin B_1 with an expiration date of March 31, 1992. The registration was made conditional since certain data were lacking. In order to evaluate the effects of avermectin B_1 on fish, mammals, and aquatic invertebrates and evaluate the effects in or on soil, several data requirements must be fulfilled during the period of conditional registration. Such requirements include a fish life-cycle study (sec. 72-5) which must be submitted to the Agency by October 1991; a simulated aquatic biological field study (sec. 72-7) which is due by October 1991; a simulated mammalian field test (sec. 71-5) which is due by October 1991; results of the analyses of the three remaining soil core replicates (field dissipation study—sec. 164-1) which must be submitted by July 24, 1989; and an adsorption/desorption study (sec. 163-1) which must be submitted by June 1990.

Due to the lack of these studies, the Agency is establishing the tolerances for this pesticide on cottonseed with an expiration date of March 31, 1993, to cover residues expected to be present during and for 1 year after the period of conditional registration.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the tolerance includes a 12-month oral toxicity study in dogs with a no-observed-effect level (NOEL) of 0.25 milligram (mg)/kilogram (kg)/day; a 24-month rat chronic feeding/oncogenicity study with a NOEL of 1. 5 mg/kg/day with no oncogenic effects observed at dose levels up to and including 2.0 mg/kg/day, the highest dose tested (HDT); a 22-month mouse chronic toxicity/oncogenicity study with a NOEL of 4 mg/kg/day with no oncogenic effects observed at dose levels up to and including 8 mg/kg/day (HDT); and a two-generation rat reproduction study with a NOEL of 0.12 mg/kg/day. At a dose level of 0.40 mg/kg/day (HDT), the toxic effects observed in this study were increased number of dead pups at birth, decreased viability and lactation indices, decreased pup body weights, and retinal anomalies in some offspring. Avermectin B_1 was negative for mutagenic effects in the Ames assay, V-79 mammalian cell assay, *in vitro* chromosomal aberration assay in Chinese Hamster Ovary cells, and *in vivo* cytogenic assay in male mice. In a rat *in vitro* hepatocyte mutagenicity assay, avermectin B_1 at doses of 0.3 and 0.6 millimoles produced an increase in single strand DNA breaks. However, when the assay was carried out *in vivo* at 10.6 mg/kg, no mutagenic effects were observed in hepatocytes of rats. No teratogenic effects were observed in rats at dose levels up to and including 1.6 mg/kg/day (HDT). No teratogenic effects were observed in a rabbit teratology study with dose levels up to and including 1.0 mg/kg/day. However, in a series of developmental toxicity studies, avermectin B_1 produced maternaltoxicity (lethality) and developmental toxicity (cleft palate) in CF_1 mice. The NOEL for maternaltoxicity was 0.05 mg/kg/day, and for developmental toxicity was 0.2 mg/kg/day.

The delta-8,9-isomer of avermectin B_1 is a plant photodegradate which possesses avermectin-like toxicological activity. Since this isomer is not produced in animals, additional toxicology studies were conducted on this isomer. These studies included a series of developmental toxicity studies on rats and mice. The delta-8,9-isomer was negative for teratogenicity in rats at doses up to and including 1.0 mg/kg/day (HDT). However, in CF_1 mice the delta-8,9-isomer, like avermectin B_1, produced maternaltoxicity (lethality) and developmental toxicity (cleft palate). The NOEL for maternaltoxicity was 0.10 mg/kg/day and the NOEL for developmental toxicity was 0.06 mg/kg/day. The delta-8,9-isomer did not produce adverse reproductive effects in a one-generation rat reproduction study at doses up to and including 0.4 mg/kg/day (HDT) and was also negative in the Ames mutagenicity assay at doses up to 3,000 μg/plate.

Because of the developmental effects seen in animal studies the Agency used the rat reproduction study with a safety factor of 300 to assess chronic dietary exposure and establish an acceptable daily intake (ADI). The 300 fold safety factor was employed to account for (1) inter- and intra-species differences (2) pup death observed in the reproductions study (3) maternaltoxicity (lethality) NOEL = 0.05 mg/kg/day, and (4) cleft palate in the mouse teratology study with the isomer, NOEL = 0.06 mg/kg. The ADI, based on a NOEL of 0.12 mg/kg/day from a 2-generation rat reproduction study and a safety factor of 300, is 0.0004 mg/kg/body weight (bwt)/day. The theoretical maximum residue contribution (TMRC) from this tolerance as well as pending tolerances on celery, pears, and tomatoes and temporary tolerances on citrus with secondary residues in meat and milk in 0.000052 mg/kg/bwt/day. This is equivalent to about 13 percent of the ADI. This analysis used tolerance level residues and 100 percent crop treated. The two most highly exposed population subgroups, nonursing infants and children aged 1 to 6, have estimated TMRCs of 0.000151 mg/kg body weight/day (38% of the ADI) and 0.000118 mg/kg body weight/day (29% of the ADI), respectively. Since a ruminant metabolism study indicated no accumulation of avermectin in tissues or milk and no measurable residues (< 2 ppb) occurred in cottonseed even after treatment at exaggerated application rates no tolerances for secondary residues in meat and milk nor processing data are required. Thus the proposed tolerance on cotton results in an exposure of less than 0.000001 mg/kg body weight/day, representing less than 0.1% of the ADI.

Additionally, a dietary *acute* exposure analysis for this tolerance and pending tolerances for this chemical was conducted using the NOEL of 0.06 mg/kg/day for developmental toxicity in CF_1 mice for the delta-8,9-isomer. The Tolerance Assessment System (TAS) subgroup of interest in this analysis is

women aged 13 and above, which is the TAS subgroup most closely approximating women of child-bearing age. The margins of safety for the average woman of child-bearing age was calculated to be 1,579; none of the target population is expected to have a MOS of less than 250.

Non-dietary margins of safety for these effects (maternaltoxicity and developmental toxicity) were also calculated for persons engaged in the application of avermectin to cotton (mixers/loaders/applicators and harvesters) and were found to exceed 100 in all instances.

The metabolism of the chemical in plants for this cottonseed use is adequately understood. An analytical method (gas liquid chromatography with an electron capture detector) is available for enforcement. Prior to its publication in the "Pesticide *Analytical Manual*", Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: By mail:

Public Docket and Freedom of Information Section (H-7506C),
Field Operations Division,
Office of Pesticide Programs,
Environmental Protection Agency,
Arlington, VA 22202,
(703)-557-3262.
401 M Street SW.,
Washington, DC 20460.
Office location and telephone number:
Rm. 246, CM#2,
1921 Jefferson Davis Highway.

The tolerances established by amending 40 CFR Part 180 will be adequate to cover residues in or on cottonseed.

There are currently no actions pending against the registration of this product. This pesticide is considered useful for the purpose for which the tolerances are sought.

Based on the above information and data considered, the Agency concludes that the tolerances would protect the public health. Therefore, the tolerances are established as set forth below with an expiration date of February 28, 1994. After receipt and evaluation of the data required to support the conditional registration of avermectin B_1 and its delta-8,9-isomer, the Agency will consider establishing permanent tolerances without an expiration date for residues of the chemical and its metabolite.

Any person adversely affected by this regulation may, within 30 days after the date of publication in the **Federal Register**, file written objections with the Hearing Clerk (address above). Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are legally sufficient to justify the relief sought.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: May 22, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. New § 180.449 is added, to read as follows:

§ 180.449 Avermetin B_1 and its delta-8,9-isomer; tolerances for residues.

Tolerances, to expire March 31, 1993, are established for the combined residues of the insecticide avermectin B_1 [a mixture of avermectins containing >80 percent avermectin B_{1a} (5-O-demethyl avermectin A_{1a}) and < 20 percent avermectin B_{1b} (5-O-demethyl-25-di(1-methylpropyl)-25-(1-methylethyl) avermectin A_{1a})] in or on the following commodities:

Commodities	Part per million
Cottonseed	0.005

[FR Doc. 89-12909 Filed 5-30-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 186

[FAP 6H5481/R1025; FRL-3578-9]

Pesticide Tolerance for Triflumizole

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document renews an established feed additive regulation to permit the combined residues of the fungicide triflumizole and its metabolites containing the 4-chloro-2-trifluormethyl-aniline moiety (calculated as triflumizole) in or on certain feed items. This regulation to renew established maximum permissible levels for combined residues of triflumizole was requested by Uniroyal Chemical Co., Inc., to permit marketing of feed commodities from experimental use of the fungicide on apples and grapes.

EFFECTIVE DATE: April 12, 1989.

FOR FURTHER INFORMATION CONTACT: By mail:

Registration Division (H-7505C), Attention: Product Manager (PM) 21, Environmental Protection Agency, Office of Pesticide Programs, 401 M Street SW., Washington, DC 20460

In person, contact: Susan Lewis (Acting PM 21), Rm. 227, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (202)-557-1900

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 4, 1988 (53 FR 15813), EPA issued 21 CFR 561.444 *Triflumizole* (redesignated as 40 CFR 186.5850 in the **Federal Register** of June 29, 1988 (53 FR 24668)), establishing a feed additive regulation for the combined residues of triflumizole (1-(1-((4-chloro-2-(trifluoromethyl)phenyl)imino)-2-propoxyetheyl)-1H-imidazole) and its metabolites containing the 4-chloro-2-trifluormethylaniline moiety (calculated as triflumizole) in or on the following processed commodities: apple pomace at 2.0 ppm, grape pomace at 25.0 ppm, and raisin waste at 8.0 ppm.

The feed additive regulation is being renewed to April 12, 1990, to permit processing of apples and grapes which have been treated in connection with proposed EPA Experimental Use Permit No. 400-EUP-64.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the fungicide can be safely used in the prescribed manner when such use is in accordance with the label and labeling accepted in connection with the experimental use permit issued pursuant to Federal Insecticide, Fungicide, and

Rodenticide Act (FIFRA) as amended (86 Stat. 973, 7 U.S.C. 136 et seq.), and the regulation is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and the grounds for the objections.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new food and feed additive levels, or conditions for safe use of additives, or raising such food and feed additive levels do not have a significant ecomomic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 186

Animal feeds. Pesticides and pests. Reporting and recordkeeping requirements.

Dated: May 22, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

Therefore, 40 CFR Part 186 is amended as follows:

PART 186—[AMENDED]

1. The authority citation for Part 186 continues to read as follows:

Authority: 21 U.S.C. 348.

b. By revising § 186.5850, to read as follows:

§ 186.5850 Triflumizole.

A feed additive regulation is renewed to permit residues of the fungicide triflumizole (1-(1-((4-chloro-2-(trifluoromethyl)phenyl)imino)2-propoxyethyl)-1H-imidazole) and its metabolites containing the 4-chloro-2-trifluoromethyl-aniline moiety (calculated as triflumizole) in or on the following processed feeds when present therein as a result of application to grapes and apples in connection with an experimental use program which expires on April 12, 1990.

Feeds	Parts per million
Apple pomace	2.0
Grape pomace	25.0
Raisin waste	8.0

This regulation expires on April 12, 1990.

[FR Doc. 89-12910 Filed 5-30-89; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 300

[FRL-3578-6]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

May 16, 1989.

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of a site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Voortman Farm Site from the National Priorities List (NPL). The NPL is Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania have determined that no further Fund-financed remedial action is appropriate at this site, and that actions taken to date are protective of public health, welfare, and the environment.

EFFECTIVE DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: Nick DiNardo, RPM, EPA, Region III, Pennsylvania Remedial Response Section (3HW21), Hazardous Waste Management Division, 841 Chestnut Building, 6th Floor, Philadelphia, PA 19107, (215) 597-8541.

SUPPLEMENTARY INFORMATION: The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Superfund (Fund) financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts.

The site EPA deletes from the NPL is 1. Voortman Farm, Upper Saucon Township, PA.

An explanation of the criteria for deleting this site from the NPL was presented in section II of the March 24, 1989, Notice of Intent to Delete (53 FR 48662). A description of the site and how it meets the criteria for deletion was presented in section IV of that Notice. A notice was also placed in a local newspaper announcing the Intent to Delete.

The closing date for comments on the Notice of Intent to Delete was May 1, 1989. No comments were received.

List of Subjects in 40 CFR Part 300

Hazardous waste.

PART 300—[AMENDED]

1. The authority citation for Part 300 continues to read as follows.

Authority: Section 105, Pub. L. 96-510, 94 Stat. 2764, 42 U.S.C. 9605 and Sec. 311(c)(2), Pub. L. 92-500 as amended, 86 Stat. 865, 33 U.S.C. 1321(c)(2); E.O. 12316, 46 FR 42237; E.O. 11735, 38 FR 21243.

Appendix B—[Amended]

2. The NPL in 40 CFR Part 300: Appendix B is amended as follows:

In Group 17 remove the following entry and move up the other entries accordingly. Voortman Farm, Upper Saucon Township, Pennsylvania. The NPL will reflect this deletion in the next final update.

Date: May 11, 1989.

Stanley L. Laskowski,

Acting Regional Administrator.

[FR Doc. 89-12912 Filed 5-30-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 69

[CC Docket No. 78-72 Phase I; FCC 89-143]

Access Charges

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has modified the Part 69 access charge rules governing the composition of the National Exchange Carrier Association (NECA) Board of Directors. The revised rules provide for the NECA Board to be composed of three members from subset I companies, three members from subset II companies, and six members from III companies. The revised rules will not

alter the total number of directors required by the Commission's rules for subsets I and II representation, but rather ensure that representatives of both subset I and subset II companies would serve on the Board. The revised rules will reflect more accurately the interests of member companies in NECA's operations in light of the revised common line pooling structure that was implemented on April 1, 1989.

EFFECTIVE DATE: June 30, 1989.

ADDRESSES: Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Peggy Reitzel, Policy and Program Planning Division, Common Carrier Bureau (202) 632-4047.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (FCC 89-143), adopted May 8, 1989, and released May 22, 1989. The full text of this decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC, 20037.

Summary of Report and Order

1. The Commission's rules currently provide that exchange carriers are divided into three subsets for purposes of representation on the Board of Directors of NECA. Subset I consists of the Bell System Operating Companies except Cincinnati Bell Inc, and Southern New England Telephone Company. Subset II consists of all other telephone companies with annual operating revenues in excess of $40 million. Subset III consists of all exchange carriers other than those that are members of subsets I or II. The Commission's rules allocate membership on the Board according to this formula.

2. Because of the varying interest of NECA's members in NECA's activities, in the past the Commission has granted waivers of its rules to permit a NECA Board structure that was more representative of the member companies. The present NECA Board consists of three subset I directors, three subset II directors, and nine subset III directors. The revised rules will continue the Board configuration now permitted through waiver.

3. On August 23, 1988, the Commission released a Notice of Proposed Rulemaking, 53 FR 33826 (9/1/88), in response to a petition for rulemaking filed by NECA. The NECA petition requested that the Commission revise § 69.602(e) to permit a more balanced representation on the Board that reflected the varying interests of member companies. Recent changes in the NECA common line pool have led to a divergence of interests in subset I and subset II companies. NECA proposed a Board composition of three members elected by subset I companies, three members elected by subset II companies, and nine members elected by subset III companies.

4. In this Report and Order, the Commission modified Part 69 of the access charge rules governing the composition of the NECA Board to reflect more accurately the interests of member companies in NECA's operations in light of the revised common line pooling structure that was implemented on April 1, 1989. The revised rules stipulate that there be three directors representing subset I and three directors representing subset II, rather than six directors representing them jointly. The Commission concluded that this rule change will eliminate the possibility of skewed representation that would result if the more numerous subset II companies were to elect all six members of the NECA Board allocated to those two subsets.

Ordering Clauses

1. Accordingly, *It Is Ordered*, That the revisions to Part 69 of the Commission's Rules *Are Adopted*, effective June 30, 1989.

List of Subjects in 47 CFR Part 69

Common carrier, Access charges, Common carrier, Equal access.

Part 69 of Title 47 of the Code of the Federal Regulations is amended as follows:

PART 69—ACCESS CHARGES

1. The authority citation for Part 69 continues to read as follows:

Authority: Secs. 4, 201, 202, 203, 205, 218, 403, 48 Stat. 1066, 1070, 1072, 1077, 1094, as amended, 47 U.S.C. 154, 201, 202, 203, 205, 218, 403.

2. Section 69.602 is amended by removing paragraphs (c) and (d), redesignating paragraphs (e)-(h) as paragraphs (c)-(f), and revising new paragraphs (c) and (f) to read as follows:

§ 69.602 Board of Directors.

* * * * *

(c) In 1989 and thereafter, three directors shall represent the first subset, three directors shall represent the second subset, and nine directors shall represent the third subset.

* * * * *

(f) Directors shall serve for a term of one year commencing January 1 and concluding on December 31 of each year.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 89-12820 Filed 5-30-89; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 87

[FCC No. 89-151]

Air-to-Air Communications in the Vicinity of the Grand Canyon

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: As a result of aircraft accidents in the vicinity of the Grand Canyon, this Order amends Part 87 of the Rules (Aviation Services) to permit air-to-air communications between all types of aircraft on the very high frequencies (VHF) 121.950 MHz, 122.750 MHz and 122.850 MHz in the vicinity of the Grand Canyon National Park in Arizona.

EFFECTIVE DATE: July 3, 1989.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR INFORMATION CONTACT: Robert P. DeYoung, Private Radio Bureau, Washington, DC 20554, (202) 632-7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order adopted May 9, 1989, and released May 19, 1989. The full text of this Commission document and the amended rule are available for inspection and copy during normal hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The full text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (202) 857-3800, 2100 M St., NW., Washington, DC 20037.

Summary of Report and Order

As a result of aircraft accidents in the vicinity of the Grand Canyon, the Federal Aviation Administration (FAA) contacted the Commission requesting additional air-to-air frequencies to promote air safety in the area. The Commission and the FAA coordinated selection of the needed frequencies and agreed on the three frequencies listed in the "SUMMARY" paragraph of the document. Pursuant to that agreement,

the Private Radio Bureau, acting under delegated authority, granted a one year special temporary authority (STA) to permit air-to-air use of the frequencies by all aircraft operating in the Grand Canyon area. The STA was based on the exigency of the FAA's request and was intended to determine whether the three frequencies selected would serve the intended purpose. In a letter dated July 1, 1988, the FAA stated that the frequencies were working well in accomplishing the objective of enhancing flight safety. The FAA requested further extension of the STA and a rule amendment to authorize the use of these frequencies on a permanent basis. This Order grants the FAA's request for amendment of the the rules.

Ordering Clauses

We certify that Section 605(b) of the Regulatory Flexibility Act of 1980, (Pub. L. 96–354), 5 U.S.C. 605(b) does not apply to these rules because these rules will not have a significant economic impact on a substantial number of small entities. The rule permits aircraft to use frequencies already in use for air-to-air communications. The rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public. The authority for this action is contained in 47 U.S.C. 154(i) and 303(1) and (r).

It is ordered, That Part 87 is amended as shown at the end of this document.

It is further ordered, That these rule amendments shall become effective as indicated in the "EFFECTIVE DATE" paragraph of this document.

It is further ordered, That this proceeding is terminated.

List of Subjects 47 CFR Part 87

Aviation services, Aircraft stations.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amended Rules

Part 87 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 87—Aviation Services

1. The authority citation for Part 87 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–156, 301–609.

2. In § 87.187, a new paragraph (z) is added to read as follows:

§ 87.187 Frequencies.

* * * * *

(z) The frequencies 121.950 MHz, 122.750 MHz and 122.850 MHz are authorized for air-to-air use for all aircraft from 6000 feet mean sea level up to and including 10,500 feet mean sea level in the vicinity of Grand Canyon National Park in Arizona within the area bounded by the following coordinates:

36–28–00 N. Lat;	112–47–00 W. long.
36–28–00 N. Lat;	112–48–00 W. long.
35–50–00 N. Lat;	112–48–00 W. long.
35–43–00 N. Lat;	112–47–00 W. long.

[FR Doc. 89–12821 Filed 5–30–89; 8:45 am]

BILLING CODE 6712–01–M

Proposed Rules

Federal Register
Vol. 54, No. 103
Wednesday, May 31, 1989

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 550

RIN 3206-AC41

Pay Administration (General); Severance Pay

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations to change the conditions under which Federal employees are entitled to severance pay when they are involuntarily separated from Federal service. Several events have made it desirable to propose changes in our severance pay regulations: (1) Privatization is a major initiative designed to reduce deficit spending and to restore the Federal Government to its appropriate role in the marketplace. To promote this initiative and to facilitate the transfer of Federal employees to private contractors, we are proposing a change in the severance pay regulations that would permit a separated employee to receive severance pay when he or she separates and accepts employment from the contractor assuming the Federal function that resulted in the employee's separation: (2) The Omnibus Budget Reconciliation Act of 1982 changed the conditions under which employees can receive discontinued service retirement annuity. To reestablish the parallel between discontinued service retirement and severance pay, we are proposing to apply like eligibility requirements (with one or two exceptions) to these two separate benefits. (3) Recent court decisions require a change related to employees involuntarily separated from temporary appointments that follow permanent appointments.

DATE: Comments must be received on or before July 31, 1989.

ADDRESS: Send or deliver written comments to Barry E. Shapiro, Deputy Assistant Director for Pay Programs, Personnel Systems and Oversight Group, Office of Personnel Management, Room 3353, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Jan B. Karicher, (202) 632-5056.

SUPPLEMENTARY INFORMATION: Severance pay provides financial assistance to Federal employees who are involuntarily separated without eligibility for immediate retirement benefits. This pay is intended to be a form of temporary financial insurance, not an extension of the Federal career or of the full financial rewards of that career. (In addition to receiving severance pay, separated employees who had life insurance and health benefits coverage before separation can continue these without charge for 31 days after their separation. After 31 days, employees have the option of converting Federal coverage to private coverage. They may do this regardless of their physical condition at the time of conversion and without any waiting periods or restrictions for pre-existing medical conditions.)

Our proposed regulations would make the following major changes in the severance pay provisions:

(1) *Privatization.* In 1967 the severance pay regulations were revised in a manner that prohibits the payment of severance pay to an employee who is involuntarily separated due to contracting out of a Federal function if the employee (1) accepts or declines a reasonable offer of employment with the contractor made no later than the date of separation, or (2) accepts any job with the contractor within 90 days of separation. We have become increasingly aware of situations in which qualified separated Federal employees in receipt of severance pay are refusing contract employment until expiration of the 90-day restriction period in order that they may receive their severance pay. As a result, contractors who are required to offer contract positions to qualified separated Federal employees often are not able to fully staff the contract operation with qualified employees during the crucial conversion period.

To alleviate this problem, and to make contracting out more attractive to affected Federal employees, OPM is proposing to remove the contract employment restriction appearing in § 550.701(b)(6) of Title 5, Code of Federal Regulations, as well as two similar restrictions in paragraphs (b)(5) and (7) of that section, concerning public non-Federal and non-appropriated fund employment. The removal of these restrictions should encourage Federal employees to accept employment offered by private contractors by providing them with an additional financial incentive. This, in turn, should facilitate the smooth transfer of operations to the private sector.

To assist in developing statistical information on the proposed change in contract procedures, we are also proposing a new section of the regulations that would require agencies to keep records of the number of separated employees who receive severance pay each fiscal year, the amount paid, and the total number of separated employees who go to work for the contractors that assume their Federal functions (§ 550.713).

(2) *Eligibility for severance pay.* Prior to 1982, eligibility requirements were the same for severance pay and for discontinued service retirement (DSR) in that employees were eligible unless they declined an offer of Federal employment at the same grade or pay level. However, under Pub. L. 97-253, the eligibility requirements for DSR were changed. Now, employees who are otherwise eligible for DSR cannot receive an annuity if they decline a "reasonable offer of another position." A reasonable offer for DSR is an offer of a position:

(a) In the employee's agency (including an agency to which the employee and the function are transferred in a transfer of functions);

(b) In the employee's commuting area;

(c) Of the same tenure; and

(d) Not more than the equivalent of two grades or pay levels below the employee's current grade or pay level, regardless of whether the employee is eligible for grade or pay retention under 5 CFR Part 536 or some other authority.

At present, employees can receive severance pay if they have not declined an offer of an "equivalent position" with the Federal Government. "Equivalent position" is currently defined in 5 CFR 550.701(b)(2) as "* * * a position of like seniority, tenure, and pay *other than a retained rate.*" Therefore, as a result of the change in law, an offer of a position two grades lower with grade or pay

retention may be a "reasonable offer" for DSR purposes, but not an "equivalent position" for severance pay purposes. To reestablish parallel eligibility criteria, we propose to replace the term "equivalent position" with "reasonable offer." "Reasonable offer" would have the same meaning for severance pay purposes as it has for discontinued service retirement purposes (§ 550.703).

(3) *Severance pay after temporary employment.* Under section 5595(a)(2)(ii) of title 5, United States Code, an employee separated from a temporary appointment can receive severance pay only if the temporary appointment follows a permanent appointment with no more than a 3-day break in service. The current regulations allow temporary employees to receive severance pay only if they are involuntarily separated from a temporary appointment made no more than 3 days after *involuntary* separation from a permanent appointment.

On December 9, 1983, the U.S. Claims Court, in the case of *Sullivan* v. *United States,* 4 Cl.Ct. 70, ruled that the regulations contradict the law. The court noted specifically that separation from the permanent appointment does not have to be involuntary for the temporary employee to be eligible for severance pay if involuntarily separated from the subsequent temporary appointment. The U.S. Court of Appeals for the Federal Circuit (742 F.2d 628) affirmed the Claims Court ruling on September 6, 1984.

The proposed definition of "qualifying appointment" (§ 550.703) would make the regulations match the law.

(4) *Exclusion of Schedule C and equivalent appointments.* The proposed regulations clarify that the exclusion of Schedule C appointees from severance pay also applies to individuals appointed under equivalent appointments of a confidential or policy determining character, where the incumbent serves at the will of a Federal official. (For example, executive directors of Presidential Advisory Councils, who serve at the will of the chairperson.)

In addition to proposing the major revisions summarized above, we have made several editorial revisions to clarify severance pay entitlements. For example, we have defined "immediate annuity," "inefficiency," "nonqualifying appointment," "qualifying appointment," and "representative rate," and we have changed the order of existing provisions.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities, since it applies only to separated Federal employees.

List of Subjects in 5 CFR Part 550

Government employees and Wages.

U.S. Office of Personnel Management.

Constance Horner,

Diretor.

Accordingly, OPM is proposing to revise Subpart G of Part 550 of Title 5, Code of Federal Regulations, to read as follows:

PART 550—PAY ADMINISTRATION (GENERAL)

* * * * *

Sec.

550.701 Introduction.
550.702 Coverage.
550.703 Definitions.
550.704 Eligibility for severance pay.
550.705 Criteria for meeting the requirement for 12 months continuous employment.
550.706 Criteria for meeting the requirement for involuntary separation.
550.707 Computation of severance pay.
550.708 Creditable service.
550.709 Payment of severance pay.
550.710 Suspension of severance pay.
550.711 Termination of severance pay entitlement.
550.712 Reemployment; recredit of service.
550.713 Records.

Authority: 5 U.S.C. 5595; E.O. 11257.

Subpart G—Severance Pay

§ 550.701 Introduction.

This subpart contains regulations of the Office of Personnel Management to implement the provisions of 5 U.S.C. 5595.These regulations authorize severance pay for employees who are involuntarily separated from Federal service and who meet other conditions of eligibility.

§ 550.702 Coverage.

Except as provided in 5 U.S.C. 5595(a)(2)(i) through (viii), this subpart applies to each full-time or part-time employee; that is, an employee with a regularly scheduled tour of duty, who is serving under a qualifying appointment, as defined in § 550.703.

§ 550.703 Definitions.

In this subpart:

"Agency" means an agency as defined in 5 U.S.C. 5595(a)(1), except the government of the District of Columbia.

"Commuting area" means the geographic area that normally is considered one area for employment purposes. It includes any population center (or two or more neighboring ones) and the surrounding localities where people live and reasonably can be expected to travel back and forth daily to work.

"Employee" means an employee as defined in 5 U.S.C. 5595(a)(2), except an individual employed by the government of the District of Columbia.

"Immediate annuity" means benefits under a Federal civilian or military retirement system that are payable upon separation or will begin to accrue within 30 days after separation.

"Inefficiency" means unacceptable performance or conduct that leads to a separation under Part 432 or 752 of this chapter or an equivalent procedure.

"Involuntary separation" means a separation initiated by an agency against the employee's will and without his or her consent for reasons other than inefficiency.

"Nonqualifying appointment" means any appointment with an intermittent work schedule, and the following appointments regardless of work schedule:

(a) A Presidential appointment;

(b) An emergency appointment;

(c) A limited or noncareer executive assignment under Part 305 of this chapter or the equivalent;

(d) An excepted appointment under Schedule C or an equivalent appointment made for similar purposes;

(e) A temporary appointment pending establishment of a register (TAPER);

(f) An overseas limited appointment with a time limitation, unless it is effected within 3 calendar days of separation from a qualifying appointment;

(g) A noncareer, limited term, or limited emergency appointment in the Senior Executive Service as defined in 5 U.S.C. 3132(a) or an equivalent appointment made for similar purposes, unless it is effected within 3 calendar days of separation from a qualifying appointment; and

(h) A time-limited appointment that takes effect more than 3 calendar days after the end of one or more qualifying appointments.

"Qualifying appointment" means—

(a) A career or career-conditional appointment in the competitive service or the equivalent in the excepted service;

(b) An excepted appointment without time limitation, except under Schedule C;

(c) An overseas limited appointment without time limitation;

(d) A status quo appointment, including one that becomes indefinite when the employee is promoted, demoted, or reassigned;

(e) A time-limited appointment in the Foreign Service, when the employee was assigned under a statutory authority that carried entitlement to reemployment in the same agency, but this right of reemployment has expired;

(f) An appointment under the Executive Assignment System with career or career conditional tenure;

(g) A career appointment in the Senior Executive Service; or

(h) A time-limited appointment that takes effect within 3 calendar days after the end of one or more of the qualifying appointments listed in paragraphs (a) through (g), of this section.

"Rate of basic pay" means the rate of pay fixed by law or administrative action for the position held by an employee, including annual premium pay for standby duty under 5 U.S.C. 5545(c)(1) and night differential for prevailing rate employees under 5 U.S.C. 5343(f), but not including additional pay of any other kind.

"Reasonable offer" means the offer of a position that meets all the following conditions:

(a) The offer is in writing;

(b) The employee meets established qualification requirements; and

(c) The offered position is—

(1) In the employee's agency, including an agency to which the employee is transferred with his or her function in a transfer of functions between agencies;

(2) Within the employee's commuting area, unless geographic mobility was a condition of employment;

(3) Of the same tenure and work schedule (that is, part-time or full-time); and

(4) Not lower than two grades or pay levels below the employee's current grade or pay level, without consideration of grade or pay retention under Part 536 of this chapter or other authority. In movements between pay schedules or pay systems, the representative rate of the offered position must not be lower than that of the grade or pay level that is two grades below the current position on the same pay schedule as the current position.

"Representative rate" means the fourth rate of the grade of a position under the General Schedule, including the fourth rate of the corresponding grade of the General Schedule in the case of a position under the Performance Management and Recognition System established by chapter 54 of title 5, United States Code; the single rate for GS–18; the employee's rate under the Senior Executive Service; or the rate designated as representative of the position by the agency responsible for establishing and adjusting the schedule.

"Severance pay fund" means the total severance pay to which an employee is entitled during a single entitlement under 5 U.S.C. 5595. It includes a basic severance pay allowance and, where applicable, an age adjustment allowance, as computed under § 550.707.

§ 550.704 Eligibility for severance pay.

(a) To be eligible for severance pay, an employee must—

(1) Be serving under a qualifying appointment;

(2) Have completed at least 12 months continuous service, as described in § 550.705; and

(3) Be removed from Federal service by involuntary separation.

(b) An employee is not eligible for severance pay if he or she—

(1) Is serving under a nonqualifying appointment;.

(2) Declines a reasonable offer;

(3) Accepted a qualifying appointment in an agency scheduled by law or Executive order to be terminated within less than 1 year from the date of the appointment, unless on the date of separation the termination has been postponed to a date more than 1 year after the date of the appointment;

(4) Is receiving injury compensation under subchapter I of chapter 81 of title 5, United States Code, unless the compensation is being received concurrently with pay or is the result of someone else's death; or

(5) Is eligible upon separation for an immediate annuity from a Federal civilian retirement system or from the uniformed services. Such an employee is ineligible even if all or part of the annuity is offset by payments from a non-Federal retirement system the employee elected instead of Federal civilian retirement benefits or disability benefits received from the Veterans Administration.

§ 550.705 Criteria for meeting the requirement for 12 months continuous employment.

(a) The requirement for 12 months continuous employment is met if, on the date of separation, an employee has held one or more civilian Federal positions over a period of 12 months without a single break in service of more than 3 calendar days. The positions held must have been under—

(1) One or more qualifying appointments; or

(2) One or more non-qualifying temporary appointments that precede the current qualifying appointment.

(b) When a break in service that is covered by severance pay interrupts otherwise continuous Federal employment, the entire period is considered continuous service.

(c) The period during which an employee receives continuation of pay or compensation for an injury on the job under chapter 81 of title 5, United States Code, is considered continuous Federal service.

§ 550.706 Criteria for meeting the requirement for involuntary separation.

(a) Employees who resign because they expect to be involuntarily separated are considered to have been involuntarily separated if they resign after receiving—

(1) Specific written notice that they will be involuntarily separated, and the notice of separation is not cancelled before the resignation is effected; or

(2) A general notice of reduction in force or transfer of function that announces that all positions in the competitive area will be abolished or transferred to another commuting area.

(b) Except for resignations under the conditions described in paragraph (a) of this section, all resignations are voluntary separations and do not carry entitlement to severance pay.

§ 550.707 Computation of severance pay.

(a) *Basic severance pay allowance.* Except as provided in paragraph (b) of this section, the basic severance pay allowance consists of the following:

(1) One week of pay at the rate of basic pay for the position held by the employee at the time of separation for each full year of creditable service through 10 years;

(2) Two weeks of pay at the rate of basic pay for the position held by the employee at the time of separation for each full year of creditable service beyond 10 years; and

(3) Twenty-five percent of the otherwise applicable amount for each full 3 months of creditable service beyond the final full year.

(b) *Basic severance pay allowance for employees with variable work schedules or rates of pay.* The basic severance pay allowance is computed on the basis of the average rate of basic pay for the last position held during the 26 biweekly pay periods immediately

preceding separation for an employee in a position—

(1) In which the work schedule regularly varies from full-time to part-time throughout the year;

(2) In which the rate of annual premium pay for standby duty varies throughout the year; or

(3) Under a prevailing rate schedule in which the work schedule regularly alternates between a day shift and a night shift throughout the year.

(c) *Age adjustment allowance.* The basic severance pay allowance is augmented by an age adjustment allowance consisting of 2.5 percent of the basic severance pay allowance for each full 3 months of age over forty years.

§ 550.708 Creditable service.

The following types of service are creditable for computing an employee's severance pay under § 550.707:

(a) Civilian service performed by an employee;

(b) Service performed with the United States Postal Service or the Postal Rate Commission; and

(c) Military service, including active or inactive training with the National Guard, when performed by an employee who returns to civilian service through the exercise of a restoration right provided by law, Executive order, or regulation.

§ 550.709 Payment of severance pay.

(a) Each severance payment must be equal to the employee's rate of basic pay, less taxes and Medicare, and, when appropriate, contributions under the Federal Insurance Contributions Act (FICA). Payment must be made at the same pay period intervals salary would be paid if the employee were still employed. The final payment may be a partial payment consisting of that portion of the severance pay fund remaining from the employee's immediate entitlement or the balance of the 52-week lifetime limitation.

(b) When an employee receives severance pay as the result of separation from a qualifying temporary appointment (that is, a temporary appointment effected within 3 days of separation from a qualifying permanent appointment), severance pay will be paid in an amount equal to the rate of basic pay received at the time of separation from the qualifying temporary appointment.

(c) When an employee is in a nonpay status immediately before separation, basic pay is the pay the employee would have received if he or she had been in a pay status when separated.

§ 550.710 Suspension of severance pay.

(a) When an individual receiving severance pay is given one or more nonqualifying temporary appointments, the severance pay is suspended on the day of the appointment. Severance pay begins again when the employee separates from the nonqualifying temporary appointment.

(b) When an individual is given a temporary appointment before severance payments begin, the severance payments do not begin until the employee is separated from the temporary appointment.

(c) When a seasonal employee is hired under a temporary appointment, severance pay is suspended. Severance payments begin again after separation from the temporary appointment.

§ 550.711 Termination of severance pay entitlement.

Entitlement to severance pay ends when—

(a) An employee is appointed to the Federal Government under a qualifying appointment;

(b) The severance pay fund is exhausted; or

(c) The employee has received 52 weeks of severance pay.

§ 550.712 Reemployment; recredit of service.

(a) When a former employee is reemployed, the employing agency shall record on the appointment document the number of weeks of severance pay recieved (including partial weeks).

(b) If an employee again becomes entitled to severance pay, the agency in which entitlement arises shall compute the severance pay allowance on the basis of all creditable service and current age and deduct from the number of weeks it would take to exhaust the allowance the number of weeks for which severance pay previously was received.

§ 550.713 Records.

Agencies shall maintain records, by fiscal year, of the number of employees who receive severance pay and the total amount of severance pay paid. When entitlement to severance pay arises as the result of contracting a Federal function to a private contractor, the affected agency also shall record the number of separated employees who go to work for the contractor within 90 days of the effective date of the contract. The Office of Personnel Management may require agencies to report such information to the Office.

[FR Doc. 89-12864 Filed 5-30-89; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 91

[Docket 89-089]

Ports Designated for Exportation of Animals; Chicago, IL

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule; correction; reopening and extension of comment period.

SUMMARY: This document extends the comment period for an additional 15 days, until June 15, 1989, for a proposed rule to amend the "Inspection and Handling of Livestock for Exportation" regulations by adding the Knief Quarantine Facility as an animal export inspection facility for the port of Chicago.

This action is taken to correct an omission in the "DATE" section of the proposed rule and to ensure that interested persons have an opportunity to comment on the proposed rule.

DATE: Written comments must be received on or before June 15, 1989.

ADDRESSES: Send an original and three copies of written comments to Helene R. Wright, Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, Room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 89-003. Comments received may be inspected at USDA, Room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. George O. Winegar, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, Room 761, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782; (301) 436-8383.

SUPPLEMENTARY INFORMATION: On March 7, 1989, we published in the **Federal Register** (54 FR 9459-9460, Docket No. 89-003) a proposed rule to amend the "Inspection and Handling of Livestock for Exportation" regulations by adding the Knief Quarantine Facility as an animal export inspection facility for the port of Chicago.

In the "DATE" section, we inadvertently omitted the words "Consideration will be given only to comments received on or before" preceding the closing date for receipt of comments. Other portions of the docket

invited written comments. However, to avoid confusion about the closing date and to ensure that interested persons are adequately advised of the opportunity to comment, we are reopening and extending the comment period for an additional 15 days from publication of this document. Accordingly, consideration will be given only to comments received on or before June 15, 1989.

Done in Washington, DC, this 24th day of May 1989.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 89-12814 Filed 5-30-89; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Office of Energy Research

10 CFR Part 605

RIN 1901-AA07

Special Research Grants Program

AGENCY: Office of Energy Research, DOE.

ACTION: Proposed rule.

SUMMARY: The Office of Energy Research (OER) is proposing a revision to 10 CFR Part 605, the Special Research Grants Program. The proposed rulemaking would revise the existing regulations in 10 CFR Part 605 in order to improve or streamline the receipt, review, evaluation, and pre- and post-award administration requirements. These proposed revisions to the current regulations refect OER's long-term efforts in streamlining and reducing administrative requirements yet continuing to provide reasonable and workable research grant policies and standards. In addition, a number of the proposed amendments are in concert with Federal-wide policy changes that have occurred since issuance of the April 15, 1985, final regulations for the Special Research Grants Program.

DATES: Written comments on the proposed revised rule must be received by June 30, 1989.

ADDRESS: Comments should be addressed to: Robert A. Zich, Director, Acquisition and Assistance Management Division, Office of Energy Research, ER-64, U.S. Department of Energy, Washington, DC 20545, (301) 353-5544.

FOR FURTHER INFORMATION CONTACT:
Jean A. Morrow, Acquisition and Assistant Management Office of Energy Rsearch, ER-64, U.S. Department of Energy, Washington, DC 20545, (301) 353-5544

Paul Gervas, Office of the Assistant General Counsel for Procurement and Finance, GC-34, U.S. Department of Energy, Washington, DC 20585, (202) 586-1526.

SUPPLEMENTARY INFORMATION:

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II. Proposed Changes to 10 CFR Part 605
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IV. Review under the Regulatory Flexibility Act
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VII. Intergovernmental Review
VIII. Review Under Executive Order 12612

I. Introduction

The OER, a component of the DOE, is today proposing to revise its Special Research Grants Program Rule for the purpose of providing a more uniformed and streamlined regulation as it pertains to the receipt, review, evaluation, and pre- and post-award administration requirements. In the period since 10 CFR Part 605 became effective on April 15, 1985, OER has participated in the Florida Demonstration Project (FDP) that sought to reduce Federal Research Grant administrative requirements yet maintain adequate stewardship of Federal funds as a result of this Demonstration. OMB issued a memorandum on May 18, 1988, that authorized agencies to make use of four of the most successful subsets of the FDP Procedures. Since DOE is implementing OMB's directive into its Financial Assistance Regulations (10 CFR, 600.103, 600.106 and 600.108) repeating the rules in 10 CFR Part 605, was deemed unnecessary.

Moreover, since this proposals seeks to amend numerous sections of 10 CFR Part 605, the Special Research Grant Program Rule, OER proposes that this revision will supersede the existing 10 CFR Part 605 in its entirety. The specific proposed changes are discussed in the following section:

II. Proposed Changes to 10 CFR Part 605

Section 605.1

No change.

Section 605.2

Paragraph (a) of this part is revised in order to explain that the amended rules will be effective for awards issued by DOE after the final revised rule is published in the **Federal Register**. Paragraph (b) has no change.

Section 605.3

The definition for "basic and applied research" is changed to reflect a more concise, yet enhanced meaning of the term. In addition, OER is using this same definition in its current research contract announcement. This consistency of the definition will allow for a more uniformed understanding of the term for OER grant and contract recipients. No other changes are proposed in this section.

Section 605.4

Paragraph (a) has no change. However, paragraph (b), that established a deviation criteria for § 605.7, has been deleted in concert with the proposed deletion of § 605.7

Section 605.5

Paragraph (a) has no change. Paragraph (b) is amended to provide for the following scientific program area name changes and additions that are included under this section and the Appendix A: Biological Energy Research Division is now Division of Energy Biosciences; Applied Mathematical Sciences is now Scientific Computing Staff; and Field Operations Management is an addition to this regulation. These changes appear in this section and in Appendix A.

Section 605.6

No change.

Section 605.7

The dollar award limitations established under the Special Research Grant Rule issued April 15, 1985, have caused considerable misunderstanding among grant applicants, OER program staff and contracting offices. In addition, OER has internal policies that provide for review and clearance of large dollar awards. Therefore, it was deemed appropriate to delete this section.

Section 605.8

No changes to paragraphs (a), (c), (d), (e), (f), and (g). Paragraph (b) is revised to incorporate language that reflects OER's long-term policy of accepting applications for research funding in specific scientific areas (see § 605.5) at anytime unless specific deadlines are issued in other Notices of Availability. The April 15, 1985 regulation was misinterpreted and recipients tended to submit applications by April 15th of each fiscal year which caused a workload imbalance. Also, to assist in clarifying OER's grant application process, language is included that informs grantees of OER's policy of notifying applicants of any funding

decision within twelve months from OER's receipt date of an application

Section 605.9

No changes to paragraphs (c), (d), (e), (f), (g), and (j). Paragraph (a) now indicates that seven copies of an application are required when requesting funding. The April 15, 1985 final rule indicated an incorrect number and this revision clarifies the number due. Paragraph (b) proposes to allow grant requesters to utilize a face sheet form developed by OER and approved by OMB under Control Number 1910–1400. This form was developed in order to obtain program information needed for reviewing, evaluating and funding of research support requests. State and local governments and Indian tribal governments will continue using the OMB facesheet, Standard Form 424, approved by OMB under Control Number 0348–0043. Paragraph (b)(i) has been revised to incorporate language that indicates the proper budget form for use by State and local governments and Indian tribal governments under the OMB A–102 common rule implementation issued on March 11, 1988. Paragraphs (h) and (i) have been changed to increase the renewal and continuation application submission dates from four to six months prior to the scheduled expiration date of either the budget or project period. This revision is sought to allow for additional time in processing and reviewing applications for continued funding. Four months has proven to be inadequate for obtaining peer review and documentation preparation.

Section 605.10

This entire section has been revised to provide a more detailed description of OER's evaluation and selection process. In addition, the evaluation criteria has been amended in accordance with input from the OER program staff. Through this more detailed explanation of OER's review and selection process, the grantee community will derive a better understanding of the Special Research Grants Program and its requirements.

Section 605.11

The changes to this section include providing the latest publishing dates of the DNA and Animal Care Guidelines.

Section 605.12

Paragraph (a) provides editorial changes to the first sentence and deletes the sentence that sets a policy to allow only 12 months for support of conference grants. Since implementation of 10 CFR Part 605 in April 1985, it became apparent that some conference grants needed additional time beyond the 12-month limitation and by restricting the awards OER was causing unnecessary paperwork burdens for recipients and staff. Paragraph (b) has no changes. However, Paragraph (c) has been deleted in accordance with DOE's proposed FDP changes to 10 CFR 600.106.

Section 605.13

This section as originally issued caused numerous questions regarding cost sharing under the Special Research Grant Program. Therefore, the current revised language seeks to clarify the OER policy with regard to cost-sharing on Special Research Grants.

Section 605.14

This section has been revised to include only that paragraph that pertains to limitation of DOE liability. The remaining paragraphs have been deleted due to DOE's decision to adopt that part of the Department's financial assistance regulations section (10 CFR 600.108), that allows for carryover of funds without DOE prior approval on research awards. It was felt that to have another similar type of carryover policy would defeat the purpose of the Florida Demonstration Project and since 10 CFR Part 605 supplements 10 CFR Part 600, the need to repeat the carryover section was not necessary.

Section 605.15

The change in paragraph (a) clarifies that the DOE Contracting Officer determines whether a fee to small business recipients is appropriate. Prior to this clarification, DOE Contracting Officers were, in fact, determining fee appropriateness; however, this change specifies the responsibility. All other paragraphs remain the same as originally issued under 10 CFR Part 605 on April 15, 1985.

Sections 605.16 and 605.17

These two approval policy sections have been deleted due to DOE's financial assistance regulation changes that adopt the OMB approved policy subsets derived from the Florida Demonstration Project (FDP). The DOE Financial Assistance Regulations (10 CFR Part 600) will now allow recipients of financial assistance research awards authority to carry over funds from one funding period to the next without prior approval, limited authority to approve pre-award costs, extensions of project periods without additional funds and expanded prior rebudgeting approval. Therefore, deletion of the more burdensome policy requirements under the current Special Research Grant Program Regulations is in line with OER's efforts to streamline and reduce paperwork burdens, yet continue to safeguard Federal funds.

Section 605.18

No change.

Section 605.19

No change.

Section 605.20

No change.

III. Review Under Executive Order 12291

This rule has been reviewed by OMB under Executive Order 12291 (46 FR 13192, February 17, 1981).

Prior to publication of the proposed rule, DOE concluded that the rule is not a "major rule" because its promulgation will not 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 geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete in domestic or export markets.

IV. Review Under Regulatory Flexibility Act

This proposed rule was reviewed under the Regulatory Flexibility Act of 1980 (Pub. L. 96–354, 95 Stat. 1164) which requires preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities, i.e., small business, small organizations, and small governmental jurisdictions. DOE concluded that this proposed rule would only affect small entities as they apply for and receive grants and does not create additional economic impacts on small entities. Accordingly, DOE certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

V. Review Under the Paperwork Reduction Act

The collection of information requirements contained in this rule have been approved by OMB under control numbers 1910–0400 and 1910–1400.

VI. Review Under the National Environmental Policy Act

DOE has concluded that promulgation of these proposed procedural rules

clearly would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321, et seq. (1976)), the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), and the DOE guidelines (10 CFR Part 1022) and, therefore, does not require an environmental impact statement pursuant to NEPA.

VII. Intergovernmental Review

This program is generally not subject to the intergovernmental review requirements of EO 12372 as implemented by 10 CFR 1005. However, certain grant applications may be.

All applications from governmental or non-governmental entities which involve research, development or demonstration activities when such activities: (1) Have a unique geographic focus and are directly relevant to the governmental responsibilities of a State or local government within the geographic area; (2) necessitate the preparation of an Environmental Impact Statement under NEPA; or (3) are to be initiated at a particular site or location and require unusual measures to limit the possibility of adverse exposure or hazard to the general public are subject to the provisions of the Executive Order and 10 CFR Part 1005. Those planning to submit covered applications should immediately contact OER for further information.

VIII. Review Under Executive Order 12612

Executive Order 12612 requires that regulations or rules be reviewed for any substantial direct effects on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. Today's proposed regulations will amend existing regulations for a financial assistance program to stimulate research and development. There will not be any substantial direct effects on States.

List of Subjects in 10 CFR Part 605

Administrative practice and procedure, Applications, Copyright, Educational institutions, Eligibility, Energy, Financial assistance, Forprofit organizations, Grant programs—energy, Grant programs, science and technology, Individuals, Inventions and patents—nonprofit organizations, Reporting and recordkeeping requirements, Research, Solicitations, Science and technology, State—local and Indian tribal governments.

In consideration of the foregoing, Chapter II of Title 10 of Code of Federal Regulations is proposed to be amended by revising Part 605 as set forth below.

Issued in Washington, DC, on February 28, 1989.

Robert O. Hunter, Jr.,

Director, Office of Energy Research.

Chapter II of Title 10, Code of Federal Regulations, is proposed to be amended by revising Part 605 to read as follows:

PART 605—SPECIAL RESEARCH GRANTS PROGRAM

Sec.
605.1 Purpose and scope.
605.2 Applicability.
605.3 Definitions.
605.4 Deviations.
605.5 Special research grants.
605.6 Eligibility.
605.7 [Reserved].
605.8 Solicitation.
605.9 Applications.
605.10 Application evaluation and selection.
605.11 Additional requirements.
605.12 Funding.
605.13 Cost sharing.
605.14 Limitation of DOE liability.
605.15 Fee.
605.16 [Reserved].
605.17 [Reserved].
605.18 National Security.
605.19 Reports.
605.20 Dissemination of results.
Appendix A to Part 605

Authority: Section 31 of the Atomic Energy Act, as amended, Pub. L. 83–703, 68 Stat. 919 (42 U.S.C. 2051); sec. 107 of the Energy Reorganization Act of 1974, Pub. L. 93–438, 88 Stat. 1240 (42 U.S.C. 5817); Federal Nonnuclear Energy Research and Development Act of 1974, Pub. L. 93–577, 88 Stat. 1878 (42 U.S.C. 5901 *et seq.*); Secs. 644 and 646 of the Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 599 (42 U.S.C. 7254 and 7256); Federal Grant and Cooperative Agreement Act, as amended (31 U.S.C. 6301 *et seq.*).

§ 605.1 Purpose and scope.

This part sets forth the policies and procedures applicable to the award and administration of special research grants by the DOE Office of Energy Research for basic and applied research and related conference and training activities.

§ 605.2 Applicability.

(a) This part applies to all special research grants awarded after the effective date of this amended rule.

(b) Except as otherwise provided by this part, the award and administration of special research grants shall be governed by 10 CFR Part 600 (DOE Financial Assistance Rules).

§ 605.3 Definitions.

In addition to the definitions provided in 10 CFR Part 600, the following definitions are provided for purposes of this part—

(a) "Basic and applied research" means basic and applied research and that part of development not related to the development of specific systems or products. The primary aim of research is scientific study and experimentation directed toward advancing the state-of-the-art or increasing knowledge or understanding rather than focusing on a specific system or product.

(b) "Grantee obligation" means the amounts of orders placed, contracts and subgrants awarded, services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period.

(c) "Principal investigator" means the scientist or other individual designated by the recipient to direct the project.

(d) "Related conference" means scientific or technical conferences, symposia, workshops or seminars for the purpose of communicating or exchanging information or views pertinent to the basic and applied research of OER.

(e) "Special purpose equipment" means equipment which is used only for research, medical, scientific, or other technical activities.

§ 605.4 Deviations.

Single-case deviations from this Part may be authorized in writing by the Director or Deputy Director of OER or the Head of a Contracting Activity upon the written request of DOE staff, an applicant for an award, or a recipient. A request from an applicant or a recipient must be submitted to or through the cognizant contracting officer. Whenever a proposed deviation from this part would be a deviation from 10 CFR Part 600, the deviation must also be authorized in accordance with the procedures prescribed in that Part.

§ 605.5 Special research grants.

(a) DOE may make special research grants under this part for basic and applied research and related conference and training activities in the OER program areas set forth in paragraph (b) of this section and described in Appendix A of this part.

(b) The program areas are:

(1) Basic Energy Sciences, which includes;

(i) Energy Biosciences;

(ii) Chemical Sciences;

(iii) Carbon Dioxide Research;

(iv) Geosciences;

(v) Engineering Research;
(vi) Materials Sciences;
(vii) Advanced Energy Projects;
(2) High Energy and Nuclear Physics, which includes:
(i) Nuclear Physics;
(ii) High Energy Physics.
(3) Health and Environmental Research, which includes:
(i) Physical and Technological Research;
(ii) Ecological Research;
(iii) Health Effects Research; and
(iv) Human Health and Assessments.
(4) Fusion Energy, which includes:
(i) Applied Plasma Physics;
(ii) Confinement Systems;
(iii) Development and Technology;
(5) Scientific Computing Staff;
(6) Field Operations Management; which include:
(i) Nuclear Engineering Research.
(ii) [Reserved]
(7) Other program areas as may be described by notice published in the **Federal Register.**

§ 605.6 Eligibility.

Any university or other institution of higher education or other non-profit or for-profit organization, non-Federal agency, or entity is eligible for a special research grant. An unaffiliated individual also is eligible for a special research grant.

§ 605.7 [Reserved]

§ 605.8 Solicitation.

(a) The Catalog of Federal Domestic Assistance number for this program is 81.049, and its solicitation control number is SRG 10 CFR Part 605.

(b) An application for a new grant under this solicitation may be submitted at any time to DOE at the address specified in paragraph (c) of this section. New applications shall received consideration for funding generally within 6 months but, in any event, no later than 12 months from the date of receipt by DOE.

(c) Applicants may obtain application forms, described in § 605.9(b) of that part, and additional information from the Acquisition and Assistance Management Division, Office of Energy Research, ER–64, Department of Energy, Washington, DC. 20545, (301) 353–5544, and shall submit applications to the same address.

(d) DOE shall publish annually, in the **Federal Register,** a notice of the availability of special research grants. DOE shall also publish in the "*Commerce Business Daily*" an abbreviated notice citing the **Federal Register** notice of availability and this part, and DOE may also publish notices or abbreviated notices of availability in trade and professional journals, and news media, and use other means of communication, as appropriate.

(1) Each notice of availability shall cite this part and shall include:

(i) The Catalog of Federal Domestic Assistance number and solicitation control number of the program;

(ii) The amount of money available or estimated to be available for award;

(iii) The name of the responsible DOE program official to contact for additional information, and an address where application forms may be obtained;

(iv) The address for submission of applications; and

(v) Any evaluation criteria in addition to those set forth in § 605.10 of this part.

(2) The notice of availability may also include any other relevant information helpful to applicants such as

(i) Program objectives, .

(ii) A research agenda or potential areas for research initiatives,

(iii) Problem areas requiring additional research, and

(iv) Any other information which identifies areas in which grants may be made.

(e) DOE is under no obligation to pay for any costs associated with the preparation or submission of applications.

(f) DOE reserves the right to fund, in whole or in part, any, all, or none of the applications submitted.

(g) To be considered for a continuation or renewal award under this Part, an incumbent grantee shall submit a continuation or renewal application as provided in § 605.9 (c) and (h) of this part.

§ 605.9 Applications.

(a) An original and seven copies of the application for initial support must be submitted except that State governments, local governments, or Indian tribal governments shall not be required to submit more than the original and two copies of the application.

(b) Each new or renewal application in response to this part must include—

(1) An application face sheet page, DOE Form 4650.2 (approved by OMB under OMB Control No. 1910–1400). However, the facesheet of the application for state and local governments and Indian tribal government applicants shall be the facesheet of Standard Form (SF) 424 (approved by OMB under OMB Control Number 0348–0043).

(2) A detailed description of the proposed project, including the objectives of the project, its relationship to DOE's program and the applicant's plan for carrying it out;

(3) Detailed information about the background and experience of the principal investigator(s) (including references to publications), the facilities and experience of the applicant, and the cost-sharing arrangements, if any.

(4) A budget with supporting justification sufficient to evaluate the costs of the proposed project.

(i) Budget information provided by State and local government and Indian tribal government applicants shall be on Standard Form 424A, Budget Information for Non-Construction Programs, (approved under OMB Control No. 0348–0044). All other applicants shall use budget forms ERF 4620.1 and ERF 4620.A1 (approved by OMB under Control No. 1910–1400).

(ii) DOE may, subsequent to receipt of an application, request additional budgetary information from an applicant when necessary for clarification or to make informed preaward determinations under 10 CFR 600.103.

(5) Any preaward assurances required pursuant to 10 CFR 600.12 and 605.11 of this part.

(c) Applications for a continuation or a renewal award must be submitted in an original and seven copies, except that State governments, local governments, or Indian tribes are required to submit only an original and two copies, and for continuation awards need submit only those pages of the application form that contain information different from that provided in the original application (approved by OMB under OMB control numbers 0348–0005–0348–0009).

(d) The application must be signed by an official who is authorized to act for the applicant organization and to commit the applicant to comply with the terms and conditions of the grant, if awarded, or by an unaffiliated individual applicant.

(e) All applications which involve research, development, or demonstration activities when such activities:

(1) Have a unique geographic focus and are directly relevant to the governmental responsibilities of a State or local government within the geographic area;

(2) Necessitate the preparation of an Environmental Impact Statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.* (1976)); or

(3) Are to be initiated at a particular site or location and require unusual measures to limit the possibility of adverse exposure or hazard to the general public,

are subject to the provisions of Executive Order 12372 and 10 CFR Part 1005. Anyone planning to submit such applications should contact ER for further information about compliance requirements.

(f) DOE may return an application which does not include all information and documentation required by statute, this part, 10 CFR Part 600 and the notice of availability of grants, when the nature of the omission precludes review of the application.

(g) During the review of a complete application, DOE may request the submission of additional information only if the information is essential to evaluate the application.

(h) Except as provided in paragraph (c) of this section, each application for a continuation award must be submitted no later than six months before the expiration of the current budget period and must be on the same forms as required for initial applications, as appropriate.

(i) In addition to including the information described in paragraphs (b), (c), and (d) of this section, an application for a renewal award must be submitted no later than six months prior to the scheduled expiration of the project period and must be on the same forms and includes the same type of information as that required for initial applications. The renewal application must outline and justify a program and budget for the proposed period, showing in detail the estimated cost of the proposed project, together with an indication of the amount of funds needed and the amount of cost sharing, if any. The application also shall describe and explain the reasons for any change in the scope or objectives of the proposed project, and shall compare and explain any difference between the estimates in the proposed budget and actual costs experienced as of the date of the application.

(j) DOE is not required to return to the applicant an application which is not selected or funded.

§ 605.10 Application evaluation and selection

(a) Applications shall be evaluated for funding generally within 6 months but, in any event, no later than 12 months from the date of receipt by DOE. After DOE has held an application for 6 months, the applicant may, in response to DOE's request, be required to revalidate the terms of the original application.

(b) DOE staff shall perform an initial evaluation of all applications to ensure that the information required by this Part is provided, that the proposed effort is technically sound and feasible, and that the effort is consistent with program funding priorities. For applications which pass the initial evaluation, DOE shall review and evaluate each application received based on the criteria set forth below and in accordance with the ER objective Merit Review System developed as required under DOE Financial Assistance Regulations 10 CFR Part 600.

(c) DOE shall select evaluators on the basis of their professional qualifications and expertise in the field of research. Evaluators shall be required to comply with all applicable DOE rules or directives concerning the use of outside evaluators.

(d) DOE shall evaluate new and renewal applications based on the following criteria which are listed in descending order of importance:

(1) The scientific and technical merit of the research;

(2) The appropriateness of the proposed method or approach;

(3) Competency of research personnel and adequacy of proposed resources;

(4) Reasonableness and appropriateness of the proposed budget; and

(5) Other appropriate factors, established and set forth by ER in a notice of availability or in a specific solicitation.

(e) Also DOE shall consider, as part of the evaluation, other available advice or information as well as program policy factors such as ensuring an appropriate balance among the program areas listed in § 605.5(b) of this part.

(f) In addition to the evaluation criteria set forth in paragraphs (d) and (e) of this section, DOE shall consider the grantee's performance under the existing grant during the evaluation of a renewal or continuation application.

(g) Selection of applications for award will be based upon the findings of the technical evaluations, the importance and relevance of the proposed research to ER's missions, and fund availability. Cost reasonableness and realism will also be considered to the extent appropriate.

(h) After the selection of an application, DOE may, if necessary, enter into negotiations with an applicant. Such negotiations are not a commitment that DOE will make an award.

§ 605.11 Additional requirements.

(a) A grantee performing research, development, or related activities involving the use of human subjects must comply with DOE regulations in 10 CFR Part 745 "Protection of Human Subjects" and any additional provisions which may be included in the Special Terms and Conditions of the grant.

(b) A grantee performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules (51 FR 16958, May 7, 1986), or such later revision of those guidelines as may be published in the **Federal Register**.

(c) Any grantee performing research on warm-blooded animals shall comply with the Federal Laboratory Animal Welfare Act of 1966, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary of Agriculture at 9 CFR Chapter I, Subchapter A, pertaining to the care, handling, and treatment of warm blooded animals held or used for research, teaching, or other activities supported by Federal awards. The grantee shall comply with the guidelines described in DHHS Publication No. [NIH] 86–23, "Guide for the Care and Use of Laboratory Animals" or succeeding revised editions. (This guide is available from the Office for Protection from Research Risks, Office of the Director, National Institutes of Health, Building 31, Room 4B09, Bethesda, Maryland 20205).

§ 605.12 Funding.

(a) The project period during which DOE expects to provide grant support for an approved project under this Part shall generally not exceed three years and may exceed five years only if DOE makes a renewal award or otherwise extends the grant award. The project period shall be specified on the Notice of Financial Assistance Award (DOE Form 4600.1).

(b) Each budget period for a grant under this part shall generally be 12 months and may be 24 months if determined appropriate by ER programs.

§ 605.13 Cost sharing.

Cost sharing is not required nor will it be considered as a criterion in the evaluation and selection process unless otherwise provided under § 605.10(d)(5) of this part.

§ 605.14 Limitation of DOE Liability.

Grants awarded under this part are subject to the requirement that the maximum DOE obligation to the recipient is the amount shown in the Notice of Financial Assistance Award as the amount of DOE funds obligated. DOE shall not be obligated to make any additional, supplemental, continuation,

renewal or other award for the same or any other purpose.

§ 605.15 Fee.

(a) Notwithstanding 10 CFR 600.103(h), a fee may be paid under this part, in appropriate circumstances, to a grantee which is a small business concern as qualified under the criteria and size standards of 13 CFR Part 121 in order to permit the concern to participate in the Special Research Grant Program. Whether or not it is appropriate to pay a fee shall be determined by the Contracting Officer who shall, at a minimum, apply the following guidelines:

(1) Whether the acceptance of the grant will displace other work the small business is currently engaged in or committed to assume in the near future; or

(2) Whether the acceptance of the grant will, in the absence of paying a fee, cause substantial financial distress to the business.

In evaluating financial distress, the Contracting Officer shall balance current displacement against reasonable future benefit to the company. (If the award will result in the beneficial expansion of the existing business base of the company, then no fee would generally be appropriate). Fees shall not be paid to other entities except as a deviation from 10 CFR 600.103(h) pursuant to 10 CFR 600.4, nor shall fees be paid under grants in support of conferences.

(b) To request a fee, a small business concern shall submit with its application a written self certification that it is a small business concern qualified under the criteria and size standards in 13 CFR Part 121. In addition, the application must state the amount of fee requested for the entire project period and the basis for requesting that amount, and must also state why payment of fee by DOE would be appropriate.

(c) If DOE determines that payment of a fee is appropriate under paragraph (a) of this section, the amount of fee shall be that determined to be reasonable by the Contracting Officer. The Contracting Officer shall, at a minimum, apply the following guidelines in determining the fee amount:

(1) The grant fee base shall include the estimated allowable cost of direct salaries and wages and allocable fringe benefits. This fee base shall exclude all other direct and indirect costs.

(2) The grant fee amount expressed as a percentage of the appropriate fee base pursuant to paragraph (c)(1) of this section, shall not exceed the percentage rate of fee that would result if a Federal agency contracted for the same amount of salaries, wages, and allocable fringe benefits under a cost reimbursement contract.

(3) Grant fee amounts, determined pursuant to paragraphs (c)(1) and (c)(2) of this section, shall be appropriately reduced when:

(i) Advance payments are provided; and/or

(ii) Title to property acquired with DOE grant funds vests in the grantee (10 CFR 600.117).

(d) Notwithstanding 10 CFR 600.112, any fee awarded shall be a fixed fee and shall be payable on an annual basis in proportion to the work completed, as determined by the Contracting Officer, upon satisfactory submission and acceptance by DOE of the annual technical progress report. If the project period is shortened due to termination, or the project period is not fully funded, the fee shall be reduced by an appropriate amount.

§§ 605.16–605.17 [Reserved]

§ 605.18 National Security.

Activities under a Special Research Grant shall not involve classified information (i.e., Restricted Data, formerly Restricted Data, National Security Information). However, if in the opinion of the grantee or DOE such involvement becomes expected prior to the closeout of the grant, the grantee or DOE shall notify the other in writing immediately. If the grantee believes any information developed or acquired may be classified, the grantee shall not provide the potentially classifiable information to anyone, including the DOE officials with whom the grantee normally communicates, except the Director of Classification, and shall protect such information as if it were classified until notified by DOE that a determination has been made that it does not require such handling. Correspondence which includes the specific information in question shall be sent by registered mail to U.S. Department of Energy, Attn: Director of Classification, DP–32, Washington, DC 20545. If the information is determined to be classified the grantee may wish to discontinue the project in which case the grantee and DOE shall terminate the grant by mutual agreement. If the grant is to be terminated, all material deemed by DOE to be classified shall be forwarded to DOE, in a manner specified by DOE, for proper disposition. If the grantee and DOE wish to continue the grant, even though classified information is involved, the grantee shall be required to obtain both personnel and facility security clearances through the Office of Safeguards and Security for Headquarters awarded grants, or from the cognizant field office Division of Safeguards and Security for grants obtained through DOE field organizations. Costs associated with handling and protecting any such classified information shall be negotiated at the time that the determination to proceed is made.

§ 605.19 Reports.

(a) A grantee shall periodically report to DOE on the grantee's progress in meeting the project objectives of the grant award. The following types of reports shall be used:

(1) *Performance reports.* Performance reports shall include:

(i) A description of the research carried out during the reporting period including a comparison of the grantee's accomplishments with the objectives established for that reporting period.

(ii) If applicable, reasons why established objectives were not met;

(iii) Where there are significant deviations from the estimates in the budget, the rationale for increases or decreases in the time expended on the project by the principal investigator or other researchers; and

(iv) Other pertinent information, including, when appropriate, reports of travel, both foreign and domestic, analysis and explanation of cost overruns (underruns) or high (low) unit costs. Annual performance reports shall be submitted with any renewal or continuation application if there is one; if not, they shall be submitted within 90 days after the end of the budget period covered by the report. For budget periods exceeding twelve months, a performance report is also required 90 days after the first 12 months of the budget period unless waived by the Contracting Officer. If a report is part of a continuation or renewal application it shall be bound separately.

(2) *Notice of Energy R&D Project.* A Notice of Energy R&D Project, DOE Form 538, which summarizes the purpose and scope of the project, must be submitted in accordance with the Distribution and Schedule of Documents set forth at the end of this section. Copies of the form may be obtained from the Contracting Officer.

(3) *Special Reports.* The grantee shall report the following events to DOE as soon after they occur as possible: (i) Problems, delays, or adverse conditions which will materially affect the ability to attain project objectives, or prevent the meeting of time schedules ands goals. The report must describe the remedial action the grantee has taken or

plans to take and any action DOE should take to alleviate the problems. (ii) Favorable developments or events which enable meeting time schedules and goals sooner or at less cost than anticipated or producing more beneficial results than originally projected.

(4) *Final Report.* A final report summarizing the entire investigation must be submitted by the grantee within 90 days after the project period ends or the grant is terminated. Satisfactory completion of a grant will be contingent upon the receipt of this report. The final report shall follow the outline agreed upon for the performance reports, if any, or when a project has been renewed, the final report may refer to previously submitted performance report for details and may be a synopsis of the entire project. Manuscripts prepared for publication should be appended.

(5) *Financial Status Report* (FSR) (OMB No. 0348–0039). The FSR is required within 90 days after completion of each budget period; for budget periods exceeding 12 months, an FSR is also required within 90 days after this first 12 months unless waived by the Contracting Officer.

(b) DOE may extend the deadline date for any report if the grantee submits a written request before the deadline which adequately justifies an extension.

(c) A table summarizing the various types of reports, time for submission, number of copies is set forth below. The schedule of reports shall be as prescribed in this table, unless the award document specifies otherwise. These reports shall be submitted by the grantee to the awarding office.

(d) *DOE review of grantee performance.* DOE or its authorized representatives may make site visits, at any reasonable time, to review the project. DOE may provide such technical assistance as may be requested.

(e) *Subrecipient performance reporting.* Grantees may place performance reporting requirements on a subrecipient consistent with the provisions of this section.

§ 605.20 Dissemination of results.

(a) Grantees are encouraged to disseminate research results promptly to the scientific community. DOE reserves the right to utilize, and have others utilize, to the extent it deems appropriate, the reports resulting from research grants.

(b) DOE may waive the technical reporting requirement of any performance report set forth in § 605.19(a) of this part, if the grantee submits to DOE a copy of its own report which is published or accepted for publication in a recognized scientific or technical journal and which satisfies the information requirements of the program.

(c) Grantees are urged to publish results through normal publication channels in accordance with the applicable provisions of 10 CFR 600.33.

(d) The Article shall include an acknowledgement that the research was supported, in whole or in part, by a DOE grant, and specify the grant number, but state that such support does not constitute an endorsement by DOE of the views expressed in the article.

DISTRIBUTION AND SCHEDULE OF DOCUMENTS

Type	When due	Numer of copies for awarding office
1. Summary: 200 words on scope and purpose (Notice of Energy R&D Project).	Immediately after a grant is initially awarded and with each application for renewal.	3
2. Renewal or continuation application	6 months before the budget period ends	8
3. Annual Technical Progress Report	With renewal or continuation application, if any; otherwise within 90 days after the end of each budget period. For budget periods exceeding 12-months, a report is also required 90 days after the first 12 month period.	8
4. Other progress reports, brief topical reports, etc. (Desired when significant results develop or when work has direct programmatic impact).	As deemed appropriate by the grantee	3
5. Reprints, Conference papers	Same as 4. above	3
6. Final report	Within 90 days after completion or termination of the project	3
7. Financial Status Report	Within 90 days after completion of the project period; for budget periods exceeding 12 months an FSR is also required within 90 days after the first 12-month period.	3

NOTE: Report types 3, 4, 5, and 6 require with submission two copies of DOE Form 1332.16, University-Type Contractor and Grantee Recommenations for Disposition of Scientific and Technical Document.

Appendix A to Part 605

The Office of Basic Energy Science

This program supports basic science research efforts in a variety of disciplines to broaden the energy supply and technology base of knowledge. The major science divisions and their objectives are as follows:

(i) Energy Biosciences

The primary objective of this program is to generate a base of understanding of fundamental biological mechanisms in the areas of botanical and microbiological sciences. This work serves as the underpinning for DOE's efforts in biomass production of fuels and chemicals, microbial conversions of biomass, and biological systems for the conservation of energy.

(ii) Chemical Sciences

This program has as its primary objectives: increased understanding of basic chemical or physical phenomena which are likely to be important to existing or future technological concepts for production or conversion of energy; discovery of new phenomena bearing on chemical or physical aspects of energy processes; elucidation of fundamentally new general techniques for separation of energy-related mixtures or for the chemical analysis of energy-related substances. Also included is a study of the basic chemical and physical properties of the actinide elements and their compounds. This program supports the operation of the Standard Synchrotron Radiation Laboratory and the production of a broad variety of isotopically enriched research materials.

(iii) Carbon Dioxide Research

This program's goal is to develop a sound, quantitative atmospheric carbon dioxide knowledge base to aid in energy policy decision making. This goal involves the following objectives: improve knowledge of the carbon cycle; improve estimates of future atmospheric carbon dioxide; improve understanding of the effects of atmospheric carbon dioxide on climate; improve understanding of the direct carbon dioxide effects on productivity of nature and agricultural systems; develop and verify methods for the detection of climate change due to increasing atmospheric carbon dioxide; identify, define and quantify indirect effects; and define possible options for mitigating long-term consequences of a higher CO_2 atmosphere.

(iv) Geosciences

The goal of this program is to develop a quantitative, predictive understanding of the energy-related aspects of geological, geophysical and geochemical processes within the earth and in the solar-terrestrial interface. This understanding and knowledge base is needed to provide for long-range requirements of U.S. efforts in energy resources recognition, evaluation, utilization, and their long-term environmental implications. The program is stressing fundamental research related to discovery and recovery of domestic oil and gas resources.

(v) Engineering Research

This program's objectives are: (1) to extend the body of knowledge underlying current engineering practice in order to open new ways for enhancing energy savings and production, prolonging useful equipment life, and reducing costs while maintaining output and performance quality; and (2) to broaden the technical and conceptual base for solving future engineering problems in the energy technologies.

(vi) Materials Sciences

The objective of this program is to increase our understanding of phenomena and properties important to materials behavior which will contribute to meeting the needs of present and future energy technologies. It is comprised of the subfields metallurgy, ceramics, solid state physics, materials chemistry, and related disciplines where the emphasis is on the science of materials.

(vii) Advanced Energy Projects

The objective of this program is to support exploratory research on novel concepts related to energy. The concepts may be in any field related to energy. The research is usually aimed at establishing the scientific feasibility of a concept and, where appropriate, also at estimating its economic viability.

Office of High Energy and Nuclear Physics

This program supports 90% of the U.S. effort in high energy and nuclear physics. The objective of these programs are indicated below.

(i) Nuclear Physics (Including Nuclear Data Program)

The primary objectives of this program are an understanding of the interactions and structures of atomic nuclei and nuclear matter at the most elementary level possible, and an understanding of the fundamental forces of nature as manifested in nuclear matter.

(ii) High Energy Physics (Including Supercollider Activities)

The primary objectives of this program are to understand the nature and relationships among the fundamental forces of nature and to understand the ultimate structure of matter in terms of the properties and interrelations of its basic constituents.

Office of Health and Environmental Research

The goals of this research program are as follows:

Provide, through basic and applied research, the scientific information required to identify, understand and anticipate the long-term health and environmental consequences of energy use and development.

Utilize the Department's unique resources to solve major scientific problems in medicine and biology.

The goals of the program are accomplished through the effort of its divisions, which are:

(i) Physical and Technological Research

The objectives of this subprogram are to develop new concepts and techniques for detecting and measuring hazardous physical and chemical agents related to energy production; characterize the atmospheric transport and chemical transformations of radionuclides and energy-related chemical effluents in order to define pathways to human exposure; determine the physical and chemical mechanisms of radiation action in biological systems; and develop new instrumentation and technology for biological and biomedical research.

(ii) Ecological Research

The objectives of this subprogram are to identify the physical, chemical, and biological processes that cycle nutrients and energy-related materials through terrestrial and aquatic ecosystems, including the coastal oceans; and to determine the resiliency of ecosystems to natural and energy-related stresses. Fundamental research in hydrological transport, mobility, and degradation of energy substances at shallow depth will continue to receive increased attention.

(iii) Health Effects Research

The objectives of this subprogram are to develop information in experimental biological systems for estimating or predicting risks of carcinogenesis, mutagenesis, and delayed toxiocological effects associated with human exposures to energy-related radiations and chemicals; to define mechanisms involved in the induction of biological damage following exposure to low levels of energy-related agents; to support fundamental research on biomolecular structure, gene structure, functions and control, genetic damage and repair, and cell transformation and to create new tools and resources for characterizing the molecular nature of the human genome.

Increased emphasis will be placed on developing technologies and resources for characterization of the human genome and the utilization of unique resources for the determination of biological structure.

(iv) Human Health and Assessments

The goals of this subprogram fall into two broad categories, human health and nuclear medicine.

The objectives of the human health component are to ascertain by epidemiologic and dosimetric methods the potential spectrum of risks to human health related to energy generation and usage, operation of DOE facilities, and nuclear medicine procedures, and to detect and measure significant health effects in humans exposed to naturally occurring radiation, primarily radon and its daughter products, and energy-related chemicals. Increased emphasis in the future will be on the use of biochemical, genetic, and molecular endpoints.

The nuclear medicine component is aimed at enhancing the beneficial applications of radiation, radionuclides, and stable isotopes in the diagnosis, study, and treatment of human diseases. This includes the development of new techniques for stable and radioactive isotope production, labeled pharmaceuticals, imaging devices, and radiation beam applications for the improved diagnosis and therapy of human diseases or the study of human physiological processes. Increased emphasis for the future will be on the development of new isotopes and radiopharmaceuticals for studies of human nutrition, cardiac function, neurological disorders, and disease control.

Office of Fusion Energy

The magnetic fusion energy program is an applied research and development program whose goal is to develop the scientific and technological information required to design and construct magnetic fusion energy systems. This goal is pursued by three divisions, whose major functions are as listed below.

(i) Applied Plasma Physics

This Division seeks to develop that body of physics knowledge which permits advancement of the fusion program on a sound basis. APP research programs provide: (1) The theoretical understanding of fusion plasmas necessary for interpreting results from present experiments, and the planning and design of future confinement devices; (2) the data on plasma properties, atomic physics and new diagnostic techniques for operational support of confinement experiments; and (3) critical tests and evaluation of promising alternate fusion concepts that may lead to more economic fusion reactor systems.

(ii) Confinement Systems

This Division has as its primary objective the conduct of research efforts to investigate and resolve basic physics issues associated with medium- to large-scale confinement devices. These devices are used to experimentally explore the limits of specific confinement concepts as well as to study associated physical phenomena. Specific areas of interest include: The production of increased plasma densities and temperatures, the understanding of the physical laws governing plasma energy transport and confinement scaling, equilibrium and stability of high plasma pressure, the investigation of plasma interaction with radio-frequency waves, and the study and control of particle transport in the plasma.

(iii) Development and Technology

This Division supports the research and development of the technology necessary for the fabrication and operation of present and

future plasma and fusion devices. The program also pursues R&D and system studies pertaining to critical feasibility issues of fusion technology and development.

Field Operations Management

This Office administers special purpose support programs that cut across DOE program areas and in conjunction with this activity related conferences and research and training initiatives are funded to further these areas of interest.

(i) Nuclear Engineering Research

The objective of this program is to support research efforts aimed at strengthening university-based nuclear engineering programs. Specific areas of basic and applied research of interest include: (1) Material behavior in a radiation environment typical of advanced nuclear power plants; (2) real-time instrumentation that identifies and applies innovative measurement technologies in nuclear-related fields; (3) advanced nuclear reactor concepts; (4) applied nuclear sciences that address improvements in the applications of radiation and the understanding of the interaction of radiation with matter; (5) engineering science research applicable to advanced nuclear reactor concepts, industry safety and reliability concerns; (6) neutronics that address improvements in reactor computational methodologies and knowledge of the basic fission processes; and (7) nuclear thermal hydraulics that address improvements of models and analysis of thermal hydraulic behavior in an advanced nuclear reactor system.

Scientific Computing Staff

The goal of this program is to advance the understanding of the fundamental concepts of mathematics, statistics, and computer science underlying the complex mathematical models of the key physical processes involved in the research and development programs in DOE. Broad emphasis is given in three major categories: analytical and numerical methods, information analysis techniques, and advanced computer concepts.

[FR Doc. 89-12917 Filed 5-30-89; 8:45 am]
BILLING CODE 0450-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-89-31]

Special Local Regulations for Marine Events; Independence Day Celebration, Marcus Hook, PA

AGENCY: Coast Guard, DOT.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Coast Guard is proposing special local regulations for the Independence Day Celebration to be held on the Delaware River, adjacent to Marcus Hook, Pennsylvania, from 9:00 p.m. to 10:15 p.m. on July 3, 1989. The effect of these regulations will be to restrict general navigation in the regulated area for the safety of spectators and participants. These regulations are needed to provide for the safety of life and property on the navigable waters during the event.

DATE: Comments must be received on or before June 20, 1989.

ADDRESSES: Comments should be mailed or hand carried to Commander (bb), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004. The comments will be available for inspection and copying at Room 209 of this address. Normal office hours are between 8:00 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Billy J. Stephenson, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 05-89-31) and the specific section of the proposal to which their comments apply. Reasons should be given for each comment. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on the proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process. The receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed.

Drafting Information

The drafters of this notice are Mr. Billy J. Stephenson, project officer, Chief, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Commander Robin K. Kutz, project attorney, Fifth Coast Guard District. Legal Staff.

Discussion of Proposed Regulations

The Borough of Marcus Hook, Marcus Hook, Pennsylvania, is sponsoring this celebration, which will consist of a fireworks display launched from a barge moored to the U. S. Army Corps of Engineers Pier, Delaware River, Marcus Hook, Pennsylvania. These regulations will close the Delaware River in the vicinity of the launching area during the fireworks display. Although the waterway will be closed for approximately three hours, commercial traffic should not be severely disrupted.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Because closure of the waterway is not anticipated for any extended period, commercial marine traffic will be inconvenienced only slightly. The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

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

Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction (COMDTINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in the rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend Part 100 of Title 33, Code of Federal Regulations as follows:

PART 100—[AMENDED]

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 § 100.35-0531 is added to read as follows:

§ 100.35–0531 Delaware River, Marcus Hook, Pennsylvania.

(a) *Definitions*—(1) *Regulated area.* The waters of the Delaware River from shore to shore, bounded on the southwest by a line drawn from the northeast corner of the U.S. Army Corps of Engineers Pier, Marcus Hook, Pennsylvania, at latitude 39°48′26.0″ North, longitude 75°25′06.0″ West, to the New Jersey shoreline, at latitude 39°47′41.0″ North, longitude 75°24′25.5″ West, and to the northeast by a line drawn from the Pennsylvania shoreline, at latitude 39°49′14.0″ North, longitude 75°23′49.0″ West, to the New Jersey shoreline, at latitude 39°48′19.0″ North, longitude 75°23′04.0″ West.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Group Philadelphia.

(b) *Special local regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately upon being directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant, or petty officer.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a)(1) of these regulations but may not block a navigable channel.

(c) *Effective date.* These regulations are effective from 8:00 p.m. to 11:00 p.m. on July 3, 1989.

Dated: May 18, 1989.

A. D. Breed,

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

[FR Doc. 89–12823 Filed 5–30–89; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3578–2]

Approval and Promulgation of Implementation Plans; Minnesota

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Extension of public comment period.

SUMMARY: On March 2, 1989 (54 FR 8762), the USEPA proposed to disapprove a revision to the Minnesota particulate matter State Implementation Plan (SIP). This proposed revision includes a rule and appendices by which the State of Minnesota will issue equivalent visable emission limits (EVEL) to emission sources. At the time of the proposed rulemaking, a 30-day comment period was provided. Minnesota Pollution Control Agency (MPCA) and Northern States Power Company requested an extension of the public comment period for an additional 60 days to June 3, 1989. The USEPA therefore grants to MPCA and Northern States Power Company the 60 day extension of the public comment period.

In Minnesota's request for extension of the public comment period, Minnesota stated that USEPA used obsolete citations for both State and Federal rules. USEPA specifically solicits public comment from the State of Minnesota and others as to the citations they believe the USEPA should have used.

DATE: Comments must be postmarked on or before June 3, 1989.

ADDRESSES: If possible, please send an original and three copies of all comments. Comments should be submitted to: Gary Gulezian, Regulatory Analysis Section (5AR–26), Air and Radiation Branch, Region V, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Anne E. Tenner, Air and Radiation Branch (5AR–26), U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 353–3849.

Authority: 42 U.S.C. 401–7642.

Dated: May 18, 1989.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 89–12913 Filed 5–30–89; 8:45 am]

BILLING CODE 6560–50–M

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40 CFR Part 721

[OPTS–50572; FRL–3578–7]

1,3-Benzenediamine, 4-(1,1-Dimethylethyl)-ar-methyl; Proposed Determination of Significant New Uses

AGENCY: Environment Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the chemical substance: 1,3-Benzenediamine, 4-(1,1-dimethylethyl)-*ar*-methyl, which was the subject of premanufacture notice (PMN) P–85–929 and a TSCA section 5(e) consent order issued by EPA. EPA believes that this substance may be hazardous to human health and that the uses described in this proposed rule may result in significant human exposure. As a result of this proposed rule, certain persons who intend to manufacture, import, or process this substance for a significant new use would be required to notify EPA at least 90 days before commencing that activity. The required notice would provide EPA with the opportunity to evaluate the intended uses and, if necessary, prohibit or limit those activities before they occur.

DATE: Written comments should be submitted by July 31, 1989.

ADDRESS: Since some comments are expected to contain confidential business information (CBI), all comments should be sent in triplicate to: Document Processing Center (TS–790), Office of Toxic Substances, Environmental Protection Agency, Room L–100, 401 M Street SW., Washington, DC 20460.

Comments should include the docket control number OPTS–50572. Nonconfidential versions of comments received on this proposal will be available for reviewing and copying from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays, in Room NE–G004 at the address given above. For further information regarding the submission of comments containing CBI, see Unit XII of this preamble.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, Room EB–44, 401 M Street SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: This proposed rule describes significant new uses and recordkeeping requirements for certain persons who intend to manufacture, import, or process the chemical substance: 1,3-benzenediamine, 4-(1,1-dimethylethyl)-*ar*-methyl, which was the subject of premanufacture notice (PMN) P–85–929 and a TSCA section 5(e) consent order issued by EPA. EPA believes that this substance may be hazardous to human health and that the uses described in this proposed rule may result in significant human exposure. A requirement to notify EPA at least 90 days before commencing significant new uses would provide EPA with the opportunity to evaluate the intended uses and, if necessary, prohibit or limit those activities before they occur.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use.

Persons subject to the final SNUR would comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h) (1), (2), (3), and (5) and the regulations at 40 CFR Part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities on which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR Part 707.

II. Applicability of General Provisions

In the **Federal Register** of September 5, 1984 (49 FR 35011), EPA promulgated general regulatory provisions applicable to SNURs (40 CFR Part 721, Subpart A). In the **Federal Register** of July 27, 1988 (53 FR 28354), EPA promulgated amendments to the general provisions. The general provisions are discussed in the two documents in detail, and interested persons should refer to those documents for further information. EPA is proposing that these general provisions apply to this SNUR, except as discussed in this preamble and as set forth in proposed § 721.562.

III. Summary of this Proposed Rule

The chemical substance which is the subject of this proposed SNUR was the subject of PMN P-85-929. It is identified as 1,3-Benzenediamine, 4-(1,1-dimethylethyl)-*ar*-methyl, and will be listed as such on the TSCA Inventory when a Notice of Commencement of Manufacture is received by EPA from the submitter of P-85-929. EPA is proposing to designate the following as significant new uses of the substance: Use other than as a chain extender for reaction injection molding polyurethane elastomers; disposal other than by incineration or landfill; any manner or method of manufacture, import, or processing without establishing a program whereby: (1) Persons who may be exposed dermally to the substance wear gloves, eye protection, and protective clothing, and persons who may be exposed by inhalation during manufacture war a National Institute for Occupational Safety and Health approved, category 19C air-supplied respirator; (2) potentially exposed individuals are informed of the possible hazards and required protective equipment; and (3) containers of the substance which may be distributed in commerce are labeled; (4) the PMN substance is disposed of by incineration or landfill; and (5) exceedance of a specified production limit prior to completion of certain tests.

IV. Background

On May 8, 1985, EPA received a PMN which EPA designated as P-85-929. EPA announced receipt of the PMN in the **Federal Register** of May 17, 1985 (50 FR 20596). The PMN submitter intends to manufacture the substance for use as a chain extender.

The PMN submitter claimed the following as CBI: production volume, use information, process information, and portions of a mixture. Under section 14(a)(4) of TSCA, EPA may disclose CBI relevant to any proceeding. "[D]isclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding." EPA is not convinced that this rulemaking will be so impaired by these confidentiality claims as to justify disclosure of CBI. Therefore, EPA has decided not to disclose any of the CBI at this time. EPA specifically requests comment on this approach for this SNUR rulemaking. For purposes of clarity, the substance will be referred to by its specific name and PMN number.

Based upon results obtained from bioassays on structurally similar substances, 2,4-diaminotoluene and 2,6-diaminotoluene, EPA believes P-85-929 may cause cancer and chronic organ and systemic effects. A detailed discussion of these conclusions appears in the toxicity support document available in the public record for this rulemaking (See Unit XIII). During review of the PMN, EPA concluded that the uncontrolled manufacture, import, processing, distribution in commerce, use, and disposal of the substance may present an unreasonable risk of injury to human health. Therefore, EPA regulated the substance under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health effects.

EPA concluded that the use of appropriate protective equipment will significantly reduce exposure and potential risks to human health. A section 5(e) consent order requiring the use of appropriate controls was negotiated with the PMN submitter. The order became effective February 20, 1988. The terms of the proposed SNUR are approximately the same as those of the consent order.

By issuing a section 5(e) consent order that allows controlled commercial production of the substance, EPA has taken a regulatory approach which is appreciably less burdensome than an order prohibiting manufacture of the substance until additional data are submitted. At the same time, the section 5(e) consent order protects human health by requiring precautionary controls pending the development of the data needed for a reasoned evaluation of the risks associated with the substance.

Section 5(e) orders apply only to the PMN submitter. When the PMN submitter commences commercial manufacture of the substance and submits a Notice of Commencement of Manufacture to EPA, EPA will add the substance to the TSCA Chemical Substance Inventory maintained pursuant to section 8(b) of TSCA. When a substance is listed on the Inventory, it is no longer a "new chemical substance" for which a PMN would be required under section 5(a)(1)(A). Thus, other persons may manufacture, import, or process the substance without controls. Therefore, EPA is proposing to designate the uses set forth in proposed § 721.562(a)(2) as significant new uses so that EPA can review these uses before they occur.

Through a SNUR, EPA would ensure that all manufacturers, importers, and processors are subject to similar reporting requirements. In addition, a SNUR would afford EPA the opportunity to review exposure and toxicity information on the substance before a significant new use occurs and, if necessary, take action to ensure that persons will not be exposed to levels of the substance that are potentially hazardous.

V. Determination of Proposed Significant New Uses

To determine what would constitute significant new uses of P-85-929, EPA

considered relevant information about the toxicity of the substance, likely exposures associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. Based on these considerations, EPA proposes to designate the significant new uses of P-85-929, as set forth in proposed § 721.562(a)(2).

EPA has already determined in the section 5(e) order that unrestricted manufacture, import, processing, distribution in commerce, use, and disposal of the substance may present an unreasonable risk of injury to human health. While such a finding is not necessary to promulgate a SNUR, it strongly supports a determination that the uses of the substance designated in this proposed rule would be significant new uses of the substance.

VI. Recordkeeping

To ensure compliance with this proposed rule and to assist enforcement efforts, EPA is proposing, under its authority in sections 5 and 8(a) of TSCA, that in addition to meeting the requirements in § 721.17, the following records be maintained for 5 years after the date of their creation by persons who manufacture, import, or process P-85-929.

1. Any determination that gloves are impervious to the substance.
2. Names of persons who have attended safety meetings in accordance with proposed § 721.562(a)(2)(iii)(C), the dates of such meetings, and copies of any written information provided.
3. Copies of any Material Safety Data Sheets used.
4. Names and addresses of all persons to whom the substance is sold or transferred, including shipment destination address if different, the date of each transfer, and the quantity of substance sold or transferred on such date.
5. Copies of any labels used.
6. Any names used for the substance and the corresponding dates of use.
7. Quantities of the substance manufactured or imported, with the corresponding dates of manufacture or import.
8. Quantities of the substance purchased by processors of the substance, names and addresses of suppliers, and corresponding dates of purchase.
9. Information on disposal of the substance, including dates waste material is disposed of, location of disposal sites, volume of disposed solid material, estimated volume of any disposed liquid wastes containing the substances, and method of disposal.

These recordkeeping requirements would apply to all manufacturers, importers, and processors, including small manufacturers, importers, and processors, because the small business exemption of section 8(a) of TSCA is not applicable when the chemical substance which is the subject of the rule also is the subject of a section 5(e) order.

EPA considered omitting these specific recordkeeping requirements, but believes compliance monitoring for this proposed SNUR would be made more difficult without them. The basis for EPA's recordkeeping requirements has been set forth in the preambles to previously proposed SNURs. Persons interested in a complete discussion of this issue should read the proposed SNUR for P-83-370 published in the **Federal Register** of January 13, 1984 (49 FR 1753).

VII. Exemptions to Reporting Requirements

EPA has codified, in § 721.19, general exemption provisions covering SNUR reporting. On a case-by-case basis EPA may modify these provisions. However, in this case, EPA is proposing that § 721.19 apply in its entirety.

Section 721.19(g) exempts persons from SNUR reporting when they manufacture (under section 3(7) of TSCA, the term manufacture includes import) or process the substance soley for export and label the substance in accordance with section 12(a)(1)(b) of TSCA. While EPA is concerned about worker exposure during manufacture and processing of the substance for export, section 12(a) of TSCA prohibits EPA from requiring reporting of such manufacture or processing for a significant new use outside the United States. However, such persons would be required to notify EPA of such export under section 12(b) of TSCA (see § 721.17). Such notification will allow EPA to monitor manufacturing and processing activities which are not subject to significant new use reporting.

The term "manufacture solely for export" is defined in § 720.3(s) of the PMN rule. The term "process solely for export" is defined in § 721.3 of the general SNUR provisions in a similar fashion. Thus, persons would be exempt from reporting under this SNUR if they manufacture, import, or process the substance solely for export from the United States under the following restrictions: (1) there is no use of the substance in the United States except in small quantities solely for research and development; (2) processing is restricted to sites under the control of the manufacturer, importer, or processor, respectively; and (3) distribution in commerce is limited to purposes of export. If a person manfactured, imported, or processed the substance both for export and for use in the United States, the manfacturing, importing, or processing activity would not be "solely for export."

VIII. Applicability of Proposal to Uses Occurring Before Promulgation of Final Rule

When determining that a use is a significant "new" use, EPA intends that the use not be currently ongoing. In this case, the PMN submitter is prohibited by the section 5(e) order from undertaking the activities which EPA is proposing be designated as significant new uses. Furthermore, since a Notice of Commencement of Manufacture has not yet been submitted to EPA and this substance has not yet been added to the TSCA Chemical Inventory, no other person may commence such activities without first submitting a PMN to EPA. Therefore, at this time, EPA has concluded that these uses are not ongoing. However EPA recognizes that since the chemical substance identified in this proposed SNUR may have been added to the Inventory, it may be manufactured, imported, or processed by other persons for a significant new use as defined in this proposal before promulgation of the rule.

EPA believes that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the proposal date of the SNUR rather than as of the promulgation of the final rule. If uses begun during the proposal period of a SNUR were considered ongoing, any person could defeat the SNUR by initiating a proposed significant new use before the rule became final. This would make it extremely difficult for EPA to establish SNUR notice requirements.

Thus, persons who begin commercial manufacture, import, or processing of P-85-929 for a significant new use between proposal and promulgation of this proposed rule would have to cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expired.

EPA, not wishing to unnecessarily disrupt the commercial activities of persons who manufacture, import, or process for a proposed significant new use prior to promulgation of a final SNUR, has promulgated a new § 721.45(h) (July 27, 1988, 53 FR 28354) to allow for advance SNUR compliance (i.e., compliance prior to the date of promulgation).

IX. Determining When Use is Designated in the Rule

EPA is proposing a significant new use set at production volumes which have been claimed as CBI. EPA is also proposing that these production volumes remain confidential in the final rule. EPA believes it is appropriate to keep this information confidential to protect the interest of the original PMN submitter. EPA specifically requests comments on this issue.

Therefore, EPA is proposing to reveal the production volumes described in proposed § 721.555(a)(2)(iv) only to a manufacturer or importer who has shown a *bona fide* intent to manufacture or import the substance. To establish a *bona fide* intent, the person must submit the information required under § 721.11(b). EPA will make a determination as to whether the person has established a *bona fide* intent to manufacture or import the substance. If the person has established a *bona fide* intent, EPA will inform the person of the production volumes which would constitute a significant new use.

X. Test Data and Other Information

EPA recognizes that, under TSCA section 5, persons are not required to develop any particular test data before submitting a significant new use notice. Rather, persons are only required to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them.

However, in view of the potential health risks that may be posed by a significant new use of this substance, EPA suggests potential SNUR notice submitters consider conducting tests that would permit a reasoned evaluation of the potential risks posed by this substance when utilized for an intended use. EPA believes that the results of a 2-year rodent bioassay and a 90-day subchronic study would adequately characterize possible cancer and chronic health effects, respectively, of the substance. The section 5(e) consent order negotiated with the PMN submitter prohibits the submitter from exceeding a specific production volume limit without completing these studies. Under the consent order, the PMN submitter is required to submit each study at least 12 weeks before it reaches the specified production volume limit. The order contains detailed procedures for dealing with situations where the resulting data are invalid or equivocal, or show that the substance will present an unreasonable risk of injury under the exposure limitations in the order. This proposed SNUR uses the same production volume limits as the consent order; those production volume limits are defined as a significant new use.

EPA believes it is likely that the PMN submitter will conduct the 2-year rodent bioassay and 90-day subchronic study before reaching the production volume limits and before any other person who would be subject to this SNUR would reach the limits in the SNUR. Accordingly, before beginning to conduct either study a person subject to this SNUR should contact EPA to determine whether the required study has already been produced.

EPA is also considering a more detailed description of the significant new use that would incorporate some or all of the procedures reflected in the consent order for dealing with invalid or equivocal data. EPA solicits comments on such an approach.

These studies may not be the only means of addressing the potential risks. SNUR notices submitted for significant new uses without any test data may increase the likelihood that EPA will take action under section 5(e) on the PMN.

EPA encourages persons to consult with EPA before selecting a protocol for testing the substance. As part of this prenotice consultation, EPA will discuss the test data it believes necessary to evaluate a significant new use of the substance. Test data should be developed according to TSCA good laboratory practice standards at 40 CFR Part 792. Failure to do so may lead EPA to find such data to be insufficient to evaluate reasonably the health effects of the substances.

EPA urges SNUR notice submitters to provide detailed information on human exposure that will result from the significant new uses. In addition, EPA encourages persons to submit information on potential benefits of the substance and information on risks posed by the substance compared to risks posed by substitutes.

XI. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacture, import, processing, distribution in commerce, use, and/or disposal of this chemical substance. EPA's complete economic analysis is available in the public record.

XII. Confidential Business Information

Any person who submits comments which the person claims as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR Part 2. EPA requests that any person submitting confidential comments prepare and submit a sanitized version of the comments which EPA can place in the public record.

XIII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS-50572). The record includes basic information considered by EPA in developing this proposed rule. EPA will supplement the record with additional information as it is received. The record now includes the following:

1. The Premanufacture Notice (PMN).
2. The **Federal Register** notice of receipt of the PMN.
3. The section 5(e) consent order.
4. The economic analysis of the proposed rule.
5. The toxicology support document.
6. The engineering support document.
7. The exposure support document.

EPA will accept additional materials for inclusion in the record at any time between this proposal and designation of the complete record.

EPA will identify the complete rulemaking record by the date of promulgation. A public version of this record containing sanitized copies from which CBI has been deleted is available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in Rm. NE-G004, 401 M St., SW., Washington, DC.

XIV. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and, therefore, requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major rule" because it would not have an effect on the economy of $100 million or more and it would not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this proposed rule, EPA believes that the cost would be low. EPA believes that, because of the nature of the proposed rule and the substance involved, there will be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that

impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act, 5 U.S.C. 605(b), EPA has determined that this proposed rule would not have a significant impact on a substantial number of small businesses. EPA cannot determine whether parties affected by this proposed rule are likely to be small businesses. However, EPA expects to receive few SNUR notices for the substance. Therefore, EPA believes that the number of small businesses affected by this proposed rule would not be substantial even if all the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and has assigned OMB control number 2070–0012.

Public reporting burden for this collection of information is estimated to average 8 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous substances, Significant new uses.

Dated: May 19, 1989.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR Part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for Part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding a new § 721.555 to read as follows:

§ 721.555 1,3 Benzenediamine, 4–(1,1-dimethylethyl) -ar-methyl.

(a) *Chemical substance and significant new uses subject to reporting.* (1) The following chemical substance, referred to by its PMN number and chemical name, is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section: P–85–929, 1,3-Benzenediamine, 4–(1,1-dimethylethyl) -*ar*-methyl.

(2) The significant new uses are:

(i) Use other than as chain extender for reaction injection molding polyurethane elastomers.

(ii) Any method of disposal other than by landfill or incineration, each of which meets all applicable local, State, and Federal laws and regulations.

(iii) Any manner or method of manufacture, import, or processing associated with any use of the substance without establishing a program whereby:

(A) Any person who may be exposed dermally to the substance wears:

(*1*) Gloves which have been determined to be impervious to the substance under the conditions of exposure, including the duration of exposure. This determination is made either by testing the gloves under the conditions of exposure or by evaluating the specifications provided by the manufacturer of the gloves. Testing or evaluation of specifications includes consideration of permeability, penetration, and potential chemical and mechanical degradation by the substance and associated chemical substances.

(*2*) Clothing which covers any other exposed areas of the arms, legs, and torso.

(*3*) Chemical safety goggles or equivalent eye protection.

(B) Any person who may be exposed to the PMN substance through inhalation during manufacture, in addition to the dermal protective equipment described in paragraph (a)(2)(iii) (A) of this section, wears at a minimum, a National Institute for Occupational Safety and Health approved, category 19C air-supplied respirator. Use of the respirator must be according to 29 CFR 1910.1324 and 30 CFR Part 11, Subpart J. If a full-face type respirator is selected and worn, the chemical safety goggles requirement in paragraph (a)(2)(iii)(A)(*3*) of this section is waived.

(C) All persons who may be exposed to the substance are informed, in writing, and by presenting the information as part of a training program in safety meetings at which attendance is recorded, by means of the following statement:

WARNING: Avoid all contact. Chemicals similar in structure to [insert appropriate name] have been found to cause chronic organ and systemic effects and cancer in laboratory animals. To protect yourself, you must wear chemical safety goggles or equivalent eye protection, impervious gloves, and protective clothing while handling this material.

(D) All persons that receive the PMN substance are notified by means of a Material Safety Data Sheet ("MSDS") which includes, at a minimum, the language specified in paragraph (a)(2)(iii)(C) of this section, and specifies the requirements for protective equipment in paragraph (a)(2)(iii) (A) and (B) of this section.

(E) Each container of the substance distributed in commerce has affixed to it a label which includes a Warning Statement which consists, at a minimum, of the language specified in paragraph (a)(2)(iii)(C) of this section. The first word of the Warning Statement is capitalized, and the type size of the first word is no smaller than 6-point type for a label 5 square inches or less in area, 10-point type for a label above 5 but no greater than 10 square inches in area, 12-point type for a label above 10 but no greater than 15 square inches in area, 14-point type for a label above 15 but no greater than 30 square inches in area, or 18-point type for a label over 30 square inches in area. The type size of the remainder of the Warning Statement is no smaller than 6-point type. All required label text is of sufficient prominence, and is placed with such conspicuousness relative to other label text and graphic material, to ensure that the Warning Satement is read and understood by the ordinary individual under customary conditions of purchase and use.

(iv) Manufacturing and importing the substance for any use at greater than the aggregate volume allowed under the Consent Order issued for

Premanufacture Notice P-85-929, unless the toxicity testing required under that Order has been completed in accordance with the terms of that order.

(b) *Specific requirements.* The provisions of Subpart A of this Part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* In addition to the requirements of § 721.17, manufacturers, importers, and processors must maintain the following records for 5 years from their creation:

(i) Any determination that gloves are impervious to the substance.

(ii) Names of persons who have attended safety meetings in accordance with paragraph (a)(2)(iii)(C) of this section, the dates of such meetings, and copies of any written information provided in accordance with paragraph (a)(2)(iii)(C) of this section.

(iii) Copies of any Material Safety Data Sheets used.

(iv) Names and address of all persons to whom the substance is sold or transferred including shipment destination address if different, the date of each transfer, and the quantity of substance sold or transferred on such date.

(v) Copies of any labels used.

(vi) Any names used for the substance and the corresponding dates of use.

(vii) Quantities of the substance manufactured or imported, with the corresponding dates of manufacture or import.

(viii) Quantities of the substance purchased by processors of the substance, names and addresses of suppliers and corresponding dates of purchases.

(ix) Information on disposal of the substance, including dates waste material is disposed of, location of disposal sites, volume of disposed solid material, estimated volume of any disposed liquid wastes containing the substance, and method of disposal.

(2) [Reserved]

(Approved by the Office of Management and Budget under OMB control number 2070-0012)

[FR Doc. 89-12911 Filed 5-30-89; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 18

Marine Mammals; Native Exemptions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period.

SUMMARY: In the November 14, 1988, **Federal Register** (53 FR 45788) the Fish and Wildlife Service (Service) proposed to amend the regulations in 50 CFR Part 18 implementing the Marine Mammal Protection Act of 1972 (the Act), 16 U.S.C. 1361-1407. The proposed rule would prohibit the taking of sea otters by Alaskan Natives for use in creating and selling authentic Native articles of handicrafts and clothing under the Native Exemptions section of the Act, 16 U.S.C. 1371(b). In the February 15, 1989, **Federal Register** (54 FR 6940), the Service extended the comment period on the proposed rule to April 13, 1989. The Service gives notice that the comment period will be further extended through November 30, 1989, to allow time for public meetings to be conducted in selected coastal Alaska locations within the range of the sea otter. The Service will also hold a public meeting in California. Meetings will be held starting in October 1989. The exact schedule and location of all public meetings will be announced in a subsequent **Federal Register** Notice well in advance of the meetings. This additional extension of the comment period and the plan to have public meetings is in response to requests from Native organizations, individuals, and conservation organizations.

DATES: Comments on the proposed rule will be accepted through November 30, 1989.

ADDRESSES: Comments and materials concerning the proposed rule may be sent to the Regional Director, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska, 99503, or delivered in person to the U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska. Comments and materials received in response to the proposed rule will be available for public inspection at the above address during normal working hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Jon R. Nickles, Supervisor, Marine Mammals Management, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska, 99503, telephone (907) 786-3492.

Dated: May 22, 1989.

Steve Robinson,

Deputy Director, U.S. Fish and Wildlife Service, Department of the Interior.

[FR Doc. 89-12898 Filed 5-30-89; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 215

[Docket No. 90411-9111]

Subsistence Taking of North Pacific Fur Seals

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Proposed notice and request for public comment.

SUMMARY: Regulations on subsistence taking of North Pacific fur seals require the National Marine Fisheries Service (NOAA Fisheries) to publish and request comments on a summary of the previous year's fur seal harvest data and a discussion of the number of seals expected to be taken in the current year to meet the subsistence needs of the Aleut residents of the Pribilof Islands. This notice summarizes the 1988 harvest and estimates the number of seals which may be taken in 1989. Following a 30-day public comment period, a final notice of the expected harvest levels will be published before the start of the harvest season on June 30.

DATE: Comments must be submitted on or before June 30, 1989.

ADDRESS: Comment should be addressed to Dr. Nancy Foster, Director, Office of Protected Resources and Habitat Programs (F/PR), NOAA Fisheries, 1335 East-West Hwy., Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Steven Zimmerman, 907-586-7233 or Georgia Cranmore, 301-427-2289.

SUPPLEMENTARY INFORMATION:

I. Background

The subsistence harvest of North Pacific fur seals (*Callorhinus ursinus*) on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR Part 215 Subpart D—Taking for Subsistence Purposes. These regulations were published under the authority of the Fur Seal Act, 16 U.S.C. 1151 *et seq.*, and the Marine Mammal Protection Act, 16 U.S.C. 1361 *et seq.* (see 51 FR 24828, July 9, 1986). The purpose of these regulations is to limit the take of fur seals to a level providing for the legitimate subsistence needs of the Pribilovians using humane harvesting methods, and to restrict taking by sex, age, and season for herd management purposes. As requried by 50 CFR 215.32(b), this notice summarizes the 1988 harvest and estimates the number

of seals that may be needed for subsistence in 1989. The traditional subsistence use of fur seals on the Pribilof Islands is discussed in Veltre and Veltre (1981).

II. Summary of the 1988 Harvest

1. Duration of the Harvest and Number of Seals Taken

(a) St. Paul Island

The fur seal harvest season opened on June 30, 1988, but fur seals were first taken on St. Paul Island on Monday, July 18. Harvests occurred each Monday, Wednesday, and Friday through the month of July. During the first week of August, harvests occurred daily except Wednesday and Sunday. A total of 12 harvest days occurred between July 18 and August 8, the last day of the harvest season. The total number of seals killed was 1,145. No females were taken.

(b) St. George Island

St. George Island residents also began harvesting on Monday, July 18 and harvested on four days between July 18 and August 8. A total of 113 seals was taken for subsistence purposes.

2. Use of Seal Meat and Other Parts

NOAA Fisheries has considered the removal and consumption of the following seal parts to constitute "substantial use" consistent with the requirement in 50 CFR 215.31(b) that the taking of seals not be accomplished in a wasteful manner: heart, liver, flippers, breast, shoulders, and other readily utilizable tissues and organs, including a limited number of backbones and rib sections. Zimmerman and Letcher (1986) determined the mean weight of heart, liver, flippers, and shoulders including most of the breast from four fur seals. These parts constituted about 30.2 percent of the total weight of each animal. In 1987, 101 animals were weighed before and after minimum butchering (i.e., only the heart, liver, flippers, shoulders and breast had been taken from each animal). Parts removed from the animals totalled 29.1 percent of initial carcass weight. An additional 83 seals were weighed before and after virtually all consumable parts of the animal had been removed for food, i.e., everything was taken except the pelt, blubber, skull, neck, internal organs other than the heart and liver, and body fluids. A maximum percent-use estimate of 53.3 was calculated in this instance. Thus, the percent-use of fur seals for food ranges between 29.1 (minimum butchering) and 53.3 (maximum butchering) of initial carcass weight.

(a) St. Paul Island Harvest

During 1985–88, NOAA Fisheries collected data on the percent-use of seal carcasses and the weight of seal meat taken for human consumption on St. Paul Island. During 1986–88, these values were estimated each day by weighing approximately 10 percent of the carcasses before and after butchering. Zimmerman and Letcher (1986) and Zimmerman and Melovidov (1987) provide discussions of methods used to calculate percent-use of fur seals for subsistence purposes.

In order to augment data collections in 1988, NOAA Fisheries contracted with the Tribal Government of St. Paul to obtain assistance in harvest monitoring. In 1988, about 12.2 percent of the harvested animals were weighed before and after butchering. Percent-use of fur seals for subsistence purposes was 43.5 in 1988. This estimate approximates the mean of the percent-use estimates (43.8) for all four years that such data have been collected (1985–88). There was no significant difference ($p<.01$) between the percent-use of carcasses in 1988 ($n=140$) and the percent-use of carcasses in any of the other subsistence harvests (1985–87). NOAA Fisheries considers a percent-use of 43.5 to comply with standards for substantial use of seal carcasses and encourages Pribilof Island subsistence-users to maintain these high efficiency levels or, if possible, increase their percent-use of fur seals for subsistence purposes.

The number of seals harvested each day on St. Paul Island was based on the number of orders placed with the Tribal Government by subsistence-users. Harvests were conducted by experienced sealers under the direction of a harvest foreman. In 1988, all labor was voluntary and none of the sealers was paid for their participation. Butchering was done by the individuals who had requested the seals, or by the voluntary harvest crew, for later delivery to a storage area or to the home of the subsistence-user.

Initial carcass weight in 1988 (24.2 kg; 53.3 lbs) was not significantly different from the mean weight of seals harvested in 1987 (24.4 kg; 55.8 lbs) and 1986 (23.4 kg; 51.7 lbs) (Fisher's least significant difference test; $p<.01$). As discussed in Zimmerman and Melovidov (1987), the decrease in the size of seals harvested between 1985 and 1986 appeared to result from the fact that smaller and younger animals were taken as the harvest evolved from a large community harvest in 1985 (3,384 seals) to a smaller personal-demand harvest in 1986 (1,299 seals). In 1986, orders for seals were placed by individual subsistance-users and sealing crews stopped harvesting when standing orders were filled. The same bias for smaller seals appears to have been operating during the personal-demand harvests in 1987 and 1988.

The estimated mean weight of meat taken per seal in 1988 was 10.5 kg (23.2 lbs). This is slightly less than the 12.5 kg per seal taken in 1985 and the 11.1 kg taken in 1986, but similar to the 10.4 kg taken in 1987. Many of the subsistence-users who placed large orders (10–20 seals) indicated plans to freeze or salt most of the meat for later consumption. As in past years, the Tribal Government of St. Paul allowed subsistence-users to use the fish processing plant and freezer to process and store seal meat.

The estimated total amount of meat taken for human consumption on St. Paul Island in 1987 was 12,048 kg (26,561 lbs) including bone. Assuming that the Alaskan Native population of St. Paul is 483 (1980 census data), the 12,048 kg of meat taken for human consumption would allow a theoretical mean daily consumption of 0.07 kg (approximately 2.5 oz) per person for one year if no correction is made for the presence of bone. This is less than the theoretical mean daily consumption calculated for the 1986 harvest (0.08 kg; approximately 3.0 oz) and the 1987 harvest (0.1 kg; approximately 3.5 oz).

As in 1986, virtually all skins from the 1988 harvest were discarded. During the last three months of 1988, the fur seal processing plant on St. Paul Island that was used during the commercial harvests was transformed into a crab processing facility. Because all the equipment used to soak and preserve the skins was removed and destroyed, it is not anticipated that any further processing of seal skins will occur on St. Paul Island.

It has come to our attention, however, that bacula (or "seal-sticks"), another important product of the commercial harvests that were conducted before 1985, were removed from many of the carcasses after they were taken from the harvest fields. Disposition of fur seal parts taken in the subsistence harvest is governed by 50 CFR 215.33:

> Except for transfers to other Alaskan Natives for barter or sharing for personal or family consumption, no part of a fur seal taken for subsistence uses may be sold or otherwise transferred to any person unless it is a non-edible byproduct which:
>
> (a) Has been transformed into an article of handicraft, or
>
> (b) Is being sent by an Alaskan Native directly, or through a registered agent, to a tannery registered under 50 CFR 216.23(c) for the purpose of processing, and will be

returned directly to the Alaskan Native for conversion into an article of handicraft, or

(c) Is being sold or transferred to an Alaskan Native, or to an agent registered under 50 CFR 216.23(c) for resale or transfer to an Alaskan Native, who will convert the seal part into a handicraft.

Bacula of fur seals harvested before 1985 have been marketed abroad as aphrodisiacs. NOAA Fisheries is not aware of any traditional uses of fur seal bacula by Native Alaskans for handicrafts and requests that subsistence-users consult on this subject before any transfers of bacula from the Pribilof Islands are contemplated.

(b) St. George Island Harvest

Although a NOAA Fisheres observer was present at each of the seal harvests on St. George Island, the small number of animals taken there did not provide an opportunity for the collection of data comparable to that collected on St. Paul Island. Visual observation of the four harvests indicated that substantial use was being made of the 113 seals taken. None of the skins was preserved.

III. Estimated Number of Seals Needed for Subsistence in 1989

NOAA Fisheries is required by its regulations to include in this notice a discussion of the anticipated harvest levels for 1989 that will satisfy the subsistence needs of the residents of the Pribilof Islands. Because employment levels continue to fluctuate on each island, and economic conditions remain unpredictable, subsistence needs for seal meat may vary from year to year. In 1987 and early 1988, there was relatively high unemployment on St. Paul Island. Since mid-1988, halibut fishing, construction of the crab processing plant and construction of a fuel tank farm have occupied much of the available workforce but the prospects for continued employment in 1989 are unknown. Employment on St. George Island has fluctuated widely during the same period and depends on the availability of jobs in the construction of the breakwater. Because of changing economic conditions, and because a purely subsistence harvest has been conducted for only four years, it is still not possible to calculate a point-estimate of the subsistence needs for each Island. Therefore, as in previous years, NOAA Fisheries is providing a projected range of expected harvest levels.

In 1988, 1,145 seals were harvested on St. Paul Island during the June 30–August 8 season. Since all orders placed by subsistence-users with the sealing crew were filled, and since the harvesting season was not fully utilized, NOAA Fisheries assumes that the 1988 total was the number needed for subsistence that year. However, as discussed above, until harbor construction on St. Paul Island is completed and the economy stabilizes, it may be difficult to estimate the next year's subsistence needs based only on the number taken in the preceding year.

Based upon a review of harvest data for 1986–88, NOAA Fisheries proposes to set the lower end of the expected harvest range for 1989 at 1,600 seals (approximately the mean number of seals requested by subsistence-users during the preceding three years) and the upper end at 1,800 (the highest number requested during the period). Once the lower bound of the range is reached, the harvest is suspended for up to 48 hours, under 50 CFR 215.32(e)(iii), pending a review of the harvest data to determine if the subsistence needs of island residents have been met. In 1988, expected harvest levels were 1,800–2,200.

During 1986–88, St. George Island's subsistence needs were considerably less than estimated. However, once the development of the St. George Island breakwater is complete and the economy stabilizes, it is possible that subsistence needs on St. George Island on a per-capita basis may parallel those on St. Paul. St. George Island's Alaskan Native population is about one-third of St. Paul's. In 1989, NOAA Fisheries proposes to set the lower end of the range of subsistence needs on St. George Island at 533, i.e., about one-third of St. Paul's, and the upper bound as 600 seals. In 1988, the expected harvest levels were set at 600–725.

The harvest season on both islands is June 30 to August 8. No extensions of the harvest season are expected to be granted under 50 CFR 215.32(f)(2) because of the demonstrated risk of taking female seals after the first week in August, when females and subadult males commingle on the rookeries. Any taking of female seals must be considered significant to the long-term recovery of this declining species. NOAA Fisheries will shortly propose an amendment to 50 CFR 215 Subpart D to delete the extension option.

IV. References

Veltre, D.W. and M.J. Veltre. 1981. A preliminary baseline study of subsistence resource utilization in the Pribilof Islands. Subsistence Division, Alaska Departrment of Fish and Game, P.O. Box 3-2000, Juneau, Alaska 99802. Technical Paper 57, 216p.

Zimmerman, S.T. and J.P. Letcher. 1986. The subsistence harvest of northern fur seals, *Callorhinus ursinus*, on St. Paul Island, Alaska. Marine Fisheries Review 48(1):10–14.

Zimmerman, S.T. and M.D. Melovidov. 1987. The 1986 subsistence harvest of northern fur seals, *Callorhinus ursinus*, on St. Paul Island, Alaska. Marine Fisheries Review 49(3):70–72.

Date: May 23, 1989.

Andrew Kemmerer,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 89-12915 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 263 and 267

[Docket No. 50340-8274]

United States Standards for Grades of Fish Fillets

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

ACTION: Proposed rule with request for comments.

SUMMARY: NOAA is today proposing to amend six United States standards for grades: (1) United States General Standards for Grades of Fish Fillets (50 CFR Part 263, Subpart A); (2) United States Standards for Grades of Cod Fillets (50 CFR Part 263, Subpart B); (3) United States Standards for Grades of Flounder and Sole Fillets (50 CFR Part 263, Subpart C); (4) United States Standards for Grades of Haddock Fillets (50 CFR Part 263, Subpart D); (5) United States Standards for Grades of Ocean-Perch Fillets and Pacific Ocean-Perch Fillets (50 CFR Part 263, Subpart E); and (6) United States Standards for Grades of North American Freshwater Catfish and Products Made Therefrom (50 CFR Part 267). The proposed rule would amend the six standards to add "fillet cut containing bones" and thus allow fillet cuts containing bones to be inspected and to carry a U.S. Grade mark. Comments from the public are invited.

DATE: Comments on this proposed rule are invited and will be considered if received in writing no later than July 31, 1989.

ADDRESS: Comments on the proposed rule should be submitted in writing to: Mr. Thomas J. Moreau, Director, Technical Services Unit, Inspection Services Division, F/TS4, NMFS, NOAA, U.S. Department of Commerce, One Blackburn Drive, Gloucester, MA 01930. The public record for this rulemaking, which will include all comments received, is available for inspection and copying in the Department of Commerce's Central Reference and Records Inspection Facility, 14th Street between E Street

and Constitution Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Earl C. Johnston, Chief, Standards and Specifications Branch, Inspection Services Division, NMFS (508-281-9219).

SUPPLEMENTARY INFORMATION:

Background

In 1985, NMFS received petitions under subsection 553(e) of the Administrative Procedure Act, 5 U.S.C. 553(e), from Bornstein Seafoods of Oregon, Inc. (a seafood processor), Sunstate Seafoods Company (a seafood broker), and Alpha Beta Company (a retail food store chain), requesting that the regulatory standards applicable to fish fillets standards be amended to allow "pin-bone-in fillets" to be inspected and, when qualified, to be marked "U.S. Grade A." NMFS published a request for comments on the petition for rulemaking (50 FR 12591, March 29, 1985) on the desirability of amending four existing U.S. standards for grades: (1) United States General Standard for Grades of Fish Fillets; (2) United States Standards for Grades of Cod Fillets; (3) United States Standards for Grades of Ocean-Perch Fillets; and (4) United States Standards for Grades of Haddock Fillets. That notice requested respondents to address two specific questions:

1. Should the consumer have the opportunity of purchasing U.S. Grade A fillets with [pin] bones if a statement of their presence is declared on the principal display panel of the label?

2. Should all the current fillet grade standards be amended to allow the pin-bone-in style or should this provision be restricted to certain species?

The anatomical definition of the term "pin bone" refers to bones radiating laterally from the spinal column and dorsal to (above) the ribs. However, as stated in the request for comments, a pin bone, as generally understood by industry and NMFS, is any bone radiating downward from the spinal column and running adjacent to the visceral cavity which includes rib bones. Fish fillets containing pin bones are a market form traditional to the West Coast seafood industry and familiar to the West Coast consumer. They are also common in Western Europe and are being considered for inclusion as a market form in International Codex Alimentarius Standards for Quick Frozen Fillets.

NMFS received 137 comments. Sixty-six commentators supported amending the standards to allow fillets containing pin bones to be graded and 71 were opposed. Within the group supportive of amending the standards, 25 favored restricting the amendment to specific species while 20 felt that all the fillet standards should be amended. Twenty-one expressed no opinion on species coverage.

Some respondents in the seafood industry felt that consumer sensitivity to any bones in fish products would inhibit purchases. Many respondents from the food service sector (notably schools and hospitals) said that consumers should have the opportunity to buy this market form, but they would not buy it themselves. Some thought the amendment would offer consumers a less expensive market form.

Many commentators emphasized the importance of clear labeling. Several, including the U.S. Food and Drug Administration (FDA), said that the term "fillet" is generally understood in the United States to mean boneless. They also said that the term "pin bone" is not well understood even in the seafood industry itself.

The FDA commented that appropriate labeling for a fish fillet containing pin bones should identify the species, the cut of fishmeat, and the fact that it contains bones. For example, "Cod, fillet style; semi-boneless" or "fillet cut, with bones," might be used. This type of labeling would indicate to the consumer that the product contains bones without using the unfamiliar term "pin bone." The FDA also commented that the unqualified word "fillet" would be inappropriate for fillets containing pin bones.

The Codex Alimentarius Commission is considering adopting two styles of fillets labeled as either "practically boneless" or "pin bones in."

A recent, limited, non-statistically designed survey of the retail marketplace by NMFS revealed that fillets of various species contained different types of bones (*i.e.*, pin bones, rib bones, back bones and radial bones).

A Saltonstall-Kennedy funding application submitted for consideration for Fiscal Year 1989 by the Mid-Atlantic Fisheries Development Foundation specifically identified the need to amend the Standards for Grades to allow fillets with bones in to be graded where appropriate "U.S. Grade A." The application stated "that many mid-Atlantic fish species have highly developed bone structures which have resulted in their being denied the U.S. Grade A designation on fillets".

Based on the comments received, NOAA, in the interest of promoting fair trading of graded products, is today proposing to amend all of the current fillet standards for grades (there are currently six) to permit the inspection and grading of fillets with bones in for all species. Because the term "pin bone" is not a term generally understood by the consumer, nor even by the seafood industry itself, the proposed amendments would allow the inspection and grading of fillet cuts (skin-on, skin-on and scaled, and skin-off (skinless)) containing any bone indigenous to the species and to exclude the presence of bones from being considered a workmanship defect. The proposed amendments would require that the principal display panel be clearly labeled to show that the product contains bones.

Classification

The Undersecretary for Oceans and Atmosphere, NOAA, has determined that this proposed rule is not a major rule within the meaning of section 1(b) of Executive Order 12291 because it will not 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, preparation of a Regulatory Impact Analysis is not required under Executive Order 12291.

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

While this proposed rule contains Federal standards-related measures or product approval procedures as defined by subsection 1(b) of Executive Order 12662, the 75-days notice and comment provision of subsection 1(a) of Executive Order 12662 does not apply because the proposed measures and procedures are related to food, which as such are excluded from the 75-day requirement by subsection 1(c). A 60-day comment period is being allowed.

The General Counsel of the Department of Commerce has certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities because compliance with it is voluntary. Participation in the National Seafood Inspection Program is voluntary. As a result, a Regulatory Flexibility Analysis is not required to be prepared under the Regulatory Flexibility Act.

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

Under NOAA Directive 02-10, an environmental assessment need not be prepared for this proposed rule. This proposed rule, if adopted, will not significantly affect the quality of the human environment. Therefore, an Environmental Impact Statement is not required to be prepared under the National Environmental Policy Act of 1969.

List of Subjects in 50 CFR Parts 263 and 267

Agriculture and food, Food grades and standards, Foods, Frozen foods, Seafood.

Date: May 23, 1989.

Andrew J. Kemmerer,

Acting Executive Director, National Marine Fisheries Service.

For the reasons set forth in the preamble, it is proposed that Title 50, Part 263, Code of Federal Regulations, be amended as follows:

PART 263—[AMENDED]

The authority citation for Part 263 continues to read as follows:

Authority: 7 U.S.C. 1621-1630.

2. Section 263.101 of Subpart A—United States General Standards for Grades of Fish Fillets, is amended by adding a new paragraph (c) to read as follows:

§ 263.101 Scope and product description.

* * * * *

(c) The product may contain bones when it is clearly labeled on the principal display panel to show that the product contains bones.

3. Section 263.102 is amended by adding new paragraph (c) to read as follows:

§ 263.102 Product forms.

* * * * *

(c) *Bone classifications.* (1) Practically boneless fillet.

(2) Bone-in (fillet cut, with bones).

4. Section 263.104 is amended by adding a sentence to the end of paragraph (e)(4) to read as follows:

§ 263.104 Grade determination.

* * * * *

(e) * * *

(4) * * *

In fillets intended to contain bones, the presence of bones will not be considered a workmanship defect.

* * * * *

5. Section 263.151 of Subpart B—United States Standards for Grades of Cod Fillets, is amended by adding a sentence before the parenthetical at the end thereof and revising the parenthetical to read as follows:

§ 263.151 Product description.

* * * The product may contain bones when it is clearly labeled on the principal display panel to show that the product contains bones. (This subpart does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

6. Section 263.154 is amended by adding new paragraph (c) to read as follows:

§ 263.154 Product forms.

* * * * *

(c) *Bone classifications.* (1) Practically boneless fillet.

(2) Bone-in (fillet cut, with bones).

7. Section 263.166 is amended by revising paragraph (a)(4) to read as follows:

§ 263.166 Workmanship defects.

(a) * * *

(4) *Bones.* One "instance of bone" means one bone or one group of bones occupying or contacting a circular area up to 1 square inch (6.5 cm^2). In fillets intended to contain bones, the presence of bones will not be considered a workmanship defect.

* * * * *

8. Section 263.201 of Subpart C—United States Standards for Grades of Flounder and Sole Fillets, is amended by revising the section heading and by adding a sentence at the end of the section to read as follows:

§ 263.201 Product description.

* * * * *

The product may contain bones when it is clearly labeled on the principal display panel to show that the product contains bones.

9. Section 263.202 is amended by adding new paragraph (c) to read as follows:

§ 263.202 Product forms.

* * * * *

(c) *Bone classifications.* (1) Practically boneless fillet,

(2) Bone-in (fillet cut, with bones).

10. Section 263.221 is amended by revising paragraph (d) to read as follows:

§ 263.221 Definitions.

* * * * *

(d) *"Bones normally removed"* refers to (1) belly flap bones (adjacent to visceral cavity) and to (2) radial bones (adjacent to fins and lace area). In fillets intended to contain bones, the presence of bones will not be considered a workmanship defect.

* * * * *

11. Section 263.251 of Subpart D—United States Standards for Grades of Haddock Fillets, is amended by adding a sentence before the parenthetical at the end thereof and revising the parenthetical to read as follows:

§ 263.251 Product description.

* * * The product may contain bones when it is clearly labeled on the principal display panel to show that the product contains bones. (This subpart does not provide for the grading of pieces of fish flesh cut away from previously frozen fish blocks, slabs, or similar products.)

12. Section 263.254 is amended by adding new paragraph (c) to read as follows:

§ 263.254 Product forms.

* * * * *

(c) Bone classifications. (1) Practically boneless fillet.

(2) Bone-in (fillet cut, with bones).

13. Section 263.266 is amended by adding a sentence at the end of paragraph (a)(4) to read as follows:

§ 263.266 Workmanship defects.

(a) * * *

(4) * * * In fillets intended to contain bones, the presence of bones will not be considered a workmanship defect.

* * * * *

14. Section 263.301 of Subpart E—United States Standards for Grades of Ocean-Perch Fillets and Pacific Ocean-Perch Fillets, is amended by adding a sentence at the end thereof to read as follows:

§ 263.301 Product description.

* * * The product may contain bones when it is clearly labeled on the principal display panel to show that the product contains bones.

15. Section 263.304 is amended by adding new paragraph (c) to read as follows:

§ 263.304 Product forms.

* * * * *

(c) *Bone classifications.* (1) Practically boneless fillet.

(2) Bone-in (fillet cut, with bones).

16. Section 263.316 is amended by adding a sentence at the end of paragraph (a)(4) to read as follows:

§ 263.316 Workmanship defects.

(a) * * *

(4) * * * In fillets intended to contain bones, the presence of bones will not be considered a workmanship defect.

* * * * *

PART 267—[AMENDED]

17. The authority citation for Part 267 continues to read as follows:

Authority: 16 U.S.C. 742e; 7 U.S.C. 1622, 1624.

18. Section 267.101 is amended by adding a new paragraph (d) to read as follows:

§ 267.101 Scope and product description.

* * * * *

(d) The product may contain bones when it is clearly labeled on the principal display panel to show that the product contains bones.

19. Section 267.102 is amended by adding new paragraph (d) to read as follows:

§ 267.102 Product forms.

* * * * *

(d) *Bone classifications.* (1) Practically boneless fillet.

(2) Bone-in (fillet cut, with bones).

20. Section 267.104 is amended by revising paragraph (d)(9) to read as follows:

§ 267.104 Grade determination.

* * * * *

(d) *Examination for physical defects.*

* * *

(9) *Bones* (including pin bone) apply to all fillet and nugget market forms. Each bone is a bone or a part of a bone that is 3/16 inch (0.48 cm) or more at its maximum length or 1/32 inch (0.08 cm) or more at its maximum shaft width, or for bone chips, a length of at least 1/16 inch (0.16 cm). An excessive bone defect is any bone which cannot be fitted into a rectangle which has a length of 1 9/16 inch (3.97 cm) and a width of 3/8 inch (0.95 cm). In market forms intended to contain bones, the presence of bones will not be considered a physical defect.

[FR Doc. 89-12815 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 642

RIN 0648-AC55

Coastal Migratory Pelagic Resources of the Gulf of Mexico and 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 announces that the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) have submitted Amendment 4 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and the South Atlantic for Secretarial review and are requesting comments from the public.

DATE: Comments will be accepted on or before July 26, 1989.

ADDRESSES: Copies of amendment are available from the South Atlantic Fishery Management Council, Southpark Building, Suite 306, 1 Southpark Circle, Charleston, SC 29407-4699.

Comments should be sent to Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702. Mark envelopes, "Comments on Amendment 4."

FOR FURTHER INFORMATION CONTACT: Mark F. Godcharles, 813-893-3722.

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 of Commerce (Secretary) for review and approval or disapproval. The Magnuson Act also requires that the Secretary, upon receipt, immediately publish a notice that the document is available for public review and comment. The Secretary will consider public comments in determining whether to approve the proposed action.

Amendment 4 would establish a procedure to modify the allocation of Atlantic group Spanish mackerel between the commercial and recreational sectors of the fishery so that ultimately the allocations become equal. The Councils believe that current allocations of 76 percent commercial and 24 percent recreational are no longer appropriate because they are based upon catch statistics collected over a brief period (1979-1985) when overfishing occurred. The Councils contend that catch allocations should be broader based, dating back to the early to mid 1970s before overfishing became evident.

Regulations proposed by the Councils to implement Amendment 4 are scheduled to be published within 15 days.

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

Dated: May 25, 1989.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation & Management, National Marine Fisheries Service.

[FR Doc. 89-12907 Filed 5-25-89; 1:53 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 54, No. 103
Wednesday, May 31, 1989

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Rocky Mountain Region; Exemption of Fire Recovery Projects From Appeal

AGENCY: Forest Service, USDA.

ACTION: Notification that certain fire recovery projects are exempted from appeals under provisions of 36 CFR Part 217.

SUMMARY: This is a notification that decisions to implement certain projects pertaining to recovery from the Clover-Mist fire on the Shoshone National Forest are exempted from appeal. This is in conformance with provisions of 36 CFR 217.4 (a) (11) as published January 23, 1989, at Vol. 54, No. 13, page 3342.

EFFECTIVE DATE: Effective on issuance.

FOR FURTHER INFORMATION CONTACT: Barry Davis, Forest Supervisor, Shoshone National Forest, P.O. Box 2140, Cody, WY 82414–2140.

Background

In 1988, the Clover-Mist fire burned over 120,000 acres of the Shoshone National Forest. In September and October 1988, an interdisciplinary team surveyed much of the burned area, in part to identify emergency and long term rehabilitation needs. From this survey it was found that in many places, this fire burned hot enough to cause severe damage to vegetation, soil and water resources. Other burn damage includes: habitat essential to the endangered grizzly bears; habitat for other major species of wildlife; nursery streams for a Blue Ribbon Trout fishery; areas along a State and Nationally designated scenic By-way and an entrance to Yellowstone National Park; streams providing water for domestic and agricultural use; as well as structures for recreation and range management. The damage to soils is of greatest concern since this will affect the length of time necessary to achieve natural revegetation as well as quantity and quality of water run-off from the area.

The emergency rehabilitation interdisciplinary team concluded that there was risk of flooding and reduced water quality caused by this fire. If left "untreated" these problems will persist for several years and the resulting vegetation will provide no diversity necessary for habitat of most wildlife species. The risk of insect and disease infestations in both the short and long run are possible and were noted by the team. They also projected a substantial loss of timber values over the 9,000 acres to 11,000 acres of suited timber base that was burned.

Planned Actions

Emergency rehabilitation efforts were limited to seeding only the most severely burned areas and work along trails to provide better drainage and sediment traps (by felling trees along these trails) to reduce water quality degradation. This emergency work was accomplished in 1988. Beyond this, the emergency rehabilitation team recommended a number of actions for restoration of the entire burned area as well as mitigation of the effects of the fires. Among these recommendations were:

Stirring up the burned soils and breaking the existing crust to allow for water infiltration and plant growth;

Felling and leaving trees perpendicular to slopes to slow run-off and trap sediment;

Leaving tops and limbs of cut trees as well as other vegetation to provide sediment traps and/or filter out sediment;

Plant different types of vegetation in patches to provide filtration of run-off in the short term and diversity in the longer term;

Remove fire damaged trees to enhance visual resources as well as remove a potential hazard to forest visitors;

Create "brush piles" to provide cover for smaller species of wildlife; and

Rehabilitate roads and trails to lessen run-off and sediment production.

The acres to be treated and decisions on what to plant vary by location and with the extent of the fire damage over the 120,000 acres of burn depending on the severity of burn, habitat types/soils, geology and location within/outside of wilderness. A number of projects aimed at accomplishing recovery objectives are planned for the summer of 1989 based on recommendations from the emergency rehabilitation team. In order to accomplish these objectives in three critical areas in a cost efficient manner, salvage sales of burned timber and actions following those sales on these sites are proposed. These projects will include all of the above recommendations as part of the work to be accomplished during and/or after removal of most of the fire damaged trees. Alternatives that will be analyzed include doing nothing, doing a full range of recovery efforts using salvage timber sales as a way to provide funding for some of the included actions, and doing less in the way of salvage sales and funding projects in a different manner. In this way, the most cost efficient manner for accomplishing specific recovery objectives will be identified and documented in an Environmental Assessment for each project.

Because of the extensive damage done to all resources within this area there is a need to remedy this damage as quickly as possible. Further, to accomplish this work in a manner which recovers part of the cost requires that the fire damaged trees be of commercial value. Not only will removing these trees accomplish many of the actions listed above but a significant portion of the receipts from these sales will provide funding for the other work planned through collection of KV funds. Some of the fire damaged trees are in danger of deteriorating to the point where they will have no commercial value and it is anticipated that much of the commercial value will be lost in the next 18 to 24 months.

For these reasons, the first 3 salvage sale projects designed to accomplish the above objectives must be undertaken as quickly as possible. To expedite these sale projects and the accompanying work, and to prevent delays by appeals, the process according to 36 CFR Part 217 is being followed. Under this Regulation the following is exempt from appeal:

> Decisions related to rehabilitation of National Forest System lands and recovery of forest resources resulting from natural disasters or other natural phenomena such as wildfires * * * when the Regional Forester * * * determines and gives notice in the Federal Register that good cause exists to exempt such decisions from review under this part.

Scoping for these projects has been initiated as has environmental analysis. At the present time, a range of alternatives has been developed and will be refined during a workshop scheduled for late May 1989. The general public as well as individuals and groups that responded to the scoping statements will be invited to participate. Full environmental analyses will be completed on these projects including careful project design and design of mitigation measures. Commercial sales of these trees will directly accomplish some recovery objectives and will provide at least partial funding for accomplishing other objectives, and delays through appeals will defeat these objectives and cause loss of revenue; therefore, these projects will not be subject to review under 36 CFR Part 217:

Squaw Creek Salvage Sale
Camp Creek Salvage Sale, and
Pilot Creek Salvage Sale.

Date: May 22, 1989.

S.H. Hanks,

Deputy Regional Forester.

[FR Doc. 89-12897 Filed 5-30-89; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Agency Information Collection Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: National Oceanic and Atmospheric Administration
Title: Small-Craft Facility Questionnaire
Form Number: NOAA Form 77-1; OMB—0648-0021
Type of Request: Request for extension of OMB approval of a currently cleared collection
Burden: 1,000 respondents; 133 reporting hours; average hours per response—.133 hours
Needs and Uses: Nautical chart products include information on local marinas for use by boaters. When a chart is scheduled to be revised marinas are sent a form and asked to update the information about their facility. The chart is changed to reflect any new information submitted.
Affected Public: Businesses or other for-profit, small businesses or organizations
Frequency: On occasion
Respondent's Obligation: Voluntary
OMB Desk Officer: Russell Scarato, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230. Written comments and recommendations for the proposed information collection should be sent to Russell Scarato, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 23, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Budget.

[FR Doc. 89-12827 Filed 5-30-89; 8:45 am]

BILLING CODE: 3510-CW-M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (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: International Trade Administration
Title: Commercial News USA—Worldwide Services Program
Form Numbers: Agency—ITA-4099P, OMB—0625-0127
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 200 respondents; 67 reporting hours
Average Hours Per Response: 200 minutes
Needs and Uses: This collection allows the International Trade Administration to promote U.S. services available for export in overseas markets as part of its trade promotion activities. The information reaches the U.S. Embassies and Consulates in printed form through ITA's magazine "Commercial News USA" (CNUSA). CNUSA is a unique export promotion service for U.S. manufacturers (new products), service firms (Worldwide Services Program), and publishers of trade and technical literature (T&T). The Worldwide Services Program (WSP) is one aspect of the magazine. It helps U.S. companies publicize their services overseas and test market interest there. Specifically, WSP is designed to encourage foreign companies to contact U.S. service firms interested in doing business overseas so that the U.S. firm can explore foreign market interest, find agents or other representatives, and make sales. The information collected is used to determine if the services meet program criteria of WSP. It is then written into promotional announcements and printed in CNUSA.
Affected Public: Businesses or other for profit; small businesses or organizations
Frequency: On occasion;
Respondent's Obligation: Required to obtain or retain a benefit
OMB Desk Officer: Donald Arbuckle, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208 New Executive Office Building, Washington, DC 20503.

Dated. May 23, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-12818 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-CW-M

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (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: International Trade Administration
Title: Commercial News USA—Trade and Technical Literature Section
Form Numbers: Agency—ITA-4101P OMB—0625-0190
Type of Request: Extension of the expiration date of a currently approved collection
Burden: 100 respondents; 33 reporting hours
Average Hours Per Response: 20 minutes
Needs and Uses: This collection allows the International Trade Administration to promote U.S. services available for export in overseas markets as part of its trade promotion activities. The information reaches the U.S. Embassies and Consulates in printed form through

ITA's magazine "Commercial News USA" (CNUSA). CNUSA is a unique export promotion service for U.S. manufacturers (new products), service firms (Worldwide Service Program), and publishers of trade and technical literature (T&T). The Trade and Technical Literature section is one aspect of the magazine. It is designed to put U.S. publishers of trade and technical literature in touch with overseas agents, distributors, and buyers. Foreign companies directly contact firms listed in CNUSA. The information collected is used to determine if the literature meets program criteria for listing in CNUSA. It is then written into promotional announcements and printed in CNUSA.

Affected Public: Businesses or other for profit; small businesses or organizations

Frequency: On occasion;

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: Donald Arbuckle, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room 6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Donald Arbuckle, OMB Desk Officer, Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 23, 1989.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 89-12819 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-CW-M

Bureau of Export Administration

[Docket No. 8129-01]

Action Affecting Export Privileges; Klaus Westphal

Summary

Pursuant to the April 27, 1989, recommended Decision and Order of the Administrative Law Judge (ALJ), which Decision and Order is attached hereto and affirmed by me, Klaus Westphal, Maroldstr 62A, D8062 Markt Intersdorf, Federal Republic of Germany, (hereinafter Respondent) and all successors, assignees, officers, partners, representatives, agents and employees are hereby denied for a period of ten years from the date hereof all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Export Administration Regulations (15 CFR Parts 768 through 799).

Order

On April 27, 1989, the ALJ entered his Recommended Decision and Order in the above-referenced matter. The Decision and Order, a copy of which is attached hereto and made a part hereof, has been referred to me for final action. Having examined the record and based on the facts in this case, I hereby affirm the Decision and Order of the ALJ.

This constitutes final agency action in this matter.

Date: May 24, 1989.

Joan M. McEntee,

Acting Under Secretary for Export Administration.

Decision and Order

Appearance for Respondent: Klaus Westphal (pro se), Maroldstr 62 A, D8062 Markt Indersdorf, Federal Republic of Germany.

Appearance for Agency: Thomas C. Barbour, Esq., Office of Chief Counsel for Export Administration, U.S. Department of Commerce, Room H-3837, 14th & Constitution Avenue NW., Washington, DC 20230.

Preliminary Statement

The Office of Export Enforcement ("the Agency"), Bureau of Export Administration, U.S. Department of Commerce issued a December 22, 1988 charging letter against Respondent Klaus Westphal. The letter was issued under the authority of the Export Administration Act of 1979 (50 U.S.C.A. app. 2401-2420), as amended ("the Act"), and under the authority of the Export Administration Regulations ("the Regulations"), promulgated pursuant to the Act.[1] The letter alleged that Respondent had violated § 787.6 of the Regulations in 1983-84 by making four reexports of U.S.-origin equipment from the Federal Republic of Germany without the required U.S. authorization.

When three months passed after the issuance of the December 22, 1988 charging letter without Respondent's having filed an answer or any submission, an Order of March 22, 1989 declared Respondent in default and directed the Agency to make the default submission prescribed by § 788.8 of the Regulations. The Agency made that submission on April 21, 1989. On April 24, 1989 the Agency filed a copy of a letter, dated April 15, 1989, that it had received from Respondent on April 21, 1989 in which Respondent provided a new address for himself and stated generally that he was seeking counsel from officials and a lawyer in the FRG and from a lawyer in the United States.

Discussion

Procedurally, Respondent is in default under § 788.8 of the Regulations, as declared by the Order of March 22, 1989. Section 788.7 provides that the charging letter must be answered within 30 days of service, and Respondent was advised by the charging letter that failure to file timely would be a default under § 388.8. Respondent has never answered the charging letter.

Evidence that the charging letter was served on Respondent on or about January 4, 1989 was included in the Agency's April 21, 1989 default submission (Exh. 1). Such service is further evidenced by Respondent's April 15, 1989 letter in which he apparently acknowledged this proceeding.

Respondent's letter does not cure his default that was declared by the Order of March 22, 1989. The 30-day period for Respondent's answer following service of the charging letter expired long before Respondent's letter, which was dated April 15, 1989 and received by the Agency April 21, 1989. Further, Respondent addressed that letter to the Agency and never filed it with this Tribunal, whereas an answer, as Respondent was advised by the charging letter, is to be filed with this Tribunal; a copy of Respondent's letter, as noted, was filed with this Tribunal by the Agency April 24, 1989. Finally, the content of Respondent's letter—that he was seeking counsel from officials and lawyers—does not excuse his default in answering the charging letter.

As for the Agency's evidence to support the allegations of its charging letter, in its April 21, 1989 submission it withdrew its allegations concerning three of the four reexports cited in the

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[1] The Act was reauthorized and amended by the Export Administration Amendments Act of 1985, Pub. L. 99-64, 99 Stat. 120 (July 12, 1985), and amended by the Omnibus Trade and Competitiveness Act of 1988, Pub. L. 100-418, 102 Stat. 1107 (August 23, 1988).

The Regulations, formerly codified at 15 CFR Parts 368-399, were redesignated as 15 CFR Parts 768-799, effective October 1, 1988 (53 FR 37751, September 28, 1988).

charging letter and supplied evidence to support its allegations concerning the remaining reexport. That reexport occurred December 23, 1983, and it involved the shipment by an FRG company from the FRG to Czechoslovakia of a U.S.-origin machine for the manufacture of semiconductor and other devices. According to the Agency's evidence, Respondent was in 1983 the managing director of that FRG company, which was a subsidiary of an American company. The Agency presented copies of documents in which Respondent during March-August 1983 had sent price quotations for this machine to the Czechoslovak buyer.

The Agency's evidence showed that in September 1983 the FRG company ordered the machine from its American parent in the United States, and in October 1983 the American parent sent the company an invoice for it. This evidence showed further that also in October 1983 the Czechoslovak buyer sent the FRG company a purchase order for the machine, and in December 1983 the FRG company sent invoices to the buyer for the purchase. According to additional Agency documents, the FRG company shipped the machine by truck from the FRG to Czechoslovakia and the Czechoslovak buyer on December 23, 1983. The Agency's evidence showed also that Respondent concealed from the U.S. parent company both the order from and the sale to the Czechoslovak buyer.

The Agency's presentation showed that a U.S. authorization, for national security reasons, was required for the reexport of this U.S.-origin machine from the FRG to Czechoslovakia, and also showed no issuance of such authorization. In addition, the Agency's evidence indicated that, had proper application been made for such an authorization, a presumption of denial would have existed in the processing of it. In light of all these factors, the Agency proposed a ten-year denial of Respondent's export U.S. privileges.

Conclusion

Respondent is in default in this proceeding, and the Agency has sufficiently documented the one allegation against Respondent that it has pursued. Thus the conclusion follows that, as alleged in the charging letter and elaborated in more detail in the Agency's April 21, 1989 submission, on December 23, 1983 Respondent, in his capacity as managing director of an FRG subsidiary of an American company, violated § 787.6 of the Regulations by making a particular reexport. That reexport, from the FRG to Czechoslovakia, was of a U.S.-origin machine for the manufacture of semiconductor and other devices; and the reexport was made without the U.S. authorization that was required for national security reasons. The Agency's proposed sanction of a ten-year denial of U.S. export privileges is severe; but in view of the seriousness of the offense, it is reasonable. Accordingly, it shall be so ordered.

Order

I. For a period of ten years from the date of the final Agency action, Respondent: Klaus Westphal, Maroldstr 62 A, D8062 Markt Indersdorf, Federal Republic of Germany, and all successors, assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or that are otherwise subject to the Regulations.

II. Participation prohibited in any such transaction, either in the United States or abroad, shall include, but not be limited to, participation:

(i) As a party or as a representative of a party to a validated or general export license application;

(ii) In preparing or filing any export license application or request for reexport authorization, or any document to be submitted therewith;

(iii) In obtaining or using any validated or general export license or other export control document;

(iv) In carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported; and

(v) In the financing, forwarding, transporting, or other servicing of such commodities or technical data.

Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial of export privileges may be made applicable to any person, firm, corporation, or business organization with which the Respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. All outstanding individual validated export licenses in which Respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of Respondent's privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing, shall, with respect to commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with Respondent or any related person, or whereby Respondent or any related person may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly:

(i) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for Respondent or related person denied export privileges, or

(ii) order, buy receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any export, reexport, transshipment or diversion of any commodity or technical data exported or to be exported from the United States.

VI. This Order as affirmed or modified shall become effective upon entry of the Secretary's final action in this proceeding pursuant to the Act (50 U.S.C.A. app. 2412(c)(1)).

Date: April 27, 1989.

Thomas W. Hoya,

Administrative Law Judge.

To be considered in the 30-day statutory review process which is mandated by section 13(c) of the Act, submissions must be received in the Offices of the Under Secretary for Export Administration, U.S. Department of Commerce, 14th & Constitution Ave., NW., Room 3898B, Washington, DC, 20230, within 12 days. Replies to the other party's submission are to be made within the following 8 days. 15 CFR 388.23(b), 50 FR 53134 (1985). Pursuant to section 13(c)(3) of the Act, the final order of the Under Secretary may be appealed to the U.S. Court of Appeals

for the District of Columbia within 15 days of its issuance.

[FR Doc. 89-12843 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-DT-M

National Institute of Standards and Technology

[Docket No. 90403-9103]

Continuation of Fire Research Grants Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice; announcing continuation of fire research grants program.

SUMMARY: The purpose of this notice is to inform potential applicants that the Center for Fire Research, National Institute of Standards and Technology, is continuing its Fire Research Grants Program. Previous notices of this research grant program were published in the **Federal Register** on February 20, 1981 (46 FR 13250), November 19, 1984 (49 FR 45636) May 6, 1986 (51 FR 16730), June 5, 1987 (52 FR 21342) and June 6, 1988 (53 FR 20675). (Catalog of Federal Domestic Assistance No. 11.609 "Measurement and Engineering Research and Standards.").

CLOSING DATE FOR APPLICATIONS: Proposals must be received no later than close of business September 30, 1989.

ADDRESS: Applicants must submit one signed original plus two (2) copies of the proposal along with the Grant Application, Standard Form 424 as referenced under the provisions of OMB Circular A-110 to: Center for Fire Research, Attn: Sonya Cherry, National Institute of Standards and Technology, Gaithersburg, Maryland 20899.

FOR FURTHER INFORMATION CONTACT: Sonya Cherry, (301) 975-6854.

ELIGIBILITY: Academic institutions, Non-Federal agencies, and independent and industrial laboratories.

SUPPLEMENTARY INFORMATION: As authorized by section 16 of the Act of March 3, 1901, as amended (15 U.S.C. 278f), the NIST Center for Fire Research conducts directly and through grants and cooperative agreements, a basic and applied fire research program. This program has been in existence for several years at approximately $1.6 million per fiscal year. No increase in funds has taken place. The Fire Research Grants Program is limited to innovative ideas which are generated by the proposal writer on what research to carry out and how to carry it out. Proposals will be considered for research projects from one to three years. When a proposal for a multi-year grant is approved, funding will be provided for only the first year of the program. Funding for the remaining years of the program is contingent on satisfactory performance and subject to the availability of funds, but no liability shall be assumed by the government because of non-renewal or non-extension of a grant. All grant proposals submitted must be in accordance with the programs and objectives listed below. For clarity of the program objectives, you may contact Dr. Andrew J. Fowell (301) 975-6850.

Program Objectives

(a) Combustion and Flammability: Develop the methods to measure and predict the gas and condensed phase combustion processes, and their relationships to determining the flammability properties of materials.

(b) Fire Dynamics: Develop the methods to measure and predict the fire processes of materials and products in realistic environments.

(c) Building Fire Modeling: Develop a benchmark computer fire code and the understanding of the fire and smoke behavior in buildings and other complex structures.

(d) Smoke Dynamics Research: Produce scientifically sound principles, metrology, data, and predictive methods for the formation/evolution of smoke components in flames for use in understanding and predicting general fire phenomena.

(e) Fire Toxicity Measurement: Develop accurate methods for the generation and measurement of combustion products and for determining the impact of the combustion products on living organisms.

(f) Fire Hazard Analysis: Develop analytical systems for the quantitative prediction of the threats to people and property from fires and the means to assess the accuracy of those methods.

(g) Fire Suppression Research: Develop understanding of fire extinguishment processes and derive techniques to measure and predict the performance of fire protection and fire fighting systems.

Proposal Review Process

All proposals are assigned to the appropriate group leader of the seven programs listed above for review, including external peer review, and recommendations on funding. Both technical value of the proposal and the relationship of the work proposed to the needs of the specific program are taken into consideration in the group leader's recommendation to the Center Director. Applicants should allow up to 60 days processing time. Proposals are evaluated for technical merit by at least three professionals from NIST, the Center for Fire Research, or technical experts from other interested government agencies and in the case of new proposals, experts from the fire research community at large.

Evaluation Criteria

Rationality	0-20 points.
Qualification of Technical Personnel	0-20 points.
Resources Availability	0-20 points.
Technical Merit of Contribution	0-40 points.

The results of these evaluations are transmitted to the head of the appropriate research unit in the Center for Fire Research who prepares an analysis of comments and makes a recommendation. The Center for Fire Research unit head will also consider compatibility with programmatic goals and financial feasibility.

Paperwork Reduction Act

The SF-424 mentioned in this notice is subject to the requirements of the Paperwork Reduction Act and it has been approved by OMB under Control No. 0348-0006.

Additional Requirements

All applicants must submit a certificate ensuring that employees of the applicant are prohibited from engaging in the unlawful manufacturing, distribution, dispensing, possession or use of a controlled substance at the work site, as required by the regulations implementing the Drug-Free Workplace of 1988, 15 CFR Part 26, Subpart F.

Applicants are subject to the Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR Part 26.

Applicants are reminded that a false statement may be grounds for denial or termination of funds and grounds for possible punishment by fine or imprisonment. Any recipient/applicant who have an outstanding indebtedness to the Department of Commerce will not receive a new award until the debt is paid or arrangements satisfactory to the Department are made to pay the debt.

Date: May 24, 1989.

Raymond Kammer,

Acting Director.

[FR Doc. 89-12916 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-13-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

May 22, 1989.

The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

Licensing information and copies of patent applications bearing serial numbers with prefix E may be obtained by writing to: Office of Federal Patent Licensing, U.S. Department of Commerce, P.O. Box 1423, Springfield, Virginia 22151. All other patent applications may be purchased, specifying the serial number listed below, by writing NTIS, 5285 Port Royal Road, Springfield, Virginia 22161 or by telephoning the NTIS Sales Desk at (703) 487-4650. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

Please cite the number and title of inventions of interest.

Douglas J. Campion,

Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

Department of Agriculture

SN 6-889,069 (4,816,406) Inhibition of Trichothecene Toxins by Ancymidol

SN 7-042,086 (4,817,727) Subtiller

SN 7-050,436 (4,818,243) Wrinkle Resistant Fabric Produced by Crosslinking Cellulosic Materials with Acetals of Glyceraldehyde

SN 7-054,562 (4,824,940) Partially Deamidated Oilseed Proteins and Process for the Preparation Thereof

SN 7-098,173 (4,818,530) Preparation of Pellets Containing Fungi for Control of Soilborne Diseases

SN 7-127,021 (4,816,161) Isopotential Available Ion Extractor

SN 7-207,461 (4,820,307) Catalysts for Formaldehyde-Free Durable Press Finishing of Cotton Textiles with Polycarboxylic Acids

SN 7-320,127 Immunization Against Cholecystolinin for Increases in Growth and Efficiency

SN 7-320,638 Differential Ginning Process and Apparatus

SN 7-325,184 Enhancement of Nitrogen Fixation with Bradyhizobium japonicm Mutants

Department of Health and Human Services

SN 6-890,510 (4,820,631) Deletion Mutants and Monoclonal Antibodies Against RAS Proteins

SN 7-079,925 (4,820,635) Kit for Assaying Activation of Terminal Complement Cascade

SN 7-105,335 (4,825,330) An Ultra-Fast Solid State Power Interrupter

SN 7-194,171 Chemotherapeutic Composition for AIDS

SN 7-197,703 Cloned Gene for Expression of Antibodies Reacting with Human Ovarian Cancers

SN 7-202,783 Gene Therapy Using Gene Fusions for Genetic or Acquired Disorders

SN 7-209,108 Activated Killer Monocytes: Tumoricidal Activity and Method of Monitoring Same

SN 7-221,413 Irreversible Inhibitors of Adenosine Receptors

SN 7-234,737 Device for Rotary-Seal-Free Flow-Through Coil Planet Centrifuge Equipped with Multiple Column Holders Connected in Series

SN 7-255,837 Novel Conjugate and Method for Integration of Foreign DNA Into Cells

SN 7-278,355 Apparatus and Methods for Determining in Vivo Response To Thermal Stimulation In An Unrestrained Subject

SN 7-278,821 Tissue Transplantation System

SN 7-283,849 Synthesis of Chloroacetyl and Bromoacetyl Modified Peptides for Preparation of Synthetic Peptide Polymers, Conjugated Peptides, and Cyclic Peptides

SN 7-292,814 Improved DNA Amplification Technique

SN 7-292,815 Method for Identifying Humans with Genetic Defect in Drug Metalbolism

SN 7-295,933 Novel Monoclonal Antibodies and Method for Identifying Different AIDS-Related Viruses

SN 7-295,934 Biologically Active Synthetic Thyrotropin and Cloned Gene for Producing Same

SN 7-301,377 Method and Composition for Inducing Glycosaminoglycan Accumulation

SN 7-303,898 Transduction and Stable Expression of Enzymatically Active Cytochromes P-450 in Animal Cells

SN 7-307,115 Cyclopentenyl Pyrimidines and Methods of Using Same

SN 7-311,612 Pertussis Toxin Gene: Cloning and Expression of Protective Antigen

SN 7-311,613 A Sensitive Yeast System for Detection of Aneuploidy and Identification of Targets

SN 7-313,519 Reagents for Identifying Mycoplasma Pneumoniae

SN 7-318,172 Calmodulin Binding Peptide Derivatives of Non-Erythroid Alpha Spectrin

SN 7-321,055 Method of Administering Suramin Sodium in the Treatment of Cancers

SN 7-323,778 Animal Model for Diagnosing and Testing Vaccines or Therapeutic Agents Against AIDS

SN 7-328,168 A Sensitive, Yeast Genetic System for Identifying Agents Causing Double-Stranded DNA Damage

SN 7-330,446 Human Derived Monocyte Attracting Purified Protein Product Useful in a Method of Treating Infection and Neoplasms in a Human Body, and the Cloning of Full DNA Thereof

SN 7-330,509 Chemical Differentiating Agents

SN 7-331,652 Peptide Derivatives of Cytochrome b558 and Their Use as Medicaments

SN 7-334,089 Chemotherapeutic Composition for AIDS

SN 7-334,708 Anti-Platelet Monoclonal Antibody

SN 7-336,557 New Method for Detecting Cancer

SN 7-337,302 Monoclonal Antibodies to Human Glutathione S Transferase π

SN 7-341,361 Recombinant Antibody-Toxin Fusion Protein

SN 7-341,360 Method for Detecting Immune Dysfunction in Asymptomatic AIDS Patients and Other Conditions

SN 7-347,087 Rapid Method for Simultanious Measurement of Aggregation in a Plurality of Microtest Wells

SN 7-347,700 An All Tantallum Stopped Flow Microcalorimeter

SN E-100,89 Stabilized Nitric Oxide-Primary Amine Complexes Useful as Cardiovascular Agents

SN E-255,88 Novel Oligodeoxynucleotides with 5'-Linked Chemical Groups, Methods of Production Thereof and Use Thereof

Department of the Air Force

SN 5-202,039 (4,757,265) Adaptive ECCM Signal Processor

SN 6-652,370 (4,766,150) Method for Immunosuppression

SN 6-680,674 (4,800,798) Control Surface Dual Redundant Servomechanism

SN 6-700,857 (4,786,202) Dual Load Path Pin Clevis Joint

SN 6-705,950 (4,758,408) Automatic Oxygen Measuring System

SN 6-771,529 (4,771,291) Dual Frequency Microstrip Antenna

SN 6-795,572 (4,784,716) Hybrid Single Crystal Optic Fibers by Embedding

SN 6-818,922 (4,753,501) Fiber Optic Rotary Switching Device
SN 6-834,092 (4,765,714) Binary Phase—Only Optical Correlation System and Method of Fabrication Thereof
SN 6-849,991 (4,761,762) Interrupt Control Switch Interface System
SN 6-853,827 (4,748,399) Multichannel Phase Noise Measurement System
SN 6-861,905 (4,749,333) Improved Vane Platform Sealing and Retention Means
SN 6-861,908 (4,752,184) Self-Locking Outer Air Seal with Full Backside Cooling
SN 6-870,047 (4,750,148) Optical Gaussian Convolvers
SN 6-872,737(4,760,525) Complex Arithmetic Vector Processor for Performing Control Function, Scalar Operation, and Set-up of Vector Signal Processing Instruction
SN 6-877,926 (4,761,747) Switching Network for Monitoring Stations
SN 6-879,717 (4,745,608) Laser Photography Pulse Synchronization Circuit
SN 6-881,741 (4,808,069) Anti-Rotation Guide Vane Bushing
SN 6-895,016 (4,798,515) Variable Nozzle Area Turbine Vane Cooling
SN 6-907,779 (4,752,642) Ethynyl-Containing Aromatic Polyamide Resin
SN 6-911,935 (4,747,688) Fiber Optic Coherence Meter
SN 6-916,965 (4,735,236) Multiple Yarn Insertion Device
SN 6-917,933 (4,743,104) Variable Area Manifolds for Ring Mirror Heat Exchanges
SN 6-927,019 (4,756,615) Portable Folding Microform Reader
SN 6-928,350 (4,784,355) Flap System for Short Takeoff and Landing Aircraft
SN 6-936,195 (4,792,836) Ion-Sensitive Photodetector
SN 6-939,999 (4,813,608) Bimetallic Air Seal for Exhaust Nozzles
SN 6-943,348 (4,754,239) Waveguide to Stripline Transition Assembly
SN 6-946,541 (4,800,718) Surface Cooling System
SN 7-011,084 (4,785,461) Premixed Cold Reaction CW Laser Nozzle
SN 7-013,817 (4,746,374) Method To Produce Titanium Aluminide Metal Matrix Composite Articles
SN 7-018,118 (4,756,053) Nozzel Flap Hinge Joint
SN 7-018,246 (4,766,096) Silicon Nitride Whisker Reinforced Glass Matrix Composites
SN 7-022,843 (4,777,426) Axial-Flow Aerodynamic Window for High Energy Laser
SN 7-024,447 (4,755,350) Thermionic Reactor Module With Thermal Storage Reservoir
SN 7-035,339 (4,762,098) Polybenzoxazole from Aryloxy-2,6-Naphthaliciacid
SN 7-038,263 (4,751,824) Energy Conserving Refrigeration Valve Control Apparatus
SN 7-042,074 (4,762,553) Method for Making Rapidly Solidified Powder
SN 7-049,351 (4,794,755) Back-Up Control System for F101 Engine and its Derivatives
SN 7-049,358 (4,795,123) Wideband Electromagnetic Damping of Vibrating Structures
SN 7-049,363 (4,812,801) Solid State Gas Pressure Sensor
SN 7-050,358 (4,746,183) Electronically Controlled Integrated Optical Switch
SN 7-055,092 (4,797,555) High Energy Laser Target Plate
SN 7-057,461 (4,797,639) Low Noise Crystal Controlled Oscillator
SN 7-058,004 (4,808,023) Dual Load Path Pin Clevis Joint
SN 7-058,466 Accurate Hand Movement Assistance
SN 7-069,999 (4,807,891) Electromagnetic Pulse Rotary Seal
SN 7-082,775 (4,795,593) 4-Azido-4,4-Dinitro-1-B uttanol and Derivatives Thereof
SN 7-084,341 (4,807,831) Combination Boundary Layer Control System for High Altitude Aircraft
SN 7-103,137 (4,770,850) Magnesium Alloys and Articles
SN 7-107,197 (4,779,017) Superconducting Rotor Cooling System
SN 7-109,557 (4,807,531) Contemporary Composite Polar Boss
SN 7-110,809 (4,813,476) Expandable Pulse Power Spacecraft Radiator
SN 7-110,918 (4,814,884) Window Generator
SN 7-116,132 (4,767,564) Chemical Composition for the Destruction of Microfilm Products
SN 7-124,805 (4,808,226) Bearings Fabricated from Rapidly Solidified Powder and Method
SN 7-128,840 (4,808,250) Method for Refining Microstructures of Blended Elemental Titanium Powder Compacts
SN 7-132,497 (4,812,718) An Improved Resolution Delta Gun Color Monitor System Apparatus
SN 7-137,541 (4,813,052) Dielectric Ridge Waveguide Gas Laser Apparatus
SN 7-142,899 (4,795,058) Shipping Container Port Assembly
SN 7-144,885 (4,796,838) Hose Free Monitor for Inflight Refueling System
SN 7-149,814 (4,786,020) System for Boundary Layer Control Through Pulsed Heating of a Strip Heater
SN 7-151,383 (4,813,979) Secondary Oxygen Purifier for Molecular Sieve Oxygen Concentrator
SN 7-160,736 Opto-Electronic Vivaldi Transceiver
SN 7-160,746 (4,802,986) Hydrocarbon Group-Type Analzyer System
SN 7-198,800 (4,808,249) Method for Making an Integral Titanium Alloy Article Having at Least Two Distinct Microstructural Regions
SN 7-311,016 Optical Switches Using Ferroelectric Liquid Crystals

Department of the Army

SN 7-276,252 Landing Gear/Stabilizer for Small Trailer
SN 7-277,592 Mine Roller Assembly
SN 7-293,157 Self Consumable Initiator
SN 7-296,557 Method to Dimilitarize, Extract, and Recover Ammonium Perchlorate From Composite Propellants Using Liquid Ammonia
SN 7-297,893 Double-Sided Co-Axial Laser
SN 7-326,715 Periodic Permanent Magnet Structure
SN 7-326,777 Method of Transforming a Passive Ferromagnetic Material into a Permanent Magnet
SN 7-327,931 Superconducting Shielded PYX PPM Stacks

Department of the Interior

SN 6-943,347 Determining Inert Content in Coal Dust/Rock Dust Mixture
SN 7-068,083 (4,824,656) Method of Recovering Sulfur From Solid Catalysts
SN 7-111,246 (4,815,791) Improved Bedded Mineral Extraction Process Field of the Invention
SN 7-271,834 Contraction Joint for Concrete Linings
SN 7-290,556 Method for Particle Stabilization By Use of Cationic Polymers

[FR Doc. 89-12905 Filed 5-30-89; 8:45 am]
BILLING CODE 3510-04-M

Patent and Trademark Office

Announcement of Board Meeting for the Biotechnology Institute

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of Initial Board meeting for the Biotechnology Institute at the Patent and Trademark Office.

SUMMARY: The first meeting of the Board of the Biotechnology Institute will be held on June 23, 1989, from 10:00 a.m. to 1:00 p.m. in Room 502A on the 5th floor of Crystal Park, Building 1, located at 2011 Crystal Drive, Arlington, Virginia.

Interested members of the public are welcome to observe the Board meeting, subject to space limitation. Anyone

desiring to sit as an observer at the meeting must contact the Patent and Trademark Office by June 16, 1989.

ADDRESSES: Parties interested in observing the Board meeting should address their name request to the Commissioner of Patents and Trademarks; Washington, DC 20231; Attention: John E. Kittle, Director, Group 180.

FOR FURTHER INFORMATION CONTACT: John E. Kittle, Director, Group 180, by telephone at (703) 557-3637, or by mail to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The establishment and solicitation for Board members of the Biotechnology Institute was announced on February 22, 1989 in the **Federal Register** (54 FR 7580). The Patent and Trademark Office has selected the Board Members from the many nominees received in response to the February 22 announcement. All nominees and their nominating organizations have been informed as to their status.

The proposed agenda for the first Board meeting has been sent to the Board members and their nominating organization for comments. The proposed agenda is:

1. Board and Institute Organization.
2. Patent Examiner Technical Education.
3. Patent Examiner Legal Training.
4. Information Resources to Evaluate Patent Applications.
5. Identification of Trends in Biotechnology Research.
6. Non-Agenda Business from Board Members.
7. Setting Timing of next meeting and for completion of agreed upon actions.

Date: May 19, 1989.

Donald J. Quigg,

Assistant Secretary and Commissioner of Patents and Trademarks.

[FR Doc. 89-12839 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits and Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

May 24, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits and guaranteed access levels for the new agreement year.

EFFECTIVE DATE: June 1, 1989.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Bilateral Cotton and Man-Made Fiber Textile Agreement of January 20, 1989, as amended, and the Memorandum of Understanding dated March 22, 1989 between the Governments of the United States and the Dominican Republic establish limits and guaranteed access levels for certain cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the period June 1, 1989 through May 31, 1990.

A copy of the current bilateral agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-1998.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988).

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 6595, published on March 14, 1987; 52 FR 26057, published on July 10, 1987; and 54 FR 13101, published on March 30, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement and the March 22, 1989 Memorandum of Understanding, but are designed to assist only in the implementation of certain of their provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

May 24, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton and Man-Made Fiber Textile Agreement of January 20, 1989, as amended, and the Memorandum of Understanding dated March 22, 1989, between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 1, 1989, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in the following categories, produced or manufactured in the Dominican Republic and exported during the twelve-month period beginning on June 1, 1989 and extending through May 31, 1990, in excess of the following levels of restraint:

Category	12-month restraint limit
338/638	477,000 dozen.
339/639	477,000 dozen.
340/640	450,500 dozen.
342/642	345,560 dozen.
347/348/647/648	1,060,000 dozen of which not more than 742,000 dozen shall be in Categories 347/348 and not more than 636,000 dozen shall be in Categories 647/648.
633	65,500 dozen.
644	358,280 numbers.

Imports charged to these category limits for the period beginning on June 1, 1988 and extending through May 31, 1989 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustments in the future pursuant to the provisions of the current bilateral agreement between the Governments of the United States and the Dominican Republic.

Additionally, pursuant to the current bilateral agreement and the Memorandum of Understanding dated March 22, 1989 and the terms of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986) and 52 FR 26057 (July 10, 1987), effective on June 1, 1989, guaranteed access levels have been established for properly certified textile products assembled in the Dominican Republic from fabric formed and cut in the United States in cotton and man-made fiber textile products in the following categories which are exported from the Dominican Republic during the period June 1, 1989 through May 31, 1990:

Category	Guaranteed access level
338/638	1,000,000 dozen.
339/639	1,000,000 dozen.

Category	Guaranteed access level
340/640	1,000,000 dozen.
342/642	1,000,000 dozen.
347/348/647/648	3,500,000 dozen.
633	40,000 dozen.
644	2,400,000 numbers.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and CBI Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 25, 1987, as amended, shall be denied entry unless the Government of the Dominican Republic authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-12860 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-DR-M

Extending Coverage of Export Visa Requirements for Certain Man-Made Fiber Textile Products Produced or Manufactured in the Hungarian People's Republic

May 24, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs extending coverage of export visa requirements.

EFFECTIVE DATE: June 1, 1989.

FOR FURTHER INFORMATION CONTACT: Jerome Turtola, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority. Executive Order 11651 of March 3, 1972, as amended; Section 204 of the Agriculture Act of 1956, as amended (7 U.S.C. 1854).

Pursuant to the terms of the export visa arrangement established under the terms of the current bilateral textile agreement between the Governments of the United States and the Hungarian People's Republic, export visas will be required for man-made fiber textile products in Categories 645/646.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 49 FR 8659, published on March 8, 1984.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

May 24, 1988.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. This directive, as amended, directed you to prohibit entry of certain cotton, wool and man-made fiber textile products, produced or manufactured in Hungary which were not properly visaed by the Government of the Hungarian People's Republic.

Effective on June 1, 1989, you are directed to amend further the March 5, 1984 directive to require export visas for man-made fiber textile products in Categories 645/646, produced or manufactured in Hungary and exported from Hungary on or after June 1, 1989. Merchandise in Categories 645/646 which have been exported prior to June 1, 1989 shall not be denied entry for lack of a visa.

Shipments entered or withdrawn from warehouse on and after June 1, 1989 which are not accompanied by an appropriate export visa shall be denied entry and a visa waiver must be obtained.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-12861 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-DR-M

Amendment to the Export Visa Requirements for Certain Man-Made Fiber Yarn Produced or Manufactured in Peru

May 24, 1989.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending export visa requirements.

EFFECTIVE DATE: June 1, 1989.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and Peru is being amended further to provide for the use of visas for part-category designations for man-made fiber yarn in Categories 607-K and 607-O, produced or manufactured in Peru and exported from Peru on and after June 1, 1989.

A description of the textile and apparel categories in terms of HTS numbers is available in the Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 53 FR 44937, published on November 7, 1988). Also see 49 FR 4409, published on February 4, 1986.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

May 24, 1989.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on January 30, 1986, as amended, by the Chairman, Committee for the Implementation of Textile Agreements, which established export visa and exempt certification requirements for certain cotton, wool and man-made fiber textile products, produced or manufactured in Peru.

Effective on June 1, 1989, for goods exported on and after June 1, 1989, the existing export visa requirements established in the directive of June 30, 1986, as amended, are hereby further amended to include the following part-category designations:

Category	HTS Nos.
607-K	All HTS numbers except 5509.52.0000, 5509.61.0000, 5509.91.0000 and 5510.20.0000
607-O	Only HTS numbers 5509.52.000, 5509.61.0000, 5509.91.0000 and 5510.20.0000

Accordingly, you are directed to prohibit entry of shipments of man-made fiber yarn in Categories 607-K and 607-O, produced or manufactured in Peru and entered for consumption into the Customs territory of the United States (i.e., the 50 States, the District of Columbia and the Commonwealth of Puerto Rico) and exported on and after June 1, 1989, from Peru for which the Government

of Peru has not issued an appropriate visa with the correct part-category designation.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 89-12862 Filed 5-30-89; 8:45 am]

BILLING CODE 3510-DR-M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: June 22-23, 1989.

Time of Meeting: 0900-1630 hours each day.

Place: Presidio of San Francisco, California.

Agenda: The Army Science Board Subgroup on Toxic and Hazardous Waste Management will conduct its fifth meeting with emphasis on installation support aspects of the Installation Restoration Program and methods currently employed in restoring waste sites. Briefings will be conducted by representatives of DoD and EPA. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-3039/7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-12867 Filed 5-30-89; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: June 19-23, 1989.

Time of Meeting: Variable.

Place: Canada.

Agenda: The Army Science Board 1989 Summer Study on International Cooperation and Data Exchange to Enhance the Army's Technology Base will conduct a data gathering field trip with the major objective of finding out how well the current system is operating in the realm of International Cooperation and Data Exchange as pertains to Canada. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. Contact the Army Science Board Administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 89-12868 Filed 5-30-89; 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Partially Exclusive Patent License; Curtis M. Brubaker Corp.

AGENCY: Department of the Navy, DOD.

ACTION: Intent to grant partially exclusive patent license; Curtis M. Brubaker Corporation.

SUMMARY: The Department of the Navy hereby gives notice of intent to grant to Curtis M. Brubaker Corporation a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,255,810, entitled, "Jam Resistant Frequency Modulation System," issued March 10, 1981; inventors: Karl Soloman and George C. Hennesy.

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 OOCCOIP), Arlington, Virginia 22217-5000.

DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 North Quincy Street, Arlington, VA 22217-5000 telephone (202) 696-4001.

May 25, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-12852 Filed 5-30-89; 8:45 am]

BILLING CODE: 3810-AE-M

Partially Exclusive Patent License; Megabyte Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Intent to grant partially exclusive patent license; Megabyte, Inc.

SUMMARY: The Department of the Navy hereby gives notice of intent to grant to Megabyte, Inc., a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent Application Serial No. 505,617, entitled, "Enhanced Crosstie Random Access Memory Element and Process for the Fabrication Thereof," filed June 20, 1983; inventor: Leonard J. Schwee.

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.

DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research, (Code OOCCIP), 800 North Quincy Street, Arlington VA 2217-5000 telephone (202) 696-4001.

Date: May 25, 1989.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 89-12853 Filed 5-30-89; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

Intent To Repay to the Virginia State Department of Education Funds Recovered as a Result of a Final Audit Determination

AGENCY: Department of Education.

ACTION: Intent to award grantback funds.

SUMMARY: Under section 456 of the General Education Provisions Act (GEPA), the U.S. Secretary of Education (Secretary) intends to repay to the Virginia State Department of Education, the State educational agency (SEA), an amount equal to 75 percent of the funds recovered by the U.S. Department of Education as a result of a final audit determination. This notice describes the SEA's plan, submitted on behalf of the Portsmouth City Public Schools, the local educational agency (LEA), for the use of the repaid funds and the terms and conditions under which the Secretary intends to make those funds available. The notice invites comments on the proposed grantback.

DATE: All written comments must be received on or before June 30, 1989.

ADDRESS: All written comments should be submitted to Dr. James Spillane, Director, Division of Program Support, Compensatory Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 2043), Washington, DC 20202-6132.

FOR FURTHER INFORMATION CONTACT: Dr. James Spillane. Telephone: (202) 732-4694.

SUPPLEMENTARY INFORMATION

A. Background

The Department has recovered $317,435, plus $17,202.90 in interest, from the Virginia SEA in satisfaction of claims arising from an audit covering the period July 1, 1976 through June 30, 1979. The claims involved the SEA's administration of title I of the Elementary and Secondary Education Act of 1965 (title I), a program that addressed the special educational needs of educationally deprived children in areas with high concentrations of children from low-income families. Specifically, two LEAs—Richmond City Public Schools and Portsmouth City Public Schools—used Federal funds for activities that did not meet basic program requirements. Title I funds were expended for activities to meet the general needs of schools or of student bodies at large, instead of the special needs of educationally deprived students residing in eligible Title I project areas. This was in violation of 20 U.S.C. 241e(a)(1)(A) (1976) and 45 CFR 116a.21 and 116a.22 (1976), which required that LEAs identify specific educational needs for the target group of Title I children, develop a project to address those needs, and use Title I funds only in addressing those needs. The amounts of misspent funds in the Portsmouth and Richmond LEAs were $234,477 and $82,958, respectively.

B. Authority for Awarding a Grantback

Section 456(a) of GEPA, 20 U.S.C. 1234e(a) (1982), provides that whenever the Secretary has recovered funds following a final audit determination with respect to an applicable program, the Secretary may consider those funds to be additional funds available for the program and may arrange to repay to the SEA or LEA affected by that determination an amount not to exceed 75 percent of the recovered funds. The Secretary may enter into this "grantback" arrangement if the Secretary determines that the—

(1) Practices and procedures of the SEA or LEA that resulted in the audit determination have been corrected, and the SEA or LEA is, in all other respects, in compliance with the requirements of the applicable program;

(2) SEA has submitted to the Secretary a plan for the use of the funds to be awarded under the grantback arrangement that meets the requirements of the program, and, to the extent possible, benefits the population that was affected by the failure to comply or by the misexpenditures that resulted in the audit exception; and

(3) Use of funds to be awarded under the grantback arrangement in accordance with the SEA's plan would serve to achieve the purposes of the program under which the funds were originally granted.

C. Plan for Use of Funds Awarded Under a Grantback Arrangement

Pursuant to section 456(a)(2) of GEPA, the SEA has applied for a grantback of $175,857.75 and has submitted a plan on behalf of the Portsmouth LEA for use of the grantback funds to meet the special educational needs of educationally deprived children in programs administered under Chapter 1 of Title I of the Elementary and Secondary Education Act of 1965, as amended (Chapter 1). 20 U.S.C. 2701 *et seq.* The SEA's request did not include the Richmond LEA, but a separate request for the funds recovered from that LEA may be made at a later date.

Under the SEA's plan, the Portsmouth LEA would expend grantback funds in the amount of $175,857 to provide a 1989 summer school program for approximately 389 Chapter 1 students in pre-kindergarten through grade 4. The pre-kindergarten and kindergarten participants would be children who were served in the Chapter 1 program during the 1988-89 school year and were determined to be in need of additional services to address their special educational needs. Children in grades 1-4 who would be in the summer program have been identified as having special needs for remedial instruction in reading and mathematics. The program would be provided in seven schools for five weeks, and students would receive services for four and a half hours each day.

The instructional program, which would be provided by 36 teachers and 35 instructional aides, would be an extension of the regular school year Chapter 1 program and would be based on individual student's needs in mathematics and language. Enrichment activities also would be provided. Three days of inservice training would be provided for the instructional staff.

The program would have a strong parental involvement component. There would be reinforcement activities to be done at home with the involvement of the family. Strategies for assisting students with reinforcement activities would be disseminated to parents through a series of workshops led by specialists in the subject areas. Parents also would be encouraged to participate in various activities with the children that relate to the instructional services.

D. The Secretary's Determinations

The Secretary has carefully reviewed the plan submitted by the SEA. Based upon the review, the Secretary has determined that the conditions under section 456 of GEPA have been met.

These determinations are based upon the best information available to the Secretary at the present time. If this information is not accurate or complete, the Secretary is not precluded from taking appropriate administrative action. In finding that the conditions of section 456 of GEPA have been met, the Secretary makes no determination concerning any pending audit recommendations or final audit determinations.

E. Notice of the Secretary's Intent To Enter into a Grantback Arrangement

Section 456(d) of GEPA requires that, at least 30 days before entering into an arrangement to award funds under a grantback, the Secretary must publish in the **Federal Register** a notice of intent to do so, and the terms and conditions under which the payment will be made.

In accordance with section 456(d) of GEPA, notice is hereby given that the Secretary intends to make funds available to the Virginia SEA under a grantback arrangement. The grantback award would be in the amount of $175,857, which is 75 percent of the funds recovered by the Department as a result of the final audit determination relating to the Portsmouth LEA.

F. Terms and Conditions Under Which Payments Under a Grantback Arrangement Would Be Made

The SEA and LEA agree to comply with the following terms and conditions under which payment under a grantback arrangement would be made:

(1) The funds awarded under the grantback must be spent in accordance with—

(a) All applicable statutory and regulatory requirements;

(b) The plan that the SEA submitted and any amendments to that plan that are approved in advance by the Secretary; and

(c) The budget that was submitted with the plan and any amendments to

the budget that are approved in advance by the Secretary.

(2) All funds received under the grantback arrangement must be obligated by September 30, 1989, in accordance with the SEA's plan.

(3) The SEA, on behalf of the LEA, will, not later than January 1, 1990, submit a report to the Secretary which—

(a) Indicates that the funds awarded under the grantback have been spent in accordance with the proposed plan and approved budget, and

(b) Describes the results and effectiveness of the project for which the funds were spent.

(4) Separate accounting records must be maintained documenting the expenditures of funds awarded under the grantback arrangement.

(Catalog of Federal Domestic Assistance Number 84.010, Educationally Deprived Children—Local Educational Agencies)

Dated: May 24, 1989.

Lauro F. Cavazos,

Secretary of Education.

[FR Doc. 89-12832 Filed 5-30-89; 8:45 am]

BILLING CODE 4000-01-M

Vocational Education National Council; Meeting

AGENCY: National Council on Vocational Education.

ACTION: Notice of public meeting of the council.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming Subcommittee meeting of the National Council on Vocational Education. It also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act, and is intended to notify the general public of its opportunity to attend.

Date and Time: June 19, 1989, 10:00 a.m. to 3:00 p.m.; June 20, 1989, 10:30 a.m. to 3:00 p.m.

ADDRESS: Embassy Suites Hotel, 1250 22nd Street NW., Washington, DC 20037.

June 19, 1989, Diplomat Room
June 20, 1989, Diplomat Room
(202) 857-3388

SUPPLEMENTARY INFORMATION: The National Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968, Pub. L. 90-576.

The Council is established to:

(A) Advise the President, the Congress, and the Secretary of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title;

(B) Review the administration and operation of vocational education programs under this title, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to Congress; and

(C) Conduct independent evaluations of programs carried out under this title and publish and distribute the results thereof.

Agenda: The proposed agenda will include:

June 19, 1989

The Council has formally invited a selected group of Food Service and Hospitality industry experts to discuss the educational needs of the vocational-technical students pursuing careers in these occupations over the next 5 to 10 years.

Other issues to be discussed will be: projections on the industry occupations that will use vocational-technical education, how many employees will be needed to meet the demands in those occupations, general job skills that will be expected of new employees, suggestions on retraining needs for experienced employees, equipment and technology that will be used in the industry, and ideas on recruiting strategies, plus other pertinent information.

June 20, 1989

The Council has formally invited a selected group of experts from the Automated Business Systems industry to discuss the educational needs of the vocational-technical students pursuing careers in these occupations over the next 5 to 10 years.

Other issues to be discussed will be: projections on the industry occupations that will use vocational-technical education, how many employees will be needed to meet the demands in those occupations, a general inventory of the skills that will be expected of new employees, suggestions on retraining needs for experienced employees, equipment and technology that will be used in the industry, and ideas on recruiting strategies, plus other pertinent information.

FOR FURTHER INFORMATION CONTACT: Dr. Joyce Winterton, Executive Director, 330 C Street, SW., MES—Suite 4080, Washington, DC 20202-7580, (202) 732-1884.

Records are kept of all Council proceedings, and are available for public inspection at the above address from the hours of 9:00 a.m. to 4:30 p.m.

Signed at Washington, DC May 23, 1989.

Joyce Winterton,

Executive Director

[FR Doc. 89-12854 Filed 5-30-89; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financial Assistance Award; Inent to Award a Grant to Midwest Research Institute

AGENCY: U.S. Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy announces that, pursuant to 10 CFR 600.7(b)(2)(i) (B) and (D), it plans to make a financial assistance award of $237,771 for the first budget period of a three year project period, under Grant Number DE-FG01-89CE4025 to Midwest Research Institute (MRI) for research on the human immunological and biological effects of 60-Hz electric and magnetic fields.

The objectives of the proposed three-year rsearch project are to: (1) Determine whether the electric field or the magnetic fields alone can produce the effect, or whether combined fields are required; (2) evaluate whether time-of-day and intermittency rate factors affect the response; (3) identify the physiologial mechanisms underlying the cardiac changes observed; and (4) examine individual differences which might contribute to the magnitude of the effect. The grant is being awarded on a non-competitive basis because MRI has the only research facility in the United States that is equipped to conduct this specialized biological research.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Rose Mason, MA-453.2, 1000 Independence Avenue SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations

[FR Doc. 89-12918 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award; Intent To Award a Grant to the Rougeot Oil and Gas Corp.

AGENCY: U.S. Department of Energy.

ACTION: Acceptance of an unsolicited application for a grant award.

SUMMARY: The Department of Energy (DOE), Bartlesville Project Office announces that pursuant to 10 CFR 600.14 (D) and (E), it intends to award a Grant based on an unsolicited application submitted by Rougeot Oil and Gas Corporation for "Enhanced Oil Recovery Horizontal Drilling Project".

Scope: The objective of this grant project is to increase oil producing rates and ultimate recovery in a tight sandstone reservoir having high directional permeability and an underlying aquifer through the use of a horizontal well. Horizontal drilling will allow reservoirs which have not been fully developed to be very effectively stimulated and make possible the economical recovery of oil and gas reserves where it has not been previously possible. The intended research is to obtain the mineral rights (leasehold), for a lease in the North Flatrock Field, Osage County Oklahoma; obtain and install fluid separation and oil storage facilities (tank battery); acquire salt water disposal facilities; drill, equip, and produce a horizontal well; and report on work performed and results obtained. The Department of Energy will have constant access to all drilling and production data produced by Rougeot which relates to this research.

In accordance with 10 CFR 600.14 (D) and (E), Rougeot Oil and Gas Corporation has been selected as the grant recipient. This activity would be conducted by Rougeot Oil and Gas Corporation based on the meritorious application of the general evaluation. DOE support of the activity would enhance the public benefits to be derived by increasing domestic oil producing rates. This activity represents an unique idea and a method which would not be eligible for financial assistance under solicitation, and, as determined by DOE, a competitive solicitation would be inappropriate.

The terms of the grant is for a one-year period at an estimated value of $213,295. The DOE share is anticipated at $153,295, the remainder, or $60,000, to be nonfederal monies provided by Rougeot Oil and Gas Corporation.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-165, Pittsburgh, PA 15236, Attn: Norey B. Laug, Telephone: AC (412) 892-4827.

Date: May 16, 1989.

Gregory J. Kawalkin,

Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 89-12919 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

[Special Research Grant Program Notice 89-6]

Quantitative Links Between Changes in Atmospheric Composition and Climate Change

AGENCY: Office of Energy Research, DOE.

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Energy Research (OER) of the Department of Energy (DOE) announces its interest in receiving applications for Special Research Grants that will support investigations into the linkages between changes in atmospheric composition and temperature. Applications must be directed toward laboratory and/or field measurement activities that will clearly establish the relationships between, and factors controlling, (1) changes in atmospheric composition (particularly carbon dioxide), (2) changes in radiative fluxes, and/or changes in local temperature and long-term changes in global temperature. The research projects may involve, for example, studies of local, regional, or global scale changes over time scales of hours, days, seasons, or years and may propose collection of new data sets or analyses based on existing data. In each case, applications must define the relationship to be investigated, its importance in determining the global climatic response to changes in atmospheric composition, the degree of current understanding and uncertainty, and the extent to which the proposed experimental and related analysis effort will improve understanding and reduce existing uncertainties in establishing the quantitative linkages.

Consortia are encouraged to submit coordinated applications in order to consolidate scientific resources, equipment, and personnel. It is anticipated that multiple grants will be awarded for a three to five-year period beginning in early 1990. The Carbon Dioxide Research Program awards grants as small as $150,000 and as large as $450,000, but most grants are less than $250,000. Some of the funds being set aside for this program may be used to support research proposed by DOE laboratories.

DATES: To permit timely consideration for award in FY 1990, applications submitted in response to this Notice should be received by DOE, Acquisition and Assistance Management Division by September 15, 1989. Awards are anticipated to be funded in January 1990.

ADDRESS: Completed applications referencing Program Notice 89-6 should be forwarded to: U.S. Department of Energy, Acquisition and Assistance Management Division, Office of Energy Research, ER-64, Washington, DC 20545, ATTN: Program Notice 89-6.

FOR FURTHER INFORMATION CONTACT: Dr. Ari Patrinos, Carbon Dioxide Research Program, Office of Health and Environmental Research, ER-74, Washington, DC 20545, (301) 353-4375.

SUPPLEMENTARY INFORMATION: A major scientific objective of DOE's Office of Health and Environmental Research is to quantify the expected change in climate that may result from an increase in atmospheric concentrations of carbon dioxide. Extensive theoretical and computer modeling studies over the past few decades suggest that the global average equilibrium will increase by a few degrees Celsius in response to a doubling of the atmospheric carbon dioxide concentration or its radiative equivalent when also considering the atmospheric concentrations of other greenhouse gases. Since the early 1800's, the induced radiative change has been almost 50 percent of the radiative change expected from a doubling of the carbon dioxide, due primarily to concentration increases of carbon dioxide and methane. Therefore, the possibility exists of a significant discrepancy between the model predictions and the behavior of the global climate.

As part of its ongoing research program in carbon dioxide research, the DOE is supporting a wide variety of atmospheric research studies to carefully examine the adequacy of model representations of the climate. To supplement these studies, this announcement of research interest solicits applications emphasizing analysis of the observed behavior of the climate and the links to changes in atmospheric composition. These studies may include investigations of the linkages from atmospheric composition changes to climate changes, of factors (e.g., the radiative effects of cloud cover) not now being fully or realistically represented in climate models, and other atmospheric changes that may have

been changing the climate over the past few hundred years.

Important aspects to be contained in any application will be the ability of the proposed applicant to use experiments and observations to clarify the relationship of composition changes and climate changes. Approximately $3,000,000 has been set aside to fund the quantitative links initiative in FY 1990. Funding for FY 1991 and succeeding years will depend on the resources required for scientific and logistical support for the research as well as new, innovative ideas.

Information about submission of application, eligibility, limitations, evaluation and selection processes, and other policies and procedures may be found in the OER Application and Guide for the Special Research Grant Program. The application kit and guide is available from the U.S. Department of Energy, Acquisition and Assistance Management Division, Office of Energy Research, ER-64, Washington, DC 20545. Telephone requests may be made by calling (301) 353-4375. The Catalog of Federal Domestic Assistance Number for this program is 81.049.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 89-12921 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP89-1381-000 et al.]

Texas Gas Transmission Co. et al.; Natural Gas Certificate Filings

May 23, 1989.

Take notice that the following filings have been made with the Commission:

1. Texas Gas Transmission Company

[Docket No. CP89-1381-000]

Take notice that on May 15, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1381-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for PPG Industries, Inc.-Cleveland (PPG-Cleveland) under Texas Gas' blanket certificate issued in Docket No. CP88-686-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport on an interruptible basis up to 6,000 MMBtu of natural gas equivalent on behalf of PPG-Cleveland pursuant to a gas transportation agreement dated November 21, 1988, between Texas Gas and PPG-Cleveland. Texas Gas would receive the gas at various existing points of receipt on its system in Texas, offshore Texas, Indiana, Kentucky, Tennessee, Illinois, Arkansas, Ohio, Louisiana and offshore Louisiana and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at an existing delivery point in Ohio.

Texas Gas further states that the estimated average daily and annual quantities would be 2,200 MMBtu and 803,000 MMBtu, respectively. Service under § 284.223(a) commenced on April 1, 1989, as reported in Docket No. ST89-3021-000, it is stated.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

2. El Paso Natural Gas Company

[Docket No. CP89-1387-000]

Take notice that on May 15, 1989, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP89-1387-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Meridian Oil Trading Inc. (Meridian), under El Paso's blanket certificate issued in Docket No. CP88-433-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso requests authorization to transport, on an interruptible basis, up to a maximum of 316,500 MMBtu of natural gas per day for Meridian from any point of receipt on El Paso's system to a point of delivery at the borderline between the States of Arizona and California near Topock, Arizona. El Paso anticipates transporting an annual volume of 115,522,500 MMBtu.

El Paso states that the transportation of natural gas for Meridian commenced April 6, 1989, as reported in Docket No. ST89-3331-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to El Paso in Docket No. CP88-433-000.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

3. Stingray Pipeline Company

[Docket No. CP89-1365-000]

Take notice that on May 12, 1989, Stingray Pipeline Company (Stingray), Post Office Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1365-000, a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas for Hadson Gas Systems, Inc, (Hadson), a shipper and marketer of natural gas, pursuant to Stingray's blanket certificate issued by the Commission's Order No. 509 and Section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP89-70-000, all as more fully set forth in the request which is on file with the Commission and open for public inspection.

Specifically, Stingray requests authority to transport up to 200,000 Dt. per day on an interruptible basis on behalf of Hadson pursuant to a Transportation Agreement dated March 23, 1989 between Stingray and Hadson (Transportation Agreement). The Transportation Agreement provides for Stingray to receive gas from various existing points of receipt on its system. Stingray will then transport and redeliver subject gas, less fuel used and unaccounted for line loss, to Holly Beach and OXY-NGL Plant located in Cameron, Parish, Louisiana and Stingray-HIOS Exchange (EHI-A1330) located offshore Texas.

The Shipper states that the estimated daily and estimated annual quantities would be 135,000 Dt. and 49,275,000 Dt., respectively. Service under § 284.223(a) commenced on April 1, 1989, as reported in Docket No. ST89-3148.

Coment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this Notice.

4. Panhandle Eastern Pipe Line Company

[Docket No. CP89-1393-000]

Take notice that on May 15,1989 (Panhandle), P.O. Box 1642, Houston, Texas, 7725-1642, filed in Docket No. CP89-1393-000 a request for §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for the Town of Taloga (Taloga) under the blanket certificate issued in Docket No. CP86-585-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Panhandle states that pursuant to a Transportation Agreement dated April 1, 1989, between Panhandle and Taloga (Transportation Agreement) it proposes to transport up to 166 dt. per day on a firm basis on behalf of Taloga. The Transportation Agreement provides for Panhandle to receive gas from Ringwood in Major County, Oklahoma. Panhandle will then transport and redeliver subject gas, less fuel used and unaccounted for line loss, to the town of Taloga in Dewey County, Oklahoma.

Panhandle states that the maximum day, average day and annual transportation volumes would be approximately 166 dt., 166 dt. and 60,590 dt, respectively.

Panhandle further states that it commenced on April 1, 1989, as reported in Docket No. ST89-3176-000.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

5. Texas Gas Transmission Corporation

[Docket No. CP89-1408-000]

Take notice that on May 16, 1989, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP89-1408-000 a request pursuant to § 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Centran Corporation (Centran) under Texas Gas' blanket certificate issued in Docket No. CP88-686-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Texas Gas proposes to transport on an interruptible basis up to 20,000 MMBtu of natural gas equivalent on behalf of Centran pursuant to a gas transportation agreement dated January 18, 1989, between Texas Gas and Centran. Texas Gas would receive the gas at various existing points of receipt on its system in Texas, offshore Texas, Indiana, Kentucky, Tennessee, Illinois, Arkansas, Ohio, Louisiana and offshore Louisiana and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at existing delivery points in Ohio.

Texas Gas further states that the estimated average daily and annual quantities would be 10,000 MMBtu and 7,300,000 MMBtu respectively. Service under § 284.223(a) commenced on April 13, 1989, as reported in Docket No. ST89-3351-000, it is stated.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

6. Northern Natural Gas Company

[Docket No. CP89-1411-000]

Take notice that on May 16, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89-1411-000 a request pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) for permission and approval to abandon by reclaim measuring and appurtenant facilities serving 11 end users in the States of Minnesota, Iowa, and Kansas, under Northern's blanket certificate issued in Docket No. CP89-401-000 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northern proposes to abandon the facilities in response to a request from Peoples Natural Gas, Division of Utilicorp United, Inc., stating that 11 of their small volume measuring station customers no longer desire natural gas service and wish to have their meters removed.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

7. Northern Natural Gas Company, a Division of Enron Corporation

[Docket No. CP89-1412-000]

Take notice that on May 17, 1989, Northern Natural Gas Company, Division of Enron Corporation (Northern), 1400 Smith Street, Houston, Texas 77002, filed in Docket No. CP89-1412-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act for authorization to install a new delivery point to provide natural gas deliveries to Peoples Natural Gas Company, Division of Utilicorp United, Inc. (Peoples), for resale to a non-right of way grantor, Iris Schole of Dodge County, Nebraska, under Northern's blanket certificate issued in Docket No. CP82-401-000 under Section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern states that the proposed new delivery point for Peoples would be at Section 29, Township 20N, Range 8E, Dodge County, Nebraska. It is also stated that the total estimated cost to construct the proposed delivery point is $4,000.

It is further stated that the estimated peak day and annual volumes to be delivered to Peoples at the subject delivery point in the fifth year of service and the end use of such volumes are 55 Mcf and 6,900 Mcf, respectively. Northern also states that the volumes that would be delivered through the new delivery point in Dodge County, Nebraska would be served from the existing firm entitlement of Peoples designated for Hooper, Nebraska.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

8. Trunkline Gas Company

[Docket No. CP89-1413-000]

Take notice that on May 17, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1413-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide a firm transportation service for Manville Sales Corporation (Manville), an end user, under the blanket certificate issued in Docket No. CP86-586-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline states that pursuant to a transportation agreement dated April 1, 1989, under its Rate Schedule PT, it proposes to transport up to 6,000 dekatherms (dt) per day equivalent of natural gas for Manville. Trunkline states that it would receive the gas from Houston Pipeline (Katy) in Waller County, Texas, and would transport and redeliver the gas, less fuel and unaccounted for line loss, to Panhandle Eastern Pipeline Company in Douglas County, Illinois.

Trunkline advises that service under § 284.223(a) commenced April 1, 1989, as reported in Docket No. ST89-3155. Trunkline further advises that it would transport 6,000 dt on an average day and 2,190,000 dt annually.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

9. Trunkline Gas Company

[Docket No. CP89-1415-000]

Take notice that on May 17, 1989, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1415-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Natural Gas

Clearinghouse, Inc. (NGC), a marketer, under the blanket certificate issued in Docket No. CP86-586-000, pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline states that pursuant to a transportation agreement dated March 28, 1989, under its Rate Schedule PT, it proposes to transport up to 50,000 dekatherms (dt) per day equivalent of natural gas for NGC. Trunkline states that it would transport the gas from multiple receipt points as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel and unaccounted for line loss, to Transco (Ragley) in Beauregard Parish, Louisiana.

Trunkline advises that service under § 284.223(a) commenced April 1, 1989, as reported in Docket No. ST89-3157. Trunkline further advises that it would transport 2,000 dt on an average day and 730,000 dt annually.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

10. Trunkline Gas Company

[Docket No. CP89-1417-000]

Take notice that on May 17, 1989, Trunkline Gas Company (Trunkline) P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1417-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Seagull Marketing Services, Inc. (Seagull), a marketer, under the blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Trunkline states that pursuant to a transportation agreement dated February 10, 1989, under its Rate Schedule PT, it proposes to transport up to 100,000 dekatherms (dt) per day equivalent of natural gas for Seagull. Trunkline states that it would transport the gas from multiple receipt points as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel and unaccounted for line loss, to Panhandle Eastern Pipeline Company in Douglas County, Illinois.

Trunkline advises that service under § 284.223(a) commenced April 1, 1989, as reported in Docket No. ST89-3160. Trunkline further advises that it would transport 50,000 dt on an average day and 18,250,000 dt annually.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

11. Stingray Pipeline Company

[Docket No. CP89-1421-000]

Take notice that on May 17, 1989, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1421-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Texaco Gas Marketing, Inc. (Texaco), a marketer, under the blanket certificate issued by the Commission's Order No. 509, pursuant to section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP89-70-000, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Stingray states that pursuant to a transportation agreement dated March 23, 1989, under its Rate Schedule ITS, it proposes to transport up to 960,000 dekatherms (dt) per day equivalent of natural gas for Texaco. Stingray states that it would transport the gas from various receipt points on its system as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel used and unaccounted for line loss, to Holly Beach and OXY-NGL plant, both located in Cameron Parish, Louisiana, and Stingray-HIOS Exchange (EHI-A330) located offshore Texas.

Stingray advises that service under § 284.223(a) commenced April 1, 1989, as reported in Docket No. ST89-3201. Stingray further advises that it would transport 52,000 dt on an average day and 18,980,000 dt annually.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

Stingray Pipeline Company

[Docket No. CP89-1423-000]

Take notice that on May 17, 1989, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77251-1642, filed in Docket No. CP89-1423-000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Mobil Natural Gas, Inc. (Mobil), a marketer, under the blanket certificate issued by the Commission's Order No. 509, pursuant to Section 7 of the Natural Gas Act, corresponding to the rates, terms and conditions filed in Docket No. RP89-70-000, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Stingray states that pursuant to a transportation agreement dated March 23, 1989, under its Rate Schedule ITS, it proposes to transport up to 200,000 dekatherms (dt) per day equivalent of natural gas for Mobil. Stingray states that it would transport the gas from various receipt points on its system as shown in Exhibit "A" of the transportation agreement and would deliver the gas, less fuel used and unaccounted for line loss, to Holly Beach and OXY-NGL plant, both located in Cameron Parish, Louisiana, and Stingray-HIOS Exchange (EHI-A330) located offshore Texas.

Stingray advises that service under § 284.223(a) commenced April 1, 1989, as reported in Docket No. ST89-3214. Stingray further advises that it would transport 200,000 dt on an average day and 73,000,000 dt annually.

Comment date: July 7, 1989, in accordance with Standard Paragraph G at the end of this notice.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 89-12829 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER89-409-000]

Iowa Southern Utilities Co.; Filing

May 17, 1989.

Take notice that on May 5, 1989, Iowa Southern Utilities Company (Iowa Southern) tendered for filing a Utility Service Contract dated April 24, 1989, between Iowa Southern and the City of Jackson, Missouri for Interruptible

Wholesale Power under Rate 52 of Iowa Southern's FERC Electric Tariff. Iowa Southern requests an effective for this contract of June 1, 1989. Iowa Southern states that also included in this filing are revised tariff sheets of Iowa Southern's FERC Electric Tariff Original Volume No. 1.

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., Washingon, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before May 31, 1989. 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. 89-12808 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER89-408-000]

Kansas Power and Light Co.; Filing

May 17, 1989.

Take notice that on May 4, 1989, the Kansas Power and Light Company (KPL) tendered for filing a proposed change in its Federal Energy Regulatory Commission Electric Service Tariff No. 247. The Pricing Schedule for Interchange Power Service to Kansas Electric Sales, Transmission and Service Contract, dated November 23, 1987, between the Kansas Power and Light Company (KPL) and Kansas Electric Power Cooperative, Inc. (KEPCo), provides for certain interchange transactions between KPL and KEPCO.

Schedule KEPCO-E provides for the interchange of energy for the purpose of reducing the cost of input energy for both parties.

Copies of the filing were served upon Kansas Electric Power Cooperative, Inc. and the Kansas Corporation Commission.

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, 385.214). All such motions or protests should be filed on or before May 31, 1989. 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. 89-12809 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER89-431-000]

Southern California Edison Co.; Filing

May 12, 1989.

Take notice that on May 11, 1989, Southern California Edison Company (Edison) tendered for filing Amendment No. 1 to the Edison-Vernon LADWP Firm Transmission Service Agreement (Amendment) designated Rate Schedule FERC No. 229, which has been executed by Edison and the City of Vernon, California (Vernon):

Amendment No. 1 to the Edison-Vernon LADWP Firm Transmission Service Agreement

Edison requests that the notice of cancellation of Rate Schedule No. 229 be deemed withdrawn, and Amendment No. 1 to Rate Schedule be accepted for filing with a June 1, 1989, effective date.

The Amendment extends transmission service from June 1, 1989 through December 31, 1990.

Copies of this filing were served upon the Public Utilities Commission of the State of California and Vernon.

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, 385.214). All such motions or protests should be filed on or before May 26, 1989. 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. 89-12810 Filed 5-30-89; 8:45 am]

BILLING CODE: 6717-01-M

[Docket No. ER89-402-000]

Tampa Electric Co.; Filing

May 17, 1989.

Take notice that on May 3, 1989, Tampa Electric Company (Tampa Electric) tendered for filing a Letter Agreement between Tampa Electric and Seminole Electric Cooperative, Inc. (Seminole), an electric generation and transmission cooperative organized and existing under the laws of the State of Florida.

Tampa Electric states that the Letter Agreement amends an existing Letter of Commitment between Tampa Electric and Seminole dated December 22, 1988, as amended by a prior Letter Agreement dated February 17, 1989. Tampa Electric further states that the instant Letter Agreement is submitted as a supplement to Service Schedule J (negotiated interchange service) under the existing agreement for interchange service between Tampa Electric and Seminole, designated as Tampa Electric Rate Schedule FERC No. 22.

Tampa Electric requests an effective date of May 1, 1989, and therefore request waiver of the Commission's notice requirements.

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, 385.214). All such motions or protests should be filed on or before May 31, 1989. 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. 89-12811 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-44-001]

Florida Gas Transmission Co.; Filing

May 24, 1989.

Take notice that on May 18, 1989, Florida Gas Transmission Company (FGT) tendered for filing to become a part of FGT's FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets:

Fourth Revised 37th Revised Sheet No. 8
Revised 9th Revised Sheet No. 9
Original Sheet No. 57L
Original Sheet No. 57M
Original Sheet No. 57N
Original Sheet No. 57O
Original Sheet No. 57P
Original Sheet No. 57Q
Original Sheet No. 57R

FGT asserts that such revised tariff sheets are being submitted in compliance with the Commission's Order dated April 19, 1989 in the above-referenced docket, and requests any necessary waiver of the Commission's regulations as necessary to permit such tariff sheets to become effective on June 1, 1989. FGT submits that the above-described tariff sheets establish a new section 27 of the General Terms and Conditions of FGT's FERC Gas Tariff relating to the passthrough by FGT of the fixed charge allocation of take-or-pay buyout and buydown costs billed to FGT by Southern Natural Gas Company in accordance with the Stipulation and Agreement approved by the Commission's April 19, 1989 order as conditioned thereby.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before June 1, 1989. 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 the public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-12883 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER89-14-006]

Inter-City Minnesota Pipelines Ltd., Inc.; Tariff Filing

May 24, 1989.

Take notice that on May 17, 1989, Inter-City Minnesota Pipelines Ltd., Inc. ("Inter-City"), 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1, tendered for filing a revised tariff sheet to its FERC Gas Tariff.

Original Volume No. 1

Corrected Substitute Second Substitute Thirty-Second Revised Sheet No. 4

Inter-City states that the revised tariff corrects an error detected in its April 7, 1989 Motion rate filing submitted in this docket. Inter-City proposes the sheet to become effective May 1, 1989.

Inter-City states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before June 1, 1989. Protests will be considered by the Commission in determing 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. 89-12884 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-2-45-002]

Inter-City Minnesota Pipelines Ltd., Inc.; Tariff Filing

May 24, 1989.

Take notice that on May 17, 1989, Inter-City Minnesota Pipelines Ltd., Inc. ("Inter-City"), 245 Yorkland Boulevard, North York, Ontario, Canada M2J 1R1, tendered for filing a revised tariff sheet to Original Volume No. 1 of its FERC Gas Tariff to be effective May 1, 1988:

Original Volume No. 1

Corrected Substitute Thirty-Third Revised Sheet No. 4

Inter-City states that this revised tariff sheet is filed as Inter-City's quarterly PGA pursuant to Order Nos. 483 and 483-A.

Inter-City states that copies of the filing have been mailed to all of its customers and affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before June 1, 1989. 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. 89-12885 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-87-005]

Questar Pipeline Co.; Tariff Filing

May 24, 1989.

Take notice that Questar Pipeline Company (Questar Pipeline) on 5/22/89, tendered for filing and acceptance the following tariff sheets to revise Original Volume No. 1-A of its FERC Gas Tariff:

First Revised Sheet No. 81
Original Sheet No. 81-A
First Revised Sheet Nos. 94, 95, 99 and 100
Second Revised Sheet No. 101
Third Revised Sheet No. 102
First Revised Sheet Nos. 105 through 108
Original Sheet No. 108-A

Questar Pipeline states that this filing is made pursuant to 18 CFR 154.63(a)(1) and in compliance with certain of the conditions contained in the Commission's April 5, 1989, order issued in Docket No. RP86-87-000.

Questar Pipeline requests an effective date of June 1, 1989, and states it has provided a copy of this filing to Questar Pipeline's transportation and sales customers and interested public service commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 385.211 and 385.214 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 June 1, 1989. 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. Copes of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 89-12886 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-172-000]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

May 24, 1989.

Take notice that ANR Pipeline Company ("ANR") on May 17, 1989 tendered for filing with the Federal Energy Regulatory Commission ("Commission") as part of its FERC Gas Tariff, Original Volume No. 1-A, the following tariff sheets:

Second Revised Sheet No. 132
Original Sheet No. 163
Original Sheet No. 163A

ANR states that the above referenced tariff sheets are being filed to revise the definition of "Reduction for Transporter's Use (%)." ANR has requested that the Commission accept the tariff sheets to become effective on July 1, 1989.

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, 385.214). Such protests or motions must be filed by June 1, 1989. 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. 89-12879 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-176-000]

Colorado Interstate Gas Co.; Proposed Changes in FERC Gas Tariff

May 24, 1989

Take Notice that Colorado Interstate Gas Company ("CIG"), on May 19, 1989, tendered for filing the following tariff sheets to revise its FERC Gas Tariff, Original volume No. 1:

First Revised Sheet No. 61G12
Original Sheet No. 61G12-A
Original Sheet No. 61G12-B

CIG states that the above-referenced tariff sheets are being filed to implement the flow-through and recovery of Buyout-Buydown Costs allocated to CIG by Northwest Pipeline Corporation ("Northwest") pursuant to Northwest's filing in Docket No. RP89-137. CIG states that the fixed charge Buyout-Buydown Obligation allocated to it by Northwest is $6,883,333. CIG proposes to allocate this amount between its jurisdictional and nonjurisdictional firms sales customers utilizing the same purchase deficiency methodology, base period, and deficiency period as used by Northwest in Docket No. RP89-137.

CIG has requested that the Commission accept this filing to become effective June 1, 1989.

CIG states that copies of this filing are being served on all of its firm sales customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 1, 1989. 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 Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 89-12880 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-259-014]

Northern Natural Gas Co., Division of Enron Corp.; Proposed Changes in FERC Gas Tariff

May 24, 1989.

Take notice that on May 19, 1989, Northern Gas Company, Division of Enron Corp. (Northern) filed with the Commission to correct the rates on one tariff sheet which was previously filed with the Commission on April 28, 1989.

Northern states that the rates reflected on Substitute Seventh Revised Sheet No. 4g.1 are in compliance with the Commission's March 31, 1989 order in the above proceeding.

Northern states that copies of this filing have been sent to all parties of record in this proceeding, all customers and to all interested State Commissions. Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such protests should be filed on or before June 1, 1989. 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. 89-12881 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP89-147-000]

Southern Natural Gas Co; Proposed Changed in FERC Gas Tariff

May 24, 1989.

Take notice that on May 18, 1989, Southern Natural Gas Company (Southern) tendered for filing the following proposed tariff sheets to Sixth Revised Volume No. 1 of its FERC Gas Tariff, with a proposed effective date of May 1, 1989:

Eighty-Sixth Revised Sheet No. 4A
Original Sheet No. 4B.4
Original Sheet No. 4B.5
Original Sheet No. 4B.6
Seventh Revised Sheet No. 45O
Fifth Revised Sheet No. 45P
Third Revised Sheet No. 45Q

Southern states that the proposed tariff sheets restate Southern's currently authorized fixed and volumetric take-or-pay surcharges in accordance with the provisions of the Stipulation and Agreement in Docket Nos. RP83-58, *et al.*

Any person desiring to protest this 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 the Commission's Rules of Practice and Procedure (18 CFR 385.211 of 385.214). All such motions or protests should be filed on or before June 1, 1989. Protests will be considered by the Commission in determining the appropriate action to be taken but will not 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. 89-12882 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP82-55-042 et al.]

Transcontinental Gas Pipe Line Corp. et al.; Filing of Pipeline Refund Reports

May 24, 1989.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports. The date of filing and docket number are also known on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, DC 20426, on or before June 14, 1989. Copies of the respective filings are on file with the Commission and available for public inspection.

Lois D. Cashell,

Secretary.

Filing date	Company	Docket No.
3/7/88	Transcontinental Gas Pipe Line Corp.	RP82-55-042.
4/24/89	Williams Natural Gas Co.	RP86-68-010
4/25/89	Southern Natural Gas Co.	RP83-58-018.
5/1/89	Northwest Pipeline Corp.	RP72-154-016.
5/3/89	Jupiter Energy Corp	RP86-80-004.
5/9/89	Northwest Pipeline Corp.	RP72-154-017.

[FR Doc. 89-12878 Filed 5-30-89; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[Docket No. FE C&E 89-11; Certification Notice—37]

Filing Certification of Compliance; Coal Capability of New Electric Powerplant

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Title II of the Powerplant and Industrial Fuel Use Act of 1978, as amended ("FUA" or "the Act") (42 U.S.C. 8301 *et seq.*), provides that no new electric powerplant may be constructed or operated as a base load powerplant without the capability to use coal or another alternate fuel as a primary energy source (section 201(a), 42 U.S.C. 8311(a), Supp. V. 1987). In order to meet the requirement of coal capability, the owner or operator of any new electric powerplant to be operated as a base load powerplant proposing to use natural gas or petroleum as its primary energy source may certify, pursuant to section 201(d), to the Secretary of Energy prior to construction, or prior to operation as to base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date it is filed with the Secretary. The Secretary is required to publish in the **Federal Register** a notice reciting that the certification has been filed. One owner and operator of a proposed new electric base load powerplant has filed a self certification in accordance with section 201(d).

Further information is provided in the **"SUPPLEMENTARY INFORMATION"** section below.

SUPPLEMENTARY INFORMATION: The following company has filed a self certification:

Name	Date received	Type of facility	Megawatt capacity	Location
Power City Partners, L.P., New York, NY	05-11-89	Combined Cycle Cogen.	79	Massena, NY.

Amendments to the FUA on May 21, 1987 (Public Law 100-42), altered the general prohibitions to include only new electric base load powerplants and to provide for the self certification procedure.

Issued in Washington, DC on May 24, 1989.

J. Allen Wampler.

Assistant Secretary, Fossil Energy.

[FR Doc. 89-12920 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed During the Week of April 21 Through April 28, 1989

During the Week of April 21 through April 28, 1989, the appeals and application for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. A submission inadvertently omitted form an earlier list has also been included

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

May, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of April 21 through April 28, 1989]

Date	Name and location of applicant	Case No.	Type of Submission
09/26/88	Marsden Chevrolet, Memphis, TN.	RR272-33	Request for modification. If Granted: The August 11, 1988, Decision and Order issued to Marsden Chevrolet (Case. No. RF272-60192) would be modified, regarding the firm's application in the crude oil refund proceeding.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS—Continued

[Week of April 21 through April 28, 1989]

Date	Name and location of applicant	Case No.	Type of Submission
04/21/89	Brookline Ave. Service, Washington, DC.	RR272-30	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18493) issued to Brookline Ave. Service would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	Burkland Oil Co., Washington, DC.	RR272-24	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18492) issued to Burkland Oil Company woud be modified, regarding the firm's application in the crude oil refund proceeding.
04/22/89	Cal's Supply, Inc., Washington, DC.	RR272-25	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18488) issued to Cal's Supply, Inc. would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	Fraser Oil Co., Washington, DC.	RR272-29	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18491) issued to Fraser Oil Company would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	Johnson Oil Co., Washington, DC.	RR272-28	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18490) issued to Johnson Oil Company would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	Mike Junker, Washington, DC.	RR272-32	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18496) issued to Mike Junker would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	Milliken & Servas, Inc., Washington, DC.	RR272-27	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18489) issued to Milliken & Servas, Inc. would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	Shlottman Oil Co., Washington, DC.	RR272-31	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-18494) issued to Schlottman Oil Company would be modified, regarding the firm's application in the crude oil refund proceeding.
04/21/89	T.A. Wiseman, Washington, DC.	RR272-26	Request for Modification/Rescission. If Granted: The March 22, 1989, Decision and Order (Case No. RF272-14491) issued to T.A. Wiseman would be modified, regarding the firm's application in the crude oil refund proceeding.
04/24/89	National Security Archive, Washington, DC.	KFA-0280	Appeal of an Information Request Denial. If granted: The March 14, 1989, Freedom of Information Request Denial issued by the Office of Classification and Technology Policy would be rescinded and the National Security Archive would receive access to documents pertaining to Saudi Arabian defense needs.
04/27/89	Diamond Industries, Inc., Washington, DC.	KEF-0130	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 C.F.R., Part 205, Subpart V, in conneciton with the July 22, 1986 Consent Order entered into with Diamond Industries, Inc.
04/27/89	Government Accountability Project, Washington, DC.	KFA-0281	Request of Information Request Denial. If granted: The March 24, 1989, Freedom of Information Request Denial issued by the Office of Naval Reactors would be rescinded and the Government Accountability Project would receive access to a complete copy of "Report of Inspection of Radiological Control NR:NT:AETRYON R#87-6673.
04/21/89	Aminoil/Wilhelm Enterprises, St. Louis, MO.	RR139-71	Request for Modification/Rescission. If Granted: The March 24, 1989, Decision and Order issued to Wilhelm Enterprises (Case No. RR138-9) would be modified, regarding the firm's application in the Aminoil refund proceeding.
04/24/89	International Brotherhood of Electrical Workers Local 125 Portland, OR.	KFS-0279	Appeal of an Information Request Denial. If Granted: The April 10, 1989, Freedom of Information Request Denial issued by the Bonneville Power Administration would be rescinded, and Local 125 would receive access to documents regarding the LaPine Substation Project, No. DE-FB-79-88BP91882.
04/24/89	Mobil/The Atchison, Topeka & Santa Fe Railway, Washington, DC.	RR225-40	Request for Modification/Rescission. If granted: The December 5, 1988, Decision and Order issued to The Atchison, Topeka & Santa Fe Railway (Case No. RF225-5301) would be modified regarding the firm's application in the Mobil Oil refund proceeding.
04/27/89	United Refining Corp., Washington, DC.	KEF-0132	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the January 13, 1988, settlement agreement with United Refining Corporation (Case No. 340S00044).
04/28/89	Meadows Realty Co., Washington, DC.	KEF-0133	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the April 22, 1989 Consent Order entered into with Meadows Realty Company.
04/28/89	Quintana Energy Corp., Washington, DC.	KEF-0131	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, in connection with the March 9, 1989, Consent Order entered into with Quintana Energy Corporation (Case No. 650X00356).

REFUND APPLICATIONS RECEIVED

[Week of April 21 to April 28, 1989]

Date received	Name of refund proceeding/Name of refund applicant	Case No.
04/24/89	Vickers/Oklahoma	RQ-511.
04/21/89 thru 4/28/89.	Crude Oil Refund Applications Received.	RF272-75451 thru RF272-75461.

REFUND APPLICATIONS RECEIVED—Continued

[Week of April 21 to April 28, 1989]

Date received	Name of refund proceeding/Name of refund applicant	Case No.
04/21/89 thru 4/28/89.	Murphy Oil Refund Applications Received.	RF309-1311 thru RF309-1343.

REFUND APPLICATIONS RECEIVED—Continued

[Week of April 21 to April 28, 1989]

Date received	Name of refund proceeding/Name of refund applicant	Case No.
04/21/89 thru 4/28/89.	Atlantic Richfield Refund Applications Received.	RF304-8839 thru RF304-8991.

REFUND APPLICATIONS RECEIVED—Continued

[Week of April 21 to April 28, 1989]

Date received	Name of refund proceeding/Name of refund applicant	Case No.
04/21/89 thru 4/28/89.	Exxon Oil Refund Applications Received.	RF307-9902 thru RF307-9928.
04/21/89 thru 4/28/89.	Shell Oil Refund Applications Received.	RF315-5463 thru RF315-5598.
04/26/89	Commonwealth Oil & Refining Co.	RF171-37.
04/24/89	Fred Abbott Gulf Service.	RF300-10789
04/24/89	O.M. Embrey Gulf	RF300-10790
04/25/89	Odom Oil Company	RF313-134
04/26/89	Vince's Crown Station	RF313-135
04/26/89	Kocolene Oil Corp.	RF313-136
04/26/89	John J. Craig	RF272-46
04/25/89	Mont-East Gas Supply, Inc.	RF300-10791
04/24/89	UCO Oil Company	RF300-10792
04/26/89	Mrs. Irene Tokarski	RF300-10793
04/28/89	Paster Fuel Oil Inc.	RF313-137
04/28/89	Riggleman Brothers Gulf.	RF300-10794
04/28/89	Petty, Hufford & French, Inc.	RF300-10795
04/27/89	Clinton Place Gulf	RF300-10796.

[FR Doc. 89-12922 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Decisions and Orders During the Week of February 13 through February 17, 1989

During the week of February 13 through February 17, 1989 the decisions and orders summarized below were issued with respect to applications for exception and other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Remedial Order

Bayport Refining Co., et al., 2/16/89, HRO-0255

The OHA issued a final Remedial Order to Bayport Refining Company and its President and chief shareholder, Malcolm W. Turner. Under the RO, Bayport should refund $18,340,814 which it received from transactions which violated the provisions of 10 CFR 212.131 and 212.186. Of that amount, the RO found that Turner is personally liable for the refund of $8,998,074 based on his own actions at Bayport.

In some past cases, the OHA has determined that individual PRO respondents such as Turner should be held liable for the entire amount of the overcharges resulting from the actions of their firms. In this instance, however, the OHA found that Turner's liability should be limited by the percentage of his stock ownership in Bayport during the period of time covered by the PRO.

Request for Exception

Rob-Lu Oil Company, Inc., 2/15/89, KEE-0166

Rob-Lu Oil Company, Inc., filed an Application for Exception from the requirement that it complete and file Form EIA-782B, entitled "Resellers/Retailers' Monthly Petroleum Product Sales Report." In consideration the application, the DOE found that the firm's reporting burden was not significantly different from other firms participating in the survey. The DOE further found that the firm was not experiencing severe financial hardship or difficulties compiling the data required for the form. Accordingly, exception relief was denied.

Request for Modification and/or Rescission

Arkansas Industrial Development Commission, 2/13/89, KER-0049

The DOE issued a Decision and Order concerning a Motion for Reconsideration filed by the Arkansas Industrial Development Commission (AIDC). AIDC sought reversal of a previous Decision which denied AIDC's Appeal of a determination issued by the DOE's Dallas Support Office (DSO). *Arkansas*, 17 DOE ¶ 80,135 (1988). The DSO determination denied in part AIDC's request to use oil overcharge funds remitted by Exxon Company, U.S.A. for a demonstration project, conducted as part of the State Energy Conservation Program (SECP), involving a grid-connected, photovoltaic electric generating system. After reviewing the legislative history of the SECP, as well as the agency's regulations and program guidance, the DOE concluded once again that the DSO made no error of fact or law when it did not approve the AIDC proposal. The DOE also rejected AIDC's arguments that (1) the DSO acted arbitrarily and capriciously in failing to approve this project, and (2) basic principles of federalism militate in favor of project approval. Accordingly, the Motion for Reconsideration was denied.

Economic Regulatory Administration (Phoenix Petroleum Company), 2/16/89, KRR-0050

The Economic Regulatory Administration filed a Motion to Modify a Remedial Order that had been issued to Phoenix Petroleum Company and Steven B. Wyatt on September 29, 1988. The Remedial Order found that Phoenix had violated the price regulations applicable to the resale of crude oil and directed the firm to refund the amount of the resulting overcharges. The Remedial Order also found that Wyatt should be held personally liable for a portion of Phoenix's refund liability, under the "tortious conduct" theory of personal liability. On equitable grounds, Wyatt's liability was limited to the amount that he had benefitted from the overcharges, because he was not an owner of the firm and because his benefits were only a small fraction of the firm's gross profits.

In its Motion, the ERA sought to relieve Wyatt of all liability for Phoenix's overcharges. This request was based upon a change in ERA policy concerning personal liability. Under this new policy, the ERA stated that it will not seek to hold non-owners personally liable for corporate violations under the tortious conduct theory.

The DOE found that the ERA had not shown that its request was based upon "significantly changed circumstances" as required by 10 CFR Part 205, Subpart J, for modifications of DOE Decisions, or that there was any error or inequity in the Remedial Order's finding that Wyatt should be held personally liable for a portion of the Phoenix overcharges. The DOE noted that if final Remedial Orders could be modified every time the ERA changed a policy, there would be no finality to the administrative process, and that this would lead to uncertainty and confusion. Accordingly, the DOE found that the ERA's Motion should be denied.

Implementation of Special Refund Procedures

Wickett Refining Company KEF-0099, Pennzoil Company KEF-0104, Sun Company KEF-0105, Phillips Petroleum Company, 2/16/89, KEF-0111.

The DOE issued a final Decision and Order establishing procedures to distribute $34,720,020.90 plus accrued interest, obtained from Wickett Refining Company, Pennzoil Company, Sun Company, and Phillips Petroleum Company. The DOE has determined to distribute these funds in accordance with the DOE's Modified Statement of Restitutionary Policy Concerning Crude Oil Overcharges, 51 FR 27899 (August 4, 1986). In making this determination, the DOE rejected the comments filed by Philip P. Kalodner concerning the

sufficiency of the 20 percent set-aside for injured claimants. The specific information required in an Application for Refund is set forth in the Decision and Order.

Refund Applications

Atlantic Richfield Company/Billy Wickman et al., 2/16/89, RF304-2203 et al.

The DOE issued a Decision and Order concerning fifty-two Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All of the applicants documented the volume of their ARCO purchases and were end users or reseller/retailers requesting refunds of less than $5,000. Therefore, each applicant was presumed injured. The refunds granted in this Decision totalled $60,154 ($47,089 in principal and $13,065 in interest).

Atlantic Richfield Company/Eustacio Flores, 2/14/89, RF304-4950

The DOE issued a Decision and Order concerning the Application for Refund filed by the firm of McMickle & Edwards, Inc. on behalf of Eustacio Flores, the sole proprietor of a number of retail service stations. The DOE concluded that the small claims presumption elected by Mr. Flores in a previous submission, Case No. RF304-403, applied to all purchases of ARCO products which Mr. Flores made for all entities under his proprietorship, and for which Mr. Flores is entitled to a refund in the ARCO proceeding. Therefore, since Case No. RF304-4950 claims part of a refund which has already been granted, the DOE concluded that it should be denied.

Atlantic Richfield Company/Falls Service, et al. 2/14/89, RF304-216, et al.

The DOE issued a Decision and Order concerning twenty-seven Applications for Refund in the Atlantic Richfield Company special refund proceeding. All of the applicants were either end users or reseller/retailers that applied for small claims presumption refunds. In addition, each applicant documented the volume of its purchases from ARCO and, therefore, was presumed to have been injured and entitled to a refund. The DOE concluded that the applicants should receive refunds totaling $71,200, representing $55,741 in principal and $15,459 in accrued interest.

Atlantic Richfield Company/Jac, Inc. OR G & R, Inc., et al, 2/15/89, RF304-1514 et al.

The DOE issued a Decision and Order concerning twenty-one Applications for Refund filed in the Atlantic Richfield Company (ARCO) special refund proceeding. All of the applicants documented the volume of their ARCO purchases and were end users or reseller-retailers requesting refunds of $5,000 or less. Therefore, each applicant was presumed injured. The refunds granted in this Decision totalled $48,532 ($37,992 in principal and $10,540 in interest).

Dept. of Public Utilities et al., 2/16/89, RF272-22228 et al.

The DOE issued a Decision and Order granting refund from crude oil overcharge funds to 28 applicants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each applicant demonstrated the volume of its claim either by consulting actual records or by using a reasonable estimate of its purchases. Each applicant was an end-user of the products it claimed and was therefore presumed injured by the DOE. The sum of the refunds granted in this Decision is $84,928.

Earth Resources Co./Malone Oil Co. Home Petroleum Corp., 2/16/89, RF239-16 RF239-17

The DOE issued a Decision and Order concerning Applications for Refund filed by Malone Oil Company and Home Petroleum Corporation in the Earth Resources Company special refund proceeding. Home submitted cost banks which indicated that it did not recover the full amount of its increased costs during the period of regulation and market price comparisons from which the DOE determined that Home was injured to the full extent of its volumetric share by its purchases. Malone was unable to make such a showing and, therefore, its refund was limited by the small claims presumption of injury. After examining the firms applications and supporting documentation, the DOE concluded that the firms should receive refunds totalling $266,975, representing $144,802 in principal and $122,173 in interest.

Exxon Corporation/Harry R. Lewis et al., 2/15/89, RF307-1600 et al.

The DOE issued a Decision and Order concerning 42 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was either an end-user or reseller whose allocable share is less than $5,000. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $27,265 ($23,387 principal plus $3,878 interest).

Exxon Corporation/J. Carroll Leake ET AL., 2/13/89, RF307-406 et al.

The DOE issued a Decision and Order concerning 24 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was either a reseller whose allocable share is less than $5,000 or an end-user of Exxon products. Each of the Applicants disagreed with the Exxon volume printout it received from Exxon, and submitted gallonage figures based on invoices from Exxon and internal records for the years in which they found a discrepancy. The DOE reviewed the firm's documentation and found that in each case it supported the firm's purchase claim for the consent order period. Accordingly, the DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $24,432 ($21,102 principal plus $3,330 interest).

Exxon Corporation/Johnson's Exxon et al., 2/16/89, RF307-500 et al.

The DOE issued a Decision and Order concerning 54 Applications for Refund filed in the Exxon Corporation special refund proceeding. Each of the Applicants purchased directly from Exxon and was either an end-user or reseller whose allocable share is less than $5,000. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $55,127 ($47,280 principal plus $7,847 interest).

Exxon Corporation/Pike Creek Exxon, 2/15/89, RF307-8208

The DOE issued a Supplemental Order to Pike Creek Exxon (Pike Creek), an applicant granted a refund in *Exxon Corp./Frank's Exxon Station*, 18 DOE ¶ ____, Case No. RF307-00228 *et al.* (January 27, 1989). The refund amount for Pike Creek listed in the Appendix to that Decision and Order was calculated using an incorrect volume of refined petroleum products from Exxon. The correct purchase volume upon which to calculate Pike Creek's refund was 3,632,123 gallons. Since the original refund had not yet been issued, the DOE rescinded the original refund and granted Pike Creek the correct refund amount of $1,501 ($908 in principal and $143 in interest).

Exxon Corporation/Slim's Exxon et al., 2/13/89, RF307-1818 et al.

The DOE issued a Decision and Order concerning 33 Applications for Refund filed in the Exxon Corporation special

refund proceeding. Each of the Applicants purchased directly from Exxon and was either a reseller whose allocable share is less than $5,000 or an end-user of Exxon products. The DOE determined that each applicant was eligible to receive a refund equal to its full allocable share. The sum of the refunds granted in this Decision is $21,297 ($18,395 principal plus $2,902 interest).

Farmington Public Schools, 2/16/89, RF272-347

The DOE issued a Decision concerning an Application for Refund that Farmington Public Schools (Farmington) submitted in the Subpart V crude oil refund proceedings. Farmington purchased 1,428,692 gallons of petroleum products during the period August 19, 1973 through January 27, 1981. Farmington is an end-user of petroleum products and relies upon the end-user presumption of injury. The total refund approved in this Decision is $286.

Gulf Oil Corporation/A.B.F. Freight Systems, Inc. et al., 2/15/89, RF300-400, et al.

The DOE issued a Decision and Order concerning 54 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $119,577.

Gulf Oil Corporation/Circle F Industries Inc. et al., 2/14/89, RF300-712, et al.

The DOE issued a Decision and Order concerning 16 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $18,396.

Gulf Oil Corporation/Clyde R. Evans, Lampton-Love, Inc. Conservative Gas Division. 2/14/89, RF300-4996, RF300-5402, RF300-5523.

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $39,802.

Gulf Oil Corporation/Essex Oil Company, et al., 2/15/89, RF300-1396, et al.

The DOE issued a Decision and Order concerning 27 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $175,068.

Gulf Oil Corporation/George and Bills Gulf, Town and Country Gulf, Northside Gulf, 2/16/89, RF300-170, RF300-562, RF300-4764.

The DOE issued a Decision and Order concerning three Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding by George and Bills Gulf, Town and Country Gulf, and Northside Gulf. Because the three gas stations were under common ownership during the consent order period, and because their total allocable share exceeds $5,000, it is appropriate to consider them together when applying the presumptions of injury. The three stations collectively purchased 16,482,106 gallons of covered Gulf products, and their Applications were approved under the 40 percent presumption of injury method. The total refund granted in this Decision is $6,484.

Gulf Oil Corporation/Livingston Gas and Electric Co., et al. 2/16/89, RF300-6424.

The DOE issued a Decision and Order concerning 6 Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. The four end-user application was approved a refund for their full allocable share. The two retailer applications were approved using a presumption of injury. The sum of the refunds granted in this Decision is $319,191.

Gulf Oil Corporation/Spotsylvania County School Board, 2/16/89, RF300-4486

The DOE issued a Decision and Order concerning an Application for Refund submitted by an indirect purchaser in the Gulf Oil Corporation special refund proceeding. Because the indirect purchaser's supplier, the direct purchaser from Gulf, was awarded a refund based upon a presumption of injury, the indirect purchaser's Application ws approved under the same procedure as a direct purchaser using a presumption of injury. The sum of the refund granted in this Decision is $1,093.

Gulf Oil Corporation/Triad Chemical Company, et al., 2/16/89, RF300-4880, et al.

The DOE issued a Decision and Order concerning five Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $14,510.

Gulf Oil Corporation/Van Doren Oil Corporation, et al., 2/16/89, RF300-5013, et al.

The DOE issued a Decision and Order concerning four Applications for Refund submitted in the Gulf Oil Corporation special refund proceeding. Each application was approved using a presumption of injury. The sum of the refunds granted in this Decision is $38,545.

Gulf Oil Corporation/W.K. Jones, Inc., 2/13/89, RF300-2026

The DOE issued a Decision and Order concerning an Application for Refund submitted in the Gulf Oil Corporation special refund proceeding by W.K. Jones, Inc. W.K. Jones purchased 1,380,726 gallons of Gulf distillate as a reseller and distributed 2,728,367 gallons of Gulf gasoline and other products as a consignee. W.K. Jones' total allocable share is less than $5,000. Because W.K. Jones did not attempt to demonstrate injury, it was awarded a full volumetric refund on its reseller gallons and 10 percent of its allocable share as a consignee. The total refund granted in this Decision, including principal and interest, is $1,372.

Massachusetts Container Corp. et al., 2/14/89, RF272-3320, et al.

The DOE issued a Decision and Order granting refunds from crude oil overcharge funds to ten claimants based on their respective purchases of refined petroleum products during the period August 19, 1973 through January 27, 1981. Each applicant used the petroleum products for various commercial activities and each determined its claim by consulting actual purchase records. As an end-user, each applicant was entitled to receive a refund of its full volumetric share. The refund granted in this Decision is $7,734.

Murphy Oil Corporation/Florida Power Corporation et al., 2/13/89, RF309-334 et al.

The DOE issued a Decision and Order granting applications filed by thirteen purchasers of Murphy refined petroleum products in the Murphy Oil Corporation special refund proceeding. One applicant considered in this Decision is a public utility while another is an agricultural cooperative. Both provided certification that they would notify their customers and members of any refund received and that they would pass the refund through to their members and customers. According to the procedures set forth in *Murphy Oil Corp.*, 17 DOE ¶85,782 (1988), each applicant was found

to be eligible for a refund based on the volume of products it purchased from Murphy. The total amount of refunds approved in this Decision was $22,046, representing $19,270 in principal plus $2,776 in accrued interest.

Murphy Oil Corporation/Frank Guthrie Oil Co., Inc. et al., 2/16/89, RF309-702 et al.

The DOE issued a Decision and Order granting Applications for Refund filed by seven applicants, all purchasers of refined petroleum products, in the Murphy Oil Corporation special refund proceeding. Each applicant was found to be injured under the appropriate mid-level presumption of injury defined in *Murphy Oil Corp.*, 17 DOE ¶85,782 (1988). According to the procedures set forth in that decision, each applicant was found to be eligible for a refund of $5,000 or 40% of its full allocable share, whichever was greater, based on the volume of product it purchased from Murphy. The total refund approved in this Decision was $75,055, representing $65,608 in principal plus $9,447 in accrued interest.

Murphy Oil Corporation/Southwest Georgia Oil Company et al., 2/13/89, RF309-203 et al.

The DOE issued a Decision and Order granting Applications for Refund filed by 9 applicants, all purchasers of refined petroleum products, in the Murphy Oil Corporation special refund proceeding. Each applicant was found to be injured under the appropriate mid-level presumption of injury defined in *Murphy Oil Corp.*, 17 DOE ¶85,782 (1988). According to the procedures set forth in that decision, each applicant was found to be eligible for a refund of $5,000 or 40% of its full allocable share, whichever was greater, based on the volume of product it purchased from Murphy. The total refund approved in this Decision was $64,575, representing $56,447 in principal plus $8,128 in accrued interest.

Ready Mix, Inc., 2/16/89, RF272-18416

In *Robert Donnell, et al.*, 18 DOE ¶ ——, Nos. RF272-14810, *et al.* (January 18, 1989), the Department of Energy issued a Decision and Order in its Subpart V Crude Oil refund proceedings granting refunds to Ready Mix, Inc. and 53 other applicants. In that Decision, Ready Mix, Inc. (Case No. RF272-18416) was granted a refund of $120. Ready Mix, Inc. had previously been granted a refund of $120 under the name of Johnson Block & Ready Mix, Inc. (Case No. RF272-17849) in *Ronald Smith, et al.*, 18 DOE ¶85,253 (1988). Because both refunds were based on identical petroleum purchases, the second refund was rescinded.

Rinker Materials Corporation, 2/14/89, RF272-7409, RD272-7409.

The DOE granted a refund to Rinker Materials Corp. (Rinker), a cement and concrete block producer that purchased refined petroleum products during the period August 19, 1973 through January 27, 1981. A group of thirty states and two territories of the United States filed a consolidated pleading objecting to Rinker's refund application because they claimed that the claimant had passed through all crude oil overcharges to its customers. In support of its objections, the States submitted an affidavit by an economist stating that virtually every industry was able to pass through costs to its customers and that some specific evidence regarding the cement industry indicated that cement producers were able to pass through some increased costs. The DOE determined that such generalized statements about the cement industry were not sufficient to rebut the presumption of injury afforded end-users in the crude oil refund proceeding. Additionally, the DOE determined that the specific information about the cement industry cited in the economist's affidavit did not apply to the particular situation of Rinker, which produced concrete block, not cement. Because the States had not rebutted the presumption of injury, their Motion for Discovery was determined to be inappropriate and therefore dismissed. Rinker provided sufficient documentation of its purchases and accordingly was granted a refund of $13,538.

Standard Oil, Co. (Indiana)/Nebraska, 2/13/89, RQ251-249

The DOE issued a Decision and Order approving a second-stage refund application submitted by the State of Nebraska in the Standard Oil Co. (Indiana) special fund proceeding. *Standard Oil Co., (Indiana)*, 14 DOE ¶ 85, 161 (1986) (*Amoco II*). Nebraska requested the use of $213,196 plus $38,375 accrued interest for a statewide energy management education program directed at agricultural producers. The DOE determined that the proposed program would provide energy-related restitution to the State's agricultural community as well as the citizens of Nebraska injured by crude oil overcharges. Therefore, DOE authorized the use of *Amoco II* funds totalling $251,571 for this plan.

State Escrow Distribution, 2/14/89, RF302-4

The Office of Hearings and Appeals ordered the DOE's Office of the Controller to distribute $18,600,000.00 to the State Governments. Those funds had been set aside for distribution to the States in four previously issued Decisions: *Amorient Petroleum Co.*, 18 DOE ¶ ——, No. KEF-0101 (February 3, 1989); *Lone Star Oil & Chemical Co.*, 18 DOE ¶ ——, No. KEF-0106 (January 31, 1989); *New York Petroleum, Inc.*, 18 DOE ¶ 85,435 (1988); and *World Oil Co.*, 17 DOE ¶¶ 85,568 and 85,669 (1988). The use of the funds by the States is governed by the Stripper Well Settlement Agreement.

Stowe Mills, Incorporated, 2/14/89, RF272-2007

The DOE issued a Decision and Order granting a crude oil refund application filed by Stowe Mills, Incorporated (Stowe). Stowe requested a refund based on 19,549,032 gallons of refined petroleum products it used in its manufacturing plants. Stowe uses fuel oil in the process of "heat setting," or putting the twist in yarn. The States objected to Stowe's refund because, they argued, Stowe was not injured by crude oil overcharges. The States argued that the economic climate in the textile industry allowed Stowe to pass through the effects of crude oil overcharges. The OHA determined that industry-wide data does not adequately rebut the end-user presumption and prove that Stowe passed through the crude oil overcharges. Accordingly, the OHA determined that Stowe is eligible to receive its full allocable share, without submitting a detailed demonstration of injury. The total refund granted in this Decision is $3,910. Stowe will receive additional refunds once more crude oil monies become available.

Texasgulf Chemical Company, 2/16/89, RF272-31995

The DOE issued a Decision and Order granting Texasgulf Chemical Company's (Texasgulf) Application for Refund in the DOE's Subpart V crude oil refund proceeding. Texasgulf engaged in the mining of phosphate rock and its conversion into fertilizer products. Texasgulf documented its purchase of 140,059,645 gallons of refined petroleum products by submitting copies of DOE Form CS 189-P, entitled "Plant Reporting Form," which provided specific information regarding the firm's petroleum product consumption during the crude oil settlement period. For those years in which Texasgulf did not have copies of this form, the firm submitted reasonable estimates. The applicant was an end-user of the petroleum products it purchased and

thus was eligible for a refund. The refund granted in this Decision and Order was $28,012.

Crude Oil End-Users

The Office of Hearings and Appeals granted crude oil overcharge refunds to end-user applicants in the following Decisions and Orders:

Name	Case No.	Date	Number of applicants	Total refund
J. Maurice Erickson et al	RF272-1770	2/15/89	113	$7,179
L.K. Mickle et al	RF272-28504	2/15/89	67	16,874
Libco Mill et al	RF272-26500	2/15/89	137	48,576
Sherrill Farwell et al	RF272-25308	2/15/89	149	42,143

Dismissals

The following submissions were dismissed:

Name	Case No.
Alice Arnold	RF272-43362
Argyle T. Moore	RF272-67650
Bon Aire Gas Service	RF277-92
Border Fisheries	RF272-62070
Chuck Hauber's Service Station, Inc.	RF272-58421
City of Sacramento	RF272-49460
Cleveland Gribbins	RF272-40325
Colfax Creosoting Company	RF272-69164
Cook Brothers Oil Company	RF265-2772
Cosco Fire Protection Division	RF272-63939
D&D Farms	RF272-58966
Dale H. Ballard	RF272-53338
Demeter, Inc.	RF272-74921
Don Polezynski	RF272-41763
Eckman Creek Quarries	RF272-48393
Filippo & Sons, Inc.	RF272-75059
Gerald Becker	RF272-63075
Gerhard Light	RF272-55536
Government Accountability Project	KFA-0260 KFA-0261 KFA-0262
Hartford Provision Company	RF272-74237
Huntley Bros. Ptr	RF272-48814
Hurley Trucking Co.	RF272-74057
Jefferson County, Colorado	RF272-71267
New Providence Board of Education.	RF272-74908
Oxford Area Community Schools	RF272-68073
Pentran	RF272-55338
Rakie's Oil Company	RF310-327
Roach Exxon	RF307-1746
Salisbury Road Exxon	RF307-6242
Saucerman Skelly	RF265-2771
Saunders Getty	RF265-2770
SE's Arco	RF304-7044
Service America Corp	RF272-60355
Shore Rentals, Inc.	RF272-67160
Sisters of the Holy Family of Nazareth.	RF272-75008
Skel-Ark, Inc.	RF265-2046
The Lenora Mercantile Assn	RF272-73860
Widing Transportation, Inc	RF272-62733
Willard Arthurs	RF272-70701

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E-234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

May 18, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 89-12923 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

Hearing in the Texaco Special Refund Proceeding

AGENCY: Office of Hearings and Appeals, DOE.

ACTION: Notice of Hearing in the Texaco Special Refund Proceeding, Case No. KEF-0119.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy hereby officially announces the convening of a public hearing to consider issues raised in a special refund proceeding regarding the distribution of funds obtained as a result of a Consent Order entered into between Texaco Inc. and the Department of Energy.

FOR FURTHER INFORMATION CONTACT: Victor Miller, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-4921.

SUPPLEMENTARY INFORMATION: On March 27, 1989, the Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) issued a Proposed Decision and Order in the Texaco special refund proceeding, Case No. KEF-0119. 54 FR 13420 (April 3, 1989). In that Decision, the OHA proposed procedures to govern the disbursal of $1,198,000,000, plus interest, to be received by the DOE as a result of a Consent Order entered into between the DOE and Texaco. In the Proposed Decision, the OHA indicated that it might hold a public hearing to consider the issues raised by commentors in this proceeding if sufficient interest was expressed. In view of the number of responses received, the types of issues addressed, and the explicit requests of a significant number of commentors, the OHA has determined that a public hearing should be held to consider issues relating to the Texaco special refund proceeding. This hearing will be held on Tuesday, June 27, 1989 at 10:00 a.m. in Room 1E-245 of the Forrestal Building, 1000 Independence Avenue SW., Washington, DC. If necessary, the hearing will be continued on Wednesday, June 28, 1989.

Requests to make presentations at this hearing must be received in writing by the OHA by June 20, 1989. They must be marked "Texaco Public Hearing, Case No. KEF-0119" and be sent to the address indicated at the beginning of this notice. The request shall identify the person (including address and phone number) wishing to make a presentation and the amount of time requested by the speaker. The OHA will determine the amount of time allotted to each speaker. Requests shall also include an original and one copy of any supplemental information that a speaker intends to refer to in his or her presentation. In addition, each speaker must prepare and bring to the hearing 50 copies of any prepared statement and attachments for distribution to those in attendance.

May 18, 1989.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 89-12924 Filed 5-30-89; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180813; FRL-3577-4]

Receipt of Application for Emergency Exemption To Use Fenpropathrin; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a request for an emergency exemption from the Illinois Department of Agriculture (hereafter referred to as the "Applicant") to use the active ingredient fenpropathrin (Danitol) to control the

European red mite (*Panonychus ulmi*) on 7,500 acres of apples in Union, Jackson, Johnson, Perry, Randolph, St. Clair, Madison, Jersey, Calhoun, Pike, Adams, Champaign, Vermilion, Winnebago, Boone, Kane, Lake, DuPage, DeKalb, Marshall Rock Island, Henderson, and McLean counties. Danitol contains an unregistered active ingredient and, therefore, in accordance with 40 CFR 166.24, EPA is soliciting comment before making the decision whether or not to grant the exemption.

DATE: Comments must be received on or before June 5, 1989.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180813," should be submitted by mail to:

Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

In person, bring comments to: Room 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information (CBI)." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comment that does contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. All written comments will be available for inspection in Room 236 at the address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail:

Jim Tompkins, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number:

Room 716, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any provisions of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption to permit the use of an unregistered miticide, fenpropathrin (CAS 39515-41-8), manufactured as Danitol, by Valent U.S.C. Corporation, to control European red mites on 7,500 acres of apples. Information in accordance with 40 CFR Part 166 was submitted as part of this request. The Applicant indicates that over the last few years many growers have experienced increasing difficulty in controlling European red mites and have suffered significant economic losses. Mite outbreaks may first occur in late April or early May, before predators become active or abundant enough to provide control. An emergency situation has been created primarily by the development of resistance in the mite population to previously effective acaricides, then cancellation of Plictran. Available alternatives such as Carzol, Omite, Vydate, or Morestan are either less effective, more toxic to predators and/or have use restrictions which limit the timing of applications.

Danitol will be applied by ground at a maximum rate of 21⅓ fluid ounces of product (6.4 ounces active ingredient) per acre. Application will be made as needed to maintain control. A maximum of 2.4 pounds of active ingredient may be applied per growing season. A 19-day preharvest interval will be observed.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require publication of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for the opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the Illinois Department of Agriculture.

Dated: May 18, 1989.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 89-12786 Filed 5-30-89; 8:45 am]

BILLING CODE 6560-50-M

[OPP-100063; FRL-3575-5]

Versar Inc.; Transfer of Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This is a notice to certain persons who have submitted information to EPA in connection with pesticide information requirements imposed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Versar Inc. has been awarded a contract to perform work for the EPA Office of Pesticide Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Versar Inc. consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), respectively. This transfer will enable Versar Inc. to fulfill the obligations of the contract and serves to notify affected persons.

DATE: Versar Inc. will be given access to this information no sooner than June 5, 1983.

FOR FURTHER INFORMATION CONTACT: By mail:

Catherine S. Grimes, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Office location and telephone number:

Room 212, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-4460

SUPPLEMENTARY INFORMATION: Under Contract No. 68-02-4254, Versar Inc. will review exposure studies (including exposure to workers during mixing/loading/application procedures and during reentry/harvesting activities) submitted by registrants to evaluate the adequacy of the quality assurance procedures and protocol carried out during both the laboratory and field work. The results of this review will be readily accessible reference and risk analysis system, the National Exposure Database. This contract is a carry-on of a previous contract No. 68-01-7053 (FRN 30543 dated August 27, 1986). This contract involves no subcontractor.

The Office of Pesticide Programs has determined that access by Versar Inc. to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and obtained under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), the contract with Versar Inc. prohibits use of the information for any purpose other than purposes specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency or affected business; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Versar Inc. is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticide Programs. All information supplied to Versar Inc. by EPA for use in connection with this contract will be returned to EPA when Versar Inc. has completed its work.

Dated: May 17, 1989.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 89-12562 Filed 5-30-89; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL RESERVE SYSTEM

First State Bancorp et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 16, 1989.

A. **Federal Reserve Bank of New York** (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. *First State Bancorp*, Howell, New Jersey; to acquire 20 percent of the voting shares of First Washington State Bank, Washington Township, New Jersey, a *de novo* bank.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Wabeno Bancorporation, Inc.*, Altoona, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of Wabeno, Wabeno, Wisconsin. Comments on this application must be received by June 8, 1989.

C. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *New Richland Bancshares, Inc.*, New Richland, Minnesota; to become a bank holding company by acquiring 100 percent of the voting shares of State Bank of New Richland, New Richland, Minnesota.

D. **Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *The Abbott Bank Group, Inc.*, Alliance, Nebraska; to merge with Bridgeport Banshares, Inc., Bridgeport, Nebraska, and thereby indirectly acquire The Abbott Bank, Bridgeport, Nebraska; Hemingford Bancshares, Inc., Hemingford, Nebraska, and thereby indirectly acquire The Abbott Bank, Hemingford, Nebraska; and Hyannis Banshares, Inc., Hyannis, Nebraska, and thereby indirectly acquire The Abbott Bank, Hyannis, Nebraska.

2. *American Banking and Financial Corporation*, Denver, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of American National Bank, Littleton, Colorado, in organization, which engages in the sale of credit-related life and accident and health insurance only.

3. *Commercial Bankstock Corporation, Inc.*, Oklahoma City, Oklahoma; to merge with Mercantile Bancorp, Inc., Moore, Oklahoma, and thereby indirectly acquire Mercantile Bank, N.A., Moore, Oklahoma.

Board of Governors of the Federal Reserve System, May 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-12836 Filed 5-30-89; 8:45 am]

BILLING CODE 6210-01-M

PNC Financial Corp., 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 9, 1989.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *PNC Financial Corp.*, Pittsburgh, Pennsylvania; to engage *de novo* through its subsidiary, BHC Securities, Inc., Philadelphia, Pennsylvania, in

underwriting and dealing in government obligations and money market instruments to the extent pursuant to § 225.25(b)(16) of the Board's Regulation Y.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Central-State Bancorp, Inc.*, Frankfort, Michigan; to engage *de novo* through its subsidiary, Central State Leasing, Inc., Frankfort, Michigan, in leasing of personal and real property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

2. *First Midwest Bancorp, Inc.*, Naperville, Illinois; to engage *de novo* through its subsidiary, First Midwest Bank/Central Region, National Association, Seneca, Illinois, through the expansion of the activities of the subsidiary, in activities listed in § 225.25(b)(5) of the Board's Regulation Y, by exercising fiduciary powers permitted to national banking associations, such powers include services related to estates and trusts, custodial relationships, agencies, corporate trust administration, employee benefit plans and guardianships. These activities will be conducted in Danville, Joliet, Moline, Morris, Lake Forest (offices in which they currently provide services) and Waukegan, Illinois.

Board of Governors of the Federal Reserve System, May 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-12837 Filed 5-30-89; 8:45 am]

BILLING CODE 6210-01-M

RHNB Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has 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.

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 21, 1989.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *RHNB Corporation*, Rock Hill, South Carolina; to acquire Sterling Commercial Corporation, Charlotte, North Carolina, and thereby engage in recourse factoring, and accounts receivable financing pursuant to § 225.25 (b)(1)(iv) and (b)(1)(v) and leasing of personal property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 24, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-12838 Filed 5-30-89; 8:45 am]

BILLING CODE 6210-01-M

SouthTrust Corp., Birmingham, AL; Proposal to Underwrite and Deal in Certain Securities to a Limited Extent

SouthTrust Corporation, Birmingham, Alabama ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act ("BHC Act") (12 U.S.C. 1843(c)(8)) and § 225.23(a) of the Board's Regulation Y (12 CFR 225.23(a)), for permission to engage *de novo* through SouthTrust Securities, Incorporated ("Company"), in underwriting and dealing, to a limited degree, in commercial paper (which will be of prime quality, short-term, sold in minimum denominations of $100,000, and exempt from registration requirements of the Securities Act of 1933), municipal revenue bonds (including "public ownership" securities, where the issuer or the governmental unit on behalf of which the banks are issued is the sole owner of the financed facility), 1-4 family mortgage-related securities, and consumer receivable-related securities ("ineligible securities"). These securities are eligible for purchase by banks for their own account but not eligible for banks to underwrite and deal in. In addition, Applicant has applied to engage in underwriting and dealing in bank-eligible securities pursuant to § 225.25(b)(16) of the Board's Regulation Y (12 CFR 225.25(b)(16)).

Applicant also proposes to offer, through Company, the following services as an incident to the activities described above: (a) Company will act as agent for the placement of affiliate commercial paper, debt obligations, or other liabilities; (b) Company will enter into hedging transactions to reduce interest rate risk incident to the bank-ineligible securities activities, including options, caps, floors, swaps, and futures contracts; (c) Company will offer investment advice; and (d) Company will provide public-finance services consisting of financial advice to municipal securities issuers.

Applicant also has applied to engage in the following agency activities: (a) Investment advice in conjunction with securities execution services for institutional and retail customers to affiliated and unaffiliated customers; (b) incidental services (including custodial services, cash management services, margin lending, maintenance lending, maintenance of customer securities accounts, and sweep accounts); (c) discretionary portfolio management for institutional customers; and (d) acting as agent and advisor to issuers of commercial paper and other short-term promissory notes.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." Applicant has applied to underwrite and deal in ineligible securities as set forth in the Board's Orders approving those activities for a number of bank holding companies. *See, e.g., Chemical New York Corporation, The Chase Manhattan Corporation, Bankers Trust New York Corporation, Citicorp, Manufacturers Hanover Corporation, and Security Pacific Corporation*, 73 Federal Reserve Bulletin 731 (1987); and *Citicorp, J.P. Morgan & Co.*

Incorporated, and Bankers Trust New York Corporation, 73 Federal Reserve Bulletin 473 (1987).

Applicant contends that approval of the application would not be barred by sections 20 or 32 of the Glass-Steagall Act (12 U.S.C. 377 and 78, respectively). Applicant states that it would not be "engaged principally" in the underwriting or dealing in bank-ineligible securities on the basis of its commitment not to engage in such activities in an amount exceeding 5 percent of Applicant's gross revenue in any rolling two year period.

Any request for a hearing on this application must comply with § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of Atlanta.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal System, Washington, DC 20552, not later than June 29, 1989.

Board of Governors of the Federal Reserve System, May 23, 1989.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 89-12842 Filed 5-30-89; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89F-0169]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp., has filed a petition proposing that the food additive regulations be amended to provide for the safe, increased use of ethylenebis(oxyethylene)-bis-(3-*tert*-butyl-4-hydroxy-5-methylhydrocinnamate) as a stablizer for polyoxymethylene copolymers and homopolymers intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4147) has been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532-2188, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe, increased use of ethylenebis(oxyethylene)-bis-(3-*tert*-butyl-4-hydroxy-5-methylhydrocinnamate) as a stabilizer for polyoxymethylene copolymers and homopolymers intended for food-contact use.

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 19, 1989.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 89-12858 Filed 5-30-89; 8:45 am]

BILLING CODE 4160-01-M

Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is amending a public advisory committee meeting notice of the Fertility and Maternal Health Drugs Advisory Committee on June 1 and 2, 1989. The amendment reflects a revision in the starting time for the open public hearing on June 1, 1989, from "9 a.m." to "8 a.m.". The starting time for the June 2 meeting remains at 9 a.m. Notice of the June 1 and 2, 1989, meeting was published in the **Federal Register** of May 17, 1989 (54 FR 21289).

SUPPLEMENTARY INFORMATION: In FR Doc. 89-11839, appearing at page 21289 in the **Federal Register** of May 17, 1989, the following correction is made under the heading "Fertility and Maternal Health Advisory Committee": On page 21289, 2nd column, in the "Date, time, and place" paragraph and the "Type of meeting and contact person" paragraph, the starting time for the June 1 meeting is changed from "9 a.m." to "8 a.m.".

Dated: May 23, 1989.

John M. Taylor,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 89-12859 Filed 5-25-89; 11:16 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Housing

[Docket No. N-89-1997]

Notice of Submission of Proposed Information Collection to the Office of Management and Budget

AGENCY: Office of Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act.

ADDRESS: Interested persons may submit comments regarding the paperwork request. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC, 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). It is also requested that OMB complete its review within seven days.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of

respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: May 29, 1989.

James E. Schoenberger,

General Deputy Assistant Secretary for Housing.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Revision to Application Submission and Request for Direct Loan Processing in the section 202 Program—Projects for Nonelderly Handicapped Families and Individuals

Office: Housing

Description of the Need for the Information and Its Proposed Use:

This information will help the Department to select proposals for housing for nonelderly handicapped people. This data collection effort is necessary in order to implement section 162 of the 1987 Housing and Community Development Act.

Form Numbers: N/A

Respondents: Nonprofit organizations applying for direct loans to develop housing for nonelderly handicapped people under section 202 of the Housing Act of 1959

Frequency of Submission: One time, at application for a direct loan.

Reporting Burden:

ONE-TIME BURDEN IN 11989 FOR APPLICANTS FOR SECTION 202 DIRECT LOANS

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours	Total
Application Submission 885.710	450		1		27		12,150	
Approval for Exceeding Project size limits 885.720	10		1		2		20	12,170
Request for Direct Loan Processing 885.800	150		1		11.2		1,680	
	50		1		8.2		410	2,090

Total Estimated Burden Hours: Current 14,255; Proposed (net) 14,260; Increase 5.

Status: Revised submission.

Contact: Margaret Milner, HUD (202) 755-6490, John Allison, OMB, (202) 395-6880.

Date: May 29,1989.

Section 202 Housing for Handicapped People Application Submission Requirements

OMB No. 2502-0267

Supporting Statement

1. Section 2O2 of the Housing Act of 1959 provides direct loans for the development of housing for elderly or handicapped residents. Section 162 of the Housing and Community Development Act of 1987 amended section 202 as it applies to housing for handicapped people, providing a new system of rental assistance to replace the assistance provided under section 8 of the United States Housing Act of 1937 for other section 202 projects. In developing the final rule to implement the provisions of section 162, some revisions were made to the information collection requirements that were approved for the proposed rule (published at 53 FR 44288). Further efforts to streamine the program procedures led to reductions in some requirements. In other instances, efforts to improve program flexibility and to provide more specific information for rating projects resulted in increased requirements. All of the affected sections are covered by OMB No. 2502-0267 and deal with application requirements for the program and requests for direct loan processing.

2. The information contained in the application provides the documentation needed to evaluate the applicants who propose to develop projects for handicapped people with direct loans under section 202. Competition for fund reservations is intense, and detailed information is necessary in order to assess the relative merits of the proposal and the strength of the applicant organization. In Fiscal Year 1988, for example, there were 494 applications for 9,479 units for handicapped people. Of these, only 5,221 units were selected for fund reservations.

The specific changes proposed, and purpose of each, is noted below:

Regulatory section	Change and purpose
885.710 Application Submission.	Three reductions were made in order to simplify the information collection requirements: *Section 885.710(b)(6)(i)* deleted a redundant requirement to restate the occupancy category to be served as part of the service plan description. This information is provided elsewhere in the application. *Section 885.710(b)(6)(ii)* changed the requirement to demonstrate that a proposal did not conflict with state or local policies, making it applicable only where service funding is received from those sources. *Section 885.710(b) (14) and (15)* added a request for applicants to provide, to the extent the information is available, data on race, ethnicity, gender and handicap status of persons served in programs operated by the applicant. This information will allow the Department to evaluate more accurately the extent of the Sponsor's previous experience serving handicapped people, and the Sponsor's record in reaching minority handicapped persons. In the combined elderly/handicapped program as formerly administered, applicants were asked to provide information about any past or current involvement in housing or service programs that would give evidence of management capability, but without asking for data on persons served. In rating the applications, one rating factor was the Sponsor's experience in providing services to lower-income minority persons, yet the specific data on which such an assessment could be made was not requested.

Regulatory section	Change and purpose
	With the inclusion of this requirement, applicants will have the opportunity to demonstrate both their experience serving handicapped people, which is central to the objectives of the program, and their record in serving minority handicapped persons. Since minority populations have a higher incidence of handicapped persons, and are historically underserved, the Department considers it appropriate to take this experience into consideration in selecting among the numerous applicants for the program.
	Section 885.710(b)(21) revises the proposed requirement that the entire application be sent to the State Single Point of Contact for review under Executive Order 12372 and provides instead that only the information required by the State be submitted. In most cases, this will be no more than a brief description of the proposed project and its location.
885.720(c) Project Size Limits.	This section provides criteria for approval of independent living projects that exceed the regulatory size limits. The maximum size is being reduced from 40 to 24 units, but a mechanism for approving larger projects where appropriate is provided in order to assure that needed housing can be built in large metropolitan areas where the smaller projects would not be economically feasible. The detailed information requested is necessary in order to determine the validity of the request for approval of a larger project. The Sponsor must demonstrate the appropriateness of the project for its location and its marketability as well as justify the exception on the basis of economic feasibility.
885.800(d) Request for Direct Loan Financing.	This section allows projects to bypass the conditional commitment stage under certain circumstances and go directly to firm commitment, thereby reducing paperwork requirements associated with making two separate requests for direct loan processing. This provision was introduced in order to simplify procedures wherever possible in an effort to expedite project development. The proposed allowed projects to bypass conditional commitment under a more limited set of circumstances.

3. In developing the rule and other documents to implement this program, HUD considered carefully modifications to the application package and to processing requirements. The authorizing legislation for this program has as a major objective the simplification and adaptation of the program to reflect the needs of handicapped projects. As noted above, some duplication of information was identified between the proposed and final rulemaking, and has been eliminated. Other requirements were simplified to reduce the burden. The proposed increases in information collection were the minimum necessary to allow HUD to establish an equitable selection system and to conduct the program in accordance with statutory requirements.

4. Where duplication was identified, it has been eliminated as noted above.

5. Not applicable. Individual applicants are rated on the merits of the application submitted, each of which is unique. The application relates to a specific proposed project.

6. This revision proposes two additional requirements. The request for information on race, ethnicity, gender and handicap of persons served by the applicant in other programs is not a mandatory requirement and collects only information already available to the applicant, therefore it does not impose a significant additional burden and indeed an applicant may be successful without submitting such data. The second item was provided in order to accommodate the need for housing for handicapped people in large urban centers, and again applies only to those who wish to take advantage of the exception. Only that information specifically required to make the determination on the request is collected.

7. The collection occurs annually as necessary to conduct the competition for program funds each fiscal year.

8. This request for information is consistent with the guidelines under 5 CFR 1320.6.

9. The Department conducted a one-day Issues Forum on the development of proposed rule which was attended by representatives of organizations which sponsor section 202 housing, consultants who specialize in projects for handicapped people, HUD Field Office personnel, and disability advocates. In addition, HUD established an Advisory Committee on Housing for Handicapped Families which met to review the regulations and program policies and procedures in detail. The Advisory Committee, which met on April 7, 1989, included representatives of disability organizations, disabled people, housing providers, and State agencies which serve disabled people. A list of Committee members is attached. Specific recommendations of the Committee were incorporated in the rulemaking. In addition, the Department considered the 38 public comments received in response to the proposed rule. The preamble to the final rule discusses all of these comments in detail, and describes the accommodations made in response.

10. HUD does not assure confidentiality.

11. The requirement does not contain any sensitive questions.

12. The estimated cost to the respondent per application, $2,750, is expected to be reduced by $50 as a result of the reductions, primarily the reduced submission to the State Single Point of Contact under Executive Order 12372. Cost to the Federal Government, estimated at $1,750 per application, will not be affected.

13. The estimated number of respondents is based on the number of applications received annualy. In FY

1988, 494 applications were received for projects for handicapped people. Over the past four years, an average of 389 applications have been received annually. The estimated burden hours represented by these revisions are:

No. of activity	Responses/responses	Total annual respondent	Hours/responses	Response	Total hours
Application Submission 885.710	450	1	450	27	12,150
Approval for Projects Exceeding Size Limits 885.720	10	1	10	2	20
Request for Direct Loan Processing 885.800	150	1	150	11.2	1,680
	50	1	50	8.2	410
Total Burden					14,260

14. The net change, 5 hours out of 14,260, is negligible. The slight increase results from necessary refinements to the program which will improve the Department's ability to evaluate applications in a highly competitive selection process.

15. Not applicable.

Note.— The text of HUD's draft final rule is being reprinted for the purpose of affording a context for the public to review the paperwork requirements. (This rule has not yet been published for effect.)

PART 812—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OCCUPANCY BY SINGLE PERSONS

1. The authority citation for Part 812—Definition of Family and Other Related Terms; Occupancy by Single Persons continues to read as follows:

Authority: Sec. 3, United States Housing Act of 1937 (42 U.S.C. 1437a); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. The definition of disabled person in § 812.2 is revised to read as follows:

§ 812.2 Definitions.

* * * * *

Disabled person. A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

* * * * *

PART 813—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS AND RELATED PROGRAMS

3. The authority citation for Part 813—Definition of Income, Income Limits, Rent and Reexamination of Family Income for the section 8 Housing Assistance Payments Programs and Related Programs continues to read as follows:

Authority: Secs. 3, 5(b), 8 and 16, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, 1437f and 1437n); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. Section 813.101 is revised to read as follows:

§ 813.101 Purpose and applicability.

This part establishes definitions, policies and procedures related to income limits and the determination of eligibility, income and rent for applicants and tenants in housing assisted under section 8 of the United States Housing Act of 1937 ("the 1937 Act"). However, § 813.107 and the definitions of Tenant Rent, Total Tenant Payment, Utility Allowance and Utility Reimbursement found in § 813.102 do not apply to families assisted under the Housing Voucher Program (24 CFR Part 887). The definitions, policies and procedures also apply to projects that are assisted with loans under section 202 of the Housing Act of 1959 and that receive housing assistance payments under section 8 of the 1937 Act (see 24 CFR Part 885, Subpart B) or project assistance payments under section 202(h) of the Housing Act of 1959 (see 24 CFR Part 885, Subpart C). (See 24 CFR Part 913 for the analogous rule applicable to the Public Housing and Indian Housing Programs.)

5. In § 813.102, the definitions of disabled person, owner and utility allowance are revised to read as follows:

§ 813.102 Definitions.

* * * * *

Disabled person. A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

* * * * *

Owner. The meaning ascribed to such term in the pertinent program regulations. As used in this Part, where appropriate, Owner shall also include a Borrower as defined in 24 CFR Part 885.

* * * * *

Utility allowance. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the Contract Rent but is the responsibility of the Family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD under applicable sections of these regulations (see 24 CFR Parts 880, 881, 882, 883, 884, 885, and 886) of the monthly costs of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. (In the case of shared housing, the amount of the Utility Allowance for an assisted Family is calculated by multiplying the Utility Allowance for the entire unit by the ratio derived by dividing the number of bedrooms in the Assisted Family's private space by the number of bedrooms in the entire unit. In the case of an assisted individual sharing a one-bedroom unit with another person, the amount of the Utility Allowance for the assisted individual is one half of the Utility Allowance for the entire unit.).

* * * * *

6. Section 813.109(a) is revised to read as follows:

§ 813.109 Initial determination, verification and reexamination of Family income and composition.

(a) *Responsibility for initial determination and reexamination.* The Owner or PHA shall be responsible for determination of eligibility for admission, for determination of Annual Income, Adjusted Income and Total Tenant Payment, and for reexamination of Family income and composition at least annually, as provided in Pertinent program regulations and handbooks (see, e.g., Part 880, Subpart F and Part 881, Subpart F, which, for the purposes of this Part shall apply, as appropriate, to projects developed under Part 885, Subpart B; Part 882, Subparts B and E; Part 883, Subpart G; Part 884, Subpart B; Part 885, Subpart C; Part 886, Subparts A and C; and Part 887, Subpart H). As used in this Part, the "effective date" of an examination or reexamination refers to (1) in the case of an examination for admission, the effective date of initial occupancy, and (2) in the case of a reexamination of an existing tenant, the effective date of the redetermined Total Tenant Payment.

* * * * *

PART 885—LOANS FOR HOUSING FOR THE ELDERLY OR HANDICAPPED

7. The authority citation for 24 CFR Part 885 is amended to read as follows:

Authority: Sec. 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 8, United States Housing Act of 1937 (42 U.S.C. 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

8. Section 885.1 is revised to read as follows:

§ 885.1 Purpose and policy.

(a) *Purpose.* The program under this Part provides direct Federal loans under Section 202 of the Housing Act of 1959 (42 U.S.C. 1701q) for housing projects serving elderly or handicapped families and individuals. The housing projects shall provide the necessary services for the occupants which may include, but are not limited to: health, continuing education, welfare, informational, recreational, homemaking, meal and nutritional services, counseling, and referral services, as well as transportation where necessary to facilitate access to these services.

(b) *General policy.* A loan made under this part shall be used to finance the construction or the substantial rehabilitation of projects for elderly or handicapped families, or for the acquisition with or without moderate rehabilitation of existing housing and related facilities for group homes for nonelderly handicapped individuals.

(c) *Applicability.* (1) Subpart B of this part applies to projects for elderly or handicapped families that receive loans under section 202 of the Housing Act of 1959 and housing assistance payments under section 8 of the United States Housing Act of 1937. No project for handicapped (primarily nonelderly) families is eligible for loans or housing assistance payments under Part B, except under a reservation of loan and contract authority made before (*insert date*).

(2) Subpart C of this part applies to projects for nonelderly handicapped families receiving loans under section 202 and project assistance payments under section 202(h) of the Housing Act of 1959. Subpart C may also apply to projects for handicapped families that received a reservation of loan authority under Subpart B under the circumstances described in § 885.775.

9. In § 885.5, the definition of "Elderly or Handicapped Family" is removed, the definitions of "Acquisition with or without moderate rehabilitation", "Application", "Handicapped person" and "Housing and Related Facilities", are revised and definitions for "Elderly Family", "Field Office", "Handicapped Family", "Independent Public Accountant" and "Nonelderly Handicapped Families" are added, in alphabetical order, to read as follows:

§ 885.5 Definitions.

Acquisition with or without moderate rehabilitation means the acquisition of existing housing and related facilites to be used as group homes for the nonelderly handicapped. The development cost of such group homes may not include moderate rehabilitation costs (including expenditures for the rehabilitation alteration, conversion, or improvement of the Housing and related facilities) in excess of 15 percent of the loan amount

* * * * *

Application means the application for a section 202 fund reservation, including all required forms and exhibits submitted in response to an invitation for such applications, or a request for admission to a project made by a family on a form prescribed by HUD.

* * * * *

Elderly family means:

(a) Families of two or more persons the head of which (or his or her spouse) is sixty-two years of age or older;

(b) The surviving member or members of any family described in Paragraph (a) living in a unit assisted under this part with the deceased member of the family at the time of his or her death;

(c) A single person who is sixty-two years of age or older; or

(d) Two or more elderly persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well being.

Field office means any HUD area, insuring or regional office which is delegated authority to Process applications under the section 202 program.

Handicapped family means:

(a) Families of two or more persons the head of which (or his or her spouse) is handicapped;

(b) The surviving member or members of any family described in paragraph (a) living in a unit assisted under this part with the deceased member of the family at the time of his or her death;

(c) A single handicapped person over the age of 18; or

(d) Two or more handicapped persons living together, or one or more such persons living with another person who is determined by HUD, based upon a licensed physician's certificate provided by the family, to be essential to their care or well being.

Handicapped person or individual means any adult having an impairment which is expected to be of long-continued and indefinite duration, is a substantial impediment to his or her ability to live independently, and is of a nature that such ability could be improved by more suitable housing conditions. A person shall also be considered handicapped if he or she is developmentally disabled, *i.e.*, if he or she has a severe chronic disability that (a) is attributable to a mental or physical impairment or combination of mental and physical impairments; (b) is manifested before the person attains age twenty-two; (c) is likely to continue indefinitely; (d) results in substantial functional limitations in three or more of the following areas of major life activity: (1) self-care, (2) receptive and responsive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, and (7) economic self-sufficiency; and (e) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated. A person shall also be considered to be handicapped if he or she has a chronic mental illness, *i.e*, if he or she has a severe and persistent mental or emotional impairment that seriously limits his or her ability to live independently (e.g., by limiting functional capacities relative to primary aspects of daily living such as personal relations, living arrangements, work, recreation, etc.), and whose impairment could be improved by more suitable housing conditions.

Housing and related facilities means rental or cooperative housing structures conducted or substantially rehabilitated as permanent residences for use by elderly or handicapped families, or acquired with or without moderate rehabilitation for use by nonelderly handicapped families as group homes. The term includes structures suitable for use by families residing in the project or in the area, such as cafeterias or dining halls, community rooms, or buildings, or other essential service facilities. In the case of acquisition with or without moderate rehabilitation, at least three years must have elapsed from the later of the date of completion of the project or the beginning of occupancy to the date of the application for a section 202 fund reservation. Except for intermediate care facilities for the mentally retarded and individuals with related conditions (see § 885.710(b)(4)(vii)), this term does not include nursing homes, hospitals, intermediate care facilities, or transitional care facilities.

Independent public accountant means a certified public accountant or a licensed or registered public accountant, having no business relationship with the Borrower or Sponsor except for the performance of audit, systems work and tax preparation. If not certified, the independent public accountant must have been licensed or registered by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. In States that do not regulate the use of the title "public accountant", only certified public accountants may be used.

Nonelderly handicapped family means a handicapped family where the head of the family (and spouse, if any) are less than 62 years of age at the time of the family's initial occupancy of a project.

10. Section 885.7 is deleted.

11. Subpart B is retitled to read as follows:

Subpart B—Section 202 Projects for the Elderly or Handicapped—Section 8 Assistance

12. In § 885.200, the introductory paragraph in paragraph (b) and paragraph (c) are revised to read as follows:

§ 885.200 Allocation of loan fund authority.

* * * * *

(b) Field Office Directors will determine the amount of section 202 loan authority available under this subpart to be allocated to each allocation area in accordance with 24 CFR 791.404. In determining the number of units to be allocated to a specific allocation area, the Field Office Director must consider the three-year goals set forth in Housing Assistance Plans and the proportionality requirements with respect to housing type and household type. Where loan fund authority allocated to an allocation area would not be adequate for a feasible project, the field office director may either:

* * * * *

(c) Field Office Directors will set aside sufficient contract authority for the Section 8

Housing Assistance Payments Program for use in connection with projects to be financed under this subpart.

13. In § 885.205, paragraph (b) is revised, paragraph (c)(3) is removed, and paragraphs (c) (4), (5) and (6) are redesignated as (c) (3), (4) and (5), to read as follows:

§ 885.205 Announcement of fund availability and invitations for applications for section 202 fund reservations.

* * * * *

(b) Each field office shall publish a single invitation in newspapers of general circulation serving the allocation areas in which the housing is desired at least once a week for two consecutive weeks. The field office shall also notify minority media, minority organizations involved in housing and community development, and groups with a special interest in housing for the elderly and physically handicapped. Copies of the invitation shall be available in the field office.

* * * * *

14. In section 885.210, paragraph (b)(22) is deleted; paragraphs (b) (23) and (24) are redesignated as paragraphs (b)(22) and (b)(23) respectively; the reference to § 885.205(c)(6) in paragraph (b)(13) is revised to refer to § 885.205(c)(5); and paragraphs (b)(5), (b)(6), (b)(13)(i), (b)(19), the introductory paragraph to the redesignated paragraph (b)(23), and redesignated paragraph (b)(23) (iv) and (vii) are revised to read as follows:

885.210 Contents of applications.

* * * * *

(b) * * *

(5) A narrative description of the anticipated occupancy (elderly and physically handicapped).

(6) A statement whether the Borrower (or Sponsor) has submitted or is planning to submit other applications under this part during the current fiscal year. The Borrower must indicate the city and State where any other proposed project will be located, the number of units requested, and the field office where the proposal was or will be submitted.

* * * * *

(13) * * *

(i) Have the necessary legal authority to finance, construct or substantially rehabilitate and maintain the project and to apply for and receive the proposed loan.

* * * * *

(19) A description of the Borrower's capability to sponsor, develop, own, manage and provide appropriate services in connection with the proposed project.

* * * * *

(22) The following specific information with respect to the proposed project:

* * * * *

(iv) Evidence that the proposed construction or substantial rehabilitation is permissible under applicable zoning ordinances or regulations, or a statement of the proposed action to make the construction or substantial rehabilitation permissible and the basis for belief that the proposed action will be completed successfully before the receipt of the conditional comitment for direct loan financing (e.g., a summary of the results of any recent requests for rezoning on land in similar zoning classifications and the time required for such rezoning, preliminary indications of acceptability for zoning bodies etc.).

* * * * *

(vii) A statement that gross rents (contract rents plus any utility allowance will not exceed the applicable fair market rents by more than the amount allowed under § 880.204(b)(1) or § 881.204(b)(1). The applicable fair market rents are those published in accordance with § 888.105.

* * * * *

15. The introductory paragraph to § 885.215 is revised to read as follows:

885.215 Limitation on number of units.

No organization shall participate as Sponsor, Cosponsor, or Borrower in the filing of an application or applications for a reservation of section 202 funds under this subpart in a single region in a single fiscal year in excess of that necessary to finance the construction or substantial rehabilitation of 300 units of housing and related facilities.

* * * * *

16. In § 885.220, paragraph (f) is revised to read as follows:

885.220 Review of application for fund reservation.

* * * * *

(f) The ranking list developed under paragraph (e) of this section may be modified by the Field Office Director if selection solely on the basis of the ranking would result in a violation of site and neighborhood standards.

17. In § 885.225, paragraph (a)(1) is revised to read as follows.

885.225 Approval of applications.

(a) * * *

(1) The amount of the Section 202 Fund Reservation, the number and mix of units, and the location of the proposed project.

* * * * *

18. Section 885.230 is revised to read as follows:

885.230 Duration of Section 202 fund reservations.

The Field Office Manager, subject to the approval of the Assistant Secretary, may cancel a fund reservation at any time if it can be established that the Borrower is not making satisfactory progress toward the start of construction or substantial rehabilitation and shall cancel any reservations of Section 202 loan funds for projects for which the construction or substantial rehabilitation is not begun within 18 months after the notice of section 202 fund reservation is issued, unless an extension of time, not to exceed six months is requested of and granted by the Field Office Manager.

19. Sections 885.400, 885.405, 885.410, 885.412, 885.415, 885.416, 885.420, and 885.425 retain their current section designations and are moved from Subpart D to Subpart B; the remainder of Subpart D is removed.

20. In § 885.410, paragraphs (b) (4) and (5) and paragraphs (c) (4) and (5) are removed.

21. In § 885.415, paragraphs (m), (n) and (p) are revised to read as follows:

885.415 Requirements prior to initial loan closing.

* * * * *

(m) Construction or Substantial Rehabilitation Contract between the Borrower and General Contractor. See § 885.416 for contract award requirements.

(n) Assurance of Completion of Construction or Substantial Rehabilitation Contract in the form of corporate surety bond for payment and performance, each in the amount of 100 percent of the amount of the HUD-estimated construction or substantial rehabilitation cost, or a cash escrow in the amount of 25 percent of the HUD-estimated construction or substantial rehabilitation cost. All surety companies issuing bonds must be satisfactory to the Assistant Secretary.

* * * * *

(p) Contractor's and Subcontractor's Certifications Concerning Labor Standards and Prevailing Wage Requirements.

22. Section 885.425 is retitled and paragraph (a) of the section is revised to read as follows:

§ 885.425 Completion of construction and substantial rehabilitation, execution of HAP contract, and cost certification and approvals by HUD.

(a) The Borrower must satisfy the requirements for completion of construction and substantial rehabilitation and approvals by HUD before submission of a final requisition for disbursement of loan proceeds.

* * * * *

23. A new § 885.427 is added to read as follows:

§ 885.427 Federal preferences.

The provisions of § 880.613 of this chapter are applicable to projects assisted under this Subpart B.

24. Subpart C is added to read as follows:

Subpart C—Section 202 Projects for Nonelderly Handicapped Families and Individuals—Section 162 Assistance

Definitions

Sec.
885.700 Definitions.

Application Procedures and Program Requirements

885.702 Allocation of authority.
885.705 Announcement of fund availability and invitation for applications.
885.710 Application contents.
885.717 Project standards.
885.720 Project size limitations.
885.725 Cost containment and modest design standards.
885.727 Prohibited facilities.
885.730 Site and neighborhood standards.
885.735 Prohibited relationships.
885.740 Other Federal requirements.

Sec.
Selection of Applications and Duration of Fund Reservation

885.750 Review of applications for fund reservation.
885.755 Approval of applications.
885.770 Duration of section 202 fund reservation.
885.775 Transition.

Direct Loan Financing Procedures

885.780 Submission of site information.
885.800 Request for direct loan processing.
885.805 Approval of requests for direct loan financing.
885.807 Operating cost standard.
885.810 Amount and terms of financing.
885.812 Prepayment of loans.
885.815 Requirements prior to initial loan closing.
885.816 Requirements for awarding construction contracts.
885.820 Loan disbursement procedures.
885.825 Completion of cost certification.

Project Assistance Contract

885.900 Project Assistance Contract.
885.905 Term of PAC.
885.910 Maximum annual commitment and project account.
885.915 Leasing to eligible families.
885.920 PAC administration.
885.925 Default by Borrower.
885.930 Notice upon PAC expiration.

Project Management

885.940 Responsibilities of Borrower.
885.945 Replacement reserve.
885.950 Selection and admission of tenants.
885.955 Obligations of the family.
885.960 Overcrowded and underoccupied units.
885.965 Lease requirements.
885.970 Termination of tenancy and modification of lease.
885.972 Security deposits.
885.975 Adjustment of rents.
885.980 Adjustment of utility allowances.
885.985 Conditions for receipt of vacancy payments for assisted units.

Definitions

§ 885.700 Definitions.

As used in this Subpart C:

Agreement to enter into project assistance contract means the agreement between the Borrower and HUD which provides that, upon satisfactory completion of the project, HUD will enter into the PAC with the Borrower.

Annual income is defined in Part 813 of this chapter. In the case of an individual residing in an intermediate care facility for the mentally retarded that is assisted under Title XIX of the Social Security Act and this part, the annual income of the individual shall exclude protected personal income as provided under that Act. For the purposes of determining the total tenant payment, the income of such individuals shall be imputed to be the amount that the family would receive if assisted under Title XVI of the Social Security Act.

Assisted unit means a dwelling unit that is eligible for assistance under a PAC.

Contract rent means the total amount of rent specified in the PAC as payable by HUD and the family to the Borrower for an assisted unit or residential space.

Family (eligible family) means a handicapped family (as defined in § 885.5) that meets the project occupancy requirements approved by HUD and, if the family occupies an assisted unit, meets the lower-income requirements described in § 813.102 of this chapter, as modified by the definition of annual income in this section above.

Gross rent is defined in Part 813 of this chapter.

Group home means a single family residential structure designed or adapted for occupancy by nonelderly handicapped individuals.

Housing for handicapped families means housing and related facilities occupied by handicapped families that are primarily nonelderly handicapped families.

Independent living complex means a project designed for occupancy by nonelderly handicapped families in separate dwelling units where each dwelling unit includes a kitchen and a bath.

Operating costs mean expenses related to the provision of housing and exclude expenses related to administering, or managing the provision of, supportive services. Operating costs include:

(a) Administrative expenses, including salary and management expenses related to the provision of shelter.

(b) Maintenance expenses, including routine and minor repairs and groundskeeping.

(c) Security expenses.

(d) Utilities expenses, including gas, oil, electricity, water, sewer, trash removal, and extermination services. Operating costs exclude telephone services for families.

(e) Taxes and insurance.

(f) Allowances for reserves.

Project account means a specifically identified and segregated account for each project which is established in accordance with § 885.910(b) out of the amounts by which the maximum annual commitment exceeds the amount actually paid out under the PAC each year.

PAC (project assistance contract) means the contract entered into by the Borrower and HUD setting forth the rights and duties of the parties with respect to the project and the payments under the PAC.

Project assistance payment means the payment made by HUD to the Borrower for assisted units as provided in the PAC. The payment is the difference between the contract rent and the tenant rent. An additional payment is made to a family occupying an assisted unit in an independent living complex when the utility allowance is greater than the total tenant payment. A project assistance payment, known as a "vacancy payment", may be made to the Borrower when an assisted unit (or residential space in a group home) is vacant, in accordance with the terms of the PAC.

Rent, in the case of a unit in a cooperative project, means the carrying charges payable to the cooperative with respect to occupancy of the unit.

Tenant rent means the monthly amount defined in, and determined in accordance with Part 813 of this chapter.

Total tenant payment means the monthly amount defined in, and determined in accordance with Part 813 of this chapter.

Utility allowance is defined in Part 813 of this chapter and is determined or approved by HUD.

Utility reimbursement is defined in Part 813 of this chapter.

Vacancy payment means the project assistance payment made to the Borrower by HUD for a vacant assisted unit (or residential space in a group home) if certain conditions are fulfilled, as provided in the PAC. The amount of the vacancy payment varies with the length of the vacancy period and is less after the first 60 days of any vacancy.

Application Procedures and Program Requirements

§ 885.702 Allocation of authority.

(a) *Headquarters Reserve.* Up to 15 percent of the section 202 loan authority made available for the development costs of housing for handicapped families under this section may be retained by the Assistant Secretary for subsequent allocation to specific areas and communities under section 213(d)(4) of the Housing and Community Development Act of 1974.

(b) *Allocations.* The Assistant Secretary will allocate the amounts available for development costs of housing for handicapped families, less any amounts made available for the Headquarters Reserve under paragraph (a) of this section and amendments under § 885.755(e), to allocation areas. The size of the allocation area will depend on the amount of loan authority available for allocation and the number of feasible projects the loan authority will support. The amount of the allocations will be based on the relative needs of the allocation areas as reflected in available census data on the number of the handicapped individuals in the areas and will be adjusted to take into consideration the relative differences between the areas in the costs of providing housing. Funds allocated to an allocation area may be reallocated to another area under the circumstances described at § 885.750(d)(2).

(c) *Availability of loan authority for housing for the elderly.* If the approvable applications under this subpart require less than the loan authority that is made available for development costs of housing under this subpart, the remaining loan authority shall be made available for housing for the elderly under Subpart B of this part, to the extent that housing assistance under section 8 of the United States Housing Act of 1937 is available in connection with such loan authority.

§ 885.705 Announcement of fund availability and invitation for applications.

(a) *Announcement of fund availability.* Following an allocation of authority under § 885.700 above, HUD will publish an announcement of fund availability in the **Federal Register.** The announcement will indicate:

(1) The amount of loan authority (and approximate number of units) made available for housing for handicapped families within each allocation area;

(2) The deadline for receipt of applications; and

(3) Other appropriate guidance to prospective Sponsors.

(b) *Invitation for applications.* Each field office shall publish an invitation for applications for section 202 fund reservation in newspapers of general circulation serving the field office jurisdiction. The field office shall also notify minority media, minority organizations involved in housing and community development, and groups with special interest in housing for handicapped families. Copies of the invitation will be available in the field office.

§ 885.710 Application contents.

(a) *Application.* Each application must include all of the information, materials, forms, and exhibits listed in paragraph (b) of this section. In addition, the application may include site information specified under § 885.780. HUD will review applications and make selections under § 885.750 based on information provided in the application.

(b) *Application contents.* Each application must include:

(1) The name, address, and telephone number of the Sponsor.

(2) The name, title, address, and telephone number of the officer or member of the board of directors of the Sponsor to whom communications should be addressed.

(3) The dollar amount of the section 202 direct loan requested.

(4) A narrative description of the proposed housing, consistent with requirements of §§ 885.717 through 885.727, including:

(i) The name of the locality in which the proposed project is to be developed;

(ii) The development method proposed to be used (new construction, substantial rehabilitation, or, if a group home, acquisition with or without moderate rehabilitation). If the project will be develoepd using innovative construction or rehabilitation methods or technologies that promote construction efficiencies, the proposed methods or technologies should be identified;.

(iii) Number and types of structures;

(iv) Number of stories;

(v) Number of units by size (number of bedrooms) for an independent living complex, or the number of bedrooms and the number of residents housed in each group home;

(vi) Special amentities or features. If the narrative description indicates that the housing would not comply with the cost containment and modest design standards of § 885.725(a) through (c), the Sponsor must submit evidence demonstrating that the proposed housing is eligible for an exception from these standards under § 885.725(d).

(vii) For intermediate care facilities that are funded by the Health Care Financing Administration that serve the mentally retarded and individuals with related conditions, evidence demonstrating that the proposed project will primarily provide housing rather than medical facilities, is or will be licensed by appropriate State agencies, and will receive funding from sources other than HUD for a rent contribution and for the costs of the intermediate care, and such other information as HUD may require to determine the feasibility of the intermediate care facility.

(5) A narrative description of the anticipated occupancy. The Sponsor must propose project occupancy requirements that limit occupancy to one or more of the following categories: persons with chronic mental illness, developmental disabilities, or physical handicaps. The Sponsor must demonstrate a capacity to serve the proposed occupancy group or groups.

(6) A service plan description that includes:

(i) A description of the range of supportive services proposed to be provided to the families in the occupancy category identified by the Sponsor under § 885.710(b)(5) above, including:

(A) The name(s) of the agency(s) that will be responsible for providing supportive services and, if an agency is not the Sponsor, a letter of intent from the agency indicating its willingness and ability to provide the services;.

(B) The manner in which such services will be provided;

(C) The services that wil be provided on- and off-site; and

(D) The staffing plan including residential supervision (if any) and other staff necessary to provide the proposed supportive services.

(ii) Evidence of funding sources for the supportive servcies that will be provided for compensation, including State and local funds available to assist in the provision of such services, or evidence of commitment to provide the supportive service from agencies that will not be compensated. If State and local funds will be used, the application must demonstrate that the proposal does not conflict with State or local plans and policies governing the development and operation of facilities to serve handicapped individuals meeting the proposed project occupancy requirements.

(7) Evidence demonstrating that there is an effective demand for the proposed housing in the areas to be served by the project and demonstrating that this demand is likely to continue through the term of the loan.

(8) A statement whether the Sponsor or any affiliated entity has submitted or is planning to submit other applications as a Sponsor or CoSponor under this part during the current fiscal year. The Sponsor must also indicate the city and State where any other proposed project will be located, the number of units requested, and the field office where the proposal was or will be submitted.

(9) A request for preliminary determination of eligibility as a nonprofit Sponsor, on a form prescribed by HUD.

(10) A statement describing the Sponsor's ties to the community including any statements of support for the project by members of the community in which the project is to be located and State and local organizations familiar with the needs of handicapped individuals meeting the proposed occupancy requirements.

(11) The names and addresses of the officers and directors of the Sponsor, and such other information as required by HUD, together with a resolution, on a form prescribed by HUD, adopted by the Sponsor's board of directors, agreeing that all officers and directors of the Sponsor and the Borrower will be required to submit conflict of interest certifications.

(12) Satisfactory evidence that the Sponsor: (i) Has the necessary legal authority to sponsor the project and to assist the Borrower to finance, acquire (with or without moderate rehabilitation), construct or substantially rehabilitate and maintain the project, and to apply for and receive the proposed loan; (ii) has an effective tax exemption ruling from the Internal Revenue Service, is a nonprofit corporation organized in the Commonwealth of Puerto Rico that is exempt from income taxation under Puerto Rican law, or is a nonprofit consumer cooperative that is exempt from income taxation under State law, has never been liable for the payment of Federal income taxes, and does not pay patronage dividends; and (iii) will form a Borrower (as defined in § 885.5) after the issuance of the section 202 fund reservation, will cause the Borrower to file a request for determination of eligibility and a request for direct loan financing under § 885.800, and will provide sufficient resources to the Borrower to ensure the development and long-term operation of the project.

(13) Evidence of previous participation in HUD programs, if any, by the Sponsor, its officers or directors, on such form as may be prescribed by HUD, and identification of all section 202 fund reservations issued to the Sponsor or any entity affiliated with the Sponsor since May 1, 1976.

(14) A description of any other rental housing projects or any medical facilities sponsored, owned or operated by the Sponsor. The submission must include a description of the race, ethnic, gender and handicap status of the residents served, to the extent that such information is available.

(15) description of the Sponsor's past or current involvement in any programs other than housing (including its provision of services) that demonstrates the Sponsor's management capabilities and experience, including a description of the Sponsor's experience in contracting for services with minority business enterprises or minority groups. This submission must include a description of the race, ethnic, gender and handicap status of the persons served, to the extent that such information is available.

(16) A description of any financial default, modification of terms and conditions of financing, or legal action taken or pending against the Sponsor or its officers, directors, or trustees in their corporate capacity.

(17) A description of the Sponsor's ability and willingness to sponsor and to assist the Borrower to develop, own, manage, and provide appropriate services in connection with housing for the nonelderly handicapped.

(18) An estimate of start-up expenses and the source of funds to meet these expenses. If the Sponsor plans to use section 106(b) seed money loans, an application for such loan must be submitted, with required attachments.

(19) Evidence of the Sponsor's financial ability and willingness to fund the minimum capital investment under § 885.810(i) and to ensure the development and long-term operation of the project, including copies of balance sheets and statements of income and expenses for each of the past three years that the Sponsor has operated.

(20) The housing consultant's resume and a copy of the consultant contract (if consultant services have been used by the Sponsor).

(21) Evidence that the Sponsor has notified the State single point of contact of the application for review and comment under 24 CFR Part 52 and Executive Order No. 12372-Intergovernmental Review of Federal Program.

(22) A signed certification of the Sponsor's intention to comply with the nondiscrimination and equal opportunity requirements of § 885.740(a).

(23) A demonstration that the Sponsor meets all other requirements imposed by HUD. Notice of such requirements will be made available to Sponsors before submission of their applications.

§ 885.717 Project standards.

(a) *Property standards.* Projects under this subpart must comply with HUD Minimum Property Standards.

(b) *Minimum group home standards.* Each group home must provide a minimum of 290 square feet of pro rated space for each resident, including a minimum area of 80 square feet for each resident in a shared bedroom (with no more than two residents occupying a shared bedroom) and a minimum area of 100 square feet for a single occupant bedroom; at least one full bathroom for every four residents; space for recreation at indoor and outdoor locations on the project site; and sufficient storage for each resident in the bedroom and other storage space necessary for the operation of the home.

(c) *Accessibility requirements.* (1) Projects under this subpart must comply with the Uniform Federal Accessibility Standards (24 CFR Part 40, Appendix A), HUD's regulations implementing section 504 of the Rehabilitation Act of 1973 (24 CFR Part 8) and HUD's regulations implementing the Fair Housing Act (24 CFR Part 100).

(2) All entrances, common areas, units to be occupied by a residential supervisor, and amenities must be readily accessible to and usable by persons with physical handicaps.

(3) In projects for chronically mentally ill individuals, a minimum of ten percent of all dwelling units in an independent living complex (or ten percent of all bedrooms and bathrooms in a group home), but at least one of each such space, must be designed to be accessible or adaptable for persons with physical handicaps.

(4) In projects for developmentally disabled or physically handicapped individuals, all dwelling units in an independent living complex (or all bedrooms and bathrooms in a group home) must be designed to be accessible or adaptable for persons with physical handicaps. A project involving substantial rehabilitation or an acquisition with or without moderate rehabilitation may provide a lesser number if: (i) The cost of providing full accessibility makes the project financially infeasible; (ii) less than one-half of the intended occupants have mobility impairments; and (iii) the project complies with the requirements of 24 CFR 8.23.

(5) For the purposes of paragraphs (c) (2), (3) and (4) of this section, "Accessible" and "adaptable" are defined in 24 CFR Part 40, Appendix A.

§ 885.720 Project size limitations.

(a) *Maximum project size.* Projects under this subpart are subject to the following project size limitations:

(1) Group homes may not be designed to serve more than 15 persons on one site;

(2) Independent living complexes for chronically mentally ill individuals may not be designed to serve more than 20 persons on one site; and

(3) Independent living complexes for handicapped families in developmental disability or physically handicapped occupancy categories may not have more than 24 units nor more than 24 households on one site. For the purposes of this section, household has the same meaning as handicapped family, except that unrelated handicapped individuals sharing a unit (other than a handicapped person living with another person who is essential to the handicapped person's well-being) are counted separate households. For independent living complexes for handicapped families in the developmental disability or physically handicapped occupancy categories, units with three or more bedrooms may only be developed to serve handicapped families of one or two parents with children.

(b) *Additional limitations.* Based on the amount of loan authority appropriated for a fiscal year, HUD may impose additional limitations on the number of units or residents that may be proposed under an application for section 202 loan fund reservation. This unit limitation will be published in the annual announcement of fund availability or the invitation for section 202 fund reservation under § 885.705.

(c) *Exemptions.* On a case-by-case basis, HUD may approve independent living complexes that do not comply with the project size limitations prescribed in paragraphs (a)(1), (a)(2) or (b) of this section. HUD may approve such projects if the Sponsor demonstrates:

(1) the increased number of units is necessary for the economic feasibility of the project;

(2) a project of the size proposed is compatible with other residential development and the population density of the area in which the project is to be located;

(3) a project of the size proposed can be successfully integrated into the community; and

(4) a project of the size proposed is marketable in the community.

§ 885.725 Cost containment and modest design standards.

(a) *Restrictions on amenities.* Projects must be modest in design. Except as provided in paragraph (d) of this section below, amenities must be limited to those amenities, as determined by HUD, that are generally provided in unassisted decent, safe and sanitary housing for lower income families in the market area. Amenities not eligible for HUD funding include balconies, atriums, decks, bowling alleys, swimming pools, saunas and jacuzzis. Dishwashers, trash compactors, and washers and dryers in individual units will not be funded in independent living complexes. The use of durable materials to control or reduce maintenance, repair and replacement costs is not an excess amenity.

(b) *Unit sizes.* For independent living complexes, HUD will establish limitations on the size of units and number of bathrooms, based on the number of bedrooms that are in the unit.

(c) *Special spaces and accommodations.* The costs of construction of special spaces and accommodations may not exceed 10 percent of the total cost of construction, except as provided in paragraph (d) of this section below. Special spaces and accommodations include multipurpose rooms, game rooms, libraries, lounges and, in independent living complexes, central kitchens and dining rooms. Special spaces and accommodations exclude offices, halls, mechanical rooms, laundry rooms, and parking areas, and (i) dwelling units and lobbies in independent living complexes; and (ii) bedrooms, living rooms, dining and kitchen areas, shared bathrooms, and resident staff dwelling units in group homes.

(d) *Exceptions.* HUD may approve a project that does not comply with the cost containment and modest design standards of paragraphs (a) through (c) above if:

(1) The Sponsor demonstrates a willingness and ability to contribute the incremental development cost and continuing operating costs associated with the additional amenities or design features; or

(2) The proposed project involves substantial rehabilitation or acquisition with or without moderate rehabilitation, the additional amenities or design features were incorporated into the existing structure before the submission of the application, and the total development cost of the project with the additional amenities or design features does not exceed the cost limits described in § 885.810.

§ 885.727 Prohibited facilities.

Project facilities may not include commercial spaces, infirmaries, nursing stations, spaces dedicated to the delivery of medical treatment or physical therapy, padded rooms, or space for respite care or sheltered workshops. Except for office space used by the Borrower exclusively for the administration of the project, project facilities may not include office space.

§ 885.730 Site and neighborhood standards.

(a) The site must be adequate in size, exposure and contour to accommodate the number and type of units proposed, and adequate utilities (water, sewer, gas and electricity) and streets must be available to service the site.

(b) The site and neighborhood must be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil

Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and implementing HUD regulations.

(c) New construction sites must meet the following requirements:

(1) The site must not be located in an area of minority concentration except as permitted under paragraph (c)(2) of this section, and must not be located in a racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area. An area of minority concentration means an area where the proportion of minority residents substantially exceeds, or, with the proposed project would substantially exceed, the proportion of minority residents in the jurisdiction as a whole.

(2) A project may be located in an area of minority concentration only if:

(i) Sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration (see paragraph (c)(3) for further guidance on this criterion); or

(ii) The project is necessary to meet overriding housing needs that cannot otherwise feasibly be met in that housing market area (see paragraph (c)(4) for further guidance on this criterion).

(3)(i) "Sufficient" does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year which over a period of several years will approach an appropriate balance of housing opportunities within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for lower income minority families and in relation to the racial mix of the locality's population.

(ii) Units may be considered to be "comparable opportunities" if they have the same household type and tenant type (owner/renter); require approximately the same tenant contribution towards rent; serve the same income group; are located in the same housing market; and are in standard condition.

(iii) Application of this sufficient, comparable opportunities standard involves assessing the overall impact of HUD assisted housing on the availability of housing choices for lower income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with any other factor relevant to housing choice.

(A) A signficant number of assisted housing units are available outside areas of minority concentration.

(B) There is significant integration of assisted housing projects constructed or rehabilitated in the past ten years, relative to the racial mix of the eligible population.

(C) There are racially integrated neighborhoods in the locality.

(D) Programs are operated by the locality to assist minority families who wish to find housing outside areas of minority concentration.

(E) Minority families have benefitted from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.

(F) A significant proportion of minority households have been successful in finding units in non-minority areas under the Section 8 Certificate and Housing Voucher programs.

(G) Comparable housing opportunities have been made available outside areas of minority concentration through other programs.

(4) Application of the "overriding housing needs" criterion, for example, permits approval of sites that are an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood and of sites in a neighborhood experiencing significant private investment that is demonstrably changing the economic character of the area (a "revitalizing area"). An "overriding housing need", however, may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, creed, sex, or national origin renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.

(d) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of low-income persons.

(e) The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable conditions predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(f) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.

(g) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive.

(h) Projects must be located in neighborhoods where other family housing is located. Except as provided below, projects may not be located adjacent to the following facilities, or in areas where such facilities are concentrated: Schools or day-care centers for handicapped persons, workshops, medical facilities, or other housing primarily serving handicapped persons. Projects may be located adjacent to other housing primarily serving handicapped persons if the projects together do not exceed the project size limitations under § 885.720(a).

§ 885.735 Prohibited relationships.

(a) *Conflicts of interest.* Officers, directors, trustees, members, stockholders and authorized representatives of the Borrower, and officers and directors of the Sponsor may not have any financial interest in any contract in connection with the rendition of services, the provision of goods or supplies, project management, procurement of furnishings or equipment, construction of the project, procurement of the site or other matters related to the development and operation of the project. Management contracts (including associated management fees) entered into by the Borrower with the Sponsor or the Sponsor's nonprofit affiliate will not constitute a conflict of interest if no more than two persons salaried by the Sponsor or management affiliate serve as nonvoting members on the Borrower's board of directors.

(b) *Interest in earnings.* No part of the net earnings of the Borrower or Sponsor may inure to the benefit of any private shareholder, contributor, or individual.

(c) *Control of Borrower or Sponsor.* Neither the Borrower nor the Sponsor may be controlled by, or under the direction of, persons or entities seeking to derive profit or gain as a result of activities undertaken by the Borrower or Sponsor.

(d) *Provision of services.* A person or an entity (including an affiliated entity) may not provide services to a project in more than one of the following capacities: attorney, architect, contractor, housing consultant, management agent, or seller of the site for the project, except that the same person or entity may serve a project as management agent and housing consultant.

§ 885.740 Other Federal Requirements.

(a) *Nondiscrimination and equal opportunity.* Participation in this program requires compliance with:

(1) The requirements of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601–19) (Fair Housing Act) and its implementing regulations; Executive Order No. 11063 (Equal Opportunity in Housing) and implementing regulations at 24 CFR Part 107; and Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) (Nondiscrimination in Federally Assisted Programs) and implementing regulations at 24 CFR Part 1;

(2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101–07) and implementing regulations at 24 CFR Part 146, and the prohibitions against discrimination against otherwise qualified individuals with handicaps under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR Part 8;

(3) The requirements of Executive Order No. 11246 (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR Chapter 60;

(4) The requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Employment Opportunities for Lower Income Persons in Connection with Assisted Projects) and the implementing regulations at 24 CFR Part 135;

(5) The requirements of Executive Order Nos. 11625, 12432, and 12138 (Minority and Women's Business Enterprises);

(6) The affirmative fair housing marketing requirements of 24 CFR Part 200, Subpart M and the implementing regulations at 24 CFR Part 108.

(7) The fair housing advertising and poster guidelines, 24 CFR Parts 109 and 110.

(b) *Environmental.* The National Environmental Policy Act of 1969, HUD's implementing regulations at 24 CFR Part 50, including the related authorities described in 24 CFR 50.4, and the Coastal Barrier Resources Act of 1982 (16 U.S.C. 3601) apply to this program. For the purposes of Executive Order No. 11988, Floodplain Management, all applications for intermediate care facilities for the mentally retarded and individuals with related conditions (see § 885.710(b)(4)(vii)) shall be treated as critical actions requiring consideration of the 500-year flood plain.

(c) *Flood insurance.* The Flood Disaster Protection Act of 1973 (42 U.S.C. 4001) applies to this program.

(d) *Labor standards.* (1) For projects that are designed for dwelling use by 12 or more handicapped families (other than projects acquired without rehabilitation), participation in this program is subject to the following requirements.

(i) Not less than the wages prevailing in the locality, as determined by the Secretary of Labor under the Davis-Bacon Act (40 U.S.C. 276a–276a–5), must be paid to all laborers and mechanics employed in the construction or rehabilitation of the project. HUD may waive the Davis-Bacon requirements if laborers or mechanics voluntarily donate their services without full compensation for the purposes of lowering the costs of construction or rehabilitation; the laborers or mechanics are not otherwise employed in the construction or rehabilitation of projects that are assisted under this part and designed for dwelling use by 12 or more families; and HUD determines that any amounts saved are fully credited to the Borrower undertaking the construction or rehabilitation.

(ii) Except where the Davis-Bacon requirements have been waived under paragraph (c)(1) above, contracts involving employment of laborers and mechanics shall be subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333).

(iii) Sponsors, Borrowers, contractors and subcontractors must comply with all related rules, regulations, and requirements.

(2) For the purposes of this paragraph (d), an independent living complex is designed for use by 12 or more families if the complex includes 12 or more units. This paragraph (d) does not apply to group homes.

(e) *Displacement and relocation assistance.* (1) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) as amended by the Uniform Relocation Assistance Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Pub. L. 100–17, approved April 2, 1987) (URA) and government-wide implementing regulations at 49 CFR Part 24 set forth relocation assistance requirements that apply to the displacement of any person (family, individual, business, nonprofit organization or farm) as a direct result of acquisition, rehabilitation or demolition for a project assisted under this part.

(2) For projects involving applications that are submitted without evidence of control of an approvable site, a displacement from the real property is covered by the URA if it occurs on or after the date that the Sponsor obtains control of an approvable site. For projects involving applications that are submitted with evidence of control an approvable site, a displacement from the real property is covered by the URA if it occurs on or after the date that the application is submitted. Displacements occurring on or after these dates, however, may not be covered if:

(i) The person has been evicted for cause based upon a serious or repeated violation of the material terms of the lease or occupancy agreement and HUD determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;

(ii) The person moved into the real property after the date specified above, but received prior written notice of the expected displacement;

(iii) The person is an owner-occupant and has been informed that the real property will not be acquired for the project under the threat of eminent domain; or

(iv) The Sponsor (Borrower) determines that the displacement did not occur as a direct result of the acquisition, rehabilitation, or demolition for the project, and HUD concurs in that determination.

(3) If a person is displaced from the real property before the date specified above and either HUD or the Sponsor (Borrower) determines that the displacement results from the acquisition, rehabilitation, or demolition, the person shall be eligible for relocation assistance as a displaced person.

(4) The Sponsor (Borrower) may, at any time, request a HUD determination whether a displacement will be covered by the URA and the implementing regulations.

(5) A displaced person's eligibility for relocation assistance is subject to the requirements in 49 CFR Part 24.

(f) *Lead-based paint.* (1) The requirements of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4821–4846) and implementing regulations at 24 CFR Part 35 (except as superseded in paragraph (f)(2) of this section) apply to the dwellings (except zero-bedroom dwelling units) in housing assisted under this subpart which (i) was constructed or substantially rehabilitated before 1978 and (ii) in which any child under seven years of age resides or is expected to reside.

(2)(i) This paragraph implements the provisions of section 302 of the Lead-Based Paint Poisoning Prevention Act, 42 U.S.C. 4822, by establishing procedures to eliminate, as far as practicable, the hazards of lead-based paint poisoning with respect to covered structures for which assistance is provided under this program. This paragraph is promulgated under 24 CFR 35.24(b)(4) and supersedes, with respect to the program, the requirements prescribed in Subpart C of 24 CFR Part 35.

(ii) The following definitions apply to this paragraph (f):

Applicable surface means all intact and nonintact painted interior and exterior surfaces of a residential structure.

Chewable surface means all chewable protruding painted surfaces up to five feet from the floor or ground, which are readily accessible to children under seven years of age, e.g., protruding corners, windowsills and frames, doors and frames, and other protruding woodworks.

Defective paint surfaces means paint on applicable surfaces that is cracking, scaling, chipping, peeling, or loose.

Elevated blood lead level or EBL means excessive absorption of lead: that is, a confirmed concentration of lead in whole blood of 25 $\mu g/dl$ (micrograms of lead per deciliter of whole blood) or greater.

Lead-based paint surface means a paint surface, whether or not defective, identified as having a lead content greater than or equal to 1 mg/cm^2.

(iii) In the case of a structure constructed before 1978 or substantially rehabilitated prior to 1978, the Sponsor must inspect the structure for defective paint surfaces before it submits site information under § 885.780. If defective paint surfaces are found, treatment in accordance with 24 CFR 35.24(b)(2)(ii) is required. Correction of defective surfaces found during the initial inspection must be completed before initial occupancy of the project. Correction of defective paint conditions discovered at periodic inspection must be completed within 30 days of their discovery. When weather conditions prevent completion of repainting of exterior surfaces within the 30-day period, repainting may be delayed, but covering or removal of the defective paint must be completed within the prescribed period.

(iv) In the case of a structure constructed before 1978 or substantially rehabilitated prior to 1978, if the Borrower is presented with test results that indicate that a child under the age of seven years occupies the structure and has an elevated blood lead level (EBL), the Borrower must cause the unit to be tested for lead-based paint on chewable surfaces. Testing must be conducted by a State or local health or housing agency, by an inspector certified or regulated by a State or local health or housing agency, or an organization recognized by HUD. Lead content shall be tested by using an X-ray fluorescence analysis (XRF) or other method approved by HUD. Test readings of 1 mg/cm^2 or higher using an XRF shall be considered positive for presence of lead-based paint. Where lead-based paint on chewable surfaces is identified, covering or removal of the paint surface in accordance with 24 CFR 35.24(b)(2)(ii) is required.

(v) Where abatement will result from rehabilitation activities planned (*i.e.*, where all applicable surfaces will be replaced, covered or otherwise abated as described in this part), these surfaces need not be tested.

(vi) In lieu of the procedures set forth in the preceding clause, the Borrower may, at its discretion, abate all interior and exterior chewable surfaces in accordance with the methods set out at 24 CFR 35.24(b)(2)(ii).

(vii) The Borrower must take appropriate action to protect tenants from hazards associated with abatement procedures.

(viii) The Borrower must keep a copy of each inspection report for at least three years. If a unit requires testing, or treatment of chewable surfaces based on the testing, the Borrower must keep the test results, and, if applicable, the certification of treatment indefinitely. The records must indicate which chewable surfaces in the units have been tested or treated. If records establish that certain chewable surfaces were tested, or tested and treated, in accordance with the standards prescribed in this section, these surfaces do not have to be tested or treated at any subsequent time.

(g) *Intergovernmental review.* The requirements for intergovernmental review in Executive Order No. 12372 and the implementing regulations at 24 CFR Part 52 are applicable to this program.

Selection of Applications and Duration of Fund Reservation

§ 885.750 Review of applications for fund reservation.

(a) *Preliminary evaluation.* (1) HUD will perform a preliminary review of every application. To be eligible for technical review, the application must meet each of the criteria described below.

(i) The application must be received by HUD at the appropriate address within the time period specified in the invitation, and must be completed. If an application is determined to be missing documents, however, the Sponsor shall be advised in writing of the omissions and that additions will be accepted if they are received on or before a specified date.

(ii) The Sponsor must be eligible to participate in the program.

(iii) The proposed facilities and proposed occupancy requirements must be eligible under the program.

(iv) The application must include a supportive services plan meeting the requirements of § 885.710(b)(6).

(2) Following the completion of the preliminary evaluation of all applications, HUD will notify Sponsors of applications that are found to be unapprovable. The notification will be in writing and will explain the reasons for HUD's action.

(b) *Technical review processing.* (1) HUD will perform a technical review of each application that is found to be acceptable under the preliminary evaluation. Technical review processing will consist of the following:

(i) HUD will review the application to determine if:

(A) The Sponsor has demonstrated financial and management capability to carry the project through to completion.

(B) The Sponsor has previous experience in developing or operating housing, medical, or other facilities, or experience in providing supportive services to individuals of the disability group(s) proposed to be housed.

(C) The Sponsor has made a commitment and will be able to provide the preliminary development costs and the minimum capital investment.

(D) The narrative description submitted under § 885.710(b)(4) is appropriate for handicapped individuals meeting the proposed project occupancy requirements, and indicates that the proposed project is likely to comply with the project standards described in § 885.717, the project size limitations of § 885.720, the modest design and cost containment standards of § 885.725, and the facility prohibitions of § 885.727.

(E) The locality (or the site, if the Sponsor has submitted evidence under § 885.780) is likely to meet the site and neighborhood standards of § 885.780. If the Sponsor has submitted evidence of site control with the application, HUD will also determine if the site is acceptable under § 885.780, including environmental review and flood hazard requirements. If a Sponsor has provided evidence of site control and HUD determines that the site is unacceptable, HUD will process the application as if no site evidence has been submitted provided the Sponsor has indicated a willingness to develop on another site.

(F) The service plan description under § 885.710(b)(6) is directed to the needs of individuals with the type of disability the project proposes to serve, and demonstrates the Sponsor's ability to provide or assure the provision of the proposed supportive services to such individuals.

(G) To the extent that supportive services will be funded by State or local agencies, the proposed project does not conflict with State or local plans and policies governing the development and operation of facilities to serve individuals with the type of disability the project proposes to serve.

(H) There is evidence of effective demand for the proposed project.

(I) The Sponsor is in compliance with nondiscrimination and equal opportunity requirements.

(J) The application is otherwise responsive to the invitation for applications and the requirements of this part.

(ii) During technical review processing, HUD will also review the comments (if any) received from the State single point of contact, and will determine if the proposed project is located in a locality that is acceptable under § 885.780(c)(3)(i).

(2) Based on the factors set forth in this paragraph (b), HUD will determine which applications are approvable. Selections will be made in accordance with paragraphs (c) and (d) of this section.

(c) *Ranking.* (1) HUD will assign a rating to each application found to be approvable under technical review processing, based upon HUD's assessment of:

(i) The degree to which the Sponsor has demonstrated, relative to other proposals: (A) (Its capacity and commitment to assist the Borrower to carry the project through to long-term operation; (B) the Sponsor's ability and commitment to provide the Borrower with the financial resources to establish and ensure the long-term operation of the proposed project; (C) the need in the locality for a project serving handicapped individuals meeting the proposed project occupancy requirements; (D) support for the proposed project from the local community, including State and local organizations familiar with the needs of handicapped individuals meeting the proposed project occupancy requirements; and (E) the Sponsor's ability to provide or facilitate the provision of the proposed supportive services to handicapped individuals meeting the proposed project occupancy requirements.

(ii) The degree to which the application meets unforeseeable housing needs, especially those brought on by natural disasters or special relocation requirements; support minority enterprise; involves a small research or demonstration project; meets lower-income housing needs described in housing assistance plans; or provides an innovative housing program or alternative method of meeting lower income housing needs.

(2) HUD may also assign additional rating points to applications that include satisfactory evidence of control of an approvable site (see § 885.780) or, for group homes, that also propose to use acquisition with or without moderate rehabilitation as the development method. If additional points for these factors will be awarded, the announcement of funds availability under § 885.705, will include the maximum number of points that may be awarded under each factor.

(3) Within each allocation area, HUD shall rank all approvable applications in order of their rating scores.

(d) *Selection.* (1) Based on the ranking under paragraph (c) of this section, HUD shall select applications in the descending order of funding priority that most closely approximates the loan authority provided to the allocation area.

(2) If the amount of loan authority allocated to an area exceeds the amount necessary to fund all approvable applications in that area, the Department shall transfer the unused loan authority from the area to another area or areas in which there is insufficient loan authority for all approvable applications.

(3) After selection of applications that can be funded with the loan authority allocated to the allocation areas, HUD may select unfunded but otherwise approvable applications for funding from available amounts in the Headquarters Reserve.

(4) Following the selection of applications, HUD will notify the Sponsors of applications that are not approvable after technical review processing under paragraph (b), and the Sponors of applications that are not selected for funding under this paragraph (d). The notification will be in writing and will explain the reasons for HUD's action.

§ 885.755 Approval of applications.

(a) *Notice of fund reservation.* A Sponsor whose application is approved will be issued a notice of section 202 fund reservation in a format prescribed by HUD. The notice of fund reservation will specify:

(1) The number and mix of units for an independent living complex or the number of residents approved for a group home, the locality of the proposed project (or, where the Sponsor presented satisfactory evidence of control of an approvable site, the location of the site), and the project occupancy requirements approved by HUD;

(2) The amount of the section 202 fund reservation based on the development cost limit computed under § 885.810(c);

(3) The amount of annual project assistance reserved for the project equal to the sum of the operating cost standard developed under § 885.807 plus the annual debt service on the amount of the section 202 fund reservation (computed at an annual interest rate equal to the loan interest rate under § 885.810(f)(1) in effect on the date the notice is issued);

(4) The deadline for the Sponsor to return a copy of the notification to HUD with an indication of its acceptance;

(5) If the Sponsor did not submit the site information required under § 885.780 with the application or if the Sponsor submitted the site information but HUD determined that the site was not approvable, the deadline for the Sponsor to submit such information and the reasons for the rejection of any proposed site;

(6) The deadline for the Borrower to submit a request for direct loan financing and a request for determination of Borrower eligibility under § 885.800; and

(7) Other guidance to Sponsors and Borrowers (including any additional evidence required under § 885.800(b)(2)(vii)).

(b) *Withdrawal of approval.* If the Sponsor does not accept the notification by the date specified in the notice of fund reservation, HUD may notify the Sponsor that approval of the application is withdrawn.

(c) *Transfer of reservation.* Except for a transfer of loan fund reservation from the Sponsor to the HUD-approved Borrower established by the Sponsor, no part of the loan fund reservation may be transferred.

(d) *Use of loan funds.* A section 202 fund reservation may be used only for the project that has been approved under the application.

(e) *Amendments.* Subject to the availability of funds HUD may amend the amount of a fund reservation approved under paragraph (a)(1) of this section at any time before the final closing of a loan.

§ 885.770 Duration of Section 202 fund reservations.

(a) *Extension and cancellation of fund reservation.* The duration of the initial fund reservation is 18 months from the date of issuance of the notice under § 885.755. Subject to the approval of the Assistant Secretary:

(1) The field office may, at any time, issue a notice of loan cancellation if the field office determines that the Borrower is not making satisfactory progress toward the start of construction, rehabilitation, or acquisition.

(2) The field office shall issue a notice of loan cancellation if the construction, substantial rehabilitation, or acquisition with or without moderate rehabilitation of a project is not begun within 18 months after the notice of section 202 fund reservation under § 855.755(a) is issued. This 18-month time period may be extended if HUD determines that the Borrower is making satisfactory progress toward the start of construction, rehabilitation or acquisition with or without rehabilitation. HUD may extend this time period up to 24 months after the notice of section 202 fund reservation is issued. A fund reservation extension may effect the interest rate to be paid on the section 202 loan if the Borrower has made an election of the optional rate (see § 885.810(f)(2)(iv)).

(b) *Notification procedures.* (1) If HUD determines that a fund reservation must be cancelled under paragraph (a) of this section, the field office shall mail a notice of loan cancellation to the Borrower by certified mail, return receipt requested. The notice of loan cancellation must:

(i) Describe the reasons for the cancellation of the loan authority; and

(ii) Advise the Borrower that it may file an appeal of the cancellation with the field office within 30 days of the receipt of the cancellation notice, and that the failure to file an appeal will result in the cancellation of the fund reservation upon the expiration of the 30-day period.

(2) If the Borrower fails to file an appeal of the loan cancellation within 30 days of the receipt of the cancellation notice, the field office shall cancel the fund reservation and provide a written notice of the cancellation to the Borrower.

(3) If the Borrower files an appeal within 30 days of the receipt of the cancellation notice, HUD Headquarters will review the appeal and will issue a decision on the appeal within 45 days of the receipt of the appeal. HUD will approve the appeal if the Borrower demonstrates that it is making satisfactory progress toward the start of construction, rehabilitation, or acquisition with or without moderate rehabilitation.

(i) If HUD approves the appeal, it shall provide a written notification of the approval to the Borrower. The notification shall indicate the duration of the extended fund reservation.

(ii) If HUD disapproves the appeal, it shall notify the Borrower in writing of the determination, and cancel the fund reservation.

§ 885.775 Transition.

At any time before initial loan closing, a Sponsor or Borrower that received a reservation of loan authority under section 202 of the Housing Act of 1959 and a reservation of contract authority for housing assistance payments under section 8 of the United States Housing Act of 1937 for a project for nonelderly handicapped families may submit a request to HUD to substitute project assistance payments under this Subpart C for the Section 8 housing assistance payments. After HUD completes its selections for funding in a fiscal year and to the extent that funds are available for the substitution of project assistance, HUD may approve a request if: (a) the project is eligible for assistance under the requirements of this Subpart C; and (b) the project is financially infeasible with contract rents limited by the Section 8 Fair Market Rents or the substitution would otherwise facilitate the development of the project in a timely manner.

Direct Loan Financing Procedures

§ 885.780 Submission of site information.

(a) *Required information.* The following information with respect to the proposed project is not required with the application, but must be provided within the time period specified in § 885.755(a)(5).

(1) Documentary evidence that the Sponsor has control of the site.

(2) A map showing the location of the site and the racial composition of the neighborhood, with any area of racial concentration delineated.

(3) Evidence that the proposed acquisition, construction or rehabilitation is permissible under applicable zoning ordinances or regulations, or a description of the actions required to make the acquisition, construction or rehabilitation permissible under such laws and ordinances and the basis for the Sponsor's belief that proposed actions will be completed successfully before the receipt of commitment for direct loan financing (e.g., a summary of the results of any recent requests for rezoning classifications and the time required for such rezoning, preliminary indications of acceptability from zoning bodies, etc.).

(4) A statement whether the proposed project will displace site occupants. If so, the proposal must state the number of families, individuals, and business concerns to be displaced (identified by race or minority group, and status as owners or renters), must demonstrate that relocation is feasible, and must explain how necessary relocation payments, if any, will be funded. Relocation payments may not be funded from loan proceeds.

(5) A showing that the proposal meets any special requirements or restrictions necessary for compliance with the local HAP.

(b) *HUD review of site information.* HUD will review the Sponsor's submission under paragraph (a). A site may be approved if it meets the additional site requirements described in paragraph (c) of this section below, and:

(1) The site meets the site and neighborhood standards of § 885.730.

(2) The Sponsor has demonstrated that the development of the site is permissible under applicable local zoning ordinances or regulations or will be permissible under such ordinances and regulations before the receipt of the commitment for direct loan financing;

(3) The site is suitable for its intended use;

(4) Any proposed relocation is feasible and necessary relocation payments will be funded from sources other than section 202 loan proceeds.

(c) *Additional site requirements.*

(1) *HAP consistency.* (i) When site specific information is received for a project involving more than 12 units, HUD will forward (if not previously submitted by the Sponsor) a notification, in the form prescribed by HUD, to the chief executive officer (or such persons as that office may designate) of the unit of general local government in which the proposed housing is to be located, and shall invite a response within 30 calendar days from the date of the notification letter.

(ii) HUD will analyze the proposal and review the comments, if any, received during the response period from the appropriate unit of general local government to determine if the proposed site for the project is

approvable under section 213 of the Housing and Community Development Act of 1974.

(2) *Environmental review.* HUD will complete an environmental review in compliance with the National Environmental Policy Act of 1969 and the related authorities in 24 CFR Part 50.

(3) *Flood insurance.* Assistance will not be provided for the acquisition, construction, reconstruction, repair, or improvement of a building located in an area that has been identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards unless (i)(A) the community in which the area is situated is participating in the National Flood Insurance Program in accordance with 44 CFR Parts 59–79, or (B) less than a year has passed since FEMA notification to the community regarding such hazards; and (ii) flood insurance on the structure is obtained in accordance with section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4001).

(4) *Coastal barriers.* Assistance will not be provided for projects in an undeveloped coastal barrier designated under the Coastal Barrier Resources Act of 1982 (16 U.S.C. 3601).

(d) *HUD approval.* (1) If HUD determines that a site is approvable under this section, HUD will notify the Sponsor of the approval, including a statement of any specific environmental conditions that must be met as a condition of HUD approval. The Sponsor must obtain site approval under this section before it applies for conditional commitment under § 885.800(c).

(2) If HUD determines that a site is not approvable under this section, HUD will notify the Sponsor of the disapproval and the reasons for disapproval. If a site is disapproved, the Sponsor may, consistent with its application under § 885.710, obtain a new site and resubmit a request for site approval under this section.

§ 885.800 Request for direct loan financing.

(a) *Request for direct loan financing.* A Borrower established by a Sponsor receiving a fund reservation must submit a request for direct loan financing within the time limit specified in the notice of section 202 fund reservation to the field office serving the area in which the proposed project will be located.

(b) *Request for determination of Borrower eligibility.* Simultaneously with the request for direct loan financing, the Borrower must submit a request for determination of eligibility, on a form or forms prescribed by HUD.

(1) The Borrower will be required to submit the information required of Sponsors under §§ 885.710(b) (1), (2), (11), (12) (ii) and (iii), (13) and (16), as modified by this paragraph:

(i) Borrowers may omit the board of director's resolution required under § 885.710(b)(11), but will be required to submit certifications signed by all officers and directors of the Sponsor and the Borrower certifying that they have not had and will not have any financial interest in any contract, or in any firm or corporation that has a contract, with the Borrower in connection with the rendition of services, the provision of goods or supplies, procurement of furnishings and equipment, construction of the project, procurement of the site, or other matters, whatsoever. In the case of officers and directors of the Sponsor, this certification does not apply to management contracts as described in § 885.735(a).

(ii) A Borrower will meet the requirements for a tax exemption ruling under § 885.710(b)(12)(ii) if it demonstrates that it applied for a tax exemption ruling under section 501(c)(3) or (4) before filing the request for determination of Borrower eligibility.

(2) Borrowers will be required to submit sufficient evidencee to demonstrate:

(i) The Borrower is a nonprofit corporation incorporated separately from the Sponsor;

(ii) The Borrower has the necessary legal authority to finance, acquire (with or without moderate rehabilitation), construct, or substantially rehabilitate and maintain the project, and to apply for and receive the section 202 loan.

(iii) The Borrower meets all corporate organization requirements that HUD may impose, including requirements that: (A) The purposes of the Borrower include the promotion of the welfare of handicapped families; (B) the articles of incorporation and by-laws do not include any references to religion or religious purposes; (C) the articles of incorporation must provide that upon the dissolution of the Borrower, its assets remaining after payment of all debts and liabilities will be conveyed or distributed only to an organization created and operated for nonprofit purposes similar to the Borrower, other than one created for a religious purpose; and (D) the articles of incorporation must permit the Sponsor to appoint and remove a majority of the voting members of the Borrower's board of directors.

(iv) The Borrower has not engaged and is not authorized to engage in any other business or activity (including the operation of another rental property), and has not incurred and is not authorized to incur any liability or obligation not related to the project.

(v) The Sponsor has fulfilled its commitment to provide resources to the Borrower, as described in the Sponsor's application under § 885.710(b)(12)(iii) and (19).

(vi) The Borrower has submitted a request for preliminary determination of eligibility as a mortgagor, on a form prescribed by HUD.

(vii) The Borrower has submitted such additional evidence as HUD may require in the notice of section 202 fund reservation under § 885.755.

(3) If housing consultant services were used by the Sponsor, the Borrower must execute the housing consultant contract. The contract and an Identity of Interest and Disclosure Certificate signed by the housing consultant must be submitted with the request for determination of Borrower eligibility.

(c) *Conditional commitment processing.* The request for conditional commitment processing must be on a form or forms prescribed by HUD and must include all required exhibits. During conditional commitement processing, HUD will:

(1) Determine whether the Borrower has established its eligibility under paragraph (b) above.

(2) Establish the amount of the initial contract rents and any initial utility allowances to be provided in independent living complexes.

(i) The amount of the initial contract rent plus any utility allowances shall not exceed the annual reasonable and necessary operating costs of the project plus the debt service on the amount of the section 202 loan.

(ii) Operating cost standards developed under § 885.807 are used to evaluate the reasonableness of the operating costs of the proposed project. HUD may approve operating costs that exceed the applicable operating cost standard (including adjustments under § 885.807(a)).

(iii) If the cost of utilities (except telephone) and other housing services are not included in the initial contract rent for an independent living complex, HUD will establish initial utility allowances for the project based on the monthly cost of a reasonable consumption of utilities and other services for the unit by an energy-conservative household of modest circumstances consistent with the requirements of a safe, sanitary, and healthful living environment. The cost of utilities and other housing services for group homes will be included in the initial contract rent.

(3) Review the site and project design to determine if the Borrower has presented adequate evidence of site control, and the proposed project complies with the project standards described in § 885.717, the project size limitations of § 885.720, the modest design and cost containment standards of § 885.725, and the facility prohibitions of § 885.727. To assist in this review, Borrowers will be required to submit the following information with their request for conditional commitment:

(i) A sketch of the site plan showing the general development of the site including the location of the proposed buildings, streets, parking areas and drives, service areas, unusual site features, and architectural sketches of typical unit plans (including the square feet per unit), floor plans for typical units, floor plans showing special spaces, accommodations and common areas, and the main elevation of each building.

(ii) If the proposed housing does not comply with the cost containment and modest design standards of § 885.725(a)–(c), evidence demonstrating that the proposed housing is eligible for an exception from these standards under § 885.725(d).

(4) Establish land value.

(5) Evaluate the overall financial feasibility of the project.

(6) Evaluate the adequacy of the Borrower's affirmative fair housing marketing plan.

(d) *Firm commitment processing.* The request for firm commitment processing must be on a form or forms prescribed by HUD and must include all required exhibits. Processing of a request for a firm commitment will include review of the final plans and specifications, review of environmental

conditions to site approval, review of the contractor/Borrower's cost estimate, and a review of the conclusions reached during conditional commitment processing. HUD will perform firm commitment processing without previous conditional commitment processing if HUD has issued architectural and engineering approval of the preliminary designs. HUD may also permit the Borrower to submit a request for firm commitment processing without previous conditional commitment processing under certain other circumstances (e.g., where the project involves an acquisition with or without moderate rehabilitation, or construction projects utilizing designs that have been previously submitted to and approved by HUD). Where single-step commitment processing is permitted, the steps set forth in paragraph (c) above, will be performed during firm commitment processing.

(e) *Loan interest rate.* When the request for conditional or firm commitment for direct loan financing is submitted, the Borrower may request that the loan interest rate be computed at the optional interest rate as provided under § 885.810(f)(2). If the Borrower makes such a request, the loan interest rate used for the processing of the request for conditional or firm commitment under paragraph (c) or (d) shall be the optional loan interest rate. If the Borrower does not make a request for the optional rate, the interest rate used for processing the request shall be the interest rate computed under § 885.810(f)(1).

(f) *Modification of contract rents.* Contract rents proposed by a Borrower may be modified by HUD at any time before execution of the agreement to enter into a project assistance contract.

§ 885.805 Approval of requests for direct loan financing.

HUD will rview the request for direct loan financing (including the request for determination of Borrower eligibility) and all required exhibits and will notify the Borrower of its approval by issuance of a conditional or firm commitment, as appropriate, or of its disapproval of the request.

(a) *Issuance of conditional commitment.* A conditional commitment will include the following:

(1) The estimated cost of the project;

(2) The land value fully improved (with offsite improvements installed) and, if the proposal involves the rehabilitation of a project, the "as is" value of the site;

(3) The detailed estimates of operating expenses;

(4) The financial requirements;

(5) The loan amount;

(6) The interest rate used in processing the request;

(7) The approved contract rents and utility allowances; and

(8) The deadline for the submission of the Borrower's request for a firm commitment for direct loan financing.

(b) *Issuance of firm commitment.* A firm commitment will include the following:

(1) Approval of the final plans and specifications;

(2) A statement that the contractor/Borrower's cost estimates have been reviewed;

(3) Reaffirmation of the conclusions reached during conditional commitment processing or a statement describing the approved changes to earlier conclusions;

(4) The interest rate used in the processing of the request.

If the Borrower was permitted to apply for a firm commitment without going through conditional commitment processing, the items listed in paragraph (a) of this section shall be included in the issuance of the firm commitment for direct loan financing. Issuance of a firm commitment evidences HUD's approval of the request for direct loan financing, and sets forth the terms and conditions upon which the loan shall be made and the loan proceeds disbursed.

(c) *Cancellation.* If a request for Borrower eligibility or a request for conditional or firm commitment for direct loan financing is not submitted within the time periods specified in the notice of section 202 fund reservation or in the conditional commitment (as appropriate), HUD may cancel the fund reservation under § 885.770.

§ 885.807 Operating cost standard.

At least annually, HUD shall establish operating cost standards based on the average annual operating cost of comparable housing for handicapped families in each field office. The operating cost standards shall be developed for group homes based on the number of residents, and for independent living complexes based on the number of units. HUD may adjust the operating cost standard applicable to an approved project to reflect such factors as differencs in costs based on location within the field office jurisdiction. The operating cost standard will be used to determine the amount of the project assistance reserved for a project under § 885.755(a)(3) and to review the reasonableness of operating costs for the establishment of initial contract rents at the time of issuance of the conditional commitment under § 885.800(a).

§ 885.810 Amount and terms of financing.

(a) *Amount of financing.* The amount of financing approved shall be the amount stated in the notice of fund reservation, including any increase approved by HUD before the final closing of a loan. The amount of financing may not exceed the smallest of the amounts provided in paragraphs (b) through (e) of this section.

(b) *Estimated development cost.* The amount of the loan may not exceed the total estimated development cost of the project (as determined by HUD), less the incremental development cost and capitalized operating costs associated with excess amenities and design features to be paid for by the Sponsor under § 885.725(d)(1).

(c) *Development cost limit.* (1) For independent living complexes, the total development cost of the property or project attributable to dwelling use (less the incremental development cost and capitalized operating costs described in paragraph (b) above) may not exceed:

(i) For independent living complexes without elevators:

(A) $28,032 per family unit without a bedroom;

(B) $32,321 per family unit with one bedroom;

(C) $38,979 per family unit with two bedrooms;

(D) $49,893 per family unit with three bedrooms;

(E) $55,583 per family unit with four or more bedrooms;

(ii) For independent living complexes with elevators:

(A) $29,500 per family unit without a bedroom;

(B) $33,816 per family unit with one bedroom;

(C) $41,120 per family unit with two bedrooms;

(D) $53,195 per family unit with three bedrooms;

(E) $58,392 per family unit with four or more bedrooms;

(2) For group homes, the total development cost of the project (less the incremental development cost and capitalized operating costs described in paragraph (b) above) may not exceed the cost limit for the project. HUD will periodically establish cost limits for various sizes of group homes by publishing a notice of the cost limits in the **Federal Register**. The cost limits will reflect those costs reasonable and necessary to develop a project of modest design that complies with HUD minimum property standards; the minimum group home requirements of § 885.717(b); the accessibility requirements of § 885.717(c); cost containment and modest design standards of § 885.725 and other design requirements applicable to group homes under this part. HUD will provide factors for adjusting the group home standard to reflect such factors as the design requirements of the specific handicapped population to be served and State and local requirements. To develop the cost limit for group homes, HUD will use commercially available construction cost indices and construction cost data for recently completed comparable group homes.

(3) Increased mortgage limits.

(i) The Assistant Secretary may increase the cost limits set forth in paragraphs (c)(1) and (2) of this section by up to 110 percent in any geographic area where the cost levels require, and may increase the cost limits by up to 140 percent on a project-by-project basis.

(ii) If the Assistant Secretary finds that high construction costs in Alaska, Guam or Hawaii make it infeasible to construct dwellings, without the sacrifice of sound standards of construction, design, and livability, within the cost limits provided in this paragraph (c), the principal amount of mortgages may be increased to compensate for such costs. The increase may not exceed the limitations established under this section (including any high cost area adjustment) by more than 50 percent.

(d) *Rehabilitation projects—additional limits.* A loan that involves a project to be rehabilitated is subject to the following additional limitations:

(1) *Property held in fee.* If the Sponsor is the fee simple owner of a property

unencumbered by a mortgage, the maximum loan amount may not exceed 100 percent of the cost of the proposed rehabilitation.

(2) *Property subject to existing mortgage.* If the Sponsor owns the property subject to an outstanding indebtedness that is to be refinanced with part of the section 202 loan, the maximum loan amount may not exceed the cost of rehabilitation plus the portion of the outstanding indebtedness that does not exceed the fair market value of the land and improvements before the rehabilitation, as determined by HUD.

Property to be acquired. If the property is to be acquired by the Borrower from an entity other than the Sponsor, and the purchase price is to be financed with a part of the section 202 loan, the maximum loan amount may not exceed the cost of the rehabilitation plus the portion of the purchase price that does not exceed the fair market value of such land and improvements before the rehabilitation, as determined by HUD.

(e) *Leaseholds.* If a loan is secured by a leasehold estate rather than a fee simple estate, the amount of the loan attributable to the cost of the property may not exceed the value of the leasehold estate.

(f) *Loan interest rate.* The loan is made on the date of the initial loan closing under § 885.815. Loans shall bear interest at a rate determined by HUD in accordance with this section.

(1) *Annual interest rate.* Except as provided under paragraph (f)(2), loans shall bear interest at the rate in effect at the time the loan is made. The loan interest rate shall not exceed:

(i) The average yield on the most recently issued 30-year marketable obligations of the United States during the three-month period immediately preceding the fiscal year in which the loan is made (adjusted to the nearest one-eighth of one percent), plus an allowance to cover administrative costs and probable losses under the program; and

(ii) Any applicable statutory ceiling on the loan interest rate including the allowance to cover administrative costs and probable losses.

(2) *Optional interest rate.* The Borrower may elect an optional loan interest rate. To elect the optional rate, the Borrower must request that HUD determine the loan interest rate at the time of the Borrower's request for conditional or firm commitment for direct loan financing under § 885.800.

(i) If the Borrower elects the optional loan interest rate, the loan interest rate shall not exceed:

(A) The average yield on the most recently issued 30-year marketable obligations of the United States during the three-month period immediately preceding the fiscal year in which the request for commitment is submitted (adjusted to the nearest one-eighth of one percent), plus an allowance to cover administrative costs and probable losses under the program;

(B) The average yield on the most recently issued 30-year marketable obligations of the United States during the one-month period immediately preceding the month in which the request for commitment is submitted (adjusted to the nearest-one-eighth of one percent), plus an allowance to cover the administrative costs and probable losses under the program; and

(C) Any applicable statutory ceiling on the loan interest rate including an allowance to cover administrative costs and probable losses under the program.

(ii) The date of submission of a request for conditional or firm commitment is the date that the Borrower submits the complete and acceptable request to HUD under § 885.800. The date of the submission of a request for commitment will not be affected by any subsequent resubmission of the request by the Borrower or by any reprocessing of the request by HUD.

(iii) The Borrower may withdraw its election of the optional interest rate at any time before initial loan closing. If the Borrower elected the optional interest rate with its request for conditional commitment and withdraws its election, the loan will bear interest at the rate determined under paragraph (f)(1), unless the Borrower elects an optional interest rate with its request for firm commitment. If the Borrower withdraws its election after the date of submission of its request for firm commitment, the loan will bear interest at the rate determined under paragraph (f)(1) of this section.

(iv) If initial loan closing has not occurred within 18 months after the Notice of Section 202 Fund Reservation is issued, the Borrower's election of the optional rate will be cancelled and the loan will bear interest at the rate determined under paragraph (f)(1) of this section.

(3) *Allowance for administrative costs and probable losses.* For the purpose of computing the loan interest rate under paragraphs (f) (1) and (2) of this section, the allowance to cover administrative costs and probable losses under the program is one-fourth of one percent (.25%) per annum for both the construction and permanent loan periods.

(g) *Announcement of interest rates.* (1) HUD will annually announce the loan interest rate determination under paragraph (f)(1) of this section by publishing notice of the rate in the **Federal Register**. The **Federal Register** notice will include a statement explaining the basis for the interest rate determination.

(2) Upon the Borrower's request, HUD will provide available current information concerning the determination of the interest rate under paragraph (f)(2) of this section.

(h) *Security for loan.* The loan will be secured by a first mortgage on real estate in fee simple or a long-term leasehold. The mortgage will be repayable during a term not to exceed 40 years and will be subject to such terms and conditions as HUD may prescribe.

(i) *Minimum capital investment.* Borrowers must provide a minimum capital investment of one-half of one percent (0.5%) of the mortgage amount committed to be disbursed, not to exceed $10,000. Loans made under section 106 of the Housing Act of 1968 may not be used to meet the minimum capital investment requirement. The minimum capital investment will be placed in escrow at the initial closing of the section 202 loan and will be held by HUD or by a HUD-approved escrow agent. HUD or the escrow agent will hold escrowed funds for not less than three years following the date of initial occupancy. The escrow account may be used for operating expenses or deficits as may be directed by HUD. Any unexpended balanced remaining in the minimum capital investment account at the end of the escrow period will be returned to the Borrower.

§ 885.812 Prepayment of loans.

(a) *Prepayment prohibition.* The prepayment (whether in whole or in part) or the assignment or transfer of physical and financial assets of any section 202 project is prohibited, unless the Assistant Secretary gives prior written approval.

(b) *HUD-approved prepayment.* Approval for prepayment or transfer will not be granted unless HUD determines that the prepayment or transfer of the loan is a part of a transaction that will ensure that continued operation of the project until the original maturity date of the loan in a manner that will provide rental housing for the handicapped families on terms at least as advantageous to existing and future tenants as the terms required by the original section 202 loan agreement and any other loan agreements entered into under other provisions of law.

§ 885.815 Requirements prior to initial loan closing.

Before the initial loan closing, the Borrower must furnish such executed documents in such form as HUD may require, including the following:

(a) Agreement to enter into a project assistance contract.

(b) Certificate of incorporation of the Borrower as required by applicable State or local law.

(c) Internal Revenue Service Section 501(c) (3) and (4) tax exemption ruling.

(d) Certification of relationships and nonprofit motives of the Borrower.

(e) Attorney's opinion as to the legal status of the Borrower, building permit, and compliance with zoning laws and requirements.

(f) Regulatory agreement for nonprofit section 202 Borrowers.

(g) Borrower's oath that the project will not be used for hotel or transient purposes.

(h) Agreement and certification to certify actual costs and as to any financial and family relationships between the Borrower, the architect, general contractor and subcontractors.

(i) Assurance of compliance with nondiscrimination and equal opportunity requirements (see § 885.740(a)).

(j) Note and first mortgage or deed of trust.

(k) A title policy insuring that the mortgage constitutes a first lien on the project.

(l) Building loan agreement setting forth the conditions for loan disbursement.

(m) Construction, moderate rehabilitation or substantial rehabilitation contract between the Borrower and the general contractor (see § 895.816 for contract award requirements).

(n) Assurance of completion of construction, moderate rehabilitation or substantial rehabilitation contract in the form of corporate surety bonds for payment and performance, each in the amount of 100

percent of the amount of the HUD-estimated construction or rehabilitation cost, or a cash escrow in the amount of 25 percent of the HUD-estimated construction or rehabilitation cost. The corporate surety bond must be issued by a surety company that is satisfactory to HUD.

(o) Escrow agreement in the amount of the cost of any off-site facilities funded by a cash deposit or letter of credit to assure completion of the facilities.

§ 885.816 Requirements for awarding construction contracts.

(a) *Construction contract award.* Awards shall be made only to responsible contractors that possess the potential ability to perform successfully under the terms and conditions of a proposed construction contract. Consideration shall be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(b) *Negotiated noncompetitive construction contracts.* Competitively bid contracts are not required. Negotiated noncompetitive contracts must be cost-reimbursement contracts with a ceiling price, and may provide an incentive payment to the contractor for early completion.

§ 885.820 Loan disbursement procedures.

(a) *General.* Disbursement of loan proceeds shall be made directly by HUD to or for the account of the Borrower and may be made through an approved lender, mortgage servicer, title insurance company, or other agent satisfactory to the Borrower and HUD.

(b) *Timing and amount of disbursement.* Disbursements to the Borrower will be made on a periodic basis, and in amounts not to exceed the HUD-approved cost of the portions of construction or rehabilitation work complete and in place (except as modified in paragraph (d) of this section), minus the appropriate holdback, as determined by HUD.

(c) *Content of disbursement requisition.* Requisitions for loan disbursements must be submitted by the Borrower on forms prescribed by HUD and must be accompanied by such additional information as HUD may require in order to approve loan disbursement under this part, including but not limited to evidence of compliance with the labor standards described at § 885.740(d), Department of Labor regulations, all zoning, building and other governmental requirements, and such evidence of continued priority of the Borrower's mortgage as HUD may prescribe.

(d) *Disbursements for building components stored off-site.* In loan disbursements for building components stored off-site, the term "building component" will mean any manufactured or pre-assembled part of a structure as defined by HUD and which HUD has designated for off-site storage because it is of such size or weight that storage of the components required for timely construction progress at the construction site is impracticable, or because weather damage or other adverse conditions prevailing at the construction site would make storage at the site impracticable or unduly costly. Each building component must be specifically identified for incorporation into the property as provided under paragraph (d)(1)(ii) of this section.

(1) *Storage.* (i) A loan disbursement may be made for up to 90 percent of the invoice value (to exclude cost of transportation and storage) of the building components stored off-site if the components are stored at a location approved by HUD.

(ii) Each building component shall be adequately marked to be readily identifiable in the inventory of the off-site location. It shall be kept together with all other building components of the same manufacturer intended for use in the same project for which loan disbursements have been made and separate and apart from similar units not for use in the project.

(iii) Storage costs, if any, shall be borne by the general contractor.

(2) *Responsibility for transportation, storage and insurance of off-site building components.* The general contractor of the project shall have the responsibility for (i) insuring the components in the name of the Borrower while in transit and storage; and (ii) delivering or contracting for the delivery of the components to the storage area and to the construction site, including the payment of freight.

(3) *Loan disbursements.* (i) Before a loan disbursement for a building component stored off-site is made, the Borrower shall:

(A) Obtain a bill of sale for the component;

(B) Provide HUD with a security agreement pledged by a first lien on the building components with the exception of such other liens or encumberances as may be approved by HUD;

(C) File a financing statement in accordance with the Uniform Commercial Code.

(ii) Before each loan disbursement for building components stored off-site is made, the manufacturer and the general contractor shall certify to HUD that the components, in their intended use, comply with HUD-approved contract plan and specifications.

(iii) Loan disbursements may be made only for components stored off-site in a quantity required to permit the uninterrupted installation on the site.

(iv) The outstanding amount of advances for building components stored off-site may not exceed 50 percent of the total estimated construction cost for the project as specified in the construction contract.

(v) Payments for building components stored off-site will not be approved unless the contractor has a corporate surety bond for payment and performance each of the amount of 100 percent of the amount of the construction contract.

(vi) No single loan disbursement shall be made in an amount less than $10,000.

§ 885.825 Completion of cost certification.

(a) *Requisition for final disbursement.* The Borrower must satisfy the requirements for completion of construction, substantial rehabilitation, or acquisition with or without moderate rehabilitation and receive all required approvals from HUD before submitting a final requisition for disbursement of loan proceeds.

(b) *Cost certification.* The Borrower shall submit to the field office all documentation required for final disbursement of the loan including the following cost certifications.

(1) If the construction contract was a cost-reimbursement contract with a ceiling price:

(i) The Borrower must certify, on a form prescribed by HUD, as to the actual cost to the Borrower of the construction contract, architectural, legal, organizational, off-site costs, and all other items of eligible expense; and

(ii) The general contractor (and such subcontractors, material suppliers, and equipment lessors as HUD may require) must certify, on a form prescribed by HUD, as to the actual cost paid for labor, materials, and subcontract work under the general contract. The certificate shall not include as actual costs any kickbacks, rebates, trade discounts, or other similar payments to the Borrower or to any of its officers, directors, or members. For projects with a mortgate of $750,000 or more, the certifications shall be verified by an independent public accountant acceptable to the field office.

(2) If the construction contract required the contractor to furnish all labor, materials, equipment, and services required to construct and complete the project for a specified and firm price, the Borrower will be required to submit a simplified short-form cost certification on a form prescribed by HUD. For projects with a mortgage of $750,000 or more, the certifications shall be verified by an independent public accountant acceptable to the field office.

(c) *Reduction of loan amount and contract rents.* If the certified costs provided under paragraph (b) of this section and approved by HUD are less than the loan amount established under § 885.805, the loan amount and the contract rents will be reduced accordingly.

(d) *Recovery of overpayment.* If the contract rents are reduced under paragraph (c) of this section, the maximum annual commitment under the PAC will be reduced. If contract rents are reduced based on cost certifications made after PAC execution, any overpayment after the effective date of the contract will be recovered from the Borrower by HUD.

Project Assistance Contract

§ 885.900 Project assistance contract.

(a) *Project assistance contract (PAC).* The PAC sets forth rights and duties of the Borrower and HUD with respect to the project and the project assistance payments.

(b) *PAC execution.* (1) Upon satisfactory completion of the project, the Borrower and HUD shall execute the PAC on the form prescribed by HUD.

(2) The effective date of the PAC may be earlier than the date of execution, but no earlier than the date of HUD's issuance of the permission to occupy.

(3) If the project is completed in stages, the procedures of this paragraph (b) shall apply to each stage.

(c) *Project assistance payments to owners under the PAC.* The project assistance payments made under the PAC are:

(1) Payments to the Borrower to assist eligible families leasing assisted units. The amount of the project assistance payment

made to the Borrower for an assisted unit (or residential space in a group home) that is leased to an eligible family is equal to the difference between the contract rent for the unit (or pro rata share of the contract rent in a group home) and the tenant rent payable by the family.

(2) Payments to the Borrower for vacant assisted units ("vacancy payments"). The amount of and conditions for vacancy payments are described in § 885.985.

The project assistance payments are made monthly by HUD upon proper requisition by the Borrower, except payments for vacancies of more than 60 days, which are made semiannually by HUD upon requisition by the Borrower.

(d) *Payment of utility reimbursement.* Where applicable, a utility reimbursement will be paid to a family occupying an assisted unit in an independent living complex as an additional project assistance payment. The PAC will provide that the Borrower will make this payment on behalf of HUD. Funds will be paid to the Borrower in trust solely for the purpose of making the additional payment. The Borrower may pay the utility reimbursement jointy to the family and the utility company, or, if the family and utility company consent, directly to the utility company.

§ 885.905 Term of PAC.

The term of the PAC shall be 20 years. If the project is completed in stages, the term of the PAC for each stage shall be 20 years. The term of the PAC for stages of a project shall not exceed 22 years.

§ 885.910 Maximum annual commitment and project account.

(a) *Maximum annual commitment.* The maximum annual amount that may be committed under the PAC is the total of the initial contract rents and utility allowances for all assisted units in the project.

(b) *Project-account.* (1) HUD will establish and maintain a specifically identified and segregated project account for each project. The project account will be established out of the amounts by which the maximum annual commitment exceeds the amount actually paid out under the PAC each year. HUD will make payments from this account for project assistance payments as needed to cover increases in contract rents or decreases in tenant income and other payments for cost specifically approved by the Secretary.

(2) If the HUD-approved estimate of required annual payments under the PAC for a fiscal year exceeds the maximum annual commitment for that fiscal year plus the current balance in the project account, HUD will, within a reasonable time, take such steps authorized by section 202(h)(4)(A) of the Housing Act of 1959, as may be necessary, to assure that payments under the PAC will be adequate to cover increases in contract rents and decreases in tenant income.

§ 885.915 Leasing to eligible families.

(a) *Availability of assisted units for occupancy by eligible families.* During the term of the PAC, a Borrower shall make all units (or residential spaces in a group home) available for eligible families. For purposes of this section, making units or residential spaces available for occupancy by eligible families means that the Borrower (1) is conducting marketing in accordance with § 885.940(a); (2) has leased or is making good faith efforts to lease the units or residential spaces to eligible and otherwise acceptable families, including taking all feasible actions to fill vacancies by renting to such families; (3) has not rejected any such applicant family except for reasons acceptable to HUD. If the Borrower is temporarily unable to lease all units or residential spaces to eligible families, one or more units or residential spaces may, with the prior approval of HUD, be leased to otherwise eligible families that do not meet the income requirements of Part 813, as modified by § 885.5. Failure on the part of the Borrower to comply with these requirements is a violation of the PAC and grounds for all available legal remedies, including an action for specific performance of the PAC, suspension or debarment from HUD programs, and reduction of the number of units (or in the case of group homes, reduction of the number of residential spaces) under the PAC as set forth in paragraph (b) of this section.

(b) *Reduction of number of units covered by the PAC.* HUD may reduce the number of units (or in the case of group homes, the number of residential spaces) covered by the PAC to the number of units or residential spaces available for occupancy by eligible families if:

(1) The Borrower fails to comply with the requirements of paragraph (a) of this section; or

(2) Notwithstanding any prior approval by HUD, HUD determines that the inability to lease units or residential spaces to eligible families is not a temporary problem.

(c) *Restoration.* HUD will agree to an amendment of the PAC to provide for subsequent restoration of any reduction made under paragraph (b) of this section if:

(1) HUD determines that the restoration is justified by demand;

(2) The Borrower otherwise has a record of compliance with the Borrower's obligations under the PAC; and

(3) Contract and budget authority is available.

(d) *Occupancy by families that are not handicapped.* HUD may relieve the Borrower of the requirement that all units in the project (or residential spaces in a group home) must be leased to handicapped families if: (1) The Borrower has made reasonable efforts to lease to eligible families; (2) the Borrower has been granted HUD approval under paragraph (a) of this section; and (3) the Borrower is temporarily unable to achieve or maintain a level of occupancy sufficient to prevent financial default and foreclosure under the section 202 loan documents. HUD approval under this paragraph will be of limited duration. HUD may impose terms and conditions to this approval that are consistent with program objectives and necessary to protect its interest in the section 202 loan.

§ 885.920 PAC administration.

HUD is responsible for the administration of the PAC.

§ 885.925 Default by Borrower.

(a) *PAC provisions.* The PAC will provide:

(1) That if HUD determines that the Borrower is in default under the PAC, HUD will notify the Borrower of the actions required to be taken to cure the default and of the remedies to be applied by HUD including an action for specific performance under the PAC, reduction or suspension of project assistance payment and recovery of overpayments, where appropriate; and

(2) That if the Borrower fails to cure the default, HUD has the right to terminate the PAC or to take other corrective action.

(b) *Loan provisions.* Additional provisions governing default under the section 202 loan are included in the regulatory agreement and other loan documents described in § 885.815.

§ 885.930 Notice upon PAC expiration.

The PAC will provide that the Borrower will, at least 90 days before the end of the PAC contract term, notify each family occupying an assisted unit (or residential space in a group home) of any increase in the amont the family will be required to pay as rent as a result of the expiration. The notice of expiration will contain such information and will be served in such manner as HUD may prescribe.

Project Management

§ 885.940 Responsibilities of Borrower.

(a) *Marketing.* (1) The Borrower must commence and continue diligent marketing activities not later than 90 days before the anticipated date of availability for occupancy of the group home or the anticipated date of availability of the first unit in an independent living complex. Market activities shall include the provision of notices of the availability of housing under the program to operators of temporary housing for the homeless.

(2) Marketing must be done in accordance with the HUD-approved affirmative fair housing marketing plan and all fair housing and equal opportunity requirements. The purpose of the plan and requirements is to achieve a condition in which eligible families of similar income levels in the same housing market have a like range of housing choices available to them regardless of their race, color, creed, religion, sex or national origin.

(3) At the time of PAC execution, the Borrower must submit to HUD a list of leased and unleased assisted units (or in the case of a group home, leased and unleased residential spaces) with a justification for the unleased units or residential spaces, in order to qualify for vacancy payments for the unleased units or residential spaces.

(b) *Management and maintenance.* The Borrower is responsible for all management functions. These functions include selection and admission of tenants, required reexaminations of incomes for families occupying assisted units or residential spaces, collection of rents, termination of tenancy and eviction, and all repair and maintenance functions (including ordinary and extraordinary maintenance and replacement of capital items). All functions must be performed in compliance with equal opportunity requirements.

(c) *Contracting for services.* (1) With HUD approval, the Borrower may contract with a private or public entity for performance of the services or duties required in paragraphs (a) and (b) of this section. However, such an arrangement does not relieve the Borrower of responsibility for these services and duties. All such contracts are subject to the restrictions governing prohibited contractual relationships described in § 885.735. (These prohibitions do not extend to management contracts entered into by the Borrower with the Sponsor or its non-profit affiliate).

(2) Consistent with the objectives of Executive Orders 11625, 12432 and 12138, the Borrower will promote awareness and participation of minority and women's business enterprises in contracting and procurement activities.

(d) *Submission of financial and operating statements.* The Borrower must submit to HUD:

(1) Within 60 days after the end of each fiscal year of project operations, financial statements for the project audited by an independent public accountant and in the form required by HUD, and

(2) Other statements regarding project operation, financial conditions and occupancy as HUD may require to administer the PAC and to monitor project operations.

(e) *Use of project funds.* The Borrower shall maintain a project fund account in a HUD-approved depository and shall deposit all rents, charges, income and revenues arising from project operation or ownership to this account. Project funds must be used for the operation of the project (including required insurance coverage), to make required principal and interest payments on the section 202 loan, and to make required deposits to the replacement reserve under § 885.945, in accordance with a HUD-approved budget. Any remaining project funds account following the expiration of the fiscal year shall be deposited in an interest-bearing residual receipts account. Withdrawals from this account may be made only for project purposes and with the approval of HUD.

(f) *Reports.* The Borrower shall submit such reports as HUD may prescribe to demonstrate compliance with applicable civil rights and equal opportunity requirements.

§ 885.945 Replacement reserve.

(a) *Establishment of reserve.* The Borrower shall establish and maintain a replacement reserve to aid in funding extraordinary maintenance, and repair and replacement of capital items.

(b) *Deposits to reserve.* The Borrower shall make monthly deposits to the replacement reserve. The amount of the deposits for the initial year of operation shall be an amount equal to 0.6 percent of the cost of the total structures (for new construction projects), 0.4 percent of the cost of the initial mortgage amount (for all other projects), or such higher rate as required by HUD. For the purposes of this section, total structures include main buildings, accessory buildings, garages and other buildings. The amount of the deposits will be adjusted each year by the amount of the annual adjustment factor as described in Part 888.

(c) *Level of reserve.* The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. Should the reserve reach that level, the amount of the deposit to the reserve may be reduced with the approval of HUD.

(d) *Administration of reserve.* Replacement reserve funds must be deposited with HUD or in a HUD-approved depository in an interest-bearing account. All earnings including interest on the reserve must be added to the reserve. Funds may be drawn from the reserve and used only in accordance with HUD guidelines and with the approval of, or as directed by, HUD.

§ 885.950 Selection and admission of tenants.

(a) *Application for admission.* The Borrower must accept applications for admission to the project in the form prescribed by HUD. Applicant families applying for assisted units (or residential spaces in a group home) must complete a certification of eligibility as part of the application for admission. Both the Borrower and the applicant family must complete and sign the application for admission. On request, the Borrower must furnish copies of all applications for admission to HUD.

(b) *Determination of eligibility and selection of tenants.* The Borrower is responsible for determining whether applicants are eligible for admission and for the selection of families. To be eligible for admission, an applicant family must be a handicapped family as defined in § 885.5, must meet any project occupancy requirements approved by HUD under § 885.755(a)(1), and must be a lower income family as defined in § 813.102, as modified under § 885.5. Under certain circumstances, HUD may permit the leasing of units (or residential space in a group home) to ineligible families under § 885.915.

(1) Local residency requirements are prohibited. Local residency preferences may be applied in selecting tenants only to the extent that they are not inconsistent with affirmative fair-housing marketing objectives and the Borrower's HUD-approved affirmative fair-housing marketing plan. Preferences may not be based on the length of time the applicant has resided in the jurisdiction. With respect to any residency preference, persons expected to reside in the community as a result of current or planned employment will be treated as residents.

(2) If the Borrower determines that the family is eligible and is otherwise acceptable and units (or residential spaces in a group home) are available, the Borrower will assign the family a unit or residential space in a group home. If the family will occupy an assisted unit the Borrower will assign the family a unit of the appropriate size in accordance with HUD standards. If no suitable unit (or residential space in a group home) is available, the Borrower will place the family on a waiting list for the project and notify the family when a suitable unit or residential space may become available. If the waiting list is so long that the applicant would not be likely to be admitted for the next 12 months, the Borrower may advise the applicant that no additional applications for admission are being considered for that reason.

(3) If the Borrower determines that an applicant is ineligible for admission or the Borrower is not selecting the applicant for other reasons, the Borrower will promptly notify the applicant in writing of the determination, the reasons for the determination, and that the applicant has a right to request a meeting to review the rejection, in accordance with HUD requirements. The review, if requested, may not be conducted by a member of the Borrower's staff who made the initial decision to reject the applicant. The applicant may also exercise other rights if the applicant believes the applicant is being discriminated against on the basis of race, color, creed, religion, sex, handicap or national origin.

(4) Records on applicants and approved eligible families, which provide racial, ethnic, gender and place of previous residency data required by HUD, must be maintained and retained for three years.

(c) *Reexamination of family income and composition*—(1) *Regular reexaminations.* If the family occupies an assisted unit (or residential space in a group home), the Borrower must reexamine the income and composition of the family at least every 12 months. Upon verification of the information, the Borrower shall make appropriate adjustments in the total tenant payment in accordance with Part 813, as modified by § 885.5 and determine whether the family's unit size is still appropriate. The Borrower must adjust tenant rent and the project assistance payment and must carry out any unit transfer in accordance with HUD standards.

(2) *Interim reexaminations.* If the family occupies an assisted unit (or residential space in a gorup home) the family must comply with provisions in the lease regarding interim reporting of changes in income. If the Borrower receives information concerning a change in the family's income or other circumstances between regularly scheduled reexaminations, the Borrower must consult with the family and make any adjustments determined to be appropriate. Any change in the family's income or other circumstances that results in an adjustment in the total tenant payment, tenant rent and project assistance payment must be verified.

(3) *Continuation of project assistance payment.* (i) A family occupying an assisted unit (or residential space in a group home) shall remain eligible for project assistance payment until the total tenant payment equals or exceeds the gross rent (or a pro rata share of the gross rent in a group home). The termination of subsidy eligibility will not affect the family's other rights under its lease. Project assistance payment may be resumed if, as a result of changes in income, rent or other relevant circumstances during the term of the PAC, the family meets the income eligibility requirements of Part 813 (as modified in § 885.5) and project assistance is available for the unit or residential space under the terms of the PAC. The family will not be required to establish its eligibility for

admission to the project under the remaining requirements of paragraph (b) of this section.

(ii) A family's eligibility for project assistance payment also may be terminated in accordance with HUD requirements for such reasons as failure to submit requested verification information.

§ 885.955 Obligations of the family.

(a) *Requirements.* The family shall:

(1) Pay amounts due under the lease directly to the Borrower.

(2) Supply such certification, release, information or documentation as the Borrower or HUD determines to be necessary. (For families occupying assisted units (or residential spaces in a group home), this will include submissions required for an annual or interim reexamination of family income and composition.)

(3) Allow the Borrower to inspect the dwelling unit or residential space at reasonable times and after reasonable notice.

(4) Notify the Borrower before vacating the dwelling unit or residential space.

(5) Use the dwelling unit or residential space solely for residence by the family, and as the family's principal place of residence.

(b) *Prohibitions.* The family shall not:

(1) Assign the lease or transfer the unit or residential space.

(2) Occupy, or receive assistance for the occupancy of, a unit or residential space governed under this part while occupying, or receiving assistance for occupancy of, another unit assisted under any Federal housing assistance program, including any section 8 program.

§ 885.960 Overcrowded and underoccupied units.

If the Borrower determines that because of change in family size, an assisted unit is smaller than appropriate for the eligible family to which it is leased, or that the assisted unit is larger than appropriate, project assistance payment with respect to the unit will not be reduced or terminated until the eligible family has been relocated to an appropriate alternate unit. If possible, the Borrower will, as promptly as possible, offer the family an appropriate alternate unit. The Borrower may receive vacancy payments for the vacated unit if the Borrower complies with the requirements of § 885.985.

§ 885.965 Lease requirements.

(a) *Term of lease.* The term of the lease may not be less than one year. Unless the lease has been terminated by appropriate action, upon expiration of the lease term, the family and Borrower may execute a new lease for a term not less than one year, or may take no action. If no action is taken, the lease will automatically be renewed for successive terms of one month.

(b) *Termination by the family.* All leases may contain a provision that permits the family to terminate the lease upon 30 days advance notice. A lease for a term that exceeds one year must contain such provision.

(c) *Form.* The form of lease must contain all required provisions, and none of the prohibited provisions specified in HUD handbooks. In addition to required provisions in the handbook governing the Borrower's entry onto the leased premises during tenancy, the Borrower may include a provision in the lease permitting the Borrower to enter the leased premises, at any time, without advance notice where there is reasonable cause to believe that an emergency exists or that health or safety of a family member is endangered.

§ 885.970 Termination of tenancy and modification of lease.

The provisions of Part 247 of this title apply to all decisions by a Borrower to terminate the tenancy or modify the lease of a family residing in a unit (or residential space in a group home).

§ 885.972 Security deposits.

(a) *Collection of security deposit.* At the time of the initial execution of the lease, the Borrower (1) Will require each family occupying an assisted unit (or residential space in a group home) to pay a security deposit in an amount equal to one month's total tenant payment or $50, whichever is greater; and (2) may require each family occupying an unassisted unit (or residential space in a group home) to pay a security deposit equal to one month's rent payable by the family. The family is expected to pay the security deposit from its own resources and other available public or private resources. The Borrower may collect the security deposit on an installment basis.

(b) *Security deposit provisions applicable to assisted and unassisted units.*—(1) *Administration of security deposit.* The Borrower must place the security deposits in a segregated interest-bearing account. The Borrower shall maintain a record of the amount in this account that is attributable to each family in residence in the project. Annually for all families, and when computing the amount available for disbursement under paragraph (b)(3) of this section, the Borrower shall allocate to the family's balance, the interest accrued on the balance during the year. Unless prohibited by State or local law, the Borrower may deduct for the family, from the accrued interest for the year, the administrative cost of computing the allocation to the family's balance. The amount of the administrative cost adjustment shall not exceed the accrued interest allocated to the family's balance for the year. The amount of the segregated, interest-bearing account maintained by the Borrower must at all times equal the total amount collected from the families then in occupancy plus any accrued interest and less allowable administrative cost adjustments. The Borrower must comply with any applicable State and local laws concerning interest payments on security deposits.

(2) *Family notification requirement.* In order to be considered for the refund of the security deposit, a family must provide the Borrower with a forwarding address or arrange to pick up the refund.

(3) *Use of security deposit.* The Borrower, subject to State and local law and the requirements of this paragraph, may use the family's security deposit balance as reimbursement for any unpaid family contribution or other amount which the family owes under the lease. Within 30 days (or shorter time if required by State or local law) after receiving notification under paragraph (b)(2) of this section the Borrower must:

(i) Refund to a family owing no rent or other amount under the lease the full amount of the family's security deposit balance;

(ii) Provide to a family owing rent or other amount under the lease a list itemizing any unpaid rent, damages to the unit, and estimated costs for repair, along with a statement of the family's rights under State and local law. If the amount which the Borrower claims is owed by the family is less than the amount of the family's security deposit balance, the Borrower must refund the excess balance to the family. If the Borrower fails to provide the list, the family will be entitled to the refund of the full amount of the family's security deposit balance.

(4) *Disagreements.* If a disagreement arises concerning reimbursement of the security deposit, the family will have the right to present objections to the Borrower in an informal meeting. The Borrower must keep a record of any disagreements and meetings in a tenant file for inspection by HUD. The procedures of this paragraph do not preclude the family from exercising its rights under State or local law.

(5) *Decedent's interest in security deposit.* Upon the death of a member of a family, the decedent's interest, if any, in the security deposit will be governed by State or local law.

(c) *Reimbursement by HUD for assisted units.* If the family's security deposit balance is insufficient to reimburse the Borrower for any unpaid tenant rent or other amount which the family owes under the lease for an assisted unit or residential space and the Borrower has provided the family with the list required by paragraph (b)(3)(ii) of this section, the Borrower may claim reimbursement from HUD for an amount not to exceed the lesser of:

(1) The amount owed the Borrower, or

(2) One month's contract rent, minus the amount of the family's security deposit balance. Any reimbursement under this section will be applied first toward any unpaid tenant rent due under the lease. No reimbursement may be claimed for unpaid rent for the period after termination of the tenancy. The Borrower may be eligible for vacancy payments following a vacancy in accordance with the reqirements of § 885.985.

§ 885.975 Adjustment of rents.

(a) *Contract rents.* HUD will calculate contract rent adjustments based on the sum of the project's operating costs and debt service (as calculated by HUD), with adjustments for vacancies, the project's non-rental income, and other factors that HUD deems appropriate. The calculation will be made on the basis of information provided by the Borrower on a form prescribed by HUD.

(b) *Rent for unassisted units.* The rent payable by families occupying units or residential spaces that are not assisted under the PAC shall be equal to the contract rent computer under paragraph (a) of this section.

§ 885.980 Adjustment of utility allowances.

In connection with adjustments of contract rents as provided in § 885.975(a), the Borrower must submit an analysis of any utility allowances applicable in an independent living complex. Such data as changes in utility rates and other facts affecting utility consumption should be provided as part of this analysis to permit appropriate adjustments in the utility allowances for assisted units. In addition, when approval of a utility rate change would result in a cumulative increase of 10 percent or more in the most recently approved utility allowances, the Borrower must advise HUD and request approval of new utility allowances. Whenever a utility allowance for an assisted unit is adjusted, the Borrower will promptly notify affected families and make a corresponding adjustment of the tenant rent and the amount of the project assistance payment.

§ 885.985 Conditions for receipt of vacancy payments for assisted units.

(a) *General.* Vacancy payments under the PAC will not be made unless the conditions for receipt for these project assistance payments set forth in this section are fulfilled.

(b) *Vacancies during rent-up.* For each unit (or residential space in a group home) that is not leased as of the effective date of the PAC, the Borrower is entitled to vacancy payments in the amount of 80 percent of the contract rent (or pro rata share of the contract rent for a group home) for the first 60 days of vacancy, if the Borrower:

(1) Conducted marketing in accordance with § 885.940(a) and otherwise complied with § 885.940;

(2) Has taken and continues to take all feasible actions to fill the vacancy; and

(3) Has not rejected any eligible applicant except for good cause acceptable to HUD.

(c) *Vacancies after rent-up.* If an eligible family vacates an assisted unit (or residential space in a group home) the Borrower is entitled to vacancy payments in the amount of 80 percent of the contract rent (or pro rata share of the contract rent in a group home) for the first 60 days of vacancy if the Borrower:

(1) Certifies that it did not cause the vacancy by violating the lease, the PAC, or any applicable law;

(2) Notified HUD of the vacancy or prospective vacancy and the reasons for the vacancy immediately upon learning of the vacancy or prospective vacancy;

(3) Has fulfilled and continues to fulfill the requirements specified in § 885.940(a)(2) and (3) and § 885.985(b)(2) and (3); and

(4) For any vacancy resulting from the Borrower's eviction of an eligible family, certifies that it has complied with § 885.970.

(d) *Vacancies for longer than 60 days.* If an assisted unit (or residential space in a group home) continues to be vacant after the 60-day period specified in paragraph (b) or (c) of this section, HUD may approve additional vacancy payments for 60-day periods up to a total of twelve months in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant unit (or, in the case of group homes, the residential space). Such payments may be approved if:

(1) The unit was in decent, safe and sanitary condition during the vacancy period for which payment is claimed;

(2) The Borrower has fulfilled and continues to fulfill the requirements specified in paragraph (b) or (c) of this section, as appropriate; and

(3) The Borrower has demonstrated to the satisfaction of HUD that:

(i) For the period of vacancy, the project is not providing the Borrower with revenues at least equal to project expenses (exclusive of depreciation) and the amount of payments requested is not more than the portion of the deficiency attributable to the vacant unit (or residential space in a group home) and

(ii) The project can achieve financial soundness within a reasonable time.

(e) *Prohibition of double compensation for vacancies.* If the Borrower collects payments for vacancies from other sources (tenant rent, security deposits, payments under § 885.972(c), or governmental payments under other programs), the Borrower shall not be entitled to collect vacancy payments to the extent these collections from other sources plus the vacancy payment exceed contract rent.

PART 912—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OCCUPANCY BY SINGLE PERSONS

12. The authority citation for Part 912—Definition of Family and Other Related Terms; Occupancy by Single Persons continues to read as follows:

Authority: Sec. 3, United States Housing Act of 1937 (42 U.S.C. 1437a); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

13. The definition of disabled person in section 912.2 is revised to read as follows:

§ 912.2 Definitions.

Disabled person. A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

PART 913—DEFINITION OF INCOME, INCOME LIMITS, RENT AND REEXAMINATION OF FAMILY INCOME FOR THE PUBLIC HOUSING AND INDIAN HOUSING PROGRAMS

14. The authority citation for Part 913—Definition of Income, Income Limits, Rent and Reexamination of Family Income for the Public Housing and Inidian Housing Programs continues to read as follows:

Authority: Secs. 3, 6, and 16, United States Housing Act of 1937 (42 U.S.C. 1437a, 1473d, and 1437n); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

15. The definition of disabled person in § 913.102 is revised to read as follows:

§ 913.102 Definitions.

* * * * *

Disabled person. A person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423), or who has a developmental disability as defined in section 102(7) of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6001(7)).

* * * * *

[FR Doc. 89-12896 Filed 5-30-89; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES-960-09-4212-14; ES-40637; MIES 40637]

Application To Purchase Federally Owned Minerals; Michigan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Filing of application to purchase federally-owned mineral interest shall upon publication of this notice segregate the mineral interests owned by the United States in the lands covered by the application to the extent that they will not be subject to appropriation under the public land laws, including the mining laws.

EFFECTIVE DATE: May 31, 1989.

FOR FURTHER INFORMATION CONTACT: C. Curtis Jones, Jr., Director, Eastern States Office, (703) 461-1400.

SUPPLEMENTARY INFORMATION: Application has been filed to purchase the Federal interest in 50% of the minerals in the East 660 fee of the W½NE¼, section 13, T. 7 N., R. 11 W., Michigan Meridian, Michigan, under section 209 of the Federal Land Policy and Management Act (FLPMA) 43. U.S.C. 1701, 1719 (1976). The effect of this Notice is to segregate the mineral interest owned by the United States in the lands covered by the application to the extent that they will not be subject to appropriation under the public land laws, including the mining laws. The segregative effect of the application shall terminate either upon issuance of a patent or other document of conveyance to such mineral interest, upon final rejection of the application, or 2 years from the filing of the application on March 8, 1989, whichever occurs first.

Terry Plummer,

Acting State Director.

[FR Doc. 89-12899 Filed 5-30-89; 8:45 am]

BILLING CODE 4310-GJ-M

[UT-050-09-4333-13]

Off-Road Vehicle Designations; Utah

AGENCY: Bureau of Land Management, Richfield, Utah.

ACTION: Notice of Off-Road Vehicle Use Designation Decision.

SUMMARY: In accordance with Executive Order 11644 (37 FR 2877 as amended, February 9, 1972) and 11989, and the authority of 43 CFR Part 8340, the following off-road vehicle use designation is established in the Richfield District Mountain Valley Planning unit, Sevier River Resource Area.

Open to Vehicles

All of the public lands administered by the BLM in the Mountain Valley Planning area located in Central Utah consisting of 499,972 acres in Sanpete, Sevier, and Piute Counties will be designated as open to ORV use.

This designation is recommended in the Mountain Valley Management Framework Plan dated May, 1981.

No significant problems associated with ORV use in the planning unit were surfaced during the planning process or during the public meetings held in January of 1989. It was determined that an open designation was appropriate for these public lands, and that the resource values can be adequately protected under the Off-Road Vehicle regulations contained in 43 CFR Part 8340.

An environmental assessment describing the impact of this designation is available for inspection at the offices listed below:

This designation will become effective 30 days after publication in the **Federal Register** and will remain in effect until further notice. A map/brochure showing the affected public land and information concerning this designation will be available September 30, 1990 from the following office: Bureau of Land Management, Sevier River Resource Area, 150 East 900 North, Richfield, UT 847.01

Jerry W. **Goodman**,

District Manager, Richfield District Office.

[FR Doc. 89-12900 Filed 5-30-89; 8:45 am]

BILLING CODE 4310-DQ-M

[CA-010-09-4212-13; CA 23722]

Realty Action; Proposed Land Exchange in Monterey, Fresno and San Benito Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; exchange of public and private lands in Monterey, Fresno and San Benito Counties, California (CA-23722).

SUMMARY: The following described public lands are being considered for exchange of the surface estate of CAL-BLMX, Inc., under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

Note: Not all of the lands identified below will be involved in the exchange: Some may be deleted to eliminate possible conflicts that could arise during processing. The final selection of properties will be made to achieve comparable values between the offered and selected lands.

Selected Public Land

T. 17S., R. 4E., M.D.M., CA.,
Sec. 13, W½SW¼,
Sec. 14, S½NW¼, S½NE¼, NE¼NE¼, SE¼, SW¼;
Sec. 15, SE¼NE¼, E½SE¼;
Sec. 17, SW¼;
Sec. 18, N½SE¼, SE¼SE¼, and Lot 5;
Sec. 19, Lots 1, 2, and 3;
Sec. 20, W½NW¼, NE¼NW¼, NE¼;
Sec. 22, SE¼NE¼;
Sec. 23, N½NW¼, N¼NE¼, SW¼NE¼;
Sec. 24, NW¼NW¼, SE¼NW¼, 1706.24.

T. 17S, R. 10E., M.D.M., CA.,
Sec. 26, SW¼SE¼, S½SW¼;
Sec. 34, N½NE¼;
Sec. 35, NW¼NW¼, 240.00.

T. 17S, R. 11E., M.D.M., CA.,
Sec. 18, N½SE¼, SW¼SE¼, Lots 1, 2, 3, 9, 10, and N½ of Lots 5, 6, and 7;
Sec. 19, SE¼SE¼, S½ of Lots 9 and 10, 608.58.

T. 18S., R. 10E., M.D.M., CA.,
Sec. 1, SE¼NW¼, N½SW¼, SW¼SW¼, N½ of Lot 14;
Sec. 2, SW¼NE¼, N½SE¼, 320.00.

T. 21S., R. 11E., M.D.M., CA.,
Sec. 13, S½NW¼, S½NE¼, SW¼SE¼, SW¼;
Sec. 14, S½SE¼;
Sec. 23, E½NE¼, N½SE¼, NE¼SW¼;
Sec. 24, NW¼, W½NE¼, N½SE¼, 960.00.

T. 22S., R. 12E., M.D.M., CA.,
Sec. 17, Lots 12 and 15;
Sec. 18, E½NE¼, SE¼, E½SW¼, Lots 3 and 4;
Sec. 19, E½NW¼, NE¼, N½SE¼, SW¼SE¼, E½SW¼, Lots 1, 2, 3, and 4;
Sec. 20, W½NE¼, Lots 1, 2, 3, 4, 5, 6, 8, 11 and 12;
Sec. 21, S½NW¼, Lots 6, 7, 8, 9, 10, 11, and 12;
Sec. 22, Lot 9;
Sec. 27, Lot 4;
Sec. 28, Lots 1, 2, 3, 4, 5, 6, and 7;
Sec. 29, Lots 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13 and 14;
Sec. 30, S½NE¼, SE¼, E½SW¼, Lot 1;
Sec. 31, NE¼NW¼, E½NE¼;
Sec. 32, Lots 3, 4, and 5, 3274.87.

T. 22S., R 14E., M.D.M., CA.,
Sec. 26, SE¼NW¼;
Sec. 27, E½SE¼;
Sec. 32, SE¼NE¼;
Sec. 34, S½NE¼, SE¼, E½SW¼;
Sec. 35, SW¼, 640.00.

T. 23S., R. 12E., M.D.M., CA.,
Sec. 4, SW¼NW¼, 40.00.

T. 23S., R. 13E., M.D.M., CA.,
Sec. 21, W½SE¼;
Sec. 27, NW¼, E¼SW¼;
Sec. 35, SE¼NW¼, S½NE¼, N½SE¼, SW¼SE¼, E½SW¼, 640.00.

T. 23S., R. 14E., M.D.M., CA.,
Sec. 3, SE¼NE¼, E½SE¼, SW¼SE¼, SE¼SW¼, Lot 1;
Sec. 10, N½NW¼, NE¼, SW¼SW¼, 519.14.

T. 23S., R. 15E., M.D.M., CA.,
Sec. 2, SE¼, SW¼, 320.00.

Containing 9,268.83 acres, more or less.

In exchange for these lands, the Federal Government will acquire the surface estate of non-Federal lands in Fresno and San Benito Counties from CAL-BLMX, Inc. described as follows:

T. 15S., R. 12E., M.D.M., CA.,
Sec. 17, E½SE¼;
Sec. 20, SE¼NW¼, SW¼NE¼, E½NE¼, S½, 560.00.

T. 16S., R. 10E., M.D.M., CA.,
Sec. 11, N½NW¼, N½NE¼;
Sec. 12, Lots 4, 5, 12, and 13;
Sec. 13, N½NW¼, SE¼NW¼, SW¼NE¼, W½SE¼, NE¼SW¼, Lot 4, 635.28.

T. 21S., R. 13E., M.D.M., CA.,
Sec. 2, SW¼NE¼, S½ of Lot 2, Lots 3 and 4;
Sec. 3, SE¼NE¼, SE¼, SE¼SW¼, Lot 1;
Sec. 10, NE¼NW¼, N½NE¼, SE¼NE¼;
Sec. 11, W½NW¼, N½SW¼, SW¼SW¼, 777.33.

Containing 1,982.61 acres, more or less.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire the non-Federal lands to improve access to existing Federal lands for recreational users, to acquire habitat occupied by several endangered wildlife species including the blunt-nosed leopard lizard (*Gambelia silus*), giant kangaroo rat (*Dipodomys ingens*), and San Joaquin kit fox (*Vulpes macrotis mutica*), and to acquire significant riparian habitat areas. Federal lands proposed for disposal in the exchange are generally small isolated parcels without public access.

Only the surface estate of both public and private lands will be exchanged. Ownership of the mineral estate will not be affected by the exchange. The exchange is consistent with the Bureau's planning for the lands involved. The public interest will be well served by making the exchange.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

(1) A reservation to the United States for a right-of-way for ditches and canals constructed under the authority of the Act of August 20, 1980 (43 U.S.C. 945).

(2) Authorized pipelines, power lines, roads, highways, telephone lines, mineral leases and any other authorized

land uses will be identified as prior existing rights.

(3) All necessary clearances for archaeology, rare plants and animals shall be granted prior to conveyance of title.

(4) Grazing operators that will have their allotments affected by this exchange are entitled to a 2-year adjustment period. However, a lesee may waive this 2-year notice.

This notice, as provided in 43 CFR 2201.1(b), shall segregate the public lands that are being considered for this exchange. By publication of this notice, those vacant, unappropriated and unreserved public lands described above are segregated from settlement, location and entry under the public land laws, including the mining laws, but not the mineral leasing laws. The segregative effect shall terminate upon issuance of patent, or upon publication in the Federal Register of a termination of the segregation, or two (2) years from the date of this notice, whichever occurs first. This action is necessary while eliminating conflicting encumbrances on the public lands during exchange processing.

Detailed information concerning the exchange, including the environmental assessment, is available at the Hollister Resource Area Office, P.O. Box 365, Hollister, California 95024.

For a period of 45 days from publication of this notice in the **Federal Register**, interested parties may submit comments to the Area Manager, Hollister Resource Area at the above address. Comments should specify the specific parcel affected by the comment. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this action will become the final determination.

FOR FURTHER INFORMATION CONTACT: Ron Smith or Steve Addington, Hollister Resource Area Office, (408) 637-8183, or at the address listed above.

Date: May 23, 1989.

J.S. Addington,

Acting Area Manager, Hollister Resource Area.

[FR Doc. 89-12892 Filed 5-30-89; 8:45 am]

BILLING CODE 4310-40-M

Minerals Management Service

Development Operations Coordination Document; Marathon Oil Co.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Marathon Oil Company has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4475, Block 143, West Delta Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an existing onshore base located at Venice, Louisana.

DATE: The subject DOCD was deemed submitted on May 17, 1989. Comments must be received within 15 days of the publication date of this Notice or 15 days after the Coastal Management Section receives a copy of the plan from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Public Information Office, Gulf of Mexico OCS Region, Minerals Management Service, 1201 Elmwood Park Boulevard, Room 114, New Orleans, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44487, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Ms. Angie D. Gobert; Minerals Management Service, Gulf of Mexico OCS Region, Field Operations, Plans, Platform and Pipeline Section, Exploration/Development Plans Unit; Telephone (504) 736-2876.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective May 31, 1988 (53 FR 10595).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Date: May 22, 1989.

J. Rogers Pearcy,

Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 89-12901 Filed 5-30-89; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 20, 1989. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by June 15, 1989.

Carol D. Shull,

Chief of Registration, National Register.

MARYLAND

Harford County

Finney Houses Historic District, Glenville Rd. near jct. MD 155, Churchville vicinity, 89000502

MASSACHUSETTS

Worcester County

Academie Brochu (Southbridge MRA), 29 Pine St., Southbridge, 89000568

Alden, William E., House (Southbridge MRA), 428 Hamilton St., Southbridge, 89000562

Alden—Delahanty Block (Southbridge MRA), 858 Main St., Southbridge, 89000572

Ammidown—Harding Farmhouse (Southbridge MRA), 83 Lebanon Hill Rd., Southbridge, 89000552

Ashland Mill Tenement (Southbridge MRA), 141—145 Ashland Ave., Southbridge, 89000545

Bacon-Morse Historic District (Southbridge MRA), N. Woodstock Rd. at Tipton Rock Rd., Southbridge vicinity, 89000602

Beechwood (Southbridge MRA), 495 Main St., Southbridge, 89000527

Boyer, Alexis, House (Southbridge MRA), 306 Hamilton, Southbridge, 89000560

Building at 25—27 River Street (Southbridge MRA), 25—27 River St., Southbridge, 89000574

Building at 29—31 River Street (Southbridge MRA), 29-31 River St., Southbridge, 89000575

Building at 38—42 Worcester Street (Southbridge MRA), 38—42 Worcester St., Southbridge, 89000589
Building at 52 Main Street (Southbridge MRA), 52 Main St., Southbridge, 89000583
Central Mills Historic District (Southbridge MRA), Roughly bounded by Quinebaug River, North St., and Central St., Southbridge, 89000595
Chamberlain—Bordeau House (Southbridge MRA), 718 Main St., Southbridge, 89000569
Chapin Block (Southbridge MRA), 208—222 Hamilton, Southbridge, 89000558
Cheney, Alpha M., House (Southbridge MRA), 61 Chestnut St., Southbridge, 89000526
Cheney, J.M., Rental House (Southbridge MRA), 32 Edwards St., Southbridge, 89000564
Clarke—Glover Farmhouse (Southbridge MRA), 201 South St., Southbridge, 89000536
Cliff Cottage (Southbridge MRA), 787 Mill St., Southbridge, 89000570
Cole, E. Merritt, House (Southbridge MRA), 386 Main St., Southbridge, 89000576
Comins—Wall House (Southbridge MRA), 42 Hamilton St., Southbridge, 89000555
Congregational Church (Southbridge MRA), 61 Elm St., Southbridge, 89000591
Cummings, E.B., House (Southbridge MRA), 52 Marcy St., Southbridge, 89000565
Dani and Soldani Cabinet Makers and Wood Workers Factory (Southbridge MRA), 484 Worcester St., Southbridge, 89000529
Dennison School House (Southbridge MRA), Dennison Ln., Southbridge, 89000551
Dresser, Sylvester, House (Southbridge MRA), 29 Summer St., Southbridge, 89000523
Dunbar—Vinton House (Southbridge MRA), Hook and Hamilton Sts., Southbridge, 89000573
Durfee, Henry E., Farmhouse (Southbridge MRA), 281 Eastford Rd., Southbridge, 89000547
Elm Streeet Fire House (Southbridge MRA), 24 Elm St., Southbridge, 89000530
Evangelical Free Church (Southbridge MRA), Hamilton St., Southbridge, 89000561
Gleason, James, Cottage (Southbridge MRA), 31 Sayles St., Southbridge, 89000533
Globe Village Fire House (Southbridge MRA), West St. at Main St., Southbridge, 89000540
Glover Street Historic District (Southbridge MRA), Glover St. between High and Poplar Sts., Southbridge, 89000601
Hamilton Mill Brick House (Southbridge MRA), 16 High St., Southbridge, 89000542
Hamilton Mill—West Street Factory Housing (Southbridge MRA), 45 West St., Southbridge, 89000541
Hamilton Millwright—Agent's House (Southbridge MRA), 757–761 Main St., Southbridge, 89000543
Hamilton Woolen Company Historic District (Southbridge MRA), Roughly bounded by McKinstry Brook, Quinebaug River, and Mill St., Southbridge, 89000594
Harrington, Theodore, House (Southbridge MRA), 77 Hamilton St., Southbridge, 89000557
Hartwell, George H., House (Southbridge MRA), 105 Hamilton St., Southbridge, 89000556
Hartwell, Samuel C., House (Southbridge MRA), 79 Elm St., Southbridge, 89000592
High-School Streets Historic District (Southbridge MRA), High St. at School St., Southbridge, 89000600
Hodgson, Willian, Two-Family House (Southbridge MRA), 103–105 Sayles St., Southbridge, 89000578
House at 18 Walnut Street (Southbridge MRA), 18 Walnut St., Southbridge, 89000580
House at 3 Dean Street (Southbridge MRA), 3 Dean St., Southbridge, 89000587
House at 34 Benefit Street (Southbridge MRA), 34 Benefit St., Southbridge, 89000585
House at 59–63 Crystal Street (Southbridge MRA), 59–63 Crystal St., Southbridge, 89000584
House at 64 Main Street (Southbridge MRA), 64 Main St., Southbridge, 89000582
House at 70–72 Main Street (Southbridge MRA), 70–72 Main St., Southbridge, 89000581
House at 91 Coombs Street (Southbridge MRA), 91 Coombs St., Southbridge, 89000525
Judson-Litchfield House (Southbridge MRA), 313 South St., Southbridge, 89000539
Kinney, A., House (Southbridge MRA), 42 Edwards St., Southbridge, 89000565
LaCroix-Mosher House (Southbridge MRA), 56 Everett St., Southbridge, 89000524
LaRochelle, Napoleon, Two-Family House (Southbridge MRA), 30 Pine St., Southbridge, 89000567
Maple Street Historic District (Southbridge MRA), Maple St., Southbridge, 89000597
Marcy, Mrs. R., House (Southbridge MRA), 64 South St., Southbridge, 89000535
McKinstry, William, Jr., House (Southbridge MRA), 915 W. Main St., Southbridge, 89000528
McKinstry, William, Farmhouse (Southbridge MRA), 361 Pleasant St., Southbridge, 89000571
Morse, H., House (Southbridge MRA), 230 South St., Southbridge, 89000538
New York, New Haven & Hartford Passenger Depot (Southbridge MRA), Depot St., Southbridge, 89000554
Notre Dame Catholic Church (Southbridge MRA), Main St. at Marcy St., Southbridge, 89000563
Oakes, J.J., House (Southbridge MRA), 14 South St., Southbridge, 89000534
Phillips, E.M. House (Southbridge MRA), 35 Dresser St., Southbridge, 89000532
Plimpton, Simon, Farmhouse (Southbridge MRA), 561 South St., Southbridge, 89000550
Richard, Stephen, House (Southbridge MRA), 239–241 Elm St., Southbridge, 89000522
Sacred Heart Church Historic District (Southbridge MRA), Charlton St., Southbridge, 89000598
Smith-Lyon Farmhouse (Southbridge MRA), 400 N. Woodstock Rd., Southbridge, 89000546
St. George's Greek Orthodox Church (Southbridge MRA), 55 North St., Southbridge, 89000579
St. Peter's Roman Catholic Church—St. Mary's School (Southbridge MRA), Hamilton and Pine Sts., Southbridge, 89000559
Stone, Lorenzo R., House (Southbridge MRA), 218 South St., Southbridge, 89000537
Sumner, George, House (Southbridge MRA), 32 Paige Hill Rd., Southbridge, 89000577
Tapin, Eugene, House (Southbridge MRA), 215 Lebanon Hill Rd., Southbridge, 89000549
Tiffany-Leonard House (Southbridge MRA), 25 Elm St., Southbridge, 89000590
Twinehurst American Optical Company Neighborhood (Southbridge MRA), Winchurst St., Southbridge, 89000593
Upper Chapin Street Historic District (Southbridge MRA), Chapin St. at Forest Ave., Southbridge, 89000599
Vinton—Boardman Farmhouse (Southbridge MRA), 93 Torrey Rd., Southbridge, 89000586
Vinton—Torrey House (Southbridge MRA), 5 Torrey Rd., Southbridge, 89000588
Wells, George B. and Ruth D., House (Southbridge MRA), Durfee Rd., Southbridge, 89000548
Wells, H.C., Double House (Southbridge MRA), 28–30 Dresser St., Southbridge, 89000531
Wells, John N., House (Southbridge MRA), 491 Eastford Rd., Southbridge, 89000553
Wheeler, Albert H., House (Southbridge MRA), 219 South St., Southbridge, 89000544
Windsor Court Historic District (Southbridge MRA), Windsor Ct. at North St., Southbridge, 89000596

Benton County

Kappa Alpha Theta Sorority House, Old, 145 NW. 21st St., Corvallis, 89000516

Clatsop County

Kinney, Marshall J., Cannery,, 1 Sixth St., Astoria, 89000515

Hood River County

Duckwall, John C., House, 811 Oak St., Hood River, 89000512

Jackson County

Women's Civic Improvement Clubhouse, 59 Winburn Way, Ashland, 89000513

Lane County

Fitch, Charles C., Farmstead, 26689 Pickens Rd., Eugene vicinity, 89000510

Multnomah County

Bowman, F.E., Apartments, 1624–1636 Tillamook St., Portland, 89000511
Shogren, Fred A., May, and Ann, House, 400 NE. 62nd Ave., Portland, 89000517
Warren, Frank M., House, 2545 NW. Westover Rd., Portland, 89000509
Wells, William Bittle, House, 1515 SW. Clifton St., Portland, 89000519

Polk County

Parker School, 8900 Parker Rd., Independence vicinity, 89000514

Washington County

Shorey, Charles, House, 905 E. Main St., Hillsboro, 89000518

TENNESSEE

Bradley County

Fillauer Brothers Building, Broad and First Sts., Cleveland, 89000507

Cannon County

Houston, William Cannon, House, 107 Houston Ln., Woodbury 89000503

Roane County

Roane Street Commercial Historic District, Roughly Roane St. between Morgan Ave. NW and Crescent Ave. NW., Harriman, 89000506

Rutherford County

Jenkins, Hiram, House, 1556 Gresham Ln., Murfreesboro, 89000504

Shelby County

Cooper-Young Historic District, Roughly bounded by L & N Railroad tracks, E. Parkway S., Southern Ave., and S. McLean Blvd., Memphis, 89000508

Gaston Park Historic District (Memphis Park and Parkway System MPS), 1046 S. Third St., Memphis, 89000521

Memphis Parkway System (Memphis Park and Parkway System MPS), S. Parkway W., S. Parkway E., E. Parkway S., E. Parkway N., N. Parkway, Memphis, 89000520

VIRGINIA

Lancaster County

Pop Castle, VA 659 on the Rappahannock River, White Stone vicinity, 89000505

WASHINGTON

King County

Marsh, Louis S., House, 6604 Lake Washington Blvd., Kirkland, 89000500

Whatcom County

Diablo Hydroelectric Power Plants, (Hydroelectric Power Plants in Washington State, 1890–1938 MPS), Off WA 20 at W end of Diablo Lake, Newhalem vicinity, 89000498

Gorge Hydroelectric Power Plants (Hydroelectric Power Plants in Washington State, 1890–1938 MPS), Off WA 20 at W end of Gorge Lake, Newhalem vicinity, 89000499

The 15-day commenting period for the following property has been waived in order to assist in its preservation:

NEW YORK

Suffolk County

Lloyd Harbor Lighthouse, Entrance to Lloyd Harbor, Lloyd Harbor vicinity, 89000501◄

[FR Doc. 89–12841 Filed 5–30–89; 8:45 am]

BILLING CODE: 4310-70-M

INTERNATIONAL TRADE COMMISSION

[332-237]

Production Sharing; U.S. Imports Under Harmonized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80 (Formerly Items 806.30 and 807.00 of the Tariff Schedules of the United States)

AGENCY: United States International Trade Commission.

ACTION: Continuation of investigation and change in title to reflect the nomenclature of the Harmonized Tariff Schedule.

SUMMARY: The Commission has changed the title of its annual report "Imports Under Items 806.30 and 807.00 of the Tariff Schedules of the United States" to "Production Sharing: U.S. Imports Under Harmonized Tariff Schedule Subheadings 9802.00.60 and 9802.00.80." This change reflects the new nomenclature for these tariff provisions under the Harmonized System, which became effective January 1, 1989.

EFFECTIVE DATE: May 22, 1989.

FOR FURTHER INFORMATION CONTACT: Hazel L. Robinson (202–252–1496), General Manufactures Division, Office of Industries, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

SUPPLEMENTARY INFORMATION: Harmonized Tariff Schedule (HTS) subheading 9802.00.60 (formerly Tariff Schedules of the United States (TSUS) item 806.30) involves tariff treatment for metal of U.S. origin processed in a foreign locaton and returned to the United States for further processing; subheading 9802.00.80 (formerly TSUS item 807.00) involves tariff treatment for imported goods that contain U.S.-made components. The change in the investigation title was necessitated by the conversion of the TSUS to the HTS, which was authorized in the Omnibus Trade and Competitiveness Act of 1988.

Notice of institution of the investigation was published in the **Federal Register** of September 4, 1986 (51 FR 31729).

Written Submission: No public hearing is planned. However, since monitoring imports under HTS subheadings 9802.00.60 and 9802.00.80 is a continuing endeavor of the Commission, written statements concerning the investigation are welcome at any time. Commercial or financial information which a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Informaiton" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary, United States International Trade Commission, 500 E Street SW Washington, DC 20436

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 252–1810.

By order of the Commission.

Kenneth R. Mason,

Secretary

Issued: May 23, 1989.

[FR Doc. 89–12845 Filed 5–30–89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-297]

Certain Cellular Radiotelephones and Subassemblies and Component Parts Thereof; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337 and provisional acceptance of motion for temporary relief.

SUMMARY: Notice is hereby given that a complaint and a motion for temporary relief were filed with the U.S. International Trade Commission on April 19, 1989, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Motorola, Inc., 1303 E. Algonquin Road, Schaumburg, Illinois 60196. A supplemental letter was filed on May 9, 1989.

The complaint alleges violations of section 337 in the importation into and sale in the United States of certain cellular radiotelephones and subassemblies and component parts thereof by reason of alleged direct infringement of (1) claims 62, 64, 65, 67, 77, 79, 80 and 82 of U.S. Letters Patent 4,523,155, (2) claims 16, 17, 18, 19 and 20 of U.S. Letters Patent 4,636,593, (3) claim 1 of U.S. Letters Patent Des. 269,873, (4) claims 22, 23, 24 and 26 of U.S. Letters Patent 4,431,977, (5) claims 1 and 42 of U.S. Letters Patent Re. 32,768, (6) claims 14 and 18 of U.S. Letters Patent 4,742,562, and (7) claims 9, 10, 12 and 16 of U.S. Letters Patent 4,800,348, and that there exists an industry in the United States as required by subsection (a)(2)

of section 337. The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and a permanent cease and desist order.

The motion for temporary relief requests that the Commission issue a temporary exclusion order and temporary cease and desist order prohibiting the importation into and sale in the United States of cellular radiotelephones which allegedly infringe (1) claims 62 and 77 of U.S. Letters Patent 4,523,155, (2) claim 18 of U.S. Letters Patent 4,636,593, and (3) claim 1 of U.S. Letters Patent Des. 269,873, and subassemblies and component parts thereof, pending the entry of permanent relief.

ADDRESSES: The complaint and motion for temporary relief, except for any confidential information contained therein, are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1575.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.12 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (Aug. 29, 1988). The authority for provisional acceptance of the motion for temporary relief is contained in § 210.24(e)(8) of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33061 (Aug. 29, 1988).

Scope of Investigation: Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on May 23, 1989, *Ordered that*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United states, the sale for importation, or the sale within the United States after importation of certain cellular radiotelephones and subassemblies and component parts thereof by reason of alleged direct infringement of (1) claims 62, 64, 65, 67, 77, 79, 80 or 82 of U.S. Letters Patent 4,523,155, (2) claims 16, 17, 18, 19 or 20 of U.S. Letters Patent 4,636,593, (3) claim 1 of U.S. Letters Patent Des. 269,873, (4) claims 22, 23, 24 or 26 of U.S. Letters Patent 4,431,977, (5) claims 1 or 42 of U.S. Letters Patent Re. 32,768, (6) claims 14 or 18 of U.S. Letters Patent 4,742,562, or (7) claims 9, 10, 12 or 16 of U.S. Letters Patent 4,800,348, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) Pursuant to section 210.24(e)(8) of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33061 (Aug. 29, 1988), the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, be provisionally accepted for referral to an administrative law judge.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Motorola, Inc., 1303 E. Algonquin Road, Schaumburg, Illinois 60196.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint and motion for temporary relief are to be served:

Nokia Corporation, Mikonkatu 15A, P.O. Box 226, SF-00101, Helsinki, Finland
Nokia-Mobira Oy, Nokolankau 3, P.O. Box 86, SF-24101, Salo, Finland
Nokia, Inc., 175 Morristown Road, Basking Ridge, New Jersey 07920
Nokia-Mobra, Inc., 2300 Tall Pines Drive, Suite 100, Largo, Florida 34641
Tandy Mobira Communications Corporation, Masan Export Free Zone, 973 Yang Duck Dong, Masan, The Republic of Korea
Tandy Corporation, 1800 One Tandy Center, Forth Worth, Texas 76102
A & A International, 1200 One Tandy Center, Fort Worth, Texas 76102

(c) T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW., Room 401P, Washington, DC 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation and temporary relief proceedings so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses to the complaint, the motion for temporary relief and, the notice of investigation must be submitted by the named respondents in accordance with §§ 210.21 and 210.24 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33059-33063 (Aug. 29, 1988) and 53 FR 49118, 49129-49133 (Dec. 6, 1988). Pursuant to §§ 201.16(d), 210.21(a), and 210.24(e)(9) of the Commission's Rules (19 CFR 201.16(d), 53 FR 33034, 33059 (Aug. 29, 1988) and 53 FR 49118, 49130-49131 (Dec. 6, 1988)), such responses will be considered by the Commission if received not later than ten (10) days after the date of service by the Commission of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting responses to the complaint, the motion for temporary relief, and the ntoice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, in the motion for temporary relief, and in this ntoice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief, and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, motion for temporary relief, and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.

Kenneth R. Mason,
Secretary.

Issued: May 23, 1989.

[FR Doc. 89-12846 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-432 (Preliminary)]

Drafting Machines and Parts Thereof From Japan

Determination

On the basis of the record [1] developed in the subject investigation, the Commission has made its determinations pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)). The Commission's determinations are based on two separate like products: larger drafting machines, both track and elbow types,

[1] The record is defined in § 207.2(h) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(h)).

and portable drafting machines.[2] In the case of larger drafting machines, the Commission has determined that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of drafting machines and parts thereof,[3] provided for in subheadings 9017.10.00 and 9017.90.00 of the Harmonized Tariff Schedule of the United States,[4] that are alleged to be sold in the United States at less than fair value (LTFV). However, the Commission determines that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded by reason of imports from Japan of portable drafting machines and parts thereof provided for in subheadings 9017.10.00 and 0917.90.00 of the Harmonized Tariff Schedule of the United States.

Background

On April 7, 1989, a petition was filed with the Commission and the Department of Commerce by Vemco Corp., San Dimas, CA, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of drafting machines and parts thereof from Japan. Accordingly, effective April 7, 1989, the Commission instituted preliminary antidumping investigation No. 731-TA-432 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 13, 1989 (54 FR 14875). The conference was held in Washington, DC, on April 28, 1989, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on May 22, 1989. The views of the Commission are contained in USITC Publication 2192 (May 1989), entitled "Drafting machines and parts thereof from Japan: Determination of the Commission in Investigation No. 731-TA-432 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.
Issued: May 23, 1989.

Kenneth R. Mason,
Secretary

[FR Doc. 89-12847 Filed 5-30-89; 8:45 am]
BILLING CODE 7020-02-M

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[2] Commissioner Eckes, dissenting on the determination of two separate like products, finds that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of drafting machines and parts thereof, provided for in subheadings 9017.10.00 and 9017.90.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sole in the United States at less than fair value (LTFV).

[3] The products covered by this investigation are track and elbow-type drafting machines, whether finished, unfinished, assembled, unassembled, or drafting machine kits. The term "parts" includes, but is not limited to, horizontal and vertical tracks, parts of horizontal and vertical tracks, band-and-pulley mechanisms, protractor heads, and parts of protractor heads, destined for use in drafting machines.

[4] Formerly provided for in item 710.8025 of the *Tariff Schedules of the United States Annotated.*

[Investigation No. 337-TA-298]

Certain Low Friction Drawer Supports, Components Thereof, and Products Containing Same

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 26, 1989, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of GWN, Inc., d/b/a Delta Industries, 9530 Coxycroft Avenue, Chatsworth, California 91311-5101. A supplement to the complaint was filed on May 9, 1989. The complaint, as supplemented, alleges violation of subsection (a)(1)(B) of section 337 in the importation into the United States or the sale within the United States after importation of certain low friction drawer supports, components thereof, and products containing same by reason of alleged infringement of claims 1, 2, 3, 4, 5, 6, 9, 11, 12, 13, 14, and 15 of U.S. Letters Patent 4,236,773, and that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436, telephone 202-252-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810.

FOR FURTHER INFORMATION CONTACT: Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-252-1572.

Authority: The authority for insitution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in sectin 210.12 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (Aug. 29, 1988)

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 23, 1989, *Ordered That*—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of Section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain low friction drawer supports, components thereof, and products containing same by reason of infringement of claims 1, 2, 3, 4, 5, 6, 9, 11, 12, 13, 14, or 15 of U.S. Letters Patent 4,236,773, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby as parties upon which this notice of investigation shall be served:

(a) The complainant is—GWN, Inc. d/b/a, Delta Industries, 9530 Cozycroft Avenue, Chatsworth, California 91311-5101.

(b) The respondent is the following company alleged to be in violation of section 337, and is the party upon which the complaint is to be served: GM International, Inc., 55356 C.R. 15 South, Elkhart, Indiana 46515.

(c) Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Room 410Q, Washington, DC 20436, shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in

accordance with § 210.21 of the Commission's Interim Rules of Practice and Procedure, 53 FR 33034, 33057 (Aug. 29, 1988). Pursuant to §§ 201.16(d) and 210.21(a) of the Commission's Rules (19 CFR 201.16(d) and 53 FR 33034, 33057 (Aug. 29, 1988)), such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against such respondent.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: May 23, 1989.

[FR Doc. 89-12848 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-424 (Final)]

Martial Arts Uniforms From Taiwan

AGENCY: United States Trade Commission.

ACTION: Institution of a final antidumping investigation and scheduling of a hearing to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731-TA-424 (Final) under section 735(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(b)) (the act) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Taiwan of martial arts uniforms,[1] provided for in subheadings 6203.22.10, 6203.23.00, 6203.29.20, 6204.22.10, 6204.23.00, and 6204.29.20 of the Harmonized Tariff Schedule of the United States (HTS) if presented as ensembles (previously classified in items 381.08, 381.32, 381.63, 381.97, 384.09, 384.24, 384.50, and 384.92 of the Tariff Schedules of the United States (TSUS)),[2] that have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless the investigation is extended, Commerce will make its final LTFV determination on or before July 10, 1989, and the Commission will make its final determination by August 28, 1989, (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and C (19 CFR part 207, as amended by Commission interim rules published in 53 FR 33039 (August 29, 1988), 54 FR 5220 (February 2, 1989)), and part 201, subparts A through E (19 CFR part 201, as amended by Commission interim rules published in 54 FR 13672, 13677 (April 5, 1989))

EFFECTIVE DATE: May 1, 1989.

FOR FURTHER INFORMATION CONTACT: Larry Reavis (202-252-1185), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of maritial arts uniforms from Taiwan are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on November 15, 1988, by Century Martial Art Supply, Inc., Midwest City, OK. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reasons of imports of the subject merchandise (54 FR 1013, January 11, 1989).

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order.—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, provided that the application be made not later than twenty-one (21) days after the publication of this notice in the **Federal Register.** A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been

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[1] For purposes of this investigation, "martial arts uniforms" refers to tops, pants, and belts, imported separately or as ensembles, for men, boys, women, girls, and infants, of cotton or of man-made fibers, whether ornamented or not ornamented, suitable for wearing while practicing all forms of martial arts, including but not limited to Judo, Karate, Kung Fu, Tae Kwon Do, Ninja, Ninjutsu, Hakama, Tai Chi, Jujitsu, and Hapkido.

[2] If not presented as ensembles, the products subject to this investigation are provided for in HTS subheadings 6203.42.40, 6203.43.40, 6203.49.20, 7304.62.40, 6204.63.35, 6204.69.25, 6209.20.30,6209.20.50, 6209.30.20, 6209.30.30, 6209.90.20, 6209.90.30 and 6217.10.00 (TSUS items 381.05, 381.31, 381.33, 381.56, 381.62, 381.65, 381.95, 381.98, 384.05, 384.07, 384.23, 384.26, 384.46, 384.77, 384.52, 384.90, 384.91, and 384.94).

served on all the parties that are authorized to receive such information under a protective order.

Staff report.—The prehearing staff report in this investigation will be placed in the nonpublic record on July 10, 1989, and a public version will be issued thereafter, pursuant to section 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on July 25, 1989, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on July 17, 1989. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 10:00 a.m. on July 20, 1989, at the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is July 20, 1989.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—Any legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on July 31, 1989. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before July 31, 1989.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's Rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than August 7, 1989. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs.

Authority. This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: May 24, 1989.

[FR Doc. 89-123849 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

[Inv. No. 337-TA-288]

Certain Straight Knife Cloth Cutting Machines; Decision Not To Review an Initial Determination Terminating all Respondents on the Basis of a Consent Order; Issuance of Consent Order; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 2) issued by the presiding administrative law judge (ALJ) terminating the above-captioned investigation with respect to all respondents in the investigation on the basis of a consent order, thereby terminating the investigation.

ADDRESSES: Copies of the consent order, the ID, and all other nonconfidential documents filed in connection with this investigation are available for public inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1000.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-252-1096.

Hearing-impaired individuals are advised that information about this matter can be obtained by contacting the Commission's TDD terminal, 202-252-1810.

SUPPLEMENTARY INFORMATION: On April 28, 1989, the presiding ALJ issued an ID granting the joint motion of complainant Eastman Machine Co. and respondents Chuan Neng Enterprise Co., Ltd., John E. Fox Inc., and New and Used Equipment Co. to terminate the investigation on the basis of a consent order.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and § 210.53 of the Commission's Interim Rules of Practice and Procedure (53 FR 33070, Aug. 29, 1988).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: May 23, 1989.

[FR Doc. 89-12850 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-434 (Preliminary)]

12-Volt Motorcycle Batteries From the Republic of Korea

AGENCY: U.S. International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigation No. 731-TA-434 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from the Republic of Korea of 12-volt motorcycle batteries, provided for in subheading 8507.10.00 of the

Harmonized Tariff Schedule of the United States (previously reported under item 683.01 of the Tariff Schedules of the United States), that are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by July 3, 1989.

For further information concerning the conduct of this investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Subparts A and B (19 CFR Part 207, as amended, 53 FR 33041 *et seq.* (August 29, 1988) and 54 FR 5220 *et seq.* (February 2, 1989)), and Part 201, Subparts A through E (19 CFR Part 201), as amended, 54 FR 13672 *et seq.* (April 5, 1989).

EFFECTIVE DATE: May 17, 1989.

FOR FURTHER INFORMATION CONTACT: Woodley Timberlake (202-252-1188), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted in response to a petition filed on May 17, 1989, by Yuasa-Exide Battery Corp., Reading, PA.

Participation in the investigation.—Persons wishing to participate in the investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 27.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order.—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this preliminary investigation to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 a.m. on June 7, 1989, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Woodley Timberlake (202-252-1188) not later than June 5, 1989, to arrange for their appearance. Parties in support of the imposition of antidumping duties in this investigation and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions.—Any person may submit to the Commission on or before June 12, 1989, a written brief containing information and arguments pertinent to the subject matter of the investigation, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly lableled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than June 15, 1989. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: May 24, 1989.

[FR Doc. 89-12851 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 332-276]

Advice Concerning Probable Economic Effect of Modification of Rules of Origin Under the U.S.-Canada Free-Trade Agreement for Certain Animal Fat and Vegetable Oil Products

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of hearing.

SUMMARY: Following receipt on May 3, 1989, of a request from the U.S. Trade Representative pursuant to authority delegated by the President, the Commission instituted investigation No. 332-276 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) for the purpose of providing advice as to the probable economic effect of a proposed modification to section III of the Rules contained in Annex 301.2 of the United States-Canada Free Trade Agreement (FTA). The particular rules for which modification is proposed pertain to certain animal fat and vegetable oil products. The USTR requested that the Commission furnish such advice not later than 4 months after receipt of the request, or by September 5, 1989.

Section 202(d) of the United States-Canada Free-Trade Agreement Implementation Act (19 U.S.C. 2112 note) authorizes the President, subject to the consultation and layover requirements of section 103 of the Implementation Act, to proclaim such

modifications to the rules of origin as may from time to time be agreed to by the United States and Canada. Section 103 requires, *inter alia*, that the President obtain advice from the Commission regarding the proposed action.

The proposed modification to section III of the Rules contained in Annex 301.2 to the FTA is as follows—

A. The following subsections are deleted:

"2. A change to any of the following subheadings from any other subheading: 1507.90, 1508.90, 1511.90, 1512.19, 1512.29, 1513.19, 1513.29, 1514.90, 1515.19, 1515.29.

3. A change to heading 1516 from any other heading.

4. A change to heading 1517 from any other heading."

B. Subsections 5, 6, 7, and 8 are renumbered, 2, 3, 4, and 5, respectively.

EFFECTIVE DATE: May 25, 1989.

FOR FURTHER INFORMATION CONTACT: John Reeder (202-252-1319) or Lowell Grant (202-252-1312) of the Commission's Office of Industries. For information on the study's legal aspects, contact William Gearhart of our Office of the General Counsel (202-252-1091). Hearing-impaired persons can obtain information on this study by contacting our TDD terminal on (202) 252-1810.

Background

The United States-Canada Free-Trade Agreement (FTA) entered into force on January 1, 1989. In the United States, it was approved and implemented by the United States-Canada Free-Trade Agreement Implementation Act of 1988. Chapter Three of the FTA establishes rules of origin for determining whether goods imported into the United States from Canada or into Canada from the United States are eligible for preferential tariff treatment accorded by the FTA to goods origniating in those parties. The FTA provides that goods wholly produced in the United States and/or Canada will qualify for such preferential treatment. Goods containing third-country materials will qualify for preferential treatment if the materials undergo, in one or both of the parties, a sufficient degree of processing or assembly to result in a designated change, specified in Annex 301.2, in tariff classification under the contracting parties' customs tariffs, based upon Harmonized Commodity Description and Coding System (Harmonized System); that is, processing and/or assembly must result in changes in the product that are physically and commercially significant.

Public Hearing

The Commission will hold a public hearing in this investigation in its Hearing Room, 500 E Street SW., Washington, DC, beginning at 9:30 a.m. on July 19, 1989. All persons will have the right to appear by counsel or in person, to present information, and to be heard. Any person wishing to appear at the hearing must file a request to appear and may file a prehearing brief (original and 14 copies) with the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, not later than 5:00 p.m., July 5, 1989. Any post-hearing briefs must be filed by July 26, 1989. Persons with mobility impairments who will need assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

Written Submission

In lieu of or in addition to appearances at the public hearing, interested persons may submit written statements concerning the investigation. To be assured of consideration, written statements must be received by the close of business on July 26, 1989. Commercial or financial information that a submitter desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform to the requirements of § 201.6 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Issued: May 25, 1989.

[FR Doc. 89-12894 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 701-TA-296 (Final)]

Certain Steel Wheels From Brazil; Import Investigation

Determination

On the basis of the record [1] developed in the subject investigation, the Commission [2] determines, pursuant to section 705(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)) (the act), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil of certain steel wheels,[3] that have been found by the Department of Commerce to be subsidized by the Government of Brazil.

Background

The Commission instituted this investigation effective October 28, 1988, following a preliminary determination by the Department of Commerce that imports of certain steel wheels from Brazil were being subsidized within the meaning of section 701 of the act (19 U.S.C. 1671). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notices in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notices in the **Federal Register** of November 30, 1988 (53 FR 48320) and February 15, 1989 (54 FR 6972). The hearing was held in Washington, DC, on April 20, 1989, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on May 24, 1989. The views of the Commission are contained in USITC Publication 2193 (May 1989), entitled "Certain Steel Wheels from Brazil: Determination of the Commission in Investigation No. 701-TA-296 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: May 25, 1989.

Kenneth R. Mason,

Secretary.

[FR Doc. 89-12893 Filed 5-30-89; 8:45 am]

BILLING CODE 7020-02-M

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[1] The record is defined in § 207.2(h) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(h)).

[2] Commissioner Rohr did not participate in this determination.

[3] The term "certain steel wheels" covers steel wheels, assembled or unassembled, consisting of both a rim and a disc, designed to be mounted with tube type or tubeless pneumatic tires, in wheel diameter sizes ranging from 13.0 inches to 16.5 inches inclusive, and generally designed for use on passenger automobiles, light trucks, and other vehicles, provided for in subheading 8708.70.80 of the Harmonized Tariff Schedule of the United States (HTS); such wheels were formerly reported under item 692.3230 of the *Tariff Schedules of the United States Annotated (1987) (TSUSA)*.

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-55 (Sub-No. 298X)]

CSX Transportation, Inc.; Discontinuance of Service Exemption in Duval County, Florida

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904 the discontinuance of switching operations provided by CSX Transportation, Inc. at the Talleyrand Docks and Terminal in Jacksonville, FL pursuant to a lease agreement with the Jacksonville Port authority. The Port Authority has selected a contractor to provide continued switching service at Talleyrand.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on June 15, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by June 12, 1989, and petitions for reconsideration must be filed by June 26, 1989.

ADDRESSES: Send pleadings referring to Docket No. AB-55 (Sub-No. 298X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423, and

(2) Petitioner's representative: Patricia Vail, 500 Water Street, Jacksonville, FL 32202

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245. (TDD for hearing impaired: (202) 275-1721)

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Decided: May 23, 1989.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary

[FR Doc. 89-12869 Filed 5-30-89; 8:45 am]

BILLING CODE 7035-01-M

[1] *See Exempt. of Rail Abandonment-Offers of Financial Assist.*, 4 I.C.C. 2d 164 (1987), and final rules published in the Federal Register on December 22, 1987 (52 FR 84440-48446).

[Finance Docket No. 31467]

A.T. Leary, Jr., Lessee, Inc., Acquisition and Operation Exemption of Beaufort & Morehead Railroad Co.

A.T. Leary, Jr., Lessee, Inc., has filed a notice of exemption to acquire by lease equipment and to operate the Beaufort & Morehead Railroad Company (BMH), which extends approximately 3 miles in Carteret County, NC. A.T. Leary, Jr., is the current lessee and operator of BMH and he is assigning the lease to applicant. The transaction is expected to be consummated on or after May 18, 1989.

Any comments must be filed with the Commission and served on: Fritz R. Kahn, Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, Suite 700, 901 15th Street, NW., Washington, DC 20005.

Applicant must preserve intact all sites and structures more than 50 years old until compliance with the requirements of Section 106 of the National Historic Preservation Act, 16 U.S.C. 470, is achieved. *See Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 4 I.C.C. 2d 305 (1988).[1]

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 25, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89-12925 Filed 5-30-89; 8:45 am]

BILLING CODE 7035-01-M

[1] Applicant has certified to the North Carolina State Historic Preservation Officer that no properties qualifying for inclusion in the *National Register of Historic Places* will be transferred as a result of this transaction.

[Finance Docket No. 31451]

North Central Oklahoma and Midlands Railway Corp.; Acquisition and Operation Exemption of Line of the Atchison, Topeka and Santa Fe Railway Co.

North Central Oklahoma and Midlands Railway Corporation filed a notice of exemption to acquire and operate 8.10 miles of rail line owned by The Atchison, Topeka and Santa Fe Railway Company between Tonkawa, OK (milepost X43.45) and Blackwell, OK (Milepost X35.35). The transaction is expected to be consummated between June and August of 1989.

Any comments must be filed with the Commission and served on: Ms. Saundra A. Durr, North Central Oklahoma and Midlands Railway, 28 Eastlake Drive, Ponca City, OK 74604.

Applicant must preserve intact all sites and structures more than 50 year old union compliance with the requirements of Section 106 of the National Historic Preservation Act, 16 U.S.C. 470, is achieved. *Class Exemption—Acq. & Oper. of R. Lines Under 49 U.S.C. 10901*, 4 I.C.C.2d 305 (1988).

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: May 24, 1989.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 89-12926 Filed 5-30-89; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-290 (Sub-No. 61X)]

Southern Railway Co.; Discontinuance of Service Between Axton and Hilltop, VA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts Southern Railway Company from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, to discontinue service over its line of railroad between Axton and Hilltop, a distance of 11 miles in Henry County, VA, subject to standard employee protective conditions.

DATE: Provided no formal expression of intent to file an offer of financial

assistance has been received, this exemption will be effective on July 5, 1989. Petitions to stay must be filed by June 19, 1989. Petitions for reconsideration must be filed by June 29, 1989. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by June 12, 1989. Requests for a public use condition must be filed by June 12, 1989.

ADDRESSES: Send pleadings, referring to Docket No. AB-290 (Sub-No. 61X), to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Petitioner's representative: Roger A. Petersen, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191.

FOR FURTHER INFORMATION CONTACT:

Joseph H. Dettmar, (202) 275-7245.

[TDD for hearing impaired: (202) 275-1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721].

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioner Andre, Lamboley, and Phillips.

Noreta R. McGee,

Secretary.

[FR Doc. 89-13014 Filed 5-30-89; 8:45 am]

BILLING CODE 7035-01-M

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the **Federal Register** on December 22, 1987 (52 FR 48440-48446).

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Clean Water Act; United States v. City of Altoona, et al.

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on May 19, 1989, a proposed Consent Decree in *United States* v. *City of Altoona et al.*, Civil Action No. 89-356-A was lodged with the United States District Court for the Southern District of Iowa.

The Complaint in this enforcement action was filed on May 19, 1989, against the Cities of Altoona, Ankeny, Des Moines, Pleasant Hill, Cline, Windsor Heights, Urbandale, West Des Moines, and the Urbandale Sanitary District, the Urbandale-Windsor Heights Sanitary Sewer District, and the State of Iowa ("the defendants") under sections 309 (b) and (d) of the Clean Water Act ("the Act"), 33 U.S.C. 1319 (b) and (d), seeking civil penalties and injunctive relief for the discharge of pollutants into the navigable waters of the United States in violation of National Pollution Discharge Elimination System ("NPDES") permits issued to the City. The Complaint also seeks injunctive relief against each of the defendants except for the State, to require them to both obtain and comply with an NPDES permit. The proposed Consent Decree ("Decree") requires the defendants to adhere to interim limits for the discharge of pollutants from wastewater treatment facilities and comply with a schedule for the construction of a new wastewater treatment facilities under the ICA agreement. It further provides for stipulated penalties for failure to comply with the Decree and for payment of a $137,000 civil penalty for past violations of the Act.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *City of Altoona*, D.J. No. 90-5-1-1-2372.

The proposed Consent Decree may be examined at the office of the United States Attorney, 115 U.S. Courthouse, E 1st and Walnut Streets, Des Moines, Iowa 50309 and at the United States Environmental Protection Agency, Region VII, 726 Minnesota Ave., Kansas City, Kansas 66101. Copies of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Room 1521, U.S. Department of Justice, 9th and Pennsylvania Avenue, NW., Washington, DC 20530. In requesting a copy please enclose a check in the amount of $1.50 payable to the Treasurer of the United States.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-12903 Filed 5-30-89; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree; Midway Heights County Water District

In accordance with Departmental policy, 28 CFR § 50.7, notice is hereby given that on May 19, 1989, a proposed Consent Decree in *United States* v. *Midway Heights County Water District*, Civil Action No. CIV-S 87-1112 RAR/EM, was lodged with the United States District Court for the Eastern District of California. The Complaint sought penalties and injunctive relief against Midway Heights County Water ("Midway") under sections 1414 and 1431 of the Safe Drinking Water Act, 42 U.S.C. 300g-3 and 300i, for Midway's violations of the maximum contaminant levels, monitoring requirements, notification requirements, and reporting requirements of the National Primary Drinking Water Regulations, 40 CFR Part 141.

The proposed Consent Decree imposes a permanent injunction against future violations of the Safe Drinking Water Act, and imposes a court-ordered compliance schedule to require Midway the City to make the necessary construction to bring its water quality within the terms and limitations of the National Primary Drinking Water Regulations, and imposes a civil penalty of $37,500. It also requires Midway to disinfect its water during the period of construction and improvement.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, P.O. Box 7611, Washington, DC 20044. Comments should refer to *United States* v. *Midway Heights County Water District*, D.J. Ref. 90-5-1-1-2858.

The proposed Consent Decree may be examined at the Office of the United States Attorney, Eastern District of California, 3305 Federal Building, 650 Capitol Mall, Sacramento, California 95814, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1732(R), Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20004. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section,

Land and Natural Resources Division of the Department of Justice.

Donald A. Carr,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 89-12904 Filed 5-30-89; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Act of 1984; Lehn & Fink Products Group for the Aerosol Classification Joint Venture

Notice is hereby given that, on May 3, 1989, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Lehn & Fink Products Group, an operating unit of Sterling Drug, Inc., filed written notification simultaneously with the Attorney General and the Federal Trade Commission of a project entitled "Aerosol Classification Joint Venture." The notification discloses (1) the identities of the parties to the Joint Venture and (2) the nature and objectives of the Joint Venture. 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 to the Joint Venture are provided below.

The parties to the Joint Venture are: Amway Corporation, Boyle-Midway Household Products Inc., Carter Wallace, Chesebrough Ponds Inc., Chevron Chemical Company, Diversified CPC International, Dow Brands, Drackett Company, E.I. DuPont de Nemours & Co., Faultless Starch, Gillette Company, S.C. Johnson & Son, Inc., Lehn & Fink Products Group, Mennen Company, Peterson/Puritan Inc., Precision Valve Company, Proctor & Gamble Company, Scott's Liquid Gold Inc., Seaquist Valve Company, Summit Valve Company and Chemical Specialties Manufacturers Association.

The purpose of the Joint Venture is to develop data regarding aerosol products and to use such data to classify aerosol products as the members should detemine is appropriate.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 89-12902 Filed 5-30-89; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Justice

Research Solicitation; Drug Market Analysis

AGENCY: National Institute of Justice, Justice.

SUMMARY: The National Institute of Justice announces the publication of a solicitation for proposals entitled "Drug Market Analysis." This research program deals with the development, evaluation, and research application of a centralized drug information system for police. Primary applicants must be local agencies of law enforcement or criminal justice, but may include proposed sub-contracts to research and development organizations. All proposals must be received by the National Institute of Justice by close of business June 30, 1989.

Justice Assistance Act of 1984 (Pub. L. 98-473)

For a copy of the solicitation "Drug Market Analysis," write: National Institute of Justice/NCJRS, Box 6000, Rockville, Maryland 20850, ATTN: Drug Market Analysis.

For further information, call: (800) 851-3420 or, in Maryland or Metropolitan, DC (301) 251-5500.

Date: May 4, 1989.

James K. Stewart,

Director, National Institute of Justice.

[FR Doc. 89-12866 Filed 5-30-89; 8:45 am]

BILLING CODE 4410-36-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

Background

The Department of Labor, carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency off the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics

Laboratory Reserch on the CPS Questionnaire

CPS-1 1220-0014
Monthly
Individuals; no business or organizations will be involved
850 individual respondents; 650 hours; 10 minutes for 240 respondents, 60 minutes for 610 respondents

The proposed "Laboratory Research on the CPS" would determine if the questions in the CPS questionnaire are still relevent, properly understood, and

worded so as to yield the appropriate information. The CPS is the primary source of data on employment and unemployment, and the proposed research is designed to enhance the quality of these data, which are widely used within and outside the government.

Extension

Mine Safety and Health Administration

Records of Tests and Examinations of Personnal Hoisting Equipment

1219–0034
Daily; biweekly; bimonthly; semiannually
Businesses or other for profit; small businesses or organizations

Daily and biweekly examinations: 600 respondents; 1.05 hours per response; 31,500 total burden hours.

Initial and semiannual wire rope measurements: 600 respondents; 1.15 hours per response; 1,380 total burden hours.

Bimonthly tests of safety catches: 405 respondents; 1.15 hours per response; 2,795 total burden hours.

Requires operators of coal and metal and nonmetal mines to keep records of specific tests and examinations of mine personnel hoisting systems, including wire ropes, to ensure that the systems remain safe to operate.

Mine Safety and Health Administration

Record of Mine Closure

1219–0073
On occasion
Businesses or other for profit; small businesses or organizations
200 respondents; 2 hours per response; 400 total burden hours

Requires that, whenever coal mine operators permanently close or abandon a coal mine or temporarily close a coal mine for a period of 90 days, they file with MSHA a copy of the mine map which is revised and supplemented to the date of closure. Maps are retained in a repository and are made available to mine operators of adjacent properties.

Mine Safety and Health Administration

Representative of Miners

1219–0042
On occasion
Businesses or other for profit; small businesses or organizations
232 respondents; 1 hour per response; 232 total burden hours

The Federal Mine Safety and Health Act of 1977 requires the Secretary of Labor to exercise many of her duties under the Act in cooperation with miners' representatives. The Act also establishes miners' rights which must be exercised through a representative. Title 30 CFR 40 contains procedures which a person or organization must follow in order to be identified by the Secretary as a representative of miners.

Mine Safety and Health Administration

Hazardous Conditions Complaints

1219–0014
On occasion
Businesses or other for profit; small businesses or organizations
611 respondents; 12 minutes per response; 122 total burden hours

A representative of miners or, if there is no representative of miners, an individual miner acting voluntarily may submit or give a written notification to MSHA of an alleged violation of the Mine Act or a mandatory standard or of an imminent danger. Such notification requires MSHA to make an immediate inspection.

Mine Safety and Health Administration

Slope and Shaft Sinking Plans

1219–0019
On occasion
Businesses or other for profit; small businesses or organizations
35 respondents; 40 hours per response; 1,400 total burden hours

Requires coal mine operators to submit to MSHA for approval a plan that will provide for the safety of workmen in each slope or shaft that is commenced or extended.

Employment and Training Administration

Standard Job Corps Center RFP and Related Contractor Information Gathering

1205–0219; ETA 6–37, 6–38, 6–39, 6–124, 6–127, 6–125, 6–127, 6–128, 2180, 2111, 3–28, 6–131 A/B/C, 6–106, 6–101, 6–104, 6–105, 6–107, 6–108, 6–61, 6–102, 6–103, 6–40, 6–99, 6–98, 6–97, 6–112, 6–135, 6–136, 660
On occasion, Weekly, Monthly, Quarterly, Semi-annual, Annually
State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions, Small businesses or organizations

Form No.	Affected public	Respondents	Frequency	Average time per response
ETA 6–37, 6–38, 6–39	JC centers	107	Quarterly	15 minutes each.
ETA 6–127	JC centers	107	One-time	2 hours.
ETA 6–125	JC centers	107	Annually	15 minutes.
ETA 6–128	JC centers	107	Annually	2 minutes.
WCSR TWX	JC centers	107	Weekly	1 minute.
ETA 2180	JC centers	250	One-time	2 hours.
ETA 2111	JC centers	107	Monthly	2½ hours.
ETA 3–28	JC centers	77	373	1 minute.
ETA 6–131A	Corpsmembers	1,500	One-time	3 minutes.
ETA 6–131B	Corpsmembers	3,000	One-time	9 minutes.
ETA 6–136C	Corpsmembers	1,500	One-time	1 minute.
ETA 6–106	Corpsmembers	60,000	One-time	3 minutes.
ETA 6–101	Corpsmembers	500	As needed	3 minutes.
ETA 6–104	Corpsmembers	10,000	As needed	1 minute.
ETA 6–105	Corpsmembers	60,000	Annually	3 minutes.
ETA 6–107	Corpsmembers	60,000	Quarterly	3 minutes.
ETA 6–108	Corpsmembers	1,500	Weekly	3 minutes.
ETA 6–61	Corpsmembers	60,000	One-time	9 minutes.
ETA 6–102	Corpsmembers	3,500	As needed	9 minutes.
ETA 6–103	Corpsmembers	250	As needed	3 minutes.
ETA 6–40	Corpsmembers	60,000	One-time	2 minutes.
ETA 6–99	Corpsmembers	60,000	One-time	9 minutes.
ETA 6–98	Corpsmembers	60,000	One-time	15 minutes.
ETA 6–97	Corpsmembers	60,000	One-time	2 minutes.
ETA 6–112, 6–135	Corpsmembers	60,000	One-time	1-minute each.

Form No.	Affected public	Respondents	Frequency	Average time per response
ETA 6-136	Corpsmembers	60,000	One-time	9 minutes.
Center oper plan	JC centers	107	One-time	28 hours.
Mainten and energy conserv plan	JC centers	107	One-time	5 hours each.
C/M welfare, outreach screen, plan	JC centers	100	Annually	2 hours each.
Annual VST (if applic)	JC centers	107	Annually	4 hours.
ETA 6-124, ann staff trng	JC centers	107	Annual	1 hour each.
ETA 660	Corpsmembers	500	Occasionally	9 minutes.
TWX auth med terms	Corpsmembers	1,500	Occasionally	2 minutes.
Procurement activity	JC Contractors	4	As needed	2,200 hours.
				135,978 total hours.

Standard Request for Proposal for the operation of a Job Corps Center completed by prospective contractors for competitive procurements and Federal paperwork requirements for contract operators of such centers.

Signed at Washington, DC this 24th day of May 1989.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 89-12877 Filed 5-30-89; 8:45 am]

BILLING CODE 4510-43-M

Employment and Training Administration

Job Training Partnership Act; Announcement of Proposed Noncompetitive Grant Awards to the Cincinnati Public Schools

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award a noncompetitive grant.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to award a grant on a noncompetitive basis to the Cincinnati Public Schools for the provision of specialized job training and placement services under the authority of the Job Training Partnership Act (JTPA).

DATES: This grant agreement will be executed by July 1, 1989, and will be funded for the 12-month period of program year 1989. Submit comments by 4:45 p.m. (Eastern Time), on June 15, 1989.

ADDRESS: Submit comments regarding the proposed assistance awards to: U.S. Department of Labor, Employment and Training Administration, Room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Janice E. Perry; Reference FR-DAA-002.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to award a noncompetitive grant to the Cincinnati Public Schools for the operation of a Career Match—School to Jobs Transition Pilot Program. The project will provide a specialized curriculum, in-school employment experience and school to work transition for approximately 200 inner city Cincinnati youths. This project will operate in a school with a history of high dropout and related teen pregnancy, drug use and other problems which place youth at risk. Funding for this activity is authorized by the Job Training Partnership Act (JTPA), as amended, Title IV-Federally Administered Programs. The proposed funding is approximately $500,000 the first year, with second-year funding contingent on the availability of funds.

Signed at Washington, DC, on May 22, 1989.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 89-12875 Filed 5-30-89; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act, Announcement of Proposed Noncompetitive Grant Awards to the International Center for the Disabled

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award a noncompetitive grant.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to award a grant on a noncompetitive basis to the International Center for the Disabled for the provision of specialized services under the authority of the Job Training Partnership ACT (JTPA).

DATES: This grant agreement will be executed by July 1, 1989, and will be funded for the 60 day period of program year 1989. Submit comments by 4:45 p.m. (Eastern Time), on June 15, 1989.

ADDRESS: Submit comments regarding the proposed assistance awards to: U.S. Department of Labor, Employment and Training Administration, Room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Janice E. Perry; Reference FR-DAA-003.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to award a noncompetitive grant to the International Center for the Disabled. The proposed grantee will conduct a survey of parents educators, and young disabled persons to assess how well the schools and special education systems are meeting the needs of disabled children in the areas of work, relevant education and training. The end product will provide guidelines for improving education and training to enhance future employment prospects for disabled Americans. Funds for this activity are authorized by the Job Training Partnership Act (JTPA), as amended, Title IV—Federally Administered Programs. The proposed funding is approximately $50,000, and the project will be completed in 60 days.

Signed at Washington, DC, on May 22, 1989.

Robert D. Parker,

ETA Grant Officer

[FR Doc. 89-12876 Filed 5-30-89; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-89-69-C]

Elijah Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Elijah Coal Company, P.O. Box 453, Heidrick, Kentucky 40949 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 2 Mine (I.D. No. 15-16600) located in Knox County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that a methane monitor be installed on electric face cutting

equipment, continuous mining machines, longwall face equipment and loading machines. The monitor is required to be properly maintained and frequently tested.

2. No methane has been detected in the mine.

3. The three-wheel tractors are permissible DC-powered machines, without hydraulics. Approximately 30–40% of the coal is hand-loaded into a drag-type bucket. Approximately 20% of the time that the tractor is in use, it is used as a mantrip and supply vehicle.

4. As an alternate method, petitioner proposes to use hand-held continuous oxygen and methane monitors instead of methane monitors on three-wheel tractors. In further support of this request, petitioner states that:

(a) Each three-wheel tractor would be equipped with a hand-held continuous monitoring methane and oxygen detector and all persons would be trained in the use of the detector;

(b) Prior to allowing the coal loading tractor in the face area, a gas test would be performed to determine the methane concentration in the atmosphere. When the elapsed time between trips does not exceed 20 minutes, the air quality would be monitored continuously after each trip. This would provide continuous monitoring of the mine atmosphere for methane to assure the detection of any methane buildup between trips;

(c) If one percent methane is detected, the operator would manually deenergize the battery tractor immediately. Production would cease and would not resume until the methane level is lower than one percent;

(d) A spare continuous monitor would be available to assure that all coal hauling tractors would be equipped with a continuous monitor;

(e) Each monitor would be removed from the mine at the end of the shift, and would be inspected and charged by a qualified person. The monitor would also be calibrated monthly; and

(f) No alterations or modifications would be made in addition to the manufacturer's specifications.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 30, 1989. Copies of the petition are available for inspection at that address.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

Dated: May 23, 1989.

[FR Doc. 89–12872 Filed 5–30–89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-70-C]

Golden Oak Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Golden Oak Mining Company, HC 85, Box 177, Whitesburg, Kentucky 41858 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Black Oak No. 8 Mine (I.D. No. 15–16392) located in Knott County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's 14CM-5 Joy continuous miner for use in Section 002.

2. The use of cabs or canopies on the continuous miner would result in a diminution of safety because the cabs or canopies:

(a) Would limit the operator's visibility causing the operator to lean out while in motion, exposing the operator and others to danger;

(b) Would limit the operator's seating position, creating cramped conditions resulting in unnecessary fatigue, reduced alertness and safety; and

(c) Would hit and weaken the roof bolts.

3. For these reasons, petitioner requests a modification of the standard in mining heights of 50 inches or less.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 30, 1989. Copies of the petition are available for inspection at that address.

Date: May 23, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89–12873 Filed 5–30–89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-67-C]

The Ohio Valley Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

The Ohio Valley Coal Company, 56854 Pleasant Ridge Road, Alledonia, Ohio 43902 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Powhatan No. 6 Mine (I.D. No. 33–01159) located in Belmont County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to clean out and plug oil and gas wells using specific techniques and procedures as outlined in the petition.

3. In addition, petitioner proposes to mine through the plugged oil or gas well. Prior to mining through, the petitioner would confer with the MSHA District Manager for approval of the specific mining procedures, and appropriate officials would be allowed to observe the process and all mining would be under the direct supervision of a certified official.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 30, 1989. Copies of the petition are available for inspection at that address.

Date: May 19, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89–12874 Filed 5–30–89; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-66-C]

River Processing, Inc.; Petition for Modification of Application of Mandatory Safety Standard

River Processing, Inc., P.O. Box 1055, Hazard, Kentucky 41701 has filed a petition to modify the application of 30

CFR 75.1710 (cabs and canopies) to its Selina No. 1 Mine (I.D. No. 15-12398) and its Melanie No. 2 Mine (I.D. No. 15-12341) both located in Knott County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cabs or canopies be installed on the mine's electric face equipment.

2. Installation of cabs or canopies on the mine's electric face equipment would result in a diminution of safety to the miners affected because the canopies would:

(a) Limit the operator's visibility causing the operators to lean out while in motion, exposing themselves to danger;

(b) Create a hazard by shearing off the roof support;

(c) Hinder the operator from making a rapid escape from the equipment should the need arise;

(d) Create cramped conditions causing fatigue resulting in reduced alertness and safety; and

(e) Cause operators to strike their heads on top of the canopies while traveling over undulating surfaces.

3. For these reasons, petitioner requests a modification of the standard in mining heights below 50 inches.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 30, 1989. Copies of the petition are available for inspection at that address.

Date: May 23, 1989.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 89-12871 Filed 5-30-89; 8:45 am]

BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 89-41]

NASA Advisory Council (NAC), Space Science and Applications Advisory Committee (SSAAC), Life Sciences Subcommittee; Meeting.

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science and Applications Advisory Committee, Life Sciences Subcommittee.

DATES: June 19, 1989, 9 a.m. to 5:15 p.m., June 20, 1989, 8:30 a.m. to 2 p.m.

ADDRESSES: Holiday Inn Capitol, 550 C Street SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald J. White, Code EB, National Aeronautics and Space Administration, Washington, DC 20546 (202/453-1470).

SUPPLEMENTARY INFORMATION: The Space Science and Applications advisory Committee consults with and advises the NASA Office of Space Science and Applications (OSSA) on long range plans for, work in progress on, and accomplishments of NASA's Space Science and Applications programs. The Life Sciences Subcommittee provides advice to the Life Sciences Division concerning all of its programs in the space life sciences. The Subcommittee will meet to discuss the status of the Life Sciences budget, 1990 Strategic Plan, Activities of the SSAAC and the Aerospace Medicine advisory Committee (AMAC), and receive reports from the Life Support Management Working group. The Subcommittee is chaired by Dr. Francis J. Haddy and is composed of 17 members. the meeting will be closed on Tuesday, June 20, from 11 a.m. to 11:45 a.m. to discuss and evaluate qualifications of candidates being considered for membership on the Subcommittee. Such discussions would invade the privacy of the individuals involved. Since this session will be concerned with matters listed in 5 U.S.C. 552(c)(6), it has been determined that the meeting will be closed to the public for this period of time. The remainder of the meeting will be open to the public up to the capacity of the room (approximately 45 including Subcommittee members).

Type of Meeting

Open—except for a closed session as noted in the agenda below.

Agenda

Monday, June 19

9 a.m.—Introduction and Chairman's Remarks.

9:15 a.m.—Office of Space Science and Applications (OSSA) Status and Life Sciences.

10:30 a.m.—Life Sciences Budget & 1990 Strategic Plan.

1:30 p.m.—Activities of the Space Science and Applications Advisory Committee (SSAAC) and the Aerospace Medicine Advisory Committee (AMAC).

2:30 p.m.—The Space Studies Board of the National Academy of Sciences (NAS)/National Research Council (NRC).

5:15 p.m.—Adjourn.

Tuesday, June 20

8:30 a.m—Life Support Management Working Group Report.

10:15 a.m.—Discussion of Committee Tasks and Functions.

11:00 a.m.—Closed Session.

1 p.m.—Committee Strategy and Actions.

2 p.m.—Adjourn.

May 24, 1989.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 89-12895 Filed 5-30-89; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

Public Hearing in Cleveland, Ohio, on Railroad Accident

In connection with the investigation of the derailment of CSX Train D812-26 and fire involving Butane, at MP 16.1 in Akron Ohio, February 26, 1989, the National Transportation Safety Board will convene a public hearing at 9:00 a.m. (local time), on Monday, June 26, 1989, at the Stouffer Tower City Plaza Hotel, The Gold Room, 3rd Floor, 24 Public Square, Cleveland, Ohio. For more information contact Mike Benson, Office of Government and Public Affairs, National Transportation Safety Board, 800 Independence Avenue, SW., Washington, DC 20594, telephone (202) 382-6607.

May 24, 1989.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 89-12865 Filed 5-30-89; 8:45 am]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

Generic Letter (GL) 89-04; Guidance on Developing Acceptable Inservice Testing; Meeting

SUMMARY: The United States Nuclear Regulatory Commission (the Commission) is planning to hold four public meetings to discuss Generic

Letter (GL) 89-04, "Guidance on Developing Acceptable Inservice Testing Programs". The purpose of the meetings is to discuss the guidance contained in the GL with the operators of commercial nuclear power plants and near term operating license applicants of nuclear power plants. The Commission staff is planning a presentation on the contents of GL. This presentation is expected to be brief with the main focus of the meeting being the discussion of any questions the licensees and applicants may have on the contents of the GL.

DATE AND LOCATION: The meetings will be held from 10:00 a.m.-5:00 p.m. on the following dates at the following locations:

Region I: June 5, 1989, NRC Region I Office, 475 Allendale Road, king of Prussia, PA 19406, (215) 337-5000

Region II: June 8, 1989, Ramada Inn Airport, 1419 Virginia Avenue, Atlanta, GA. 30337, (404) 768-7800

Region III: June 13, 1989, O'Hare Marriott, 8535 West Higgins Road, Chicago, IL, 60631, (312) 693-4444

Region IV & V: June 15, 1989, Holiday Inn Airport, 245 South Airport Blvd., South San Francisco, CA. 94080, (415) 589-7200

FOR FURTHER INFORMATION CONTACT: John J. Hayes, Jr., Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492-1456.

SUPPLEMENTARY INFORMATION: In order that the staff may prepare for the meetings and so that the meetings may be more beneficial to the participants, licensees and applicants are requested to forward their questions on the GL to their respective licensing project manager at the NRC. However, the staff will entertain questions from the participants even if they have not been previously submitted to the staff. Opportunities will also exist for the public to ask questions, however priority will be given to licensees and applicants and their representatives.

Dated in Rockville, Maryland, this the 24th day of May 1988.

For the Nuclear Regulatory Commission.

John J. Hayes, Jr.,

Project Manager, Project Directorate II-1, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 89-12891 Filed 5-30-89; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-440]

The Cleveland Electrical Illuminating Co. et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 21 to Facility Operating License No. NPF-58, issued to The Cleveland Electric Illuminating Company, Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company and Toledo Edison Company (the licensees), which revised the Technical Specifications for operation of the Perry Nuclear Power Plant, Unit No. 1, located in Lake County, Ohio. The amendment was effective as of the date of issuance.

The amendment modified the Technical Specifications to add two valves to Table 3.6.4-1, Containment Isolation Valves, and one valve control switch to Table 3.3.7.4-1 Division 1 Remote Shutdown System Controls. This is a result of a system modification adding two valves to the Suppression Pool Cleanup System to avoid making one leg of the Residual Heat Removal System inoperable while in suppression pool cleanup.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on March 20, 1989 (54 FR 11463). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated January 18, 1989, (2) Amendment No. 21 to License No. NPF-58, (3) the Commission's related Safety Evaluation dated May 23, 1989 and (4) the Environmental Assessment dated May 16, 1989. All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street NW., and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 23rd day of May 1989.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III-3 Division of Reactors Projects—III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 89-12890 Filed 5-30-89; 8:45 am]

BILLING CODE 7590-01-M

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from May 6, 1989 through May 19, 1989. The last biweekly notice was published on May 17, 1989 (54 FR 21297).

NOTICE OF CONSIDERATION OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The Commission has made a proposed determination that the following amendment requests involve no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or

consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room P-216, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 30, 1989 the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

Carolina Power & Light Company, et al., Docket Nos. 50-325 and 50-324, Brunswick Steam Electric Plant, Units 1 and 2, Brunswick County, North Carolina

Date of application for amendments: June 22, 1988

Description of amendment request: The amendments would delete the residual heat removal (RHR)/service water discharge differential pressure instrument (transmitter and indicator) from the Technical Specifications (TS) for each unit. The licensee states that operability is not required to ensure the RHR and service water systems function as designed. The subject indication is located on the remote shutdown panel for each unit. This panel is utilized to shut down the unit and maintain shutdown conditions in the event control room habitability is lost.

Basis for proposed no significant hazard consideration determination: The Commission has provided standards for determining whether a no significant hazard consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The Carolina Power & Light Company (CP&L) has reviewed the proposed changes to the TS and has determined that the requested amendment does not involve a significant hazards consideration for the following reasons:

1. The design, function, and operation of the plant systems will remain unchanged. Item 9, "Residual Heat Removal Service Water Discharge Differential Pressure," and instruments E11-PDT-N002BX and E11-PDI-3344 are being deleted from Tables 3.3.5.2-1 and 4.3.5.2-1 because they are not required to ensure that the RHR and service water systems function as designed. The RHR heat exchanger differential pressure is not an indicator of heat exchanger performance; therefore, it does nothing to ensure that sufficient capability is available to permit shutdown and maintenance of hot shutdown from locations outside the control room. Thus, these instruments should not be considered remote shutdown monitoring instruments and should be deleted from Tables 3.3.5.2-1 and 4.3.5.2-1. Since they are not remote shutdown monitoring instruments, their deletion from Table 3.3.5.2-1 and 4.3.5.2-1 will not increase the probability of an accident, nor will it change the consequences of an accident previously evaluated.

2. Instruments E11-PDT-N002BX and E11-PDI-3344 provide relative system pressure only and are not relied upon for remote shutdown. Thus, these instruments need not be considered remote shutdown monitoring instruments and should be removed from Tables 3.3.5.2-1 and 4.3.5.2-1. Their deletion will not create the possibility of a new or different kind of accident because they were not relied upon under accident conditions for remote shutdown purposes and they will continue to perform their design function in the same manner as before.

3. The capability to permit shutdown and maintain hot shutdown of the facility from outside the control room is not compromised by deleting Instruments E11-PDT-N002BX and E11-PDI-3344 from Tables 3.3.5.2-1 and 4.3.4.2-1. These instruments currently do not perform a remote shutdown monitoring function; they only provide a relative system differential pressure which is not relied upon in the BSEP remote shutdown procedures to achieve remote shutdown. Therefore, the proposed amendment does not involve a significant reduction in the margin of safety.

The staff has reviewed the CP&L determinations and is in basic agreement with them. RHR/Service Water differential pressure indication on the remote shutdown panel is not required to shut the plant down or keep it shut down; and this indication is not utilized in the procedure entitled "Plant Shutdown from Outside Control Room." Accordingly, the Commission proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: University of North Carolina at Wilmington, William Madison Randall Library, 601 S. College Road, Wilmington, North Carolina 28403-3297.

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: April 14, 1989

Description of amendment request: The proposed amendment provides changes to Technical Specification Sections 3.17.1, "Axial Offset" and 3.17.2, "Linear Heat Generation Rate" to support coastdown operation of the Haddam Neck Plant at the end of Cycle 15.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exist as stated in 10 CFR 50.92. The licensee has evaluated the proposed amendment against the standards provided in 50.92 and determined that the proposed amendment will not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

Operation during coastdown is beyond the scope of the current design basis LOCA analysis for the Haddam Neck Plant. The current design basis assumes operation consistent with the Tave program. Coastdown operation immediately following end of core life maintains 100% thermal power by reducing Tave, while fully opening the turbine control valves. Post LOCA analysis sensitivities have shown that a reduction in the core inlet temperature, while maintaining full power, yields an increase in the projected peak cladding temperature (PCT) for the large break LOCA. This increase in PCT is due to the reduction in reverse core flow during blowdown after the coastdown of the reactor coolant pumps. The reduced flow yields higher temperatures at the end of blowdown, which yields a higher PCT after the adiabatic heatup and beginning of core recovery.

These sensitivities have also shown that between 100 and 90% power, the sensitivity to the core inlet temperature becomes insignificant relative to the drop in power.

In order to bound operation during coastdown, the current limiting case (double ended, cold leg guillotine, $C_D = 1.0$) was re-analyzed at full power, but with a bounding coastdown core inlet temperature at 90% power (Tinlet = 510° F). This re-analysis shows that the limiting LHGR must be reduced from the normal end of cycle value of 14.6 kw/ft to 13.5 kw/ft to maintain the PCT less than the Interim Acceptance Criteria limit of 2300° F.

The axial offset (AO) limits were developed for the new LHGR limit during coastdown. The new AO limits are slightly more restrictive on the negative side.

The proposed changes ensure that there is no increase or change in the probability of occurrence of any design basis accidents.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

The proposed changes to the technical specifications ensure that the plant response to an accident during coastdown operation is essentially within the design basis of the plant.

The large break LOCA response during coastdown has been changed, but the PCT as a function of time after break retains the key characteristics associated with blowdown, refill and reflood. The reduction in the LHGR ensures that the PCT remains less than 2300° F for a postulated design basis event during coastdown conditions.

There are no new failure modes associated with the proposed technical specification changes. Therefore, the changes do not present the possibility for a new, unanalyzed accident.

3. Involve a significant reduction in a margin of safety.

The proposed changes to the technical specifications ensure that the margins of

safety have not been reduced significantly. The reduction in the allowable LHGR from 14.6 to 13.5 kw/ft during coastdown operation after the end of core life restores the PCT to less than 2300° F. The new AO limits provide alarm points to assure that operation above an LHGR of 13.5 kw/ft is prohibited. Since the PCT remains less than 2300° F, there is no impact on the protective boundaries.

The NRC staff has reviewed this analysis and based on this review, it appears that the three criteria are satisfied. Therefore, the NRC staff proposes to determine that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Russel Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant Middlesex County, Connecticut

Date of amendment request: April 21, 1989

Description of amendment request: The proposed amendment will revise and combine Technical Specification Section 3.6, "Core Cooling Systems," Section 3.7, "Minimum Water Volume and Boron Concentration in the Refueling Water Storage Tank," and Section 4.3, "Core Cooling Systems - Periodic Testing," into a new Technical Specification Section 3.6 titled "Emergency Core Cooling Systems." This new section will follow the Westinghouse Standard format Technical Specifications.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards in 10 CFR 50.92(c) for determining whether a significant hazards consideration exists. In accordance with 10 CFR 50.92 Connecticut Yankee Atomic Power Company has reviewed the proposed Technical Specification and concluded that they do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. The determination of whether or not a proposed change is equivalent, more restrictive (or a new requirement) or less restrictive is based on the Limiting Condition for Operation (LCO) and Applicability Requirements since it is these requirements which will impact the design basis accidents. In general, the conversion to the W STS yields more extensive and/or restrictive Action or Surveillance Requirements. As described above, most of the changes are more restrictive in that there are no comparable requirements in the existing Technical Specifications, and the proposed changes are equivalent to the W STS. For the few changes that are less restrictive, justification is provided for the changes. Since the proposed Sections 3.6.1 through 3.6.4 do not reduce the availability or the reliability of the ECCS, the consequences of the design basis accidents remain unchanged.

2. Create the possibility of a new or different kind of accident from any previously evaluated. Because there are no hardware modifications associated with the proposed changes, the performance of safety related systems remains unaffected during operations. The operability requirements are increased over the current requirements thus enhancing the performance of safety systems. Therefore, the proposed Technical Specifications will not modify the plant response to the point where it can be considered a new accident nor are any credible failure modes created.

3. Involve a significant reduction in a margin of safety. Because the changes proposed herein provide acceptable results for the design basis accident, no additional burden will be placed on the protective boundaries for postulated accidents. In addition, there are no plant hardware modifications associated with this change and hence, there is no direct impact on the protective boundaries. The proposed Technical Specifications do not affect the safety limits of the protective boundaries and the bases of the proposed Technical Specifications have been modified to reflect the proposed changes.

The NRC staff has reviewed this analysis and based on this review, it appears that the three criteria are satisfied. Therefore, the NRC staff proposes to determine that the application for amendment involves no significant hazards considerations.

Local Public Document Room location: Russel Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of amendment request: September 30, 1988, as supplemented January 10, 1989, March 30, 1989 and April 14, 1989.

Description of amendment request: This amendment would amend the Indian Point Unit No. 2 Operating License and Technical Specifications to authorize operation of the plant at core power levels not in excess of 3071.4 MWt. The following changes to the Operating License and Technical Specifications would be included in the proposed amendment:

1. Rated Power - The proposed amendment would increase the maximum allowable power level in license condition 2.C.1 of the Operating License and the definition of Rated Power in Technical Specification 1.1.a. from 2758 MWt to 3071.4 MWt.

2. Overtemperature Delta-T and Overpower Delta-T Setpoints - The proposed amendment would revise the nominal average temperature value at rated power for the Overtemperature Delta-T and Overpower Delta-T protection logic functions in Technical Specifications 2.3.1.B(4) and 2.3.1.B(5) from 570° F to less than or equal to 579.7° F. These changes would reflect the increased temperature allowed at the increased power level.

3. DNB Parameters - The proposed amendment would increase the allowable average reactor coolant system temperature in Technical Specification 3.1.G.a from less than or equal to 573.5° F to less than or equal to 587.2° F. This change would reflect the increased average temperature allowed at the increased power level.

4. Auxiliary Feedwater Flow - The proposed amendment would increase the minimum required flow capability of each of the auxiliary feedwater pumps as specified in Technical Specification 3.4.A.(2) from 300 gpm to 380 gpm.

5. Secondary Steam Flow - The proposed amendment would revise the Basis for Technical Specification 3.4 to reflect the increased steam flow (increased from 11,669,736 to 13,310,000 lbs/hr) that would be associated with operation at the increase power level. The percentage of total main steam safety valve relieving capacity that this increased steam flow represents would also be changed from 129 percent of total secondary steam flow to 114 percent of total secondary steam flow.

6. Decay Time Prior to Fuel Movement - The proposed amendment would increase the minimum time specified in Technical Specification 3.8.B.4 and its associated Basis required following plant shutdown before fuel may be handled in the reactor from 131 hours to 174 hours.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) Involve a

significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated: or (3) Involve a significant reduction in a margin of safety.

In accordance with the above criteria, the licensee provided the following no significant hazards analysis for the six categories of changes discussed above.

1. Rated Power

The analysis results show that the proposed changes do not involve a significant hazards consideration because the operation of Indian Point Unit No. 2 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. This is based on the original design basis of the plant, as confirmed by the analyses supporting original plant licensure. These include an environmental evaluation which assumed stretch rated conditions and a radiological evaluation conducted at 3216 MWt. These analyses have been further confirmed by analyses performed pursuant to the methodology of WCAP-10263.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. This is based on the system and components reviews accompanying original plant licensure, as confirmed by analyses recently conducted, all of which verify the capability of systems and components to operate at the stretch rated conditions.

(3) Involve a significant reduction in a margin of safety. Accident analyses, both past and present, performed at the stretch rated conditions demonstrate that DNB design basis remains unchanged, that the RCS pressure limit of 2735 psig will not be exceeded, and that LOCA results remain well below the regulatory limits given in 10 CFR 50.46.

Based on the above, the licensee concludes that the amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated; does not create the possibility of a new or different kind of accident from any accident previously evaluated; and does not involve a reduction in a required margin of safety.

2. Overtemperature Delta-T and Overpower Delta-T Setpoints

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751). Example (vi) of those involving no significant hazards consideration discusses a change which may reduce a safety margin but where the results are clearly within all acceptance criteria with respect to the system or component. The proposed change reflects the increased average temperature allowed at the increased power level.

The results of all analyses show that the proposed changes do not involve a significant hazards consideration because the operation of Indian Point Unit No. 2 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed revision is being supported by conservative evaluation and analyses utilizing the latest approved computer codes and methodology. These analyses demonstrate conformance to the applicable design and regulatory criteria.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes to the Overtemperature Delta-T and Overpower Delta-T setpoint functions for reactor trip do not modify the plant's configuration or operation, and therefore the identical postulated accidents are the only ones that require evaluation and resolution. Nothing would be added or removed that would conceivably introduce a new or different kind of accident mechanism or initiating circumstances than that previously evaluated.

In general, the proposed changes do not adversely affect the ability of Overtemperature Delta-T and Overpower Delta-T reactor trip signals to perform their safety function to initiate reactor core shutdown during an Overtemperature Delta-T or Overpower Delta-T transient condition, respectively.

(3) Involve a significant reduction in a margin of safety. With the proposed change, all safety criteria previously evaluated are met, remain conservative, and continue to maintain the previous margins of safety.

The safety function of reactor trip on Overtemperature Delta-T and Overpower Delta-T is to initiate reactor core shutdown during Delta-T transient events to ensure that the reactor core safety limits as defined in Technical Specification Figure 2.1-1 are not exceeded. Safety evaluations and analyses for all of the licensing basis accidents described in FSAR Chapter 14 which take credit for an Overtemperature Delta-T or Overpower Delta-T reactor trip have been performed and the results of these analyses demonstrate conformance with the applicable design and regulatory requirements.

3. DNB Parameters

The Commission has provided guidance concerning the application of the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751). Example (vi) of those involving no significant hazards consideration discusses a change which may reduce a safety margin but where the results are clearly within all acceptance criteria with respect to the system or component. The proposed change is to increase the allowable Reactor Coolant System average temperature at 100% power.

All analyses performed show that the proposed changes do not involve a significant hazards consideration because the operation of Indian Point Unit No. 2 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The Tavg value represents a design limit for average Reactor Coolant System temperature. This proposed change is supported by conservative analyses and evaluations based on approved codes and methodologies. All applicable design and safety criteria continue to be satisfied.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change in the design value of Tavg does not modify the plant's configuration or operation, and therefore the identical postulated accidents are the only ones that require evaluation or resolution. Nothing would be added or removed that would conceivably introduce a new or different kind of accident mechanism or initiating circumstances than that previously evaluated.

(3) Involve a significant reduction in a margin of safety. With the proposed change, all safety criteria used in previous analyses are met, remain conservative, and continue to maintain the previous margins of safety. Approved analysis codes and methodologies were employed as the basis for evaluating this proposed change.

All applicable design and safety criteria are expected to be satisfied including the impact of an increased Tavg.

4. Auxiliary Feedwater Flow

Consistent with the Commission's criteria in 10 CFR 50.92, the licensee has determined that the proposed change does not involve a significant hazards consideration because the operation of Indian Point Unit No. 2 in accordance with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed revision is supported by conservative evaluation and analyses utilizing the latest approved computer codes and methodology. These analyses have demonstrated conformance to the applicable design and regulatory criteria.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change to the minimum auxiliary feedwater pump flowrate does not modify the plant's configuration or operation, and therefore the identical postulated accidents are the only ones that require evaluation and resolution. Nothing would be added or removed that would conceivably introduce a new or different kind of accident mechanism or initiating circumstances than that previously evaluated.

In general, the proposed change does not adversely affect the ability of the auxiliary feedwater system to perform its safety function to supply high pressure feedwater to the steam generators to maintain a water inventory.

(3) Involve a significant reduction in a margin of safety. With the proposed change, all safety criteria previously evaluated are still met, remain conservative, and continue to maintain the previous margins of safety.

The safety function of the auxiliary feedwater system is to supply high pressure feedwater to the steam generators to maintain a water inventory. Safety evaluation and analyses for all of the licensing basis accidents described in FSAR Chapter 14 which take credit for the auxiliary feedwater system have been performed and the results of these analyses and evaluation have demonstrated conformance with the applicable design and regulatory requirements.

5. Secondary Steam Flow

The Commission has provided guidance concerning the application to the standards for determining whether a significant hazards consideration exists by providing certain examples (51 FR 7751) of amendments that are considered not likely to involve a significant hazards consideration. Example (i) relates to a purely administrative change to Technical Specifications: for example, a change to achieve consistency throughout the Technical Specifications, correction of an error, or a change in nomenclature.

The proposed changes are purely administrative changes to achieve consistency with the Technical Specifications, and consistency with the proposed increase in licensed NSSS power.

Consistent with the Commission's criteria in 10 CFR 50.92, the licensee has determined that the proposed changes described above do not involve a significant hazards consideration because the operation of Indian Point Unit No. 2 in accordance with these changes would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluate. The proposed revisions do not affect plant operations. The proposed revisions provide consistency with Technical Specifications associated with the proposed increase in licensed NSSS power.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed changes do not modify the plant's configuration or operation. Nothing would be added or removed that would conceivable introduce a new or different kind of accident mechanism or initiating circumstance than those previously evaluated.

(3) Involve a significant reduction in a margin of safety. With the proposed changes, all safety criteria previously evaluated are still met, remain conservative, and continue to maintain the previous margins of safety. Because these changes are administrative in nature their implementation does not affect any margin of safety.

6. Decay Time Prior to Fuel Movement

Consistent with the Commission's criteria in 10 CFR 50.92, the licensee has determined that the proposed change does not involve a significant hazards consideration because the operation of Indian Point Unit No. 2 in accordance with this change would not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluate. The radiological consequences are unchanged from those previously evaluated. Only the time after shutdown before fuel can be handled has been increased. Hence, neither the probability nor the consequences of the accident have increased.

(2) Create the possibility of a new or different kind of accident from any accident previously evaluated. The postulated fuel handling accident is the same as that previously evaluated.

(3) Involve a significant reduction in a margin of safety. The decay time before fuel can be handled has been increased to ensure that the radiological consequences will be appropriately within the guidelines of 10 CFR Part 100. Hence, the margin of safety is unchanged.

The staff agrees with the licensee's analysis. Therefore, based on the above, the staff proposes that the proposed amendment will not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York, 10610.

Attorney for licensee: Brent L. Brandenburg, Esq., 4 Irving Place, New York, New York 10003

NRC Project Director: Robert A. Capra

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of amendment request: September 23, 1988 supplemented by letter dated January 16, 1989.

Description of amendment request: The proposed amendment would revise the requirements of the Technical Specifications relating to administrative controls. The modifications are intended to strengthen both the offsite and onsite safety review functions. The proposed changes establish the Plant General Manager as Chairman of the Plant Review Committee (PRC), eliminate the Plant Safety Engineering function, and establish the Plant Safety and Licensing Department, and the Nuclear Safety Services Department.

Basis for proposed no significant hazards consideration determination: The Commission has made a proposed determination that the amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.59, this means that the operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed changes against the above standards as required by 10 CFR 50.91(a). The Commission has reviewed the licensee's evaluation and agrees with it. The Commission concludes that:

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because the changes are organizational and administrative in nature. The proposed changes merely affect the manner by which the safety review function is conducted. The proposed changes are intended to strengthen this function.

B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because the proposed changes do not affect any system, equipment, or plant operating procedure.

C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because no margin for safety is defined by the Administrative Controls Section of the Technical Specifications.

Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Attorney for licensee: Judd L. Bacon, Esq., Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201.

NRC Project Director: Lawrence Yandell, Acting Director

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of amendment request: April 21, 1989

Description of amendment request: The proposed amendment would revise the Technical Specifications to remove existing requirements on the reactor coolant resistance temperature detector (RTD) bypass system, and replace them with requirements on fast-response thermowell-mounted RTDs. The proposed change reflects a design change, when approved by the staff, which will eliminate use of the RTD bypass system.

To support this request, the licensee submitted Westinghouse topical report WCAP-12058, "RTD Bypass Elimination Licensing Report for Beaver Valley Unit 1" which describes the extensive analyses, evaluation and testing performed to ensure the new design meets all safety and regulatory requirements. The changes to the Technical Specifications would reflect the characteristics (e.g., response time) of the fast-response RTDs.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists in accordance with 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously

evaluated, or (3) involve a significant reduction in a margin of safety.

The RTDs are not assumed to be precursors of accidents. However, their timely response has direct impacts on the consequences of accidents analyzed in the Final Safety Analysis Report (FSAR). The licensee stated that the new RTDs will have the same total response times as the existing RTDs with their associated manifold bypass system. Since total response times are not changed, and RTDs are not regarded as accident precursors, the answer to the first question is negative.

The proposed change would involve elimination of the bypass system, which is part of the reactor coolant boundary. This change will be performed in a manner consistent with the applicable standards, will preserve the existing design bases, and will not adversely affect the qualification of any other plant systems. The new RTDs are of a proven design currently used at other plants (e.g., Salem, Robinson). Therefore, no new accidents can be attributed to the new RTDs.

Finally, there is no change in design basis. The new design is expected to provide the same overall reliability, redundancy and diversity as the existing design. No accident assumptions will be relaxed or modified. Hence the answer to the last question is also negative.

The staff therefore proposes to determine that the requested amendment involves no significant hazards considerations.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz

Duquesne Light Company, Docket Nos. 50-334, and 50-412, Beaver Valley Power Station, Unit Nos. 1 and 2, Shippingport, Pennsylvania

Date of amendment request: April 21, 1989

Description of amendment request: The proposed amendments would revise the Technical Specifications of both units to delete Table 4.4.5, "Reactor Vessel Material Irradiation Surveillance Schedule" and associated surveillance requirement 4.4.9.1.c. The same table will be included in the Updated Final Safety Analysis Report (UFSAR) of each unit. Meanwhile, the bases section will also be revised to reference the UFSAR. The proposed changes will not alter any plant configuration or operational procedures since the program for surveillance of reactor vessel material will continue to be governed by 10 CFR Part 50 Appendix H. The current Table 4.4-5 is redundant to the regulation.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists in accordance with 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazard consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

As discussed above, there is no change to the plant configuration or operational procedures as a result of the proposed amendments. The proposed change is administrative. Thus the answers to questions (1) and (2) are negative. Furthermore, the design bases of the units are not altered and there is no relaxation of any safety margin. Thus the answer to question (3) is also negative.

The staff therefore proposes to determine that the requested amendments involve no significant hazards considerations.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: John F. Stolz

Florida Power and Light Company, et al., Docket Nos. 50-335 and 50-389, St. Lucie Plant, Unit Nos. 1 and 2, St. Lucie County, Florida

Date of amendment requests: April 4, 1989

Description of amendment requests: The proposed license amendments are intended to make corrections to typographical errors in the Administrative Controls section of the Technical Specifications, delete the specific composition list for the Company Nuclear Review Board (CNRB) and replace it with a general statement defining the requisite level of expertise for membership, and revise the Independent Safety Engineering Group (ISEG) reporting and administrative requirements for St. Lucie Unit 2.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee provided the following discussion regarding the above three criteria.

Criterion 1

Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed changes are administrative in nature and do not affect assumptions contained in the safety analyses nor do they affect Technical Specifications that preserve safety analysis assumptions. Additionally, these changes do not modify the physical design and/or operation of the plant. Therefore, the proposed changes do not affect the probability or consequences of accidents previously analyzed.

Criterion 2

Use of the modified specification would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The changes being proposed are administrative in nature and will not lead to material procedural changes or to physical modifications to the facility. Therefore, the proposed changes do not create the possibility of a new or different kind of accident.

Criterion 3

Use of the modified specification would not involve a significant reduction in a margin of safety.

The changes being proposed are administrative in nature and do not relate to or modify the safety margins defined in or required and maintained by the Technical Specifications.

The typographical corrections proposed do not affect any margin of safety. The deletion of the composition list of Company Nuclear Review Board (CNRB) membership and replacement with qualifications requirements guidelines will not decrease the effectiveness of this organization's independent review scope nor will there be a reduction in the collective talents of the CNRB.

The changes proposed to the Independent Safety Engineering Group (ISEG) administrative control and reporting requirements will focus the control, reports and reporting requirements of the ISEG to the Site Vice President - St. Lucie, Florida Power

& Light Company (FPL) and thus ensure the most efficient and effective use of the ISEG's products. However, changing the administrative control and reporting requirements will not affect any margin of safety.

Based on the above, [the Florida Power & Light Company] has determined that the proposed amendment does not (1) involve significant increase in the probability of consequences of an accident previously evaluated, (2) create the probability of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety; and therefore does not involve a significant hazard consideration.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis.

Accordingly, the Commission proposes to determine that the proposed changes to the Technical Specifications involve no significant hazards considerations.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 33450

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, NW., Washington, DC 20036

NRC Project Director: Herbert N. Berkow

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket No. 50-321, Edwin I. Hatch Nuclear Plant, Unit 1, Appling County, Georgia

Date of amendment request: March 20, 1989

Description of amendment request: Hatch Unit 1 Technical Specification (TS) 4.6.F.2 currently requires reactor coolant conductivity sampling once every 4 hours when the continuous conductivity monitor is inoperable. The proposed change would revise TS 4.6.F.2 such that the sampling would be required only once every 24 hours when the reactor coolant temperature is less than or equal to 212° F. When coolant temperature is greater than 212° F, the sampling frequency would remain at once every 4 hours.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

Basis for Proposed Change:

High conductivity of the reactor coolant may indicate the presence of chlorides in the coolant which can lead to stress corrosion cracking of the stainless steel components in contact with the coolant. The corrosion rate is temperature dependent. Normally, reactor coolant conductivity is monitored continuously by a conductivity monitor. During periods when the conductivity monitor is out of service, conductivity is measured by taking periodic samples of the reactor coolant. Since the corrosion rate is temperature dependent, the Standard Technical Specifications (STS) for boiling water reactors as well as the TS for Hatch Unit 2 recognize this fact by allowing a reduced sampling frequency of once every 24 hours when the coolant temperature is less than or equal to 212° F. At higher coolant temperatures, both the STS and the Hatch 2 TS require coolant conductivity sampling at 4-hour intervals at times when the continuous conductivity monitor is out of service. This proposed change would make the sampling requirements for Hatch Unit 1 equivalent to the requirements for Hatch Unit 2 and consistent with the requirements of the STS.

The licensee's March 20, 1989, submittal provided an evaluation of the proposed change with respect to the three standards, as follows:

1. This change does not involve a significant increase in the probability or consequences of an accident, because the operation of any plant equipment or system is not affected.

2. The possibility of a different kind of accident from any analyzed previously is not created by this change, since the change does not affect the operation of any plant equipment or system. Therefore, no new modes of plant operation are introduced, and no new accident types can result.

3. Margins of safety are not significantly reduced by this change, since the proposed change relaxes the surveillance interval only when the reactor coolant is less than or equal to 212° F at which temperature the corrosion rate is low. Additionally the change is consistent with the STS for reactor coolant sampling when the continuous monitor is inoperable. No other Specifications are affected by this change.

The staff has considered the proposed change and agrees with the licensee's evaluations with respect to the three standards.

On this basis, the Commission has determined that the requested amendment meets the three standards and, therefore, has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: David B. Matthews

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-321 and 50-366, Edwin I. Hatch Nuclear Plant, Units 1 and 2, Appling County, Georgia

Date of amendment request: March 17, 1989

Description of amendment request: The amendment would (1) modify the Technical Specifications (TS) for Unit 1 to make the definitions of Limiting Conditions for Operation and Surveillance Requirements consistent with the guidance provided in NRC Generic Letter 87-09, and would modify the Unit 2 TS to make the wording of Specifications 3.0.4, 4.0.3 and 4.0.4 consistent with the wording of Enclosure 4 to Generic Letter 87-09; and (2) the Bases for Unit 2 TS Sections 3.0.1 through 3.0.4 and Sections 4.0.1 through 4.0.5 would be replaced with revised Bases as provided in Enclosure 5 to Generic Letter 87-09.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee's March 17, 1989, submittal provided an evaluation of the proposed changes with respect to these three standards.

Basis for Proposed Change 1:

This change will modify the wording of Unit 1 TS Definitions M and JJ, as well as Unit 2 TS Sections 3.0.4, 4.0.3, and 4.0.4 to be consistent with the guidance provided in Enclosure 1 to Generic Letter 87-09.

Proposed Change 1 does not involve a significant hazards consideration for the following reasons:

1. It does not involve a significant increase in the probability or consequences of an accident previously evaluated, because neither plant operation nor design is affected by the proposed change. The proposed change is administrative in nature and primarily serves to provide plant operating personnel with clearer guidance regarding compliance with LCOs and Action Requirements under all operating conditions.

2. It does not create the possibility of a new or different kind of accident from any previously evaluated, because no new modes of operation or design configuration are introduced. The proposed change serves to strengthen the existing TS requirements by eliminating some areas of confusion and interpretation, and providing a clear statement of the specification's intent.

3. It does not involve a reduction in the margin of safety, because the proposed change does not impact any numerical value in the Technical Specifications. The change serves to strengthen the philosophy of compliance with the Technical Specifications.

Basis for Proposed Change 2:

Proposed Change 2 will replace the entire Bases section 3/4.0 of the Unit 2 Technical Specifications with the 3/4.0 Bases provided in Enclosure 5 to Generic Letter 87-09.

Proposed Change 2 does not involve a significant hazards consideration for the following reasons:

1. It does not involve a significant increase in the probability or consequences of an accident previously evaluated, because the proposed change only serves to provide background information and explain the intent of Section 3/4.0. The proposed change does not in any way adversely affect the design, operation, or testing of the plant.

2. It does not create the possibility of a new or different kind of accident from any previously evaluated, because the proposed change is administrative in nature and does not introduce any new modes of operation or design configuration.

3. It does not involve a significant reduction in the margin of safety, because the proposed change provides explanatory information and does not impact any safety analysis.

The staff has considered the proposed changes and agrees with the license's evaluations with respect to the three standards.

On this basis, the Commission has determined that the requested amendments meet the three standards and, therefore, has made a proposed determination that the amendment application does not involve a significant hazards consideration.

Local Public Document Room location: Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513

Attorney for licensee: Bruce W. Churchill, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: David B. Matthews

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, Docket Nos. 50-424 and 50-425, Vogtle Electric Generating Plant, Units 1 and 2, Burke County, Georgia

Date of amendment request: April 6, 1989

Description of amendment request: The proposed amendments would modify Technical Specification 4.5.2.h.1)b) to increase for Vogtle Unit 1 the maximum total pump flow rate for the centrifugal charging pump lines with a single pump running from 550 gpm to 555 gpm.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

In regard to the proposed amendment, the licensee has determined the following:

1. It has been determined that both system and component performance will not be adversely affected by the increase in flow. Therefore, the probability of previously analyzed accidents has not been increased. Additionally, since no new failure mode or new limiting single failure has been identified, the possibility of a different accident being created does not exist and the probability of a malfunction of safety related equipment has not been increased.

The increased CCP flow has been determined to have no impact or an insignificant effect on the safety analysis results. Therefore, the consequences of an accident previously evaluated in the FSAR [have] not been increased and the consequences of a malfunction of equipment [have] not become more severe. Therefore, the increase in the CCP flow from 550 gpm to 555 gpm does not result in any increase in radioactive releases as a result of normal operation or as a result of evaluated accidents.

As indicated in the above evaluations, the acceptance criteria for each of the safety analyses has not been exceeded. Therefore, there is no reduction in the margin of safety between the safety analysis assumptions and the Technical Specification values as defined in the basis to the Technical Specification.

The increase in flow will not affect the postulated causes of previously evaluated accidents. The minimum required flow has not changed, therefore the accidents evaluated with minimum flow assumptions are not affected by this change. The increase in maximum flow has been demonstrated, as discussed above, to be well below the maximum values assumed in the accident analyses. The potential increase in flow has been shown to have negligible [e]ffect on pump and motor reliability. Therefore, this revision to the maximum allowable pump flow with a single pump running from 550 gpm to 555 gpm for Unit 1 will not involve a significant increase in the probability [or] consequences of accidents previously evaluated.

2. This change in allowable maximum flow rate does not involve any physical change in the plant. Should future flow adjustments allow the pump to flow at 555 gpm, it will continue to operate within its designed capability and within the safety analyses assumptions. Therefore, this revision to the Technical Specification does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. As discussed above, the minimum flow requirements of Technical Specifications have not changed. Evaluations have been performed which conclude that the maximum flow assumption used in those analyses continue to envelope the allowable value in the revised Technical Specification. Therefore, the margin between the results of the analyses and the safety limit have not changed, and this revision to the Technical Specification does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's determination and concurs with its findings.

Accordingly, the Commission proposes to determine that the proposed change involves no significant hazards consideration.

Local Public Document Room location: Burke County Public Library, 412 Fourth Street, Waynesboro, Georgia 30830.

Attorney for licensee: Mr. Arthur H. Domby, Troutman, Sanders, Lockerman and Ashmore, Candler Building, Suite 1400, 127 Peachtree Street, N.E., Atlanta, Georgia 30043.

NRC Project Director: David B. Matthews

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: August 29, 1986 as modified May 2, 1989.

Description of amendment request: The proposed amendment would add Technical Specifications for the Suppression Pool Pumpback System (SPPS). Limiting Condition for Operation (LCO), Action requirements, and Surveillance Requirements for the SPPS

would be added to Technical Specification 3/4.5.3, Suppression Pool. Bases 3/4.5.3 would also be modified to add the SPPS. The May 2, 1989 submittal revised the proposed LCO by increasing the minimum subsystems required to be operable from one to two and including related Action Statements. In addition, the proposed Technical Specifications would include a statement that the provisions of Specification 3.0.4 do not apply. Specification 3.0.4 states:

3.0.4 Entry into an OPERATIONAL CONDITION or other specified condition shall not be made unless the conditions for the Limiting Condition for Operation are met without reliance on provisions contained in the ACTION requirements. This provision shall not prevent passage through or to OPERATIONAL CONDITIONS as required to comply with ACTION requirements. Exceptions to these requirements are stated in the individual Specifications.

By specifying that Specification 3.0.4 is not applicable, entry into an Operational Condition would be allowed with one SPPS subsystem inoperable when the suppression pool is required. This would include startup.

The application for amendment to add Technical Specifications for the SPPS is to satisfy a November 18, 1985 commitment made by the licensee during the development of the Technical Specifications for the full power license. The NRC staff requested that Gulf States Utilities develop the Technical Specifications and propose a license amendment to implement them.

This notice supersedes the notice published in the October 22, 1986 **Federal Register** (51 FR 37512).

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee provided an analysis that addressed the above three standards in the amendment application in the August 29, 1986 submittal.

The proposed change does not include a significant increase in the probability or consequences of an accident previously evaluated because the change only identifies the SPPS as a necessary subsystem to ensure operability of the suppression pool. This change does not involve a design change or physical change to the plant.

Thus, there is no increase in the probability or consequences of any accident previously evaluated.

The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because this change only provides explicit requirements to have the SPPS an identified as integral part of suppression pool system. This change does not involve a design change or physical change with respect to new or modified equipment, nor does it involve a change in the mode of operating existing equipment.

Thus, no new accident scenario is introduced by this clarification of requirements for suppression pool operability.

The proposed change does not involve a significant reduction in the margin of safety because this clarification of requirements for suppression pool operability significantly reduces the possibility of not considering SPPS as part of suppression pool operability, which would enhance safety rather than reduce the margin of safety.

The licensee provided additional analyses in the May 2, 1989 submittal:

The revision to the action requirements will not increase the probability or consequences of an accident previously evaluated or create the possibility of a new or different event because the system design and operation remains consistent with that provided in the Safety Analysis Report, therefore, plant response remains as originally evaluated.

The relief from the provisions of Specification 3.0.4 will not reduce the level of safety because one system is still required and the operability of the ECCS equipment is not effected by leakage in the crescent area. Because of the watertight ECCS cubicals, this evaluation has shown with one SPPS subsystem operable the plant response to a single failure will not result in a primary success path, as analyzed in the safety analysis report, being inhibited. The request to allow startup and changes in the operational condition with one subsystem operable also supports the basis of the Technical Specification.

The change will not reduce any identified margin of safety because the functional testing will increase the plant staff awareness of the systems ability to perform as described in the Safety Analysis Report. Because the pumps are used during normal plant operation, the knowledge of the loss of the remaining operable subsystem will be readily available.

In conclusion, the proposed operating change will not increase the possibility or the consequences of a previously evaluated event and will not create a new or different kind of accident from any previously evaluated. Also, the results of this request are within all acceptable criteria will respect to system components and design requirements. The ability to perform as described in the updated safety analysis report (USAR) is maintained and therefore, the proposed change does not involve a significant reduction in the margin of safety. Therefore, GSU proposes that no significant hazards are involved.

The staff has reviewed the licensee's no significant hazards consideration determination. Based on the review and the above discussions, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Attorney for licensee: Troy B. Conner, Jr., Esq., Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

NRC Project Director: Jose A. Calvo

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: August 19, 1988

Description of amendment request: The proposed amendment would revise the surveillance testing requirements for the feedwater and main steam line isolation valves and the main steam line isolation valve position switches. The proposed Technical Specification changes represent revisions to Section 4.2.7, Reactor Coolant System Isolation Valves, Table 4.6.2a, Instrumentation that Initiates Scram, and the Notes for Tables 3.6.2a and 4.6.2a.

Specifically, Surveillance Requirement 4.2.7.c is being proposed for revision to change the frequency of testing the feedwater and main steam line power-operated isolation valves from at least twice per week to at least once per quarter. The proposed once-per-quarter test frequency would reduce wear that is detrimental to seat tightness, and is in accordance with ASME Boiler and Pressure Vessel Code, Section XI, 1983 Edition with Summer 1983 Addendum, which is the edition of the ASME Code endorsed by 10 CFR 50.55a(g).

In addition, Surveillance Requirement 4.2.7.d would be added to incorporate the full closure test for the feedwater and main steam line isolation valves consistent with the requirements of ASME Boiler and Pressure Vessel Code Section XI, 1983 Edition with Summer 1983 Addendum. This test would be performed during each plant cold shutdown unless it has been performed in the previous three months (92 days).

The existing Surveillance Requirement 4.2.7.d would be renumbered to 4.2.7.e, a purely administrative revision.

The revision to Table 4.6.2a changes the frequency of the main steam line

isolation valve position instrument channel test from once per three months to once per cold shutdown. This change is in accordance with recommendations provided by the Office of Nuclear Reactor Regulation. In its safety evaluation that accompanied a May 8, 1984 Memorandum for R. Starostecki from D. Eisenhut, Subject: Nine Mile Point 1 - Evaluation of Technical Specification Requirements for Main Steam Isolation Valve Limit Switch Testing, the Office of Nuclear Reactor Regulation recommended that the instrument channel test for these valves be conducted "prior to startup following plant shutdowns by actual closure of the main steam isolation valve(s), unless the test has been performed within the previous 92 days." The revisions to Table 4.6.2a incorporate this recommendation.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards (10 CFR 50.92(c)) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The licensee has provided the following analysis:

1) The revision to the test frequency of the feedwater valves and the main steam line isolation valves meets appropriate industry standards. The test frequencies are in accordance with ASME Boiler and Pressure Vessel Code Section XI, 1983 Edition with Summer 1983 Addendum. This edition has been approved by the Nuclear Regulatory Commission as indicated in 10 CFR 50.55a. Furthermore, the change in test frequency is consistent with the licensee's proposed Inservice Testing Program. The change in test frequency continues to provide the necessary number of tests to provide an indication of reliability while preventing unnecessary wear to the affected equipment. Therefore, no significant increase in the probability or consequences of an accident previously evaluated will occur.

The change in frequency for performing the main steam isolation valve limit switch testing is consistent with the above-cited safety evaluation performed by the Office of Nuclear Reactor Regulation. That evaluation indicates that the probability of the protection system failing to initiate the actuation of the equipment is and can be maintained acceptably low without testing the equipment during reactor operation. This change is requested to require performing the instrument channel test in the cold shutdown condition only. This test should be performed during plant shutdown in order to prevent an inadvertent reactor scram. As indicated in the above-cited safety evaluation, the function of the main steam isolation valve limit switches is to initiate a scram to terminate a main steam isolation valve closure transient. However, if the limit switches should fail, two other independent and diverse scram functions (reactor high pressure and high neutron flux) are available to terminate the transient, as noted in the Nine Mile Point Unit 1 FSAR Section XV.3.5, Main Steam Isolation Valve Closure with Scram. Therefore, the proposed change to the main steam line isolation valve limit switch testing will not significantly increase the probability or consequences of a main steam line accident.

2) The proposed change regarding the exercising of the main steam and feedwater isolation valves maintains the same type of testing practiced in the past; only the frequency has changed. The change affecting the testing of the main steam isolation valve limit switches is to require testing to be performed only during cold shutdown. Since there is no change in plant configuration to perform the tests, the possibility of a new or different kind of accident from any accident previously evaluated will not be introduced.

3) The change in test frequency continues to provide an accurate indication of reliability while preventing unnecessary wear on equipment. Therefore, a significant reduction in a margin of safety will not occur.

Based on the above, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Robert A. Capra

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: October 19, 1988

Description of amendment request: Technical Specifications 3.2.6 and 4.2.6, regarding the Inservice Inspection Program, would be revised to incorporate the requirements of NRC Generic Letter 88-01, which presents the staff positions concerning intergranular stress corrosion cracking (IGSCC) in austenitic stainless steel piping in boiling water reactors (BWRs). The technical bases for these staff positions are detailed in NUREG-0313, Revision 2, "Technical Report on Material Selection and Process Guidelines for BWR Coolant Pressure Boundary Piping."

Basis for proposed no significant hazards consideration determination: The Commission has provided standards in 10 CFR 50.92(c) for determining whether a significant hazards consideration exists. A proposed amendment to an Operating License for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated, (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The licensee has provided the following analysis:

1. The proposed amendment incorporates the recommendations of NUREG-0313 Revision 2, "Technical Report on Material Selection and Process Guidelines for BWR Coolant Pressure Boundary Piping," as promulgated by Generic Letter 88-01. Niagara Mohawk has been complying with the requirements of NUREG-0313 Revision 1 since 1979. Since these inspection programs are not a factor in calculating accident probabilities or consequences, incorporating this later revision of NUREG-0313 has no affect on the probability or consequences of an accident previously evaluated.

2. The examinations required by the Inservice Inspection Program are normally performed during refueling and maintenance outages. These examinations are designed to detect service generated defects. Since these examinations do not affect the operation of plant equipment, no increase in the probability or consequences of an accident will result from the proposed changes.

3. The proposed changes incorporate the requirements of NUREG-0313 Revision 2 as promulgated by Generic Letter 88-01 for the inspection of austenitic BWR stainless steel piping. The new requirements imposed by Generic Letter 88-01 provide an increase in the level of safety by requiring augmented inspections of all austenitic materials. However, no credit is assumed in the calculation of the safety margin for inservice inspection. Therefore, there will be no reduction in the margin of safety.

Based upon the above, the staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Robert A. Capra

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of amendment request: April 25, 1989

Description of amendment request: The proposed amendment would revise Technical Specifications 3.1.7, 6.9.1 and the associated Bases for Sections 2.1.1 and 3.1.7 of Appendix A of the license to replace the values of cycle-specific parameter limits with a reference to the Unit 1 Core Operating Limits Report, which contains the values of those limits. In addition, the Core Operating Limits Report has been included in the Definitions Section of the Technical Specifications (TS) to note that it is the unit-specific document that provides these limits for the current operating reload cycle. Furthermore, the definition notes that the values of these cycle-specific parameter limits are to be determined in accordance with the Specification 6.9.1f. This Specification requires that the Core Operating Limits be determined for each reload cycle in accordance with the referenced NRC-approved methodology for these limits and consistent with the applicable limits of the safety analysis. Finally, this report and any mid-cycle revisions shall be provided to the NRC upon issuance. Generic Letter 88-16, dated October 4, 1988, from the NRC provided guidance to licensees on requests for removal of the values of cycle-specific parameter limits from TS. The licensee's proposed amendment is in response to this Generic Letter.

Basis for proposed no significant hazards consideration determination: The staff has evaluated this proposed amendment and determined that it involves no significant hazards considerations. According to 10 CFR 50.92(c), a proposed amendment to an operating license involves no significant hazards considerations if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed revision to the License Condition is in accordance with the guidance provided in Generic Letter 88-16 for licensees requesting removal of the values of cycle-specific parameter limits from TS. The establishment of these limits in accordance with an NRC-approved methodology and the incorporation of these limits into the Core Operating Limits Report will ensure that proper steps have been taken to establish the values of these limits. Furthermore, the submittal of the Core Operating Limits Report will allow the staff to continue to trend the values of these limits without the need for prior staff approval of these limits and without introduction of an unreviewed safety question. The revised specifications with the removal of the values of cycle-specific parameter limits and that addition of the referenced report for these limits does not create the possibility of a new or different kind of accident for those previously evaluated. They also do not involve a significant reduction in the margin of safety since the change does not alter the methods used to establish these limits. Consequently, the proposed change on the removal of the values of cycle-specific limits does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Because the values of cycle-specific parameter limits will continue to be determined in accordance with an NRC-approved methodology and consistent with the applicable limits of the safety analysis, these changes are administrative in nature and do not impact the operation of the facility in a manner that involves significant hazards consideration.

The proposed amendment does not alter the requirement that the plant be operated within the limits for cycle-specific parameters nor the required remedial actions that must be taken when these limits are not met. While it is recognized that such requirements are essential to plant safety, the values of limits can be determined in accordance with NRC-approved methods without affecting nuclear safety. With the removal of the values of these limits from the Technical Specifications, they have been incorporated into the Core Operating Limits Report that is submitted to the Commission. Hence, appropriate measures exist to control the values of these limits. These changes are administrative in nature and do not impact the operation of the facility in a manner that involves significant hazards considerations.

Based on the preceding assessment, the staff believes this proposed amendment involves no significant hazards considerations.

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner & Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006.

NRC Project Director: Robert A. Capra

Northeast Nuclear Energy Company, et al., Docket No. 50-423, Millstone Nuclear Power Station, Unit No. 3, New London County, Connecticut

Date of amendment request: May 9, 1989

Description of amendment request: The proposed amendment would modify the Technical Specification (TS) as follows: (1) TS Table 3.3-6, "Radiation Monitoring for Plant Operation," would be changed to allow containment purge and exhaust isolation area monitors (RE41 and RE42) to be inoperable during performance of the containment integrated leak rate test (ILRT), (2) TS Table 3.3-11, "Fire Detection Instruments" would be changed to require that the fire protection instruments in the electrical penetration area (Elevation 24'6") be operable during the ILRT and (3) TS 3.7.12.2, "Spray and/or Sprinkler Systems" and TS Table 3.7-4, "Fire Hose Stations" would be changed to allow the inoperability of the containment cable penetration area sprinkler system and containment fire hose stations during the ILRT.

Basis for proposed no significant hazards consideration determination: Millstone Unit 3 TS 4.6.1.2 and Appendix J to 10 CFR Part 50 requires that Northeast Nuclear Energy Company (the licensee) perform a Type A, ILRT, for the primary containment at the specified test interval. While preparing to perform the ILRT during the Cycle 2/Cycle 3 refueling outage, the licensee identified two areas where incompatibility exists between the requirements to perform the ILRT and other TS requirements to maintain certain components and systems operable during the ILRT. The following areas of inconsistency were identified by the licensee:

1. Radiation Monitoring - TS Table 3.3-6, Item 1a, requires that the containment area purge and exhaust isolation radiation detectors be maintained operable (in all modes). If the subject monitors become inoperable, the containment exhaust and purge valves must be maintained in the closed position per Action Statement 26.

The licensee has proposed that Action Statement 26 be revised to remove the requirements that the containment purge

and exhaust isolation area radiation monitors (RE41 and RE42) be operable during the Type A containment ILRT.

During a Type A containment ILRT, the Millstone Unit No. 3 containment is pressurized to the calculated design basis accident containment pressure of 54.1 psia to verify containment leak tightness. The pressurization path is through the purge air supply piping, Containment Penetration Z86. The containment purge and exhaust system is interlocked with radiation monitoring instrumentation located inside containment. Since the radiation monitoring instrumentation is not designed to withstand a pressure of 54.1 psia, they will be removed from containment for the duration of the ILRT. Per Technical Specification 3.3.3.1, which references TS Table 3.3-6, the purge and exhaust valves must be isolated with less than minimum radiation monitoring instrumentation channels available. However, opening the purge air supply valve is required to conduct the ILRT and satisfy 10 CFR Part 50, Appendix J. Therefore, a revision to Action Statement 26 has been proposed to removed the requirement that the RE41 and RE42 radiation monitors be operable during the containment ILRT.

2. Fire Protection - TS 3.7.12.2, Item K and TS Table 3.7-4 requires the containment cable penetration area sprinkler system and the containment fire hose stations, to be operable, respectively. The licensee has indicated that the containment fire protection water system that enters containment at Penetration Z56 must be drained and vented to meet the provisions of the Millstone Unit No. 3 Final Safety Analysis Report (FSAR) Section 6.2.6 and the requirements of 10 CFR Part 50, Appendix J for performance of the ILRT.

Accordingly, the licensee has proposed that a footnote be added to Technical Specification Section 3.7.12.2 and TS Table 3.7-4 which exempts the containment cable penetration area sprinkler system and containment fire hose stations from operability requirements during Type A containment ILRT. To partially mitigate the proposed inoperability of the containment fire suppression systems, the licensee has proposed a footnote to Table 3.3-11 to include a requirement that fire detection instruments in the electrical penetration area, Elevation 24'6", be operable during the performance of Type A containment ILRT. All other fire detection instruments located within the containment area would not be required to be operable during the performance of a Type A containment ILRT. At the present time, TS Table 3.3-11 does not require the operability of any fire protection instrumentation, inside containment, during the ILRT.

Title 10, CFR 50.92, "Issuance of Amendment," contains standards for addressing the existence of no significant hazards considerations with regard to issuance of license amendments. The licensee has addressed the standards of 10 CFR 50.92, with regard to the proposed changes to the TS associated with the May 9, 1989 application, as follows:

The proposed changes do not involve a significant hazards consideration because the changes would not:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

The Type A ILRT is performed in Mode 5 with no personnel in containment. There are no design basis accidents which occur in Mode 5 and rely on either containment purge and exhaust radiation monitoring or the inside containment fire detection/suppression equipment. The only accidents which can occur in Mode 5 and require these functions are a loss of shutdown cooling and an inside containment fire.

Sufficient time exists following a loss of shutdown cooling for the operator to manually isolate the valves and prevent any releases from containment. Operator action is based on indications of a loss of shutdown cooling event. Thus, the change does not impact the consequences of a loss of shutdown cooling event.

During depressurization of the containment, grab samples will be obtained to verify that a radioactivity release is not occurring. Thus, it will limit the potential radiological consequences of the ILRT to an acceptable level.

The fire detection and suppression equipment is credited only in fire scenarios. The changes will permit the containment fire water isolation valves to be closed in order to measure containment leakage, but will require the fire detection instrumentation in the electrical penetration area to be operable. The operating fire detection components ensure that the operators will be alerted to a fire inside containment. As stated above, the plant procedure governing the Type A containment ILRT will require the cancellation of the ILRT and the opening of containment water isolation valves if both a smoke detection alarm is received and if any energized component/system operating within the containment trips simultaneously for any unknown reason during the test. Action statements within the containment leakage rate test procedure will allow the plant to take appropriate actions (open fire isolation valves) before any major fire damage occurs. Thus, the change does not impact the consequences of a postulated inside containment fire.

The containment purge and exhaust radiation monitoring equipment and containment fire detection/suppression system do not have the potential to initiate any previously analyzed accident. Operator action to isolate the purge and exhaust system or unisolate the containment fire water system, based on available indication, will negate the impact on the consequences of having these systems inoperable. For these reasons, the changes to the operability requirements of these systems do not increase the probability or consequence of any previously analyzed accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed. The changes do not alter the way the plant is operated and only affects the containment ILRT. The change does not introduce new failure modes. For these reasons, the change does not have the potential to create a new type of accident from that previously analyzed.

3. Involve a significant reduction in a margin of safety. The changes do not impact any of the protective boundaries. The plant operators will be able to either isolate the containment purge and exhaust system or unisolate the containment fire water system (during the ILRT) based on available instrumentation. Thus, these safety functions will not be impacted by the change. The change does not increase the consequences of any design basis event. For these reasons, the change does not reduce the margin of safety.

The NRC staff has reviewed, and concurs in, the licensee's statement regarding "no significant hazards considerations" associated with the May 9, 1989 application for license amendment.

Accordingly, the staff has made a proposed determination that the application for amendment, dated May 9, 1989, involves no significant hazards consideration.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Dates of amendment request: March 22, 1989 and May 15, 1989 (Reference LAR 89-03)

Description of amendment request: The proposed amendment would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to

(1) Change TS 4.3.1.1, Table 4.3-1, Item 23, Seismic Trip, to increase the surveillance test interval (STI) for the seismic trip system actuating device operational test from 6 to 18 months to eliminate the need to perform seismic

trip system surveillance testing at power, and

(2) Change TS 3.3.1, Table 3.3-1, Item 23, Seismic Trip, to allow any one of the three seismic trip system channels to be bypassed for up to 72 hours for surveillance testing or maintenance while operating at power.

This request was previously noticed in the **Federal Register** on May 3, 1989 at 54 FR 18951. This replaces the previous notice.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee in its submittal of March 22, 1989, evaluated the proposed changes against the significant hazards criteria of 10 CFR 50.92 and against the Commission guidance concerning application of this standard. Based on the evaluation given below, the licensee has concluded that the proposed changes do not involve a significant hazards consideration. The licensee's evaluation, as modified by the staff, is as follows:

a. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Operation of the seismic trip system is not required or assumed to mitigate the consequences of any accident in the FSAR Update safety analyses. The seismic trip system component history demonstrates that component failures would not have prevented a reactor trip had a seismic event of the prescribed magnitude occurred. Because the system design does not permit reliable testing at power, two challenges to the reactor protection system have occurred during testing. Such challenges cause an increase in core damage frequency. Increasing the STI to allow testing to be performed during shutdown periods will eliminate the risk of inadvertent reactor trips and establishing an out of service time will allow for maintenance or component replacement at power.

Therefore, the proposed changes to increase the STI of the trip actuating device operational test to 18 months and...[allowing one of three channels to be bypassed for up to] 72 hours do not increase the probability or consequences of any accident previously evaluated.

b. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

There is no physical alteration to any plant system, nor is there a change in the method by which any safety related system performs its function. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

c. Does the change involve a significant reduction in the margin of safety?

The proposed changes would potentially reduce the number of inadvertent reactor trips due to on-line surveillance testing and, therefore, would result in an increase in plant safety. Since the seismic reactor trip is not assumed to function for any of the Chapter 15 FSAR Update accident analyses, there is no affect on the margin of safety as defined in those analyses. Therefore, the proposed amendment does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the proposed changes and the licensee's no significant hazards consideration determination and finds them acceptable. Therefore, the staff proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for licensee: Richard R. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., c/o Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Project Director: George W. Knighton

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Dates of amendment request: May 12, 1989 (Reference LAR 89-05)

Description of amendment request: The proposed amendment would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to change the diesel generator (DG) allowed outage time (AOT) to 7 days. Specific TS changes would include (1) revising the AOT requirement of TS 3.8.1.1 Action Statement b. to a 7-day AOT requirement for any one inoperable DG, and (2) revising the associated Bases to indicate the proposed AOT is an exception to the recommendations of Regulatory Guide 1.93.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee, in its submittal of May 12, 1989, evaluated the proposed changes against the significant hazards criteria of 10 CFR 50.92 and against the Commission guidance concerning application of this standard. Based on the evaluation given below, the licensee has concluded that the proposed changes do not involve a significant hazards consideration. The licensee's evaluation is as follows:

a. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The Diablo Canyon offsite and onsite power systems are highly reliable. The 230kV and 500kV systems have been demonstrated to provide reliable offsite power sources for both units. The DCPP DG reliability history indicates that average reliability is higher than the requirements in Regulatory Guide 1.155, Station Blackout, and is higher than the industry average.

The risk and reliability evaluation determined that the probability of an accident previously evaluated does not significantly change by increasing the DG AOT from 72 hours to 7 days. The relative risk evaluation demonstrated that the relative risk remained low with an increased AOT from 72 hours to 7 days because of the improved maintenance possible with the 7-day AOT and the avoidance of multiple 72-hour AOTs.

Increasing the DG AOT does not involve physical alteration of any plant equipment and does not affect analysis assumptions regarding functioning of required equipment designed to mitigate the consequences of accidents. Further, the severity of postulated accidents and resulting radiological effluent releases will not be affected by the increased AOT.

Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

Extending the DG AOT from 72 hours to 7 days does not necessitate physical alteration of the plant or changes in parameters governing normal plant operation.

Thus, this change does not create the possibility of a new or different kind of accident from any accident previously evaluated for Diablo Canyon.

c. Does the change involve a significant reduction in a margin of safety?

As discussed above, the risk and reliability evaluations determined that the change in core melt frequency for a 7-day AOT compared with a 72-hour AOT is insignificant.

Therefore, this change does not result in a significant reduction in a margin of safety.

The NRC Staff has reviewed the proposed changes and the licensee's no significant hazards consideration determination and finds them acceptable. Therefore, the Staff proposes to determine that these changes do not involve a significant hazards consideration.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for licensee: Richard R. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., c/o Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Project Director: George W. Knighton

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Power Plant, Unit Nos. 1 and 2, San Luis Obispo County, California

Dates of amendment request: May 15, 1989 (Reference LAR 89-06)

Description of amendment request: The proposed amendments would revise the combined Technical Specifications (TS) for the Diablo Canyon Power Plant (DCPP) Unit Nos. 1 and 2 to allow removal of the Boron Injection Tank from Units 1 and 2. The proposed BIT removal is consistent with the guidance provided in NRC Generic Letter 85-16, which concluded that there are inherent safety risks associated with the use of high concentrations of boron and that improved analysis methods are available to allow BIT removal. Specific TS changes would include: (1) Deletion of TS 3.5.4.1, "Boron Injection Tank", TS 3.4.4.2, "Heat Tracing", and the associated Bases, to allow for bypassing or removing the BIT and associated piping and components; (2) Revision of TS Table 3.3-5, "Engineered Safety Features Response Times", to make the safety injection response times consistent with BIT removal; and (3) Revision of TS Table 3.8-1 to change the function of the BIT inlet and outlet valves to charging injection valves.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment will not: (1) involved a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin or safety.

The licensee, in its submittal of May 15, 1989, evaluated the proposed change against the significant hazards criteria of 10 CFR 50.92 and against the Commission guidance concerning application of this standard. Based on the evaluation given below, the licensee has concluded that the proposed change does not involve a significant hazards consideration. The licensee's evaluation is as follows:

a. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

Analysis was performed for an "Accidental Depressurization of the Main Steam System" (FSAR Update Section 15.2.13) and "Major Secondary Steam System Pipe Rupture" (FSAR Update Section 15.4.2) with the BIT removed. For both cases after the reactor trip, the analysis determined that criticality is reattained due to plant cooldown, but the DNB design basis is met and no fuel failure will occur. Further analysis was performed to determine the impact of BIT removal on the containment mass and energy release and containment pressure and temperature response. It was shown that the containment pressure remained below its 47 psig design limit. The containment temperature response increased from the presently reported peak temperature value of 339 degrees F to 345 degrees F. PG&E has determined that the components inside containment critical to safety are not adversely affected by this small increase in temperature. Therefore, analysis results determined that the containment pressure transient response for the most limiting case assured pressure below design and the aggregate temperature response would not affect the current equipment qualification inside containment. Finally, analysis was performed assuming removal of the BIT to determine the mass and energy release due to steamline breaks outside containment assuming superheated steam release. Analysis results demonstrate that for the worst case main steamline break outside containment, all safety-related equipment required to mitigate the steamline break accident outside containment and structural components that would be both subject to the new superheat accident environment and necessary to mitigate the consequences of an accident would either function as designed or would be requalified or replaced.

The results of the safety injection response time evaluation demonstrated that delivery of borated water to the RCS meets all accident acceptance criteria.

The results of the above analyses demonstrate that consequences of previously evaluated events are not significantly increased. The results of the above analyses further demonstrate an increase in the probability of a return to criticality during a Condition II event (depressurization of the main steam system). However, there is no increase in the probability of fuel failure and releases remain within the guideline values of 10 CFR 20. Therefore, the equipment inside and outside containment necessary to mitigate the consequences of an accident would function as designed after modification and releases during depressurization of the main steam system remain within the guideline values of 10 CFR 20.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

b. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

As discussed above, environmentally qualified equipment to provide emergency system functions inside and outside containment during a steamline break has been evaluated for the new environment that could result during accidents with the BIT removed. The analysis results demonstrated that this equipment will either still respond during accidents or will be requalified or replaced.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

c. Does the change involve a significant reduction in a margin of safety?

For both the "Accident Depressurization of the Main Steam System" (FSAR Update Section 15.2.13) and "Major Secondary Steam System Pipe Rupture" (FSAR Update Section 15.4.2), the Westinghouse analysis shows that the DNB design basis is met and no core damage results. Therefore, for the depressurization of the main steam system, release associated with this accident will remain within the guideline values set forth in 10 CFR 20 and for the major steam line break the radiation releases are within the guideline values set by 10 CFR 100. The safety injection response times continue to mitigate the consequences of LOCA and non-LOCA accidents with sufficient safety margin.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the proposed changes and the licensee's no significant hazards consideration determination and finds them acceptable. Therefore, the staff proposes to determine that these amendments do not involve a significant hazards consideration.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Attorneys for licensee: Richard R. Locke, Esq., Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120 and Bruce Norton, Esq., c/o Pacific Gas and Electric Company, P.O. Box 7442, San Francisco, California 94120.

NRC Project Director: George W. Knighton

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: April 12, 1989

Description of amendment request: The licensee has provided the following description:

This application seeks to revise Appendix A of the Indian Point 3 Facility Operating License. Item 13 of Table 3.5-5 and Item 24 of Table 4.1-1 provide information regarding the temperature detection system in the Primary Auxiliary Building (PAB) of the Indian Point 3 Nuclear Power Plant. The proposed changes to the Technical Specifications revise these tables to reflect the sensor locations, and the operability and surveillance requirements of a new temperature detection system. Also included is the reorganization of the existing Auxiliary Boiler Feedwater Pump Building temperature sensors. The proposed change incorporates all temperature sensors into Item 13.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided the following evaluation:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response

The proposed license amendment reflects changes resulting from improvements to the temperature detection system in the PAB. Changes to the system were required as a result of the Steam Generator Blowdown System Upgrade and consequent high energy line break (HELB) analysis. The new temperature detection system serves the same function as the old system since it continues to provide for detection of line breaks in the piping penetration area. Improvements in the system include the provision of redundant detection instrumentation with a lower setpoint and shorter response time than that of the old system. These improvements do not involve an increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response

The proposed license amendment reflects a change to the temperature detection system in the PAB. The change is necessary as a result of a new SGBD HELB analysis. The results of this analysis indicate the need for earlier rupture detection and automatic isolation of the Steam Generator Blowdown lines to prevent harsh environments in the PAB. The new temperature detection system satisfies these requirements by providing temperature sensors which annunciate at a lower setpoint and assist in the prevention of harsh environments by actuating closure of the blowdown isolation valves. These sensors are environmentally qualified and monitor the areas of the PAB where high energy lines are located. The sensors are not accident initiators. Hence, the possibility of a new or different kind of accident from any accident previously evaluated is not created.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response

The proposed license amendment reflects changes resulting from improvements to the temperature detection system which increase detection reliability and decrease response time. Hence, the new system does not involve a reduction in a margin of safety.

Based on the above, the NRC plans to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Power Authority of The State of New York, Docket No. 50-286, Indian Point Nuclear Generating Unit No. 3, Westchester County, New York

Date of amendment request: April 12, 1989

Description of amendment request: The licensee has provided the following description:

This application for amendment to the Indian Point 3 (IP3) Technical Specifications seeks to revise Paragraph 3.1.A.1.d of Appendix A regarding residual heat removal (RHR) pump operability during the cold shutdown condition with T_{avg} above 140° F. The change clarifies limiting conditions for operation of the Reactor Coolant System (RCS), ensuring consistency with existing specifications, and meeting the intent of Westinghouse Standard Technical Specifications (W STS).

Paragraphs 3.1.A.1.b through d provide Reactor Coolant Pump (RCP) and RHR Pump operating requirements during the conditions of hot and cold shutdown. Additionally, Paragraphs b and c allow for pump inoperability under stipulated conditions. The proposed change to paragraph 3.1.A.1.d would grant a similar provision. The proposed change would allow the operating RHR pump to be out-of-service for up to one (1) hour provided no operations are permitted that would cause dilution of the RCS boron concentration, and core outlet temperature is maintained at least 10° F below saturation temperature. The one hour allowed for the no pump running condition is not of sufficient duration to allow significant localized boron dilution due to stratification.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists as stated in 10 CFR 50.92. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with a proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety.

The license made the following analysis of these changes:

1. Does the proposed license amendment involve a significant increase in the probability or consequences of an accident previously evaluated?

Response:

The proposed change provides flexibility consistent with existing Technical Specifications and W STS, without compromising decay heat removal capability. Should the one operating pump become inoperable, a second pump is available for decay heat removal and Specification 3.3.A.7.a or b is applicable. Additionally, the one hour allowed for the no pump running condition is not of sufficient duration to allow significant localized boron dilution due to stratification. Combined with the requirement for no operations that could cause dilution, the probability of exceeding shutdown margin in any region of the core is not significantly increased. The requirement to maintain core exit temperature 10° F below saturation provides sufficient margin to the onset of boiling, including time to restore cooling before boiling occurs in any part of the core. Thus, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed license amendment create the possibility of a new or different kind of accident from any accident previously evaluated?

Response:

The proposed change does not compromise the decay heat removal redundancy criteria set forth by the Commission's June 11, 1980 letter. In addition, changes to setpoints or hardware are not involved, and the operation of RCS/RHR temperature and flow instrumentation are not affected. Hence, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Does the proposed amendment involve a significant reduction in a margin of safety?

Response:

In accordance with Specification 3.3.A.7, two RHR pumps are required to be operable during the cold shutdown condition above 140° F. Should the one operating pump become inoperable, a second pump is available for decay heat removal and Specification 3.3.A.7.a or b is applicable. Thus, the proposed change does not adversely affect existing specifications. In addition, the proposed change does not affect the operation of RCS/RHR surveillance instrumentation. Moreover, as discussed in response to question 1, the proposed change does not involve a significant increase in the probability of exceeding the shutdown margin in any region of the core. Since decay heat removal capability, system flow and temperature indication, and shutdown margin are not adversely affected, the proposed change does not involve a reduction in a margin of safety.

Based on the above, the staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10601.

Attorney for licensee: Mr. Charles M. Pratt, 10 Columbus Circle, New York, New York 10019.

NRC Project Director: Robert A. Capra

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of amendment request: April 12, 1989

Description of amendment request: Take tritium sample directly from the spent fuel pool area rather than from the ventilation exhaust from that area.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. In accordance with 10 CFR 50.92 the licensee has reviewed the proposed changes and has concluded as follows that they do not involve a significant hazards consideration:

Significant Hazards Consideration Evaluation

The proposed change to the Hope Creek Generating Station (HCGS) Technical Specifications:

1. Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed amendment does not involve a change to any structure, component or system that affects the probability of any accident previously evaluated in the Updated Final Safety Analysis Report (UFSAR). The proposed change will provide more accurate sampling results, thereby enhancing plant safety.

2. Does not create the possibility of a new or different kind of accident from any previously evaluated.

The proposed change in the sampling point for the measurement of tritium does not create the possibility for any accident. The revision merely provides for the use of a tritium sampling point that is more conservative than the one presently specified.

3. Does not involve a significant reduction in a margin of safety. Since the proposed sample location provides more accurate information regarding spent fuel pool area tritium levels than the presently specified grab sample point, the resulting increase in confidence in parameter measurement, hence detection capability, would enhance margins of safety.

The staff reviewed the licensee's determination that the proposed license amendment involves no significant hazards consideration and agrees with the licensee's analysis. Accordingly, the staff proposes to determine that the proposed license amendment does not involve a significant hazards consideration.

Local Public Document Room location: Pennsville Public library, 190 S. Broadway, Pennsville, New Jersey 08070

Attorney for licensee: Troy B. Conner, Jr., Esquire, Conner and Wetterhahn, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

NRC Project Director: Walter R. Butler

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: July 15, 1988 and supplemented by letter dated April 25, 1989.

Description of amendment request: The proposed amendments make changes to the Administrative Controls, Section 6.0, of the Salem Generating Station Technical Specifications, Units 1 and 2. The first change involves the deletion of the offsite and onsite organization charts, Figures 6.2-1 and 6.2-2, and replaces them with more general requirements which capture the essential aspects of the organizational structure. Technical Specifications (TS) 6.1.1 and 6.1.2 have been supplemented with the necessary general requirements specified in Generic Letter 88-06, dated March 22, 1988.

The second change replaces the reference to the Vice President - Nuclear contained in TS 6.1.2 with the actual title, Vice President and Chief Nuclear Officer. For consistency, TS 6.2.1, 6.5.1.6, 6.5.1.8, 6.5.1.9, 6.5.2.4.2, 6.5.2.6, 6.5.2.7, 6.6.1, and 6.7.1, have also had the title, Vice President - Nuclear, replaced with the title, Vice President and Chief Nuclear Officer. This change is necessary because the title, Vice President - Nuclear Officer, and the Technical Specifications as currently structured should reflect this change. The Index is being revised to make it consistent with the aforementioned changes.

Basis for proposed no significant hazards consideration determination: The onsite and offsite organizations are currently defined by organization charts included in the Administrative Controls sections of the Salem Generating Station Technical Specifications (TS). As such, this requires that a License Amendment be processed for changes in organizational structure. The content requirements for the Administrative Controls section of the TS, which are specified in 10 CFR 50.36(c)(5) states that the TS contain the controls and provisions "...necessary to assure operation of the facility in a safe manner...," but does not specifically require the inclusion of detailed organization charts in the TS.

Since detailed organization charts are not specifically required by regulation, and since through experience the NRC staff has determined, "...that organization charts by themselves are of little help in ensuring that the administrative control requirements are met...," with appropriate changes to the administrative control requirements, the licensee proposes to remove the organization charts from the TS. The removal of organizational charts from the TS implements an improvement recommended by NRC in Generic Letter 88-06.

The Commission has provided standards for determining whether a significant hazards consideration exists

(10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has analyzed the proposed amendment to determine if a significant hazards consideration exists:

1. Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated. The changes being proposed are administrative in nature and do not affect assumptions contained in plant safety analyses, the physical design and/or operation of the plant, nor do they affect Technical Specifications that preserve safety analysis assumptions. For these reasons, the proposed changes do not affect the probability or consequences of accidents previously analyzed.

The NRC will continue to be informed of organizational changes through other required controls. The Code of Federal Regulations, Title 10, Part 50.34(b)(6)(i) requires that the applicants organizational structure be included in the Final Safety Analysis Report. Chapter 13 of the Salem Generating Station Updated Safety Analysis Report (UFSAR) contains a description of the organization with detailed organization charts, equivalent to or better than those which exist in the Technical Specifications. In accordance with 10 CFR 50.71(e), PSE&G submits annual updates to the UFSAR.

Changes to the organization described in the Quality Assurance (QA) Program are governed by 10 CFR 50, Appendix B, and 10 CFR 50.54(a)(3). Any changes to the organizational structure which have the potential to decrease the effectiveness of the QA Program require prior NRC approval. This amendment request proposes no changes to the current organizational structure, rather, it proposes to remove inaccurate information in favor of more general organizational requirements.

2. Operation of the facility in accordance with the proposed amendment would not create the possibility of a new or different kind of accident from any accident previously evaluated. The changes being proposed are purely administrative in nature and will not lead to material procedure changes or to physical plant modifications. In addition, there are no management changes being proposed as a result of this amendment request. For these reasons, the proposed changes do not create the possibility of a new or different kind of accident.

3. The operation of the facility in accordance with the modified specification would not involve a significant reduction in a margin of safety. The changes being proposed are administrative in nature and do not relate to or modify safety margins defined in and maintained by the Technical Specifications (TS).

The changes proposed herein do not reduce the TS safety margin since all organizational responsibilities are being adequately implemented, all personnel are properly qualified, and controlling the organizational details in the UFSAR will be commensurate with controlling them in the TS.

Through PSE&G's strong Quality Assurance Program and our commitment to maintain only qualified personnel in positions of responsibility, it is assured that safety functions performed by the onsite and offsite organizations will continue to be performed at a high level of competence.

The staff has reviewed the licensees submittal and significant hazards analysis and concurs with the licensee's determination that the proposed amendment does not involve a significant hazards consideration. Therefore, the staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

NRC Project Director: Walter R. Butler

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: March 23, 1989 and supplemented by letter dated April 14, 1989

Description of amendment request: The licensee proposes to modify the Salem Unit 2 Technical Specifications by deleting Technical Specification (TS) Table 3.8-1, "Containment Penetration Conductor Overcurrent Protective Devices," and to modify Bases 3/4.8.3 to require controls for maintaining the list of protective devices similar to those required for snubbers as described in Generic Letter 84-13, dated May 3, 1984. A specification for surveillances of fuses is being added to reflect the use of those fuses as overcurrent protective devices. Additionally, an identical specification would be added to the Unit 1 Technical Specifications, which currently has no specification for these devices, for consistency between units.

Basis for proposed no significant hazards consideration determination: Deleting Table 3.8-1 from the Technical Specifications and requiring administrative controls for the protective devices is similar to the requirements for snubbers as described in Generic Letter 84-13 and does not degrade compliance with TS 3.8.3.1. Technical Specification 3.8.3.1 will continue to require that the containment penetration conductor overcurrent protective devices be operable. The currently required surveillances will continue to be performed and the required corrective actions will be taken if the devices are found to be inoperable.

The list of containment penetration overcurrent protective devices and setpoints will be incorporated into a future revision to the updated final safety analysis report (UFSAR). Additionally, the setpoints for the subject devices will be incorporated into plant maintenance procedures and plant drawings which are controlled plant documents. Changes to the setpoints and devices are made through this controlled system in accordance with the licensee's quality assurance program and within the guidance of 10 CFR 50.59. Performing and documenting setpoint changes via the 50.59 process and including them in FSAR updates gives the staff adequate opportunity to review changes to the setpoint list.

Addition of an identical requirement to the Unit 1 Technical Specifications is being requested to achieve consistency between the Unit 1 and Unit 2 specifications.

The Commission has provided standards for determining whether a significant hazards consideration exists (10 CFR 50.92(c)). A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has analyzed the proposed amendment to determine if a significant hazards consideration exists:

1. Does the change involve a significant increase in the probability or consequences of an accident previously evaluated?

The proposed changes provide for the list of containment penetration conductor overcurrent protective devices to be maintained and controlled at the plant rather than in the Technical Specifications. The removal of the containment penetration conductor overcurrent protective device listing does not degrade the existing Technical Specification protective device operability and surveillance requirements nor

does it affect the accident analysis. Therefore, this license amendment request does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the change create the possibility of a new or different kind of accident from any accident previously evaluated?

The proposed changes do not make any physical changes to the plant or changes in parameters governing normal plant operation. Therefore, the changes do not create the possibility of a new or different kind of accident from any previously evaluated.

3. Does the change involve a significant reduction in a margin of safety?

As discussed above, the proposed changes do not degrade the existing protective devices' operability and surveillance requirements, nor do they effect the accident analysis. Therefore, changes do not involve a significant reduction in a margin of safety.

The staff has reviewed the licensee's submittal and significant hazards analysis and concurs with the licensee's determination that the proposed amendment does not involve a significant hazards consideration. Therefore, the staff proposes to determine that the proposed amendment involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Conner and Wetterhahn, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC 20006

NRC Project Director: Walter R. Butler

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of amendment request: March 20, 1989

Description of amendment request: Proposed Change No. 200 is a request to revise Sections 3.14, "Fire Protection Systems Operability," and 4.15, "Fire Protection Systems Surveillance," of Appendix A Technical Specifications for the San Onofre Nuclear Generating Station, Unit 1 (SONGS 1). This change incorporates and supercedes Proposed Change No. 136 submitted by Amendment Application No. 120 dated June 8, 1984, as revised by SCE to NRC letter dated December 17, 1985, and Proposed Changes No. 159 and No. 162 submitted by Amendment Application No. 136 dated May 19, 1986.

This proposed change has resulted from modifications installed to comply with the safe shutdown requirements of 10 CFR Part 50 Appendix R and BTP 9.5.1, Appendix A.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis about the issue of no significant hazards consideration which is quoted below:

1. Will operation of the facility in accordance with this proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

RESPONSE: NO

Proposed Change No. 200 adds operability and surveillance requirements for equipment which has been installed to improve the Fire Protection Program at San Onofre Unit 1, in accordance with NRC requirements. This equipment will reduce the probability and/or consequences of a fire. Additionally, spurious operation of this equipment has been evaluated and determined not to significantly affect plant operation. Therefore, operation of San Onofre Unit 1 in accordance with Proposed Change 200 will not involve a significant increase in the probability or consequences of a previously evaluated accident.

2. Will operation of the facility in accordance with this proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

RESPONSE: NO

Proposed Change No. 200 incorporates changes to the approved Fire Protection Program at San Onofre Unit 1 into the technical specifications. The proposed specifications assure that the required equipment is maintained operable or compensatory measures are implemented in compliance with the Fire Hazards Analysis for San Onofre Unit 1. Therefore, operation in accordance with Proposed Change No. 200 will not create the possibility of a new or different kind of accident from any previously evaluated.

3. Will operation of the facility in accordance with this proposed change involve a significant reduction in margin of safety?

RESPONSE: NO

Proposed Change No. 200 will assure that degradation of the required Fire Protection equipment will be detected and repaired or compensatory measures implemented. Therefore, operation of San Onofre Unit 1, in accordance with Proposed Change No. 200, will not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the analysis and, based on that review, it appears that the three criteria are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Attorney for licensee: Charles R. Kocher, Assistant General Counsel, and James Beoletto, Esquire, Southern California Edison Company, P.O. Box 800, Rosemead, California 91770.

NRC Project Director: George W. Knighton

System Energy Resources, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Dates of amendment request: December 19, 1988, as revised February 24, 1989.

Description of amendment request: The amendment would change the Technical Specifications (TS) by deleting TS 3/4.3.10, "Neutron Flux Monitoring Instrumentation," and modifying TS 3/4.4.1, "Recirculation System." Figure 3.4.1.1-1, "Power Flow Operating Map," would be changed to redefine flow stability regions. TS 3/4.4.1 would be changed to reflect the redefined regions of Figure 3.4.1.1-1. The Bases for TS 3/4.3.10 and TS 3/4.4.1 would be changed to reflect the changes in TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis of no significant hazards considerations in its request for a license amendment. The licensee's analysis of the proposed amendment against the three standards in 10 CFR 50.92 is reproduced below.

1. These changes redefine the power/flow region and required operator actions from core stability considerations. While the changes allow for unrestricted operation in a region of the power/flow map where previously some monitoring requirements were applied, this region has been determined to be stable. In the power/flow area where instabilities are more likely to occur an immediate reactor shutdown is imposed. Revised operator actions are further defined to reduce the possibility of encountering instabilities and to rapidly terminate any instabilities should they occur in a region where instabilities are less likely to occur. The proposed changes have no affect on the core thermal-hydraulic instability phenomena. Therefore, they have no affect on its consequences, should an event occur. Therefore, the proposed changes

do not involve a significant increase in the probability or consequences of an instability event.

As these changes have no affect on the precursors to any accident previously evaluated, they will not affect the probability of an accident previously evaluated. Since previously evaluated events were evaluated for the entire power/flow map and allowed for the proposed operator actions, these changes have no affect on the consequences of those events previously evaluated. Therefore, the proposed changes do not involve a significant increase in the probability or consequences of any accident previously evaluated.

2. These changes do not involve any new design modifications or any new precursors to an accident. They only redefine areas of the operating map for core stability considerations and add conservative operator actions. Therefore, the proposed changes do not create the possibility of a new or different accident from those previously evaluated.

3. The proposed changes redefine regions of the power/flow map which are restricted from operation, eliminate the surveillance region, and redefine operator actions in the proposed regions.

Three stability regions are defined. Region A comprises the area above 100% rod-line and below 40% core flow. Region B comprises the area between the 80% and the 100% rod-lines and below 40% core flow. Regions A and B are restricted from operations. Region C comprises the operating areas above the 80% rod-line and between 40% and 45% core flow. Operation in Region C is allowed only for control rod withdrawals during startup.

Operator actions are revised consistent with the redefinition of Regions A, B and C. Upon entry into Region A, a single action is required, namely, an immediate reactor shutdown. Upon entry into Regions B or C, (unless operation in Region C is for control rod withdrawal during startup) an immediate action is required to exit the regions. This action can be either a reduction in thermal power or an increase in core flow. While operating in Regions B or C, the APRM neutron flux noise level will be observed. If a sustained APRM neutron flux noise level exceeding 10% peak-to-peak of rated thermal power is observed, an immediate reactor shutdown is required. In addition, with no reactor coolant system recirculation loops in operation in Regions A or B a single action is required, namely, an immediate reactor shutdown.

Region A comprises part of the restricted region in the current Technical Specifications (TS). The operator action proposed in this region, calling for immmediate reactor shutdown, render [sic] the proposed TS more conservative than current TS. Proposed operator actions in region B include immediate initiation of action to exit the region and an immediate reactor shutdown upon detection of oscillations. Thus, the proposed TS are more conservative for Region B as well. The proposed Region C comprises most of the current Detect and Suppress region and a triangular area where operation is currently restricted.

Although no instabilities have been observed in Region C, this region is maintained as a buffer zone. The proposed change restricts operation from this region except for certain startup activities. With the proposed actions, including an immediate reactor shutdown upon detection of oscillations, Region C is now more conservative than the current TS. The Detect & Suppress requirements for the triangular portion above the 45% flow line are deleted since the onset of instabilities in this area is unlikely and no restrictions are needed.

Therefore, these changes do not involve a significant reduction in the margin of safety.

The licensee has concluded that the proposed amendment meets the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards consideration.

The NRC staff has made a preliminary review of the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036

NRC Project Director: Elinor G. Adensam

System Energy Resources, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: April 18, 1989

Description of amendment request: The amendment would change the Technical Specifications (TS) by increasing the suppression pool low water level trip setpoint and allowable value in TS Table 3.3.8-2, "Plant Systems Actuation Instrumentation Setpoints." In addition, the description of the trip function and the suppression pool bottom reference elevation are revised to reflect the as-built plant conditions.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards for determining whether a no significant hazards consideration exists as stated in 10 CFR 50.92(c). A proposed amendment to an operating license involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not: (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has provided an analysis of significant hazards considerations in its request for a license amendment. The licensee has concluded, with appropriate bases, that the proposed amendment meets the three standards in 10 CFR 50.92 and, therefore, involves no significant hazards considerations.

The Commission has also provided guidance concerning the application of these standards by providing examples of amendments considered likely, and not likely, to involve a significant hazards consideration. These were published in the **Federal Register** on December 3, 1986 (51 FR 7744). The NRC staff has made a preliminary review of the licensee's submittal. A discussion of these examples as they relate to the proposed amendment follows.

One of the examples of actions involving no significant hazards consideration (i) involves an administrative change to correct an error or achieve consistency throughout the Technical Specifications. The changes to the description of the trip function and correction of the pool bottom reference elevation are similar to example (i). Another example of an action involving no significant hazards consideration (ii) is a change that constitutes an additional limitation, restriction, or control not presently included in the TS, e.g. a more stringent surveillance requirement. The increase in the suppression pool low water level setpoint is similar to this example because it is a more conservative setpoint. The function of this trip is to actuate the suppression pool makeup system following a loss-of-coolant accident (LOCA) when the water level in the suppression pool reaches the trip setpoint. Makeup is needed to assure that the drywell vents will have sufficient submergence to quench the steam from the blowdown during the LOCA. Increasing the low level trip setpoint will increase the minimum submergence of the vents and is, therefore, more conservative.

Based on the similarity of the changes to examples (i) and (ii) in 51 FR 7744, the NRC staff concludes that the changes in the proposed amendment are not likely to involve a significant hazards consideration. Accordingly, the Commission proposes to determine that the requested amendment does not involve a significant hazards consideration.

Local Public Document Room location: Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

Attorney for licensee: Nicholas S. Reynolds, Esquire, Bishop, Liberman, Cook, Purcell and Reynolds, 1200 17th Street, NW., Washington, DC 20036

Tennessee Valley Authority, Docket No. 50-327, Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee

Date of amendment request: May 1, 1989 (TS 89-11)

Description of amendment requests: The Tennessee Valley Authority (TVA) proposes to revise the Sequoyah Unit 1 (SQN) Technical Specifications (TS). TVA is requesting a one-time extension of the 40 27 10-month, Type A, test interval in Surveillance Requirement (SR) 4.6.1.2.a. The proposed change would permit the third containment integrated leak rate test (ILRT) to be performed after February 1990, during the Unit 1 Cycle 4 refueling outage. TVA proposes to add a footnote to read as follows: "A one-time extension of the test interval is allowed for the third Type A test within the first 10-year service period provided unit shutdown occurs no later than May 1, 1990 and performace of the Type A testing occurs prior to unit restart following unit 1 cycle 4 refueling outage."

Basis for proposed no significant hazards consideration determination: TVA provided the following information in its application to support the proposed change to the SQN TS:

SQN's unit 1 entered its cycle 3 refueling outage on August 22, 1985. On December 15, 1985, unit 1 successfully completed its second periodic Type A test. Unit 1 returned to power operation on November 10, 1988, following an extended shutdown period. In accordance with the 40 2710-month test interval, SQN would be required to perform its third periodic unit 1 Type A test before February 15, 1990 (50 months). Application of the 40 2710-month test interval requires TVA to schedule a unit 1 shutdown sometime during [operating] cycle 4 for the sole purpose of performing a Type A test. TVA's current unit 1 cycle 4 schedule does not include a shutdown for the performance of a Type A test. The only outage currently scheduled during unit 1 cycle 4 is an 8-day outage for conducting an ice condenser flow passage inspection. This outage is scheduled to begin October 1, 1989. This inspection will be conducted while in mode 4 and will involve entering TS limiting condition for operation 3.6.5.1 for a 78-hour duration. The inclusion of a Type A test to this outage would require entry into mode 5. This would add an additional 2 to 3 days for temperature stabilization within containment; 14 days for setup, testing, and recovery; and 5 days for conducting mode 5 surveillance tests. The additional downtime described above would cost TVA approximately $2.5 million in replacement power costs. A forced outage for the sole purpose of performing a Type A test would similarly require a 22-day outage that would require 2-3 days of deadtime for temperature stabilization within containment. Based on the above cost options, TVA finds the extension of the Type A test to coincide with the unit 1 cycle 4 refueling outage to be economically prudent.

The proposed modification to the Type A test schedule is a temporary exemption to the required test interval. The proposed extension of the 40 2710-month test interval would enable unit 1 to complete its fourth fuel cycle without requiring a forced shutdown for [ILRT] test purposes. Considering that unit 1 has not experienced any unusual temperature or pressure excursions within the reactor containment building since the last Type A test and considering that no modifications have occurred that would have altered containment integrity, TVA finds no reason to suspect degradation in the unit 1 containment during the approximate 3-year shutdown period. It is important to note that the unit 1 containment structure was vented to the atmosphere during the extended outage. This configuration precluded any pressure oscillations that would be expected when the containment structure is in a closed condition (i.e., normal purging and/or venting). TVA investigated the option of performing a Type A test before the November 1988 unit 1 restart. This was discussed with NRC's Office of Special Projects. From these discussions, it was concluded that performance of two Type A tests within the 3-year extended outage would have imposed undue hardship with little or no compensating increase in the level of quality or safety. For these reasons, combined with the cost in man-hours for planning, scheduling, and conducting a Type A test, TVA requests a one-time exemption from the 40 2710-month test interval of unit 1 SR 4.6.1.2.a.

The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has performed and provided the following analysis:

TVA has evaluated the proposed TS change and determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of SQN in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed change is a one-time extension of the 40 2710-month, Type A, test interval as contained in SR 4.6.1.2.a. The purpose of the Type A test is to ensure that leakage through the primary containment and systems and components penetrating primary containment does not exceed allowable leakage rate values as specified in the TSs (SQN's limit is 0.75 La). Because the most likely leakage paths through containment are the penetrations, TVA completed a local leak rate test program on all penetrations and valves requiring Types B and C testing before unit 1 restart following the unit 1 cycle 3 refueling outage. This ensured that all Type B and C penetrations and valves were within the allowable containment leakage limit of 0.6 La. In addition, TVA performed [Surveillance Instruction] SI-254 to visually inspect the surfaces of the containment liner and the shield building for changes in appearance or other abnormal degradation before unit restart. Performance of these tests, coupled with the fact that unit 1 remained in cold shutdown condition during an extended 3-year period and did not experience any temperature excursions or pressure oscillations since the last Type A test, ensures that containment integrity was maintained during the 3-year shutdown period. On this basis, TVA has determined that the extension of the test interval would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Create the possibility of a new or different kind of accident from any previously analyzed. No new accident scenarios are created by the proposed change because the one-time extension affects only the test frequency and does not affect the physical containment structure, the penetrations, or the facility. Previous Type A test results have shown that the leak rates for unit 1 have remained well below the 0.75-La limit. In addition, the unit 1 containment structure has not undergone modifications or been subjected to thermal or pressure excursions since the last Type A test that would have altered containment integrity. Because the 0.75-La leakage limit has not been compromised, the requested extension of the test interval will in no way create the possibility of a new or different kind of accident from any previously analyzed.

(3) Involve a significant reduction in a margin of safety. SQN's unit 1 was shut down for refueling in August 1985 and has remained in cold shutdown since that time [until its restart in November 1988]. The second regularly scheduled Type A test for unit 1 was successfully completed in December 1985. The data from the December 1985 test indicates a significant margin exists between the measured overall leak rate (0.05388 percent per day) and the 0.75-La limit (0.1875 percent per day). Because unit 1 has remained in cold shutdown and considering that no modifications have been performed on the containment boundary, the observed margin provided by the December 1985 test would not be expected to degrade beyond the 0.75-La leak rate limit. To ensure this margin is maintained, TVA completed a local leak rate program on all penetrations and valves requiring Types B and C testing before the November 1988 restart. In addition, TVA performed SI-254 to visually inspect the surfaces of the containment liner and the shield building for changes in appearance or other abnormal degradation. Based on these actions and the previous test margin, the one-time extension of the 40 2710-month, Type A, test interval would not involve a significant reduction in the margin of safety.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Therefore, the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Suzanne Black

Tennessee Valley Authority, Docket No. 50-327, Sequoyah Nuclear Plant, Unit 1, Hamilton County, Tennessee

Date of amendment request: May 5, 1989 (TS 89-14)

Description of amendment request: The Tennessee Valley Authority (TVA) proposes to revise the Sequoyah Unit 1 (SQN) Technical Specifications (TS). The proposed revision is to Surveillance Requirement (SR) 4.6.1.2.a, and the associated Bases Section 3/4.6.1.2, for primary containment integrity. The change is to delete the requirement that the third containment Type A (overall integrated containment leakage rate) test, of Appendix J to 10 CFR Part 50, be conducted during the shutdown for the 10-year plant inservice inspection.

Basis for proposed no significant hazards consideration determination: The requirement to conduct the third Type A test during the shutdown for the 10-year plant inservice inspection is in Appendix J to 10 CFR Part 50 and is a requirement on TVA independent of the SQN TS. TVA provided the following information in its application to support the proposed change:

SR 4.6.1.2.a requires that three Type A tests (containment integrated leak rate test [ILRT]) be conducted at 40 2710-month intervals during each 10-year service-period with the third test to be conducted during shutdown for the 10-year plant inservice inspections (ISIs) (ISIs are required by 10 CFR 50.55.a). This [SR 4.6.1.2.a] TS implements the requirements of 10 CFR 50, Appendix J, Section III.D.1(a).

The third Type A test of the first 10-year service period for SQN unit 1 is presently scheduled to commence toward the end of the unit 1 cycle 4 refueling outage. This outage is scheduled to begin in April 1990. This ILRT schedule is contingent upon NRC approval of TVA's parallel ILRT extension request proposed under TS change 89-11 and its associated 10 CFR 50, Appendix J, exemption request [dated May 1, 1989]. TVA intends to conduct the SQN unit 1, 10-year ISI during the unit 1 cycle 6 refueling outage that is currently scheduled to commence in March of 1993. TVA extended the SQN unit 1, 10-year ISI interval in accordance with the provisions of the American Society of Mechanical Engineers (ASME) [Code,] Section XI, Article IWA-2400(c). The first SQN unit 1, 10-year ISI interval began July 1, 1981, and extends through September 15, 1994. Affirmation of this extension of the 10-year ISI is in preparation for submittal as part of TVA's commitment for providing NRC with SQN's revised ISI schedule.

SQN unit 1 entered its cycle 3 refueling outage on August 22, 1985. The second unit 1 ILRT was successfully completed on December 15, 1985. SQN unit 1 continued to remain in a cold shutdown condition (mode 5) over a 3-year period. Unit 1 returned to power operation on November 10, 1988. Because of this unusually long outage time, TVA submitted TS change 89-11 to request a one-time extension of the SQN unit 1 ILRT [test] frequency. NRC concurrence with the proposed TS change would allow the third unit 1 ILRT to be conducted during the unit 1 cycle 4 refueling outage. This one-time extension would require unit 1 shutdown for refueling no later than May 1, 1990. The 3-year, unit 1 shutdown period also resulted in adjustments to the unit 1, 10-year ISI interval in accordance with the provisions of ASME [Code] Section XI, Article IWA-2400(c). The proposed ILRT [test] extension and the adjustment in the 10-year ISI interval imposed separate timeframes for the required performance of the unit 1 ILRT and the scheduled 10-year ISI. To account for this separation, TVA is submitting the [above] request [application dated May 5, 1989] that would allow the third unit 1 ILRT and the 10-year ISI to be uncoupled and performed in separate refueling outages.

The Commission has provided Standards for determining whether a significant hazards determination exists as stated in 10 CFR 50.92(c). 10 CFR 50.91 requires that at the time a licensee requests an amendment, it must provide to the Commission its analyses, using the standards in Section 50.92, on the issue of no significant hazards consideration. Therefore, in accordance with 10 CFR 50.91 and 10 CFR 50.92, the licensee has provided the following analysis:

TVA has evaluated the proposed TS change and has determined that it does not represent a significant hazards consideration based on criteria established in 10 CFR 50.92(c). Operation of SQN in accordance with the proposed amendment will not:

(1) Involve a significant increase in the probability or consequences of an accident previously evaluated. The uncoupling of the third Type A test schedule from the 10-year ISI schedule does not involve a change in the test/inspection methodology or acceptance criteria from those previously (and currently) analyzed in the SQN Final Safety Analysis Report. The proposed change does not involve a change to the facility or modifications to equipment/ components or hardware; therefore, the probability or consequences of an accident previously evaluated have not increased.

(2) Create the possibility of a new or different kind of accident from any previously analyzed. The proposed change would allow separate timeframes for the required performance of the third Type A test and the scheduled 10-year ISI. This separation does not introduce any new type of accident or malfunction since the surveillance test frequency, acceptance criteria, and test/inspection methods remain unchanged. Conducting the third Type A test in a separate outage from the 10-year ISI will not result in any design or hardware changes and therefore does not create the possibility for a new or different kind of accident from any previously analyzed.

(3) Involve a significant reduction in a margin of safety. The proposed change will not reduce the margin of safety as defined in the basis of SQN TS. The Bases for TS 3/4 6.1.2, "Containment Leakage," states, "The surveillance testing for measuring leakage rates are consistent with the requirements of Appendix J of 10 CFR 50." Compliance with the 10 CFR 50, Appendix J, requirements would continue to be maintained with the single exception that allows the third Type A test and the 10-year ISI not to be performed during a common unit outage. This uncoupling causes no reduction in the margin of safety since no changes were made to the containment test frequency or the containment leakage limits assumed in the accident analysis.

The staff has reviewed the licensee's no significant hazards consideration determination and agrees with the licensee's analysis. Conducting the 10-year ISI at Unit 1 during an outage later than the Cycle 4 refueling outage is in accordance with the ASME Code. Therefore the staff proposes to determine that the application for amendments involves no significant hazards considerations.

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Attorney for licensee: General Counsel, Tennessee Valley Authority, 400 West Summit Hill Drive, E11 B33, Knoxville, Tennessee 37902.

NRC Assistant Director: Suzanne Black

Wisconsin Public Service Corporation, Docket No. 50-305, Kewaunee Nuclear Power Plant, Kewaunee County, Wisconsin

Date of amendment request: April 28, 1989.

Description of amendment request: The amendment would primarily reflect organizational changes, correct typographical errors, correct inconsistencies, and clarify the intent of certain technical specifications (TS). One proposed change would remove a reference in TS to ANSI N18.7-1976 and replace it with a reference to the Operational Quality Assurance Program (OQAP) Description, which makes the

same commitment as the existing TS. Another change would revise the basis for a TS to reflect a design modification conducted under 10 CFR 50.59. The proposed changes would not decrease the effectiveness of the TS.

Basis for proposed no significant hazards consideration determination: The Commission has provided standards in 10 CFR 50.92(c) for determining whether a significant hazards consideration exists. A proposed amendment to an operating license for a facility involves no significant hazards consideration if operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed organization changes against the standards provided above and has determined that the changes will not decrease the effectiveness of the WPSC nuclear organization and would involve no significant hazards consideration. The staff agrees with this evaluation. The licensee has also evaluated the proposed change that would reference the OQAP Description, rather that the individual sections of ANSI N18.7-1976, and has determined that there are no significant hazards associated with this change. The staff agrees with this evaluation. The staff also agrees with the licensee's determination that there are no significant hazards associated with a revision to the TS basis to reflect a design modification.

The Commission has provided examples (51 FR 7751) of amendments which are not likely to involve no significant hazards considerations. One of these examples, (i), states: "A purely administrative change to the technical specifications: for example, a change to achieve consistency throughout the technical specifications, correction of an error, or a change in nomenclature." The other proposed changes are similar to this example, and are, therefore, not likely to involve significant hazards considerations.

Based on the above, the staff proposes to determine that the proposed amendment would involve no significant hazards considerations.

Local Public Document Room location: University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Attorney for licensee: David Baker, Esq. Foley and Lardner, P. O. Box 2193 Orlando, Florida 31082.

NRC Project Director: John N. Hannon.

PREVIOUSLY PUBLISHED NOTICES OF CONSIDERATION OF ISSUANCE OF AMENDMENTS TO OPERATING LICENSES AND PROPOSED NO SIGNIFICANT HAZARDS CONSIDERATION DETERMINATION AND OPPORTUNITY FOR HEARING

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of application amendment: March 31, 1989

Brief Description of amendment request: The proposed amendment would revise the one-time relaxation of the containment integrity technical specifications issued as License Amendment No. 112, to allow the four containment air recirculation fan motor heat exchangers to be cleaned or replaced while at power.

Date of Individual Notice in **Federal Register:** May 12, 1989 (54 FR 20659).

Expiration date of individual notice: June 12, 1989

Local Public Document Room location: Russel Library, 123 Broad Street, Middletown, Connecticut 06457.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: March 30, 1989

Brief Description of amendment: The proposed license amendment would modify the Technical Specifications 3/4.6.5.1 Secondary Containment and Definition 1.36 to reflect design modifications to the reactor building's railroad bay air lock doors.

Date of publication of individual notice in **Federal Register:** April 28, 1989 (54 FR 18372).

Expiration date of individual notice: May 30, 1989

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Indiana Michigan Power Company, Docket No. 50-315, Donald C. Cook Nuclear Plant, Unit No. 1, Berrien County, Michigan

Date of application for amendments: October 14, 1988 as supplemented December 30, 1988

Brief description of amendment: This amendment revises the TSs to allow operation of future reload cycles of D. C. Cook, Unit 1 at reduced primary coolant system temperature and pressure conditions. The reduced temperature and pressure (RTP) conditions will decrease the steam generator U-tube stress corrosion cracking of the type observed at D. C. Cook, Unit 2.

Date of publication of individual notice in **Federal Register:** April 19, 1989 (54 FR 15851).

Expiration date of individual notice: May 5, 1989

Local Public Document Room location: Maude Preston Palenske Memorial Library, 500 Market Street, St. Joseph, Michigan 49085.

South Carolina Electric & Gas Company, South Carolina Public Service Authority, Docket No. 50-395, Virgil C. Summer Nuclear Station, Unit 1, Fairfield County, South Carolina

Date of amendment request: June 10, 1985, as supplemented December 6, 1985 and May 16, July 14, July 28, and November 18, 1988 and April 5, 1989.

Description of amendment request: The proposed amendment to Virgil C. Summer Nuclear Station Technical Specification (TS) would reduce the number and severity of starts of the emergency diesel generators, thereby decreasing engine wear and increasing reliability. This proposed change was originally noticed as a proposed no significant hazards consideration on July 17, 1985 at 50 FR 29016 and renoticed on June 4, 1986 at 50 FR 20373, and August 24, 1988 at 53 FR 32295.

Date of publication of individual notice in **Federal Register:** April 26, 1989 (54 FR 18055).

Expiration date of individual notice: May 26, 1989.

Local Public Document Room location: Fairfield County Library, Garden and Washington Streets, Winnsboro, South Carolina 29180

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

Arkansas Power & Light Company, Docket No. 50-313, Arkansas Nuclear One, Unit 1, Pope County, Arkansas

Date of amendment request: April 24, 1989 as supplemented on May 5, 1989

Brief description of amendment: The amendment changes ANO-1 license condition 2.c.(1) to increase the authorized steady state reactor core power level to a maximum of 2054 megawatts thermal, which is 80% of full power (2568 megawatts thermal).

Date of issuance: May 16, 1989

Effective date: May 16, 1989

Amendment No.: 120

Facility Operating License No. DPR-51. Amendment revised the license.

Date of initial notice in **Federal Register:** April 28, 1989 (54 FR 18366). The May 5, 1989 submittal provided additional clarifying information and did not change the proposed finding of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Arkansas Power & Light Company, Docket No. 50-368, Arkansas Nuclear One, Unit 2, Pope County, Arkansas

Date of applications for amendment: December 12, 1986 as supplemented on April 27, 1989.

Brief description of amendment: This amendment changes the Arkansas Nuclear One, Unit 2 Technical Specifications to make several editorial, clarifying, and administrative corrections. The changes removed typographical errors, revised wording to cite appropriate references, and provided consistent terminology.

Date of issuance: May 16, 1989

Effective date: May 16, 1989

Amendment No.: 94

Facility Operating License No. NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 20, 1987 (52 FR 18972). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Consolidated Edison Company of New York, Docket No. 50-247, Indian Point Nuclear Generating Unit No. 2, Westchester County, New York

Date of application for amendment: December 29, 1988

Brief description of amendment: Revises the operability requirements for the service water system to require three operable service water pumps on the essential header and two operable service water pumps on the non-essential header whenever the reactor is above 350° F. Also adds a requirement to maintain isolation between the two headers.

Date of issuance: May 8, 1989

Effective date: May 8, 1989

Amendment No.: 139

Facility Operating License No. DPR-26: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1989 (54 FR 11826). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: White Plains Public Library, 100 Martine Avenue, White Plains, New York 10610.

Consumers Power Company, Docket No. 50-155, Big Rock Point Plant, Charlevoix County, Michigan

Date of application for amendment: December 19, 1988

Brief description of amendment: This amendment revises the Big Rock Point Plant Facility Operating License to allow for an increase in the amount of by-product material the plant may possess and use as sealed sources from 10.5 curies of Cesium-137 to 45 curies of Cesium-137.

Date of issuance: May 2, 1989

Effective date: May 2, 1989

Amendment No.: 96

Facility Operating License No. DPR-6. The amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** February 22, 1989 (54 FR 7630). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 2, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: North Central Michigan College, 1515 Howard Street, Petoskey, Michigan 49770.

Consumers Power Company, Docket No. 50-255, Palisades Plant, Van Buren County, Michigan

Date of application for amendment: July 30, 1985, supplemented January 13, 1986

Brief description of amendment: This amendment revises the Technical Specifications by deleting the operability requirements for the high pressure safety injection (HPSI) flow instruments in Table 3.17.4.

Date of issuance: May 12, 1989

Effective date: May 12, 1989
Amendment No.: 121
Provisional Operating License No. DPR-20. The amendment revises the Technical Specifications.
Date of initial notice in **Federal Register:** August 28, 1985 (50 FR 34938). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 12, 1989.
No significant hazards consideration comments received: No.
Local Public Document Room location: Van Zoeren Library, Hope College, Holland, Michigan 49423.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of application for amendments: June 19, 1987, as supplemented March 10, 1989.
Brief description of amendments: The amendments modified the Technical Specifications to add changes required by NRC Generic Letter 85-09, "Technical Specifications for Generic Letter 83-28, Item 4.3," related to automatic actuation of the shunt trip attachment on reactor trip breakers.
Date of issuance: May 9, 1989
Effective date: May 9, 1989
Amendment Nos.: 63 and 57
Facility Operating License Nos. NPF-35 and NPF-52. Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** April 5, 1989 (54 FR 13763). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 9, 1989.
No significant hazards consideration comments received: No.
Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of application for amendments: June 19, 1987, as supplemented February 24 and November 23, 1988, and January 6, 1989.
Brief description of amendments: The amendments modified the Technical Specifications to authorize a one-time extension of the allowed outage times for the control area ventilation system to provide for system modification.
Date of issuance: May 12, 1989
Effective date: May 12, 1989
Amendment Nos.: 95 and 77
Facility Operating License Nos. NPF-9 and NPF-17: Amendments revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 22, 1989 (54 FR 7632). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 12, 1989.
No significant hazards consideration comments received: No.
Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Duquesne Light Company, Docket No. 50-334, Beaver Valley Power Station, Unit No. 1, Shippingport, Pennsylvania

Date of application for amendment: January 18, 1989
Brief description of amendment: The amendment revises Table 3.6-1, "Containment Penetrations," to identify penetrations 57-3 and 57-4 as spares. The licensee plans to cut the tubing associated with these penetrations and cap the tubing ends.
Date of issuance: May 15, 1989
Effective date: May 15, 1989
Amendment No.: 140
Facility Operating License No. DPR-66. Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 22, 1989 (54 FR 7633). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 15, 1989.
No significant hazards consideration comments received: No
Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: April 14, 1983, as modified December 13, 1983, July 25, 1984, January 24 and October 16, 1986 and August 18, 1987.
Brief description of amendment: This amendment clarifies certain administrative controls, and modifies the audit frequencies of the Security, Emergency, and Fire Protection plans to be consistent with 10 CFR 73.40(d). The requested change to Figures 6.2-1 and 6.2-2 was denied.
Date of issuance: May 5, 1989
Effective date: May 5, 1989
Amendment No.: 111
Facility Operating License No. DPR-72: Amendment revised the Technical Specifications.
Date of initial notice in **Federal Register:** February 24, 1984 (49 FR 7035). The letters dated July 25, 1984, January 24 and October 16, 1986 and August 18, 1987 provided supplemental information which did not alter the staff's initial determination of no significant hazards consideration. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 5, 1989.
No significant hazards consideration comments received: No.
Local Public Document Room Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: March 31, 1983, as supplemented June 22, 1983 and revised February 24, May 31, and December 31, 1984
Brief description of amendment: This amendment adds requirements to the Technical Specifications for the reactor coolant system high point vents.
Date of issuance: May 8, 1989
Effective date: May 8, 1989
Amendment No.: 112
Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.
Date of initial notices in **Federal Register:** December 21, 1983 (48 FR 54504), and April 5, 1989 (54 FR 13764). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 1989.
No significant hazards consideration comments received: No.
Local Public Document Room Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629

Florida Power Corporation, et al., Docket No. 50-302, Crystal River Unit No. 3 Nuclear Generating Plant, Citrus County, Florida

Date of application for amendment: June 22, 1983, as revised February 24, 1984.
Brief description of amendment: This amendment revises the TS by replacing the requirement that a hydrogen analyzer and a gas chromatograph be operable with a requirement that two hydrogen monitors be operable. It also establishes surveillance requirements and gives actions to be taken should one or both hydrogen monitors be found inoperable.
Date of issuance: May 8, 1989
Effective date: May 8, 1989
Amendment No.: 113
Facility Operating License No. DPR-72. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 5, 1989 (54 FR 13764). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 8, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Crystal River Public Library, 668 N.W. First Avenue, Crystal River, Florida 32629

Florida Power and Light Company, et al., Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of application for amendment: January 25, 1985

Brief description of amendment: This amendment deletes license conditions 2.C.10 and 2.C.11 from the St. Lucie Plant, Unit 2 Operating License No. NPF-16.

Date of Issuance: May 17, 1989

Effective Date: May 17, 1989

Amendment No.: 41

Facility Operating License No. NPF-16: Amendment revised the license.

Date of initial notice in **Federal Register:** May 21, 1985 (50 FR 20976). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 17, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Indian River Junior College Library, 3209 Virgina Avenue, Ft. Pierce, Florida.

GPU Nuclear Corporation, Docket No. 50-320, Three Mile Island Nuclear Station, Unit No. 2, Dauphin County, Pennsylvania

Date of application for amendment: December 4, 1987

Brief description of amendment: The amendment modifies Appendix A Technical Specifications by revising the Specifications related to Fire Protection systems at TMI-2.

Date of Issuance: May 15, 1989

Effective date: May 15, 1989

Amendment No.: 34

Facility Operating License No. DPR-73. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 8, 1989 (54 FR 6194). The Commission's related evaluation of this amendment is contained in a Safety Evaluation dated May 15, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room Location: Government Publications Section, State Library of Pennsylvania, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Nebraska Public Power District, Docket No. 50-298, Cooper Nuclear Station, Nemaha County, Nebraska

Date of amendment request: April 19, 1988 as supplemented April 19, 1989

Brief description of amendment: This amendment changes the Technical Specifications to add Limiting Conditions for Operation and Surveillance Requirements for Containment Vent and Purge Valves and the Standby Gas Treatment System.

Date of issuance: May 15, 1989

Effective date: May 15, 1989

Amendment No.: 129

Facility Operating License No. DPR-46. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** May 18, 1988 (53 FR 17790). The April 19, 1989 submittal provided additional specifications that clarified the initial submittal and did not change the proposed finding of the initial notice. The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 15, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of application for amendment: January 26, 1989

Brief description of amendment: The Technical Specification change deletes the requirement to verify uniformity of air flow distribution across the charcoal absorber banks and HEPA filters of the Standby Gas Treatment System once per operating cycle.

Date of issuance: May 12, 1989

Effective date: May 12, 1989

Amendment No.: 32

Facility Operating License No. DPR-21. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 5, 1989 (54 FR 13767). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 12, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Waterford Public Library, 49 Rope Ferry Road, Waterford, Connecticut 06385.

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of application for amendment: May 1, 1985 as supplemented November 22, 1985 and November 3, 1986.

Brief description of amendment: This amendment revises the Technical Specification to: (1) restrict purge and vent valve operations above cold shutdown to the 2-inch by pass flow path except for inerting and deinerting containment; (2) require containment purge and vent valve seal seat maintenance at five year intervals; (3) specify the maximum operating time for containment purge and vent valve operation to 15 seconds; (4) reduce the number of outboard valves for "drywell purge inlet" to one and add a new table entry "suppression chamber purge inlet" with one outboard valve; (5) change the normal position specified for all drywell and suppression chamber vent and purge to "closed;" and (6) make other editorial changes related to these changes.

Date of issuance: May 10, 1989

Effective date: May 10, 1989

Amendment No.: 64

Facility Operating License No. DPR-22. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** October 23, 1985 (50 FR 43031). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 10, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Pacific Gas and Electric Company, Docket Nos. 50-275 and 50-323, Diablo Canyon Nuclear Power Plant, Units 1 and 2, San Luis Obispo County, California

Date of application for amendments: November 29, 1988, as supplemented by letters dated December 9, 1988 and February 17, 1989 (Reference LAR 88-08)

Brief description of amendments: The amendments revised the Technical Specifications to allow the use of Westinghouse VANTAGE 5 fuel assemblies in the reactors.

Date of issuance: May 10, 1989.

Effective date: Upon completion of Cycle 3 for Unit 1.

Amendment Nos.: 37 and 36

Facility Operating License Nos. DPR-80 and DPR-82: Amendments changed the Technical Specifications.

Date of initial notice in **Federal Register:** February 22, 1989 (54 FR 7639). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 10, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: California Polytechnic State University Library, Government Documents and Maps Department, San Luis Obispo, California 93407.

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: November 9, 1988

Brief description of amendments: Removal of drywell floor drain sump flowrate monitors from the Technical Specifications.

Date of issuance: May 4, 1989

Effective date: May 4, 1989

Amendment Nos.: 87 and 53

Facility Operating License Nos. NPF-14 and NPF-22. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 14, 1988 (53 FR 50334). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 4, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: October 14, 1988

Brief description of amendments: Deleted erroneous Control Room Emergency Outside Air Supply System (CREOASS) surveillance requirements for Radiation and Reactor Building Isolation signals for Technical Specification 4.7.2.d.2.

Date of issuance: May 5, 1989

Effective date: May 5, 1989

Amendment Nos.: 88 and 54

Facility Operating License Nos. NPF-14 and NPF-22. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** December 14, 1988 (53 FR 50333). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 5, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket Nos. 50-387 and 50-388 Susquehanna Steam Electric Station, Units 1 and 2, Luzerne County, Pennsylvania

Date of application for amendments: December 12, 1988

Brief description of amendments: The amendments changed the Technical Specifications by revising the load profiles for 125 v dc battery banks.

Date of issuance: May 10, 1989

Effective date: May 10, 1989

Amendment Nos.: 89 and 55

Facility Operating License Nos. NPF-14 and NPF-22. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 5, 1989 (54 FR 13768). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 10, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Pennsylvania Power and Light Company, Docket No. 50-387 Susquehanna Steam Electric Station, Unit 1, Luzerne County, Pennsylvania

Date of application for amendment: February 2, 1989

Brief description of amendment: Technical Specification changes to support Susquehanna Steam Electric Station Unit 1 Cycle 5 operations with Advanced Nuclear Fuels Corporation 9X9 reload fuel.

Date of issuance: May 15, 1989

Effective date: As of the date of issuance to be implemented upon startup for Cycle 5 operations currently scheduled for June 2, 1989.

Amendment No.: 90

Facility Operating License No. NPF-14: This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 5, 1989 (54 FR 13767). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 15, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Philadelphia Electric Company, Public Service Electric and Gas Company Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: July 31, 1979 as amended on June 4, 1984 and September 15, 1986.

Brief description of amendments: These amendments revised the Technical Specifications to incorporate a 90-hour purging restriction, definitions of conditions requiring no justification for purging, limitations on the use of the Standby Gas Treatment System (SGTS), operability requirements for the SGTS, additional TS for the containment purge and vent isolation valves and to correct certain valve and penetration numbers.

Date of issuance: May 8, 1989

Effective date: Units 2 and 3; effective within 60 days of the date of issuance except that the inflatable seal program specified in Technical Specification 4.7.E.1 shall become effective during the first refueling outage commencing six months following issuance of these amendments.

Amendments Nos.: 144 and 146

Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 19, 1986 (51 FR 41864). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 8, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Philadelphia Electric Company, Public Service Electric and Gas Company Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of application for amendments: March 10, 1989 as supplemented May 5, 1989.

Brief description of amendments: These amendments revised the frequency for calibration of the Source Range Monitor and Intermediate Range Monitor detector not in startup position instrumentation.

Date of issuance: May 12, 1989

Effective date: May 12, 1989

Amendments Nos.: 145 and 147

Facility Operating License Nos. DPR-44 and DPR-56: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 21, 1989 (54 FR 11599). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 12, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126.

Power Authority of the State of New York, Docket No. 50-33, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: June 10, 1988

Brief description of amendment: The amendment clarifies the sections dealing with the Crescent Area Ventilation and associated Limiting Condition for Operation and Surveillance Testing inconsistencies.

Date of issuance: May 4, 1989

Effective date: May 4, 1989

Amendment No.: 126

Facility Operating License No. DPR-59: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** March 8, 1989 (54 FR 9926). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 4, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: May 19, 1988

Brief description of amendment: The amendment clarifies and corrects minor problems and errors occurring in the Radiological Environmental Technical Specifications and clarifies the reporting requirements for major modifications to the radioactive waste systems.

Date of issuance: May 9, 1989

Effective date: May 9, 1989

Amendment No.: 127

Facility Operating License No. DPR-59: Amendment revised the Technical Specification.

Date of initial notice in **Federal Register:** March 8, 1989 (54 FR 9925). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 9, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego County, New York

Date of application for amendment: December 7, 1987, supplemented April 11, 1989

Brief description of amendment: The amendment clarifies the license conditions governing receipt, possession and use of radioactive materials such as apparatus, components and tools.

Date of issuance: May 9, 1989

Effective date: May 9, 1989

Amendment No.: 128

Facility Operating License No. DPR-59: Amendment revised the Operating License

Date of initial notice in **Federal Register:** June 1, 1988 (53 FR 20045). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 9, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Penfield Library, State University College of Oswego, Oswego, New York.

Public Service Electric & Gas Company, Docket No. 50-354, Hope Creek Generating Station, Salem County, New Jersey

Date of application for amendment: February 2, 1989

Brief description of amendment: This amendment increased, on a one time basis, the 18 month surveillance interval by approximately 2 months for the A and D emergency diesel generators.

Date of issuance: May 15, 1989

Effective date: May 15, 1989

Amendment No.: 25

Facility Operating License No. NPF-57. This amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1989 (54 FR 11841). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 15, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Pennsville Public Library, 190 S. Broadway, Pennsville, New Jersey 08070

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: December 20, 1988 and supplemented on March 3, 1989, to provide clarifications.

Brief description of amendments: Deleted the Residual Heat Removal System autoclosure interlock.

Date of issuance: May 2, 1989

Effective date: Unit 1 effective as of startup from the eighth refueling outage scheduled to end in May 1989; Unit 2 effective as of startup from the fifth refueling outage currently scheduled for March 1990.

Amendment Nos.: 95 and 71

Facility Operating License Nos. DPR-70 and DPR-75. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 8, 1989 (54 FR 6206). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 2, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

Public Service Electric & Gas Company, Docket Nos. 50-272 and 50-311, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of application for amendments: December 30, 1988 and supplemented on April 19 and May 4, 1989. The supplemental letters provided corrected technical specification pages which did not change the technical requirements and a commitment to revise the FSAR.

Brief description of amendments: The amendments changed the technical specifications to permit the use of VANTAGE 5 Hybrid fuel, reduce flow measurement uncertainty allowances and eliminate the rod bow penalty factor.

Date of issuance: For Unit 1, the amendment is effective as of the date of issuance. For Unit 2, the amendment is effective as of fuel load during the fifth refueling outage currently scheduled to begin March 1990.

Effective date: May 9, 1989

Amendment Nos.: 96 and 72

Facility Operating License Nos. DPR-70 and DPR-75. These amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 8, 1989 (54 FR 6207). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 9, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079

Southern California Edison Company, et al., Docket Nos. 50-206, 50-361 and 50-362, San Onofre Nuclear Generating Station, Units 1, 2 and 3, San Diego County, California

Date of application for amendments: February 14, 1989

Brief description of amendments: The amendments revise Technical Specification 6.2.2.g, "Unit Staff," to explicitly require the Assistant Plant Superintendent to maintain a senior reactor operator license.

Date of issuance: May 9, 1989

Effective date: May 9, 1989

Amendment Nos.: 126, 71 and 59

Facility Operating License Nos. DPR-13, NPF-10 and NPF-15: Amendments changed the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1989 (54 FR 11842). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 9, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: General Library, University of California, P.O. Box 19557, Irvine, California 92713.

Southern California Edison Company, et al., Docket No. 50-206, San Onofre Nuclear Generating Station, Unit No. 1, San Diego County, California

Date of application for amendment: April 11, 1989

Brief description of amendment: The amendment revised Technical Specification 3.5.1, "Reactor Trip Instrumentation," by including a footnote relating to Mode 2 of the Applicable Modes column for Function Unit 4, the Intermediate Range, Neutron Flux, in Table 3.5.1-1. The footnote indicates that the startup rate circuit for the intermediate range neutron flux channels will be enabled at 10^{-4} percent of full reactor power instead of at 10^{-6} percent of full reactor power as implied but not previously specified in the technical specifications.

Date of issuance: May 16, 1989

Effective date: This license amendment is effective the date of issuance.

Amendment No.: 128

Provisional Operating License No. DPR-13. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 28, 1989 (54 FR 18369). The notice stated that by May 30, 1989, the licensees may file a request for a hearing with respect to issuance of the amendment and any person whose interest may be affected by the proceeding, and who wishes to participate as a party must file a written request for a hearing and a petition for leave to intervene. The notice further stated that the amendment would not normally be issued until the expiration of the date above, but if circumstances should change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The Commission's related evaluation of the amendment and its final determination of no significant hazards consideration are contained in a Safety Evaluation dated: May 16, 1989

No significant hazards consideration comments received: No comments.

Local Public Document Room location: General Library, University of California, Post Office Box 19557, Irvine, California 92713.

Tennessee Valley Authority, Docket No. 50-260, Browns Ferry Nuclear Plant, Unit 2, Limestone County, Alabama

Date of application for amendment: December 22, 1988 (TS 264)

Brief description of amendment: The amendment adds surveillance requirements and time delays to the Reactor Protection System power monitoring system.

Date of issuance: May 16, 1989

Effective date: May 16, 1989, and shall be implemented within 60 days

Amendment No.: 164

Facility Operating License No. DPR-52: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** February 1, 1989 (54 FR 5176). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: June 24, 1987 (TS 87-17)

Brief description of amendments: The amendments revise the Sequoyah Nuclear Plant, Units 1 and 2, Technical Specifications (TS). The changes are throughout the TS to correct thirty inconsistencies, minor discrepancies, factual errors and typographical errors within the TS. One change is to remove an error from a previous TS amendment. Twelve changes correct typographical errors. Four changes correct references to figures or the figure itself. Eight changes correct inconsistancies between the Unit 1 TS and the Unit 2 TS. Five changes correct factual errors. Correction of these errors will eliminate confusion over applicable requirements and the potential for error in reading the TS.

The proposed change to correct the alphabetical listing of the definitions in the index was approved in Amendment 71 for Unit 1 and Amendment 63 for Unit 2. These amendments were issued by letter dated May 18, 1988.

Date of issuance: May 5, 1989

Effective date: May 5, 1989

Amendment Nos.: 114, 104

Facility Operating Licenses Nos. DPR-77 and DPR-79. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 20, 1988 (53 FR 13021). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 5, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Tennessee Valley Authority, Docket Nos. 50-327 and 50-328, Sequoyah Nuclear Plant, Units 1 and 2, Hamilton County, Tennessee

Date of application for amendments: February 23, 1989 (TS 88-24/88-02)

Brief description of amendments: The amendments modify the Sequoyah Nuclear Plant, Units 1 and 2, Technical Sepcifications (TS). The changes revise the surveillance requirement 4.7.1.2.a to add specific, differential pressure test values for each auxiliary feedwater (AFW) pump. The associated bases section is revised to clarify the AFW technical specification requirements.

The changes for the Unit 2 TS superseded the values submitted in the

licensee's application dated May 26, 1988 for TS change number 88-02. The new higher proposed differential pressure values for Unit 2 are to provide additional margin to offset uncertainties in the flow and pressure test data for the three AFW pumps. A revised bases for Unit 2 was also submitted.

Date of issuance: May 11, 1989

Effective date: May 11, 1989

Amendment Nos.: 115, 105

Facility Operating Licenses Nos. DPR-77 and DPR-79. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** March 22, 1989 (54 FR 11844). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 11, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Union Electric Company, Docket No. 50-483, Callaway Plant, Unit 1, Callaway County, Missouri

Date of application for amendment: January 14, 1986 as supplemented by letter dated April 14, 1989.

Brief description of amendment: The amendment incorporated Technical Specification limiting conditions for operation and surveillance requirements for the steam generator Atmospheric Steam Dumps (ASD's) into the Callaway Operating License in order to assure the availability of mitigating equipment assumed in the steam generator tube rupture analysis. The Technical Specification requirements constitute additional limitations on facility operations and satisfy, in part, the specific requirements of License Condition 2.C.(11) of the operating license.

Date of issuance: May 16, 1989

Effective date: May 16, 1989

Amendment No.: 45

Facility Operating License No. NPF-30. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 13, 1986 (51 FR 29014). The April 14 and May 5, 1989 submittals provided additional clarifying information and did not change the proposed finding of the initial notice.

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 16, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251 and the John M. Olin Library, Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri 63130.

Virginia Electric and Power Company, et al., Docket Nos. 50-338 and 50-339, North Anna Power Station, Units No. 1 and No. 2, Louisa County, Virginia

Date of application for amendments: October 19, 1984

Brief description of amendments: The amendments add surveillance requirements for the butterfly-type containment isolation valves in the containment purge lines and the containment vacuum ejector lines.

Date of issuance: May 8, 1989

Effective date: May 8, 1989

Amendment Nos.: 116 and 99

Facility Operating License Nos. NPF-4 and NPF-7. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 5, 1989 (54 FR 13770). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 8, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: The Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901.

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia.

Date of application for amendments: April 26, 1988, as supplemented July 18, 1988

Brief description of amendments: These amendments revise the Technical Specifications to allow entry into the containment personnel airlock during power operations to make repairs on the inner door of the personnel airlock. In addition, the definition of containment integrity has been revised to clarify the actions to be taken for inoperable automatic containment isolation valve(s).

Date of issuance: May 18, 1989

Effective date: May 18, 1989

Amendment Nos.: 126 and 126

Facility Operating License Nos. DPR-32 and DPR-37: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 24, 1988 (53 FR 32300). The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated May 18, 1989.

No significant hazards consideration comments received: No

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185

Wisconsin Electric Power Company, Docket Nos. 50-266 and 50-301, Point Beach Nuclear Plant, Unit Nos. 1 and 2, Town of Two Creeks, Manitowoc County, Wisconsin

Date of application for amendments: January 6, 1987 as clarified April 14 and May 15, 1987.

Brief description of amendments: The amendments incorporated a change to Technical Specification Table 15.4.1-1, "Minimum Frequencies for Checks, Calibrations and Tests of Instrument Channels," clarifying the requirements for reactor coolant flow logic testing.

Date of issuance: May 18, 1989

Effective date: May 18, 1989

Amendment Nos.: 121 & 124

Facility Operating License Nos. DPR-24 and DPR-27. Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** April 22, 1987 (52 FR 13353) and November 16, 1988 (53 FR 46165). The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated May 18, 1989.

No significant hazards consideration comments received: No.

Local Public Document Room location: Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin.

NOTICE OF ISSUANCE OF AMENDMENT TO FACILITY OPERATING LICENSE AND FINAL DETERMINATION OF NO SIGNIFICANT HAZARDS CONSIDERATION AND OPPORTUNITY FOR HEARING (EXIGENT OR EMERGENCY CIRCUMSTANCES)

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Because of exigent or emergency circumstances associated with the date the amendment was needed, there was not time for the Commission to publish, for public comment before issuance, its usual 30-day Notice of Consideration of Issuance of Amendment and Proposed No Significant Hazards Consideration Determination and Opportunity for a

Hearing. For exigent circumstances, the Commission has either issued a **Federal Register** notice providing opportunity for public comment or has used local media to provide notice to the public in the area surrounding a licensee's facility of the licensee's application and of the Commission's proposed determination of no significant hazards consideration. The Commission has provided a reasonable opportunity for the public to comment, using its best efforts to make available to the public means of communication for the public to respond quickly, and in the case of telephone comments, the comments have been recorded or transcribed as appropriate and the licensee has been informed of the public comments.

In circumstances where failure to act in a timely way would have resulted, for example, in derating or shutdown of a nuclear power plant or in prevention of either resumption of operation or of increase in power output up to the plant's licensed power level, the Commission may not have had an opportunity to provide for public comment on its no significant hazards determination. In such case, the license amendment has been issued without opportunity for comment. If there has been some time for public comment but less than 30 days, the Commission may provide an opportunity for public comment. If comments have been requested, it is so stated. In either event, the State has been consulted by telephone whenever possible.

Under its regulations, the Commission may issue and make an amendment immediately effective, notwithstanding the pendency before it of a request for a hearing from any person, in advance of the holding and completion of any required hearing, where it has determined that no significant hazards consideration is involved.

The Commission has applied the standards of 10 CFR 50.92 and has made a final determination that the amendment involves no significant hazards consideration. The basis for this determination is contained in the documents related to this action. Accordingly, the amendments have been issued and made effective as indicated.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

For further details with respect to the action see (1) the application for amendment, (2) the amendment to Facility Operating License, and (3) the Commission's related letter, Safety Evaluation and/or Environmental Assessment, as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room for the particular facility involved.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects.

The Commission is also offering an opportunity for a hearing with respect to the issuance of the amendments. By June 30, 1989, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. 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.

Since the Commission has made a final determination that the amendment involves no significant hazards consideration, if a hearing is requested, it will not stay the effectiveness of the amendment. Any hearing held would take place while the amendment is in effect.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to (*Project Director*): petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington,

DC 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the 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).

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of application for amendment: April 28, 1989

Brief description of amendment: This amendment revises the Technical Specifications Section 3/4.6.4.1 to change the required Action statement when one of two redundant vacuum breaker position indicators is inoperable.

Date of Issuance: May 10, 1989

Effective date: May 10, 1989

Amendment No.: 32

Facility Operating License No. NPF-43: Amendment revises the Technical Specifications.

Press release issued requesting comments as to proposed no significant hazards consideration: Yes, May 4, 1989 Monroe Evening News

Comments received: No.

The Commission's related evaluation of the amendment, finding of exigent circumstances, and final determination of no significant hazards consideration are contained in a Safety Evaluation dated May 10, 1989.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

NRC Project Director: Theodore R. Quay, Acting.

Public Service Electric & Gas Company, Docket No. 50-311, Salem Generating Station, Unit No. 2, Salem County, New Jersey

Date of Application for amendment: April 21, 1989

Brief description of amendment: The amendment changed Technical Specification Table 4.3-1 of the NRC record copy to agree with Table 4.3-1 of the distribution copy.

Date of Issuance: May 9, 1989

Effective Date: May 9, 1989

Amendment No.: 73

Facility Operating License No. DPR-75: Amendment revised the Technical Specifications.

Public comments requested as to proposed no significant hazards consideration: No.

The Commission's related evaluation of the amendment, consultation with the State of New Jersey and final no significant hazards considerations determination are contained in a Safety Evaluation dated May 9, 1989.

Attorney for licensee: Conner and Wetterhahn, 1747 Pennsylvania Avenue, Washington, DC 20006

Local Public Document Room Location: Salem Free Public Library, 112 West Broadway, Salem, New Jersey 08079.

NRC Project Director: Walter R. Butler

Dated at Rockville, Maryland, this 24th day of May, 1989.

For the Nuclear Regulatory Commission

Gary M. Holahan,

Acting Director, Division of Reactor Projects - III, IV, V and Special Projects Office of Nuclear Reactor Regulation

[Doc. 89-12889 Filed 5-3-89; 8:45 am]

BILLING CODE 7590-01-D

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice With Respect to List of Countries Denying Market Opportunities for Government-Funded Construction Projects

AGENCY: Office of the United States Trade Representative.

ACTION: Notice with respect to a list of countries denying market opportunities for U.S. products, suppliers or bidders for government-funded construction projects.

SUMMARY: Pursuant to section 533 of the Airport and Airway Improvement Act of 1982, as amended, the United States Trade Representative (USTR) has decided not to include any countries at this time on the list of countries that deny market opportunities for products, suppliers or bidders for government-funded construction projects.

EFFECTIVE DATE: May 28, 1989.

FOR FURTHER INFORMATION CONTACT: Bonnie Richardson, Special Assistant for Services, (202) 395-7271, Office of the U.S. Trade Representative, 600 17th Street, NW., Washington, DC, 20506.

SUPPLEMENTARY INFORMATION: Section 115 of Pub. L. 100—223, the Airport and Airway Safety and Capacity Expansion Act of 1987, amended the Airport and Airway Improvement Act of 1982 (49 U.S.C. App. 2201-2225), by adding section 533. Section 533(a) provides certain requirements and prohibitions applicable to use of funds from the Airport and Airway Trust Fund. Section 533(b) requires the USTR to make determinations with respect to whether or not foreign countries deny fair and equitable market opportunities for U.S. products, suppliers or bidders for construction projects of $500,000 or more and are funded (in whole or in part) by the governments of such foreign countries. Section 533(c) requires the USTR to maintain a list of countries identified under section 533(b) and to publish such list annually in the Federal Register.

Section 533(b)(2) specifies that the USTR, in considering which countries to list, shall take into account those foreign countries that are listed in the annual report on foreign trade barriers required under section 181(b) of the Trade Act of 1974 as maintaining barriers to U.S. construction services for certain construction projects. The only foreign country listed in the 1989 report on foreign trade barriers with regard to barriers to the U.S. construction industry is Japan.

On November 21, 1988, as required by section 1305 of the Omnibus Trade and Competitiveness Act of 1988, Pub. L. No. 100-418, an investigation was initiated under section 302 of the Trade Act of 1974 with respect to Japanese barriers to the provision of architectural, engineering, and construction services, and related consulting services (53 FR 47897, November 28, 1989). This investigation is currently underway. Included in the investigation will be a review of fair and equitable market opportunities for the purposes of section 533 of the Airport and Airway Improvement Act of 1982, as amended. The section 1305 investigation has not reached any conclusions with respect to the issues of fair and equitable market opportunities on construction projects in Japan.

Consequently, it is not currently possible to determine that Japan denies fair and equitable market opportunities for U.S. products, suppliers or bidders for construction projects in Japan for the purposes of section 533(b). Accordingly, no countries will be included at this time on the list required by section 553(c). If, upon conclusion of the investigation required by section 1305 of Pub. L. No. 100-418, I determine that Japan denies fair and equitable market opportunities under section 533(b), the list required under section 533(c) will be modified accordingly.

List Pursuant to section 533(c): None.

Carla A. Hills,

United States Trade Representative.

[FR Doc. 89-12855 Filed 5-30-89; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Privacy Act of 1974; System of Records

The Department of Transportation (DOT) herewith publishes a proposal to create a system of records. This system does not duplicate any existing DOT system.

Any person or agency may submit written comments on the proposed system to the U.S. Coast Guard (G-PS), ATTN: Mrs. Jane Purdy, Washington, DC 20593-0001. Comments must be received within 60 days to be considered.

If no comments are received, the proposed changes will become effective 60 days from the date of issuance. If comments are received, the comments will be considered and where adopted, the document will be republished with the changes.

Issued in Washington, DC, May 22, 1989.

Jon H. Seymour,

Assistant Secretary for Administration.

Narrative Statement Department of Transportation Office of the Secretary On Behalf of the United States Coast Guard For the Establishment of the Family Special Needs Program Record System DOT/CG-641

The Office of the Secretary, on behalf of the Coast Guard, proposes to establish a new system of records subject to the Privacy Act of 1974. The record system is named the Family Special Needs Program Record System DOT/CG-641. This system will cover all records maintained on active duty and retired personnel and their dependents who are enrolled in the Coast Guard Family Special Needs Program.

The purpose of this notice is to create a system to obtain family information needed to evaluate and document the needs of family members for special education and/or health related services and to facilitate overseas screening. These files contain educational, medical, and psychological data to be used for the purposes described under the appropriate headings in the attached copy of the system notice prepared for publication in the Federal Register.

The authority for maintenance of the system is contained in 20 U.S.C. 291, 42 U.S.C. 5101, and E.O. 9397.

Most information is provided voluntarily by active duty and retired personnel and their dependents which makes the probable effect on the privacy interests of the general public minimal.

A description of the steps taken by the Department to safeguard these records is given under the appropriate heading in the attached copy of the system notice prepared for publication in the Federal Register.

The record system is maintained to monitor and track Coast Guard family special needs cases. The record system would provide guidance in determining available resources and services that would best serve Coast Guard members and their dependents. This record system is also maintained to determine the special needs and feasibility of reassigning selected active duty members and relocation of dependents out of the continental United States.

The purpose of this report is to comply with the Office of Management and Budget Circular, A-130, Appendix I, dated December 12, 1985.

DOT/CG 641

SYSTEM NAME:

Coast Guard Family Special Needs Program

SYSTEM LOCATION:

Commandant (G-PS), U.S. Coast Guard, Washington, DC 20593-0001.

Decentralized segments of this system of records may be maintained at the district, Maintenance and Logistics Command (MLC), or Headquarters Unit Social Worker's office, at the duty station of the sponsor, and at selected medical facilities. Decentralized segments may also be maintained in the office of the district, MLC, or Headquarters Unit Family Advocacy Representative (FAR) which serves the unit of the sponsor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired Coast Guard personnel and their dependents who have diagnosed medical, physical, psychological, or educational need which constitutes a developmental disability or handicapping condition. Active duty Coast Guard personnel and their dependents considered for overseas assignment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Extracts or copies of medical, educational and psychological records of members and/or dependents with special needs, follow-up and evaluation reports, and any other data relevant to individual special needs program files or overseas screening.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

a. Provide to Federal Government agencies for coordination of special needs programs, medical care, mental health treatment, and monitoring and tracking special needs families.

b. Provide to individuals or organizations providing family support program care under contract to the Federal Government.

c. See Prefatory Statement of General Routine Uses.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Records may be stored in file folders, microfilm, magnetic tape, punched cards, machine lists, discs, and other computerized or machine readable media.

RETRIEVABILITY:

Records are retrieved through indices and cross indices of all individuals and relevant incident data. Types of indices used include, but not limited to: Name, social security number, and the diagnosis or International Classification of Diseases (ICD) code of the special needs condition.

SAFEGUARDS:

Records are maintained in various kinds of locked filing equipment in specified monitored or controlled access rooms or areas. Records are accessible only to authorized personnel. Computer terminals are located in supervised areas, with access controlled by password or other user code system.

RETENTION AND DISPOSAL:

a. Records will be maintained at a decentralized location until the sponsor is separated or the dependent is no longer diagnosed as having special needs.

b. Upon separation of the sponsor or when the dependent is no longer diagnosed as having special needs, the record will be transferred to Commandant (G-PS). After a 3 year retention, the record will be destroyed.

SYSTEM MANAGER AND ADDRESS:

Chief, Office of Personnel and Training (G-P), Department of Transportation, United States Coast Guard, Washington, DC 20593-0001.

NOTIFICATION PROCEDURE:

a. Central location: Notarized written requests should contain the full name and social security number of the

member and be addressed to Commandant (G–TIS), U.S. Coast Guard, Washington, DC 20593–0001.

b. Decentralized locations: Notarized written request should contain the full name and social security number of the member and be addressed to the MLC, district, or unit where the individual is assigned.

RECORD ACCESS PROCEDURES:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedure.

RECORD SOURCE CATEGORIES:

Reports from medical personnel, mental health and educational institutions, public and private health and welfare agencies, and Coast Guard personnel and private individuals.

[FR Doc. 89–12822 Filed 5–30–89; 8:45 am]

BILLING CODE 4910–62–M

Maritime Administration

Approval of Applicant as Mortgagee; Scotiabank de Puerto Rico

Notice is hereby given that Scotiabank de Puerto Rico, G.P.O. Box 2230, San Juan, Puerto Rico 00936, has been approved as Mortgagee pursuant to Pub. L. 100–710 and 46 CFR 221.43.

Dated: May 22, 1989.

By order of the Maritime Administrator.

James E. Saari,

Secretary.

[FR Doc. 89–12863 Filed 5–30–89; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Date: May 24, 1989.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515–0076

Form Number: CF 3124

Type of Review: Extension

Title: Application for Customhouse Broker's License

Description: In order to apply for a Customhouse broker's license (individuals, corporate, partnership, or additional district license), a license application is submitted by the individual or entity in duplicate to district directors of Customs in the district where licensing as a broker is required.

Respondents: Businesses or other for-profit, Small businesses or organizations

Estimated Number of Respondents: 1,800

Estimated Burden Hours Per Response: 1 hour

Frequency of Response: On occasion

Estimated Total Reporting Burden: 1,800 hours

Clearance Officer: Dennis Dore (202) 535–9267, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue, NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 89–12826 Filed 5–30–89; 8:45 am]

BILLING CODE 4810–25–M

Internal Revenue Service

Income Taxes; 1990 Electronic Filing Program: Forms 1040, 1040A and 1040EZ Returns

The Electronic Filing Systems Project Office, Internal Revenue Service, will be conducting an Electronic Filing Software/Communications Industry Briefing: Focus on Teamwork, beginning at 8:30 a.m. and continuing until 4:00 p.m. on June 23, 1989. The briefing will be held in the IRS Auditorium, 7400 Corridor, 1111 Constitution Avenue NW., Washington, DC 20224.

Electronic filing software and communications will be discussed. This session is an information session for potential participants and is not intended to generate RFPs. Seating capacity is limited; attendees will be accommodated on a first-come, first-served basis; no more than two representatives from the same company. Notification of attendance is required no later than June 16, 1989.

For further information contact Lynn Canner or Lisa Rice, M–F 7:00 a.m.–5:00 p.m. at (202) 535–6873 or (202) 566–3328 (not toll-free numbers), respectively.

Richard Moran,

Project Manager, Electronic Filing Project Office.

[FR Doc. 89–12825 Filed 5–30–89; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF VETERANS AFFAIRS

Scientific Review and Evaluation Board for Rehabilitation Research and Development; Meeting

In accordance with Pub. L. 92–463, the Department of Veterans Affairs gives notice of a meeting of the Scientific Review and Evaluation Board for Rehabilitation Research and Development. This meeting will convene at the Vista International Hotel, 1400 "M" Street NW., Washington, DC August 8 through August 11, 1989. The session on August 8, 1989, is scheduled to begin at 6:30 p.m. and end at 10:30 p.m. The sessions on August 9, 10, and 11, 1989, are scheduled to begin at 8 a.m. and end at 5 p.m. The purpose of the meeting is to review rehabilitation research and development applications for scientific and technical merit and to make recommendations to the Director, Rehabilitation Research and Development Service, regarding their funding.

The meeting will be open to the public (to the seating capacity of the room) for the August 8 session for the discussion of administrative matters, the general status of the program, and the administrative details of the review process. On August 9–11, 1989, the meeting is closed during which the Board will be reviewing research and development applications.

This review involves oral comments, discussion of site visits, staff and consultant critiques of proposed research protocols, and similar analytical documents that necessitate the consideration of the personal qualifications, performance and competence of individual research investigators. Disclosure of such information would constitute a clearly unwarranted invasion of personal

privacy. Disclosure would also reveal research proposals and research underway which could lead to the loss of these projects to third parties and thereby frustrate future agency research efforts.

Thus, the closing is in accordance with 5 U.S.C. 522b (c)(6), and (c)(9)(B) and the determination of the Secretary of the Department of Veterans Affairs under Section 10(d) of Pub. L. 92–463 as amended by section 5(c) of Pub. L. 94–409.

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mr. Jon Peters, Program Manager, Rehabilitation Research and Development Service, Department of Veteran Affairs Central Office, 810 Vermont Avenue NW., Washington, DC 20420, (Phone: 202–233–5177) at least five days before the meeting.

Dated: May 22, 1989.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 89–12817 Filed 5–30–89; 8:45 am]

BILLING CODE 8320-01-M

Scientific Advisory Committee to the National Vietnam Veterans Readjustment Study; Meeting

In accordance with Pub. L. 92–463, the Department of Veterans Affairs gives notice that a meeting of the Scientific Advisory Committee to the National Vietnam Veterans Readjustment Study will be held at the Lafayette Hotel, One Avenue de Lafayette, Boston, Massachusetts, on June 20, 1989, beginning at 9 a.m. The purpose of this meeting is to review the progress, to date, of the National Vietnam Veterans Readjustment Study, mandated by Pub. L. 98.160, and provide recommendations as the Committee deems appropriate.

The meeting will be open to the public, however, due to limited seating capacity, those who plan to attend should contact Dr. Thomas L. Murtaugh, Project Officer, National Vietnam Veterans Readjustment Study, 7939 Honeygo Blvd., Suite 221, Baltimore, MD 21236 (Phone—301/529–7118) at least 5 days before the meeting.

Dated: May 22, 1989.

By direction of the Secretary.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 89–12816 Filed 5–30–89; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 54, No. 103
Wednesday, May 31, 1989

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).

COMMODITY FUTURES TRADING COMMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 54 FR 22521.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., Tuesday, May 30, 1989.

CHANGE IN THE MEETING: The Commission has rescheduled the open meeting to discuss fourth quarter FY 1989 objectives for 10:00 a.m., Thursday, June 1, 1989.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 89-12978 Filed 5-26-89; 11:48 am]

BILLING CODE 6351-01-M

NATIONAL LABOR RELATIONS BOARD

TIME AND DATE: 10:45 a.m., Thursday, May 25, 1989.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue, NW., Washington, DC 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. section 552b(c)(2) (internal personnel rules and practices.)

MATTERS TO BE CONSIDERED: Personnel matters.

CONTACT PERSON FOR MORE INFORMATION: John C. Truesdale, Executive Secretary, National Labor Relations Board, Washington, DC 20570, Telephone: (202) 254-9430.

Dated: Washington, DC., May 26, 1989.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 89-13054 Filed 5-26-89; 3:24 pm]

BILLING CODE 7545-01-M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of May 29, June 5, 12, and 19, 1989.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

Week of May 29

Wednesday, May 31

10:00 a.m.—Discussion of Management-Organization and Internal Personnel Matters (Closed—Ex. 2)

2:00 p.m.—Briefing on Final Rule and Regulatory Guide for Maintenance of Nuclear Power Plants (Public Meeting)

Thursday, June 1

10:00 a.m.—Briefing by Executive Branch (Closed—Ex. 1)

2:00 p.m.—Periodic Briefing on Operating Reactors and Fuel Facilities (Public Meeting)

4:00 p.m.—Affirmation/discussion and Vote (Public Meeting)

a. NRC Advisory Committees Regulations

Friday, June 2

9:30 a.m.—Briefing on Status of Technical Specifications Improvement Program (Public Meeting)

Week of June 5 (Tentative)

Thursday, June 8

11:30 a.m.—Affirmation/discussion and Vote (Public Meeting) (if needed)

Week of June 12 (Tentative)

Tuesday, June 13

2:00 p.m.—Briefing on Proposed Rule of Basic quality Assurance in Radiation Therapy (Public Meeting)

Thursday, June 15

3:30 p.m.—Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of June 19 (Tentative)

Tuesday, June 20

10:00 a.m.—Briefing on the Application of the Severe Accident Policy to the Lead Application for Advanced Light Water Reactors (Public Meeting)

Thursday, June 22

10:00 a.m.—Briefing on Status of Proposed Rule for License Renewal (Public Meeting)

11:30 a.m.—Affirmation/Discussion and Vote (Public Meeting) (if needed)

ADDITIONAL INFORMATION: By a vote of 3-0 (Chairman Zech and Commissioner Curtiss were not present) on May 24, the Commission determined pursuant to 5 U.S.C. 552b(e) and § 9.107(a) of the Commission's rules that Commission business required that "Affirmation of Commission Response to Motion to Reconsider Seabrook Order (CLI-89-8)" (Public Meeting) scheduled for May 24, be held on less than one week's notice to the public.

Note.—Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To verify the status of meetings call (recording)—(301) 492-0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492-1661.

William M. Hill, Jr.,

Office of the Secretary.

May 25, 1989.

[FR Doc. 89-13023 Filed 5-26-89; 2:26 pm]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

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 meeting during the week of May 30, 1989.

A closed meeting will be held on Wednesday, May 31, 1989, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A), and (10) and 17 CFR 200.402(a) (4), (8), (9)(i), and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Fleischman, as duty

officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Wednesday, May 31, 1989, at 2:30 p.m., will be:

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Institution of injunction actions.

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: Patrick Daugherty at (202) 272-2200.

Jonathan G. Katz,

Secretary.

May 25, 1989.

[FR Doc. 89-13004 Filed 5-26-89; 11:48 am]

BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 54, No. 103
Wednesday, May 31, 1989

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.

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1 CFR Parts 17 and 21

Updates and Changes to Publication Procedures

Correction

In rule document 89-5228 beginning on page 9670 in the issue of Tuesday, March 7, 1989, make the following corrections:

§ 17.7 [Corrected]

1. On page 9680, in the second column, the amendatory language in Item 10 should read, "Newly designated § 17.7 is amended by revising the section heading, redesignating the introductory text and paragraphs (a) and (b) as paragraphs (a) and (a)(1) and (a)(2) respectively, removing the word 'tabulations' from newly designated paragraph (a)(1) and adding the words 'or lengthy tables' in its place, and by adding a new paragraph (b) to read as follows:".

2. On page 9680, in the third column, in the sixth line from the top, paragraph (c) of § 17.7 is correctly designated as paragraph (b).

§ 21.11 [Corrected]

3. On page 9682 in the second column, in Item 7, paragraphs (a) and (a)(1) through (a)(8) of § 21.11 are correctly designated as introductory text and paragraphs (a) through (h) respectively.

BILLING CODE 1505-01-D

POSTAL RATE COMMISSION

39 CFR Part 3001

[Docket No.RM89-3]

Rules of Practice and Procedure Relating to Documentation of Statistical and Volume Evidence

Correction

In proposed rule document 89-12279 beginning on page 22317 in the issue of Tuesday, May 23, 1989, make the following correction:

On page 22318, in the first column, under **DATE**, "May 13, 1989" should read "June 13, 1989".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Notice No.89-10]

Rotationally Molded Plastic Portable Tanks; Portable Tanks Manufactured Under DOT-E 9340; Potential Safety Problems

Correction

In notice document 89-10836 beginning on page 19481 in the issue of Friday, May 5, 1989, make the following correction:

On page 19481, in the 3rd column, under **SUPPLEMENTARY INFORMATION**, in the 2nd paragraph, in the 18th and 19th lines, "lead" should read "leak".

BILLING CODE 1505-01-D

federal register

Wednesday
May 31, 1989

Part II

Department of Commerce

International Trade Administration

19 CFR Part 355

Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments

DEPARTMENT OF COMMERCE

International Trade Administration

19 CFR Part 355

[Docket No. 90390-9090]

Countervailing Duties

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of proposed rulemaking and request for public comments.

SUMMARY: The International Trade Administration proposes to establish regulations codifying the methodology used to determine the existence and value of countervailable subsidies. The regulations are intended to improve the administration of the countervailing duty provisions of the Tariff Act of 1930, as amended.

DATE: Written comments will be considered if received not later than [insert date 60 days after date of publication in **Federal Register**].

ADDRESS: Address written comments (10 copies) to Eric I. Garfinkel, Assistant Secretary for Import Administration, Room B-099, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street, NW., Washington, DC 20230. Comments should be addressed: Attention: Notice of Proposed Rulemaking/Amendments to Countervailing Duty Regulations. Each person submitting a comment should include his or her name and address, and give reasons for any recommendation.

FOR FURTHER INFORMATION CONTACT: William D. Hunter, Deputy Chief Counsel for Import Administration, Office of the Chief Counsel for Import Administration, (202) 377-1411.

SUPPLEMENTARY INFORMATION:

Classification

Executive Order 12291. The International Trade Administration ("ITA") has determined that the proposed regulations codifying the methodology used to determine the existence and value of countervailable subsidies under 19 Code of Federal Regulations ("CFR") Part 355 are not a major rule as defined in section (1)(b) of Executive Order 12291 (46 FR 13191, February 19, 1981) because they will not: (1) Have a major monetary effect on the economy; (2) result in a major increase in costs or prices; or (3) have a significant adverse effect on competition (domestic or foreign), employment, investment, productivity, or innovation.

Executive Order 12612. These proposed regulations do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612 (52 FR 41685, October 30, 1987).

Paperwork Reduction Act. These proposed regulations will not impose a collection of information requirement for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act. The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that the proposed regulations will not have a significant economic impact on a substantial number of small business entities because, to the extent it changes existing practices, the rule simply improves the administration of the countervailing duty provisions of the Tariff Act of 1930, as amended. As a result, a Regulatory Flexibility Analysis was not prepared.

Background

The current countervailing duty regulations in Subparts A, B, and C of 19 CFR Part 355 (53 FR 52306; December 27, 1988) are based on Subtitles A, C, and D of Title I of the Trade Agreements Act of 1979 (Pub. L. 96-39; July 26, 1979) ("Trade Agreements Act"), which amended section 303 and Title VII of the Tariff Act of 1930 (19 U.S.C. 1303, and Subtitle IV, Parts I, III and IV) ("Tariff Act"). Title VI of the Trade and Tariff Act of 1984 (Pub. L. 98-573; October 30, 1984) ("1984 Act") and Part 2, Subtitle C, Title I of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418; August 23, 1988) ("1988 Act") further amended the countervailing duty provisions of the Tariff Act. The current regulations relating to subsidies on quota cheese in Subpart D of 19 CFR Part 355 are based on section 702 of the Trade Agreements Act (19 U.S.C. 1202 note).

These regulations codify much of the Department's existing practice with respect to the identification and measurement of subsidies under the countervailing duty ("CVD") law. We are promulgating regulations at this time for several reasons.

First, it long has been the Department's intent to promulgate methodological regulations once the Department had gained sufficient experience with the administration of the CVD law. See "Notice of Final Rules and Request for Comments," 45 FR 4932 (1980). Having administered the law for nine years, we now feel confident in codifying certain administrative practices in the form of regulations.

Second, we believe that a codification of administrative practice at this time will streamline proceedings for both parties to CVD proceedings and Department officials. Although Department administrative precedents are published, the number of precedents has grown to such an extent that the body of case law has become unwieldy. In addition, while the writings of current and former Department officials provide useful summaries of the Department's CVD methodology, these writings are unofficial and parties cannot rely upon them with certainty.

Third, in two recent decisions, the U.S. Court of International Trade ("CIT") has criticized the Department for relying upon the methodological appendix attached to the final determination on *Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina,* 49 FR 18016 (1984) (hereinafter referred to as "Subsidies Appendix") without first engaging in rulemaking pursuant to the Administrative Procedure Act. *Ipsco, Inc.* v. *United States,* 687 F. Supp. 614 (1988); and *Saudi Iron and Steel Co. (Hadeed)* v. *United States,* 686 F. Supp. 914 (1988). According to the CIT, because the Department allegedly was treating the practices in question as if they were rules, within the meaning of the Administrative Procedure Act, the Department either had to undertake rulemaking procedures or justify its use of these methodologies on a case-by-case basis. Although we do not necessarily agree with the CIT's conclusion that rulemaking is required, *see SEC* v. *Chenery,* 332 U.S. 194 (1947); *see also generally* Weaver, *Chenery II: A Forty-Year Perspective,* 40 Admin. L. Rev. 161 (1988), assuming, *arguendo,* that those decisions are correct, it remains difficult to predict exactly which aspects of the Department's methodology require rulemaking and which do not. Therefore, the issuance of regulations will restore the certainty and predictability to the administration of the CVD law which may have been undermined by *Ipsco* and *Hadeed.*

These proposed regulations are not limited to those matters contained in the Subsidies Appendix, which dealt largely with the valuation of subsidies. These regulations attempt to codify the Department's practice with respect to both the identification and measurement of those types of foreign government programs most frequently encountered by the Department. Changes from existing practice are noted, where applicable.

Conceptually, the regulations are based upon the economic model articulated by the Department in its final determinations in *Carbon Steel Wire Rod from Czechoslovakia* and *Carbon Steel Wire Rod from Poland, see, e.g.,* 49 FR 19375 (1984), and sustained by the court in *Georgetown Steel Corp.* v. *United States,* 801 F.2d 1308 (Fed. Cir. 1986). This model, which generally defines a subsidy as a distortion of the market process for allocating an economy's resources, underlies the Department's entire CVD methodology.

Structurally, these proposed regulations are organized as follows. Except where otherwise noted, these regulations appear as subpart D to Part 355 of title 19 of the Code of Federal Regulations. Current subpart D (quota cheese) is redesignated as subpart E.

Section 355.41 contains a list of definitions. To the extent possible, we have attempted to rely on the definitions contained in § 355.2 of the current regulations. However, where this was not possible, we have created new definitions for purposes of subpart D.

Section 355.42 contains a basic, two-element definition of a countervailable subsidy. Sections 355.43 and 355.44 elaborate on each of these elements.

Section 355.45 codifies certain aspects of the Department's practice with respect to upstream subsidies. Section 355.46 deals with offsets to gross benefits. Section 355.47 deals with the assignment of a benefit to a particular product or market, a topic generally referred to within the Department under the rubric of "tying." Section 355.48 codifies existing practice concerning the timing of receipt of benefits. Section 355.49 deals with the assignment of benefits to a particular year or years. Section 355.50 codifies Department practice with respect to program-wide changes. Finally, § 355.51 codifies existing practice concerning the calculation of country-wide subsidy rates.

The regulations incorporated in this proposed rule are described in the following section-by-section analysis.

1. *Section 355.41.* Section 355.41 contains a list of definitions of terms used in subpart D. The definitions are largely self-explanatory, but a few warrant comment.

The term "government" in paragraph (b) includes an entity controlled by a government. Thus, for example, the sale of a good by a government-owned corporation could constitute the provision of a good by a government for purposes of § 355.44(f).

Section 355.41 does not define industry, which in subpart D is used largely in the context of the specificity test set forth in § 355.43(b). However, § 355.2(h) of the current regulations contains a definition of "industry" which is inappropriate in the context of subpart D. Therefore, we are amending § 355.2(h) so as to render that provision inapplicable to subpart D.

We also are amending § 355.2 of the current regulations by adding a new paragraph (r) which defines the term "program." Although the word "program" is used throughout the current regulations, and is used extensively in the new subpart D of these proposed rules, it currently is undefined. Paragraph (r) defines "program" as any act or practice of a foreign government. It must be emphasized, however, that the use of this term is for purposes of convenience; it is not intended to limit the universe of countervailable subsidies to certain routinized actions of a foreign government. Thus, for example, equity infusions in a firm by a government, which tend to be isolated acts, would be regarded as a program for purposes of the regulations.

2. *Section 355.42.* This section defines the two elements which are necessary in order to find a subsidy which is actionable (*i.e.,* countervailable) under the Act: (a) Selective treatment; and (b) a countervailable benefit. In the numerous decisions under the Act by the Department and the courts since 1980, these two elements have emerged as the prerequisites for a countervailable subsidy. Sections 355.43 and 355.44 of these proposed regulations elaborate on each of these elements.

The necessity for each of these elements can be demonstrated by a few simple hypothetical situations. For example, the nonexcessive rebate upon exportation by a foreign government of final stage indirect taxes provides selective treatment in that the rebate is limited to exporters. However, there is no countervailable benefit (and, thus, no countervailable subsidy), because the nonexcessive rebate of final stage indirect taxes is permissible under domestic law and international rules. See, *e.g., Zenith Radio Corp.* v. *United States,* 437 U.S. 443 (1978); and item (g) of the Illustrative List of Export Subsidies annexed to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade, *opened for signature* Apr. 12, 1979, 31 U.S.T. 513, T.I.A.S. No. 9619, *reprinted in Agreements Reached in the Tokyo Round of Multilateral Trade Negotiations,* H.R. Doc. No. 153, 96th Cong., 1st Sess. (pt. 1) 257 (1979) ("the Subsidies Code"). Conversely, a foreign government may introduce a tax credit to encourage new investment. The credit is claimed by a variety of firms, but cannot be used by those firms not purchasing new plant and equipment. All the firms that use the tax credit clearly receive a benefit in the form of a tax savings. However, there is no selective treatment (and, thus, no countervailable subsidy), because the tax credit is not targeted to specific firms or industries within the economy.

Paragraph (b) of § 355.42 also requires that the countervailable benefit must be provided with respect to the merchandise. Pursuant to § 355.2(k) of the current regulations, "the merchandise" means the class or kind of merchandise subject to the CVD proceeding. The purpose of this requirement is to make clear that under the Department's principles concerning "tying," which are set forth in section 355.47 of these proposed rules, no countervailable subsidy exists if benefits are tied to products other than the merchandise.

We have used the somewhat redundant term "countervailable subsidy" deliberately in order to make clear the distinction between an actionable subsidy under the Act and what a layperson might regard as a subsidy.

3. *Section 355.43.* This section sets forth the criteria for determining the existence of selective treatment under § 355.42(a) of these proposed rules. Paragraph (a) establishes criteria for determining when a program is considered to be an "export" program. Paragraph (b) then sets forth the criteria for determining when a "domestic" program is "specific" within the meaning of the Act.

The export/domestic distinction can have an important impact on the manner in which a program is analyzed and any benefit valued. For example, pursuant to § 355.44 of these proposed rules, the standards for determining whether a countervailable benefit exists may differ depending upon whether the benefit is provided pursuant to an export or a domestic program.

In addition, the denominator used to calculate an *ad valorem* subsidy rate pursuant to § 355.47 will differ depending upon whether the program in question is an export or a domestic program. Also, only export programs can trigger a finding of critical circumstances pursuant to section 703(e) of the Act and 19 CFR 355.16(a)(1), and under the antidumping law, adjustments to United States price pursuant to section 772(d)(1)(D) of the Act are made for export, but not domestic, subsidies.

Paragraph (a)(1) of § 355.43 restates the standard used by the Department over the years to distinguish export from domestic programs. See, *e.g., Heavy Iron Construction Castings from Brazil*, 51 FR 9491 (1986). The essential aspect of an export program is that a government provides special benefits to exports or exporters above and beyond what it may provide to nonexported products or nonexporters.

Paragraph (a)(2) codifies existing practice with respect to programs with multiple eligibility criteria. Frequently, for example, a government may make "impact on export earnings" a criterion to be evaluated by government officials in determining whether to provide benefits under a program or the amount of benefits to be provided. In such situations, the Secretary must evaluate all of the facts in order to determine whether the program operates in such a way as to render it an export, as opposed to a domestic, program with respect to the merchandise. See, *e.g., Certain Carbon Steel Products from Austria*, 50 FR 33369 (1985).

Paragraph (b)(1) of § 355.43 codifies the specificity test, the statutory test consistently used by the Department to determine whether selective treatment exists with respect to a domestic program. Under this test, the Department deems a program to be specific if the program is limited, either *de jure* or *de facto*, to a specific enterprise or industry, or group of enterprises or industries.

Paragraph (b)(2) sets forth the general factors the Department will consider in applying the specificity test. As the Department has explained in various determinations over the years, the specificity test cannot be reduced to a precise mathematical formula. Instead, the Department must exercise judgment and balance various factors in analyzing the facts of a particular case. Paragraph (b)(2) lists, in a noninclusive manner, the factors that the Department typically will examine in determining whether a domestic program is, either on a *de jure* or *de facto* basis, specific.

Under paragraph (b)(3), the Department will deem a program to be specific if it is limited to firms or industries located in specific regions of a country.

Paragraph (b)(4) codifies the Department's existing practice for determining when the provision by a foreign government of infrastructure is considered to be specific. This test was first fully articulated in *Carbon Steel Wire Rod from Saudi Arabia*, 51 FR 4206 (1986), and has been followed in a number of subsequent cases. See, *e.g., Industrial Phosphoric Acid from Israel*, 52 FR 25447 (1987); *Rice from Thailand*, 51 FR 12356 (1986); and *Fresh Atlantic Groundfish from Canada*, 51 FR 10041 (1986). In this regard, the Department does not agree with the suggestion made in *Cabot Corp.* v. *United States*, 620 F. Supp. 722 (Ct. Int'l Trade 1985), *appeal dismissed*, 788 F.2d 1539 (Fed. Cir. 1986), *order vacated*, (Ct. Int'l Trade, Nov. 20, 1986), that the provision by a foreign government of infrastructure never can constitute a countervailable subsidy

Paragraph (b)(4) restates the three-pronged test currently used by the Department. Where limitations on use do not result from government action, but instead result from the location and type of the infrastructure in question, specificity may not exist. As with the specificity test in general, the Department must apply the test set forth in paragraph (b)(4) on a case-by-case basis in determining whether the provision of particular infrastructure is specific.

Paragraph (b)(5) codifies the Department's practice concerning the specificity test with respect to domestic programs of governments other than national governments of foreign countries. In such instances, the determination of specificity depends upon the *de jure* and *de facto* availability of a program within the jurisdiction of the state, provincial, or local government in question. See, *e.g., Iron Ore Pellets from Brazil*, 51 FR 21961 (1986); and *Live Swine and Fresh, Chilled and Frozen Pork Products from Canada*, 50 FR 25097 (1985). It should be noted that although they are rare, export programs can exist at the state, provincial, or local government level. See, *e.g., Certain Granite Products from Spain*, 53 FR 24340 (1988).

In this regard, these proposed rules are not intended to change existing practice with respect to programs funded by both the Federal and the State, provincial, or local government. In such instances, the Department would judge the specificity of the federally funded portion of the program based upon the availability and use of the program throughout the country in question as a whole. The Department would judge the specificity of the portion funded by the State, provincial, or local government based upon the availability and use of the program within the jurisdiction of the relevant local government unit. See, *e.g., Fresh Atlantic Groundfish from Canada*, 51 FR 10041 (1986), and *Oil Country Tubular Goods from Canada*, 51 FR 15037 (1986), and the discussions of GDA and ERDA agreements therein.

In some cases, respondents have argued that in determining the specificity of a program ostensibly limited to a specific industry, the Department should consider the existence of comparable programs providing similar benefits to other industries. The Department's position has been to reject such an analysis unless it finds that the programs are integrally linked to one another. See, *e.g., Fresh Atlantic Groundfish from Canada*, 50 FR 10041 (1986); and *Fresh Cut Flowers from the Netherlands*, 52 FR 3301 (1987). Paragraph (b)(6) codifies this position.

Paragraph (b)(7) codifies existing Department practice with respect to programs limited solely to firms of a certain size. Under that practice, the fact that a program is limited to all small businesses, for example, does not necessarily result in a finding of specificity. See, *e.g., Textile Mill Products and Apparel from Singapore*, 50 FR 9840 (1985). However, a small business program may be deemed specific if, either on a *de jure* or *de facto* basis, benefits under the program are limited to certain small businesses. *Cf., Iron-Metal Construction Castings from Mexico*, 50 FR 43262 (1985).

Paragraph (b)(8) codifies existing Department practice with respect to agricultural programs. Under that practice, a program that is limited to the agricultural sector does not necessarily result in a finding of specificity. See, *e.g., Fuel Ethanol from Brazil*, 51 FR 3361 (1986); and *Live Swine and Fresh, Chilled and Frozen Pork Products from Canada*, 50 FR 25097 (1985). However, an agricultural program may be deemed specific if, for example, benefits under the program are limited to, or provided disproportionately to, producers of particular agricultural products. See, *e.g., id.*

4. *Section 355.44*. Section 355.44 sets forth the standards for determining the existence of a countervailable benefit with respect to particular types of foreign government programs. As in the case of the Act itself, § 355.44 does not constitute an all-inclusive list of programs capable of providing a countervailable benefit. Instead, this section identifies the types of programs most frequently encountered by the Department and the standards used with respect to each. The Department would deal with programs not included in this section in accordance with the basic principles embodied in the Act, these regulations, and administrative and judicial precedents.

Paragraph (a). Paragraph (a) of § 355.44 codifies the Department's practice of treating the entire amount of a grant as a countervailable benefit. We

note here that although the Department treats the entire amount of a grant as a countervailable benefit, the allocation and valuation of a grant depends upon the application of the rules set forth in § 355.49 of these proposed regulations.

Paragraph (b). Paragraph (b) sets forth the standards for determining whether a loan provided by a government confers a countervailable benefit. Paragraph (b), which deals primarily with the selection of the appropriate benchmark interest rate, generally restates existing Department practice as set forth in the Subsidies Appendix and numerous other Department precedents. See, *e.g.*, Subsidies Appendix at 18018–20.

Paragraph (b)(1) sets forth the general rule for all types of loans provided by a government; namely, that in determining the existence of a countervailable benefit, the Department will compare what a firm pays for a government loan against what the firm would have paid for a benchmark loan. Subsidies Appendix at 18018.

Paragraph (b)(2) restates existing Department practice with respect to the deferral of principal repayments and interest payments on loans provided by a government. See, *e.g.*, Subsidies Appendix at 18019. Essentially, unless a deferral is a normal or customary lending practice in the country in question, the Secretary will regard the deferral of principal or interest repayments on a government loan as conferring a countervailable benefit, in addition to any benefit conferred by an interest rate below the benchmark interest rate, to the extent that the deferral results in a total loan repayment that is less than the repayment that would have occurred under the benchmark loan.

Paragraph (b)(3) describes the selection of a benchmark interest rate with respect to short-term government loans. The first sentence of paragraph (b)(3)(i) restates the existing practice of using as a benchmark the average interest rate for the predominant alternative source of short-term financing in the country in question. See, *e.g.*, Subsidies Appendix at 18020; and *Alhambra Foundry* v. *United States*, 626 F. Supp. 402 (Ct. Int'l Trade 1985). The rationale for using a "country-wide" benchmark was stated in the Subsidies Appendix as follows:

> We believe the distinction between our treatment of short-term and long-term loans is valid. Lending short-term generally is not as risky as long-term, because of the shorter duration of the repayment obligation and the greater frequency of accompanying security (for example, accounts receivable). Because there is little need for the lender to vary its terms to account for varying risk characteristics among companies, we would not expect company-specific short-term loan terms to vary from national average terms. Additionally, because of the enormous number of short-term loans involved in many cases, the use of company-specific benchmarks would significantly impair our ability to administer the countervailing duty law within the short time limits established by the Act.

Subsidies Appendix at 18020; *see also Ceramic Tile from Mexico*, 53 FR 15290 (1988).

The Department is aware of contrary arguments in favor of using short-term benchmarks based upon the borrowing experience of individual firms. Before issuing final rules, the Department will reevaluate its current practice in order to determine whether to provide for the use of company-specific short-term benchmarks.

The second sentence of paragraph (b)(3)(i) clarifies that in selecting an average benchmark interest rate, the Secretary will attempt to use a single, predominant source of short-term financing in the country in question. The Department did not articulate this principle clearly in the Subsidies Appendix, but has applied it in subsequent cases. See, *e.g.*, *Roses and Other Cut Flowers from Colombia*, 51 FR 44931 (1986); and *Carbon Steel Wire Rod from Malaysia*, 53 FR 13303 (1988). The rationale for this approach is that, first, the purpose of the comparison is to determine what a firm's cost of money would be absent the allegedly countervailable government loan. Where there is a predominant source of financing, this source provides the most likely indication of what the firm's alternative costs would be. Second, the use of a single source provides administrative savings to the Department and greater predictability to the parties involved in a CVD proceeding.

Occasionally, there will not be a single, predominant source of short-term financing in a country. Therefore, the third sentence of paragraph (b)(3)(i) provides that in such instances the Secretary may construct a composite benchmark interest rate from two or more alternative sources of short-term financing. See, *e.g.*, *Non-Rubber Footwear from Argentina*, 51 FR 28613 (1986); *Certain Textile Mill Products and Apparel from Colombia*, 52 FR 13272 (1987). The rationale for this approach is that where there is no single, predominant source of short-term financing, a firm would meet its short-term debt needs by borrowing from one or more of these alternative sources. Thus, the best alternative measure of what a firm's cost for short-term debt would be absent the allegedly subsidized government loan is an average of what the costs would be if the firm used the alternative sources.

Paragraph (b)(3)(ii) clarifies what the Department considers to be a "predominant" source of short-term financing. Under paragraph (b)(3)(ii), a source of financing is predominant if it is greater than or equal to 50 percent of the total short-term financing, in local currency, in the relevant country.

Paragraph (b)(3)(iii) codifies the period for which the Department will calculate a short-term loan benchmark. Unless short-term interest rates have fluctuated significantly during the year in question, the Department will calculate a single, annual average benchmark interest rate.

Paragraph (b)(4) sets forth, in order of preference, the benchmarks used with respect to long-term, fixed-rate government loans. Paragraph (b)(5) sets forth a comparable list of benchmarks used with respect to long-term, variable-rate government loans. As under existing practice, paragraphs (b) (4) and (5) contain a preference for company-specific benchmarks, because such benchmarks enable the Department "to capture the fact that certain companies are more (or less) risky than average, and that commercial lenders will take these risk characteristics into account in setting the conditions of the loan." Subsidies Appendix at 18018–19. However, because company-specific benchmarks are not always available, paragraphs (b) (4) and (5) include a list of alternative benchmarks: national average long-term benchmarks or a short-term benchmark. In the past, where company-specific long-term benchmarks have not been available, the Department has attempted to use long-term financing received by a different firm in the same industry before going to a national average benchmark. The Department has found that any additional accuracy gained through the use of an "industry" benchmark is outweighed by the administrative burden involved in identifying such benchmarks. Therefore, paragraphs (b)(4) and (b)(5) do not provide for the use of industry benchmarks.

Paragraph (b)(6) restates existing Department practice with respect to loans to uncreditworthy firms. In the case of uncreditworthy firms, the Department assumes that a private lender would require a premium interest rate, and the rule set forth in paragraph (b)(6) is designed to take this into account. Thus, the Department

calculates a different benchmark for long-term loans to uncreditworthy firms.

Paragraph (b)(6)(i) describes the standard for determining whether a firm is uncreditworthy. Because these determinations are "often highly complex," Subsidies Appendix at 18019, paragraph (b)(6)(i) does not set forth a hard-and-fast rule, but merely describes certain factors that the Secretary may examine in determining the creditworthiness of a firm. It must be emphasized that this list of factors is not intended to be an exhaustive list. As under existing practice, the existence of private long-term loans, provided without an explicit government guarantee, normally would be a dispositive indicator that a firm was creditworthy.

Paragraph (b)(6)(ii) codifies current Department practice to the effect that the Department normally will not investigate the creditworthiness of a firm absent a specific allegation by petitioner, supported by documentation that demonstrates that the firm is uncreditworthy. See, *e.g.*, *Fuel Ethanol from Brazil*, 51 FR 3361 (1986). The reason for this requirement is that the investigation and analysis of creditworthiness adds substantially to the work involved in a CVD investigation or review. Therefore, prior to incurring this burden, it is reasonable to require a petitioner to provide particular evidence establishing a reasonable basis to believe or suspect that the firm in question is uncreditworthy. Generally, where the Secretary previously has found a firm to be uncreditworthy and there has been no intervening finding of creditworthiness, the prior finding shall constitute a reasonable basis to believe or suspect that the firm continues to be uncreditworthy.

Paragraph (b)(6)(iii) codifies existing Department practice with respect to the effect of subsidies on the creditworthiness of a firm. In the past, it has been argued that in assessing creditworthiness the Department should subtract subsidies received by a firm from the firm's financial data. In the Department's opinion, this approach results in the use of a standard different from that used by a private lender, who will look to the financial position of the firm at the time of the loan. In addition, this approach takes into account the secondary effects of subsidies, a highly speculative exercise which the Department has avoided in other contexts and which is not required by the statute. See Subsidies Appendix at 18023. Therefore, paragraph (b)(6)(iii) provides that the Secretary will ignore subsidies in making creditworthiness determinations.

Paragraph (b)(6)(iv) describes the benchmark the Secretary will use in the case of a government long-term loan to a firm deemed to be uncreditworthy under paragraph (b)(6)(i). Paragraph (b)(6)(iv) codifies the current "risk premium" used by the Department with respect to such loans. See Subsidies Appendix at 18019–20.

Paragraph (b)(6)(v) codifies existing practice concerning government short-term financing to uncreditworthy firms. Under the regulation, the creditworthiness of a firm would be irrelevant with respect to short-term financing "[b]ecause of the low level or risk associated with short-term debt, and the frequent existence of security." Subsidies Appendix at 18020.

Paragraph (b)(7) restates the current principle that in selecting a benchmark for comparison purposes, the Secretary will attempt to use, where possible, a nongovernment source of financing. However, where necessary, the Secretary may use financing made available under one or more government programs, provided that any such government program is not deemed to be selective within the meaning of section 355.43; *e.g.*, the government program is not limited to exporters or to a specific industry. See, *e.g.*, *Certain Apparel from Argentina*, 52 FR 26053 (1987); *Certain Textile Mill Products and Apparel from Colombia*, 52 FR 13272 (1987); and *Fuel Ethanol from Brazil*, 51 FR 3361 (1986). This principle recognizes that in some countries with less developed financial markets, the government may take a more active role in making funds available to the economy. In such instances, it is appropriate to use as a benchmark financing provided or directed by the government, so long as such financing itself does not constitute a countervailable subsidy.

Paragraph (b)(8) restates the existing preference for comparing two effective interest rates where the Secretary can quantify any charges added on to nominal interest rates. See, *e.g.*, *Bricks from Mexico*, 53 FR 15264 (1988); and *Oil Country Tubular Goods from Argentina*, 51 FR 41649 (1986). A comparison of effective interest rates provides the most accurate measure of the existence and extent of any countervailable benefit conferred by means of government financing. However, consistent with existing practice, paragraph (b)(8) also provides that where the Secretary cannot quantify any charges added on to nominal interest rates, either with respect to the government financing or the benchmark financing, the Secretary will compare nominal interest rates. See, *e.g.*, *Certain Apparel from Argentina*, 52 FR 26053 (1987); and *Iron-Metal Castings from India*, 51 FR 45789 (1986). It would be less accurate to compare a nominal interest rate with an effective interest rate. Therefore, paragraph (b)(8) provides that the Secretary will make such a comparison only as a last resort; *e.g.*, where there is no information permitting an effective-to-effective or nominal-to-nominal comparison. Of course, although not expressly stated in paragraph (b)(8), in some situations the nominal interest rate may be the same as the effective interest rate. See, *e.g.*, *Castor Oil Products from Brazil*, 52 FR 18726 (1987); and *Fabricated Automotive Glass from Mexico*, 50 FR 1906 (1985).

Paragraph (b)(9) clarifies the standard for investigating the lending activity of government-owned banks. In some countries, banks may be owned, in whole or in part, by the government. Despite government ownership, however, the banks function as commercial enterprises. In such instances, it is not warranted or feasible for the Department to routinely investigate all loans provided by government-owned banks. Therefore, paragraph (b)(9) provides that government ownership alone shall not be sufficient to trigger an investigation of a bank's lending activity, and that there must be some allegation that (i) a bank provided a loan at the direction of the government or with funds provided by the government, and (ii) the loan was provided on terms inconsistent with commercial considerations. See, *e.g.*, *Granite Products from Italy*, 53 FR 27197 (1988).

Paragraph (c). Paragraph (c) clarifies the standard for determining when a government guarantee of a loan constitutes a countervailable benefit. Pursuant to paragraph (c)(1), an explicit guarantee by a government of a loan constitutes a countervailable benefit to the extent that: (i) The price or fee paid by a firm to a government for the guarantee is less than the price the firm would have paid for a comparable commercial loan guarantee (*see, e.g.*, *Fresh Cut Flowers from the Netherlands*, 52 FR 3301 (1987) and *Live Swine from Canada*, 50 FR 25097 (1985)); or (ii) the amount paid by the firm for the guaranteed loan is less than what it would have paid for a benchmark loan (*cf.*, *Certain Carbon Steel Products from Brazil*, 49 FR 17988 (1984); and Subsidies Appendix at 18019). As under current practice, the Department would not regard a so-called "implicit" loan guarantee by a government as giving

rise to a countervailable benefit. See, *e.g., Certain Carbon Steel Products from Austria,* 50 FR 33369 (1985).

Paragraph (c)(2) codifies current practice by providing that where a government is a principal owner or shareholder of a firm, the Department will not regard an explicit loan guarantee by the government as a countervailable benefit if it is the normal commercial practice in the country in question for owners or shareholders to provide comparable loan guarantees for their firms. See, *e.g., Certain Carbon Steel Products from Venezuela,* 50 FR 11227 (1985); and *Carbon Steel Wire Rod from Trinidad and Tobago,* 49 FR 480 (1984).

Paragraph (d). Paragraph (d) sets forth the Department's standard for determining whether a government export insurance program provides a countervailable benefit. Paragraph (d)(1) defines the general rule as reflected by existing Department practice: that premium rates charged must not be manifestly inadequate to cover operating expenses and losses. See, *e.g., Fresh Cut Flowers from Israel,* 52 FR 3316 (1987); and *Oil Country Tubular Goods from Israel,* 52 FR 1649 (1987). This standard corresponds to item (j) of the Illustrative List, and a petitioner must allege that rates are manifestly inadequate to cover operating expenses and losses before the Department will investigate an export insurance program. *Carbon Steel Wire Rod from Singapore,* 50 FR 36130 (1985). The second sentence of paragraph (d)(1) makes clear that the Department will analyze both the viability of the particular insurance program in question and the overall commercial health of the entity operating the program.

As under current practice, in examining whether rates are manifestly inadequate, the Department will examine a five-year period, up to and including the year in question. *Oil Country Tubular Goods from Israel,* 52 FR 1649 (1987). The Department also will determine the aspect of the program used, *Brass Sheet and Strip from France,* 52 FR 1222 (1987), and will examine the annual reports and other books of the entity providing the insurance. *Id.*

Paragraph (d)(2) prescribes the method of valuing the benefit if the Secretary finds that premiums charged are manifestly inadequate. Under paragraph (d)(2), the Department will calculate the excess of the amount received by a firm over the amount of premiums paid by the firm, and this excess, if any, shall constitute the countervailable benefit. *Oil Country Tubular Goods from Israel,* 52 FR 1649 (1987).

Paragraph (e). Paragraph (e) codifies existing practice in determining when a foreign government's provision of equity to a firm confers a countervailable benefit. Under paragraph (e)(1), the preferred standard, an equity infusion confers a countervailable benefit when the market-determined price for equity purchased directly from the firm is less than the price paid by the foreign government for the same form of equity purchased directly from the firm. See, *e.g., Cold-Rolled Carbon Steel Flat-Rolled Products from Argentina,* 49 FR 18006 (1984). In this regard, in an exceptional situation the Department could find the volume of a firm's traded shares to be so low as to preclude the use of these shares as a "market-determined price." *Cf., Certain Steel Products from France,* 47 FR 39332 (1982). Also, as under current practice, the government purchase of previously issued shares on a market or directly from shareholders rather than from the firm would not constitute a countervailable benefit to the firm that issued the shares. See, *e.g.,* Appendix 2, *Certain Steel Products from Belgium,* 47 FR 39316 (1982) ("Appendix 2"); *Potassium Chloride from Spain,* 49 FR 36424 (1984); and *Iron Ore Pellets from Brazil,* 51 FR 21961 (1986).

If there is no market-determined price for a firm's shares (*e.g.,* the firm's shares are not publicly traded), paragraph (e)(1)(ii) provides that a government equity infusion constitutes a countervailable benefit if the firm was not equityworthy (*i.e.,* from the standpoint of a reasonable private investor, the firm was not a reasonable investment) and there is a rate of return shortfall within the meaning of § 355.49(e). Paragraph (e)(2) sets forth the basic criteria the Secretary will use in determining whether a firm is or is not equityworthy. The principal criterion is whether a reasonable private investor could expect from the firm a reasonable rate of return within a reasonable period of time. Subsidies Appendix at 18020. Factors that the Secretary may use to determine whether a firm can generate a reasonable rate of return include: (1) current and past indicators of a firm's financial health (*e.g.,* current ratio, cash flow, debt-equity ratio), adjusted for generally accepted accounting principles where appropriate, *see, e.g., Structural Shapes and Cold-Rolled Carbon Steel Flat-Rolled Products from Korea,* 49 FR 47284 (1984); *Certain Steel Products from South Africa,* 49 FR 32426 (1984)); (2) future financial prospects, *see, e.g., Certain Carbon Steel Products from Brazil,* 52 FR 829 (1987); *Stainless Steel Plate from the United Kingdom,* 51 FR 44656 (1986); (3) recent rate of return on equity, *see, e.g., Certain Carbon Steel Products from Brazil,* 49 FR 17988 (1984); and (4) participation by private investors, *compare, Carbon Steel Wire Rod from Trinidad and Tobago,* 49 FR 480 (1984), *with Fresh Atlantic Groundfish from Canada,* 51 FR 10041 (1986). In this regard, the Department intends to continue its practice of assessing the firm as a whole, rather than a particular product line, because a private investor would consider the firm as a whole in making an investment decision. See, *e.g., Fuel Ethanol from Brazil,* 51 FR 3361 (1986).

Paragraph (e)(3) codifies current Department practice to the effect that the Department will not investigate equity infusions in a firm absent a specific allegation by petitioner, supported by information reasonably available to petitioner, that: (1) The government actually has made an equity infusion in the firm; and (2) under one of the standards set forth in paragraph (e)(1), that infusion conferred a countervailable benefit. See, *e.g., Iron Ore Pellets from Brazil,* 51 FR 21961 (1986); and *Textile Mill Products from Mexico,* 50 FR 10324 (1985). The reason for this requirement is that investigations of equity infusions, like investigations of creditworthiness, add substantially to the work involved in a CVD investigation or review. Therefore, it is reasonable to require a petitioner to provide particular evidence of a countervailable equity infusion, as opposed to merely alleging that a government owns a firm in whole or in part.

Paragraph (e)(4) codifies existing Department practice with respect to the effect of subsidies on the equityworthiness of a firm. In the past, it has been argued that in assessing equityworthiness the Department should subtract subsidies received by a firm from the firm's financial data. In the Department's opinion, this approach results in the use of a standard different from that used by a private investor, who will look to the financial position of the firm at the time of the investment. In addition, this approach takes into account the secondary effects of subsidies, a highly speculative exercise which the Department has avoided in other contexts and which is not required by the statute. See Subsidies Appendix at 18023.

Paragraph (f). Paragraph (f) of section 355.44 sets forth the standard for determining when the provision by a government of a good or service confers

a countervailable benefit within the meaning of section 771(5)(A)(ii)(II) of the Act. Paragraph (f)(1) codifies the basic principle of existing Department practice, first articulated in *Certain Softwood Products from Canada*, 48 FR 24159, 24167 (1983), that the standard of "preferential," within the meaning of section 771(5)(A)(ii)(II), means more favorable treatment to some within the relevant jurisdiction than to others within that jurisdiction; it does not mean "inconsistent with commercial considerations." Paragraph (f)(1) adheres to this standard by providing that in determining whether the government provision of a good or service confers a countervailable benefit, the Secretary will compare the government price under scrutiny to a benchmark price, which normally will be the prices the government charges to the same or other users of the good or service within the same political jurisdiction.

In *Softwood Products*, however, the Department also recognized that in some cases, the number of users of a government-provided good or service might be so limited as to require the use of a different benchmark. *Id.*, note I. The Department faced this situation in its section 751 administrative review of the CVD order on *Carbon Black from Mexico*. In that case, the government-provided good in question was carbon black feedstock ("CBFS"), for which there were only two users in Mexico. The Department determined that given the limited number of users of CBFS, its standard test for determining "preferentiality" would not work. 51 FR 13269, 13271 (1986). Therefore, the Department considered alternative benchmarks, and issued a so-called "Preferentiality Appendix" describing these alternatives and requesting public comments. *Id.* at 13272. These alternatives were, in order of preference: (1) Prices charged by the same seller for a similar or related good or service; (2) prices charged within the jurisdiction by other sellers for an identical good or service; (3) the same seller's cost of producing the good or service; and (4) external prices. In *Carbon Black*, the Department used the first alternative.

Paragraph (f)(2) codifies the alternative benchmarks set forth in the Preferentiality Appendix. Thus, paragraph (f)(2) provides that where there is no nonselective benchmark price (*e.g.*, the normal benchmark either does not exist or is limited to a specific enterprise or industry or group thereof), the Secretary will use, in order of preference, the following benchmarks: (i) The price, adjusted for any cost differences, the government charges for a good or service which is similar or related to the good or service in question, provided that the similar or related good or service and its price is not selective; (ii) the price charged by other sellers to buyers within the same political jurisdiction for an identical good or service; (iii) the government's cost of providing the good or service; or (iv) the price paid for the identical good or service outside of the political jurisdiction in question. The reasons for selecting these alternatives and their ranking are set forth in the Preferentiality Appendix.

The Department is aware, however, of arguments in favor of a different ranking of the alternative benchmarks set forth in the Preferentiality Appendix. Therefore, before issuing final rules, the Department will reevaluate these alternatives and will consider carefully any comments concerning the selection of alternative benchmarks for determining the preferentiality of a good or service provided by a government.

Paragraph (g). Paragraph (g) of section 355.44, which corresponds to item (c) of the Illustrative List, codifies the Department's practice with respect to preferential transport or freight charges for export shipments. Paragraph (g)(1) restates the general rule that a countervailable benefit exists to the extent that a firm pays less for the transport of goods destined for export than it would for the transport of goods destined for domestic consumption. See, *e.g.*, *Ferrochrome from South Africa*, 46 FR 21155 (1981); and *Carbon Steel Plates and High Strength Steel Plates from Mexico*, 41 FR 1273 (1976). Where a firm pays the same basic charges regardless of whether a product is destined for export or for domestic consumption, a countervailable benefit does not exist under this paragraph, *Low-Fuming Brazing Copper Rod and Wire from South Africa*, 50 FR 31642 (1985), although a countervailable benefit still might exist under § 355.44(f).

Paragraph (g)(2) provides illustrative examples of situations in which a countervailable benefit does not exist: (i) Where the difference in charges is the result of an arm's length transaction between the supplier and the user of the transport or freight services, *see, e.g.*, *Miniature Carnations from Colombia*, 52 FR 32033 (1987); *Roses and Other Cut Flowers from Colombia*, 47 FR 2158 (1983); *Steel Wire Rope from South Africa*, 47 FR 40203 (1982); and *Lamb Meat from New Zealand*, 46 FR 58128 (1981); or (ii) where the difference in charges is commercially justified, *see, e.g.*, *Certain Steel Products from South Africa*, 47 FR 39379 (1982). In these situations, the government is not treating the firm paying the charges any differently than the market would treat the firm.

Paragraph (h). Paragraph (h), which corresponds to item (d) of the Illustrative List, deals with the government provision of goods pursuant to an export program.

Paragraph (i). Paragraph (i) of § 355.44 codifies existing Department practice with respect to programs providing tax or import charge benefits. The Department has encountered various types of these programs, and the various paragraphs of paragraph (i) describe the standards for determining the existence of a countervailable benefit with respect to each type.

Paragraph (i)(1), which deals with direct tax benefits, defines a countervailable benefit as the full or partial exemption, remission, or deferral of a direct tax or social welfare charge in excess of the tax which a firm otherwise would pay absent a government program. This paragraph also defines a countervailable benefit as a reduction in the base used to calculate a direct tax or social welfare charge in excess of the tax which a firm otherwise would pay absent a government program. Paragraph (i)(1), although it is not limited to export programs, corresponds to the export subsidies described in items (e) and (f) of the Illustrative List. See also Annex I, paragraph (4), to Part 355 of our current regulations and the following cases for examples of countervailable benefits under the proposed regulation: *Offshore Platform Jackets and Piles from Korea*, 51 FR 11779 (1986); *Low-Fuming Brazing Copper Rod and Wire from New Zealand*, 50 FR 31638 (1985); *Textile Mill Products and Apparel from the Philippines*, 50 FR 1607 (1985); *Textile Mill Products and Apparel from Argentina*, 50 FR 9846 (1985); *Pads for Woodwind Instrument Keys from Italy*, 49 FR 17793 (1984); and *Refrigeration Compressors from Singapore*, 48 FR 39109 (1983). As under existing practice, in determining the taxes a firm "otherwise would have paid," the Department will take account of the effects on a firm's total tax liability as a result of a firm's use of a tax subsidy. See, *e.g.*, *Lamb Meat from New Zealand*, 53 FR 47 (1988), and the discussion of the calculation of EMDTI benefits.

Paragraph (i)(2) deals with domestic programs providing indirect tax and import charge benefits. Pursuant to paragraph (i)(2), a program confers a countervailable benefit to the extent that it relieves a firm of indirect taxes or

import charges that it otherwise would pay absent the program.

Paragraph (i)(3), which corresponds to item (g) of the Illustrative List, deals with export programs providing benefits with respect to final stage indirect taxes. Paragraph (i)(3) restates the existing rule that the nonexcessive exemption or remission of final stage indirect taxes does not confer a countervailable benefit. See, *e.g.*, *Zenith Radio Corp.* v. *United States*, *supra*.

Paragraph (i)(4)(i), which corresponds to items (h) and (i) of the Illustrative List, deals with export programs providing indirect tax and/or import charge benefits. Paragraph (i)(4)(i) restates the existing rule that the nonexcessive exemption, remission, or deferral of prior stage cumulative indirect taxes and/or import charges levied on goods that are physically incorporated into the exported product does not confer a countervailable benefit. In this regard, paragraph (i)(4)(i) also codifies existing principles with respect to physical incorporation. See, *e.g.*, Annex I, paragraph (1), to Part 355 of our current regulations.

Where the amount exempted or rebated is excessive, the excessive amount constitutes the countervailable benefit. However, under paragraph (i)(4)(ii), which codifies the Department's existing linkage test for these types of tax and duty rebate programs, *see, e.g.*, *Industrial Fasteners Group, American Importers Ass'n* v. *United States*, 710 F.2d 1576 (Fed. Cir. 1983), the entire amount of the rebate would constitute a countervailable benefit if the Secretary determined that the criteria of paragraph (i)(4)(ii) were not satisfied. See, *e.g.*, *Certain Apparel from Thailand*, 50 FR 9818 (1985); and *Textile Mill Products and Apparel from Indonesia*, 49 FR 49672 (1984).

Paragraph (j). Paragraph (j) codifies existing practice with respect to foreign government programs that provide assistance to workers. Under existing practice, such assistance generally constitutes a countervailable benefit only to the extent that it relieves a firm of an obligation it otherwise normally would incur. See, *e.g.*, Appendix 2. Benefits which accrue only to workers do not constitute countervailable benefits. *Compare* Appendix 3, *Certain Steel Products from Belgium*, 47 FR 39304 (1982) (ECSC housing assistance); and *Certain Carbon Steel Products from Austria*, 50 FR 33369 (1985), *with Certain Carbon Steel Products from Sweden*, 50 FR 33375 (1985); and *Certain Steel Products from the United Kingdom*, 47 FR 39384 (1982) (ISITB training programs).

Paragraph (k). Paragraph (k) codifies existing practice concerning government assumption or forgiveness of a firm's debt. Thus, the first sentence of paragraph (k) provides that the assumption or forgiveness of a firm's outstanding debt provides a countervailable benefit equal to the outstanding principal and accrued unpaid interest at the time of the assumption or forgiveness. See Subsidies Appendix at 18020. Essentially, the Department will treat the assumption or forgiveness as if it were a grant within the meaning of § 355.44(a), and will value this "grant" in accordance with the principles of § 355.49. The second sentence of paragraph (k) provides that if the foreign government receives shares in a firm in return for assuming or forgiving all or part of a firm's outstanding debt, the government action shall be treated as an equity infusion in accordance with the standards of § 355.44(e). Subsidies Appendix at 18020.

Paragraph (l). Paragraph (l) codifies existing Department practice with respect to assistance provided for purposes of research and development. Under that practice, such assistance does not confer a countervailable benefit where the results of the research and development are made available to the public, including the U.S. competitors of the recipient of the assistance. See, *e.g.*, Appendix 2; *Roses from Israel*, 52 FR 3316 (1987); *Fuel Ethanol from Brazil*, 51 FR 3361 (1986); and *Certain Carbon Steel Products from Sweden*, 50 FR 33375 (1985). Although this practice was called into question in *Agrexco, Agricultural Export Co., Ltd.* v. *United States*, 604 F. Supp. 1238 (Ct. Int'l Trade 1985), the Department disagrees with that aspect of the decision, and, in any event, the decision has become moot due to the completion of subsequent administrative reviews of the CVD order in question.

It should be noted that a program providing assistance for research and development still must be selective, within the meaning of § 355.43, in order to constitute a countervailable subsidy. See, *e.g.*, Appendix 2; *Fuel Ethanol from Brazil*, 51 FR 3361 (1906); and *Lamb Meat from New Zealand*, 50 FR 37708 (1985). It also should be noted that if paragraph (1) does not apply to a program (*e.g.*, the results of the research are not publicly available), the Department would deal with any benefits provided under the program pursuant to one of the other paragraphs of § 355.44. For example, the Department would handle grants for research and development under § 355.44(a), loans under § 355.44(b), etc.

Paragraph (m). Paragraph (m) codifies existing Department practice with respect to certain types of export promotion activities. Most countries, including the United States, maintain general export promotion programs. As long as these programs provide only general informational services, they do not constitute a countervailable benefit. See, *e.g.*, *Certain Textile and Textile Products from Mexico*, 44 FR 41003 (1979); *Cotton Sheeting and Sateen from Peru*, 48 FR 4501 (1983); and *Fresh Cut Flowers from Mexico*, 49 FR 15007 (1984). Thus, under paragraph (m), an export program limited to these sorts of general activities would not constitute a countervailable benefit, notwithstanding any other provision of § 355.44. However, if, for example, such activities promoted a specific product, *Fresh Atlantic Groundfish from Canada*, 51 FR 10041 (1986), or provided financial assistance to a firm, *see, e.g.*, *Fresh Cut Flowers from Israel*, 52 FR 3316 (1987), these activities would not fall within the purview of paragraph (m), and could constitute a countervailable benefit under one of the other provisions of § 355.44.

Paraqraph (n). Paragraph (n) codifies existing Department practice with respect to programs providing varying levels of benefits based upon differing eligibility criteria (sometimes referred to as "tiered programs"). Under existing practice, where certain benefits under a program are selective and others are nonselective, the Department determines the existence of a countervailable benefit by comparing the benefits received by a firm to the benefits it would have received under the most favorable, nonselective portion of the program in question. For example, in many CVD proceedings involving merchandise from Canada, the Department has dealt with the Canadian investment tax credit. Under Canadian tax law, the basic seven percent tax credit is so widely available and used in Canada that the Department has found it to be nonselective. Other, more favorable tax credits are available on a selective basis, however. In determining the countervailable benefit arising from the use of these selective tax credits, the Department compares a firm's tax savings arising from the use of these selective tax credits with what the firm's taxes would have been had it used only the seven percent tax credit. See, *e.g.*, *Oil Country Tubular Goods from Canada*, 51 FR 15037 (1986); *see also*, *e.g.*, *Iron-Metal Construction Castings from Mexico*, 50 FR 43262 (1985)

(FOGAIN); *Certain Apparel from Thailand*, 50 FR 9818 (1985); and *Textile Mill Products and Apparel from the Philippines*, 50 FR 1607 (1985).

Paragraph (n) supersedes any other provision of section 355.44 with respect to the selection of the benchmark used to determine the existence of a countervailable benefit. However, in order for paragraph (n) to apply, the Secretary must determine that a firm would have been eligible for nonselective benefits under a program.

Paragraph (o). Paragraph (o)(1) codifies current practice with respect to so-called "transnational benefits." Occasionally, the Department has encountered programs which are funded through foreign aid, either on a bilateral or multilateral basis. In such instances, the Department (and Treasury before it) has determined such programs to be noncountervailable, to the extent that funds for the program are not provided by the government of the country in question. See, *e.g.*, *Viscose Rayon Staple Fiber from Austria*, 45 FR 1468 (1980) (U.S. Marshall Plan); *Textiles and Textile Products from Pakistan*, 44 FR 2746 (1979) (Bilateral and multilateral aid); *Pig Iron from Brazil*, 48 FR 54091 (1983) (U.S. aid through Alliance for Progress); *Certain Steel Products from Korea*, 47 FR 57535 (1982) (War reparations paid by the Government of Japan to the Government of Korea); and *Textiles and Textile Products from Turkey*, 49 FR 32639 (1984) (World Bank). However, to the extent that the government of a country supplements such funding with its own funds, the latter funds could provide a countervailable benefit. *Fuel Ethanol from Brazil*, 51 FR 3361 (1986).

Paragraph (o)(2) codifies section 701(d) of the Act, as added by section 1315 of the 1988 Act. Paragraph (o)(2) contains an exception to the general rule of paragraph (o)(1) for situations involving the production of merchandise by an international consortium, the members of which receive countervailable subsidies from their respective home governments.

5. *Section 355.45.* Section 355.45 codifies existing Department practice with respect to upstream subsidies. The most complete descriptions of the Department's current practice are in the preliminary and final determinations in *Certain Agricultural Tillage Tools from Brazil*, 50 FR 24270 (1985), 50 FR 34525 (1985), respectively, and in *Fuel Ethanol from Brazil*, 51 FR 3361 (1986).

Paragraph (a) sets forth the general rule. In order to find an upstream subsidy under section 771A of the Act, three elements must exist. First, the input product must benefit from a "domestic," as opposed to an "export," countervailable subsidy. Second, the countervailable subsidy on the input product must bestow a competitive benefit on the merchandise. Third, the countervailable subsidy on the input product must have a significant effect on the cost of manufacturing or producing the merchandise.

Paragraph (b) sets forth the threshold elements that must be alleged before the Secretary will investigate an upstream subsidy allegation. These elements form the "reasonable basis to believe or suspect" standard contained in section 703(g) of the Act, a standard which is higher than the standard for initiating a CVD investigation. This threshold applies to an allegation contained in a petition (*see* 19 CFR 355.12(b)(8)), as well as an allegation made at a later stage of a proceeding.

Paragraph (c) defines "input product." It should be noted here that agricultural inputs are dealt with in paragraph (g), which incorporates the standards of section 771B of the Act, as added by the 1988 Act.

Paragraph (d) sets forth the standard for determining whether a "competitive benefit" exists, codifying the hierarchy of benchmarks set forth in *Agricultural Tillage Tools from Brazil*, 50 FR 24270 (1985). The preferred benchmark is the price charged by unsubsidized producers of the input product located in the same country as the producer of the merchandise. If there are no unsubsidized producers, but in a prior CVD proceeding the Secretary has determined that a domestic countervailable subsidy is bestowed on the input product, the Secretary could derive a benchmark by adjusting for the effects of the subsidy on the input. Alternatively, the Secretary could use a world market price for the input product.

Paragraph (e) establishes the standard for determining whether a "significant effect" on cost exists. Paragraph (e) codifies the standard used in the final determination in *Agricultural Tillage Tools from Brazil*, 50 FR 34525 (1985). While paragraph (e) sets forth certain presumptions based upon the ratio which the *ad valorem* subsidy rate on the input bears to the total production costs of the merchandise, this presumption is rebuttable through the presentation of particular evidence. Ultimately, the analysis involves a case-by-case determination of the degree to which demand for the merchandise is elastic. The more fungible the merchandise (*i.e.*, the more that it competes on the basis of price, rather than on quality or other non-price factors), the more likely is it that the countervailable subsidy on the input product will have a "significant" effect on cost.

Paragraph (f) provides that where the Secretary determines that an upstream subsidy exists, the Secretary will include an amount equal to the amount of competitive benefit in the subsidy rate for the merchandise.

Paragraph (g), which deals with processed agricultural products, codifies section 771B of the Act, as added by section 1313 of the 1988 Act. Essentially, if the criteria of paragraph (g) are satisfied, the Secretary will not apply an upstream subsidy analysis with respect to subsidies on raw agricultural products used in the production of processed agricultural products. Instead, the Secretary will deem subsidies on the raw product to be provided with respect to the processed product.

6. *Section 355.46.* Section 355.46 codifies the provisions of section 771(6) of the Act concerning offsets. Paragraph (a) reiterates the provisions of section 771(6). As under existing practice, the Department will construe narrowly the provisions of paragraph (a).

Paragraph (b) is intended to codify the current practice of ignoring the secondary tax consequences of a countervailable benefit. For example, some foreign governments may treat cash grants as revenue for income tax purposes. Under paragraph (b), the Department would ignore the fact that such grants may be subject to taxation. See, *e.g.*, *Welded Carbon Steel Pipe and Tube from Argentina*, 53 FR 37619 (1988).

7. *Section 355.47.* Section 355.47 deals with the allocation of benefits to particular products or markets and the calculation of *ad valorem* subsidy rates. In Departmental parlance, these matters fall under the rubric of "tying" and "denominators."

Paragraph (a). Paragraph (a) of § 355.47 codifies existing practice with respect to tied benefits (*e.g.*, a benefit bestowed specifically to promote the production of a particular product). The first sentence of paragraph (a) restates existing practice to the effect that where the Secretary determines that a benefit is tied to the production or sale of a particular product (or products), the Secretary will allocate the benefit fully to the product (or products). See, *e.g.*, Appendix 2. The second sentence of paragraph (a) restates a corollary principle that if the product (or products) to which the benefit is tied is a product other than the merchandise under investigation or review (see § 355.2(k) of the current regulations for the definition of "the merchandise"), no countervailable subsidy exists. See, *e.g.*, Appendix 2; and *Industrial*

Nitrocellulose from France, 52 FR 833 (1987).

The third sentence of paragraph (a) then describes the method for calculating the *ad valorem* subsidy rate where a benefit is tied to products included within "the merchandise." Paragraph (a)(1) provides that in the case of a domestic program, the Secretary will calculate the *ad valorem* rate by dividing the benefit received by a firm by the firm's total sales of the product (or products) to which the benefit is tied. Paragraph (a)(2) provides that in the case of an export program, the Secretary will calculate the *ad valorem* rate by dividing the benefit received by a firm by the firm's total exports of the product (or products) to which the benefit is tied.

Paragraph (b). Paragraph (b) of section 355.47 codifies existing Department practice with respect to benefits tied to sales to a particular market. The first sentence of paragraph (b) sets forth the general rule that where a benefit is tied to sales to a particular market, the Secretary will allocate the benefit fully to products sold in that market. The second sentence of paragraph (b) provides the corollary rule that where the benefit is tied to sales to a market other than the United States, no countervailable subsidy exists. See, *e.g., Roses and Other Cut Flowers from Colombia*, 51 FR 44931 (1986); *Certain Table Wine from Italy*, 49 FR 6778 (1984); and *Apparel from Thailand*, 50 FR 9818 (1985).

The third sentence of paragraph (b) describes the method for calculating the *ad valorem* subsidy rate where a benefit is tied to sales to the United States. Under paragraph (b)(1), the Secretary will divide a firm's benefit by the firm's total exports to the United States. *Compare Circular Welded Carbon Steel Pipes and Tubes from Thailand*, 50 FR 32751 (1985), *with Cast-Iron Pipe Fittings from Brazil*, 50 FR 8755 (1985). Paragraph (b)(2) adds an additional refinement in that if a benefit is tied to the export of a particular product (or products) to the United States, the Secretary will calculate the subsidy rate by dividing a firm's benefit by the firm's exports of the particular product (or products) to the United States.

Paragraph (c). Paragraph (c) deals with untied benefits. The first sentence of paragraph (c)(1) provides that where a benefit is not tied to a particular product or market, the Secretary will allocate the benefit to all products produced by a firm where the benefit is received pursuant to a domestic program, and to all products exported by a firm where the benefit is received pursuant to an export program.

The second sentence of paragraph (c)(1) deals with the calculation of the *ad valorem* subsidy rate for untied benefits. Paragraph (c)(1)(i) provides that in the case of a domestic program, the Secretary will divide a firm's benefit by the firm's total sales. Paragraph (c)(1)(ii) provides that in the case of an export program, the Secretary will divide a firm's benefit by the firm's total exports.

Paragraph (c)(2) codifies existing practice by providing that the Secretary will treat equity infusions as untied benefits.

8. *Section 355.48.* Section 355.48 deals with the important concept of the timing of receipt of a countervailable benefit. The timing of receipt of a countervailable benefit dictates the year in which the Department expenses the benefit or the year in which the Department begins its allocation of the benefit over time or the calculation of an annual benefit pursuant to § 355.49.

Paragraph (a) describes the Department's general cash flow approach with regard to the timing of receipt of benefits. This general principle underlies the Department's practice with respect to particular programs.

Paragraph (b) then restates existing Department practice with respect to the timing of receipt of particular types of benefits. For benefits not described in paragraph (b), the Department would determine the timing of receipt in accordance with the general principle of paragraph (a).

Paragraph (c) provides for an exception to the rules set forth in paragraphs (a) and (b). In certain situations, the application of the general rule would enable certain countervailable subsidies to go unremedied. Typically, these situations involve "big ticket" items, the production and delivery of which may extend over several years. See, *e.g., Offshore Platform Jackets and Piles from Korea*, 51 FR 11779 (1986). Paragraph (c) provides that where the Secretary determines it appropriate, the Secretary may depart from the rules set forth in paragraphs (a) and (b). Paragraph (c) also provides that where the Secretary decides to depart from the general rules, the Secretary must explain the reasons therefor.

9. *Section 355.49.* This section deals with the allocation of a countervailable benefit to one or more years. The subjects covered in this section often are lumped loosely under the general category of subsidy "valuation," subjects covered by both §§ 355.44 and 355.49. However, § 355.44 largely deals with the selection of the benchmarks against which various types of alleged subsidy programs are compared in order to determine whether a countervailable benefit exists. Section 355.49 deals primarily with the allocation of a countervailable benefit to one or more years. Some conceptual overlap between §§ 355.44 and 355.49 exists because for certain types of programs, as discussed below, the determination of the existence and amount of any countervailable benefit must be done on a *post hoc* basis.

It should be noted that the Act is largely silent with respect to certain practical aspects of administering the CVD law. The Department, building upon Treasury practice, has filled in these gaps through administrative practice. Under this practice, the Department measures subsidization on an annual basis. Typically, the review period in an investigation covers a single calendar or fiscal year. An administrative review may cover one or more years. In an investigation or review, the Department attempts to calculate the amount of countervailable benefits attributable to a particular year, generally transforming benefits bestowed in absolute amounts into *ad valorem* equivalents. Section 355.49 is based upon this practice of identifying and measuring subsidies on an annual basis.

Section 355.49(a) codifies existing practice by establishing a general rule concerning the allocation of countervailable benefits. Paragraph (a)(1) states the basic principle that the Secretary either must (1) expense the entire amount of a benefit to a single year, (2) allocate the benefit over two or more years, or (3) calculate an annual benefit for two or more years. The term "expense" in paragraph (a)(1) reflects existing Department terminology, and essentially means that the entire amount of the benefit is allocated to the year in which the benefit is deemed to be received under § 355.48.

The phrase "depending upon the nature of the benefit in question," while admittedly imprecise, is intended to reflect the fact that the choice between expensing versus allocation usually depends upon the precise nature of the benefit in question. Generally, the choice between expensing and allocation depends upon whether (1) the benefit in question is a recurring benefit, and (2) the Secretary can calculate a "grant equivalent" for the benefit at the time of its receipt (*i.e.*, the total amount of any countervailable benefit is not contingent upon future events or benchmarks). The phrase "calculate an annual benefit" refers to the practice of

determining an annual amount for those benefits that are not expensed, but also are not "allocated" because the Secretary cannot calculate a "grant equivalent" at the time of receipt.

Paragraphs (a) (2) and (3) are intended to compensate for the imprecision in paragraph (a)(1) by providing definitive guidance for certain types of benefits. Paragraph (a)(2) provides that recurring benefits (benefits which a firm receives, or is likely to receive, on an ongoing basis from review period to review period) shall be expensed. Typical examples of such benefits are direct tax exemptions or deductions, excessive rebates of indirect taxes or import duties, preferential short-term financing, and the preferential provision of goods and services. Factors the Department considers in determining whether a benefit is recurring are: (1) Whether the program providing the benefit is exceptional; (2) whether the program is of longstanding; and (3) whether there is any reason to believe that the program will not continue into the future. See, *e.g., Live Swine and Fresh, Chilled and Frozen Pork Products from Canada,* 50 FR 25097 (1985); and *Fresh Atlantic Groundfish from Canada,* 57 FR 10041 (1986).

Paragraph (a)(3) identifies those benefits that the Secretary will allocate over two or more review periods. Paragraph (a)(3)(i) restates existing practice with respect to nonrecurring grants and equity infusions found to confer a countervailable benefit as a result of a comparison to the market price for a firm's shares. See Subsidies Appendix at 18018. Under paragraph (a)(3)(i), the Secretary will allocate over time a nonrecurring grant or equity infusion where the total amount of all such grants or infusions received during a year under a particular program is equal to or greater than 0.50 percent of a firm's exports or total sales, as appropriate. The purpose of this rule is to avoid any anomalies caused by the interaction of the Department's allocation formula and the *de minimis* rule contained in § 355.7 of the Commerce Regulations. *Id.*

Paragraph (a)(3)(ii) provides that the Secretary will allocate over time benefits from long-term loans for which both the government and the benchmark interest rates are fixed. Essentially, these are loans for which the Secretary can calculate a "grant equivalent" of the countervailable benefit at the time of receipt of the loan.

Paragraph (b)(1) codifies existing practice by describing in general terms the process used for allocating grants and certain equity infusions over time. Paragraph (b)(1) prescribes a three-step process under which the Secretary will (1) calculate the amount of the countervailable benefit; (2) assign a discount rate; and (3) construct a benefit stream. See generally, Subsidies Appendix.

Paragraph (b)(2) prescribes the discount rate to be used, and constitutes a change from existing practice. As stated in the Subsidies Appendix, the Department has attempted to use a firm's "weighted cost of capital" ("WCC") as the discount rate. This is because a firm's time preference for money is determined by its expected rate of return on investment and operations at the time it receives a subsidy. The firm's cost of raising money, its WCC, is the best surrogate for the expected rate of return. Subsidies Appendix at 18017. However, we stated in the Subsidies Appendix that while the WCC was the most accurate discount rate, there were practical investigatory problems in using the WCC. *Id.* at 18017–18. Thus, we indicated that we might change this practice in the future "if difficulties in finding the information systematically prohibit us from using [the WCC] as a discount rate." *Id.* at 18018.

Since 1984, we rarely have been able to calculate a firm's WCC. Typically, we have been forced to use some alternative figure as a "best information" discount rate. See, *e.g., Industrial Nitrocellulose from France,* 51 FR 5386 (1986); *Carbon Black from Mexico,* 51 FR 13269 (1986); *Viscose Rayon Staple Fiber from Sweden,* 51 FR 29145 (1986); and *Stainless Steel Plate from the United Kingdom,* 51 FR 34112 (1986). Valuable time of Department staff and parties to proceedings has been wasted seeking a figure which, in most instances, turns out to be unavailable.

Therefore, paragraph (b)(2) establishes a new hierarchy of discount rates, replacing the WCC. Under paragraph (b)(2)(i), the preferred discount rate is a firm's cost of long-term fixed-rate debt. If this figure is not available, paragraph (b)(2)(ii) prescribes the use of the national average cost for long-term fixed-rate debt in the country in question. If the latter information is not available, paragraph (b)(2)(iii) authorizes the use of a discount rate which the Secretary considers to be the most appropriate in the particular case. The last sentence of paragraph (b)(2) restates existing practice by providing that the Secretary will select a discount rate based upon data for the year in which the foreign government and the firm reached agreement on the essential terms of the grant or equity infusion. Subsidies Appendix at 18017.

Paragraph (b)(3) codifies existing practice by setting forth the formula used to construct the benefit stream referred to in paragraph (b)(1)(iii). It should be noted that this formula codifies existing practice with respect to the number of years over which a grant or equity infusion is allocated ("n" in the formula). As drafted, the Department would continue to use the IRS tables as the standard for allocating grants and equity infusions. As drafted and as discussed below, the Department also would continue to use the life-of-the-loan as the allocation period for long-term loans.

However, as an alternative to the IRS tables and life-of-the-loan, the Department is considering using a fixed period of ten years as the allocation period for all types of nonexpensed benefits in all cases. This ten-year period would apply not only to grants and equity infusions covered by paragraph (b), but also would apply to loans and equity infusions covered by paragraphs (c) through (e) of § 355.49.

The reason for selecting a fixed ten-year period is that, as stated in the Subsidies Appendix at 18018, "[t]here are no economic or financial rules that mandate the choice of an allocation period." One can argue that theoretically, a subsidy benefits a firm forever, thereby rendering arbitrary any allocation period short of infinity. Moreover, the statute is silent with respect to the allocation of benefits over time, and what little legislative history there is on the subject deals with the "shape" of the benefit stream rather than its "length." See S. Rep. No. 261, 96th Cong., 1st Sess. 85–86 (1979). At most, the legislative history exhorts the Department to use a "reasonable" method of allocation. *Id.*

In determining a "reasonable" allocation period, the Department must balance the conflicting demands of the statute. The period selected must be substantively fair to the interests of both domestic and foreign parties. However, the Department must select a period which facilitates the administration of the statute in a timely manner, and which offers predictability for domestic and foreign parties. Thus far, the alternatives considered by the Department have suffered from one or more drawbacks. The use of firms' accounting useful life as reflected in their records suffers from the fact that a firm may select a useful life for a variety of reasons, such as tax liability. Thus, to use firms' accounting useful life could result in drastically different benefit amounts even though firms might be receiving identical subsidies and might

be otherwise identically situated. Likewise, the tax tables of other countries often are designed to promote certain governmental objectives, and do not necessarily reflect the useful life of assets. Moreover, to use the tax tables of the country under investigation would produce different benefit amounts between countries.

Although the IRS tables provide consistency and predictability, the Department is concerned that those tables are dated. Moreover, the premise that the duration of the benefit from a subsidy differs (or should differ) depending on the industry in question is debatable. As for the Department's life-of-the-loan allocation method, one can argue that the duration of a benefit should not depend upon the form in which the benefit is conferred.

Therefore, as stated above, the Department is considering the use of a ten-year period for all nonexpensed benefits. Based upon the Department's experience with these types of benefits, the use of a ten-year period would provide adequate protection to domestic parties and would be fair to foreign producers. In addition, the use of a ten-year period would ensure consistency and predictability of results, and, from the Department's standpoint, would be more administrable than the alternatives.

Before adopting this approach, however, the Department wishes to receive comments on: (1) The use of a set allocation period for all types of nonexpensed benefits; and (2) the selection of ten years, as opposed to some other time period.

Paragraph (c)(1) describes the process for allocating certain long-term loans over time. As set forth in paragraph (a)(3)(ii), these are loans for which the government and benchmark interest rates are long-term, fixed rates. Thus, the Department is able to calculate a "grant equivalent" for these types of loans. Paragraph (c)(1) describes a three-step allocation process similar to the one in paragraph (b)(1) for grants and equity infusions. The principal difference is that pursuant to paragraph (c)(1)(i), the Secretary must determine the "grant equivalent" of the loan by calculating the present value of the difference in payments between the government loan and the benchmark loan. Paragraph (c)(2) sets forth the present value formula for calculating this grant equivalent, using the benchmark rate as the discount rate. The last sentence of paragraph (c)(2) reflects existing Department practice concerning the so-called "grant cap." In order to avoid calculating a benefit greater than if the Department treated the loan as a grant, the amount calculated under paragraph (c)(2) may not exceed the face value of the loan principal.

Paragraph (c)(3) sets forth the discount rate to be used for purposes of allocating the benefit from the loan over time. This is the same discount rate used to calculate the grant equivalent under paragraph (c)(2); namely, the benchmark rate. It should be noted that as under existing practice, in the case of a long-term loan to an uncreditworthy firm, the Department would use the "risk premium" benchmark rate calculated under § 355.44(b)(6)(iv). See *Stainless Steel Plate from the United Kingdom,* 51 FR 34112 (1986).

Paragraph (c)(4) sets forth the formula for constructing the benefit stream pursuant to paragraph (c)(1)(iii), and reflects existing practice. As noted above, if the Department were to adopt a fixed ten-year allocation period for all benefits, "n" in the formula would be ten years, rather than the number of years in the life of the loan.

Paragraph (d) deals with the calculation of the annual benefit from long-term loans for which the Secretary cannot calculate a grant equivalent; *i.e.,* loans for which either the government or benchmark interest rate is not a long-term, fixed rate. Paragraph (d)(1) provides that for each year in which the loan is outstanding, the Secretary will determine the amount of the "loan differential"; *i.e.,* the difference between what the firm paid during the year under the government loan and what the firm would have paid during the year under the benchmark loan. This loan differential is the countervailable benefit for the particular year.

Paragraph (d)(2) provides that the number of years in which a long-term loan is capable of conferring a countervailable benefit shall be the number of years in the loan. Thus, for example, in the case of a loan with a life of ten years, the last year in which the loan could be capable of providing a countervailable benefit would be the tenth year of the loan. Again, however, if the Department adopts a fixed ten-year allocation period for all benefits, the number of years would be ten years, rather than the number of years in the life of the loan.

Under existing practice, the Department will not assess countervailing duties attributable to a loan in an amount greater than that which would be calculated if the Department simply treated the loan as a grant. Paragraph (d)(3) codifies this principle by providing that the amount calculated under paragraph (d)(1) may not exceed the amount that would have been calculated if the Secretary had treated the loan principal as a grant and calculated the annual benefit pursuant to § 355.49(b).

Paragraph (e) codifies the Department's so-called "rate of return shortfall" method for valuing equity infusions found to be countervailable pursuant to § 355.44(e)(1)(ii); *i.e.,* infusions in unequityworthy firms for which there are no market-determined share prices. See Subsidies Appendix at 18020. Under this method, in a given year, the Secretary will multiply the amount of the equity infusion by the difference between a firm's rate of return on equity and the average rate of return on equity for firms in the country in question. The Secretary will use rates of return for the year in question. The Secretary then will use the product of this multiplication as the amount of the countervailable benefit attributable to the equity infusion for the particular year. The last sentence of paragraph (e)(1) codifies existing practice with respect to dividend payments. If a firm pays dividends to its government during the year in which the Secretary is measuring the rate of return shortfall, the Secretary will subtract the amount of the dividends paid in calculating any countervailable benefit, provided that such dividends were not included in the firm's rate of return. See, *e.g., Certain Carbon Steel Products from Sweden,* 50 FR 33375 (1985).

Paragraph (e)(2) provides that the number of years in which an equity infusion is capable of conferring a countervailable benefit shall be the average useful life of the firm's renewable physical assets, as set forth in the IRS tables. Thus, for example, in the case of a firm for which the average useful life of assets is ten years, the last year in which an equity infusion could be capable of providing a countervailable benefit would be the tenth year from the date of receipt of the equity infusion. Again, if the Department adopts a fixed ten-year period, the number of years would be ten, rather than the useful life as set forth in the IRS tables.

Under existing practice, the Department will not assess countervailing duties under the rate of return shortfall method in an amount greater than that which would be calculated if the Department simply treated the infusion as a grant. Paragraph (e)(3) codifies this principle by providing that in no event will the Secretary calculate a benefit greater than the "grant cap." The mechanics of calculating a grant cap under paragraph (e)(3) are identical to those for

calculating the grant cap for a loan under paragraph (d)(3).

Paragraph (f) deals with programs under which a government provides a long-term interest-free loan to a firm, the obligation for repayment of which is contingent upon subsequent events, such as the achievement of a particular profit level by a firm. Paragraph (f) codifies current practice by providing that in a given year the Secretary will treat any outstanding balance as an interest-free short-term loan, using the short-term loan benchmark called for in § 355.44(b)(3), and shall expense any resulting countervailable benefit to the year in question.

Paragraph (f) does not deal with all of the different types of contingent liability programs that the Department has encountered thus far. However, the Department's experience with such programs is still relatively limited, and we prefer to gain additional experience before further codifying our methodology with respect to such programs. In general, however, the Department's methodology concerning these programs has been consistent with the principles set forth in paragraph (f).

Paragraph (g) deals with government forgiveness of loans. If during a year, the government forgives all or part of the loan, the Secretary will treat such forgiveness as a grant to the firm and shall expense or allocate the grant, as appropriate.

Paragraph (h) is intended to deal with benefits not covered elsewhere in § 355.49. Although § 355.49 encompasses most of the programs dealt with by the Department, occasionally the Department encounters programs that require a modification of the Department's standard methodology. Paragraph (h) provides that in valuing the benefits from such unusual programs, the Department will apply the underlying principles of § 355.49.

10. *Section 355.50.* Section 355.50 codifies existing Department practice with respect to program-wide changes. In an investigation or administrative review, the Department typically bases its determination on an analysis of countervailable subsidies conferred during a clearly delineated review period. In an investigation, the Department's analysis of subsidy activity during this review period will dictate whether the final determination is affirmative or negative. In an administrative review, the Department's analysis of subsidy activity during the review period will form the basis for the CVD assessment rate. In both investigations and administrative reviews, the Department's analysis of subsidy activity during the review period also normally forms the basis of the estimated CVD cash deposit rate. However, pursuant to established practice, which the Department first articulated in *Textile Mill Products and Apparel from Peru,* 50 FR 9871 (1985), the Department will adjust the cash deposit rate to take into account certain changes in subsidy programs occurring after the review period, but prior to a preliminary determination or preliminary results of administrative review.

Paragraph (a) of § 355.50 sets forth the general rule, which is that the Department will adjust the cash deposit rate for program-wide changes occurring subsequent to the review period, but before a preliminary determination (in an investigation) or a preliminary results of review (in an administrative review). This adjustment may either increase or decrease the subsidy rate found during the review period. Pursuant to paragraph (a)(2), the Secretary must be able to measure the change in the level of countervailable subsidies provided under the program in question. For example, in the case of certain loan programs, there may be many factors affecting the subsidy rate, not all of which can be quantified in advance. See, *e.g., Textile Mill Products from Thailand,* 52 FR 7636 (1987); and *Textile Mill Products from Mexico,* 50 FR 10824 (1985); *see also, Live Swine from Canada,* 53 FR 22189 (1988).

Paragraph (b) defines "program-wide" change for purposes of § 355.50. First, the change must not be limited to an individual firm or firms. See, *e.g., Heavy Iron Construction Castings from Brazil,* 51 FR 9491 (1986); and *Offshore Platform Jackets and Piles from Korea,* 51 FR 11779 (1986). In this regard, the Department would treat the exclusion of particular products from eligibility for benefits under a program as a program-wide change. *Textile Mill Products and Apparel from Peru,* 50 FR 9871 (1985). Second, the change must be implemented by an official act, such as the enactment of a statute or regulation or the issuance of a decree, or be contained in the schedule of an existing statute, regulation, or decree.

Paragraph (c) clarifies that the program-wide change rule applies only to the calculation of the cash deposit rate. It does not affect the characterization of a determination as affirmative or negative, such characterization being based solely on the analysis of subsidy activity during the applicable review period.

Paragraph (d) deals with situations in which a government terminates a program. Pursuant to paragraph (d)(1), if the Secretary determined that residual benefits continued to be bestowed under the terminated program, the Secretary would not adjust the deposit rate. Also, pursuant to paragraph (d)(2), if a government introduced a substitute program in place of the terminated program and the Secretary was unable to measure the amount of countervailable subsidies provided under the new program, the Secretary would not adjust the cash deposit rate pursuant to paragraph (a). See *Lamb Meat from New Zealand,* 50 FR 37708 (1985); *cf., Textile Mill Products and Apparel from Argentina,* 50 FR 9846 (1985).

11. *Section 355.51.* Section 355.51 codifies the current method of calculating the weighted-average net subsidy rate on a country-wide basis. As provided in § 355.20(d) and § 355.22(d), the Secretary normally will calculate a country-wide subsidy rate, unless the rate for an individual firm is significantly different from the country-wide rate.

Drafting Information

The principal author of this document is William D. Hunter, Deputy Chief Counsel for Import Administration, U.S. Department of Commerce. Other personnel in the Office of the Chief Counsel for Import Administration and in Import Administration also provided valuable assistance.

List of Subjects in 19 CFR Part 355

Business and industry, Foreign trade, Imports, Trade practices.

Dated: April 27, 1989.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

For the reasons stated in the preamble, we propose to amend 19 CFR Part 355 as follows:

PART 355—[AMENDED]

1. Current Subpart D of Part 355 is redesignated as Subpart E, and current §§ 355.41 through 355.45 are redesignated as §§ 355.61 through 355.65, respectively.

2. The authority citation for 19 CFR Part 355 is amended to read as follows:

Authority: The authority for Part 355, except as otherwise noted below, is 5 U.S.C. 301; 19 U.S.C. 1303; 19 U.S.C. 2501 note; Title VII of the Tariff Act of 1930 (19 U.S.C. Subtitle IV, Parts II, III, and IV), as amended by Title I of the Trade Agreements Act of 1979, Pub. L. 96–39, 93 Stat. 150; section 221 and Title VI of the Trade and Tariff Act of 1984, Pub. L. 98–573, 98 Stat. 2948; Title XVIII, Subtitle B, Chapter 3, of the Tax Reform Act of 1986, Pub. L. 99–514, 100 Stat. 2085, 2919; and Title I, Subtitle C, Part 2, of the Omnibus

Trade and Competitiveness Act of 1988, Pub. L. 100–418, 102 Stat. 1184.

The authority for § 355.12(h) is section 650 of Pub. L. 98–181 (November 30, 1983), which added sections 702(b)(3), 703(b)(2), and 708 to the Tariff Act of 1930, 19 U.S.C. 1671a(b)(3), 1671b(b)(2), and 1671g.

The authority for §§ 355.61 through 355.65 is section 702 of the Trade Agreements Act of 1979, 19 U.S.C. 1202 note.

§ 355.2 [Amended]

3. Section 355.2(h), 19 CFR 355.2(h), is revised to read as follows:

(h) *Industry.* Except for purposes of Subpart D, "industry" means the producers in the United States collectively of the like product, except those producers in the United States that the Secretary excludes under section 771(4)(B) of the Act on the grounds that they are also importers (or are related to importers, producers, or exporters) of the merchandise. Under section 771(4)(C) of the Act, an "industry" may mean producers in the United States, as defined above in this paragraph, in a particular market in the United States if such producers sell all or almost all of their production of the like product in that market and if the demand for the like product in that market is not supplied to any substantial degree by producers of the like product located elsewhere in the United States.

4. Section 355.2, 19 CFR 355.2, is amended by adding paragraph (r) to read as follows:

§ 355.2 [Amended]

(r) *Program.* "Program" means any act or practice of a government.

5. The Table of Contents to Part 355 is amended by adding new Subparts D and E to read as follows:

Subpart D—Identification and Measurement of Countervailable Subsidies

Sec.
355.41 Definitions.
355.42 Existence of a countervailable subsidy.
355.43 Selective treatment.
355.44 Existence of a countervailable benefit.
355.45 Upstream subsidies.
355.46 Offsets.
355.47 Allocation of countervailable benefits to a product or market and calculation of ad valorem subsidy.
355.48 Timing of receipt of countervailable benefits.
355.49 Allocation of countervailable benefits over time.
355.50 Program-wide changes.
355.51 Calculation of country-wide rate.

Subpart E—Quota Cheese Subsidy Determinations

355.61 Definition of "subsidy."
355.62 Annual list and quarterly update.
355.63 Determination upon request.
355.64 Complaint of price-undercutting by subsidized imports.
355.65 Access to information.

6. A new Subpart D is added to 19 CFR Part 355, to read as follows:

Subpart D—Identification and Measurement of Countervailable Subsidies

§ 355.41 Definitions.

The following definitions apply for purposes of this subpart:

(a) *Firm.* "Firm" means any individual, partnership, corporation, association, organization, or other entity.

(b) *Government.* "Government" means the government of a country, as defined in § 355.2(d), and includes any entity controlled by a government.

(c) *Direct tax.* "Direct tax" means a tax on wages, profits, interest, rents, royalties, and all other forms of income, and a tax on the ownership of real property.

(d) *Indirect tax.* "Indirect tax" means a sales, excise, turnover, value added, franchise, stamp, transfer, inventory, or equipment tax, a border tax, and any tax other than a direct tax or an import charge.

(e) *Import charge.* "Import charge" means a tariff, duty, or other fiscal charge which is levied on imports, other than an indirect tax defined in paragraph (d) of this section.

(f) *Prior stage indirect tax.* "Prior stage indirect tax" means an indirect tax levied on goods or services used directly or indirectly in making a product.

(g) *Cumulative indirect tax.* "Cumulative indirect tax" means a multi-staged indirect tax levied where there is no mechanism for subsequent crediting of the tax if the goods or services subject to tax at one stage of production are used in a succeeding stage of production.

(h) *Infrastructure.* "Infrastructure" includes, but is not limited to, roads, ports, railway lines, and industrial estates.

(i) *Short-term loan.* "Short-term loan" means a loan, the terms of repayment for which are one year or less.

(j) *Long-term loan.* "Long-term loan" means a loan, the terms of repayment for which are greater than one year.

(k) *Provide; Provided.* "Provide" or "provided" means provided directly or indirectly by a government, or required by government action.

(l) *Export insurance. "Export insurance"* includes, but is not limited to, insurance against increases in the cost of exported products, nonpayment by the customer, inflation, or exchange rate risks.

§ 355.42 Existence of a countervailable subsidy.

A countervailable subsidy exists when the Secretary determines that:

(a) A program provides selective treatment to a product or firm; and

(b) A program provides a countervailable benefit with respect to the merchandise.

§ 355.43 Selective treatment.

(a)(1) *Export programs.* Selective treatment, and a potential countervailable export subsidy, exists where the Secretary determines that eligibility for, or the amount of, benefits under a program is tied to actual or anticipated exportation or export earnings.

(2) Where exportation is only one of many eligibility criteria for benefits under a program, the inclusion of exportation as a criterion shall not *per se* constitute selective treatment within the meaning of paragraph (a)(1) of this section.

(b)(1) *Domestic programs.* Selective treatment, and a potential countervailable domestic subsidy, exists where the Secretary determines that benefits under a program are provided, or are required to be provided, in law or in fact, to a specific enterprise or industry, or group of enterprises or industries.

(2) In determining whether benefits are specific under paragraph (b)(1) of this section, the Secretary will consider, among other things, the following factors:

(i) The extent to which a government acts to limit the availability of a program;

(ii) The number of enterprises, industries, or groups thereof that actually use a program;

(iii) Whether there are dominant users of a program, or whether certain enterprises, industries, or groups thereof receive disproportionately large benefits under a program; and

(iv) The extent to which a government exercises discretion in conferring benefits under a program.

(3) The Secretary will deem a program to be specific within the meaning of paragraph (b)(1) of this section, if the Secretary determines that benefits under a program are limited to enterprises or industries located in a specific region or regions of a country. In applying this paragraph, the Secretary may consider the proportion of enterprises or industries located in the region or regions in question as compared with the rest of the country.

(4) The Secretary will not regard the provision of infrastructure by a

government as specific within the meaning of paragraph (b)(1) of this section, provided the Secretary determines that:

(i) The government does not limit who can move into the area where the infrastructure has been built;

(ii) The infrastructure that has been built is in fact used by more than a specific enterprise or industry, or group thereof; and

(iii) Those that locate in the area have equal access to, or receive the benefit of, the infrastructure on the basis of neutral and objective criteria.

(5) Where a benefit is provided pursuant to a program of a state, provincial, or local government, the Secretary will determine the specificity of the benefit for purposes of paragraph (b)(1) of this section based upon the availability and use of the program within the state, provincial, or local jurisdiction of the government in question.

(6) Unless the Secretary determines that two or more programs are integrally linked, the Secretary will determine the specificity of a program for purposes of paragraph (b)(1) of this section solely on the basis of the availability and use of the particular program in question. In determining whether programs are integrally linked, the Secretary will examine, among other factors, the administration of the programs, evidence of a government policy to treat industries equally, the purposes of the programs as stated in their enabling legislation, and the manner of funding the programs.

(7) The Secretary will not regard a program as being specific, within the meaning of paragraph (b)(1) of this section, solely because the program is limited to small firms or small- and medium-sized firms.

(8) The Secretary will not regard a program as being specific, within the meaning of paragraph (b)(1) of this section, solely because the program is limited to the agricultural sector.

§ 355.44 Existence of a countervailable benefit.

(a) *Grants.* In the case of a program providing a grant, a countervailable benefit exists in the amount of the grant.

(b)(1) *Loans.* A loan provided by a government confers a countervailable benefit to the extent that the amount paid by a firm for the government loan is less than what the firm would pay for a benchmark loan.

(2) In making the comparison required under paragraph (b)(1) of this section, the Secretary will take into account any deferral of principal repayments or interest payments on a government loan. Unless such deferral is a normal or customary lending practice in the country in question, the deferral of principal repayments or interest payments provides a countervailable benefit to the extent that the deferral results in a total loan repayment that is less than the repayment would have been in the absence of the deferral.

(3)(i) In the case of a short-term loan provided by a government, the Secretary will use as a benchmark the average interest rate for an alternative source of short-term financing in the country in question. In determining this benchmark, the Secretary normally will rely upon the predominant source of short-term financing in the country in question. Where there is no single, predominant source of short-term financing, the Secretary may use a benchmark composed of the interest rates for two or more sources of short-term financing in the country in question, weighted, wherever possible, according to the value of financing from each source.

(ii) For purposes of paragraph (b)(3)(i) of this section, "predominant" means that type of short-term financing the total value of which is greater than or equal to 50 percent of the total value of short-term financing, in local currency, in the relevant country.

(iii) For purposes of paragraph (b)(3)(i) of this section, unless short-term interest rates in the country in question have fluctuated significantly during the year in question, the Secretary will calculate a single, annual average benchmark interest rate.

(4) In the case of a long-term loan provided by a government for which the interest rate is fixed, the Secretary will use as a benchmark the following, in order of preference:

(i) The interest rate on a fixed-rate, long-term loan taken out in the same year by the firm receiving the government loan;

(ii) The interest rate on a fixed-rate debt obligation issued in the same year by the firm receiving the government loan;

(iii) The interest rate on a variable-rate, long-term loan taken out in the same year by the firm receiving the government loan;

(iv) The national average long-term fixed interest rate in the country in question;

(v) The national long-term variable interest rate in the country in question; or

(vi) A short-term benchmark rate determined in accordance with paragraph (b)(3) of this section.

(5) In the case of a long-term loan provided by a government for which the interest rate is variable, the Secretary will use as a benchmark the following, in order of preference:

(i) The interest rate on a variable-rate, long-term loan taken out in the same year by the firm receiving the government loan;

(ii) the interest rate on a fixed-rate, long-term loan taken out in the same year by the firm receiving the government loan;

(iii) The interest rate on a fixed-rate debt obligation issued in the same year by the firm receiving the government loan;

(iv) The national average long-term variable interest rate in the country in question;

(v) The national average long-term fixed interest rate in the country in question; or

(vi) A short-term benchmark rate determined in accordance with paragraph (b)(3) of this section.

(6)(i) The Secretary will deem a firm to be uncreditworthy if the Secretary determines that the firm did not have sufficient revenues or resources to meet its costs and fixed financial obligations in the three years prior to the year in which the firm and the government agreed upon the terms of the loan. The Secretary will determine creditworthiness on a case-by-case basis, and may examine, among other factors, the following:

(A) The receipt by a firm of comparable long-term commercial loans;

(B) The present and past financial health of a firm, as reflected in various financial indicators calculated from the firm's financial statements and accounts;

(C) A firm's recent past and present ability to meet its costs and fixed financial obligations with its cash flow; and

(D) Evidence of a firm's future financial position, such as market studies, country and industry economic forecasts, and project and loan appraisals.

Normally, the receipt by a firm of comparable long-term commercial loans, provided without an explicit government guarantee, shall constitute dispositive evidence that the firm is creditworthy.

(ii) The Secretary normally will not consider the creditworthiness of a firm absent a specific allegation by the petitioner which is supported by information establishing a reasonable basis to believe or suspect that the firm is uncreditworthy.

(iii) In making a determination under paragraph (b)(6)(i), the Secretary will ignore countervailable subsidies that currently benefit the firm or that benefited the firm in the past.

(iv) Notwithstanding paragraph (b)(4) of this section, if the Secretary deems a firm to be uncreditworthy pursuant to paragraph (b)(6)(i) of this section, the Secretary will calculate the benchmark interest rate for a long-term government loan by taking the sum of 12 percent of the prime interest rate in the country in question and:

(A) If the government loan has a fixed interest rate, in order of preference:

(1) The highest long-term fixed interest rate commonly available to firms in the country in question;

(2) The highest long-term variable interest rate commonly available to firms in the country in question; or

(3) The short-term benchmark interest rate determined in accordance with paragraph (b)(3) of this section; or

(B) If the government loan has a variable interest rate, in order of preference:

(1) The highest long-term variable interest rate commonly available to firms in the country in question;

(2) The highest long-term fixed interest rate commonly available to firms in the country in question; or

(3) The short-term benchmark interest rate determined in accordance with paragraph (b)(3) of this section.

(v) In determining whether a short-term loan provided by a government confers a countervailable benefit, the creditworthiness of a firm will be irrelevant.

(7) In identifying a benchmark under paragraph (b) of this section, the Secretary will attempt to use, where possible, a nongovernment source of financing. Where necessary, however, the Secretary may use loans made available under one or more government programs, provided that any such program is not deemed to be selective within the meaning of § 355.43.

(8) In comparing a government loan with a benchmark loan under paragraph (b) of this section, the Secretary will compare the effective interest rate of the government loan with the effective interest rate of the benchmark loan. Where the Secretary cannot quantify the effective rate, either with respect to the government loan or the benchmark loan, the Secretary will compare the nominal interest rate of the government loan with the nominal interest rate of the benchmark loan. Only as a last resort will the Secretary compare a nominal interest rate with an effective interest rate in establishing the interest rate differential.

(9) Notwithstanding § 355.41(b), the Secretary will not consider a loan provided by a government-owned bank, *per se*, to be a loan provided by the government, and the Secretary will not investigate a loan from a government-owned bank absent a specific allegation which is supported by information establishing a reasonable basis to believe or suspect that:

(i) The government-owned bank provided the loan at the direction of the government or with funds provided by the government, and

(ii) The terms of the loan were inconsistent with commercial considerations.

(c)(1) *Loan guarantees.* In the case of an explicit guarantee by a government of a loan to a firm, a countervailable benefit exists to the extent the Secretary determines that:

(i) The price or fee paid by the firm for the government guarantee is less than the price the firm would have paid for a comparable commercial guarantee, or

(ii) The amount paid by the firm for the guaranteed loan is less than what the firm would have paid for benchmark financing pursuant to paragraph (b) of this section.

(2) The explicit guarantee by a government of a loan to a firm shall not confer a countervailable benefit if the government is a principal owner or majority shareholder of the firm and it is a normal commercial practice in the country in question for owners or shareholders to provide loan guarantees on comparable terms to their firms.

(d)(1) *Export insurance.* The provision by a government of export insurance confers a countervailable benefit to the extent the Secretary determines that the premium rates charged are manifestly inadequate to cover the long-term operating costs and losses of the program over the past five years, up to and including the year in question. In determining whether premium rates are manifestly inadequate, the Secretary will determine whether there is a substantial gap between premiums charged and costs and losses incurred under the program, and will take into account income from other insurance programs operated by the entity in question.

(2) Where the Secretary determines that the premium rates charged are manifestly inadequate, the Secretary will calculate the amount of the countervailable benefit by calculating the excess of the amount received by a firm over the amount of premiums paid by the firm.

(e)(1) *Equity.* The provision of equity by a government to a firm confers a countervailable benefit to the extent the Secretary determines that:

(i) The market-determined price for equity purchased directly from the firm is less than the price paid by the government for the same form of equity purchased directly from the firm; or

(ii) In the event that there is no market-determined price, the firm is not equityworthy and there is a rate of return shortfall within the meaning of § 355.49(e).

(2) A firm is equityworthy within the meaning of paragraph (e)(1)(ii) of this section if the Secretary determines that, from the perspective of a reasonable private investor examining the firm at the time the government equity infusion was made, the firm showed an ability to generate a reasonable rate of return within a reasonable period of time. In making this determination, the Secretary may examine the following factors, among others:

(i) Current and past indicators of a firm's financial health calculated from that firm's statements and accounts, adjusted, if appropriate, to conform to generally accepted accounting principles;

(ii) Future financial prospects of the firm, including market studies, economic forecasts, and project or loan appraisals;

(iii) Rates of return on equity in the three years prior to the government equity infusion; and

(iv) Equity investment in the firm by private investors.

(3) The Secretary will not investigate an equity infusion in a firm absent a specific allegation by the petitioner which is supported by information establishing a reasonable basis to believe or suspect that a firm has received an equity infusion which provides a countervailable benefit within the meaning of paragraph (e)(1) of this section.

(4) In making a determination under paragraph (e)(2) of this section, the Secretary will ignore countervailable subsidies that currently benefit the firm or benefited the firm in the past.

(f)(1) *Provision of goods or services at preferential rates.* The provision by a government of a good or service pursuant to a domestic program confers a countervailable benefit to the extent the Secretary determines that the price charged by the government for the good or service is less than the benchmark price, which normally will be the nonselective prices the government charges to the same or other users of the good or service within the same political jurisdiction.

(2) Where the Secretary determines that there is no benchmark price under paragraph (f)(1) which is not selective within the meaning of § 355.43, the Secretary will determine the existence of a countervailable benefit based upon,

in order of preference, the following alternative benchmarks:

(i) The price, adjusted for any cost differences, the government charges for a good or service which is similar or related to the good or service in question, provided that the similar or related good or service and its price is not selective within the meaning of § 355.43;

(ii) The price charged by other sellers to buyers within the same political jurisdiction for an identical good or service;

(iii) The government's cost of providing the good or service; or

(iv) The price paid for the identical good or service outside of the political jurisdiction in question.

(g)(1) *Internal transport and freight charges for export shipments.* Where a government provides internal transport and freight services pursuant to an export program, a countervailable benefit exists to the extent the Secretary determines that the charges paid by a firm for transport or freight with respect to goods destined for export are less than what the firm would have paid if the goods were destined for domestic consumption.

(2) For purposes of paragraph (g)(1), a countervailable benefit does not exist where the Secretary determines that:

(i) Any difference in charges is the result of an arm's length transaction between the supplier and the user of the transport or freight service; or

(ii) The difference in charges is commercially justified.

(h) *Price preferences for inputs used in the production of goods for export.* The delivery by a government of imported or domestic products for use in the production of exported goods confers a countervailable benefit to the extent the Secretary determines that the terms or conditions are more favorable than for delivery of like or directly competitive products or services for use in the production of goods for domestic consumption, and if such terms or conditions are more favorable than those commercially available on world markets to their exporters.

(i)(1) *Taxes and import charges.* A countervailable benefit exists to the extent the Secretary determines that the taxes paid by a firm are less than the taxes it otherwise would have paid in the absence of a program providing for:

(i) A full or partial exemption, remission, or deferral of a direct tax or social welfare charge; or

(ii) A reduction in the base used to calculate a direct tax or social welfare charge.

(2) A countervailable benefit exists to the extent the Secretary determines that the taxes or import charges paid by a firm are less than the taxes it otherwise would have paid in the absence of a domestic program providing for the full or partial exemption, remission, or deferral of an indirect tax or import charge.

(3) The exemption or remission upon export of indirect taxes not in excess of those levied with respect to the production and distribution of like products when sold for domestic consumption shall not confer a countervailable benefit.

(4)(i) The exemption, remission, deferral or drawback of prior stage cumulative indirect taxes on goods or services used in the production of exported products in excess of the exemption, remission, deferral or drawback of like prior stage cumulative indirect taxes on goods or services used in the production of like products when sold for domestic consumption shall confer a countervailable benefit; provided that the nonexcessive exemption, remission, deferral, or drawback of prior stage cumulative indirect taxes or import charges levied on goods that are physically incorporated, making normal allowances for waste (but not taxes or import charges on services, catalysts, and other items not so incorporated), in the exported product shall not confer a countervailable benefit.

(ii) Notwithstanding paragraph (d)(4)(i), in the case of a program purporting to rebate prior stage cumulative indirect taxes and/or import charges, or in the case of a program providing for a fixed rate of duty drawback, the entire amount of the rebate or drawback shall confer a countervailable benefit, unless the Secretary determines that:

(A) The program operates for the purpose of rebating prior stage cumulative indirect taxes and/or import charges;

(B) The government accurately ascertained the level of the rebate or fixed duty drawback; and

(C) The government reexamines its schedules periodically.

(j) *Worker assistance.* The provision by a government of financial assistance to workers confers a countervailable benefit to the extent that such assistance relieves a firm of an obligation which it normally would incur.

(k) *Forgiveness of debt.* The assumption or forgiveness by a government of an outstanding debt obligation of a firm confers a countervailable benefit equal to the outstanding principal and accrued unpaid interest at the time of the assumption or forgiveness. Where a government receives shares in a firm in return for eliminating or reducing a firm's debt obligation, the Secretary shall determine the existence of a countervailable benefit in accordance with the provisions of paragraph (e) of this section.

(l) *Research and development assistance.* Notwithstanding any other provision of this section, assistance provided by a government to a firm in order to finance research and development does not confer a countervailable benefit where the Secretary determines that the results of such research and development have been, or will be, made available to the public, including competitors of the firm in the United States.

(m) *General export promotion.* Notwithstanding any other provision of this section, export promotion activities of a government shall not confer a countervailable benefit where the Secretary determines that such activities consist of general informational activities which do not promote particular products over others.

(n) *Programs with varying levels of benefits.* Notwithstanding any other provision of this section, where a government program provides varying levels of benefits with different eligibility criteria, and one or more of such levels is not selective within the meaning of § 355.43, a countervailable benefit exists to the extent that a firm receives benefits under the program which are more favorable than the most favorable, nonselective level of benefits available under the program. The preceding sentence shall apply only to the extent the Secretary determines that the firm would have been eligible for the nonselective benefits under the program.

(o)(1) *Transnational benefits.* Notwithstanding any other provision of this section, a countervailable benefit does not exist to the extent the Secretary determines that funding for a benefit is provided by a government other than the government of the country in which the merchandise is produced or from which the merchandise is exported, or by an international lending or development institution.

(2) Notwithstanding paragraph (o)(1) of this section, if the members (or other participating entities) of an international consortium that is engaged in the production of a class or kind of merchandise subject to a countervailing duty proceeding receive countervailable subsidies from their respective home countries to assist, permit, or otherwise enable their participation in that

consortium through production or manufacturing operations in their respective home countries, then the Secretary will cumulate all such benefits, as well as benefits provided directly to the international consortium, in determining any countervailing duty upon such merchandise.

§ 355.45 Upstream Subsidies.

(a) *In general.* The term upstream subsidy means any domestic countervailable subsidy provided by the government of a country that:

(1) Is paid or bestowed by that government with respect to an input product which is used in the production in that country of the merchandise;

(2) In the judgment of the Secretary bestows a competitive benefit on the merchandise; and

(3) Has a significant effect on the cost of producing the merchandise.

For purposes of this paragraph, an association of two or more foreign countries, political subdivisions, dependent territories, or possessions of foreign countries organized into a customs union outside the United States shall be treated as being one country if the subsidy is provided by the customs union.

(b) *Threshold determination.* Before investigating the existence of an upstream subsidy, the Secretary must have a reasonable basis to believe or suspect that all of the following elements exist:

(1) A domestic countervailable subsidy is provided with respect to an input product;

(2) One of the following conditions exists:

(i) The supplier of the input product controls the producer of the merchandise, the producer controls the supplier, or the supplier and the producer are both controlled by a third person;

(ii) The price for the input product is lower than the price that the producer otherwise would pay for the input product in obtaining it from an unsubsidized seller in an arm's length transaction; or

(iii) The government sets the price of the input product so as to guarantee that the benefit provided with respect to the input product is passed through to producers of the merchandise; and

(3) The *ad valorem* subsidy rate on the input product multiplied by the proportion of the total production costs of the merchandise accounted for by the input product is equal to, or greater than, one percent.

For purposes of paragraph (b)(2)(i) of this section, the Secretary will not consider common government ownership to constitute control.

(c) *Input product.* For purposes of this section, the term "input product" means any product used in the production of the merchandise.

(d) *Competitive benefit.* In evaluating whether a competitive benefit exists pursuant to paragraph (a)(2) of this section, the Secretary will determine whether the price for the input product is lower than:

(1) The price which the producer of the merchandise otherwise would pay for the input product, produced in the same country, in obtaining it from another unsubsidized seller in an arm's length transaction; or

(2) A world market price for the input product.

For purposes of paragraph (d)(1) of this section, where the Secretary has determined in a previous proceeding that a domestic countervailable subsidy is paid or bestowed on the input product which is used for comparison, the Secretary may, where appropriate, adjust the price which the producer of the merchandise otherwise would pay for the input product to reflect the effects of the subsidy.

(e) *Significant effect.* For purposes of evaluating whether a significant effect exists pursuant to paragraph (a)(3) of this section, the Secretary will multiply the *ad valorem* subsidy rate on the input product by the proportion of the total production costs of the merchandise accounted for by the input product. If the input subsidy so allocated to the merchandise exceeds five percent, the Secretary will presume the existence of a significant effect. If the input subsidy so allocated to the merchandise is less than one percent, the Secretary will presume the absence of a significant effect. If the input subsidy so allocated to the merchandise is between one and five percent, there shall be no presumption. A party may rebut these presumptions by presenting information which demonstrates that subsidies on the input products will have a significant effect on the competitiveness of the merchandise. In assessing such information, the Secretary will consider the extent to which factors other than price, such as quality differences, are important determinants of demand for the merchandise.

(f) *Inclusion of upstream subsidy.* If the Secretary determines that an upstream subsidy is being or has been paid or bestowed, the Secretary will include in the amount of any countervailing duty imposed on the merchandise an amount equal to the amount of the competitive benefit determined pursuant to paragraph (d) of this section; except that in no event shall the amount so included be greater than the amount of subsidization determined with respect to the input product.

(g) *Processed agricultural products.* Notwithstanding any other provision of this section, the Secretary will deem domestic countervailable subsidies found to be provided to either producers or processors of a raw agricultural product to be provided to the manufacture, production, or exportation of the processed agricultural product where the Secretary determines that:

(1) The demand for the prior-stage product is substantially dependent on the demand for the latter-stage product, and

(2) The processing operation adds only limited value to the raw commodity.

§ 355.46 Offsets.

(a) *General rule.* In calculating a countervailable benefit, the Secretary may subtract from the gross benefit, the amount of:

(1) Any application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit;

(2) Any loss in the value of the benefit resulting from its deferred receipt, if the deferral is mandated by government order; and

(3) Export taxes, duties, or other charges levied on the export of the merchandise to the United States specifically intended to offset the benefit received.

(b) *Tax effects of countervailable benefits.* In calculating the amount of a countervailable benefit, the Secretary will ignore the secondary tax consequences of the benefit.

§ 355.47 Allocation of countervailable benefits to a product or market and calculation of ad valorem subsidy.

(a) *Benefits tied to a particular product.* Where the Secretary determines that a countervailable benefit is tied to the production or sale of a particular product or products, the Secretary will allocate the benefit solely to that product or products. If the Secretary determines that a countervailable benefit is tied to a product other than the merchandise, the Secretary will not find a countervailable subsidy on the merchandise. If the product or products to which the benefit is tied include the merchandise, the Secretary will calculate the *ad valorem* subsidy rate as follows:

(1) In the case of a domestic program, the Secretary will divide the benefit by a

firm's total sales of the product or products to which the benefit is tied; or

(2) In the case of an export program, the Secretary will divide the benefit by a firm's total exports of the product or products to which the benefit is tied.

(b) *Benefits tied to sales to a particular market.* Where the Secretary determines that a countervailable benefit is tied to the sale of products to a market other than the United States, the Secretary will not find a countervailable subsidy on the merchandise. Where a benefit is tied, or can be tied, to exports to the United States, the Secretary will calculate the *ad valorem* subsidy rate by dividing the benefit by:

(1) The firm's total exports to the United States; or

(2) If the benefit also is tied to exports of a particular product or products, by the firm's total exports to the United States of the product or products to which the benefit is tied.

(c)(1) *Untied benefits.* Where the Secretary determines that a countervailable benefit is not tied to the production or sale of a particular product or products, or is not tied to the sale of products to a particular market, the Secretary will allocate the benefit to all products produced by a firm, in the case of a domestic program, or to all products exported by a firm, in the case of an export program. The Secretary will calculate the *ad valorem* subsidy rate as follows:

(i) In the case of a domestic program, the Secretary will divide the benefit by a firm's total sales; or

(ii) In the case of an export program, the Secretary will divide the benefit by a firm's total exports.

(2) For purposes of paragraph (c)(1) of this section, the Secretary will treat equity infusions as untied benefits.

§ 355.48 Timing of receipt of countervailable benefits.

(a) *General rule.* Ordinarily, the Secretary will deem a countervailable benefit to be received at the time that there is a cash flow effect on the firm receiving the benefit. The cash flow and economic effect of a benefit normally occurs when a firm experiences a difference in cash flows, either in the payments it receives or the outlays it makes, as a result of its receipt of the benefit.

(b) *Particular types of benefits.* For purposes of paragraph (a) of this section, the Secretary ordinarily will deem the cash flow effect to occur as follows:

(1) In the case of a grant or equity infusion, at the time a firm receives the grant or equity infusion;

(2) In the case of the provision of a good or service, at the time a firm pays, or in the absence of payment would have paid, for the good or service;

(3) In the case of a loan, at the time a firm is due to make a payment on the loan;

(4) In the case of a direct tax benefit (other than a tax certificate described in paragraph (b)(5) of this section), at the time a firm can calculate the amount of the benefit, which normally will be the time at which the firm files its tax return;

(5) In the case of a tax certificate used to pay direct taxes, indirect taxes, or import charges, at the time a firm receives the certificate;

(6) In the case of an exemption of an indirect tax or import charge, at the time a firm otherwise would be required to pay the indirect tax or import charge; and

(7) Notwithstanding any other provision of paragraph (b) of this section, in the case of an export benefit provided as a percentage of the value of the exported merchandise (such as a cash payment or an overrebate of indirect taxes), on the date of export.

(c) *Exception.* In unusual circumstances, the Secretary may deem a benefit to be received at a time other than a time prescribed by paragraphs (a) and (b). Where the Secretary departs from the methodology set forth in paragraphs (a) and (b), the Secretary will explain the reasons therefor.

§ 355.49 Allocation of countervailable benefits over time.

(a)(1) *General rule.* In valuing a countervailable benefit, depending upon the nature of the benefit in question, the Secretary will either expense the entire amount of the benefit in a single year, allocate the benefit over two or more years, or calculate an annual benefit for two or more years.

(2) The Secretary will expense recurring countervailable benefits in the year of receipt.

(3) The Secretary will allocate the following nonrecurring countervailable benefits over two or more years:

(i) Grants and equity infusions found to confer a countervailable benefit pursuant to § 355.44(e)(1)(i) where the total amount of grants or equity infusions received under a particular program during a year is:

(A) In the case of grants or equity infusions provided pursuant to a domestic program, equal to or greater than 0.50 percent of all sales of the firm in question during the same year; or

(B) In the case of grants provided pursuant to an export program, equal to or greater than 0.50 percent of the export sales of the firm in question during the same year; and

(ii) Long-term loans where the interest rates on both the government loan and the benchmark loan are long-term fixed rates.

(4) The Secretary will calculate annual benefits for long-term loans and equity infusions other than those types of loans and equity infusions referred to in paragraph (a)(3) of this section.

(b)(1) *Process for allocating grants and certain equity infusions over time.* In allocating over time the benefit from a nonrecurring grant or an equity infusion described in § 355.44(e)(1)(i), the Secretary will use the following three-step process:

(i) Determine the amount of the countervailable benefit pursuant to § 355.44;

(ii) Assign a discount rate; and

(iii) Construct a benefit stream.

(2) For purposes of paragraph (b)(1)(ii) of this section, the Secretary will use as a discount rate the following, in order of preference:

(i) The cost of long-term, fixed-rate debt of the firm in question, excluding loans found to confer a countervailable subsidy;

(ii) The average cost of long-term, fixed-rate debt in the country in question; or

(iii) A rate which the Secretary considers to be most appropriate.

The Secretary will select a discount rate based upon data for the year in which the government and the firm agreed on the terms for receiving the grant or equity infusion.

(3) For purposes of paragraph (b)(1)(iii) of this section, the Secretary will use the following formula in determining the benefit stream:

$$A_k = \frac{y/n + [y - (y/n)(k-1)]d}{1+d}$$

Where

A_k = the amount countervailed in year k,

y = the face value of the grant,

n = the average useful life of a firm's renewable physical assets (equipment), as set forth in the U.S. Internal Revenue Service's 1977 Class Life Asset Depreciation Range System (Rev. Proc. 77–10, 1977–1, C.B. 548 (RR–38),

d = the discount rate, and

k = the year of allocation, where the year of receipt = 1 and $1 < k < n$.

(c)(1) *Process for allocating certain long-term loans over time.* In allocating over time the benefit from a long-term loan described in paragraph (a)(3)(ii) of

this section, the Secretary will use the following three-step process:

(i) Determine the grant equivalent for the loan by calculating the present value, in the year the loan is received, of the difference between the amount that the firm is to pay under the government loan and the amount that the firm would have paid under the benchmark loan;

(ii) Assign a discount rate; and

(iii) Construct a benefit stream.

(2) For purposes of paragraph (c)(1)(i) of this section, the Secretary will use the following formula in calculating the grant equivalent of the loan:

$$\sum_{n=0}^{k} \frac{X_n}{(1+d)^n}$$

Where

n = year in the life of the loan,

d = the discount rate,

x = difference between amount paid under government loan and benchmark loan, and

k = the last year in the life of the loan and $k > n > 0$.

In no event, however, will the grant equivalent calculated under this paragraph exceed the face value of the loan principal.

(3) For purposes of paragraph (c)(1)(ii) of this section, the Secretary will use as a discount rate the benchmark interest rate for the loan in question determined pursuant to § 355.44(b).

(4) For purposes of paragraph (c)(1)(iii) of this section, the Secretary will use the following formula in determining the benefit stream:

$$A_k = y/n + [y - (y/n)(k-2)]d$$

Where

A_k = the amount countervailed in year k,

y = the grant equivalent,

n = the number of years in the life of the loan,

d = the discount rate, and

k = the year of allocation, where the year of receipt = 1 and $2 < k < n+1$.

(d)(1) *Process for calculating annual benefit attributable to other long-term loans.* In the case of long-term loans other than loans described in paragraph (a)(3)(ii) of this section, for each year the loan is outstanding the Secretary will determine the amount of the benefit attributable to a particular year by calculating the difference between what the firm paid during the year under the government loan and what the firm would have paid during the year under the benchmark loan ("loan differential").

(2) In determining the number of years in which a long-term loan potentially confers a countervailable benefit under paragraph (d)(1) of this section, the Secretary will use the number of years in the loan.

(3) In no event may the amount calculated under paragraph (d)(1) of this section exceed the amount the Secretary would have calculated if the Secretary had treated the loan principal as a grant and calculated the annual benefit pursuant to paragraph (b) of this section.

(e)(1) *Equity infusions.* Where a firm receives an equity infusion and the Secretary finds the firm to be unequityworthy at the time of the infusion pursuant to § 355.44(e)(1)(ii), the Secretary will determine the amount of the countervailable benefit, if any, conferred in a year by multiplying the difference between the firm's rate of return on equity and the national average rate of return on equity for firms in the country in question ("rate of return shortfall") by the total amount of the equity infusion. The Secretary will use the rates of return for the year in question. If the firm paid dividends to the government during the year, the Secretary will subtract the amount of such dividends from any countervailable benefit found, provided that such dividends are not included in the firm's rate of return.

(2) In determining the number of years in which an equity infusion potentially confers a countervailable benefit under paragraph (e)(1) of this section, the Secretary will use the average useful life of a firm's renewable physical assets (equipment), as set forth in the U.S. Internal Revenue Service's 1977 Class Life Asset Depreciation Range System (Rev. Proc. 77-10, 1977-1, C.B. 548 (RR-38)).

(3) In no event may the amount calculated under paragraph (e)(1) of this section exceed the amount that the Secretary would have calculated if the Secretary had treated the amount of the equity infusion as a grant and calculated the annual benefit pursuant to paragraph (b) of this section.

(f) *Contingent liability interest-free loans.* Where a government provides a long-term, interest-free loan, the obligation for repayment of which is contingent upon subsequent events, the Secretary will treat any balance on the loan outstanding during a year as an interest-free, short-term loan, will determine the amount of the countervailable benefit for the review period in accordance with the provisions of § 355.44(b)(3), and will expense such benefit to the year in question.

(g) *Forgiven loans.* Where during a year a government forgives all or part of a loan, the Secretary will treat the forgiven amount as a grant and will expense or allocate it in accordance with the provisions of this section.

(h) *Other benefits.* In the case of benefits not covered by any other provision of this section, the Secretary will value the benefit in accordance with the underlying principles of this section.

§ 355.50 Program-wide changes.

(a) *In general.* Where

(1) The Secretary determines that subsequent to a review period, but before a preliminary determination described in § 355.15 or a preliminary results of review described in § 355.22, a program-wide change has occurred, and

(2) The Secretary is able to measure the change in the amount of countervailable subsidies provided under the program in question,

the Secretary may take such program-wide change into account in establishing the estimated countervailing duty cash deposit rate.

(b) *Definition of program-wide change.* For purposes of this section, the term "program-wide change" means a change:

(1) Not limited to an individual firm or firms; and

(2) Effectuated by an official act, such as the enactment of a statute, regulation, or decree, or contained in the schedule of an existing statute, regulation, or decree.

(c) *Effect limited to cash deposit rate.* The application of paragraph (a) shall not result in changing an affirmative determination to a negative determination or a negative determination to an affirmative determination.

(d) *Terminated programs.* Where a program-wide change consists of the termination of a program and:

(1) The Secretary determines that residual benefits may continue to be bestowed under the terminated program; or

(2) The Secretary determines that a substitute program for the terminated program has been introduced and the Secretary is not able to measure the amount of countervailable subsidies provided under the substitute program, the Secretary will not adjust the cash deposit rate pursuant to paragraph (a).

§ 355.51 Calculation of country-wide rate.

For purposes of §§ 355.20(d) and 355.22(d), the Secretary will calculate the weighted-average net subsidy rate attributable to a particular program on a country-wide basis by:

(a) Calculating the *ad valorem* benefit for each firm receiving benefits under the program, and

(b) Weight-averaging the resulting benefits on the basis of the proportion of exports of the merchandise to the United States accounted for by each firm receiving benefits. For purposes of paragraph (b) of this section, the Secretary will exclude exports of firms with zero or *de minimis* aggregate benefits.

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Part III

Department of the Interior

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 740

Federal Land Program; Surface Coal Mining and Reclamation Operations; Proposed Rule

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 740

RIN 1029—AA76

Federal Lands Program; Surface Coal Mining and Reclamation Operations

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

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the U.S. Department of the Interior (DOI) proposes to amend portions of the Federal lands regulations to conform to the July 6, 1984, decision of the U.S. District Court for the District of Columbia and to make certain administrative changes. The proposed rule would amend the applicability of the Federal lands program in a manner consistent with the District Court decision.

DATES:

Written comments: OSMRE will accept written comments on the proposed rule until 5 p.m. Eastern time on July 31, 1989.

Public hearings: Upon request, OSMRE will hold public hearings on the proposed rule in Washington, DC, at 9:30 a.m. local time on July 24, 1989 and in Denver, Colorado, at 9:30 a.m. local time on July 26, 1989. OSMRE will accept requests for public hearings until 4:00 p.m. Eastern time on July 5, 1989.

ADDRESSES:

Written comments: Hand-deliver to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131, 1100 L Street NW., Washington, DC; or mail to the Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5131–L, 1951 Constitution Avenue NW., Washington, DC 20240.

Public hearings: Department of the Interior Auditorium, 18th and C Streets, NW., Washington, DC; and Brooks Towers, 2nd Floor Conference Room, 1020 15th Street, Denver, Colorado.

Requests for public hearings: Submit requests orally or in writing to the person and address specified under **"FOR FURTHER INFORMATION CONTACT."**

FOR FURTHER INFORMATION CONTACT: Dr. Fred Block, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue NW., Washington, DC 20240. Telephone: 202–343–1864 (commercial or FTS).

SUPPLEMENTARY INFORMATION:

I. Public Comment Procedures
II. Background
III. Discussion of Proposed Rule
IV. Procedural Matters

I. Public Comment Procedures

Written Comments

Written comments submitted on the proposed rule should be specific, should be confined to issues pertinent to the proposed rule, and should explain the reason for any recommended change. Where practicable, commenters should submit three copies of their comments (see **"ADDRESSES"**). Comments received after the close of the comment period (see **"DATES"**) or delivered to addresses other than those listed above, may not be considered or included in the Administrative Record for the final rule.

Public Hearings

OSMRE will hold public hearings on the proposed rule on request only. The times, dates, and addresses scheduled for the hearings are specified previously in this notice (see **"DATES"** and **"ADDRESSES"**).

Any person interested in participating at a hearing at a particular location should inform Dr. Block (see **"FOR FURTHER INFORMATION CONTACT"**), either orally or in writing, of the desired hearing location by 4:00 p.m. eastern daylight time on July 5, 1989. If no one has contacted Dr. Block to express an interest in testifying in a hearing at a given location by that date, the hearing will not be held. If only one person expresses an interest, a public meeting rather than a hearing may be held, and the results will be included in the Administrative Record. If a hearing is held, it will continue until all persons in attendance wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSMRE requests that persons who testify at a hearing give the transcriber a written copy of their testimony.

II. Background

Section 523(a) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) requires the Secretary to promulgate and implement a Federal lands program applicable to all surface coal mining and reclamation operations taking place pursuant to any Federal law on Federal lands. Under section 523(c) of SMCRA, a State with an approved State program may enter into a cooperative agreement with the Secretary of the Interior (hereinafter referred to as the Secretary) to provide for State regulation of surface coal mining and reclamation operations on Federal lands within the State. Section 523(c) provides, however, that the Secretary may not delegate to the State his responsibilities (1) to approve mining plans on Federal lands under the Mineral Leasing Act, as amended, (2) to designate Federal lands as unsuitable for surface coal mining pursuant to section 522 of SMCRA, or (3) to regulate other activities taking place on Federal lands.

On March 13, 1979, the Secretary promulgated the Federal lands program, 30 CFR Chapter VII, Subchapter D (44 FR 15332–15341). That program was amended on February 16, 1983 (48 FR 6912–6941). A notice correcting certain editorial errors and omissions in the February 16, 1983, rule was published on April 1, 1983 (48 FR 13984).

The February 16, 1983, rule was designed to allow States to assume greater responsibility for administering the requirements of SMCRA on Federal lands. That rule established provisions limiting the applicability of the Federal lands program to exclude lands containing unleased Federal coal beneath privately owned surface.

The February 16, 1983, rule was challenged in Round I of *In re: Permanent Surface Mining Regulation Litigation (II)*, Civil Action No. 79–1144 (D.D.C. 1984). The court ruled on the challenge on July 6, 1984, and in an amended order on August 30, 1984.

Among other things, the court ruled, with respect to the applicability of the Federal lands program, that the February 16, 1983, regulations inappropriately limited the applicability of the Federal lands program by excluding lands containing unleased Federal coal beneath State or private surface. Therefore, OSMRE is proposing to revise its rule to implement the District Court's 1984 order. Since the Court decision, OSMRE has been acting in accordance with the ruling.

In addition, OSMRE is proposing certain other changes for clarity and consistency with existing requirements concerning responsibilities of the Bureau of Land Management (BLM).

III. Discussion of Proposed Rule

30 CFR Part 740

In 30 CFR Part 740, references to BLM regulations at 43 CFR Parts 3480–3487 would be changed to 43 CFR Group 3400 to conform with BLM terminology.

Section 740.4 Responsibilities

Section 740.4(d) lists the responsibilities of BLM. OSMRE is proposing to revise this section to reflect more accurately applicable BLM requirements. Section 740.4(d) (2) and (3)

refer to inspection, enforcement and civil penalties with respect to exploration licenses and exploration operations subject to applicable BLM regulations. However, the BLM regulations do not provide for civil penalties with respect to exploration activities. This proposed rule would delete references to civil penalties under BLM rules cited in § 740.4(d).

Proposed paragraph 740.4(d)(2), which would replace existing paragraphs 740.4 (d)(2) and (d)(3), would state that BLM would be responsible for inspection and enforcement of the terms and conditions of coal exploration licenses and exploration operations issued and approved pursuant to 43 CFR Group 3400. Existing paragraph (d)(3) would be removed. Existing paragraph (d)(4) would be renumbered as new paragraph (d)(3).

Existing paragraph 740.4(d)(5), which concerns inspection and enforcement with respect to the recovery and protection of the coal resource, would be replaced by proposed paragraph (d)(4) and revised to refer only to terms and conditions of recovery and protection of the coal resource. This proposed revision would delete reference to civil penalties for the same reason as discussed under proposed paragraph (d)(2).

Existing paragraphs at 30 CFR 740.4(d)(6), (7), (8) and (9) would be renumbered as paragraphs (d)(5), (6), (7) and (8).

Section 740.11 Applicability

Section 740.11 of the existing regulations sets forth the applicability of the Federal lands program. Existing paragraphs (a)(2) and (3) limit the applicability of the Federal lands program to surface coal mining and reclamation operations on lands containing leased Federal coal and on lands where either the coal to be mined or the surface is owned by the United States. The District Court in *re: Permanent Surface Mining Regulation Litigation (II)*, Civil Action No. 79–1144 (D.D.C. 1984), ruled that the general exclusion from the Federal lands program of surface coal mining operations on private or state owned surface overlying unleased Federal coal was inconsistent with SMCRA. Therefore, OSMRE proposes to modify the Applicability section of the Federal lands program by revising paragraph (a)(2) and removing paragraph (a)(3), to provide that upon approval or promulgation of a regulatory program for a State, that program and 30 CFR Subchapter D shall apply to surface coal mining and reclamation operations taking place on any Federal lands; that is, any lands containing Federal surface or Federal coal or both. This means that where surface coal mining operations occur on lands where the surface, the minerals, or both, are federally owned, the Federal lands program will apply.

IV. Procedural Matters

Federal Paperwork Reduction Act

This proposed rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

Executive Order 12291 and Regulatory Flexibility Act

The DOI has determined that this document is not a major rule under the criteria of Executive Order 12291 (February 17, 1981) and certifies that it would 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.* The rule does not distinguish between small and large entities. These determinations are based on the findings that the regulatory additions in the rule would not change costs to industry or to the Federal, State, or local governments. Furthermore, the rule produces no adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete with foreign-based enterprises in domestic or export markets.

National Environmental Policy Act

The proposed rule is part of the Federal lands program, the promulgation of which is exempt under section 702(d) of SMCRA (30 U.S.C. 1292(d)), from compliance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

Author

The principal author of this proposed rule is Dr. Fred Block, Branch of Federal and Indian Programs, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Avenue NW., Washington, DC 20240; Telephone: 202–343–1864 (Commercial or FTS).

List of Subjects in 30 CFR Part 740

Coal mining, Public lands, Mineral resources, Reporting and recordkeeping requirements, Surface mining, Underground mining.

Accordingly, it is proposed to amend 30 CFR Part 740 as follows:

Date: April 27, 1989.

Michael A. Poling,

Deputy Assistant Secretary, Land and Minerals Management.

PART 740—GENERAL REQUIREMENTS FOR SURFACE COAL MINING AND RECLAMATION OPERATIONS ON FEDERAL LANDS

1. The authority citation for Part 740 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.* and 30 U.S.C. 181 *et seq.*

2. In 30 CFR Part 740, remove "43 CFR Parts 3480–3487" and replace it with "43 CFR Group 3400."

3. In 30 CFR 740.4, paragraph (d)(2) is revised, paragraph (d)(3) is removed, paragraph (d)(4) is redesignated as paragraph (d)(3), paragraph (d)(5) is revised and redesignated as paragraph (d)(4), and paragraphs (d) (6), (7), (8) and (9) are redesignated as paragraphs (d) (5), (6), (7), and (8), to read as follows:

§ 740.4 Responsibilities.

* * * * *

(d) The Bureau of Land Management (BLM) is responsible for:

* * * * *

(2) Inspection and enforcement of the terms and conditions of coal exploration licenses and operations issued and approved pursuant to 43 CFR Group 3400;

* * * * *

(4) Inspection and enforcement with respect to the terms and conditions of recovery and protection of the coal resource as required by 43 CFR Group 4300;

* * * * *

4. In § 740.11, paragraph (a)(2) is revised and paragraph (a)(3) is removed to read as follows:

§ 740.11 Applicability.

(a) * * *

(2) Surface coal mining and reclamation operations taking place on any Federal lands.

* * * * *

[FR Doc. 89–12835 Filed 5–30–89; 8:45 am]

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federal register

Wednesday
May 31, 1989

Part IV

Environmental Protection Agency

Asbestos-Containing Materials in Schools; EPA Approved Courses and Accredited Laboratories Under the Asbestos Hazard Emergency Response Act (AHERA); Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62076; FRL 3579-1]

Asbestos-Containing Materials in Schools; EPA Approved Courses and Accredited Laboratories Under the Asbestos Hazard Emergency Response Act (AHERA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In section 206(c)(3) of Title II, the Administrator, in consultation with affected organizations, was directed to publish (and revise as necessary) a list of asbestos courses and tests in effect before the date of enactment of this title which qualify for equivalency treatment for interim accreditation purposes, and a list of asbestos courses and tests which the Administrator determines are consistent with the Model Plan and which will qualify a contractor for accreditation. In addition, under the amendment to TSCA Title II, section 206(f) was added which requires the Administrator to publish quarterly, beginning August 31, 1988, a list of EPA-approved asbestos training courses. The Administrator is also required to publish on a quarterly basis beginning August 31, 1988, a list of laboratories which have received accreditation from EPA. This **Federal Register** notice includes the cumulative seventh list of course approvals and a list that includes State accreditation programs that EPA has approved as meeting the requirements of the Model Plan. Additionally, this notice includes the most current list of accredited laboratories as of May 31, 1989.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW., Washington, DC 20460, Telephone: (202) 382-3790, 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 Contractor 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.

To conduct asbestos-related work in schools, persons must receive accreditation in order to inspect school buildings for asbestos, develop management plans, and design or conduct 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 Contractor 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 new 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 asbestos courses and tests which the Administrator determined were consistent with the Model Plan and which qualify a contractor for accreditation. In addition, the Agency has included in this notice the most current list of laboratories which have received interim accreditation from EPA or full accreditation from NIST for the analysis of bulk materials for asbestos by polarized light microscopy (PLM).

The **Federal Register** notice of October 30, 1987, included the initial list of course approvals. In addition, the list included State accreditation programs that EPA has 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), and the sixth **Federal Register** notice of February 28, 1989 (54 FR 8438) were cumulative listings of EPA course approvals and EPA approved State accreditation programs.

This **Federal Register** notice is divided into five units. Unit I discusses EPA approval of State accreditation programs. Unit II covers EPA approval of training courses. Unit III discusses EPA approval of training courses for interim accreditation. Unit IV provides the list of State accreditation programs and training courses approved by EPA as of April 1989. Unit V contains a listing of all laboratories, under the EPA Interim Accreditation Program and the National Institute of Standards and Technology (NIST) accreditation program for laboratories that are conducting analysis of bulk samples of ACM. Subsequent **Federal Register** notices will add other State programs and training courses as well as accredited laboratories to this seventh cumulative list.

I. EPA Approval of State Accreditation Programs

As discussed in the Model Plan, EPA is able to 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. EPA can also approve State training programs that do not fully meet the Model Plan's requirements but do

meet the requirements for interim accreditation.

As listed in Unit IV, Arkansas, Iowa, Kansas, Massachusetts, Michigan, Minnesota, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota, and Virginia 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 Iowa, Massachusetts, Michigan, North Dakota, South Dakota, and Virginia 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 that discipline. Current lists of training courses approved by Arkansas, Massachusetts, Michigan, New Jersey, North Dakota, Oregon, Rhode Island, South Dakota and Virginia are listed under Unit IV. Kansas, Michigan, Minnesota and North Dakota do not have separate provider listings since the States have not independently approved any additional courses.

Each State accreditation program may have different requirements for State accreditation. For example, New Jersey requires participants of their courses to take the State exam. Therefore, those New Jersey approved course sponsors who are contemplating presenting the training in another State must develop their own examination. They must also submit a detailed statement about the development of the course examination as required by the Model Plan to the Regional Asbestos Coordinator in their region for EPA approval.

EPA has also approved a number of State programs for purposes of providing interim accreditation for persons who have met the training and examination requirements of these State programs. Persons meeting such requirements in these States have completed a training course and examination similar to the Model Plan's requirements before December 14, 1987. However, these individuals must become fully accredited within the time period specified in the Model Plan.

States that have approval for interim accreditation purposes for abatement contractors, supervisors, and workers include Alaska and Washington. Illinois has approval for interim accreditation purposes for abatement workers only. Persons with interim accreditation in these States are eligible to conduct work during the time period specified in the Model Plan. However, these persons must eventually become fully accredited. In addition, these persons must take a complete EPA-approved course (see Unit II) or an EPA-approved State program's course for full accreditation. In most States, the complete course will have to be taken before autumn 1989. All States programs nationwide that do not fully meet the Model Plan's requirements must be upgraded within the time period specified in TSCA Title II to be at least as stringent as the Model Plan.

II. EPA Approval of Training Courses

A cumulative list of training courses approved by EPA is listed 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. Courses approved for interim accreditation will be discussed 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 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 effect the accreditation of persons who took previously offered training courses, including the course audited by EPA.

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.

EPA-approved State accreditation programs have the authority to have more stringent accreditation requirements than 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 or are seeking 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 fully approved. It should be noted that persons who have successfully completed these courses are fully accredited; they are not limited only to being accredited on an interim basis.

III. EPA Approval of Training Courses for Interim Accreditation

TSCA Title II enables EPA to permit persons to be accredited on an interim basis if they have attended previous EPA-approved asbestos training and have passed (or pass) an asbestos examination. As a result, the Agency has approved training courses offered previously for purposes of accrediting persons on an interim basis. Only those persons who have taken training courses since January 1, 1985, will be considered under these interim accreditation provisions. In addition, EPA will not grant interim accreditation to any person who takes an equivalent training course after the date on which the asbestos-in-schools rule took effect (i.e., December 14, 1987). This accreditation is interim since the person shall be considered accredited for only 1 year after the date on which the State where the person is employed establishes an accreditation program at least as stringent as the EPA Model Plan. If the State does not adopt an accreditation program within the time period required by Title II, persons with interim accreditation must become fully accredited within 1 year after the date the State was required to have established a program. These persons must take a complete EPA-approved course (see Unit II) or an EPA-approved State program's course for full accreditation. In most States, the complete course will have to be taken before autumn 1989.

Under the Model Plan, an equivalent training course for interim accreditation

purposes is one that is essentially similar in length and content to the curriculum found in the Model Plan. In addition, an equivalent examination must be essentially similar to the examination requirements found in the Model Plan.

Persons who have taken equivalent courses in their discipline for purposes of interim accreditation, and can produce evidence that they have successfully completed the course by passing an examination, are accredited on an interim basis under TSCA Title II. Evidence of successful completion of a course would include a certificate or photo identification card that showed the person completed the training course on a certain date and passed the examination.

For persons who took one of the EPA-approved courses for interim accreditation listed under Unit IV, but did not take the course's examination, these persons may become accredited on an interim basis by passing an examination at an EPA-funded training center. These EPA-funded training centers are listed under Unit IV. Before taking the examination, persons must provide evidence to the EPA-funded center that they previously had taken one of the training courses listed under Unit IV that is approved by EPA for interim accreditation.

The New York City Department of Environmental Protection, Bureau of Air Resources has a training program for asbestos abatement workers and contractors/supervisors that does meet the requirements for EPA approval of training courses for interim accreditation (See Unit IV, Region II). As a result, persons who have met the training and examination requirements of the New York City Abatement Worker (i.e., "handler" or Contractor/Supervisor program between April 1, 1987 and December 14, 1987, are accredited as listed under Unit IV on an interim basis.

Courses approved by EPA as of April 1989 for interim accreditation are listed under Unit IV. Examinations offered by these courses also are approved for purposes of interim accreditation.

IV. List of EPA-Approved State Accreditation Programs and Training Courses

The seventh cumulative listing of EPA-approved State accreditation programs and training courses is listed in Unit IV. As discussed above, quarterly notifications of EPA approval of State accreditation programs and EPA approval of training courses will be published in subsequent **Federal Register** notices. The closing date for the acceptance of submissions to EPA for inclusion in this seventh notice was April 1989. 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 listed 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). Unless otherwise specified by an alternative date, interim approvals are issued from January 1, 1985.

As of April 28, 1989, a total of 438 training providers are offering 1160 EPA-approved training courses for accreditation under TSCA Title II. There are 352 asbestos abatement worker courses, 253 contractor/supervisor courses, 148 inspector/ management planner courses, 13 inspector only courses, and 15 project designer courses. In addition, EPA has approved 379 refresher courses. Fifteen States have either interimly or fully approved State accreditation programs in one or more disciplines.

The EPA-funded model course for inspectors and management planners is available in final form. In addition, a previous EPA developed course for asbestos abatement contractors and supervisors has been revised and is available in final form for interested parties that plan to offer training courses. EPA anticipates that its model worker course will be available in autumn 1989. A fee for each course will be charged to cover the reproduction 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

(1)(a) *State:* Alaska.

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).

Contractor/Supervisor (interim from 10/1/85).

(2)(a) *State:* Arkansas.

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).

Arkansas Department of Pollution Control and Ecology, EPA-Approved Courses for Abatement Workers and Contractor/Supervisors

(i)(a) *Training Provider:* Arkansas Laborers Training Fund.

Address: 4501 West 61st St., Little Rock, AR 72209, Contact: W. Rudy Osborne, Phone: (501) 562-5953.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 5/2/88.

(ii)(a) *Training Provider:* Asbestos Training & Employment, Inc.

Address: 809 East 11th St., Michigan City, AR 46360, Contact: Bruce H. Connell, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker.

Contractor/Supervisor.

(c) *Date of Certification:* 5/18/88.

(iii)(a) *Training Provider:* Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, AR 77023, Contact: Charles M. Flanders, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker.

Contractor/Supervisor.

(c) *Date of Certification:* 9/12/88.

(iv)(a) *Training Provider:* Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, AR 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 10/7/88.

(v)(a) *Training Provider:* Environmental Technologies.

Address: P.O. Box 21243, Little Rock, AR 72221, Contact: Phyllis Moore, Phone: (501) 569-3248.

(b) *Approved Courses:*

Abatement Worker.

Contractor/Supervisor.

(c) *Date of Certification:* 3/16/88.

(vi)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, AR 66044, Contact: Patrick Shrepf, Phone: (913) 749-2381.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 6/8/88.

(vii)(a) *Training Provider:* Professional Asbestos Training Service.

Address: P.O. Box 45233, Little Rock, AR 72214, Contact: Harold Lewis, Phone: (501) 223-3230.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/18/88.

(viii)(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.

(c) *Date of Certification:* 10/7/88.

(3)(a) *State:* Illinois.

State Agency: Illinois Dept. of Public Health, Address: 525 West Jefferson St., Springfield, IL 62702, Contact: Kent Cook, Phone: (217) 785-5919.

(b) *Approved Accreditation Program Discipline:*

Abatement Worker (interim from 11/29/85).

(4)(a) *State:* Iowa.

State Agency: Iowa Department of Education Administrative Finance School Plant Facilities, Address: Grimes State Office Bldg., Des Moines, IA 50319-0146, Contact: C. Milt 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).

Iowa Department of Education Administrative Finance School Plant Facilities, EPA-Approved Courses for Abatement Workers, Contractor/Supervisors, Inspector/Management Planners, and Project Designers

(i)(a) *Training Provider:* Iowa Environmental Services, Inc.

Address: 820 First St., Suite 200, West Des Moines, IA 50365, Contact: Glenn Sawyer, Phone: (515) 279-8042.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 3/27/89.

(5)(a) *State:* Kansas.

State Agency: Kansas Dept. of Health and Environment Environmental Toxicology Section, Address: Forbes Field Building 321, Topeka, KS 66620-7430, Contact: John C. Irwin, Phone: (913) 296-1500.

(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).

(6)(a) *State:* Massachusetts.

State Agency: Massachusetts Department of Labor & Industries; Division of Occupational Hygiene, Address: 1001 Watertown St., West Newton, MA 02165, Contact: Dick Levine, Phone: (617) 727-3567.

(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).

Massachusetts Department of Health, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspector/Management Planners, and Project Designers

(i)(a) *Training Provider:* A & S Insultation Inc.

Address: 2213 North Delsea Dr., Vineland, MA 08360, Contact: William Clark, Phone: (609) 692-0883.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 5/4/88.

(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.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.

(c) *Date of Certification:* 4/28/88.

(iii)(a) *Training Provider:* Asbestos Workers Union Local #6.

Address: 1725 Revere Beach Pwy., Everett, MA 02149, Contact: James P. McCourt, Phone: (617) 387-2679.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/25/88.

(iv)(a) *Training Provider:* Astoria Industries.

Address: 538 Stewart Ave., Brooklyn, MA 11222, Contact: Gary Dipaolo, Phone: (718) 387-0011.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 4/8/88.

(v)(a) *Training Provider:* BCM Engineering.

Address: 12 Alfred St., Suite 300, Woburn, MA 01801, Contact: Pam Evans, Phone: (617) 935-7080.

(b) *Approved Courses:*

Abatement Worker.
Inspector/Management Planner.
Project Designer.

(c) *Date of Certification:* 4/28/88.

(vi)(a) *Training Provider:* Briggs Associates, Inc.

Address: 400 Hingham St., P.O. Box 369, Rockland, MA 02370, Contact: Paul Skorohod, Phone: (617) 871-6040.

(b) *Approved Course:*

Project Designer.

(c) *Date of Certification:* 11/10/88.

(vii)(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.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.

(c) *Date of Certification:* 9/26/88.

(viii)(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.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.

(c) *Date of Certification:* 2/25/89.

(ix)(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.
Contractor/Supervisor.

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* Applies only to workers who have taken the Kansas Contractors/Supervisor course and passed the State's worker exam.

Inspector.
Project Designer.
(c) *Date of Certification:* 4/8/88.
(x)(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.
Contractor/Supervisor.
Project Designer.
(c) *Date of Certification:* 8/5/88.
(xi)(a) *Training Provider:*
Environmental Training Services.
Address: 115 New Boston St., Woburn, MA 01801, Contact: Kenneth P. Martin, Jr., Phone: (617) 938-6062.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Project Designer.
(c) *Date of Certification:* 4/8/88.
(xii)(a) *Training Provider:* General Physics Corp.
Address: 6700 Alexander Bell Dr., Columbia, MA 21046, Contact: Andy Marsh, Phone: (301) 290-2300.
(b) *Approved Courses:*
Contractor/Supervisor.
Project Designer.
(c) *Date of Certification:* 9/6/88.
(xiii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.
Address: P.O. Box 307, Lawrence, MA 66046, Contact: Alice Hart, Phone: (800) 346-2660.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 4/25/88.
(xiv)(a) *Training Provider:* Harvard School of Public Health.
Address: 677 Huntington Ave., Boston, MA 02115, Contact: William A. Burgass, Phone: (617) 732-1171.
(b) *Approved Courses:*
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 2/25/88.
(xv)(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.
Contractor/Supervisor.
Project Designer.
(c) *Date of Certification:* 8/5/88.
(xvi)(a) *Training Provider:*
Hygienetics, Inc.
Address: 150 Causeway St., Boston, MA 02114, Contact: Marybeth Carver, Phone: (617) 723-4664.
(b) *Approved Courses:*
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 2/25/89.
(xvii)(a) *Training Provider:* Institute for Environmental Education.
Address: 208 West Cummings Pk., Woburn, MA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 4/28/88.
(xviii)(a) *Training Provider:* JF Walton & Co.
Address: 201 Marginal St., P.O. Box 6120, Chelsea, MA 02150, Contact: Richard King, Phone: (617) 884-0350.
(b) *Approved Course:*
Abatement Worker.
(c) *Date of Certification:* 3/28/88.
(xix)(a) *Training Provider:* Kaselaan & D'Angelo Associates.
Address: 500 Victory Rd., Suite 270, North Quincy, MA 02171, Contact: David Kaplan, Phone: (617) 472-1330.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 2/25/88.
(xx)(a) *Training Provider:* Mystic Air Quality Consultants.
Address: 1085 Buddington Rd., Groton, MA 06340, Contact: Christopher Eident, Phone: (203) 449-8903.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Project Designer.
(c) *Date of Certification:* 1/11/89.
(xxi)(a) *Training Provider:* National Asbestos Training Center of Kansas.
Address: 6600 College Blvd., Overland Park, MA 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
(c) *Date of Certification:* 5/20/89.
(xxii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).
Address: 1126 Sixteenth St., NW, Washington, MA 20036, Contact: Scott Schneider, Phone: (202) 887-1980.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
(c) *Date of Certification:* 5/10/88.
(xxiii)(a) *Training Provider:* New England Laborers Training Trust Fund.
Address: 37 East St., Hopkinton, MA 01748-2699, Contact: James Merloni, Jr., Phone: (908) 435-6316.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
(c) *Date of Certification:* 2/25/89.
(xxiv)(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.
Contractor/Supervisor.
Project Designer.
(c) *Date of Certification:* 3/18/89.
(xxv)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.
Address: 1304 Buckley Rd., Syracuse, MA 13221, Contact: Edwin Tifft, Phone: (315) 451-4700.
(b) *Approved Courses:*
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 11/7/88.
(xxvi)(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.
Contractor/Supervisor.
(c) *Date of Certification:* 5/6/89.
(xxvii)(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.
Project Designer.
(c) *Date of Certification:* 6/21/88.
(xxviii)(a) *Training Provider:* The Environmental Institute.
Address: 350 Franklin Rd., Suite 300, Marietta, MA 30067, Contact: Bill Ewing, Phone: (404) 425-2000.
(b) *Approved Courses:*
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.
(c) *Date of Certification:* 10/28/88.
(xxix)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.
Project Designer.

(c) *Date of Certification:* 3/16/88.

(xxx)(a) *Training Provider:* Universal Engineering Corp.

Address: 100 Boylston St., Boston, MA 02116, Contact: Janet Hester, Phone: (617) 542-8216.

(b) *Approved Course:*

Project Designer.

(c) *Date of Certification:* 8/5/88.

(xxxi)(a) *Training Provider:* University of Massachusetts, Division of Environmental Health & Safety.

Address: N414 Morrill Science Center, Amherst, MA 01003, Contact: Donald Robinson, Phone: (413) 545-2682.

(b) *Approved Course:*

Project Designer.

(c) *Date of Certification:* 10/3/88.

(7)(a) *State:* Michigan.

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).

(8)(a) *State:* Minnesota.

State Agency: Minnesota Dept. of Public Health Section of Occupational Health, Address: 717 Southeast Delaware St., Minneapolis, MN 55440, Contact: Darrell E. Anderson, Phone: (612) 623-5380.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/3/88).
Contractor/Supervisor (full from 10/3/88).

(9)(a) *State:* New Jersey.

State Agency: State of New Jersey Dept. of Health, Address: CN 360, Trenton, NJ 08625-0360, Contact: James Brownlee, Phone: (609) 984-2193.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 6/18/85).
Contractor/Supervisor (full from 6/18/85).

New Jersey Department of Health, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

*NOTE.--New Jersey approved course providers who present the training in another State must develop their own examination. They must also submit a detailed statement about the development of the course examination, as required by the Model Plan, to the Regional Asbestos Coordinator in their Region for EPA approval.

(i)(a) *Training Provider:* A & S Insulation Co., Inc.

Address: 2213 North Delsea Dr., Vineland, NJ 08360, Contact: William Clark, Phone: (609) 692-0883.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/20/85.

(ii)(a) *Training Provider:* Alternative Ways.

Address: 100 Essex Ave., Ballmawr, NJ 08031, Contact: John Smith, Phone: (609) 933-3300.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/25/85.

(iii)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron Street, Alexandria, NJ 22314-2705, Contact: Gene Fisher, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 6/17/87.

(iv)(a) *Training Provider:* Asbestos Training Academy - NJ.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Jeon Bodman or Ron Rominski, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/1/88.

(v)(a) *Training Provider:* Asbestos Training Academy - NY.

Address: 315 West 36th St., 9th Floor, New York, NJ 10018, Contact: Richard Green or C. Hicks, Phone: (212) 971-0370.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 1/4/88.

(vi)(a) *Training Provider:* Asbestos Training Institute- LVI, Inc.

Address: 247 Huyler St., South Hackensack, NJ 07606, Contact: Robert Tetzlaff, Phone: (201) 489-3200.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 3/4/87.

(vii)(a) *Training Provider:* BCM Eastern, Inc.

Address: One Plymouth Meeting Mall, Plymouth Meeting, NJ 19462, Contact: Robert Ferguson, Phone: (215) 825-3800.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 6/7/87.

(viii)(a) *Training Provider:* Building Laborers of N.J. - Training Center.

Address: P.O. Box 163, Jamesburg, NJ 08831, Contact: Emmanuel Riggi, Phone: (201) 521-0200.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 7/19/85.

(ix)(a) *Training Provider:* Certified Abatement Technologies, Inc.

Address: 47 Midland Ave., Elmwood Park, NJ 07407, Contact: Daniel Curtin, Phone: (201) 796-9589.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 6/3/87.

(x)(a) *Training Provider:* Drexel University.

Address: 32nd & Chestnut Sts., Philadelphia, NJ 19104, Contact: Robert Ross or Jackie Saguin, Phone: (215) 895-2154.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/13/88.

(xi)(a) *Training Provider:* E.I. DuPont deNemours & Co.

Address: Chamber Works, Deepwater, NJ 08023, Contact: Charles Battle, Phone: (609) 540-2434.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/1/87.

(xii)(a) *Training Provider:* IT Corporation.

Address: 336 West Anaheim St., Wilmington, NJ 90744, Contact: Ron Freeman, Phone: (213) 830-1720.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 8/29/85.

(xiii)(a) *Training Provider:* Kaselaan & D'Angelo Associates.

Address: 515 Grove St., Haddon Heights, NJ 08035, Contact: Richard Moore, Phone: (609) 547-6500.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/8/85.

(xiv)(a) *Training Provider:* Local Union #14.

Address: 6513 Bustleton Ave., Philadelphia, NJ 19149, Contact: James Aikens, Phone: (215) 533-0395.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 8/9/85.

(xv)(a) *Training Provider:* Local Union #32.

Address: 870 Broadway, Newark, NJ 07104, Contact: Paule Ielmini, Phone: (201) 485-3626.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/8/87.

(xvi)(a) *Training Provider:* Local Union #42.

Address: 1188 River Rd., New Castle, NJ 19720, Contact: Robert Holden, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 10/30/85.

(xvii)(a) *Training Provider:* Local Union #89.

Address: 2733 Nottingham Way, Trenton, NJ 08619, Contact: Charles DaBronzo, Phone: (609) 587-0092.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/13/86.

(xviii)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center UMDNJ.

Address: 675 Hoes Ln., Piscataway, NJ 08854, Contact: Lee Laustsen, Phone: (201) 463-4500.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 7/1/86.

(xix)(a) *Training Provider:* NDI Training Institute.

Address: 7112 Airport Highway, Pennsauken, NJ 08109, Contact: J. R. Walton or J. McCormick, Phone: (609) 663-5042.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 9/13/86.

(xx)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, NJ 30329, Contact: T. Laubenthal or V. Carminell, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 1/13/87.

(xxi)(a) *Training Provider:* National Asbestos Training Institute.

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris Adler, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/3/85.

(xxii)(a) *Training Provider:* National Institute on Abatement Sciences and Technology.

Address: 114 West State Street, P.O. Box 1780, Trenton, NJ 08607, Contact: Glenn Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 1/16/88.

(xxiii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 Sixteenth St., NW, Washington, NJ 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 3/31/89.

(xxiv)(a) *Training Provider:* Northeastern Analytical.

Address: 234 Route 70, Medford, NJ 08055, Contact: Skip Harris, Phone: (609) 654-1441.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/20/85.

(xxv)(a) *Training Provider:* Princeton Testing Laboratory.

Address: 3490 U.S. Rt. 1, Prnceton, NJ 08540-3108, Contact: Charles Schneekloth, Phone: (609) 452-9050.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/8/85.

(xxvi)(a) *Training Provider:* Temple University.

Address: 12th & Norris St., Philadelphia, NJ 19122, Contact: Melvin Benarde, Phone: (215) 787-6394.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 11/24/87.

(xxvii)(a) *Training Provider:* White Lung Assocation - NY.

Address: 12 Warren Street, 4th Floor, New York, NJ 10007, Contact: Dan Manasia or Beth Garner, Phone: (212) 619-2270.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/21/85.

(xxviii)(a) *Training Provider:* White Lung Association - NJ.

Address: 901 Broad St., 2nd Floor, Newark, NJ 07102, Contact: Myles O'Malley/Claire Anderson, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 5/21/85.

(10)(a) *State:* North Dakota.

State Agency: State Dept. of Health & Consolidated Laboratories, Address: State Capital, Bismark, ND 58505, Contact: Ken Wengler, Phone: (701) 224-2348.

(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).

(11)(a) *State:* Oregon.

State Agency: State of Oregon Dept. of Environmental Quality, Address: 811 Southwest Sixth Ave., Portland, OR 97204, Contact: Wendy Simms, Phone: (503) 229-6414.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/23/88).
Contractor/Supervisor (full from 9/23/88).

Oregon Department of Environmental Quality, EPA-Approved Courses for Abatement Workers and Contractor/Supervisors

(i)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 5319 Southwest Westgate, Suite 239, Portland, OR 97221, Contact: Peter Clark, Phone: (503) 292-9406.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 12/28/88.

(ii)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 Southwest Barbur, Portland, OR 97219, Contact: Tom Natsh, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 9/23/88.

(iii)(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 Course:*

Abatement Worker.

(c) *Date of Certification:* 9/23/88.

(iv)(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.

(c) *Date of Certification:* 12/3/88.

(v)(a) *Training Provider:* National Training Center, Inc.

Address: 123 Northwest 2nd Ave., Suite 309, Portland, OR 97209, Contact: Paul Franklin, Phone: (503) 224-8834.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 9/23/88.

(vi)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: P.O. Box 22006, Milwaukie, OR 97222, Contact: Sheila Wanta, Phone: (503) 659-8899.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 12/14/88.

(12)(a) *State:* Rhode Island.

State Agency: State of Rhode Island & Providence Plantations, Department of Health, Address: 206 Cannon Bldg., 75 Davis St., Providence, RI 02908, Contact: James C. Hickey, Phone: (401) 277-3601.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 2/4/86).
Contractor/Supervisor (full from 2/4/86).

Rhode Island Department of Health, EPA-Approved Courses for Abatement Workers and Contractors/Supervisors

(i)(a) *Training Provider:* A & S Insulation Co., Inc.

Address: 2213 North Delsea Dr., Vineland, RI 08360, Contact: George Langer, Phone: (609) 692-0883.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 3/31/89.

(ii)(a) *Training Provider:* Analytical Testing Services, Inc.

Address: 180 Weeden St., Pawtucket, RI 02860, Contact: R. Weisberg or M. Stoeckel, Phone: (401) 723-7978.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 12/10/86.

(iii)(a) *Training Provider:* Center for Environmental Management-Tufts University.

Address: 474 Boston Ave., Medford, RI 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 7/1/86.

(iv)(a) *Training Provider:* Community College of Rhode Island.

Address: 1762 Louisquisset Pk., Lincoln, RI 02865, Contact: Americo Ottavino, Phone: (401) 333-7060.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 11/13/87.

(v)(a) *Training Provider:* Con-Test Educational Center.

Address: 39 Spruce St., East Longmeadow, RI 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 3/1/86.

(vi)(a) *Training Provider:* Covino Environmental Consultants, Inc.

Address: 12 Walnut Hill Pk., Woburn, RI 01801, Contact: Sam Covino, Phone: (617) 933-2555.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 1/15/87.

(vii)(a) *Training Provider:* Dennison Environmental, Inc.

Address: 35 Industrial Pkwy., Woburn, RI 01801, Contact: Joan Lion, Phone: (617) 932-9400.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/30/89.

(viii)(a) *Training Provider:* Environmental Training Services.

Address: 115 New Boston St., Woburn, RI 01801, Contact: Ken Martin, Phone: (617) 938-6062.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* Pending.

(ix)(a) *Training Provider:* Georgia Institute of Technology /GTRI.

Address: 151 Sixth St., Atlanta, RI 30332, Contact: Mark Demyanek, Phone: (404) 894-3806.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 7/22/88.

(x)(a) *Training Provider:* Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, RI 02115, Contact: Louis DiBerardinis, Phone: (617) 732-1171.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* Pending.

(xi)(a) *Training Provider:* Heat & Frost Insulation Union Local #6.

Address: 56 Roland St., Boston, RI 02129, Contact: Anthony Pistorino, Phone: (617) 625-6666.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 3/2/89.

(xii)(a) *Training Provider:* Hygeia, Inc.

Address: 303 Bear Hill Rd., Waltham, RI 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 1/31/89.

(xiii)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Pk., Woburn, RI 01801, Contact: Lisa Stammer, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 9/9/87.

(xiv)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, RI 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 1/31/89.

(xv)(a) *Training Provider:* NAACO.

Address: 790 Turnpike St., North Andover, RI 01845, Contact: Martin Levitt, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/28/88.

(xvi)(a) *Training Provider:* National Asbestos Council, (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, RI 30329, Contact: Tom Laubenthal, Phone: (404) 633-2622.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 9/5/86.

(xvii)(a) *Training Provider:* National Surface Cleaning, Inc.

Address: 49 Danton Dr., Methuen, RI 01844, Contact: Anthony Mesiti, Phone: (617) 686-6417.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 10/3/86.

(xviii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 Sixteenth St., NW, Washington, RI 20036, Contact: Mathew Gillen, Phone: (202) 887-1980.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 1/31/89.

(xix)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, RI 01748, Contact: James Merloni, Phone: (508) 435-6316.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 7/1/86.

(xx)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, RI 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/27/88.

(xxi)(a) *Training Provider:* Robert F. Weisberg & Marie Stoeckel.

Address: 180 Weeden St., Pawtucket, RI 02860, Contact: Robert Weisberg, Phone: (401) 723-7978.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 1/24/89.

(xxii)(a) *Training Provider:* Safe Environment Corp.

Address: 100 Moody St., Suite 200, Ludlow, RI 01056, Contact: Anne Folta, Phone: (413) 289-1409.

(b) *Approved Course:*

Contractor/Supervisor.

(c) *Date of Certification:* 1/31/89.

(xxiii)(a) *Training Provider:* Workers Institute for Safety & Health.

Address: 1126 16th St., NW, Washington, RI 20036, Contact: Matthew Gillan, Phone: (202) 887-1980.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 2/2/88.

(13)(a) *State:* South Dakota.

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: Terry Jorgenson, 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).

South Dakota Department of Water & Natural Resources, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspector/Management Planners, and Project Designers

(i)(a) *Training Provider:* Black Hills Special Services Cooperative.

Address: Box 218, Sturgis, SD 57784, Contact: Jim Doolittle, Phone: (605) 347-4467.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.

(c) *Date of Certification:* 3/22/89.

(ii)(a) *Training Provider:* Envrio-safe Inc.

Address: P.O. Box 328, Wakonda, SD 57073, Contact: John Mathrol, Phone: (605) 267-2539.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.

(c) *Date of Certification:* 2/28/89.

(iii)(a) *Training Provider:* Fargo - Moorhead Carpenters Joint Apprenticeship & Training Committee.

Address: 3002 1st Ave., N., Fargo, SD 58102, Contact: Raymond Such, Phone: (701) 235-4981.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 4/20/89.

(iv)(a) *Training Provider:* Iowa Laborers Training Fund.

Address: 5806 Meredith Ave., Suite C, Des Moines, SD 50322, Contact: Jack Jones, Phone: (515) 270-6965.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* 3/22/88.

(v)(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.
Contractor/Supervisor.
Inspector/Management Planner.

(c) *Date of Certification:* 5/18/88.

(14)(a) *State:* Virginia.

State Agency: Commonwealth of Virginia Dept. of Commerce, Address: 3600 West Broad St., Richmond, VA 23230-4917, Contact: Peggy J. Wood, Phone: (804) 367-8500.

(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).

Virginia Department of Commerce, EPA-Approved Courses for Abatement Workers, Contractors/Supervisors, Inspector/Management Planners, and Project Designers

(i)(a) *Training Provider:* Alice Hamilton Occupational Health Center.

Address: 410 7th St., SE, 2nd Floor, Washington, VA 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.

(c) *Date of Certification:* 3/2/88.

(ii)(a) *Training Provider:* Asbestos Analytical Association.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol Holden, Phone: (804) 397-8939.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 7/27/88.

(iii)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creel Ct., Beltsville, VA 20705, Contact: Jean Fisher, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.

(c) *Date of Certification:* 9/13/88.

(iv)(a) *Training Provider:* Briggs Assoc. Inc.

Address: 8325 Guilford Rd., Suite E, Columbia, VA 21046, Contact: J. Roos Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*

Abatement Worker.

(c) *Date of Certification:* Pending.
(v)(a) *Training Provider:* Critical Environmental.
Address: 5815 Gulf Freeway, Houston, VA 77023, Contact: Dr. Ronald F. Dodson, Phone: (713) 921-8921.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.
(c) *Date of Certification:* Pending.
(vi)(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.
Contractor/Supervisor.
(c) *Date of Certification:* 5/11/88.
(vii)(a) *Training Provider:* Fluor Daniel.
Address: The Daniel Bldg., 301 North Main St., Greenville, VA 29601, Contact: Rick Florence, Phone: (803) 298-2166.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
(c) *Date of Certification:* 6/24/88.
(viii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.
Address: 4840 West 15th St., P.O. Box 307, Lawrence, VA 66046, Contact: Steve Davis, Phone: (804) 270-7235.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector.
(c) *Date of Certification:* 5/23/88.
(ix)(a) *Training Provider:* Ind-Tra-Co., Ltd.
Address: 18 South 15th St., Richmond, VA 23223, Contact: Fred Breive, Phone: (804) 648-7836.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector/Management Planner.
(c) *Date of Certification:* 3/7/88.
(x)(a) *Training Provider:* Industrial Training & Support Services.
Address: P.O. Box 496, Lightfoot, VA 23090, Contact: Virginia Graham, Phone: (804) 565-3308.
(b) *Approved Course:*
Abatement Worker.
(c) *Date of Certification:* 10/22/88.
(xi)(a) *Training Provider:* Institute for Environmental Education.
Address: 208 West Cummings Park, Woburn, VA 01801, Contact: Lisa Stammer, Phone: (617) 935-0664.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
Inspector.
(c) *Date of Certification:* Pending.
(xii)(a) *Training Provider:* Jenkins Professionals Inc.
Address: 5502 Campbell Blvd., Suite F, Baltimore, VA 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.
(b) *Approved Course:*
Contractor/Supervisor.
(c) *Date of Certification:* Pending.
(xiii)(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 Course:*
Abatement Worker.
(c) *Date of Certification:* 8/8/88.
(xiv)(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.
Contractor/Supervisor.
(c) *Date of Certification:* 2/13/89.
(xv)(a) *Training Provider:* Maryland Center for Environmental Training.
Address: Mitchell Road, P.O. Box 910, LaPlata, VA 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
(c) *Date of Certification:* 5/19/89.
(xvi)(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:*
Contractor/Supervisor.
Inspector/Management Planner.
(c) *Date of Certification:* 12/8/87.
(xvii)(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.
Contractor/Supervisor.
(c) *Date of Certification:* 8/4/88.
(xviii)(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 Course:*
Abatement Worker.
(c) *Date of Certification:* 6/15/88.
(xix)(a) *Training Provider:* Old Dominion University.
Address: Office of Health Sciences, Norfolk, VA 23529, Contact: Shirley Glover, Phone: (804) 440-4256.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.
(c) *Date of Certification:* 6/8/88.
(xx)(a) *Training Provider:* Quality Specialties, Inc.
Address: 109 15th Ave., Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 748-9606.
(b) *Approved Course:*
Abatement Worker.
(c) *Date of Certification:* 5/3/88.
(xxi)(a) *Training Provider:* S.G. Brown, Inc.
Address: 2701 Sonic Dr., Virginia Beach, VA 23334, Contact: George Torrence, Phone: (804) 468-0027.
(b) *Approved Course:*
Abatement Worker.
(c) *Date of Certification:* 6/10/88.
(xxii)(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 Course:*
Abatement Worker.
(c) *Date of Certification:* 10/10/88.
(xxiii)(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.
(c) *Date of Certification:* 3/21/89.
(xxiv)(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.
(c) *Date of Certification:* 3/7/88.
(xxv)(a) *Training Provider:* Waco, Inc.
Address: Highway 925, N, Waldorf, VA 20601, Contact: Wayne Cooper, Phone: (301) 843-2488.
(b) *Approved Courses:*
Abatement Worker.
Contractor/Supervisor.

(c) *Date of Certification:* 10/31/88.

(xxvi)(a) *Training Provider:* White Lung Association.

Address: 1114 Cathedral St., Baltimore, VA 21201, Contact: James Fite, Phone: (202) 289-3529.

(b) *Approved Courses:*

Inspector/Management Planner.

(c) *Date of Certification:* 7/11/88.

(15)(a) *State:* Washington.

State Agency: State of Washington Dept. of Labor and Industries, Division of Industrial Safety and Health, Address: 805 Plum SE, Olympia, WA 98504, Contact: Steve Cant, Phone: (206) 753-6497.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 11/21/85).

Contractor/Supervisor (interim from 11/21/85).

EPA-Approved Training Courses

REGION I -- Boston, MA

Regional Asbestos Coordinator: Joe DeCola, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

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:* Abatement Technology Corp.

Address: 1 Boston Place, Suite 1025, Boston, MA 02108, Contact: Scott Keyes, Phone: (617) 723-3100.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/5/87).

(2)(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).

(3)(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).

Contractor/Supervisor (contingent from 2/23/89).

Inspector/Management Planner (contingent from 1/30/89).

(4)(a) *Training Provider:* Environmental Training Services.

Address: 12 Walnut Hill Park, P.O. Box 806, Woburn, MA 01801, Contact: Kenneth P. Martin, Phone: (617) 398-0348.

(b) *Approved Course:*

Abatement Worker (contingent from 4/22/88).

(5)(a) *Training Provider:* Hygientics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: John W. Cowdery, Phone: (617) 723-4664.

(b) *Approved Course:*

Inspector (contingent from 10/2/87).

(6)(a) *Training Provider:* Institute for Environmental Education.

Address: 208 West Cummings Park, Woburn, MA 01801, Contact: Lisa Stammer, 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).

(7)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #33.

Address: 15 South Elm St., Wallingford, CT 06492, Contact: Joseph V. Soli, Phone: (203) 235-3547.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 7/27/88).

(8)(a) *Training Provider:* Maine Labor Group on Health, Inc.

Address: P.O. Box V, Augusta, ME 04330, Contact: Diana White, Phone: (207) 622-7823.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/87).

Abatement Worker Refresher Course (contingent from 10/17/88).

Contractor/Supervisor (contingent from 5/18/87).

Contractor/Supervisor Refresher Course (full from 3/26/88).

(9)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748, 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).

(10)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, 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).

EPA-Approved Training Courses

REGION II -- Edison, NJ

Regional Asbestos Coordinator: Arnold Freiberger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

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: Jay Sall, Phone: (212) 629-8400.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/25/88).
Contractor/Supervisor (contingent from 10/25/88).
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:* Allwash of Syracuse, Inc.

Address: P.O. Box 605, Syracuse, NY 13201, Contact: Ronald D. Roy, Phone: (315) 454-4476.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/88).
Abatement Worker Refresher Course (contingent from 12/15/88).
Contractor/Supervisor (contingent from 1/30/89).

(5)(a) *Training Provider:* Alternative Ways, Inc.

Address: 100 Essex Ave., Bellmawr, NJ 08031, Contact: Robert C. Hasiuk, Phone: (609) 933-3300.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/88).
Contractor/Supervisor (contingent from 4/11/88).
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).

(6)(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).
Contractor/Supervisor (contingent from 12/29/88).

(7)(a) *Training Provider:* Applied Respiratory Technology.

Address: P.O. Box 1132, Peekskill, NY 10566, Contact: Paul M. Madigan, 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).
Contractor/Supervisor (contingent from 8/11/88).
Contractor/Supervisor (full from 11/28/88).
Contractor/Supervisor Refresher Course (contingent from 10/31/88).

(8)(a) *Training Provider:* Asbestos Environmental Institute, Inc.

Address: 444 Park Ave. S, 5th Fl., New York, NY 10016, Contact: Yelena Goodman, Phone: (212) 545-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/88).
Abatement Worker (full from 12/5/88).
Contractor/Supervisor (contingent from 10/18/88).
Contractor/Supervisor (full from 12/5/88).

(9)(a) *Training Provider:* Asbestos Training Academy, Inc.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Maryann Brady, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).
Abatement Worker (full from 11/7/88).
Contractor/Supervisor (contingent from 9/15/88).
Contractor/Supervisor (full from 11/7/88).
Inspector (contingent from 4/27/89).

(10)(a) *Training Provider:* Asteco, Inc.

Address: P.O. Box 2204, Niagara University, Niagara, NY 14109, Contact: John Larson, Phone: (716) 297-5992.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Abatement Worker (full from 4/13/88).
Abatement Worker Refresher Course (contingent from 12/20/88).

(11)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: John Gajeski, Phone: (718) 387-0011.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).
Abatement Worker (full from 4/18/88).
Inspector (contingent from 1/18/89).

(12)(a) *Training Provider:* Board of Cooperative Educational Services Suffolk County (BOCES 2).

Address: 375 Locust Ave., Oakdale, NY 11769, Contact: Edward J. Milliken, Phone: (516) 563-2954.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).
Contractor/Supervisor (contingent from 3/27/89).

(13)(a) *Training Provider:* Buffalo Laborers Training Fund.

Address: 481 Franklin St., Buffalo, NY 14202, Contact: Victor J. Sansanese, Phone: (716) 884-7157.

(b) *Approved Course:*

Abatement Worker (contingent from 6/30/88).

(14)(a) *Training Provider:* Building Laborers Local Union #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).

(15)(a) *Training Provider:* Calibrations, Inc.

Address: 802 Watervliet - Shaker Rd., Latham, NY 12110, Contact: James Percent, Phone: (518) 318-1893.

(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).
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 Refresher Course (contingent from 3/6/89).
Project Designer (full from 5/23/88).
Project Designer Refresher Course (contingent from 3/6/89).

(16)(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 (contingent from 6/17/88).

(17)(a) *Training Provider:* Comprehensive Analytical Group.

Address: 147 Midler Park Dr., Syracuse, NY 13206, Contact: Susan S. Graniero, Phone: (315) 432-0855.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Abatement Worker Refresher Course (contingent from 4/25/89).

Contractor/Supervisor (contingent from 3/29/89).

(18)(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).

(19)(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).

(20)(a) *Training Provider:* Edward O. Watts & Associates.

Address: 1325 North Forest Rd., Suite 312, Williamsville, NY 14221, Contact: Edward Watts, Phone: (716) 688-4827.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker Refresher Course (contingent from 3/3/89).

Contractor/Supervisor Refresher Course (contingent from 3/3/89).

(21)(a) *Training Provider:* Environmental Training, Inc.

Address: 661 Fulton St., Brooklyn, NY 11217, Contact: Nelson Helu, Phone: (718) 625-4300.

(b) *Approved Course:*

Abatement Worker (contingent from 4/25/88).

(22)(a) *Training Provider:* Hudson Asbestos Training Institute.

Address: 609 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).

(23)(a) *Training Provider:* Hunter College Asbestos Training Center/ United Brotherhood of Carpenters & Joiners of America.

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).

Contractor/Supervisor (full from 7/1/88).

(24)(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 1/26/89).

Abatement Worker Refresher Course (contingent from 12/13/88).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor Refresher Course (contingent from 12/22/88).

(25)(a) *Training Provider:* Institute of Asbestos Awareness.

Address: 2 Heitz Pl., Hicksville, NY 11801, Contact: Henry R. Clegg, Phone: (516) 937-1600.

(b) *Approved Courses:*

Abatement Worker (full from 10/24/88).

Abatement Worker Refresher Course (contingent from 3/8/89).

Contractor/Supervisor (full from 10/24/88).

Contractor/Supervisor Refresher Course (contingent from 3/8/89).

Inspector/Management Planner (contingent from 9/28/88).

Inspector/Management Planner (full from 3/2/89).

Inspector/Management Planner Refresher Course (contingent from 3/8/89).

(26)(a) *Training Provider:* Institute of Asbestos Technology Corp.

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Doreen E. Bianchi, 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).

Contractor/Supervisor (contingent from 4/7/89).

(27)(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 3/27/89).

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).

(28)(a) *Training Provider:* Laborers Local Union #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).

(29)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center UMDNJ Robert Wood Johnson Medical School.

Address: 675 Hoes Lane, Piscataway, NJ 08854-5635, Contact: Lee Laustsen, Phone: (201) 463-4500.

(b) *Approved Courses:*

Abatement Worker (full from 7/28/86).

Contractor/Supervisor (full from 7/28/86).

Inspector/Management Planner (full from 11/16/87).

Inspector/Management Planner Refresher Course (full from 11/18/88).

(30)(a) *Training Provider:* Monroe Community College of Rochester, New York.

Address: P.O. Box 9720, Rochester, NY 14623-0720, Contact: Dusty Swanger, Phone: (716) 272-9839.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Abatement Worker (full from 4/26/89).

(31)(a) *Training Provider:* National Asbestos Training Institute (NATI).

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris L. Adler, Phone: (201) 918-0610.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 6/13/88).

Inspector/Management Planner (full from 4/17/89).

(32)(a) *Training Provider:* National Institution 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 Course:*

Inspector/Management Planner (contingent from 3/8/88).

(33)(a) *Training Provider:* Niagara County Community College.

Address: 160 Washburn St., Lockport, NY 14094, Contact: Eugene Zinni, Phone: (716) 731-3271.

(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).
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).

(34)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: Box 4873, 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin C. Tifft, Jr., Phone: (315) 451-4700.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/19/89).
Abatement Worker (full from 4/10/89).
Contractor/Supervisor (contingent from 1/19/89).
Contractor/Supervisor (full from 4/10/89).
Inspector/Management Planner (full from 10/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/24/89).

(35)(a) *Training Provider:* Princeton Testing Laboratory, Inc.

Address: 3490 US Route 1, Princeton Service Center, Princeton, NJ 08543, Contact: Anne Coogan, Phone: (609) 452-9050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/21/88).

(36)(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).
Inspector/Management Planner Refresher Course (contingent from 2/24/89).

(37)(a) *Training Provider:* SUNY College of Technology at Farmingdale.

Address: , Farmingdale, NY 11735, Contact: Charles Erlanger, Phone: (516) 420-2000.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/24/89).
Inspector/Management Planner Refresher Course (contingent from 4/24/89).

(38)(a) *Training Provider:* Safe Air Environmental Group, Inc.

Address: P.O. Box 457, Depew, NY 14043, Contact: Reza Farrokh, Phone: (800) 634-7234.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).
Abatement Worker (full from 4/4/88).
Abatement Worker Refresher Course (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/8/88).
Contractor/Supervisor (full from 4/4/88).
Contractor/Supervisor Refresher Course (contingent from 3/2/89).

(39)(a) *Training Provider:* Schuyler-Chemung-Tioga Board of Cooperative Educational Services.

Address: 431 Philo Rd., Elmira, NY 14903, Contact: L. Eugene Ferro, Phone: (607) 739-3581.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 1/11/89).

(40)(a) *Training Provider:* State of New Jersey Dept. of Health.

Address: CN 360, Trenton, NJ 08625, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 3/28/89).

(41)(a) *Training Provider:* Testwell Craig Laboratories.

Address: 518 Clinton Ave., Albany, NY 12206, Contact: George W. Stowell, Phone: (518) 436-4114.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/21/88).
Abatement Worker (full from 1/24/89).

(42)(a) *Training Provider:* The Board of Continuing Education (BOCES) of Orange & Ulster Counties.

Address: Gibson Rd., Goshen, NY 10924, Contact: Arthur J. Lange, Phone: (914) 294-5431.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/2/89).

(43)(a) *Training Provider:* The Hazardous Waste Management Training Center of Buffalo, New York.

Address: 4454 Genesee St., Buffalo, NY 14225-5301, Contact: Denise Erb, Phone: (716) 634-3000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).
Contractor/Supervisor (contingent from 10/31/88).

(44)(a) *Training Provider:* Tri-Cities Laborers Training Program.

Address: 5 Lombard St., Schenectady, NY 12304, Contact: Joseph A. Zappone, Phone: (518) 370-3463.

(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).

(45)(a) *Training Provider:* Union Occupational Health Center.

Address: 450 Grider St., Buffalo, NY 14215, Contact: Garath L. Tubbs, Phone: (716) 894-9366.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(46)(a) *Training Provider:* University of Buffalo, State University of New York.

Address: 127 Farber Hall, University of N.Y., Buffalo, NY 14214, Contact: Paul J. Kostyniak, Phone: (716) 831-2125.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 2/2/89).
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).

(47)(a) *Training Provider:* Utilicom Corp.

Address: 7 Tobey Village Office Park, Pittsford, NY 14534, Contact: Dennis J. Money, Phone: (716) 381-8710.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/21/88).
Abatement Worker (full from 9/21/88).
Abatement Worker Refresher Course (contingent from 4/21/89).

(48)(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).

(49)(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).

Abatement Worker (full from 1/24/88).

(50)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Floor, New York, NY 10007, Contact: Daniel Manasia, Phone: (212) 619-2270.

(b) *Approved Course:*

Inspector (contingent from 2/23/89).

EPA-Approved Training Courses

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3HW-42), 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:* Aerosol Monitoring & Analysis, Inc.

Address: 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: D.R. Twilley, Phone: (301) 684-3327.

(b) *Approved Courses:*

Abatement Worker (full from 11/27/87).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (full from 11/27/87).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 3/1/88).

Inspector/Management Planner (full from 3/31/88).

(3)(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).

(4)(a) *Training Provider:* Alice Hamilton Center for 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 (contingent from 10/12/87).

Abatement Worker (full from 1/16/88).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (full from 1/16/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

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).

(5)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron Street, 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).

(6)(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).

(7)(a) *Training Provider:* Asbestos Environmental Services of Maryland, Inc.

Address: P.O. Box 28, Timonium, MD 21093, Contact: Brian Stewart, Phone: (301) 584-1490.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(8)(a) *Training Provider:* Asbestos Workers Local Union #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).

(9)(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).

(10)(a) *Training Provider:* Briggs Associates, Inc. Maryland.

Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-8730.

(b) *Approved Course:*

Abatement Worker (contingent from 1/30/89).

(11)(a) *Training Provider:* Brujos Scientific, Inc.

Address: 505 Drury Lane, Baltimore, MD 21229, Contact: Robert Olcrest, Phone: (301) 566-0859.

(b) *Approved Courses:*

Abatement Worker (full from 11/21/88).

Contractor/Supervisor (contingent from 9/29/88).

(12)(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 Course:*

Abatement Worker (contingent from 12/1/88).

(13)(a) *Training Provider:* Center for Environmental & Occupational Training, Inc.

Address: 9 Orchard St., Pittsburgh, PA 15221, Contact: David Ginsburg, Phone: (412) 351-9101.

(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).

(14)(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).

(15)(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).

(16)(a) *Training Provider:* Commonwealth of Pennsylvania Dept. of Public Welfare.

Address: P.O. Box 2675, Harrisburg, PA 17120-0012, 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).

(17)(a) *Training Provider:* Delaware Technical & Community College.

Address: P.O. Box 897, Dover, DE 19903, Contact: David Stanley, Phone: (302) 736-5428.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/88).

Abatement Worker Refresher Course (contingent from 5/5/89).

Contractor/Supervisor (contingent from 4/20/88).

Contractor/Supervisor Refresher Course (contingent from 5/5/89).

(18)(a) *Training Provider:* Dept. of the Environment, State of Maryland.

Address: 2500 Broening Hwy., Baltimore, MD 21224, Contact: Barbara Conrad, Phone: (301) 631-3847.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 4/14/89).

(19)(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).

(20)(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 Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 9/1/88).

(21)(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).

(22)(a) *Training Provider:* Eagle Industrial Hygiene Association, Inc.

Address: 405 Masons Mill Rd., Huntingdon Valley, PA 19006, Contact: Stephen R. Bell, Phone: (215) 657-2261.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(23)(a) *Training Provider:* Eastern Environmental Services of the Northeast, Inc.

Address: RD #1, Route 309 North, P.O. Box B, Drums, PA 18222, Contact: Kenneth Skuba, 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).

(24)(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).

Contractor/Supervisor (contingent from 4/6/89).

Inspector/Management Planner (contingent from 4/6/89).

(25)(a) *Training Provider:* Environmental Training, Inc.

Address: 10 Industrial Hwy., Building N, Tinicum Industrial Park, Philadelphia, PA 19113, Contact: Gary D. Hyrne, Phone: (215) 521-5469.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).

Contractor/Supervisor (contingent from 3/1/89).

(26)(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).

Contractor/Supervisor (full from 10/18/88).

(27)(a) *Training Provider:* GST Co.

Address: Freedom Professional Bldg., 1341 Old Freedom Rd., Suite 3B, Mars, PA 16046, 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).

(28)(a) *Training Provider:* Galson Technical Services, Inc.

Address: 5170 Campus Dr., Suite 200, Plymouth Meeting, PA 19462, Contact: Ernest L. Sweet, Phone: (315) 432-0506.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/17/88).

(29)(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).

(30)(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).

(31)(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).

(32)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union #2.

Address: 148 East Mall Plaza, Carnegie, PA 15106, Contact: Terry Larkin, Phone: (412) 276-3711.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).
Abatement Worker (full from 10/25/88).
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 Refresher Course (contingent from 9/28/88).

(33)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union #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).

(34)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #38.

Address: 315 - 317 North Washigton St., Wilkes - Barre, PA 18703, Contact: Robert Hughes, Phone: (717) 829-0634.

(b) *Approved Course:*

Abatement Worker (contingent from 3/2/89).

(35)(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).

(36)(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).

(37)(a) *Training Provider:* Laborers District Council of Western Pennsylvania.

Address: 1110 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).

(38)(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 Refresher Course (contingent from 4/20/89).

(39)(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).

(40)(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).

(41)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 Sixteenth St., NW, Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(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).
Inspector (contingent from 5/26/88).

(42)(a) *Training Provider:* Occupational Medical Center.

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Ellen Kite, Phone: (301) 306-0632.

(b) *Approved Course:*

Abatement Worker (contingent from 9/28/88).

(43)(a) *Training Provider:* Old Dominion University Office of Continuing Education College of Health Services.

Address: , 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).

(44)(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).

Contractor/Supervisor (contingent from 1/5/88).

Inspector (contingent from 3/14/88).

(45)(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).

(46)(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 Refresher Course (contingent from 2/24/89).

(47)(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).

(48)(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).

(49)(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).

(50)(a) *Training Provider:* STI, Inc.

Address: P.O. Box 1029, Aberdeen, MD 21001, Contact: Terry F. Carraway, Jr., Phone: (301) 575-7844.

(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).

(51)(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).

(52)(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 (contingent from 1/6/88).

Abatement Worker (full from 8/8/88).

Abatement Worker Refresher Course (contingent from 2/23/89).

Contractor/Supervisor (contingent from 1/6/88).

Contractor/Supervisor (full from 8/8/88).

Contractor/Supervisor Refresher Course (contingent from 2/23/89).

Inspector/Management Planner (contingent from 2/4/88).

Inspector/Management Planner (full from 2/8/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(53)(a) *Training Provider:* Schneider Engineers.

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).

(54)(a) *Training Provider:* Temple University College of Engineering.

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).

(55)(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).

(56)(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).

(57)(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).

(58)(a) *Training Provider:* United Environmental Systems, Inc.

Address: 14 Stella Dr., Churchville, PA 18966, Contact: Michael Yaron, Phone: (215) 829-9454.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).

Contractor/Supervisor (contingent from 6/30/88).
Inspector/Management Planner (contingent from 7/8/88).

(59)(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).

(60)(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).
Contractor/Supervisor (contingent from 10/3/88).
Contractor/Supervisor (full from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(61)(a) *Training Provider:* Waco, Inc.

Address: Highway 925, N, P.O. Box 759, Waldorf, MD 20601, 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).

(62)(a) *Training Provider:* West Virginia Laborers Training Trust Fund.

Address: One Manongalia St., Charleston, WV 25302, Contact: Wetzel Harvey, Phone: (304) 346-0581.

(b) *Approved Course:*

Abatement Worker (contingent from 8/29/88).

(63)(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).
Contractor/Supervisor (contingent from 10/20/88).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner Refresher Course (contingent from 4/27/89).

(64)(a) *Training Provider:* White Lung Association.

Address: 1114 Cathedral 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).

(65)(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 (contingent from 4/20/88).
Contractor/Supervisor (contingent from 4/20/88).

EPA-Approved Training Courses

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), 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:* AHP Research, Inc.

Address: 1502 Johnsons Ferry Rd., Atlanta, GA 30362, Contact: Dwight Brown, Phone: (404) 565-0061.

(b) *Approved Courses:*

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).

(2)(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).

(3)(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).
Contractor/Supervisor (full from 1/12/88).

(4)(a) *Training Provider:* All Gulf Contractors, Inc.

Address: 3654 Halls Mill Rd., Mobile, AL 36693, Contact: Robert Pettie, Phone: (205) 665-5199.

(b) *Approved Course:*

Abatement Worker (contingent from 2/22/89).

(5)(a) *Training Provider:* American Environmental Safety Institute.

Address: P.O. Box 212116, Columbia, SC 29221-2116, Contact: Kim Cleveland, Phone: (803) 731-2986.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/89).
Abatement Worker Refresher Course (contingent from 12/16/88).
Contractor/Supervisor (full from 10/17/88).
Contractor/Supervisor Refresher Course (contingent from 12/16/88).
Inspector/Management Planner (full from 2/8/89).

(6)(a) *Training Provider:* Arch Training Services, Inc.

Address: Hotel Royal Plaza, P.O. Box 22203, Lake Buena Vista, FL 32830-2203, Contact: Arleen Folkes Goldberg, Phone: (407) 827-3985.

(b) *Approved Courses:*
Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/2/89).
Inspector/Management Planner (contingent from 3/2/89).

(7)(a) *Training Provider:* Asbestos Abatement Associates, Inc.
Address: 1211 Boiling Springs Rd., Spartanburg, SC 29303, Contact: John N. McNamara, Phone: (803) 582-1222.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/17/89).
Contractor/Supervisor (contingent from 3/7/89).

(8)(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).

(9)(a) *Training Provider:* 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).
Contractor/Supervisor (contingent from 2/22/89).

(10)(a) *Training Provider:* Asbestos Workers Local Union #13 Joint Apperenticeship Training Program.
Address: 145 East First St., Jacksonville, FL 32206, Contact: Thomas P. Mallard, Phone: (904) 355-4881.

(b) *Approved Courses:*
Abatement Worker Refresher Course (contingent from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 1/23/89).

(11)(a) *Training Provider:* Asbestos Workers Local Union #48 Joint Apprenticeship Training Program.
Address: 374 Maynard Terrace, SE, Suite 232, Atlanta, GA 30316, Contact: Timothy Fuller, Phone: (404) 373-9866.

(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).

(12)(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).

(13)(a) *Training Provider:* BCM Engineers, Inc.
Address: 108 St. Anthony St., P.O. Box 1784, Mobile, AL 36633, Contact: H. Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*
Inspector/Management Planner (full from 11/11/87).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Project Designer (full from 12/8/87).

(14)(a) *Training Provider:* Bertchel 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).

(15)(a) *Training Provider:* Briggs Associates Int., 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).

(16)(a) *Training Provider:* Continuing Education Mississippi State University.
Address: Memorial Hall-Bar Ave., P.O. Drawer 5247, Mississippi State, MS 39762-5247, Contact: Margaret V. Naugle, Phone: (601) 325-2677.

(b) *Approved Courses:*
Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor (contingent from 7/19/88).
Inspector/Management Planner (full from 6/20/88).
Project Designer (contingent from 12/15/88).

(17)(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).

(18)(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).

(19)(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 Course:*
Inspector/Management Planner (contingent from 4/14/89).

(20)(a) *Training Provider:* Enpuricon Asbestos Management.
Address: 6308 - D Angus Dr., Raleigh, NC 27613, 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).

(21)(a) *Training Provider:* Enviro Science, Inc.
Address: 3509 Hayworth Dr., Raleigh, NC 26709, Contact: Reginald C. Jordan, Phone: (919) 782-6527.

(b) *Approved Course:*
Inspector/Management Planner (contingent from 9/15/88).

(22)(a) *Training Provider:* Environmental Aspecs, Inc. University of North Florida, Division of Continuing Education.
Address: 1527 North Dale Mabry Hwy., Suite 1527, Lutz, FL 33549-3010, Contact: Dennis L. Mast, Phone: (813) 948-1387.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/22/89).
Contractor/Supervisor (contingent from 4/14/89).

(23)(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).
Contractor/Supervisor (contingent from 2/17/89).

(24)(a) *Training Provider:* Environmental Resources Group.
Address: 3845 Viscount, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Course:*
Abatement Worker (contingent from 11/14/88).

(25)(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 1/3/89).

(26)(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 (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).

(27)(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).

(28)(a) *Training Provider:* Harmon Engineering Associates.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: Roger W. Thompson, Phone: (205) 821-9250.

(b) *Approved Course:*

Abatement Worker (contingent from 1/4/89).

(29)(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 Course:*

Abatement Worker (full from 10/12/88).

(30)(a) *Training Provider:* Howard I. 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).

(31)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #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).

Contractor/Supervisor (full from 1/19/89).

Contractor/Supervisor Refresher Course (contingent from 12/15/88).

(32)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #60.

Address: 13000 North West 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).

(33)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #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).

(34)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #78.

Address: 600 Main St., Gardendale, AL 35071, Contact: Bill Boothe, Phone: (205) 631-4640.

(b) *Approved Course:*

Abatement Worker (full from 10/25/88).

(35)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #96.

Address: 811 East 66th St., Savannah, GA 31405, Contact: Robert G. Greene, Phone: (912) 352-0014.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).

Contractor/Supervisor (full from 9/13/88).

(36)(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).

(37)(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).

(38)(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 Course:*

Abatement Worker (contingent from 1/17/89).

(39)(a) *Training Provider:* Medical University of South Carolina 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 Refresher Course (contingent from 2/2/89).

Inspector/Management Planner Refresher Course (contingent from 2/2/89).

(40)(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).

(41)(a) *Training Provider:* National Monitoring Labs, Inc.

Address: 1400 North 46th St., Suite V-28, Tampa, FL 33613, Contact: Gil Rakshi, Phone: (800) 347-3414.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/14/89).

Inspector/Management Planner (contingent from 4/14/89).

(42)(a) *Training Provider:* Occupational Safety & Health Educational Resource Center University of North Carolina at Chapel Hill.

Address: School of Public Health, 109 Conner Dr., Suite 1101, Chapel Hill, NC 27518, Contact: Ted Williams, Phone: (919) 962-2101.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 6/1/88).

Contractor/Supervisor (full from 6/6/88).

Inspector/Management Planner (full from 11/9/87).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).

(43)(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).

(44)(a) *Training Provider:* Practical Environmental Training Institute.

Address: P.O. Box 26308, Charlotte, NC 28221-6308, Contact: Dianne Christenbery, Phone: (704) 598-9588.

(b) *Approved Courses:*

Abatement Worker (full from 10/24/88).
Contractor/Supervisor (contingent from 1/17/89).
Contractor/Supervisor (full from 3/20/89).

(45)(a) *Training Provider:* RETRA-TREEO.

Address: 1730 US. 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).

(46)(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 Course:*

Abatement Worker (contingent from 1/23/89).

(47)(a) *Training Provider:* Soil & Materials Engineering Box 5809.

Address: 3109 Spring Forest Rd., Raleigh, NC 58069, Contact: C.D. Hudson, Phone: (919) 790-9827.

(b) *Approved Course:*

Abatement Worker (contingent from 3/8/89).

(48)(a) *Training Provider:* South Carolina Research & Training Center.

Address: 300 Gervais St., Annex III, Columbia, SC 29201, Contact: Jan Temple, Phone: (803) 737-2060.

(b) *Approved Courses:*

Contractor/Supervisor (full from 3/8/88).
Inspector/Management Planner (full from 3/1/88).

(49)(a) *Training Provider:* Southeast Asbestos Free Environments, Inc.

Address: 350 South Second Ave., P.O. Box 51267, Jacksonville Beach, FL 32250, Contact: Otey Reynolds, Phone: (904) 246-8000.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor (contingent from 1/18/89).

(50)(a) *Training Provider:* TREEO CENTER.

Address: 3900 South West 63rd Blvd., Gainesville, FL 32608, Contact: Sandra Scaggs, Phone: (904) 392-9570.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
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).

(51)(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).

(52)(a) *Training Provider:* University of Alabama, College of Continuing Studies, Division of Environmental & Industrial Programs.

Address: P.O. Box 2967, Tuscaloosa, AL 35486-2967, Contact: William Weems, Phone: (205) 348-3033.

(b) *Approved Courses:*

Abatement Worker (full from 4/5/88).
Contractor/Supervisor (full from 12/14/87).
Inspector/Management Planner (full from 5/16/88).

(53)(a) *Training Provider:* University of Alabama-Birmingham Deep South Center.

Address: , Birmingham, AL 35294, Contact: Elizabeth Lynch, Phone: (205) 934-7032.

(b) *Approved Course:*

Inspector/Management Planner (full from 3/21/88).

(54)(a) *Training Provider:* University of Kentucky, College of Engineering Continuing Education.

Address: 305 Slone Bldg., Lexington, KY 40506-0053, Contact: A.B. Broderson, Phone: (606) 257-4300.

(b) *Approved Course:*

Inspector/Management Planner (full from 2/15/88).

(55)(a) *Training Provider:* Weston.

Address: 1635 Pumphrey Ave., Auburn, AL 36830-4303, Contact: Michael Skotnicki, Phone: (205) 826-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Contractor/Supervisor (contingent from 10/6/88).
Contractor/Supervisor Refresher Course (contingent from 1/31/89).
Inspector/Management Planner (contingent from 5/13/88).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Project Designer (contingent from 8/23/88).
Project Designer Refresher Course (contingent from 1/31/89).

(56)(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).
Contractor/Supervisor (contingent from 2/18/88).
Contractor/Supervisor (full from 4/18/88).

EPA-Approved Training Courses

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), 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).

(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:* Alex Analytical Laboratory for Environmental Excellence, Inc.

Address: 485 South Fontage Rd., Barr Ridge, IL 60521, Contact: Erlo Roth, Phone: (312) 789-6080.

(b) *Approved Course:*

Abatement Worker (contingent from 3/3/89).

(6)(a) *Training Provider:* American Asbestos Institute, Inc.

Address: Box 7416, Springfield, IL 62791, Contact: Douglas I. Gamble, Phone: (217) 523-5588.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/29/89).

Contractor/Supervisor (contingent from 3/29/89).

Inspector/Management Planner (contingent from 3/29/89).

(7)(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).

(8)(a) *Training Provider:* American Industrial Hygiene Association.

Address: 475 Wolf Ledges Pwy., Akron, OH 44311-1087, Contact: Mary Christ, Phone: (216) 762-7294.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 2/23/89).

(9)(a) *Training Provider:* Applied Environmental Sciences, Inc.

Address: Minneapolis Business & Technology, Center, 511 11th Ave. So., 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).

(10)(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).

(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 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).

(15)(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).

(16)(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).

(17)(a) *Training Provider:* Asbestos Training & Employment, Inc. (ATEI).

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Bruce H. Connell, 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).

(18)(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).

(19)(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).

(20)(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).

(21)(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).

(22)(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).

(23)(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).

(24)(a) *Training Provider:* Bowling Green State University.

Address: , Bowling Green, OH 43403-0280, Contact: Gary S. Silverman, Phone: (419) 372-7774.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(25)(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).

(26)(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).

(27)(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).

(28)(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).

(29)(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 Course:*

Abatement Worker (contingent from 1/18/89).

(30)(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 1/18/89).

Contractor/Supervisor (contingent from 1/18/89).

(31)(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).

(32)(a) *Training Provider:* Construction & General Laborers Training Trust Fund.

Address: 406 East Ogden Ave., Westmont, IL 60559, Contact: Anthony Solano, Phone: (312) 323-8999.

(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).

(33)(a) *Training Provider:* D/E 3.

Address: 7471-H Tyler Blvd., Mentor, OH 44060, Contact: Harold N. Danto, Phone: (216) 942-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Abatement Worker Refresher Course (contingent from 1/4/89).

(34)(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).

(35)(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).

(36)(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).

(37)(a) *Training Provider:* Dore & Associates Contracting, Inc.

Address: 900 Harry S. Truman Parkway, 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).

(38)(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).
Abatement Worker Refresher Course (contingent from 3/7/89).

(39)(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 Refresher Course (contingent from 4/7/89).

(40)(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).

(41)(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).

(42)(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).

(43)(a) *Training Provider:* Environmental Mangement 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 3/9/89).
Contractor/Supervisor (contingent from 3/9/89).

(44)(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).

(45)(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).

(46)(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).

(47)(a) *Training Provider:* Environmental Safety Training Services, Inc.

Address: 902 Mulberry St., Marshall, IL 62441, Contact: Dave Juelich, Phone: (217) 525-6161.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).

Abatement Worker Refresher Course (contingent from 1/17/89).

(48)(a) *Training Provider:* Environmental Training Institute.

Address: 4708 Angola Rd., Toledo, OH 43615, Contact: Dale Bruhl, Jr., Phone: (419) 382-9200.

(b) *Approved Course:*

Abatement Worker (contingent from 1/18/89).

(49)(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).

(50)(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).

(51)(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).

(52)(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).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor (full from 8/29/88).
Inspector/Management Planner (contingent from 3/3/89).

(53)(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).

(54)(a) *Training Provider:* Hazardous Materials Institute, Inc.

Address: 540 Frontage Rd., Suite 211, Northfield, IL 60093, Contact: Jim Viskocil, Phone: (312) 501-2194.

(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).

(55)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union #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).
Contractor/Supervisor (contingent from 3/21/88).
Contractor/Supervisor (full from 3/22/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(56)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union #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).

(57)(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 8/5/87).
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).

(58)(a) *Training Provider:* Illinois Laborers' & Contractors Training Program.

Address: Rural Route 3, Mount Sterling, IL 62353, Contact: Tony Romolo, Phone: (217) 773-2741.

(b) *Approved Courses:*

Abatement Worker (full from 1/14/85).
Abatement Worker Refresher Course (contingent from 9/1/88).
Contractor/Supervisor (contingent from 2/9/88).
Contractor/Supervisor (full from 3/14/88).

(59)(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).

(60)(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).
Contractor/Supervisor (contingent from 6/2/88).
Contractor/Supervisor (full from 8/15/88).

(61)(a) *Training Provider:* Indianapolis Center for Advanced Research, Inc.

Address: 611 North Capitol Ave., Indianapolis, IN 46204, Contact: William Beranek, Jr., Phone: (317) 262-5027.

(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).

(62)(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).

(63)(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 Refresher Course (contingent from 2/23/89).

(64)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #19.

Address: 9401 West Beloit Rd., #209, Milwaukee, WI 53227, Contact: Randall Gottsacker, Phone: (414) 321-2828.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
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).

(65)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #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).

(66)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers, Local Union #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).

(67)(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).

(68)(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).

(69)(a) *Training Provider:* Lee Environmental Services, Inc.

Address: 800 North Washington Ave., Bay City, MI 48708, Contact: David W. McDowell, Phone: (517) 892-3660.

(b) *Approved Course:*

Abatement Worker (contingent from 3/17/89).

(70)(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 Refresher Course (contingent from 4/25/89).

(71)(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).

(72)(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 Refresher Course (contingent from 4/7/89).
Contractor/Supervisor (contingent from 3/31/89).
Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(73)(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).

(74)(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).

(75)(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).

(76)(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).

(77)(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).

(78)(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).

(79)(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).

(80)(a) *Training Provider:* Moraine Valley Community College.
Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Richard Kukac, Phone: (312) 974-5733.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/7/89).
Abatement Worker Refresher Course (contingent from 3/16/89).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 12/6/88).
Inspector/Management Planner (full from 2/9/88).
Inspector/Management Planner Refresher Course (contingent from 12/6/88).

(81)(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).

(82)(a) *Training Provider:* National Institute for Abatement Education.
Address: 5501 Williamsburg Way #305, Madison, WI 53719, Contact: Dean Leischow, Phone: (608) 271-7281.

(b) *Approved Courses:*
Abatement Worker (contingent from 7/15/88).
Contractor/Supervisor (contingent from 7/15/88).

(83)(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).

(84)(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).

(85)(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).

(86)(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).

(87)(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).

(88)(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).
Contractor/Supervisor (contingent from 7/27/88).

(89)(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).

(90)(a) *Training Provider:* Peoria Public Schools.

Address: 3202 North Wisonson Ave., Peoria, IL 61603, Contact: Emil S. Steinseifer, Phone: (309) 672-6512.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 11/14/88).

(91)(a) *Training Provider:* Professional Asbestos Labor Services, Inc.

Address: 1501 Martin Luther King Dr., Gary, IN 46407, 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).

(92)(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:*

Inspector Refresher Course (contingent from 4/11/89).

Inspector/Management Planner (contingent from 12/15/88).

Inspector/Management Planner (full from 4/27/89).

(93)(a) *Training Provider:* Rend Lake College.

Address: Department AAA, Ina, IL 62846, Contact: Fred Bruno, Phone: (618) 437-5321.

(b) *Approved Course:*

Abatement Worker (contingent from 3/29/89).

(94)(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).

(95)(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 Refresher Course (contingent from 1/26/89).

(96)(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).

(97)(a) *Training Provider:* Sear Corp.

Address: 8649 Bash St., Indianapolis, IN 46256, Contact: Todd M. Strader, Phone: (317) 576-5845.

(b) *Approved Course:*

Abatement Worker (contingent from 3/3/89).

(98)(a) *Training Provider:* Seneca Asbestos Removal & Control, Inc.

Address: 76 Ashwood Rd., Tiffin, OH 44883, Contact: Roger Bakies, Phone: (419) 447-0202.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(99)(a) *Training Provider:* Sierra Analytical & Consulting Services, Inc.

Address: 307 North First St., Ann Arbor, MI 48103, Contact: David Nelson, Phone: (313) 662-1155.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/17/89).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor (full from 3/13/89).

(100)(a) *Training Provider:* South East Michigan Committee on Occupational Safety and Health (SEMCOSH).

Address: 1550 Howard St., Detroit, MI 48216, 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).

(101)(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).

(102)(a) *Training Provider:* The Brand Companies.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank J. Barta, Phone: (312) 298-1200.

(b) *Approved Course:*

Abatement Worker (contingent from 1/4/89).

(103)(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).

(104)(a) *Training Provider:* The Safer Foundation.

Address: 571 W. Jackson Blvd., Chicago, IL 60606, Contact: C. Bentley or P. Bergmann, Phone: (312) 922-2200.

(b) *Approved Course:*

Abatement Worker (contingent from 9/15/88).

(105)(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).

(106)(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).

(107)(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).

(108)(a) *Training Provider:* University of Cincinnati Medical Center Institute of Environmental Health Kettering Laboratory.

Address: 3223 Eden Ave., ML 056, Cincinnati, OH 45267-0056, Contact: Judy L. Janell, Phone: (513) 558-1730.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).
Abatement Worker (full from 11/15/88).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (contingent from 10/7/88).
Inspector/Management Planner (full from 11/16/87).
Inspector/Management Planner Refresher Course (contingent from 12/1/88).

(109)(a) *Training Provider:* University of Illinois at Chicago M.A.I.C.

Address: Box 6998, Chicago, IL 60680, Contact: John J. Giammuto, Phone: (312) 996-6904.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 12/14/87).
Abatement Worker (contingent from 11/14/88).
Abatement Worker (full from 4/5/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (full from 6/1/86).
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).

(110)(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).

(111)(a) *Training Provider:* William E. Fink & Associates.

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).

(112)(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 Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (contingent from 12/1/88).

(113)(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).

EPA-Approved Training Courses

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 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:* AAR, Inc.

Address: P.O. Box 742648, Houston, TX 77274-2648, Contact: David S. Barnett, Phone: (713) 777-9205.

(b) *Approved Course:*

Abatement Worker (contingent from 1/26/89).

(2)(a) *Training Provider:* AC & C Systems Corp.

Address: 7801 North Robinson, Oklahoma City, OK 73116, Contact: Turner Stallings, Phone: (405) 842-9672.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).
Contractor/Supervisor (contingent from 10/26/88).

(3)(a) *Training Provider:* AEGIS Associates, Inc.

Address: 4868 Research Dr., San Antonio, TX 78240, Contact: Brian Kareis, Phone: (512) 641-8320.

(b) *Approved Course:*

Inspector Refresher Course (contingent from 4/4/89).

(4)(a) *Training Provider:* Abateco, Inc.

Address: 10000 Old Katy Rd., Suite 200, Houston, TX 77055, Contact: W.D. Heimbrook, Phone: (713) 461-0692.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).
Abatement Worker Refresher Course (contingent from 3/17/89).

(5)(a) *Training Provider:* American Specialty Contractors, Inc.

Address: P.O. Box 66375, Baton Rouge, LA 70896, Contact: Kurt Jones, Phone: (504) 926-9624.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/18/88).
Contractor/Supervisor (contingent from 11/18/88).

(6)(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).
Contractor/Supervisor (contingent from 4/21/89).

(7)(a) *Training Provider:* Asbestos Surveys & Training, Inc.

Address: 5959 Centralcrest, Houston, TX 77092, Contact: J.T. Stoneburger, Phone: (713) 681-2639.

(b) *Approved Course:*

Abatement Worker (full from 10/22/87).

(8)(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).

(9)(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).

(10)(a) *Training Provider:* Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Ronald F. Dodson, Phone: (713) 921-8921.

(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 4/15/88).

Inspector/Management Planner (full from 3/21/88).

Inspector/Management Planner Refresher Course (full from 10/27/88).

(11)(a) *Training Provider:* Environmental Institute.

Address: P.O. Box 270278, Dallas, TX 75227, Contact: E. H. Hurst, Phone: (214) 553-8866.

(b) *Approved Courses:*

Contractor/Supervisor (full from 1/11/88).

Inspector/Management Planner (full from 1/25/88).

(12)(a) *Training Provider:* Environmental Monitoring Service, Inc. (EMS).

Address: 13008 Amarillo Ave., Austin, TX 78729, Contact: Rick Pruett, Phone: (512) 335-9116.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).

Contractor/Supervisor (contingent from 3/1/88).

Inspector/Management Planner (contingent from 4/19/89).

(13)(a) *Training Provider:* Field Sciences Institute.

Address: P.O. Box 4673, Santa Fe, NM 87502, Contact: Robert L. Edgar, Phone: (505) 988-4143.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/22/88).

Inspector/Management Planner (contingent from 4/22/88).

(14)(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).

(15)(a) *Training Provider:* GEBCO Associates, Inc.

Address: 1501 Norwood, Suite 142, Hurst, TX 76054-3638, 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).

Contractor/Supervisor (contingent from 3/15/88).

Contractor/Supervisor Refresher Course (contingent from 7/27/88).

Inspector/Management Planner (full from 3/7/88).

Inspector/Management Planner Refresher Course (contingent from 7/27/88).

(16)(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 Course:*

Abatement Worker (contingent from 12/14/88).

(17)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #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).

(18)(a) *Training Provider:* K & T Safety Service, Inc.

Address: 9888 Bissonnett, Houston, TX 77036, Contact: Kevin Clothier, Phone: (713) 988-9021.

(b) *Approved Course:*

Abatement Worker (contingent from 3/28/89).

(19)(a) *Training Provider:* Keers Environmental, Inc.

Address: P.O. Box 6848, Albuquerque, NM 89197, Contact: Robert W. Keers, Phone: (505) 888-9525.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 3/28/89).

(20)(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).

Contractor/Supervisor (contingent from 3/29/89).

(21)(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).

(22)(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).

Contractor/Supervisor (contingent from 5/20/88).

Contractor/Supervisor Refresher Course (contingent from 10/24/88).

(23)(a) *Training Provider:* Law Engineering.

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: Richard MacIntyre, Phone: (713) 939-7161.

(b) *Approved Course:*

Abatement Worker (contingent from 3/14/89).

(24)(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).

(25)(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 Course:*

Abatement Worker (contingent from 7/15/88).

(26)(a) *Training Provider:* Louisiana State University Agricultural & Mechanical College.

Address: 361 Pleasant Hall, Baton Rouge, LA 70803-1520, Contact: George Smith, Phone: (504) 388-6621.

(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 (full from 3/7/89).

(27)(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).

(28)(a) *Training Provider:* Maxim Engineers, Inc.

Address: 2342 Fabens, Dallas, TX 75229, Contact: Kyle B. Dotson, Phone: (214) 247-7575.

(b) *Approved Course:*

Abatement Worker (contingent from 1/6/89).

(29)(a) *Training Provider:* Meador-Wright & Associates, Inc.

Address: 5520 LBJ Freeway, Suite 204, Dallas, TX 75240, Contact: Paul Teel, Phone: (214) 788-1804.

(b) *Approved Course:*

Inspector (contingent from 7/27/88).

(30)(a) *Training Provider:* Moore-Norman Area Vocational Training School.

Address: 4701-12th Ave., NW, Norman, OK 73069, Contact: Frank Coulter, Phone: (405) 364-5763.

(b) *Approved Courses:*

Abatement Worker (full from 3/3/86).
Contractor/Supervisor (full from 3/3/86).
Inspector/Management Planner (contingent from 1/25/88).
Inspector/Management Planner (full from 4/4/88).

(31)(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).
Abatement Worker Refresher Course (contingent from 11/16/88).

(32)(a) *Training Provider:* O'Connor McMahon, Inc.

Address: 1505 Luna Rd., Suite 114, Carrollton, TX 75006, Contact: James M. Walley, Phone: (214) 245-3300.

(b) *Approved Course:*

Abatement Worker (contingent from 7/27/88).

(33)(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).

(34)(a) *Training Provider:* Protechnics Environmental Services.

Address: 14760 Memorial Dr., Suite 105, Houston, TX 77079, Contact: Jesse Ashley, Phone: (713) 496-9874.

(b) *Approved Course:*

Abatement Worker (contingent from 1/5/89).

(35)(a) *Training Provider:* R & H Associates, Inc.

Address: 126 General Chennault NE, Albuquerque, NM 87108, Contact: Rosanne Sanchez, Phone: (505) 275-1045.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).
Contractor/Supervisor (contingent from 1/12/89).
Inspector/Management Planner (contingent from 1/12/89).

(36)(a) *Training Provider:* Region 6 Environmental Training.

Address: P.O. Box 180435, Austin, TX 78718-0435, Contact: Rick Orr, Phone: (512) 251-3403.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Contractor/Supervisor (contingent from 7/27/88).

(37)(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).
Contractor/Supervisor (contingent from 9/12/88).
Inspector/Management Planner (contingent from 9/12/88).

(38)(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).

(39)(a) *Training Provider:* Southwest Environmental Institute.

Address: P.O. Box 295, Abileene, TX 79604, Contact: Tom Dye, Phone: (915) 691-0189.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Contractor/Supervisor (contingent from 10/20/88).

(40)(a) *Training Provider:* Texas Engineering Extension Service Building Codes Inspection Training Division.

Address: Texas A & M University System, College Station, TX 77843-8000, Contact: Richard Thompson, 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).
Inspector/Management Planner (full from 10/19/87).
Inspector/Management Planner Refresher Course (full from 3/1/89).

(41)(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).
Inspector/Management Planner (contingent from 5/20/88).

(42)(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).
Contractor/Supervisor (contingent from 2/13/89).

(43)(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 Course:*

Inspector/Management Planner (contingent from 4/20/88).

(44)(a) *Training Provider:* University of Arkansas at Little Rock, Labor Education Program.

Address: 2801 South University, Little Rock, AR 72204, Contact: James Michaels, Phone: (501) 569-8483.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/14/88).

(45)(a) *Training Provider:* University of Texas at Arlington Civil Engineering Dept.

Address: Box 19308, Arlington, TX 76019, Contact: Vic Argento, Phone: (817) 794-5644.

(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).

(46)(a) *Training Provider:* Veltmann Engineering.

Address: 2802 Exeter, Midland, TX 79705, Contact: Clyde Veltmann, Phone: (915) 694-1145.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Contractor/Supervisor (contingent from 7/27/88).

(47)(a) *Training Provider:* Young Insulation Group of Amarillo, Inc.

Address: P.O. Box 5098, Amarillo, TX 79117, Contact: Dennis C. Clayton, Phone: (806) 372-4329.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 7/27/88).

EPA-Approved Training Courses

REGION VII -- Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

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:* 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 Refresher Course (contingent from 3/27/89).
Contractor/Supervisor (contingent from 3/23/89).

(2)(a) *Training Provider:* Aerostat Engineering Consultants, Inc.

Address: 2817 Atchison Ave., 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).
Contractor/Supervisor Refresher Course (contingent from 3/3/89).
Contractor/Supervisor Refresher Course (full from 3/17/89).
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).

(3)(a) *Training Provider:* American Asbestos Training Center, Ltd.

Address: 529 West First, Monticello, IA 52310, Contact: Steve Intlekofer, Phone: (319) 465-5555.

(b) *Approved Courses:*

Abatement Worker (full from 6/27/88).
Contractor/Supervisor (full from 6/27/88).
Inspector/Management Planner (contingent from 10/26/88).
Inspector/Management Planner (full from 11/18/88).

(4)(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).

(5)(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).

(6)(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 Course:*

Abatement Worker (full from 1/19/88).

(7)(a) *Training Provider:* Construction Laborers Building Corp.

Address: Box 34549, Omaha, NE 68134, Contact: Jack Budd, Phone: (402) 572-0826.

(b) *Approved Course:*

Abatement Worker (full from 11/2/87).

(8)(a) *Training Provider:* Educational Innovations.

Address: 622 West Third St., Suite C, Lee's Summit, MO 64063, Contact: JoAnn Onwiler, Phone: (816) 525-6911.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/89).
Abatement Worker Refresher Course (contingent from 3/29/89).
Contractor/Supervisor (contingent from 4/11/89).

Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(9)(a) *Training Provider:* Enviro-Impact Inspections, Inc.

Address: 1515 North Warson, Suite 213, St. Louis, MO 63132, Contact: Denis Boles, Phone: (314) 426-0087.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).

Contractor/Supervisor (contingent from 3/8/88).

(10)(a) *Training Provider:* Environmental Salvage, Ltd.

Address: 25 South 15th St., Suite 6A, Council Bluffs, IA 51501, Contact: Tracey Coates, Phone: (712) 323-1836.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).

Abatement Worker (full from 2/16/89).

Contractor/Supervisor (contingent from 1/12/89).

Contractor/Supervisor (full from 2/16/89).

(11)(a) *Training Provider:* Environmental Technology, Inc.

Address: 4315 Merriam Dr., Overland Park, KS 66203, Contact: Mike Franano, Phone: (913) 236-5040.

(b) *Approved Courses:*

Abatement Worker (full from 2/29/88).

Abatement Worker Refresher Course (contingent from 4/26/89).

(12)(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).

(13)(a) *Training Provider:* General Services Administration (GSA).

Address: 1500 East Bannister Rd., Kansas City, MO 64131-3088, Contact: Sharon Kersey, Phone: (816) 926-5318.

(b) *Approved Course:*

Inspector/Management Planner (full from 5/16/88).

(14)(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).

Contractor/Supervisor (full from 5/2/88).

(15)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 637-0129.

(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).

(16)(a) *Training Provider:* Hazard Control Training Enterprises, Inc.

Address: P.O. Box 20594, Wichita, KS 67208, Contact: Karen Alexander, Phone: (316) 778-1153.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/19/88).

Contractor/Supervisor (contingent from 10/19/88).

(17)(a) *Training Provider:* Hazardous Materials Training & Research Institute.

Address: 306 West River Dr., Davenport, IA 52801-1221, Contact: Kirk Birkdoll, Phone: (319) 322-5015.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).

Abatement Worker (full from 4/13/89).

(18)(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).

Contractor/Supervisor (full from 6/28/88).

Contractor/Supervisor Refresher Course (contingent from 4/4/89).

(19)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #1.

Address: 3325 Hollenberg Dr., St. Louis, MO 63044, Contact: James Hagen, Phone: (314) 291-7399.

(b) *Approved Courses:*

Abatement Worker (full from 6/6/88).

Contractor/Supervisor (full from 9/16/88).

(20)(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).

(21)(a) *Training Provider:* Iowa Laborers District Council Training Fund.

Address: 5806 Meredith Dr., Des Moines, IA 50322, Contact: Jack G. Jones, Phone: (515) 270-6965.

(b) *Approved Courses:*

Abatement Worker (full from 2/22/88).

Contractor/Supervisor (contingent from 10/14/88).

(22)(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).

Contractor/Supervisor (full from 5/2/88).

(23)(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 (full from 5/6/88).

(24)(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).

(25)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc., (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew/Betty Fenstemaker, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker (full from 10/20/87).

Abatement Worker Refresher Course (full from 11/14/88).
Contractor/Supervisor (contingent from 10/5/87).
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).

(26)(a) *Training Provider:* Midwest Environmental Testing & Training, Inc.

Address: 635 Southwest 2nd St., Box 1029, Lee's Summit, MO 64063, Contact: Steve Minshall, Phone: (816) 525-6681.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88).
Abatement Worker Refresher Course (contingent from 4/28/89).
Contractor/Supervisor (full from 5/9/88).
Contractor/Supervisor Refresher Course (contingent from 4/28/89).

(27)(a) *Training Provider:* Miton, Inc.

Address: P.O. Box 1582, Branson, MO 65616, Contact: Tony Williams, Phone: (417) 335-6743.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).
Contractor/Supervisor (contingent from 4/14/89).
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).

(28)(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) 491-0181.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).
Abatement Worker Refresher Course (contingent from 10/5/88).
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).

(29)(a) *Training Provider:* PSH, Inc.

Address: 410 Mansion House Center, St. Louis, MO 63102, Contact: Carol E. Hoag, Phone: (314) 621-6838.

(b) *Approved Courses:*

Abatement Worker (full from 11/28/88).
Contractor/Supervisor (full from 11/28/88).
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).

(30)(a) *Training Provider:* Roth Asbestos Consultants, Inc.

Address: 1900 West 47th Place, Westwood, KS 66205, Contact: Donald J. Welsh, Phone: (913) 831-4795.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).
Inspector/Management Planner (full from 1/23/89).
Inspector/Management Planner Refresher Course (full from 1/19/89).

(31)(a) *Training Provider:* Ryckmans Emergency Action Consulting Team (REACT).

Address: 2208 Welsch Industrial Ct., St. Louis, MO 63146, Contact: D. W. Ryckman, Phone: (314) 569-0991.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).
Abatement Worker Refresher Course (contingent from 4/26/89).
Contractor/Supervisor (full from 7/26/88).
Contractor/Supervisor Refresher Course (contingent from 4/26/89).

EPA-Approved Training Courses

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) 293-1744, (FTS) 564-1744.

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:* Asbestos Training & Supply.

Address: 504 Saddle Dr., Cheyenne, WY 82009, Contact: F. Gerald Blackwell, Phone: (307) 634-6858.

(b) *Approved Course:*

Abatement Worker (contingent from 5/2/89).

(2)(a) *Training Provider:* Chen-Northern, Inc.

Address: 600 South 25th St., 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 12/8/87).
Abatement Worker Refresher Course (contingent from 2/16/89).
Contractor/Supervisor (contingent from 10/31/88).

(3)(a) *Training Provider:* Colorado Carpenters Statewide Joint Apprenticeship Educational & Training Committee.

Address: 4290 Holly St., Denver, CO 80216, Contact: Stephen L. Sanford, Phone: (303) 393-6060.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker (full from 12/19/88).

(4)(a) *Training Provider:* Colorado State University Dept. of Industrial Sciences, Office of Research, Development & Training.

Address: , Fort Collins, CO 80523, Contact: Birgit Wolff, Phone: (303) 491-1551.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/23/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Inspector/Management Planner (contingent from 3/14/88).
Inspector/Management Planner (full from 5/23/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(5)(a) *Training Provider:* Colorado Training Institute.

Address: 1210 East Colfax, Suite 306, Denver, CO 80218, Contact: Peter Amory, Phone: (303) 860-0574.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(6)(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).

Abatement Worker (full from 6/22/88).

(7)(a) *Training Provider:* Envir-o-tech.

Address: 300 Moore Ln., Billings, MT 59102, Contact: Les Nelson, Phone: (800) 225-4899.

(b) *Approved Course:*

Abatement Worker (full from 7/6/88).

(8)(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 2/28/89).

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).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

(9)(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).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

(10)(a) *Training Provider:* Hager Laboratories, Inc.

Address: 11234 East Caley Ave., Unit A, Englewood, CO 80111, Contact: Steve Herron, Phone: (303) 790-2727.

(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 4/26/89).

(11)(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).

Contractor/Supervisor (contingent from 4/22/88).

Contractor/Supervisor Refresher Course (contingent from 4/24/89).

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 Refresher Course (contingent from 4/24/89).

(12)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union #28.

Address: 360 Acoma St., Suite #216, Denver, CO 80223, Contact: Chet Graham, Phone: (303) 778-8602.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/28/89).

(13)(a) *Training Provider:* Major Safety, Inc.

Address: 6390 Joyce Dr., #201, Golden, CO 80403, Contact: Tom Major, Phone: (303) 424-7874.

(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 1/18/89).

Contractor/Supervisor (full from 9/15/88).

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).

Project Designer (contingent from 1/28/88).

Project Designer Refresher Course (contingent from 1/18/89).

(14)(a) *Training Provider:* Midwest Asbestos Consultants, Inc. (MAC).

Address: Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Course:*

Abatement Worker (contingent from 8/11/88).

(15)(a) *Training Provider:* Misers Inspection & Training, Inc.

Address: 1600 South Cherokee St., Denver, CO 80223, Contact: Michael E. DiRito, Phone: (303) 761-8860.

(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).

(16)(a) *Training Provider:* NATEC International.

Address: 2761 West Oxford Ave., #7, Englewood, CO 80110, Contact: James Maxwell, Phone: (303) 825-6513.

(b) *Approved Course:*

Abatement Worker (contingent from 4/15/88).

(17)(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).

Contractor/Supervisor (contingent from 3/6/89).

(18)(a) *Training Provider:* Power Masters, Inc.

Address: 13205 South State St., Draper, UT 84020, Contact: Debora Bastian, Phone: (801) 571-9321.

(b) *Approved Course:*

Abatement Worker (contingent from 6/13/88).

(19)(a) *Training Provider:* Precision Safety & Services, Inc.

Address: 1245 Windemaker Ln., Colorado Springs, CO 80907, Contact: James R. Maples, Jr., Phone: (719) 593-8596.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 11/2/88).

(20)(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).

(21)(a) *Training Provider:* South Dakota State University College of Engineering.

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).

(22)(a) *Training Provider:* Survey Management & Design (SMD).

Address: RR 2, Box 85-B, Fargo, ND 58102, Contact: David A. Sohm, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).

Contractor/Supervisor (contingent from 3/2/89).

(23)(a) *Training Provider:* The 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) 581-8719.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/27/88).

Contractor/Supervisor (contingent from 6/1/87).

Contractor/Supervisor (full from 6/1/87).

Contractor/Supervisor Refresher Course (contingent from 7/6/88).

Contractor/Supervisor Refresher Course (full from 11/14/88).

Inspector/Management Planner (contingent from 12/23/87).

Inspector/Management Planner (full from 2/8/88).

Inspector/Management Planner Refresher Course (contingent from 12/13/89).

Inspector/Management Planner Refresher Course (full from 12/29/88).

EPA-Approved Training Courses

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105. (415) 974-7290, (FTS) 454-7290.

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:* Asbestos C.T.I.

Address: P.O. Box 228, Mokelumne Hill, CA 95245, Contact: Lee Hess, Phone: (209) 286-1249.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/31/88).

Inspector (contingent from 3/21/89).

(2)(a) *Training Provider:* Asbestos Workers Abatement Training Program of Southern California.

Address: 1669 East Lincoln Ave., Orange, CA 92655-1929, Contact: James Riley, Phone: (714) 921-8110.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/27/88).

Contractor/Supervisor (contingent from 1/26/89).

(3)(a) *Training Provider:* Carpenters #46 Northern California Counties J.A.T.C. & T.B.

Address: 2350 Santa Rita Rd., Pleasanton, CA 94566-4190, Contact: Hugh Johnson, Phone: (415) 462-9640.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 12/1/88).

(4)(a) *Training Provider:* Center for Accelerated Learning.

Address: 400 Buck Ave., Suite G, Vacaville, CA 95688, Contact: David Esparza, Phone: (707) 446-7996.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor Refresher Course (contingent from 1/18/89).

Inspector/Management Planner (contingent from 6/30/88).

(5)(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).

Contractor/Supervisor (contingent from 4/3/89).

Inspector/Management Planner (contingent from 4/3/89).

(6)(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 1/15/88).

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).

(7)(a) *Training Provider:* Diagnostic Engineering, Inc.

Address: 50 East Foothills Blvd., Archadia, CA 91006, Contact: Alan M. Lamson, 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).

(8)(a) *Training Provider:* EnviroMD, Inc.

Address: 3443 East Fort Lowell Rd., Tucson, AZ 85716, Contact: Rose Rubio, Phone: (602) 577-0818.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 1/17/89).

Inspector/Management Planner (contingent from 11/14/88).

(9)(a) *Training Provider:* Environmental Control Industries.

Address: 5720 Shattuck Ave., Oakland, CA 94609, Contact: Richard McGlothlin, Phone: (415) 655-5855.

(b) *Approved Course:*

Abatement Worker (contingent from 12/1/88).

(10)(a) *Training Provider:* Environmental Sciences, Inc.

Address: 105 E. Speedway, Tucson, AZ 85705, Contact: Dale 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).

(11)(a) *Training Provider:* Excel Environmental, Inc.

Address: 739 Allston Way, Berkeley, CA 94710, Contact: Otis Wong, 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 5/26/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(12)(a) *Training Provider:* Hawaii Laborers Training School.

Address: P.O. Box 457, Aiea, HI 96701, Contact: Norman Jimeno, Phone: (808) 488-6161.

(b) *Approved Course:*

Abatement Worker (contingent from 5/27/88).

(13)(a) *Training Provider:* Insulators & Asbestos Industry of Northern California & Local Union #16 Asbestos Training Fund.

Address: 2829 Fillmore St., Alameda, CA 94501, Contact: Hans D. Siebert, Phone: (415) 522-7048.

(b) *Approved Course:*

Abatement Worker (contingent from 5/27/88).

(14)(a) *Training Provider:* International Technology Corp.

Address: 336 West Anaheim St., Wilmington, CA 90744, Contact: Keith Soebe, Phone: (213) 830-1781.

(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).

(15)(a) *Training Provider:* KELLCO Training Institute.

Address: 44814 Osgood Rd., Fremont, CA 94539, Contact: Charles W. Kellogg, Phone: (415) 651-7401.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).

Contractor/Supervisor (contingent from 7/20/88).

Contractor/Supervisor Refresher Course (contingent from 10/31/88).

Inspector/Management Planner (contingent from 3/21/89).

Inspector/Management Planner Refresher Course (contingent from 1/1/89).

Inspector/Management Planner Refresher Course (full from 3/16/89).

(16)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Northern California.

Address: 21321 San Ramon Valley Blvd., San Ramon, CA 94583, Contact: Marvin D. Johnson, Phone: (415) 828-2513.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).

Abatement Worker Refresher Course (contingent from 12/15/88).

(17)(a) *Training Provider:* Laborors Training & Trust Fund for Southern California.

Address: P.O. Box 76, Anza, CA 92306-0076, Contact: Mary Lacy, Phone: (714) 763-4341.

(b) *Approved Course:*

Abatement Worker (contingent from 6/30/88).

(18)(a) *Training Provider:* Lehr Training Institute.

Address: 1431 Warner Ave., Tustin, CA 92680, Contact: Susan Patnode, Phone: (714) 259-1575.

(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).

(19)(a) *Training Provider:* National Abatement Technology Employment Center (NATEC).

Address: 13692 Newhope Ave., Garden Grove, CA 92643, Contact: Ronald Sandlin, Phone: (714) 530-0407.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/30/87).

Abatement Worker Refresher Course (contingent from 11/14/88).

Contractor/Supervisor (contingent from 12/30/87).

Contractor/Supervisor Refresher Course (contingent from 11/14/88).

(20)(a) *Training Provider:* National Institute for Asbestos & Hazardous Waste Training.

Address: 1019 West Manchester Blvd., Inglewood, CA 90301, Contact: Jim McFarland, Phone: (213) 645-4516.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/87).

Abatement Worker Refresher Course (contingent from 10/19/88).

Contractor/Supervisor (full from 12/7/87).

Contractor/Supervisor Refresher Course (contingent from 10/19/88).

Inspector/Management Planner (contingent from 6/30/88).

Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(21)(a) *Training Provider:* Naval Civil Engineering Laboratory.

Address: , Port Hueneme, CA 93043-5003, Contact: Susan C. Tianen, Phone: (805) 982-5409.

(b) *Approved Course:*

Inspector (contingent from 4/6/89).

(22)(a) *Training Provider:* Occupational Training Institute, Inc.

Address: 5 Civic Center, Suite 225, Newport Beach, CA 92660, Contact: David K. Hardman, 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 2/21/89).

Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(23)(a) *Training Provider:* Pacific Asbestos Information Center U.C. Extension.

Address: 2223 Fulton St., Berkeley, CA 94720, Contact: Debra Dobbin, Phone: (415) 643-7143.

(b) *Approved Courses:*

Contractor/Supervisor (full from 2/2/87).

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).

(24)(a) *Training Provider:* Salem Kroeger, Inc.

Address: 106 Church St., Roseville, CA 95678, Contact: Owen C. Tilley, Phone: (916) 784-7222.

(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).

(25)(a) *Training Provider:* San Diego County Construction Laborers Training & Retraining Trust.

Address: 4161 Home Ave., Second Fl., San Diego, CA 91205, Contact: Bob White, Phone: (619) 263-6941.

(b) *Approved Course:*

Abatement Worker (contingent from 3/30/89).

(26)(a) *Training Provider:* San Diego County District Council of Carpenters.

Address: 4665 Mercury St., San Diego, CA 92111, Contact: Otis Kunz, Phone: (619) 571-8977.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/31/88).

(27)(a) *Training Provider:* The Asbestos Institute.

Address: 2701 East Camelback, #381, Phoenix, AZ 85016, Contact: William T. Cavness, Phone: (602) 381-0896.

(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).

(28)(a) *Training Provider:* University Associates, Ltd.

Address: 2425-A North Huachuca Dr., Tucson, AZ 85745, Contact: Carolyn Coker, Phone: (602) 624-9366.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 12/1/88).

(29)(a) *Training Provider:* University of Southern California Institute of Safety & Systems Management.

Address: University Gardens, 3500 South Figueroa, #202, Los Angeles, CA 90007, Contact: James O. Pierce, Phone: (213) 743-6523.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 7/27/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

EPA-Approved Training Courses

REGION X -- Seattle, WA

Regional Asbestos Coordinator: Walter Jasper, EPA, Region X, 1200 Sixth Ave. (AT-083), Seattle, WA 98101. (206) 442-4762, (FTS) 399-2870.

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:* Asbestos Services International.

Address: 12360 Southwest Butner Rd., Portland, OR 97225-5818, Contact: Robert E. Hasting, Phone: (503) 644-0246.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/23/88).

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).

(2)(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).

(3)(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).

Inspector/Management Planner (full from 2/8/88).

(4)(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).

(5)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth Johnson, Phone: (907) 272-8056.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88).

(6)(a) *Training Provider:* Hazcon, Inc.

Address: 5950 6th Ave., S, Suite 216, Seattle, WA 98108, 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).

(7)(a) *Training Provider:* Heavey Engineers, Inc.

Address: 113 Russell St., P.O. Box 832, Stevenson, WA 98648-0832, Contact: Daniel Evans, 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).

(8)(a) *Training Provider:* NAC Corporation/Northwest Asbestos Consultants.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Steve Paulsen, Phone: (503) 389-9727.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).

(9)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: 4020 Southeast International Way, Suite C-106, Milwaukie, OR 97222, Contact: Shiela Wanta, Phone: (503) 659-8899.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).

Inspector/Management Planner (full from 5/2/88).

(10)(a) *Training Provider:* PBS Environmental Building Consultants, Inc.

Address: 1220 South West Morrison, Portland, OR 97205, Contact: John Perkins, 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).

(11)(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 Course:*

Inspector/Management Planner Refresher Course (contingent from 4/18/89).

(12)(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).

(13)(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).

(14)(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 Course:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).

V. List of Accredited Polarized Light Microscopy (PLM) Laboratories

A. Background

Section 206(d) of Title II requires EPA to provide for the development of an accreditation program through the National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards (NBS), for laboratories conducting analysis of bulk samples of asbestos-containing materials. NIST began initial evaluations of enrolled EPA interimly accredited laboratories in October 1988 and has accredited approximately 221 PLM laboratories. NIST will continue to accredit laboratories on a regular basis. To provide LEAs with a source of accredited laboratories until NIST completes its laboratory evaluations, EPA established the "Interim Asbestos Bulk Sample Analysis Quality Assurance Program." EPA announced the program in the **Federal Register** of September 30, 1987 (52 FR 33470).

The following listing includes *commercial* and *noncommercial* laboratories which have successfully participated in the April 1988 round of the EPA Interim Asbestos Bulk Sample Analysis Quality Assurance Program and have extended their interim EPA accreditation beyond its expiration date of January 12, 1989, by fully enrolling in the NIST program by the stated deadline of September 30, 1988. This listing also highlights laboratories accredited by NIST as of the beginning of April of 1989. These laboratories are denoted by "NIST" following the laboratory name. Since NIST continues to accredit laboratories on a regular basis, some new NIST-accredited laboratories may not be included in this listing. LEA's should contact NIST at (301) 975-4016 to verify the accredited status of the laboratory.

B. Transition from EPA to NIST Accredited Laboratories

The laboratories included in this listing have completed final application to NIST for enrollment in the National Voluntary Laboratory Accreditation Program (NVLAP) for PLM laboratories. These laboratories have extended their EPA-accredited status until NIST evaluated the laboratory in the NVLAP program. Note, NIST may at any point in the laboratory review determine that the laboratory is deficient and request EPA to remove the interim EPA accreditation based on a laboratory site visit and/or proficiency testing. If a laboratory is found to be deficient in any part of the evaluation, NIST will not accredit the laboratory until the corrections have been made. NIST will also notify EPA of the deficiencies, and EPA will withdraw interim EPA accreditation.

LEAs may determine the current *EPA accreditation* status of laboratories in this listing by contacting the laboratory and the local EPA Regional Asbestos Coordinator (RAC). This listing of laboratories may be consulted as a source of local laboratories; however, since NIST has begun its evaluations, the list could change prior to the next published listing of accredited laboratories. Additional copies of this listing are available by calling (202) 544-1404.

EPA Accredited Commercial PLM Laboratories

REGION I -- Boston, MA

Regional Asbestos Coordinator: Joe DeCola, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

(1) *Laboratory:* Aetna Life & Casualty (NIST), Engineering Department W101.

Address: 575 Pigeon Hill Rd., Windsor, CT 06095, Contact: Ethel Patricio, Phone: (203) 683-6384.

(2) *Laboratory:* Air Quality Consultants.

Address: 406 Libbey Parkway, Weymouth, MA 02189, Contact: John E. O'Malley, Phone: (617) 337-7320.

(3) *Laboratory:* Analytical Testing Services.

Address: 180 Weeden St., Pawtucket, RI 02860-1804, Contact: Robert F. Weisberg, Phone: (401) 723-7978.

(4) *Laboratory:* Applied Occupational Health Systems.

Address: 29 River Rd., Suite 18, Concord, NH 03301, Contact: Richard R. Kretovich, Phone: (603) 228-3610.

(5) *Laboratory:* Balsam Environmental Consultants, Inc.

Address: 59 Stiles Rd., Salem, NH 03079, Contact: Tara E. Smith, Phone: (603) 893-0616.

(6) *Laboratory:* Barnes and Jarvis, Inc.

Address: 216 Tremont St., Boston, MA 02116, Contact: Linda Goudreau, Phone: (617) 542-6521.

(7) *Laboratory:* Briggs Associates, Inc.

Address: 400 Hingham St., Rockland, MA 02370, Contact: James Litrides, Phone: (617) 871-6040.

(8) *Laboratory:* Brooks Laboratories, Inc. (NIST).

Address: 44 Codfish Lane, Weston, CT 06883, Contact: Margaret Y. Brooks, Phone: (203) 226-6970.

(9) *Laboratory:* CON-TEST, Inc.

Address: 39 Spruce St., East Longmeadow, MA 01028, Contact: Thomas E. Veratti, Phone: (413) 525-1198.

(10) *Laboratory:* CT State Dept. of Health Lab (NIST).

Address: P.O. Box 1689, Hartford, CT 06101, Contact: Janet B. Kapish, Phone: (203) 566-5626.

(11) *Laboratory:* Certified Engineering & Testing Co., Inc.

Address: 400 Smith St., Providence, RI 02908, Contact: Deborah A. Pereira, Phone: (401) 831-9090.

(12) *Laboratory:* Certified Engineering & Testing Co., Inc. (NIST).

Address: 25 Mathewson Dr., Weymouth, MA 02189, Contact: Glenn Sylvester, Phone: (617) 337-7887.

(13) *Laboratory:* Chem Scope, Inc. (NIST).

Address: P.O. Box 389, Fair Haven Station, New Haven, CT 06513, Contact: Ronald D. Arena, Phone: (203) 468-0055.

(14) *Laboratory:* Covino Environmental Consultants, Inc.

Address: 12 Walnut Hill Park, Woburn, MA 01801, Contact: Samuel J. Covino, Jr., Phone: (617) 933-2555.

(15) *Laboratory:* Dennison Environmental, Inc. (NIST).

Address: 35 Industrial Parkway, Woburn, MA 01801, Contact: James E. Dennison, Phone: (617) 932-9400.

(16) *Laboratory:* EHL, Division of Cigna Corp.

Address: 94 Murphy Rd., Hartford, CT 06114, Contact: Jim Kenny, Phone: (203) 522-3814.

(17) *Laboratory:* ESA Laboratories (NIST).

Address: 43 Wiggins Ave., Bedford, MA 01730, Contact: Reg Griffin, Phone: (617) 275-0100.

(18) *Laboratory:* Eastern Analytical Laboratories, Inc.

Address: 149 Rangeway Rd., North Billerica, MA 01862, Contact: Drew Killius, Phone: (617) 272-5212.

(19) *Laboratory:* Enviro Research.

Address: 141 Prestige Park Rd., East Hartford, CT 06108, Contact: Arthur C. Cosmas, Phone: (203) 289-6493.

(20) *Laboratory:* Enviro-Lab, Inc. (NIST).

Address: 154 Grove St., Chicopee, MA 01020, Contact: Peter R. Tuttle, Phone: (413) 592-0030.

(21) *Laboratory:* Enviromed Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: William G. Oldman, Phone: (203) 786-5580.

(22) *Laboratory:* Environmental Associates, Inc.

Address: 1222 Fairfield Ave., Bridgeport, CT 06605, Contact: Ralph B. Wiech, Phone: (203) 368-6064.

(23) *Laboratory:* Environmental Field Services, Inc.

Address: 63 Elm St., Topsham, ME 04086, Contact: Joanna L. Eaton, Phone: (207) 725-4112.

(24) *Laboratory:* Hub Testing Laboratory.

Address: 95 Beaver St., Waltham, MA 02154, Contact: Fred Boyle, Phone: (617) 893-8330.

(25) *Laboratory:* Hunter Environmental Sciences, Inc.

Address: P.O. Box 284, Lincoln, MA 01773, Contact: W. Bruce Hunter, Phone: (617) 259-0800.

(26) *Laboratory:* Hygeia, Inc. (NIST).

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: John R. Pilling, Phone: (617) 647-9475.

(27) *Laboratory:* Hygenix, Inc.

Address: 40 Hoyt St., Stamford, CT 06905, Contact: Robert C. Brown, Phone: (203) 324-2222.

(28) *Laboratory:* Hygienetics Analytical Services, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Jack Yee, Sr., Phone: (617) 723-4664.

(29) *Laboratory:* Industrial Hygiene/New England.

Address: P.O. Box 947, Kennebunk, ME 04043, Contact: Thomas F. Hatch, Phone: (207) 985-6110.

(30) *Laboratory:* MMR, Inc. (NIST).

Address: P.O. Box 810, 241 West Boylston St., West Boylston, MA 01583, Contact: Donald Pellegrino, Phone: (617) 835-6262.

(31) *Laboratory:* Massachusetts Institute of Technology, Industrial Hygiene Office.

Address: 77 Massachusetts Ave., Rm. 20C-204, Cambridge, MA 02139, Contact: Bonnie L. Weeks, Phone: (617) 253-2596.

(32) *Laboratory:* Mystic Air Quality Consultants, Inc.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher J. Eident, Phone: (203) 449-8903.

(33) *Laboratory:* New Hampshire Division of Public, Health (NIST), Public Health Laboratory.

Address: 6 Hazen Dr., Concord, NH 03301, Contact: Richard Krepovich, Phone: (603) 271-4657.

(34) *Laboratory:* Northeast Environmental Testing Lab., Inc.

Address: 51 Sockanossett Crossroads, Cranston, RI 02910, Contact: Carmine J. Spinella, Phone: (401) 785-1720.

(35) *Laboratory:* Northeast Test Consultants.

Address: 587 Spring St., Westbrook, ME 04092, Contact: Stephen Broadhead, Phone: (207) 854-3939.

(36) *Laboratory:* R. I. Analytical Laboratories, Inc., (NIST).

Address: 1040 Mineral Spring Ave., North Providence, RI 02904, Contact: Anthony E. Perrotti, Phone: (401) 725-4190.

(37) *Laboratory:* Shelburne Laboratories, Inc. (NIST).

Address: P.O. Box 458, Shelburne, VT 05482, Contact: Robert J. Emerson, Phone: (802) 985-3379.

(38) *Laboratory:* TRC Environmental Consultants, Inc.

Address: 800 Connecticut Blvd., East Hartford, CT 06108, Contact: Paul Hunt, Phone: (203) 289-8631.

(39) *Laboratory:* The Hartford Steam Boiler I & I Co., (NIST), Environmental Services Laboratory.

Address: One State St., Hartford, CT 06102, Contact: Floyd B. Parsons, Jr., Phone: (203) 722-5476.

(40) *Laboratory:* Travelers Insurance-Engr. Lab.

Address: 248 Constitution Plaza, Hartford, CT 06183, Contact: Amita Sanghvi, Phone: (203) 277-7533.

REGION II – Edison, NJ

Regional Asbestos Coordinator: Arnold Freiberger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory:* ASTECO, Inc.

Address: P.O. Box 2204, Niagara University, NY 14109, Contact: Fred Smith, Phone: (716) 297-5992.

(2) *Laboratory:* ATC Environmental, Inc.

Address: 104 East 25th St., New York, NY 10010, Contact: Robert Adamson, Phone: (212) 353-8280.

(3) *Laboratory:* Adelaide Environmental Health, Associates.

Address: 61 Front St., Binghamton, NY 13905-4705, Contact: Brian Donnelly/Steve Karpinski, Phone: (607) 722-6839.

(4) *Laboratory:* Adelaide Environmental Health, Associates.

Address: 845 North Broadway, Suite 200, White Plains, NY 10601, Contact: Ernest Coon, Phone: (914) 949-3109.

(5) *Laboratory:* Alternative Ways, Inc.

Address: P.O. Box 1147, 100 Essex Rd., Bellmawr, NJ 08031, Contact: John Luxford, Phone: (609) 933-3300.

(6) *Laboratory:* Ambient Labs, Inc. (NIST).

Address: 119 West 23rd St., New York, NY 10011, Contact: William A. Esposito, Phone: (212) 962-4242.

(7) *Laboratory:* Analytical Electron Microscopy, Inc.

Address: P.O. Box 1147, 100 Essex Rd., Bellmaur, NJ 08031, Contact: Perry Cohn, Phone: (609) 933-1663.

(8) *Laboratory:* Applied Environmental Technology, Inc., (NIST).

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Willard Kingsley, Phone: (609) 488-9200.

(9) *Laboratory:* Applied Geo Services, Inc.

Address: 41 Union Square West, New York, NY 10003, Contact: Jeffrey A. Forgang, Phone: (212) 633-1113.

(10) *Laboratory:* Asbesto-Tech.

Address: 140-30 Elgar Pl., Suite 30-B, Bronx, NY 10475, Contact: Solomon Mate, Phone: (212) 671-5266.

(11) *Laboratory:* Asbestos Consultancy Service, Inc., Holiday Bldg.

Address: 121 State Highway 36, West Long Branch, NJ 07764, Contact: George Forrest, Phone: (201) 571-1400.

(12) *Laboratory:* Assessment Technologies, Inc.

Address: 323 West 39th St., New York, NY 10018, Contact: Richard W. Holmes, Phone: (212) 564-8222.

(13) *Laboratory:* Astech, Inc.

Address: 317 West Milton Ave., Rahway, NJ 07065, Contact: Michael Matarazzo, Phone: (201) 396-4455.

(14) *Laboratory:* Atlantic Environmental, Inc. (NIST).

Address: 2 East Blackwell St., Suite 24, Dover, NJ 07801, Contact: Robert Sheriff, Phone: (201) 366-4660.

(15) *Laboratory:* Barnes and Jarnis/ Hygeia Joint Office.

Address: 116 East 27th St., 5th Fl., New York, NY 10016, Contact: Carllett Grey-Golding, Phone: (212) 532-6433.

(16) *Laboratory:* Brad Associates.

Address: 1 Rosanne Ct., Lake Ronkonkoma, NY 11779, Contact: Benito P. San Pedro, Phone: (516) 467-4539.

(17) *Laboratory:* Buck Engineering & Environmental, Laboratory (NIST).

Address: 100 Tompkins St., Courtland, NY 13045, Contact: John H. Buck, Phone: (607) 753-3403.

(18) *Laboratory:* Buffalo Testing Labs., Inc.

Address: 902 Kenmore Ave., Buffalo, NY 14216, Contact: Edward J. Kris, Phone: (716) 873-2302.

(19) *Laboratory:* Bulava Environmental, Inc. (NIST).

Address: 13 Hunt Club Rd., Belle Mead, NJ 08502, Contact: Edward J. Bulava, Phone: (201) 874-6207.

(20) *Laboratory:* CS Environmental Laboratory, Inc.

Address: 5854 Butternut Dr., East Syracuse, NY 13057, Contact: Ida J. Bennett, Phone: (315) 446-8795.

(21) *Laboratory:* Calibrations (NIST).

Address: P.O. Box 11266, Albany, NY 12211, Contact: Sascha Percent, Phone: (518) 786-1865.

(22) *Laboratory:* Certified Engineering & Testing Co. of, Upstate New York, Inc. (NIST).

Address: 284 Genesee St., Utica, NY 13502, Contact: Mark S. Evans, Phone: (315) 732-3826.

(23) *Laboratory:* Chenango Environmental Laboratory, Inc.

Address: 349 Chenango St., Binghamton, NY 13901, Contact: John D. Meade, Phone: (607) 723-7968.

(24) *Laboratory:* Chopra-Lee Laboratory (NIST).

Address: 1741 Baseline Rd., Grand Island, NY 14072, Contact: Raj Chopra, Phone: (716) 733-6748.

(25) *Laboratory:* Clayton Environmental Consultants, Inc.

Address: 160 Fieldcrest Ave., Raritan Center, Edison, NJ 08837, Contact: Kirit H. Vora, Phone: (201) 225-6040.

(26) *Laboratory:* Comprehensive Analytical Group (NIST).

Address: 147 Midler Park Dr., P.O. Box 254, Syracuse, NY 13206, Contact: Jeffrey Berry, Phone: (315) 432-0855.

(27) *Laboratory:* Corning Eng. Environmental Services, (NIST), Corning Glass Works.

Address: One Malcolm Ave., Teterboro, NJ 07608, Contact: John C. Walton, Phone: (201) 393-5647.

(28) *Laboratory:* Dames & Moore.

Address: 12 Commerce Dr., Cranford, NJ 07016-1101, Contact: Margaret Lynch, Phone: (201) 272-8300.

(29) *Laboratory:* Detail Associates, Inc.

Address: 601 Piermont Rd., Demarest, NJ 07627, Contact: Stephen A. Jaraczewski, Phone: (201) 786-7059.

(30) *Laboratory:* ENTEK Environmental & Tech. Services, Rennselaer Technology Park.

Address: 125 DeFreest Dr., Troy, NY 12180, Contact: Arthur N. Rohl, Phone: (518) 283-9200.

(31) *Laboratory:* Eastern Analytical Services, Inc.

Address: 4 West Chester Plaza, Elmsford, NY 10523-1601, Contact: Paul Stascavage, Phone: (914) 939-6992.

(32) *Laboratory:* Ecology & Environment, Inc.

Address: 4285 Genesee St., Buffalo, NY 14225, Contact: Gary Hahn, Phone: (716) 631-0360.

(33) *Laboratory:* Electron-Microscopy Service, Laboratories, Inc. (NIST).

Address: 108 Haddon Ave., Westmont, NJ 08108, Contact: Peter Frasca, Phone: (609) 858-4800.

(34) *Laboratory:* Enviro-Probe, Inc.

Address: 17 Heritage Dr., Edison, NJ 08820, Contact: Ved P. Kukreja, Phone: (201) 769-0274.

(35) *Laboratory:* Enviro-Probe, Inc.

Address: 2917 Bruckner Blvd., Bronx, NY 10461, Contact: Ved P. Kukreja, Phone: (212) 863-0045.

(36) *Laboratory:* Environmental Health Protection, Consultants, Inc.

Address: 601 East Chapel Ave., Cherry Hill, NJ 08034, Contact: Joseph E. Wilson, Phone: (609) 795-3890.

(37) *Laboratory:* Environmental Management Systems, Inc., (NIST).

Address: 14 Sarafian Rd., New Paltz, NY 12561, Contact: Martin S. Rutstein, Phone: (914) 255-1034.

(38) *Laboratory:* Environmental Monitoring and, Consulting Services.

Address: P.O. Box 872, Somerville, NJ 08876, Contact: Joel Russell, Phone: (201) 249-3005.

(39) *Laboratory:* Exxon Biomedical Sciences, Inc. (NIST), IH Analytical Laboratory.

Address: Mettlers Road: CN2350, East Millstone, NJ 08875-2350, Contact: John E. Stillman, Phone: (201) 873-6033.

(40) *Laboratory:* Friends Laboratory, Inc.

Address: 446 Broad St., Waverly, NY 14892-1445, Contact: Douglas Friend, Phone: (607) 565-2893.

(41) *Laboratory:* Galson Technical Services (NIST).

Address: 6601 Kirkville Rd., East Syracuse, NY 13057, Contact: Eva Galson, Phone: (315) 432-0506.

(42) *Laboratory:* Glomar Corp.

Address: 29-09 Queens Plaza N., Long Island City, NY 11101, Contact: Richard J. Deliberto, Phone: (718) 786-6660.

(43) *Laboratory:* Hall-Kimbrell Environmental Services.

Address: 129-09 26 Ave., Flushing, NY 11354-1166, Contact: John F. Cesario, Phone: (718) 445-9090.

(44) *Laboratory:* Hillman Environmental Co.

Address: 1089 Cedar Ave., Union, NJ 07083, Contact: Joseph P. Hillman, Phone: (201) 686-3335.

(45) *Laboratory:* Hygeia, Inc. (NIST).

Address: 276 Fifth Ave., Suite 503, New York, NY 10001, Contact: Marianne Thorpe, Phone: (212) 545-7822.

(46) *Laboratory:* Independent Asbestos Labs, Inc. (NIST).

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Fred Terracina, Phone: (315) 437-1122.

(47) *Laboratory:* Independent Testing & Consultation, Inc.

Address: P.O. Box 539, Holmdel, NJ 07733, Contact: Anthony Matthews, Phone: (201) 583-2538.

(48) *Laboratory:* Industrial Testing Laboratories.

Address: 50 Madison Ave., New York, NY 10010, Contact: Kenneth J. Kohlhof, Phone: (212) 685-8788.

(49) *Laboratory:* International Asbestos Testing, Laboratories (IATL).

Address: 36 North Pine Ave., Maple Shade, NJ 08052, Contact: Emil M. Ondra, Phone: (609) 779-7792.

(50) *Laboratory:* Kaselaan & D'Angelo Associates, Inc.

Address: P.O. Box 165, Haddonfield, NJ 08033, Contact: James J. Weitzman, Phone: (609) 547-6500.

(51) *Laboratory:* Kemron Environmental Services.

Address: 755 New York Ave., Huntington, NY 11743, Contact: Joseph Mannetta, Phone: (516) 427-0950.

(52) *Laboratory:* Laboratories for Environmental Testing.

Address: P.O. Box 8381, Long Island City, NY 11101, Contact: Michael A. Martucci, Phone: (718) 786-5583.

(53) *Laboratory:* Laboratory Testing Services, Inc.

Address: 75 Urban Ave., Westbury, NY 11590, Contact: Kevin Tumulty, Phone: (516) 334-7770.

(54) *Laboratory:* Lozier Laboratories.

Address: 23 North Main St., Fairport, NY 14450, Contact: Alan J. Laffin, Phone: (716) 223-7610.

(55) *Laboratory:* Microscopy Research Laboratories, Inc.

Address: 1167 Highway 28, P.O. Box 5115, North Branch, NJ 08876, Contact: Edwin R. Levin, Phone: (201) 526-9192.

(56) *Laboratory:* National Testing Laboratories, Inc.

Address: 27-14 39th Ave., Long Island City, NY 11101, Contact: Allen Ross, Phone: (718) 784-2626.

(57) *Laboratory:* Northeastern Analytical Corp.

Address: Evesham Corporation Center, 4 East Stow Rd., Unit 10, Marlton, NJ 08053, Contact: William Harris, Phone: (609) 651-1441.

(58) *Laboratory:* O'Brien & Gere Engineers, Inc. (NIST).

Address: Box 4873, 1304 Buckley Rd., Syracuse, NY 13221, Contact: Swiatoslav W. Kaczmar, Phone: (315) 451-4700.

(59) *Laboratory:* PMK Eng. & Testing, Inc.

Address: 516 Bloy St., Hillside, NJ 07205, Contact: James Ferris, Phone: (201) 686-0044.

(60) *Laboratory:* Pedneault Associates, Inc.

Address: 1615 Ninth Ave., Bohemia, NY 11716, Contact: John Pedneault, Phone: (516) 467-8477.

(61) *Laboratory:* Phoenix Safety Associates, Ltd.

Address: 35 West 31st St., New York, NY 10001, Contact: Nina Amarando, Phone: (212) 268-0600.

(62) *Laboratory:* Powel Environmental Services, Inc., (NIST).

Address: Suite 9A, Camp Meeting Grounds, Delanco, NJ 08075, Contact: Michael D. Moschella, Phone: (609) 764-8386.

(63) *Laboratory:* Princeton Testing Laboratory (NIST).

Address: P.O. Box 3108, Princeton, NJ 08540, Contact: David Kichula, Phone: (609) 452-9050.

(64) *Laboratory:* Professional Service Ind., Inc.

Address: 423A New Karner Rd., Albany, NY 12205, Contact: Mark Wysin, Phone: (518) 452-0777.

(65) *Laboratory:* Public Service Testing Laboratories, Inc.

Address: 37-31 57th St., Woodside, NY 11377, Contact: Stephen DiMartino, Phone: (718) 476-9202.

(66) *Laboratory:* Suffolk County Public & Env. Health, Lab. (NIST).

Address: Veterans Memorial Highway, Building 77, Hauppauge, NY 11788, Contact: Ronald Huttie, Phone: (516) 360-5528.

(67) *Laboratory:* TAKA Asbestos Analytical Services, (NIST).

Address: P.O. Box 208, Greenlawn, NY 11740, Contact: Thomas A. Kubic, Phone: (516) 261-2117.

(68) *Laboratory:* TAKA Asbestos Analytical Services, Inc. (NIST), Environmental Testing.

Address: 324 Larkfield Rd., East Northport, NY 11731, Contact: Thomas Kubic, Phone: (516) 261-2117.

(69) *Laboratory:* Testwell Craig Lab, Inc.

Address: 47 Hudson St., Ossining, NY 15062, Contact: Marco J. Pedone, Phone: (914) 762-9000.

(70) *Laboratory:* Testwell Craig Laboratories of Albany, Inc.

Address: 518 Clinton Ave., Albany, NY 12206, Contact: Stanley P. Purzycki, Phone: (518) 436-4114.

(71) *Laboratory:* Testwell Craig Laboratories, Inc.

Address: 50 Passaic Ave., Fairfield, NJ 07006, Contact: Marco J. Pedone, Phone: (201) 882-8377.

(72) *Laboratory:* Testwell Craig Testing Laboratories.

Address: 565 East Harding Highway, Mays Landing, NJ 08330, Contact: Joseph Gigliotti, Phone: (609) 625-1700.

(73) *Laboratory:* U.S. Testing Company, Inc., Environmental Sciences Division.

Address: 1415 Park Ave., Hoboken, NJ 07030, Contact: Ellen McCabe Noyes, Phone: (201) 792-2400.

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107, (215) 597-3160, (FTS) 597-3160.

(1) *Laboratory:* A.F. Meyer & Associates, Inc.

Address: 6845 Elm St., Suite 700, McLean, VA 22101, Contact: Jorge Rangel, Jr., Phone: (703) 734-9093.

(2) *Laboratory:* AGX, Inc. (NIST).

Address: Freedom Professional Bldg., Suite 3B, 1341 Old Freedom Rd., Mars, PA 16046, Contact: Kimberly Allison, Phone: (412) 776-1905.

(3) *Laboratory:* AMA Analytical Services.

Address: 4475 Forbes Blvd., Lanham, MD 20706, Contact: Bruce Lippy, Phone: (301) 459-2640.

(4) *Laboratory:* ASBESTECH Division.

Address: P.O. Box 98, Dunbar, WV 25064, Contact: John Richard Hart, Phone: (304) 766-6224.

(5) *Laboratory:* ATEC Associates of Virginia, Inc.

Address: 2551 Eltham Ave., Suite Z, Norfolk, VA 23513, Contact: Richard A. Vogel, Jr., Phone: (804) 857-6765.

(6) *Laboratory:* ATEC Associates, Inc. (NIST), Industrial Hygiene Division.

Address: 8989 Herrmann Dr., Columbia, MD 21045-8780, Contact: Paul A. Esposito, Phone: (301) 381-0232.

(7) *Laboratory:* Academy of IRM, Inc.

Address: 1600 Winchester Rd., Annapolis, MD 21401, Contact: Bobby E. Leonard, Phone: (301) 757-6503.

(8) *Laboratory:* Accredited Environmental Technologies, Inc. (NIST).

Address: 28 North Pennell Rd., Lima, PA 19037, Contact: Jack Carney, Phone: (215) 891-0114.

(9) *Laboratory:* Advanced Analytical Laboratories, Inc.

Address: 30th North Church St., Hazelton, PA 18201, Contact: Thomas Martinelli, Phone: (717) 455-5115.

(10) *Laboratory:* Air Quality Analysis Associates.

Address: 1337 Perry Ave., Morgantown, WV 26505, Contact: John T. Jankovic, Phone: (304) 599-0023.

(11) *Laboratory:* Allegheny Asbestos Analysis, Inc., (NIST).

Address: 300 Mt. Lebanon Blvd., Suite 2217, Pittsburgh, PA 15234, Contact: Tammy Nagel, Phone: (412) 563-3744.

(12) *Laboratory:* Allegheny Mountain Research (NIST), Occupational Health Division.

Address: RD 1, Box 243A, Berlin, PA 15530-9546, Contact: Victor Kawchak, Phone: (814) 267-4404.

(13) *Laboratory:* Altest Environmental Labs (NIST).

Address: 28 West Main St., Plymouth, PA 18651, Contact: Frank Egenski, Phone: (717) 779-5377.

(14) *Laboratory:* American Medical Laboratories, Inc., (NIST).

Address: 11091 Main St., Fairfax, VA 22030, Contact: Fred Grunder, Phone: (703) 691-9100.

(15) *Laboratory:* American Medical Laboratories, Inc., (NIST).

Address: 2000 Bremo Rd., Suite 204, Richmond, VA 23226, Contact: Robert Murphy, Phone: (703) 691-9100.

(16) *Laboratory:* Analytics (NIST).

Address: P.O. Box 25249, Richmond, VA 23260, Contact: James Calpin, Phone: (804) 353-8973.

(17) *Laboratory:* Analytics Laboratory, Inc. (NIST), Subs. of Roche Biomedical, Laboratories Inc.

Address: 205 South Whiting St., Suite 405, Alexandria, VA 22304, Contact: Eugene Buie, Phone: (703) 751-3803.

(18) *Laboratory:* Analytics Laboratory, Inc. (NIST), Subs. of Roche Biomedical, Laboratories, Inc.

Address: 1003 Norfolk Square, Norfolk, VA 23502, Contact: Christie Buie, Phone: (804) 857-0675.

(19) *Laboratory:* Apex Environmental, Inc. (NIST).

Address: 7930 Old Georgetown Rd., Bethesda, MD 20814, Contact: Frank G. Fitzpatrick, Phone: (301) 657-2739.

(20) *Laboratory:* Applied Environmental Health & Safety, Inc.

Address: Reston International Center, 11800 Sunrise Valley Dr., Suite 1230, Reston, VA 22091, Contact: Jana Ambrose, Phone: (703) 648-0822.

(21) *Laboratory:* Asbestos Testing, Inc., Industrial Hygienist.

Address: 5207 Noyes Ave., Charleston, WV 25304, Contact: John S. Ferrell, Phone: (304) 925-6795.

(22) *Laboratory:* BCM Lab Division.

Address: 1850 Gravers Rd., Norristown, PA 19401, Contact: John J. Tobin, Phone: (215) 275-1190.

(23) *Laboratory:* Batta Environmental Associates (NIST).

Address: P.O. Box 9722, Newark, DE 19711-9722, Contact: Steve Cahill, Phone: (302) 737-3376.

(24) *Laboratory:* Biospherics, Inc. (NIST).

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Len Burelli, Phone: (301) 369-3900.

(25) *Laboratory:* Briggs Associates, Inc.

Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 621-8730.

(26) *Laboratory:* Brujos Scientific, Inc.

Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.

(27) *Laboratory:* Camtech, Inc.

Address: McKnight-Ivory Bldg., Suite #202, 4550 McKnight Rd., Pittsburgh, PA 15237, Contact: Michael A. Campbell, Phone: (412) 931-1210.

(28) *Laboratory:* Commonwealth Laboratory, Inc.

Address: Chemists Bldg., P.O. Box 8025, Richmond, VA 23223, Contact: Edwin Cox, III, Phone: (804) 648-8358.

(29) *Laboratory:* Cumberland Analytical Labs., Inc., (NIST).

Address: 56 North Second St., Chambersburg, PA 17201, Contact: D. R. Richner, Jr., Phone: (717) 263-5943.

(30) *Laboratory:* Eagle Industrial Hygiene Association, Incorporated.

Address: 405 Masons Mill Rd., Huntingdon, PA 19006, Contact: Keith Crawford, Phone: (215) 657-2261.

(31) *Laboratory:* Enviro Dynamics, Inc., Occupational & Environmental Health, Consultants.

Address: 520 North Washington, Suite 300, Falls Church, VA 22046, Contact: Margaret Klekner, Phone: (703) 237-4237.

(32) *Laboratory:* Environmental Laboratories, Inc.

Address: 9211 Burge Ave., Richmond, VA 23237, Contact: Terry W. Hall, Phone: (804) 271-3440.

(33) *Laboratory:* Environmental Management Group, Inc.

Address: 9841 Broden Land Pkwy., Suite 117, Columbia, MD 21046, Contact: Patrick Thomas Connor, Phone: (301) 290-7078.

(34) *Laboratory:* FREE-COL Laboratories (NIST).

Address: Cotton Rd., P.O. Box 557, Meadville, PA 16335-0557, Contact: J. Richard Wohler, Phone: (814) 724-6242.

(35) *Laboratory:* Galson Technical Services, Inc. (NIST).

Address: Suite 200, 5170 Campus Dr., Plymouth Meeting, PA 19462, Contact: Pamela Weaver, Phone: (215) 834-7288.

(36) *Laboratory:* Gannett Fleming, Environmental Laboratory.

Address: 209 Senate Ave., Camp Hill, PA 17011, Contact: David W. Lane, Phone: (717) 763-7211.

(37) *Laboratory:* Geo-Environmental Services, Inc., (NIST), Maryland Division.

Address: 444 North Frederick Ave., Suite L148, Gaithersburg, MD 20877-2432, Contact: John T. Razzolini, Phone: (301) 353-0338.

(38) *Laboratory:* I-TEM, Ltd.

Address: North Lake Commerce Center, 12850 Middlebrook Rd., P.O. Box 1060, Germantown, MD 20874, Contact: Randall A. Kimsey, Phone: (301) 353-0585.

(39) *Laboratory:* Industrial Hygiene & Occup. Med Lab, A Division of American Medical Lab., Inc.

Address: 11091 Main St., Fairfax, VA 22030, Contact: Jan Turner/Fred Grunder, Phone: (703) 691-9100.

(40) *Laboratory:* Interscience Research.

Address: 2614 Wyoming Ave., Norfolk, VA 23513, Contact: Joseph H. Guth, Phone: (804) 853-8813.

(41) *Laboratory:* JACA Corporation.

Address: 550 Pinetown Rd., Fort Washington, PA 19034, Contact: Gary Lester, Phone: (215) 643-5466.

(42) *Laboratory:* Lancaster Laboratories, Inc.

Address: 2425 New Holland Ave., Lancaster, PA 17601, Contact: Barbara J. Weaver, Phone: (717) 656-2301.

(43) *Laboratory:* Lehigh Valley Analytics, Inc.

Address: 60 West Broad St., Bethlehem, PA 18018, Contact: Barbara J. Davies, Phone: (215) 866-4434.

(44) *Laboratory:* MDS Laboratories (NIST).

Address: 4418 Pottsville Pike, Reading, PA 19605, Contact: Fred Usbeck, Phone: (215) 921-9191.

(45) *Laboratory:* Marine Chemist Service, Inc.

Address: 11850 Tug Boat Ln., Newport News, VA 23606, Contact: Colleen Becker, Phone: (804) 873-0933.

(46) *Laboratory:* Maryland Analytical Lab.

Address: 3000 Chestnut St., Suite 324, Baltimore, MD 21211, Contact: Robert K. Simon, Phone: (301) 366-6444.

(47) *Laboratory:* Med-Tox Associates, Inc. (NIST).

Address: 10366 Battleview Pkwy., Manassas, VA 22110, Contact: Tom Dagenhart, Phone: (703) 368-7880.

(48) *Laboratory:* Medlab, Inc. (NIST).

Address: P.O. Box 2045, Wilmington, DE 19899, Contact: Sevag Sinanian, Phone: (302) 994-5764.

(49) *Laboratory:* Microbac, Inc., Erie Testing Laboratory Division.

Address: 2401 West 26th St., Erie, PA 16506, Contact: Mark R. Banister, Phone: (814) 833-4790.

(50) *Laboratory:* Microlore, Inc.

Address: 2201A 22nd St., Nitro, WV 25143, Contact: Jon C. Pauley, Phone: (304) 755-7118.

(51) *Laboratory:* Mountaineer Testing Labs., Inc.

Address: P.O. Box 767, 425 North Jefferson, Lewisburg, WV 24901, Contact: Rob Dillon, Phone: (304) 645-7114.

(52) *Laboratory:* Occupational Medical Center Lab (NIST).

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Christopher Beza, Phone: (301) 306-0632.

(53) *Laboratory:* Oneil M. Banks, Inc.

Address: 336 South Main St., Bel Air, MD 21014, Contact: Michelle L. Evans, Phone: (301) 879-4676.

(54) *Laboratory:* Pacific Environmental Services, Inc., (NIST).

Address: 11440 Isaac Newton Sq., Suite 209, Reston, VA 22090, Contact: Mary Beth Kapusnik, Phone: (703) 471-8383.

(55) *Laboratory:* Paleozoic Hydrocarbon Industries.

Address: 132 Oakwood Rd., Charleston, WV 25314, Contact: S. M. Spencer, Jr., Phone: (304) 345-7756.

(56) *Laboratory:* Peach Laboratories.

Address: P.O. Box 338, 5465 Route 8, Gibsonia, PA 15044, Contact: John M. Lang, Phone: (412) 443-9244.

(57) *Laboratory:* Penn Environmental Health.

Address: 301 South Lang Ave., Pittsburgh, PA 15208, Contact: Abbas Labbauf, Phone: (412) 241-5130.

(58) *Laboratory:* Pennrun Corporation.

Address: 150 William Pitt Way, Pittsburgh, PA 15238, Contact: Valerie McDonald, Phone: (412) 826-5304.

(59) *Laboratory:* Professional Service Ind., Inc., Pittsburgh Testing Lab Division.

Address: 850 Poplar St., Pittsburgh, PA 15220, Contact: Glenn Goss, Phone: (412) 922-4000.

(60) *Laboratory:* RJ Lee Group (NIST).

Address: 350 Hochberg Rd., Monroeville, PA 15146, Contact: William H. Powers, Phone: (412) 325-1776.

(61) *Laboratory:* SSI Environmental Consultants (NIST).

Address: Expressway Park, Gulf Lab Rd. - Harmarville, Pittsburgh, PA 15238, Contact: George M. Beck, Phone: (412) 828-9210.

(62) *Laboratory:* Schneider Laboratories, Inc. (NIST).

Address: 1427 West Main St., Richmond, VA 23220-4629, Contact: Richard F. Schneider, Phone: (804) 353-6778.

(63) *Laboratory:* Scientific & Environmental (NIST).

Address: 202 Bishop Rd., Blacksburg, VA 23220, Contact: Richard Schneider, Phone: (804) 353-6778.

(64) *Laboratory:* Spotts, Stevens, & McCoy (NIST).

Address: 345 North Wyomissing Blvd., Wyomissing, PA 19610, Contact: Spencer R. Watts, Phone: (215) 376-6581.

(65) *Laboratory:* Structure Probe, Inc.

Address: 535 East Gay St., West Chester, PA 19380, Contact: Kim Royer, Phone: (215) 436-5400.

(66) *Laboratory:* Tracor Jitco, Inc., Asbestos Technology Center.

Address: 1601 Research Blvd., Rockville, MD 20850, Contact: Michael L. Edwards, Phone: (301) 984-2722.

(67) *Laboratory:* Versar, Inc. (NIST).

Address: 6850 Versar Center, Springfield, VA 22151, Contact: Robert Maxfield, Phone: (703) 642-6755.

(68) *Laboratory:* Volz Environmental Services.

Address: 3010 William Pitt Way, Pittsburgh, PA 15238, Contact: George J. Skarupa, Phone: (412) 826-3150.

(69) *Laboratory:* Washington Analytical Laboratory, Inc.

Address: 14214 Coda Pl., Chantilly, VA 22021, Contact: R. Hugh Granger, Phone: (703) 631-6868.

(70) *Laboratory:* Wright Lab Services, Inc.

Address: 34 Dogwood Ln., Middletown, PA 17057, Contact: Francine Walker, Phone: (717) 944-5541.

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory:* ATEC Associates, Inc.

Address: 4845 Rosselle St., Jacksonville, FL 32205, Contact: Benton E. Laughlin, Phone: (904) 387-6404.

(2) *Laboratory:* ATEC Associates, Inc.

Address: 2990 Northwest 40 St., Miami, FL 33142, Contact: Michael H. Straube, Phone: (305) 633-2700.

(3) *Laboratory:* ATEC Associates, Inc., Environmental Services Division.

Address: 1300 Williams Dr., Marietta, GA 30066-6299, Contact: Dwayne Cheatom, Phone: (404) 427-9456.

(4) *Laboratory:* ATEC Environmental Consultants.

Address: 100 Eyster Blvd., Rockledge, FL 32955, Contact: Harry L. Capadano, Jr., Phone: (407) 639-9069.

(5) *Laboratory:* Advanced Industrial Hygiene Services, Inc. (NIST).

Address: 2131 Southwest 2nd Ave., Miami, FL 33129, Contact: Bruce Marchette, Phone: (305) 854-7554.

(6) *Laboratory:* American Microscopy Laboratory.

Address: 29 Heritage Hills, Tuscaloosa, AL 35406, Contact: M. A. Beg, Phone: (205) 345-2555.

(7) *Laboratory:* Analytical Management, Inc.

Address: P.O. Box 11279, Lexington, KY 40574, Contact: David H. McRae, Phone: (606) 231-6511.

(8) *Laboratory:* Applied Environmental Technology, Inc.

Address: P.O. Box 421, Marietta, GA 30061, Contact: James B. Glass, Phone: (404) 425-1115.

(9) *Laboratory:* Applied Environmental Testing Lab, Inc.

Address: 680 Thoronton Way, Suite 202, Lithia Springs, GA 30057, Contact: Ali A. Hassani Pak, Phone: (404) 948-4919.

(10) *Laboratory:* Applied Technical Services.

Address: 1190 Atlanta Industrial Dr., Marietta, GA 30066, Contact: Laurel V. Waters, Phone: (404) 423-1400.

(11) *Laboratory:* Asbestos Analysis and Information, Service (NIST).

Address: P.O. Box 837, Fair Oaks, NC 27524, Contact: Stephen H. Westbrook, Phone: (919) 894-7718.

(12) *Laboratory:* Azimuth, Inc. (NIST).

Address: P.O. Box 71904, Charleston, SC 29415-1904, Contact: Charles B. Stoyle, Phone: (803) 553-9456.

(13) *Laboratory:* BCM Engineers, Inc. (NIST).

Address: 104 St. Francis St., Suite 400, Mobile, AL 36633, Contact: Sheri Sims, Phone: (205) 433-0517.

(14) *Laboratory:* Bonner Analytical Testing Co. (NIST).

Address: Rt. 14, Box 509, Hattiesburg, MS 39402, Contact: Michael Bonner, Phone: (601) 264-2854.

(15) *Laboratory:* CRU, Inc.

Address: P.O. Box 24467, Louisville, KY 40224, Contact: Donna M. Ringo, Phone: (502) 426-8860.

(16) *Laboratory:* Carolina Environmental.

Address: P.O. Box 37549, Raleigh, NC 27627, Contact: John D. Koenigs, Phone: (919) 859-0477.

(17) *Laboratory:* Cavin Analytical Consultants.

Address: P.O. Box 454, Snellville, GA 30278, Contact: Donald K. Cavin, Phone: (404) 979-8838.

(18) *Laboratory:* Certified Engineering and Testing, Co., Inc.

Address: 2600 Poplar Ave., Memphis, TN 38112, Contact: Amy Ginsberg, Phone: (901) 458-6860.

(19) *Laboratory:* Chem-Ray (NIST).

Address: P.O. Box 821, Florence, AL 35631, Contact: James D. Ray, Phone: (205) 776-4345.

(20) *Laboratory:* Chemalytics.

Address: 300 Doctors Bldg., 33 East Seventh St., Covington, KY 41011, Contact: Kenneth P. Reed, Phone: (606) 431-6224.

(21) *Laboratory:* Cigna Loss Control Services, Environmental Health Laboratory.

Address: 3920 Arkwright Rd., Macon, GA 31213, Contact: Jean Gibbs, Phone: (912) 745-4702.

(22) *Laboratory:* Clayton Environmental Consultants, Inc. (NIST).

Address: 400 Chastain Center Blvd., NW, Suite 490, Kennesaw, GA 30144, Contact: Owen Crankshaw, Phone: (404) 499-7500.

(23) *Laboratory:* Davis & Floyd, Inc. (NIST).

Address: Post Office Drawer 428, Greenwood, SC 29648, Contact: William J. Day, Phone: (803) 229-5211.

(24) *Laboratory:* E.I. du Pont de Nemours & Company, Inc. (NIST).

Address: Cape Fear Plant - PD, P.O. Box 2042, Wilmington, NC 28402, Contact: William Tedder, Phone: (919) 371-4257.

(25) *Laboratory:* EEC, Inc.

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Scrimanker, Phone: (919) 833-2012.

(26) *Laboratory:* EEC, Inc. (NIST).

Address: P.O. Box 11847, Columbia, SC 29211, Contact: Daniel A. Smith, Phone: (803) 256-7846.

(27) *Laboratory:* EMSL, Inc. (NIST).

Address: 1800 Peachtree St., NW, Suite 305, Atlanta, GA 30309, Contact: John Scarano, Phone: (609) 858-4800.

(28) *Laboratory:* Ecosafe, Inc. (NIST).

Address: 1820 Chapel Hill Rd., Durham, NC 27707, Contact: Steven L. Goode, Phone: (919) 493-2612.

(29) *Laboratory:* EnviroChem, Inc. (NIST).

Address: 762 Downtowner Loop W., Mobile, AL 36609, Contact: Charles Smilie, Phone: (205) 344-7711.

(30) *Laboratory:* EnviroSciences, Inc. (NIST).

Address: Montgomery Bldg., Suite 705, P.O. Box 5804, Spartanburg, SC 29304, Contact: Andrew G. Schauder, Phone: (803) 585-4900.

(31) *Laboratory:* Environmental Analytical Labs (NIST).

Address: Cobb Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Jeremy A. Armstrong, Phone: (404) 425-9901.

(32) *Laboratory:* Environmental Materials Consultants.

Address: P.O. Box 100161, 2217 10th Ct. S., Suite 200, Birmingham, AL 35210, Contact: William E. Hogg, Phone: (205) 933-0400.

(33) *Laboratory:* Environmental Protection Systems, Inc.

Address: 7215 Pine Forest Rd., Pensacola, FL 32506, Contact: James R. Burkhalter, Phone: (904) 944-0301.

(34) *Laboratory:* Environmental Protection Systems, Inc.

Address: P.O. Box 20382, Jackson, MS 39209, Contact: Corbin McGriff, Phone: (601) 922-8242.

(35) *Laboratory:* Environmental Science and Engineering, Inc.

Address: P.O. Box 1703, Gainesville, FL 32602-1703, Contact: John J. Mousa, Phone: (904) 332-3318.

(36) *Laboratory:* Enviropact.

Address: 4790 Northwest 157th St. Hialeah, Miami, FL 33142, Contact: Greta Mackenzie, Phone: (305) 620-1700.

(37) *Laboratory:* Enviropact Services, Inc.

Address: 5180 113th Ave., N., Clearwater, FL 34620-4835, Contact: Michael T. Osinski, Phone: (813) 577-9663.

(38) *Laboratory:* Envirosciences, Inc. (NIST).

Address: 3810 F Merton Dr., Raleigh, NC 27609, Contact: R.C. Jordan, Phone: (919) 782-1487.

(39) *Laboratory:* Evans Environmental & Geological, Science and Management, Inc.

Address: 2631 Southwest 27th St., Coconut Grove, FL 33133, Contact: Charles C. Evans, Phone: (305) 856-7458.

(40) *Laboratory:* GSC Environmental Laboratories, Inc.

Address: 1824 Bi Wylds Rd., Augusta, GA 30909, Contact: William J. Horning, Phone: (404) 737-0185.

(41) *Laboratory:* Geo-Environmental Services, Inc.

Address: 141 West Wieuca Rd., Suite 200A, Atlanta, GA 30342, Contact: Susan Harper, Phone: (404) 257-9303.

(42) *Laboratory:* Harmon Engineering Associates, Inc., (NIST).

Address: 1550 Pumphrey Ave., Auburn, AL 36830-4399, Contact: Roger Thompson, Phone: (205) 821-9250.

(43) *Laboratory:* Health & Hygiene, Inc.

Address: 4605-E Dundas Dr., Greensboro, NC 27407, Contact: Sharon P. Lonon, Phone: (919) 854-2303.

(44) *Laboratory:* KNL Laboratory Services (NIST).

Address: P.O. Box 1833, Tampa, FL 33601, Contact: Garrett J. McGibbon, Phone: (813) 229-2879.

(45) *Laboratory:* Larron Laboratory.

Address: 711 Broadway, Mayfield, KY 42066, Contact: Daniel Roth, Phone: (502) 247-6982.

(46) *Laboratory:* Laseter and Associates, Inc.

Address: P.O. Box 176, Collierville, TN 38107, Contact: Kenneth Laseter, Phone: (901) 853-0400.

(47) *Laboratory:* Law Associates, Inc.

Address: 1386 Mayson St., Atlanta, GA 30324, Contact: Greg Lewars, Phone: (404) 892-3200.

(48) *Laboratory:* Law Engineering (NIST).

Address: 4919 West Laurel St., P.O. Box 24183, Tampa, FL 33623, Contact: Susan K. Gossett, Phone: (813) 879-0750.

(49) *Laboratory:* Law Engineering Testing Co.

Address: 501 Minuet Ln., P.O. Box 11297, Charlotte, NC 28220, Contact: R. Glenn Craig, Phone: (704) 523-2022.

(50) *Laboratory:* Law Engineering, Inc. (NIST).

Address: 3608 7th Ct., S., P.O. Box 10244, Birmingham, AL 35202, Contact: R. Michael Hamilton, Phone: (205) 252-9901.

(51) *Laboratory:* Materials Analytical Services, Inc., (NIST).

Address: 3597 Parkway Ln., Suite 250, Norcross, GA 30092, Contact: William Longo, Phone: (404) 448-3200.

(52) *Laboratory:* McCrone Environmental Services, Inc.

Address: 1412 Oadbrook Dr., Suite 100, Norcross, GA 30093, Contact: Harriotte A. Hurley, Phone: (404) 381-0855.

(53) *Laboratory:* Metro Services Laboratory (NIST), Asbestos Control Division.

Address: 6309 Fern Valley Pass, Louisville, KY 40228, Contact: J. Daniel Cooper, Phone: (502) 964-0865.

(54) *Laboratory:* Micro Analytical Laboratories, Inc., (NIST).

Address: 3618 Northwest 97th Blvd., Gainesville, FL 32606, Contact: Robert Longo, Phone: (904) 332-1701.

(55) *Laboratory:* Micro-Methods.

Address: 5106 Telephone Rd., Pascagoula, MS 39567, Contact: Thomas J. Wilson, Phone: (601) 769-7774.

(56) *Laboratory:* Northrop Services, Inc. (NIST).

Address: P.O. Box 12313, RTP, NC 27709-2313, Contact: James A. Jahnke, Phone: (919) 549-0611.

(57) *Laboratory:* Pace Laboratories, Inc. (NIST).

Address: 5460 Beaumont Center Blvd., Tampa, FL 33634, Contact: Timothy M. Odell, Phone: (813) 884-8268.

(58) *Laboratory:* Pensacola P.O.C., Inc.

Address: 406 Greve Road, Pensacola, FL 32507, Contact: Barbara Sviglin, Phone: (904) 456-4406.

(59) *Laboratory:* Phoenix Environmental Labs, Division of P.D.R. Engineers, Inc.

Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: A.K. Upadhyaya, Phone: (615) 298-2065.

(60) *Laboratory:* Pioneer Laboratory, Inc.

Address: 11 East Olive Rd., Pensacola, FL 32514, Contact: Peggy Gaskill, Phone: (904) 474-1001.

(61) *Laboratory:* Professional Contract Services, Inc.

Address: P.O. Box 2605, Opelika, AL 36803-2605, Contact: Marsha Schnurrenberger, Phone: (205) 749-2636.

(62) *Laboratory:* Professional Service Ind., Inc., PTL/Arribas Division.

Address: 3901 Northwest 29th Ave., Miami, FL 33142, Contact: Mary E. Hamel, Phone: (305) 633-7555.

(63) *Laboratory:* Quality Analytical Services.

Address: 4701 Joseph Michael Ct., Raleigh, NC 27606, Contact: John Sheats, Phone: (919) 851-2891.

(64) *Laboratory:* R3 Enterprises.

Address: 630 Edgewater Club Rd., Wilmington, NC 28405, Contact: Richard Spivey, Phone: (919) 686-0242.

(65) *Laboratory:* Roberts Environmental Services, MAKO Office Complex.

Address: Highway 24 East, Swansboro, NC 28584, Contact: H. Dan Roberts, Phone: (919) 393-6167.

(66) *Laboratory:* S&ME Industrial Technologies, Inc.

Address: 5909 Breckenridge Pkwy., Suite B, Tampa, FL 33610, Contact: John J. Henderson, Phone: (813) 623-2438.

(67) *Laboratory:* S&ME Industrial Technologies, Inc., (NIST).

Address: 3980 Dekalb Technology Parkway, Atlanta, GA 30340, Contact: Clint Gilbert, Phone: (404) 452-1911.

(68) *Laboratory:* S&ME Industrial Technologies, Inc., (NIST).

Address: 840 Low Country Blvd., Mt. Pleasant, SC 29464, Contact: Nina G. Marshtein, Phone: (803) 884-0005.

(69) *Laboratory:* Schweiger and Associates.

Address: 1150 Terrell Mill Rd., 4M, Marietta, GA 30067, Contact: Patrick J. Schweiger, Phone: (404) 984-2692.

(70) *Laboratory:* Southeastern Marine Chemists, Inc., (NIST), Southeastern Chemists' Laboratories.

Address: P.O. Box 8917, Jacksonville, FL 32239, Contact: Joseph W. Newton, Phone: (904) 725-2040.

(71) *Laboratory:* Specialized Assays (NIST).

Address: 210 12th Ave., S., P.O. Box 25110, Nashville, TN 37202, Contact: Kay Williams-Smith, Phone: (615) 255-5786.

(72) *Laboratory:* TEI Environmental, Inc. (NIST).

Address: 308A Pomona Dr., Greensboro, NC 27407, Contact: James Buchanan, Phone: (919) 852-0318.

(73) *Laboratory:* TTL, Inc.

Address: 3516 Greensboro Ave., P.O. Box 1094, Tuscaloosa, AL 35403, Contact: Jack E. Davis, Phone: (205) 345-0816.

(74) *Laboratory:* Testwell Craig Laboratories of, Florida, Inc.

Address: 7104 Northwest 51st St., Miami, FL 33166, Contact: Robert Schuler, Phone: (305) 593-0561.

(75) *Laboratory:* Testwell Craig Laboratories of Tampa, Inc.

Address: 11553 U.S. Hwy. 41, S., Gibsonton, FL 33534-9720, Contact: Michael Williamson, Phone: (813) 677-0242.

(76) *Laboratory:* Thornton Laboratories, Inc. (NIST).

Address: 1145 East Cass St., Tampa, FL 33602, Contact: Laure Taylor, Phone: (813) 223-9702.

(77) *Laboratory:* Weston-ATC Mobile Facility (NIST).

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Leonard H. Nelms, Phone: (205) 826-6100.

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory:* ABS Environmental Labs, Inc. (NIST).

Address: 605 Brookside, Frankfurt, IL 60423, Contact: Arlene B. Smith, Phone: (815) 469-4464.

(2) *Laboratory:* ALEX (NIST).

Address: 485 Frontage Rd., Burr Ridge, IL 60521, Contact: Erol Roth, Phone: (312) 789-6080.

(3) *Laboratory:* ATEC Associates, Inc.

Address: 1501 East Main St., Griffith, IN 46319, Contact: Roger S. Berkowitz, Phone: (219) 924-6690.

(4) *Laboratory:* ATEC Associates, Inc.

Address: 5150 East 65th St, Indianapolis, IN 46220-4871, Contact: Richard A. Gehlbach, Phone: (317) 849-4990.

(5) *Laboratory:* Affiliated Environmental Services, Inc.

Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Don Dauch, Phone: (419) 627-1974.

(6) *Laboratory:* Air Quality Testing.

Address: 236 South Washington St., Naperville, IL 60540, Contact: J.D. Stubblefield, Phone: (312) 369-8987.

(7) *Laboratory:* AirTech Associates, Inc.

Address: 4100 Madison, Lower Level, Suite 4, Hillside, IL 60162, Contact: Mark Watka or Anne Czechorski, Phone: (312) 547-8117.

(8) *Laboratory:* Aires Environmental Services.

Address: 1550 Hubbard, Batavia, IL 60510, Contact: Cynthia Darling, Phone: (312) 879-3006.

(9) *Laboratory:* Alderink and Associates, Inc.

Address: 3221 3 Mile Rd., Grand Rapids, MI 49504, Contact: Carol J. Paxhia, Phone: (616) 791-0730.

(10) *Laboratory:* Alloway Testing.

Address: 1325 North Cole St., Lima, OH 45801-3415, Contact: John R. Hoffman, Phone: (419) 223-1362.

(11) *Laboratory:* American Analytical Laboratories, (NIST).

Address: 100 Lincoln St., Akron, OH 44308, Contact: Richard E. Moore, Phone: (216) 535-1300.

(12) *Laboratory:* Anasbestics Co. (NIST).

Address: 7206 West 90th Pl., Bridgeview, IL 60455, Contact: Gary Kentgen, Phone: (312) 598-2921.

(13) *Laboratory:* Applied Environmental Sciences, Inc.

Address: 511 Eleventh Ave., S., Box 220, Minneapolis, MN 55415, Contact: Patrick DiBartolomeo, Phone: (612) 339-5559.

(14) *Laboratory:* Asbestos Compliance Technology, Inc.

Address: 4015 Cherry St., Cincinnati, OH 45223, Contact: Tina Schmalz, Phone: (513) 542-4040.

(15) *Laboratory:* Asbestos Compliance Technology, Inc., (NIST).

Address: 5353 Tacoma Ave., Indianapolis, IN 46220, Contact: Virgil J. Konopinski, Phone: (317) 257-5096.

(16) *Laboratory:* Asbestos Control Methods, Inc.

Address: 209 South Main St., Mount Prospect, IL 60056, Contact: Nelson W. Gray, Phone: (312) 398-0078.

(17) *Laboratory:* Asbestos Management, Inc.

Address: 36700 South Huron St., Suite 104, New Boston, MI 48164, Contact: D. Rex Bleeker, Phone: (313) 961-6135.

(18) *Laboratory:* BCA Laboratory.

Address: 1102 South Main, Bloomington, IL 61701, Contact: Kurt Benckendorf, Phone: (309) 828-7772.

(19) *Laboratory:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Ln., Portage, MI 49002, Contact: Scott McFarland, Phone: (616) 329-1237.

(20) *Laboratory:* Badger Labs. & Eng. Co., Inc.

Address: 1110 South Oneida St., Appleton, WI 54915, Contact: Stephen C. Taylor, Phone: (414) 739-9213.

(21) *Laboratory:* Beling Consultants, Inc. (NIST).

Address: 1001-16th St., Moline, IL 61265, Contact: Jeffrey A. Wasson, Phone: (309) 757-9800.

(22) *Laboratory:* Bowser-Morner Testing Laboratories, Inc.

Address: 420 Davis Ave., P.O. Box 51, Dayton, OH 45403, Contact: Mark A. Bingman, Phone: (513) 253-8805.

(23) *Laboratory:* Braun Environmental Laboratories, (NIST).

Address: 6800 South Country Rd. 18, P.O. Box 35108, Minneapolis, MN 55435-0108, Contact: Lisa A. Fournelle-Smestad, Phone: (612) 941-5600.

(24) *Laboratory:* Brookfield Academy, Dept. of Math & Science.

Address: 3460 North Brookfield Rd., Brookfield, WI 53005, Contact: H.S. MacDonald, Phone: (414) 781-6410.

(25) *Laboratory:* Bruce Menkel & Associates, Inc. (NIST).

Address: 235 Industrial Dr., P.O. Box 159, Franklin, OH 45005, Contact: Bruce Menkel, Phone: (513) 746-9300.

(26) *Laboratory:* C.G. Technologies, Inc. (NIST).

Address: 535 Science Dr., Suite B, Madison, WI 53711, Contact: Carol Gannon, Phone: (608) 238-7811.

(27) *Laboratory:* CAE Asbestos.

Address: 207 North Woodwork Ln., Palatine, IL 60067, Contact: Paul A. Evansky, Jr., Phone: (312) 991-3300.

(28) *Laboratory:* Carnow, Conibear and Associates, Ltd.

Address: 333 West Wacker Dr., 14th Fl., Chicago, IL 60606, Contact: Steve Wolf, Phone: (312) 782-4486.

(29) *Laboratory:* Chem-Bio Corporation (NIST).

Address: 140 East Ryan Rd., Oak Creek, WI 53154, Contact: Robert F. Lipo, Phone: (414) 764-7870.

(30) *Laboratory:* Clayton Environmental Consultants, Inc.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Bob Lieckfield, Phone: (313) 344-1770.

(31) *Laboratory:* Cole Associates, Inc.

Address: 2211 East Jefferson Blvd., South Bend, IN 46615, Contact: Lawrence W. Grauvogel, Phone: (219) 236-4400.

(32) *Laboratory:* Daily Analytical Laboratories (NIST).

Address: 1621 West Candletree Dr., Peoria, IL 61614, Contact: Susan J. Naschert, Phone: (309) 692-5252.

(33) *Laboratory:* Daniel J. Hartwig Associates, Inc., Director, Industrial Hygiene Services.

Address: P.O. Box 31, Oregon, WI 53575, Contact: David T. Killough, Phone: (608) 835-5781.

(34) *Laboratory:* DataChem.

Address: 4388 Glendale-Milford Rd., Cincinnati, OH 45242, Contact: Charles L. Geraci, Phone: (513) 733-5336.

(35) *Laboratory:* DeLisle Consulting & Laboratories, Inc. (NIST).

Address: 6946 East N. Ave., Kalamazoo, MI 49001, Contact: Brad Shook, Phone: (616) 343-9698.

(36) *Laboratory:* DeYor Laboratories, Inc. (NIST).

Address: P.O. Box 3949, 7655 Market St., Suite 2500, Youngstown, OH 44512, Contact: Joseph K. Samuels, Phone: (216) 758-5788.

(37) *Laboratory:* EIS Environmental Engineers, Inc., (NIST).

Address: 1701 North Ironwood Dr., South Bend, IN 46635, Contact: H. Stephen Nye, Phone: (219) 277-5715.

(38) *Laboratory:* ERT Testing Services, Inc. (NIST).

Address: D.O.H. Professional Bldg., 211 Glendale, Suite 425, Highland Park, MI 48203, Contact: Rose M. Grier, Phone: (313) 865-0600.

(39) *Laboratory:* Electro Analytical, Inc. (NIST).

Address: 7118 Industrial Park Blvd., Mentor, OH 44060-5377, Contact: Mitchell E. Fadem, Phone: (216) 951-3514.

(40) *Laboratory:* Environmental Analytical Labs (NIST).

Address: 314 South State Ave., Indianapolis, IN 46201, Contact: David W. Hogue, Phone: (317) 269-3618.

(41) *Laboratory:* Environmental Consultants, Inc. (NIST).

Address: 1916 North 12th St., Toledo, OH 43624, Contact: Donald Dick, Phone: (419) 241-7127.

(42) *Laboratory:* Environmental Enterprises, Inc.

Address: 10147 Springfield Pike, Cincinnati, OH 45215, Contact: Wayne L. Collier, Phone: (513) 772-2818.

(43) *Laboratory:* Environmental Evaluation & Laboratory, Services, Inc.

Address: 225 Parsons St., P.O. Box 1665, Kalamazoo, MI 49005, Contact: A. Clark Kahn, III, Phone: (616) 388-8099.

(44) *Laboratory:* Environmental Safety Systems, Inc.

Address: 17960 Englewood Dr., Middleburg Heights, OH 44130, Contact: Scott F. Linville, Phone: (216) 826-4220.

(45) *Laboratory:* Environmental Services, Inc.

Address: 1403 Sunset Ter., Western Springs, IL 60558, Contact: Nicholas Malone, Phone: (312) 246-2040.

(46) *Laboratory:* Fay Goldblatt Laboratories, Inc., (NIST).

Address: 2111 Parkview Ct., Wilmette, IL 60091, Contact: Fay Goldblatt, Phone: (800) 356-0269.

(47) *Laboratory:* Fibertec, Inc.

Address: 808 West Lake Lansing Rd., Suite 206, East Lansing, MI 48823, Contact: Matthew H. Frisch, Phone: (517) 351-0345.

(48) *Laboratory:* Gabriel Laboratories, Inc.

Address: 1421 North Elston Ave., Chicago, IL 60622, Contact: Chris Rollins, Phone: (312) 486-2123.

(49) *Laboratory:* Gelles Laboratories (NIST).

Address: 2836 Fisher Rd., Columbus, OH 43204, Contact: S.H. Gelles, Phone: (614) 276-2957.

(50) *Laboratory:* Hazardous Materials Management, Inc.

Address: 5821 Femrite Dr., Suite G, Room 101, Madison, WI 53704, Contact: Jeffrey S. Stutsman, Phone: (608) 221-4027.

(51) *Laboratory:* Howard Laboratories, Inc.

Address: 3601 South Dixie Dr., Dayton, OH 45439, Contact: Jackie Webster, Phone: (513) 294-6856.

(52) *Laboratory:* IIT Research Institute.

Address: 10 West 35th St., Chicago, IL 60616, Contact: Jean Graf, Phone: (312) 567-4286.

(53) *Laboratory:* ITL/Bascor.

Address: 5960 North Milwaukee Ave., Chicago, IL 60646, Contact: Joby H. Burman, Phone: (312) 792-2454.

(54) *Laboratory:* Industrial Environmental Consultants.

Address: 1350 East Lake Lansing Rd., East Lansing, MI 48823, Contact: Jeanine Samuelson, Phone: (517) 351-4002.

(55) *Laboratory:* Institute for Environmental Assessment, (NIST).

Address: 2829 Verndale Ave., Anoka, MN 55303, Contact: Richard T. Cox, Phone: (612) 427-5310.

(56) *Laboratory:* Kemron Environmental Services.

Address: 32740 North Western Hwy., Farmington Hills, MI 48018, Contact: Charles O'Bryan, Phone: (313) 626-2426.

(57) *Laboratory:* Lyle Laboratories.

Address: 1327 King Ave., Columbus, OH 43212, Contact: Tom Eggers, Phone: (614) 488-1022.

(58) *Laboratory:* Martin Marietta Energy Systems, Inc.

Address: Portsmouth Gaseous Diffusion Plant, P.O. Box 628, Piketon, OH 45661, Contact: David Boyd, Phone: (614) 289-2331.

(59) *Laboratory:* Materials Testing Consultants, Inc.

Address: 693 Plymouth NE, Grand Rapids, MI 49505, Contact: Judson N. Sorensen, Phone: (616) 456-5469.

(60) *Laboratory:* Mathes Asbestos Services, Inc. (NIST).

Address: P.O. Box 330, 210 West Sand Bank Rd., Columbia, IL 62236-0330, Contact: David H. Ward, Phone: (618) 281-7173.

(61) *Laboratory:* Micro Air, Inc. (NIST).

Address: 7132 Lakeview Pkwy. West Dr., Indianapolis, IN 46268, Contact: Harold Eitzen, Phone: (317) 293-1533.

(62) *Laboratory:* Micro-Fiber Laboratories, Inc.

Address: 635 Landwehr Rd., Northbrook, IL 60062, Contact: Phillip G. Pekron, Phone: (312) 498-4127.

(63) *Laboratory:* MicroView Consulting (NIST).

Address: 416 East Catawba Ave., Akron, OH 44301, Contact: Frank S. Karl, Phone: (216) 773-8330.

(64) *Laboratory:* Microbac Laboratories, Inc., Seaway Industrial Laboratory, Subsidiary.

Address: 542-544 Conkey St., Hammond, IN 46324, Contact: Karen A. Erny, Phone: (219) 932-1770.

(65) *Laboratory:* Monarch Analytical Laboratories, Inc., (NIST).

Address: P.O. Box 2990, Toledo, OH 43606, Contact: Ronald J. Plenzler, Phone: (419) 535-1780.

(66) *Laboratory:* NATLSCO K-2.

Address: RTE 22 & Kemper Dr., Long Grove, IL 60049, Contact: Joan Wronski, Phone: (312) 540-2488.

(67) *Laboratory:* National Petrographic Services.

Address: 4484 Willowbrook Rd., Columbus, OH 43220, Contact: Bonnie Awan, Phone: (614) 459-7360.

(68) *Laboratory:* Northern Indiana Public Services, Company.

Address: 501 Bailly Station Rd., Performance Services- Central Lab, Chesterton, IN 46304, Contact: Steven L. Barnes, Phone: (219) 787-7205.

(69) *Laboratory:* Northland Environmental Services, Inc.

Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Robert C. Voborsky, Phone: (715) 341-9699.

(70) *Laboratory:* Nova Environmental Services, Inc., (NIST).

Address: 1107 Hazeltine Blvd., Suite 420, Hazeltine Gates, Chaska, MN 55318, Contact: Steven B. Cummings, Phone: (612) 448-9393.

(71) *Laboratory:* Ohio Department of Health, Division of Laboratories.

Address: 1571 Perry St., Box 2568, Columbus, OH 43266-0068, Contact: Elizabeth Clark, Phone: (614) 421-1078.

(72) *Laboratory:* PEI Associates, Inc. (NIST).

Address: 11499 Chester Rd., Cincinnati, OH 45246, Contact: Craig Caldwell, Phone: (513) 782-4700.

(73) *Laboratory:* Pace Laboratories, Inc. (NIST).

Address: 1710 Douglas Dr., N., Minneapolis, MN 55422, Contact: Tom L. Haverson, Phone: (612) 544-5543.

(74) *Laboratory:* Particle Data Laboratories, Ltd.

Address: 115 Hahn St., Elmhurst, IL 60126, Contact: Ron Sturm, Phone: (312) 832-5658.

(75) *Laboratory:* Pollution Control Science, Inc.

Address: 6015 Manning Rd., Miamisburg, OH 45342, Contact: Sheila J. Gaston, Phone: (513) 866-5908.

(76) *Laboratory:* Pro-Ac Asbestos Services.

Address: 5736 Tri-County Hwy., Sardinia, OH 45171, Contact: Fred Schmalz, Phone: (513) 542-8708.

(77) *Laboratory:* Randolph & Associates, Inc. (NIST).

Address: 5440 North Cumberland Ave., Suite 111, Chicago, IL 60656, Contact: Bruce Stockmeier, Phone: (312) 693-6030.

(78) *Laboratory:* Randolph & Associates, Inc. (NIST).

Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Kirk Sweetland, Phone: (309) 692-4422.

(79) *Laboratory:* Reed City Hospital.

Address: 7665 Patterson Rd., P.O. Box 75, Reed City, MI 49677, Contact: James T. Reardon, Phone: (616) 832-3271.

(80) *Laboratory:* Ricerca, Inc. (NIST).

Address: 7528 Auburn Rd, P.O. Box 1000, Painesville, OH 44077-1000, Contact: William O. Butler, Phone: (216) 357-3300.

(81) *Laboratory:* S.E.A., Inc. (NIST).

Address: 7349 Worthington-Galena Rd., Columbus, OH 43085, Contact: Jami J. St. Clair, Phone: (614) 888-4160.

(82) *Laboratory:* Sea Earth & Air Environmental, Consultants, Inc. (NIST).

Address: 4651 North Paulina, Chicago, IL 60640, Contact: Barbera Carr, Phone: (312) 878-8337.

(83) *Laboratory:* Shaw Environmental Analytical, Laboratory.

Address: P.O. Box 608559, Chicago, IL 60660, Contact: Michael Shaw, Phone: (312) 973-4447.

(84) *Laboratory:* Sierra Analytical & Consulting, Services, Inc. (NIST).

Address: 307 N. 1st St., Ann Arbor, MI 48103, Contact: Dave Nelson, Phone: (313) 662-1155.

(85) *Laboratory:* Stat Analysis Corporation (NIST).

Address: 2201 West Campbell Park Dr., Chicago, IL 60612-3501, Contact: David E. Schwartz, Phone: (312) 733-0551.

(86) *Laboratory:* Stilson Laboratories, Inc.

Address: 170 North High St., Columbus, OH 43215, Contact: W. Martin Bell, Phone: (614) 228-4385.

(87) *Laboratory:* Suburban Environmental Consultants, Ltd. (NIST).

Address: 17121 Whitman, Hazelcrest, IL 60429, Contact: Henry G. Gooday, Jr., Phone: (312) 335-1808.

(88) *Laboratory:* TEM, Inc.

Address: 110 West Park Ave., Suite 210, Elmhurst, IL 60126, Contact: James Tuinenga, Phone: (312) 530-2390.

(89) *Laboratory:* Testing Engineers and Consultants, Inc. (NIST).

Address: P.O. Box 249, 1333 Rochester Rd., Troy, MI 48099, Contact: Scott Chandler, Phone: (313) 588-6200.

(90) *Laboratory:* Thermo Analytical, Inc.

Address: 7314 West 90th St., Bridgeview, IL 60455, Contact: Frank P. DeFranza, Phone: (312) 430-1112.

(91) *Laboratory:* Tremco (NIST).

Address: 10701 Shaker Blvd., Cleveland, OH 44104, Contact: Charles J. Kaloczi, Phone: (216) 292-5000.

(92) *Laboratory:* Tri-State Laboratories, Dept. of Environmental Services.

Address: 19 East Front St., Youngstown, OH 44503, Contact: Bari Lateef, Phone: (216) 746-8800.

(93) *Laboratory:* Twin City Testing Corporation (NIST).

Address: 662 Cromwell Ave., St. Paul, MN 55114, Contact: Wallace J. Nosek, Jr., Phone: (612) 645-3601.

(94) *Laboratory:* Wadsworth/Alert Laboratories.

Address: P.O. Box 31454, Cleveland, OH 44131, Contact: Douglas R. Allenson, Phone: (216) 642-9151.

(95) *Laboratory:* Walker & Ward.

Address: 9119 Formington Dr., P.O. Box 12015, Evansville, IN 47712, Contact: Roger Ward, Phone: (812) 985-7877.

(96) *Laboratory:* Wausau Insurance Companies, Environmental Health Laboratory.

Address: 2000 Westwood Dr., Wausau, WI 54401, Contact: Thomas Stavros, Phone: (715) 842-6810.

(97) *Laboratory:* Wisconsin Occupational Health Labs, (NIST).

Address: 979 Jonathon Dr., Madison, WI 53711, Contact: Richard Zimmerman, Phone: (608) 263-8807.

(98) *Laboratory:* Zimmerlin Consulting Group.

Address: 3420 East 96th St., Suite A, Indianapolis, IN 46240, Contact: Daniel J. Smith, Phone: (317) 574-0848.

(99) *Laboratory:* Zimmerlin Consulting Group.

Address: 3972 Brown Park Dr., Suite D, P.O. Box 357, Hilliard, OH 43026-0357, Contact: William Zimmerlin, Phone: (513) 236-7608.

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory:* A & B Environmental Services, Inc.

Address: 15371 Woodforest Blvd., Channelview, TX 77530, Contact: Ram Ramakrishnan, Phone: (713) 457-6608.

(2) *Laboratory:* ACI & Associates.

Address: 2100 Road to Six Flags East, Arlington, TX 76011, Contact: Michael J. Lee, Phone: (817) 265-7535.

(3) *Laboratory:* ATEC Environmental Services.

Address: 11310 Newkirk St., Dallas, TX 75229-3382, Contact: Stephen D. Brandt, Phone: (214) 243-8931.

(4) *Laboratory:* Acadiana Research Laboratories, University of Southwestern Louisiana.

Address: P.O. Box 44210, Lafayette, LA 70504, Contact: Davy L. Bernard, Phone: (318) 231-6184.

(5) *Laboratory:* Accredited Industrial Hygienists.

Address: P.O. Box 6152, Pasadena, TX 77506, Contact: J. P. Forsman, Phone: (713) 477-8101.

(6) *Laboratory:* Aegis Associates - El Paso (NIST).

Address: 1280 Hawkins, Suite 120, El Paso, TX 79925, Contact: Fred Oriti, Phone: (915) 592-6556.

(7) *Laboratory:* Aegis Associates, Inc. (NIST).

Address: 44 East Ave., Suite 100/Suite 202, Austin, TX 78701-4334, Contact: Dianne Herrera, Phone: (512) 474-8789.

(8) *Laboratory:* Allied Environmental Services, Inc.

Address: 16023 I-10 East, #9, Channelview, TX 77530, Contact: Subba V. Gogineni, Phone: (713) 452-5897.

(9) *Laboratory:* Analytical Labs.

Address: 1010 Los Lomas NE, Albuquerque, NM 87106, Contact: Bob Dye, Phone: (505) 242-3845.

(10) *Laboratory:* Analytical Labs.

Address: 218 Market St., Baird, TX 79504, Contact: Bob Dye, Phone: (915) 854-1264.

(11) *Laboratory:* Arkansas Department of Health (NIST).

Address: 4815 West Markham St., Little Rock, AR 72205, Contact: Stan Faulk, Phone: (501) 661-2389.

(12) *Laboratory:* Armstrong Forensic Laboratory, Inc.

Address: 330 Loch'n Green Trail, Arlington, TX 76012, Contact: John M. Corn, Phone: (817) 275-2691.

(13) *Laboratory:* Assaigai Analytical Laboratories.

Address: 7300 Jefferson, NE, Albuquerque, NM 87109, Contact: Dean Dupree, Phone: (505) 345-8964.

(14) *Laboratory:* Building Environmental Systems, Inc., (NIST).

Address: 3501 North MacArthur, Suite 400B, Irving, TX 75062, Contact: Amy L. Smith, Phone: (214) 257-0787.

(15) *Laboratory:* Central Analytical Laboratories, Inc., (NIST).

Address: 2600 Marietta Ave., Kenner, LA 70062, Contact: David R. Lasater, Phone: (504) 469-3511.

(16) *Laboratory:* Chemtex Environmental Laboratory.

Address: 1747 7th Ave., Port Arthur, TX 77642, Contact: C.N. Reddy, Phone: (409) 983-4575.

(17) *Laboratory:* Continental Technical Services, Environmental Health Division.

Address: 9742 Skillman, Dallas, TX 75243, Contact: Carolyn Vercell, Phone: (214) 343-2025.

(18) *Laboratory:* Diversified Environmental, Technologies, Inc. (NIST).

Address: 132 West Main, Norman, OK 73069, Contact: Dan Tutt, Phone: (405) 360-7929.

(19) *Laboratory:* E.O.S. Environmental (NIST).

Address: 1450 Empire Central, Suite 116, Dallas, TX 75247, Contact: Thomas J. Palet, Phone: (214) 631-0862.

(20) *Laboratory:* EEG, Inc.

Address: 220A North Knoxville, Russellville, AR 72801, Contact: Anne Woker, Phone: (501) 968-6767.

(21) *Laboratory:* EIRA, Inc.

Address: 161 James Dr. West, St. Rose, LA 70087, Contact: Margaret Metcalf, Phone: (504) 469-0333.

(22) *Laboratory:* ENTEK Environmental Laboratories.

Address: 14285 Airline Highway, Baton Rouge, LA 70817-6232, Contact: Sham L. Sachdev, Phone: (504) 292-2900.

(23) *Laboratory:* Earth Tech, Inc.

Address: RR #4, Box 4, Wagoner, OK 74467, Contact: Daryl L. Lessin, Phone: (918) 485-4910.

(24) *Laboratory:* East Texas Testing Laboratory, Inc., (NIST).

Address: 1717 East Erwin, Tyler, TX 75702, Contact: Gary G. LaFrance, Phone: (214) 595-4421.

(25) *Laboratory:* Enviromed Lab.

Address: 414 West California, Ruston, LA 71270, Contact: Robert W. Flournoy, Phone: (318) 255-0060.

(26) *Laboratory:* Environmental Analysis, Inc.

Address: Route 1, Box 12, Plainview, AR 72857, Contact: Jimmy Cunningham, Phone: (501) 272-4241.

(27) *Laboratory:* Environmental Analytical Consultants.

Address: 432 North Anthony St., New Orleans, LA 70119, Contact: Michael J. Landry, Phone: (504) 482-1717.

(28) *Laboratory:* Environmental Consultants, Inc.

Address: P.O. Box 17867, Shreveport, LA 71138-0867, Contact: Rhonda L. Dillingham, Phone: (318) 687-3771.

(29) *Laboratory:* Environmental Monitoring Service, Inc.

Address: 13008 Amarillo Ave., Austin, TX 78729, Contact: Rick Pruet, Phone: (512) 335-9116.

(30) *Laboratory:* Environmental Research Institute, Inc., (NIST).

Address: P.O. Box 2024, Tyler, TX 75710, Contact: Thomas R. McKee, Phone: (214) 877-9314.

(31) *Laboratory:* Environmental Services Co., Inc., (NIST).

Address: 13715 West Markham, Little Rock, AR 72211, Contact: James Brown, Phone: (501) 221-2565.

(32) *Laboratory:* Envirotest, Inc. (NIST).

Address: P.O. Box 42812-414, Houston, TX 77042, Contact: Daniel J. Gerhardt, Phone: (713) 782-4101.

(33) *Laboratory:* Geo-Environmental Services, Inc., Austin Office.

Address: 1106 Clayton Ln., Suite 523W, Austin, TX 78723, Contact: C. Wade Mullin, Phone: (512) 454-8378.

(34) *Laboratory:* Gerald Garrett & Associates, Inc.

Address: 2720 Stemmons Freeway, Suite 805 South, Dallas, TX 75207, Contact: J. W. Knuckles, Phone: (214) 688-4457.

(35) *Laboratory:* Hanby Analytical Laboratories, Inc.

Address: 4400 South Wayside St., Suite 107, Houston, TX 77087, Contact: John D. Hanby, Phone: (713) 649-4500.

(36) *Laboratory:* Huey, Martin, & Associates.

Address: 5613 Bruyninckx Rd., Alexandria, LA 71303, Contact: Ben F. Martin, Phone: (318) 473-6431.

(37) *Laboratory:* IHST.

Address: 6709 Parkside Ct., Arlington, TX 76016, Contact: Larry Liukonen, Phone: (817) 572-6336.

(38) *Laboratory:* Kemron Environmental Services.

Address: 16550 Highland Rd., Baton Rouge, LA 70810, Contact: Thomas Bauckham, Phone: (504) 293-8650.

(39) *Laboratory:* Kiser Engineering, Inc.

Address: 211 North River St., Sequin, TX 78155, Contact: Roy Mills or Rick Kirkpatrick, Phone: (800) 426-2102.

(40) *Laboratory:* Law Engineering Testing Co.

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: C. H. Byrd, Phone: (713) 939-7161.

(41) *Laboratory:* Loflin Environmental Services, Inc.

Address: 701 Bradfield, Houston, TX 77060, Contact: James A. Murray, Phone: (713) 931-9316.

(42) *Laboratory:* Marshall Environmental Management, (NIST).

Address: 3801 N.W. 63rd St., Suite 162, Oklahoma City, OK 73112, Contact: Charles L. Marshall, Phone: (405) 842-3415.

(43) *Laboratory:* Martin Marietta Manned Space Systems, Quality Evaluation Laboratory.

Address: P.O. Box 29304, New Orleans, LA 70189, Contact: Reginald G. Salloum, Phone: (504) 257-1766.

(44) *Laboratory:* Maxim Engineers, Inc. (NIST).

Address: 11601 North Lamar, Austin, TX 78753, Contact: Fernando Yepez, Phone: (512) 837-8851.

(45) *Laboratory:* Maxim Engineers, Inc. (NIST).

Address: 2342 Fabens, P.O. Box 59902, Dallas, TX 75229, Contact: Steve Moody, Phone: (214) 247-7575.

(46) *Laboratory:* McClelland Management Services (NIST).

Address: 6100 Hillcroft, Suite 220, Houston, TX 77081, Contact: Jaye R. Stanley, Phone: (713) 995-9000.

(47) *Laboratory:* McKee Environmental Health Services.

Address: 11114 Sage Park, Houston, TX 77089, Contact: Ron McKee, Phone: (713) 481-3501.

(48) *Laboratory:* Microanalysis Laboratory, Inc. (NIST).

Address: 8499 Greenville Ave., Suite 201, Dallas, TX 75231, Contact: Carolyn Jones, Phone: (214) 340-0890.

(49) *Laboratory:* NUS Corporation (NIST).

Address: 900 Gemini, Houston, TX 77058, Contact: John W. McCormick, Phone: (713) 488-1810.

(50) *Laboratory:* National Asbestos Consultants Inc.

Address: 4619 North Santa Fe, Oklahoma City, OK 73118, Contact: Jerry Bowerman, Phone: (405) 528-6224.

(51) *Laboratory:* New Mexico State University (NIST), Electron Microscope Laboratory.

Address: Box 3EML, Las Cruces, NM 88003, Contact: Joseph LaPointe, Phone: (505) 646-3734.

(52) *Laboratory:* North American Analytical Labs.

Address: 4405 Crawford St., Abilene, TX 79605, Contact: Gene Walker, Phone: (915) 691-0172.

(53) *Laboratory:* Oklahoma State Department of Health, Special Hazard Division.

Address: P.O. Box 53551, Oklahoma City, OK 73152, Contact: William M. Kemp, Phone: (405) 271-5221.

(54) *Laboratory:* Oxford Environmental Corp.

Address: 3224 26th St., Metairie, LA 70002, Contact: J. Robert Paterek, Phone: (504) 391-0795.

(55) *Laboratory:* P.E.I. Microanalysis Laboratory D/FW, (NIST).

Address: P.O. Box 612383 (Trailer #12), D/FW Airport, TX 75261, Contact: Neal Sizemore, Phone: (214) 574-1700.

(56) *Laboratory:* Professional Laboratories.

Address: 1105 13th St., Lubbock, TX 79401, Contact: Craig Tannahill, Phone: (806) 747-5681.

(57) *Laboratory:* Raba-Kistner Consultants, Inc. (NIST).

Address: P.O. Box 690287, San Antonio, TX 78269-0287, Contact: Frank B. Schweitzer, Phone: (512) 699-9090.

(58) *Laboratory:* Regional Labs.

Address: 919 Glen Key, Denison, TX 75020, Contact: Cliff Wood, Phone: (214) 463-6666.

(59) *Laboratory:* Southwestern Laboratories, Inc.

Address: 2575 Lone Star Dr., Dallas, TX 75212, Contact: Lawrence M. Thompson, Phone: (214) 631-2700.

(60) *Laboratory:* Southwestern Laboratories, Inc., EES Division.

Address: P.O. Box 8768, Houston, TX 77249, Contact: Phillip Yokley, Phone: (713) 692-9151.

(61) *Laboratory:* Southwestern Public Service Co. (NIST), Systems Laboratory.

Address: P.O. Box 1261, Amarillo, TX 79170, Contact: Ronald H. Dutton, Phone: (806) 378-2121.

(62) *Laboratory:* Standard Testing & Eng. Co.

Address: 660 Distributors Row, Harahan, LA 70123, Contact: Robert E. Jones, Phone: (504) 734-8378.

(63) *Laboratory:* Standard Testing and Engineering Co.

Address: 3400 North Lincoln Blvd., Oklahoma City, OK 73105, Contact: Cheri Marcham, Phone: (405) 528-0541.

(64) *Laboratory:* Stanley Engineering Inc. & Alpha, Analytical Labs, Inc.

Address: 2700 Northwest 39th St., Oklahoma City, OK 73112, Contact: Keith L. Stanley, Phone: (405) 948-6505.

(65) *Laboratory:* Sunbelt Associates, Inc.

Address: 6961 Mayo Rd., New Orleans, LA 70126, Contact: Gary C. Allen, Phone: (504) 242-5026.

(66) *Laboratory:* Technology Serving People, Inc. (NIST).

Address: 5373 W. Alabama, Suite 450, Houston, TX 77056, Contact: Bill Hurt, Phone: (713) 621-9067.

(67) *Laboratory:* Texas Department of Health, Asbestos Abatement Branch.

Address: 1100 West 49th St., Austin, TX 78756-3199, Contact: Joel H. Smith, Phone: (512) 458-7255.

(68) *Laboratory:* Texas Research Institute (NIST), Environmental Division.

Address: 9063 Bee Cave Rd., Austin, TX 78733, Contact: Gary Rolls, Phone: (512) 263-2101.

(69) *Laboratory:* The Hartford Steam Boiler, Inspection & Insurance Co.

Address: 15415 Katy Fwy., Suite 300, Houston, TX 77094, Contact: Diana Spence, Phone: (713) 578-7300.

(70) *Laboratory:* Waldemar S. Nelso & Co., Inc.

Address: 1200 St. Charles Ave., New Orleans, LA 70130, Contact: Laura E. Yager, Phone: (504) 523-5281.

(71) *Laboratory:* Weintritt Testing Laboratories, Inc.

Address: 305 Andrew Guidry Rd., P.O. Box 30162, Lafayette, LA 70593, Contact: Richard G. Tietz, Phone: (318) 981-1560.

(72) *Laboratory:* West-Paine Laboratories, Inc.

Address: 7979 G. S. R. I. Ave., Baton Rouge, LA 70820, Contact: Jonny H. Vickers, Phone: (504) 769-4900.

REGION VII -- Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, 726 Minnesota Ave., Kansas City, KS 66101. (913) 236-2835, (FTS) 757-2835.

(1) *Laboratory:* ACM Labs, Inc.

Address: 304 North Main, P.O. Box 2073, Fairfield, IA 52556, Contact: David Fleshman, Phone: (515) 472-7402.

(2) *Laboratory:* ALERT Analytical Laboratories (NIST).

Address: 1900 West 47th Pl., #302, Westwood, KS 66205, Contact: Kevin Santee, Phone: (913) 831-4795.

(3) *Laboratory:* Abshier & Associates, Ltd.

Address: 524 Northeast Malibu Dr., Lee's Summit, MO 64063, Contact: Shirley A. Abshier, Phone: (816) 524-9203.

(4) *Laboratory:* Ames Environmental (NIST).

Address: 3910 Lincoln Way, Ames, IA 50010, Contact: David Fairchild, Phone: (515) 292-3400.

(5) *Laboratory:* Asbestos Consulting & Testing.

Address: 15001 West 101st Ter., Lenexa, KS 66215, Contact: Jim A. Pickel, Phone: (913) 492-1337.

(6) *Laboratory:* Baird Scientific.

Address: P.O. Box 842, Carthage, MO 64836, Contact: Gary Baird, Phone: (417) 358-5567.

(7) *Laboratory:* CHART Services, Ltd. (NIST).

Address: 12616 West 62nd Ter., Suite 118, P.O. Box 18, Shawnee, KS 66216, Contact: Bernie Hemlick, Phone: (913) 268-0715.

(8) *Laboratory:* CHART Services, Ltd. (NIST).

Address: 7912 Davenport St., Omaha, NE 68114, Contact: Carmen Riegel, Phone: (402) 393-0155.

(9) *Laboratory:* Certified Environmental Management, Inc.

Address: P.O. Box 504, Salina, KS 67402-0504, Contact: Brenda A. Tolson, Phone: (913) 536-8315.

(10) *Laboratory:* Chart Services, Ltd. (NIST).

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.

(11) *Laboratory:* Hall-Kimbrell Environmental Services, Inc.

Address: 4840 West 15th St., Lawrence, KS 66046, Contact: W. David Kimbrell, Phone: (913) 749-2381.

(12) *Laboratory:* IPRSS.

Address: 503 Main St., Belton, MO 64012, Contact: George S. McDowell, Phone: (816) 331-0002.

(13) *Laboratory:* Industrial Testing Laboratories, Inc., (NIST).

Address: 2350 Seventh Blvd., St. Louis, MO 63104, Contact: William J. Lowry, Phone: (314) 771-7111.

(14) *Laboratory:* Langston Laboratories, Inc.

Address: 2005 West 103rd Ter. (B), Leawood, KS 66206, Contact: Alan Kerschen, Phone: (913) 341-7800.

(15) *Laboratory:* Larron Laboratory.

Address: 529 Broadway, Cape Girardeau, MO 63701, Contact: David J. Roth, Phone: (314) 334-8910.

(16) *Laboratory:* MD Chemical & Testing Co., Inc.

Address: 5205 Southwest Dr., Suite B & C, P.O. Box 67094, Topeka, KS 66667, Contact: Michael A. Dalrymple, Phone: (913) 862-1503.

(17) *Laboratory:* Mayhew Environmental Training, Associates.

Address: 901 Kentucky, Suite 305A, Lawrence, KS 66044, Contact: Robert G. Williams, Phone: (913) 842-6382.

(18) *Laboratory:* Microscopic Analysis, Inc. (NIST).

Address: 989 Gardenview Office Parkway, St. Louis, MO 63141, Contact: Douglas N. Nimmo, Phone: (314) 993-2212.

(19) *Laboratory:* Midwest Environmental Testing &, Training, Inc. (NIST).

Address: 635 SW 2nd St., Lee's Summit, MO 64063, Contact: Steve Minshall, Phone: (816) 525-6681.

(20) *Laboratory:* Midwestern Testing Labs, Inc. (NIST).

Address: P.O. Box 1657, Fairfield, IA 52556, Contact: Dennis Greenley, Phone: (515) 472-1881.

(21) *Laboratory:* Nebraska Testing Laboratories, Inc.

Address: 4123 South 67th St., Omaha, NE 68117-1086, Contact: Lynn A. Knudtson, Phone: (402) 331-4453.

(22) *Laboratory:* Net Midwest Inc., Cedar Falls Division, (NIST).

Address: 704 Enterprise Dr., Cedar Falls, IA 50613, Contact: Michael McGee, Phone: (319) 277-2401.

(23) *Laboratory:* The University of Iowa (NIST), University Hygienic Laboratory.

Address: , Iowa City, IA 52242, Contact: I. A. Schwabbauer, Phone: (319) 353-5990.

(24) *Laboratory:* University of Missouri - Kansas City, (NIST).

Address: Chemistry Department, Kansas City, MO 64110, Contact: Dr. Peter F. Lott, Phone: (816) 276-2289.

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) 293-1744, (FTS) 564-1744.

(1) *Laboratory:* ATC Environmental, Inc. (NIST).

Address: 1515 East Tenth St., Sioux Falls, SD 57103, Contact: Donald Beck, Phone: (605) 338-0555.

(2) *Laboratory:* Analytica, Inc. (NIST).

Address: 5930 McIntyre St., Golden, CO 80403, Contact: Daniel M. Benecke, Phone: (303) 279-2583.

(3) *Laboratory:* Associated Laboratories, Inc.

Address: 1275 Ithaca Dr., Boulder, CO 80303, Contact: Robert M. Stieha, Phone: (303) 691-2335.

(4) *Laboratory:* Bison Engineering/ Research.

Address: P.O. Box 1703, Helena, MT 59624, Contact: Patricia E. Groll, Phone: (406) 442-5768.

(5) *Laboratory:* Colorado State University Department, of Environmental Health.

Address: B120 Microbiology Building, Fort Collins, CO 80523, Contact: Roy C. Warbington, Phone: (303) 491-7038.

(6) *Laboratory:* DCM Science Laboratory (NIST).

Address: 12975 West 24th Pl., Golden, CO 80401, Contact: Donna C. Mefford, Phone: (303) 237-0110.

(7) *Laboratory:* Datachem, Inc.

Address: 960 West LeVoy Dr., Salt Lake City, UT 84123, Contact: Lance Eggenberger, Phone: (801) 266-7700.

(8) *Laboratory:* Dixon Information, Inc.

Address: 4806 Quail Point Roads, Salt Lake City, UT 84124, Contact: Willard C. Dixon, Phone: (801) 278-7233.

(9) *Laboratory:* Environmental Safety Systems, Inc.

Address: 11435 West 48th Ave., Wheat Ridge, CO 80033-2101, Contact: Douglas J. Fitzgerald, Phone: (303) 232-0707.

(10) *Laboratory:* HTI Laboratories & Industrial, Consultants.

Address: 1806 Main Ave., Fargo, ND 58103, Contact: Constance S. Hodny, Phone: (701) 232-1399.

(11) *Laboratory:* HTI Laboratories & Industrial, Consultants, Inc.

Address: 7727 West 6th Ave., Bay E, Lakewood, CO 80215, Contact: Constance S. Hodny, Phone: (303) 773-9616.

(12) *Laboratory:* HTI Laboratories & Industrial, Consultants, Inc. (Mobile Lab).

Address: Box 8192, Fargo, ND 58109, Contact: Constance S. Hodny, Phone: (701) 237-9750.

(13) *Laboratory:* Hager Laboratories, Inc.

Address: 11234 E. Caley Ave., Englewood, CO 80111, Contact: Patricia Manning, Phone: (303) 790-2727.

(14) *Laboratory:* Northern Engineering & Testing, Inc., (NIST).

Address: 600 South 25th St., Billings, MT 59107, Contact: Kathleen Smit, Phone: (406) 248-9161.

(15) *Laboratory:* Occupational Health Technologies, Inc.

Address: 171 University Circle, Pueblo, CO 81005, Contact: Thomas F. Antonson, Phone: (719) 566-0422.

(16) *Laboratory:* Professional Service Ind., Inc. (NIST), Pittsburgh Testing Lab. Div.

Address: 2955 South West Temple St., Salt Lake City, UT 84115, Contact: Herb Ritzman, Phone: (801) 484-8827.

(17) *Laboratory:* Sathe Analytical Lab., Inc.

Address: P.O. Box 1527, Williston, ND 58801, Contact: Neal Falk, Phone: (701) 572-3632.

(18) *Laboratory:* Survey, Management, and Design.

Address: P.O. Box 8021, Fargo, ND 58109, Contact: Peter L. Mehl, Phone: (701) 234-9556.

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105, (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory:* ACCULAB Environmental Services (NIST).

Address: 3700 Lakeville Hwy., Petaluma, CA 94952, Contact: Olivia Alejandro, Phone: (707) 778-4160.

(2) *Laboratory:* ASBESTECH.

Address: 6801 Fair Oaks Blvd., Suite H, Carmichael, CA 95608, Contact: Tommy G. Conlon, Phone: (916) 481-8902.

(3) *Laboratory:* Aerojet TechSystems Co. (NIST), Quality Assurance Testing Laboratory.

Address: P.O. Box 13222, Dept. 9410, Bldg. 2004, Sacramento, CA 95813, Contact: Glynis Foulk Gore, Phone: (916) 355-3496.

(4) *Laboratory:* Analytical Research Laboratories, Inc.

Address: 160 Taylor St., P.O. Box 2360, Monrovia, CA 91016, Contact: D.W. Kohlenberger, Phone: (818) 357-3247.

(5) *Laboratory:* Applied Petrography, Inc.

Address: 8520 Sorenson Ave., Suite E, Santa Fe Springs, CA 90670, Contact: Joanna Deane, Phone: (213) 945-3468.

(6) *Laboratory:* Asbestest, Inc.

Address: 1550 Dell Ave., Suite E, Campbell, CA 95008, Contact: Robert M. Kumagai, Phone: (408) 374-3360.

(7) *Laboratory:* Asbestos Detection Co., Inc. (NIST).

Address: 12755 Brookhurst St., Suite 206, Garden Grove, CA 92640, Contact: Richard L. Frauenberger, Phone: (714) 530-1922.

(8) *Laboratory:* Asbestos Management Services, Inc.

Address: 14829 Proctor Ave., Industry, CA 91746, Contact: Joseph Johnson, Phone: (818) 961-4303.

(9) *Laboratory:* Associated Safety Consultants.

Address: 13363 Saticoy St., #204, North Hollywood, CA 91605, Contact: Dan Flaherty, Phone: (818) 503-0471.

(10) *Laboratory:* BSE Labs, Inc.

Address: 50 East Foothill Blvd., Arcadia, CA 91006, Contact: Gustavo Delgado, Phone: (818) 355-0818.

(11) *Laboratory:* California Water Labs (NIST).

Address: 1430 Carpenter Ln., Modesto, CA 95352, Contact: Gloria Poling, Phone: (209) 527-4050.

(12) *Laboratory:* Cam Lab.

Address: 3435 Artesia Blvd., Suite 41, Torrance, CA 90504, Contact: Michael R. Tiffany, Phone: (213) 327-8879.

(13) *Laboratory:* Certified Engineering & Testing Co., Inc. (NIST).

Address: 725 Greenwich St., #204, San Francisco, CA 94133, Contact: Cabe Silverhame, Phone: (415) 986-6872.

(14) *Laboratory:* Certified Testing Laboratories, Inc.

Address: 2905 East Century Blvd., South Gate, CA 90280, Contact: Stuart E. Salot, Phone: (213) 564-2641.

(15) *Laboratory:* Clark Geological Services.

Address: 3479 Edison Way, Fremont, CA 94538, Contact: Joyce Lucas-Clark, Phone: (415) 659-1784.

(16) *Laboratory:* Clayton Environmental Consultants, Inc.

Address: 1252 Quarry Ln., Pleasanton, CA 94566, Contact: Warren C. Steele, Phone: (415) 426-2600.

(17) *Laboratory:* Dan Napier & Associates (NIST).

Address: 15342 Hawthorne Blvd., Suite 207, P.O. Box 1540, Lawndale, CA 90260-6440, Contact: Dan Napier, Phone: (213) 644-1924.

(18) *Laboratory:* Dyer Laboratories, Inc. (NIST).

Address: 2531 West 237th St., #121, Torrance, CA 90505, Contact: D.L. Dyer, Phone: (213) 530-3322.

(19) *Laboratory:* E & A Env'l Service, Inc.

Address: 15943 Clark Ave., Bellflower, CA 90706, Contact: Ebbiteanga Abili, Phone: (213) 925-5080.

(20) *Laboratory:* EMS Laboratories (NIST).

Address: 211 Pasadena Ave., South Pasadena, CA 91030-2919, Contact: Bernadine M. Kolk, Phone: (213) 257-2002.

(21) *Laboratory:* Env'l Safety Systems, Inc.

Address: 9041-17 Dice Rd., Santa Fe Springs, CA 90670, Contact: Al Fahrenbruch, Phone: (213) 944-2520.

(22) *Laboratory:* Enviromed, Inc.

Address: 2200 East River Rd., Suite 122, P.O. Box 30854, Tucson, AZ 85718, Contact: Steven Pike, Phone: (602) 577-0818.

(23) *Laboratory:* Environmental In Ovations (NIST).

Address: 7700 Edgewater Dr., Suite 665, Oakland, CA 94621, Contact: Kip Fout, Phone: (415) 632-0104.

(24) *Laboratory:* Eureka Laboratories, Inc.

Address: 3401 La Grande Blvd., Sacramento, CA 95823, Contact: Steven K. Leung, Phone: (916) 428-1193.

(25) *Laboratory:* Fiberquant, Inc. (NIST).

Address: 4824-B South 35th St., Phoenix, AZ 85040, Contact: Larry Pierce, Phone: (602) 276-6138.

(26) *Laboratory:* Firemans Fund, Environmental Laboratory.

Address: 3700 Lakeville Highway, Petaluma, CA 94952, Contact: Jerry Tuma, Phone: (707) 778-4160.

(27) *Laboratory:* Forensic Analytical Specialities, Inc., (NIST).

Address: 3777 Depot Rd., Suite 408, Hayward, CA 94545, Contact: Stephen A. Shaffer, Phone: (415) 887-8828.

(28) *Laboratory:* GT Environmental Laboratories, Western Region.

Address: 4080-C Pike Ln., Concord, CA 94520, Contact: Safy Khalifa, Phone: (415) 685-7852.

(29) *Laboratory:* Gemeni Petrographic Investigations.

Address: P.O. Box 2127, Novato, CA 94948, Contact: Peter A. Almendinger, Phone: (415) 892-9016.

(30) *Laboratory:* Hall-Kimbrell Environmental Services.

Address: 646 South Brea Canyon Rd., Walnut, CA 91789, Contact: Joel K. Davidson, Phone: (714) 594-3232.

(31) *Laboratory:* Hall-Kimbrell Environmental Services.

Address: 2615 South King St., Suite 2A, Honolulu, HI 96826, Contact: S. Gil Cobb, Phone: (913) 749-2381.

(32) *Laboratory:* Health Sciences Associates.

Address: 10771 Noel St., Los Alamitos, CA 90720, Contact: Kathy S. Jones, Phone: (714) 220-3922.

(33) *Laboratory:* IT Corporation-Cerritos.

Address: 17605 Fabrica Way, Cerritos, CA 90701, Contact: Mary Hammons, Phone: (213) 921-9831.

(34) *Laboratory:* J.M. Cohen, Inc.

Address: 155 Bovet Rd., Suite 300, San Mateo, CA 94402, Contact: Joel Cohen, Phone: (415) 349-9737.

(35) *Laboratory:* Kellco Asbestos Analytical Services, (NIST).

Address: P.O. Box 1339, Freemont, CA 94538, Contact: Bonnie Lee Kellogg, Phone: (415) 659-9751.

(36) *Laboratory:* Kellco Services, Inc. (NIST).

Address: 8421 Auburn Ave., Citrus Heights, CA 95610, Contact: Duane Graves, Phone: (916) 722-7997.

(37) *Laboratory:* Los Angeles City (NIST), Dept. of Water & Power.

Address: 1630 North Main St., Bldg. 7, P.O. Box 111, Los Angeles, CA 90051, Contact: Timothy B. Hemming, Phone: (213) 481-6691.

(38) *Laboratory:* McClara Laboratory, Asbestos Control Division.

Address: 1231 Gary Way, Carmichael, CA 95608, Contact: Michael McClara, Phone: (916) 489-9202.

(39) *Laboratory:* McCrone Environmental Services, Inc.

Address: 120 Newport Center Dr., Suite 240, Newport Beach, CA 92660, Contact: William Millar, Phone: (714) 759-6619.

(40) *Laboratory:* Med-Tox Associates, Inc. (NIST).

Address: 1229 Morena Blvd., San Diego, CA 92110, Contact: Thomas Vernon Dagenhart, Phone: (619) 276-8843.

(41) *Laboratory:* Microanalytical Services, Inc. (NIST).

Address: 201 South Lake Ave., Suite 402, Pasadena, CA 91101, Contact: Nancy Carraway, Phone: (818) 356-7400.

(42) *Laboratory:* Microprobe.

Address: 5104 East Burns, Tucson, AZ 85711, Contact: James R. Kessler, Phone: (602) 745-1189.

(43) *Laboratory:* National Asbestos Labs, Inc. (NIST).

Address: 2235 Polvorosa Ave., Suite 220, San Leandro, CA 94577, Contact: Kevin Smith, Phone: (415) 357-9555.

(44) *Laboratory:* PACE Laboratories (NIST).

Address: 11 Digital Dr., Novato, CA 94949, Contact: John Hembrow-Beach, Phone: (415) 883-6100.

(45) *Laboratory:* Particle Diagnostics, Inc. (NIST).

Address: 1274 Morena Blvd., San Diego, CA 92109, Contact: Dan Baxter, Phone: (619) 276-2200.

(46) *Laboratory:* Precision Micro-Analysis.

Address: 5665 Power Inn Rd., Suite 102, Sacramento, CA 95824, Contact: J. Benjamin Smith, Phone: (916) 381-0694.

(47) *Laboratory:* R.J. Lee Group, Inc. (NIST).

Address: 2424 6th St., Berkeley, CA 94710, Contact: Jesse E. Fisher, Phone: (415) 486-8319.

(48) *Laboratory:* Radiation Detection Co.

Address: 162 Wolfe Rd., P.O. Box 1414, Sunnyvale, CA 94088, Contact: Susan Gagner, Phone: (408) 735-8700.

(49) *Laboratory:* Santa Rita Analytical.

Address: 5055 East Broadway, Suite D-208, Tucson, AZ 85711, Contact: James C. Faas, Phone: (602) 790-4491.

(50) *Laboratory:* Schwein/Christensen Eng., Ltd. (NIST).

Address: 3397 Mt. Diablo Blvd., Suite E, Lafayette, CA 94549, Contact: Conrad Christensen, Phone: (415) 284-3311.

(51) *Laboratory:* Smith-Emery Co., Environmental/Chemical Dept.

Address: 781 East Washington Blvd., Los Angeles, CA 90021, Contact: Jack C. Carmody, Phone: (213) 749-3411.

(52) *Laboratory:* Southwest Hazard Control, Inc.

Address: 10941 North Coyote Ln., Tucson, AZ 85741, Contact: Gerald J. Karches, Phone: (602) 744-1060.

(53) *Laboratory:* Sunshine Environmental Laboratory.

Address: 2681 Lincoln Rd., Las Vegas, NV 89115, Contact: Nathan M. Lencioni, Phone: (702) 452-3952.

(54) *Laboratory:* TMA/NORCAL Corporation (NIST).

Address: 2030 Wright Ave., Richmond, CA 94804, Contact: Rosemary Sliney, Phone: (415) 235-2633.

(55) *Laboratory:* Tabershaw & Associates, Inc.

Address: 3938 East Grant Rd., #433, Tucson, AZ 85712, Contact: Irving R. Tabershaw, Phone: (602) 299-3302.

(56) *Laboratory:* Toxscan, Control Lab.

Address: 1234 Highway I, Watsonville, CA 95076, Contact: Frank Shields, Phone: (408) 724-4427.

(57) *Laboratory:* Truesdale Laboratories, Inc.

Address: 14201 Franklin Ave., Tustin, CA 92680, Contact: Karl Schiller, Phone: (714) 730-6239.

(58) *Laboratory:* United States Testing, Inc. EST-West.

Address: 3491 Kurtz St., P.O. Box 80985, San Diego, CA 92110, Contact: Craig Sobotka, Phone: (619) 222-0544.

(59) *Laboratory:* Unitek Environmental Consultants, Inc.

Address: 2889 Mokumoa St., Honolulu, HI 96819, Contact: Irene Enoki, Phone: (808) 834-1444.

(60) *Laboratory:* University Associates, Ltd.

Address: 2425-A N. Huachuca Dr., Tucson, AZ 85745, Contact: Frank Mendoza, Phone: (602) 624-9366.

(61) *Laboratory:* Van Houten Consultants, Inc.

Address: P.O. Box 2659, Novato, CA 94948, Contact: Gregory P. Arnold, Phone: (415) 897-6805.

(62) *Laboratory:* Western Technologies, Inc.

Address: 3737 East Broadway Rd., P.O. Box 21387, Phoenix, AZ 85036, Contact: Denice Miller, Phone: (602) 437-3737.

REGION X -- Seattle, WA

Regional Asbestos Coordinator: Walter Jasper, EPA, Region X, 1200 Sixth Ave. (AT-083), Seattle, WA 98101. (206) 442-4762, (FTS) 399-2870.

(1) *Laboratory:* AM TEST, Inc. (NIST).

Address: 14603 Northeast 87th St., Redmond, WA 98052, Contact: John T. Dailey, Phone: (206) 885-1664.

(2) *Laboratory:* Asbestos Microscopy, Inc.

Address: 10463 Northeast Fourth Plain Rd., Vancouver, WA 98662, Contact: Paul Carlson, Phone: (206) 256-6455.

(3) *Laboratory:* Cascade Analytical Service.

Address: 3640 South Cedar St., Suite O, Tacoma, WA 98409, Contact: Juin B. J. TeVrucht, Phone: (206) 472-6909.

(4) *Laboratory:* Coffey Laboratories, Inc.

Address: 4914 Northeast 122nd Ave., Portland, OR 97230, Contact: Fredrick C. Colley, Phone: (503) 254-1794.

(5) *Laboratory:* Eastwood Testing Laboratory, Inc.

Address: 7325 Southeast 133rd Pl., Portland, OR 97236, Contact: Misko Maynard, Phone: (503) 761-0922.

(6) *Laboratory:* Environmental Consulting Services, Inc. (NIST).

Address: 1259 Willamette St., Eugene, OR 97401, Contact: Richard W. Carlin, Phone: (503) 345-6790.

(7) *Laboratory:* Environmental Consulting Services, Inc. (NIST).

Address: 3601 Northwest Yeon, Suite 134, Portland, OR 97210, Contact: Sheila Monroe, Phone: (503) 227-7210.

(8) *Laboratory:* Environmental Safety Systems, Inc.

Address: 12822 Gateway Dr., Seattle, WA 98168, Contact: Richard C. Thompson, Phone: (206) 243-6573.

(9) *Laboratory:* Environmental Science & Eng. Inc.

Address: 1205 E. Int. Airport Rd., Suite 100, Anchorage, AK 99518, Contact: Doug Jones, Phone: (907) 561-3055.

(10) *Laboratory:* Frandon Enterprises, Inc.

Address: 511-North 48th, Seattle, WA 98103, Contact: Donald M. Wallace, Phone: (206) 633-2341.

(11) *Laboratory:* HAZCON, Inc.

Address: 16325 Southwest Boones Ferry Rd., #107, Lake Oswego, OR 97035, Contact: Gerald Liddell, Phone: (503) 636-7371.

(12) *Laboratory:* HAZCON, Inc.

Address: 5950 6th Ave. S, Seattle, WA 98108, Contact: Maria K. Majar, Phone: (206) 763-7364.

(13) *Laboratory:* Hanford Environmental Health, Foundation NHS, Inc. (NIST).

Address: 2950 C George Washington Way, Richland, WA 99352, Contact: Maureen Hamilton, Phone: (509) 376-6980.

(14) *Laboratory:* M & M Environmental, Inc. (NIST).

Address: 3902 North 34th St., Tacoma, WA 98407, Contact: Mike Reid, Phone: (206) 572-2772.

(15) *Laboratory:* Microlab Northwest (NIST).

Address: 7609 140th Pl., NE, Redmond, WA 98052, Contact: Russel Crutcher, Phone: (206) 885-9419.

(16) *Laboratory:* Northern Testing Laboratories, Inc.

Address: 600 University Plaza W., Suite A, Fairbanks, AK 99709, Contact: Linda J. Hendershot, Phone: (907) 479-3115.

(17) *Laboratory:* Northwest Asbestos Consultants.

Address: 524 Northwest State, Bend, OR 97701, Contact: Dale A. Schmidt, Phone: (503) 382-7553.

(18) *Laboratory:* Northwest Environmental Services.

Address: Maritime Bldg., Suite 336, 911 Western Ave., Seattle, WA 98104, Contact: Mia D. Sazon, Phone: (206) 662-8353.

(19) *Laboratory:* Oregon Analytical Laboratory (NIST).

Address: 14655 Southwest Old Schools Ferry Rd., Beaverton, OR 97007, Contact: Howard Boorse, Phone: (503) 644-5300.

(20) *Laboratory:* Professional Service Ind., Inc.

Address: 700 West 58th St., Anchorage, AK 99518-1632, Contact: John Buzdor, Phone: (907) 561-2400.

(21) *Laboratory:* Professional Service Ind., Inc.

Address: 611 Southeast Harrison St., Portland, OR 97214, Contact: Judy Grant, Phone: (503) 232-2183.

(22) *Laboratory:* Puget Sound Naval Shipyard (NIST).

Address: Code 1343, Bremerton, WA 98314, Contact: Charles Laubach, Phone: (206) 476-8092.

(23) *Laboratory:* Quest Environmental Inc.

Address: 709 West Int'l Airport Rd., Suite 100, Anchorage, AK 99518, Contact: John Johnston, Phone: (907) 563-0050.

(24) *Laboratory:* Snake River Asbestos, Inc.

Address: 1310 Vista, Suite 1A, Boise, ID 83705, Contact: Robin Schmidt, Phone: (208) 336-4993.

(25) *Laboratory:* Taylor Laboratories, Inc.

Address: 724A Siginaka Way, Sitka, AK 99835, Contact: Lawrence Taylor, Jr., Phone: (907) 747-6364.

(26) *Laboratory:* Terra Test Analytical Labs, Inc.

Address: 1003 Main St., Suite 2, Summer, WA 98390, Contact: Pedro G. Armenta, Phone: (206) 863-5404.

(27) *Laboratory:* Weyerhaeuser Co., Safety & Health Service Laboratory.

Address: 32901 32nd Dr., S., Federal Way, WA 98003, Contact: Christopher Kirk, Phone: (206) 924-6639.

Non-Domestic PLM Laboratories

(1) *Laboratory:* Pinchin Harris Holland Associates, Ltd. (NIST).

Address: #200-1285 West Pender St., Vancouver, BC, V6E 4B1, Canada, Contact: Geoffrey A. Clark, Phone: (604) 669-5979.

(2) *Laboratory:* Chatfield Technical Consulting, Ltd., (NIST).

Address: 2071 Dickson Rd., Mississauga, Ontario, Canada L5B 1YB, Contact: Eric Chatfield, Phone: (416) 896-7611.

(3) *Laboratory:* McMaster Laboratory, Occupational Health Laboratory.

Address: 1200 Main St. West, Hamilton, Ontario, Canada L8N 3Z5, Contact: Dave K. Verma, Phone: (416) 525-9140.

(4) *Laboratory:* Ontario Research Foundation, Sheridan Park Research Comm.

Address: Mississauga, Ontario, Canada L5K 1B3, Contact: Irina Sherman, Phone: (416) 822-4111.

(5) *Laboratory:* Okinawa Eng. Analysis Ctr. Co., Ltd.

Address: 777 Ojana, Ginowan, Okinawa, Japan 901-22, Contact: Fuminori Nishime, Phone: (098) 897-0910.

EPA Accredited Non-Commercial PLM Laboratories

REGION I -- Boston, MA

Regional Asbestos Coordinator: Joe DeCola, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3835.

(1) *Laboratory:* Division of Occupational Hygiene, Asbestos Commission.

Address: 1001 Watertown St., West Newton, MA 02165, Contact: Frank Kramarz, Phone: (617) 727-3983.

(2) *Laboratory:* Environmental Health and Safety, Harvard University.

Address: 46 Oxford St., Cambridge, MA 02138, Contact: Quality Control Manager, Phone: (617) 495-2090.

(3) *Laboratory:* Olin Corp., Environmental Hygiene Laboratory.

Address: 91 Shelton Ave., P.O. Box 30-9643, New Haven, CT 06511, Contact: James P. Dawson, Phone: (203) 789-5613.

(4) *Laboratory:* State of Maine, Department of Human, Services, Public Health Laboratory.

Address: 221 State St., Augusta, ME 04333, Contact: Thomas Dwyer, Phone: (207) 289-2727.

REGION II -- Edison, NJ

Regional Asbestos Coordinator: Arnold Freiberger, EPA, Region II, Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6671, (FTS) 340-6671.

(1) *Laboratory:* Hess Oil Virgin Islands Corp.

Address: P.O. Box 127, Kingshill, St. Croix, VI 00000, Contact: John L. Edgley, Phone: (809) 778-4314.

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3HW-42), 841 Chestnut Bldg., Philadelphia, PA 19107. (215) 597-3160, (FTS) 597-3160.

(1) *Laboratory:* Aluminum Company of America, Environmental Health Laboratory (NIST).

Address: ALCOA Technical Center, ALCOA Center, PA 15069, Contact: Richard A. Milito, Phone: (412) 339-6651.

(2) *Laboratory:* Diversified Environmental Corp.

Address: 30 Great Valley Parkway, Malvern, PA 19355, Contact: B. W. Langer, Phone: (215) 296-2254.

(3) *Laboratory:* Maryland Dept. of Health, Laboratories Adm. - AQL.

Address: 201 West Preston St., Room 6D1, Baltimore, MD 21203, Contact: Delores E. Willis, Phone: (301) 225-6100.

(4) *Laboratory:* National Institute of Health, Safety Support Section.

Address: Building 13, Room 3K04, Bethesda, MD 20205, Contact: Randolph K. Larsen, Phone: (301) 496-3457.

(5) *Laboratory:* Pennsylvania Department of, Environmental Resources (NIST).

Address: Bureau of Laboratories, P.O. Box 1467, 3rd & Reily St., Harrisburg, PA 17120, Contact: Paul E. Baker, Phone: (717) 787-4669.

(6) *Laboratory:* U.S. Army Environmental Hygiene Agency, RICD MAB.

Address: Bldg. E2100, Aberdeen Proving Ground, Edgewood, MD 21010-5422, Contact: John W. Courts, Phone: (301) 671-2619.

REGION IV -- Atlanta, GA

Regional Asbestos Coordinator: Liz Wilde, EPA, Region IV, 345 Courtland St., NE, (4APT-PT), Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

(1) *Laboratory:* Alabama Power Company.

Address: P.O. Box 2641, Birmingham, AL 35291, Contact: W. Steve Hill, Phone: (205) 664-6081.

(2) *Laboratory:* EG&G Florida, Occupational Medicine & Environmental, Health Services.

Address: P.O. Box 21296, Kennedy Space Center, FL 32815, Contact: Patricia L. Colomore, Phone: (407) 867-3829.

(3) *Laboratory:* Georgia Tech Research Institute.

Address: GTRI/EDL/EHSD Emerson A112, Atlanta, GA 30332, Contact: Marilyn S. Black, Phone: (404) 894-3825.

(4) *Laboratory:* The University of Alabama, Office of Health & Safety.

Address: 12 Thomas Circle, P.O. Box 6095, University, AL 35486, Contact: Hal Barrett, Phone: (205) 348-5905.

(5) *Laboratory:* Western Kentucky University, Electron Microscopy Facility.

Address: Department of Biology, Bowling Green, KY 42101, Contact: J. Rodney McCurry, Phone: (502) 745-5993.

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5-SPT-7), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

(1) *Laboratory:* Allis Memorial Hospital (NIST), Industrial Toxicology Laboratory.

Address: 8901 West Lincoln Ave., West Allis, WI 53227, Contact: Leon A. Saryan, Phone: (414) 546-6313.

(2) *Laboratory:* Chicago Board of Education.

Address: 8600 South Komensky, Chicago, IL 60652, Contact: Henry G. Gooday, Jr., Phone: (312) 890-7865.

(3) *Laboratory:* Commonwealth Edison/SMAD.

Address: 1319 South First Ave., Maywood, IL 60153, Contact: Richard R. Dlesk, Phone: (312) 450-5435.

(4) *Laboratory:* General Motors, GM Technical Center.

Address: Res. Adm. Bldg. 3-229, Warren, MI 48090, Contact: Donald J. Hart, Phone: (313) 986-1056.

(5) *Laboratory:* Illinois Department of Public Health, Springfield Laboratory.

Address: 134 North Ninth St., Springfield, IL 62701, Contact: James B. Hundley, Phone: (217) 782-6562.

(6) *Laboratory:* Indiana State Board of Health, Industrial Hygiene Laboratory.

Address: 1330 West Michigan St., Indianapolis, IN 46206, Contact: John Ruyack, Phone: (317) 633-0692.

(7) *Laboratory:* State of Illinois Department of Public, Health, Toxicology Laboratory.

Address: 2121 West Taylor St., Chicago, IL 60612-4285, Contact: Dietmar Grohlich, Phone: (312) 693-4766.

REGION VI -- Dallas, TX

Regional Asbestos Coordinator: John West, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

(1) *Laboratory:* Jimmie Ann Bolton.

Address: P.O. Box 49079, Austin, TX 78765, Contact: Jimmie Ann Bolton, Phone: (512) 471-3511.

(2) *Laboratory:* Texaco Chemical Co. (NIST), Neches Plant.

Address: P.O. Box 847, Port Neches, TX 77651, Contact: Janet E. Wiiki, Phone: (409) 722-8381.

(3) *Laboratory:* U.S. Air Force.

Address: OEHL/SA, Brooks AFB, TX 78235, Contact: Jerry F. Thomas, Phone: (512) 536-2158.

(4) *Laboratory:* Univ. of Texas Health Center at Tyler, Department of Cell Biology &, Environmental Science.

Address: P.O. Box 2003, Tyler, TX 75710, Contact: Ronald F. Dodson, Phone: (214) 877-3541.

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) 293-1744, (FTS) 564-1744.

(1) *Laboratory:* AMOCO Oil Co., Mandan Refinery.

Address: Mandan Ave., P.O. Box 5000, Mandan, ND 58554, Contact: Donald K. Litchfield, Phone: (701) 667-2463.

(2) *Laboratory:* EPA-NEIC.

Address: P.O. Box 25227, Bldg. 53, DFC, Denver, CO 80225, Contact: Douglas Kendall, Phone: (303) 236-5132.

(3) *Laboratory:* Public Service Co. of Colorado.

Address: Hampden Park West, Bldg. 5H, 1500 West Hampden, Englewood, CO 80110, Contact: Richard K. Price, Phone: (303) 797-4226.

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-2), EPA, Region IX, 215 Fremont St., San Francisco, CA 94105. (415) 974-7290, (FTS) 454-7290.

(1) *Laboratory:* Clark County School District, Safety & Health Specialist.

Address: 4260 Eucalylptus Annex, Las Vegas, NV 89121, Contact: Nathan M. Lencioni, Phone: (702) 799-5011.

(2) *Laboratory:* Pacific Gas & Electric Co., Department of Engineering Research.

Address: 3400 Crow Canyon Rd., San Ramon, CA 94583, Contact: Lansing W. Wong, Phone: (415) 820-2000.

(3) *Laboratory:* Riverside County Health Department, Laboratory.

Address: 5888 Mission Blvd., Rubidoux, CA 92509, Contact: Andrew Morita, Phone: (714) 784-1860.

(4) *Laboratory:* SCAQMD Laboratory (NIST).

Address: 9150 Flair Dr., El Monte, CA 91731, Contact: Joan Niertit, Phone: (818) 572-6200.

Dated: May 24, 1989.

Dwain Winters,

Acting Director, Office of Toxic Substances.

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