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# federal register

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**WHO:** The Office of the Federal Register.

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

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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:** January 30, 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.

# Contents

Federal Register
Vol. 55, No. 9
Friday, January 12, 1990

**Agricultural Marketing Service**
RULES
Lemons grown in California and Arizona, 1173
Oranges (navel) grown in Arizona and California, 1171

**Agriculture Department**
*See* Agricultural Marketing Service; Farmers Home Administration; Forest Service

**Air Force Department**
NOTICES
Meetings:
Scientific Advisory Board, 1248

**Alcohol, Drug Abuse, and Mental Health Administration**
NOTICES
Meetings; advisory committees:
January, 1267

**Alcohol, Tobacco and Firearms Bureau**
NOTICES
Commerce in explosives:
Explosive materials list, 1306

**Arts and Humanities, National Foundation**
*See* National Foundation on the Arts and the Humanities

**Blind and Other Severely Handicapped, Committee for Purchase From**
*See* Committee for Purchase From the Blind and Other Severely Handicapped

**Coast Guard**
RULES
Merchant marine officers and seamen:
Manning requirements—
Crewmember citizenship requirements waiver, 1210

**Commerce Department**
*See also* Export Administration Bureau; International Trade Administration; National Institute of Standards and Technology; National Oceanic and Atmospheric Administration
NOTICES
Agency information collection activities under OMB review, 1239

**Committee for Purchase From the Blind and Other Severely Handicapped**
NOTICES
Procurement list, 1990:
Additions and deletions, 1246
(2 documents)
Additions and deletions; correction, 1247

**Defense Department**
*See also* Air Force Department
NOTICES
Agency information collection activities under OMB review, 1247
(2 documents)
Meetings:
U.S. Court of Military Appeals Code Committee, 1248

**Education Department**
PROPOSED RULES
Special education and rehabilitative services:
Handicapped children education program; assistance to States, 1217
NOTICES
Grants and cooperative agreements; availability, etc.:
Drug prevention programs in higher education—
Approaches to accountability in prevention program, 1248
Institution-wide program, 1248
Paul Douglas teacher scholarship program, 1248
State student incentive grant program, 1248
Meetings:
Student Financial Assistance Advisory Committee, 1250
Postsecondary education:
Stafford Loan, SLS, PLUS, or consolidation loan programs; special allowance, 1251

**Employment and Training Administration**
NOTICES
Adjustment assistance:
C-K-C Well Servicing Inc. et al., 1290
Ka'u Agribusiness Co., Inc., 1290
Olin-Hunt Specialty Products, Inc., et al., 1291

**Employment Standards Administration**
NOTICES
Meetings:
Child Labor Advisory Committee, 1293
Minimum wages for Federal and federally-assisted construction; general wage determination decisions, 1293

**Energy Department**
*See also* Energy Information Administration; Federal Energy Regulatory Commission; Hearings and Appeals Office, Energy Department
NOTICES
Environmental statements; availability, etc.:
Los Alamos National Laboratory, NM, 1251
Grant and cooperative agreement awards:
Larimer & Van Liew Associates, 1253
University of Maryland, 1253

**Energy Information Administration**
NOTICES
Agency information collection activities under OMB review, 1253–1256
(3 documents)

**Environmental Protection Agency**
NOTICES
Environmental statements; availability, etc.:
Agency statements—
Comment availability, 1260
Weekly receipts, 1260
Pesticide programs:
Nonconfidentiality of certain business information, 1261
Toxic and hazardous substances control:
Confidential business information and data transfer to contractors, 1261

Premanufacture exemption approvals, 1262
Premanufacture notices; monthly status reports, 1334–1342 (3 documents)
Water pollution control:
Ocean dumping; consent decrees and enforcement agreements—
Public file and status reports availability, 1263

**Executive Office of the President**
*See* Trade Representative, Office of United States

**Export Administration Bureau**
NOTICES
Meetings:
Automated Manufacturing Equipment Technical Advisory Committee, 1239
Automated Manufacturing Equipment Technical Advisory Committee et al., 1241
Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee, 1240, 1242 (2 documents)
Computer Systems Technical Advisory Committee, 1241, 1242 (2 documents)
Electronic Instrumentation Technical Advisory Committee, 1242

**Family Support Administration**
NOTICES
Agency information collection activities under OMB review, 1268

**Farmers Home Administration**
NOTICES
Agency information collection activities under OMB review, 1231, 1233 (2 documents)

**Federal Deposit Insurance Corporation**
NOTICES
Meetings; Sunshine Act, 1308 (2 documents)

**Federal Emergency Management Agency**
PROPOSED RULES
Flood elevation determinations:
Alabama et al., 1217
New York; correction, 1226
NOTICES
Disaster and emergency areas:
California, 1264

**Federal Energy Regulatory Commission**
RULES
Natural Gas Policy Act, etc.:
Natural gas data collection system, 1174
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Wisconsin Power & Light Co. et al., 1257
*Applications, hearings, determinations, etc.:*
Pelican Interstate Gas System, 1259

**Federal Reserve System**
NOTICES
*Applications, hearings, determinations, etc.:*
Cumberland Savings Bancshares, Inc., et al., 1264
Hart, Martin T., et al.; correction, 1264
Hess, William C., et al., 1265
MNC Financial, Inc., 1266
Premier Financial Corp., 1265
Southern Bancorp, Inc., et al., 1266
Wells Fargo & Co.; correction, 1264

**Fish and Wildlife Service**
PROPOSED RULES
Endangered and threatened species:
Desert tortoise, 1230

**Food and Drug Administration**
RULES
Animal drugs, feeds, and related products:
Luprostiol sterile solution, 1184
NOTICES
Human drugs:
Export applications—
Theophylline controlled release capsules 300 mg, 1268
Theophylline controlled release capsules 350 mg, 1267
Theophylline controlled release capsules 50 mg, 1267

**Forest Service**
NOTICES
Meetings:
Quachita National Forest Multiple Use Advisory Council, 1239

**Health and Human Services Department**
*See* Alcohol, Drug Abuse, and Mental Health Administration; Family Support Administration; Food and Drug Administration; Human Development Services Office

**Hearings and Appeals Office, Energy Department**
NOTICES
Special refund procedures; implementation, 1259

**Housing and Urban Development Department**
RULES
Mortgage and loan insurance programs:
Maximum mortgage limits for high-cost areas, 1312
NOTICES
Agency information collection activities under OMB review, 1269, 1270 (2 documents)
Grants and cooperative agreements; availability, etc.:
Facilities to assist homeless—
Excess and surplus Federal property, 1286
Organization, functions, and authority delegations:
Associate General Counsel for Equal Opportunity and Administrative Law et al., 1286

**Human Development Services Office**
NOTICES
Meetings:
President's Committee on Mental Retardation, 1269

**Interior Department**
*See* Fish and Wildlife Service; Land Management Bureau; Minerals Management Service; Mines Bureau; Surface Mining Reclamation and Enforcement Office

**Internal Revenue Service**
PROPOSED RULES
Income taxes:
Real estate mortgage investment conduits; reporting requirements, etc.; hearing, 1215

**International Trade Administration**
RULES
Short supply procedures, 1348

**Interstate Commerce Commission**
NOTICES
Rail carriers:
General purpose costing system; review, 1289
Railroad operation, acquisition, construction, etc.:
Crosbyton Railroad Co., 1289

**Labor Department**
*See* Employment and Training Administration; Employment Standards Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration

**Land Management Bureau**
RULES
Public land orders:
California, 1210
NOTICES
Meetings:
Las Cruces District Advisory Council, 1287
Survey plat filings:
New Mexico, 1287

**Mine Safety and Health Administration**
NOTICES
Safety standard petitions:
Billy Coal Co., 1294
Bodie Mining, Inc., 1295
Fountain Blue Coal Co., 1295
U.S. Steel Mining Co., Inc., 1295

**Minerals Management Service**
RULES
Royalty management:
Outer Continental Shelf oil and gas leases; net profit share payment determination; accounting procedures, 1209

**Mines Bureau**
NOTICES
Grants and cooperative agreements; availability, etc.:
Soledad Canyon demonstration project, CA; developing reliable source of titanium ore from ilmenite, 1287

**National Foundation on the Arts and the Humanities**
NOTICES
Agency information collection activities under OMB review, 1296

**National Highway Traffic Safety Administration**
RULES
Drunk driving prevention programs; incentive grant criteria, 1185
PROPOSED RULES
Motor vehicle safety standards:
Transmission shift lever sequence, starter interlock, and transmission braking effect, 1226

**National Institute of Standards and Technology**
NOTICES
Information processing standards, Federal:
COBOL, 1243
Meetings:
Weights and Measure National Conference, 1245

**National Oceanic and Atmospheric Administration**
RULES
Fishery conservation and management:
Atlantic surf clam and ocean quahog, 1213
Gulf of Mexico and South Atlantic coastal migratory pelagic resources, 1212

**Nuclear Regulatory Commission**
NOTICES
Agency information collection activities under OMB review, 1297, 1298
(4 documents)
Environmental statements; availability, etc.:
Florida Power Corp., 1298

**Occupational Safety and Health Administration**
RULES
State plans; development, enforcement, etc.:
New York, 1204
NOTICES
State plans; standards approval, etc.:
Maryland, 1296

**Office of United States Trade Representative**
*See* Trade Representative, Office of United States

**Pension Benefit Guaranty Corporation**
RULES
Multiemployer and single employer plans:
Late premium payments and employer liability underpayments and overpayments; interest rates, 1206
Multiemployer plans:
Valuation of plan benefits and plan assets following mass withdrawal—
Interest rates, 1208
Withdrawal liability; notice and collection; interest rates, 1208

**Physician Payment Review Commission**
NOTICES
Meetings, 1299

**Postal Service**
NOTICES
Meetings; Sunshine Act, 1309

**Public Health Service**
*See* Alcohol, Drug Abuse, and Mental Health Administration; Food and Drug Administration

**Securities and Exchange Commission**
NOTICES
Meetings; Sunshine Act, 1309
*Applications, hearings, determinations, etc.:*
Alliance Short-Term Multi-Market Trust, Inc., et al., 1300

**Surface Mining Reclamation and Enforcement Office**
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
Kentucky, 1216
NOTICES
Valid extisting rights determinations:
Belville Mining Co.; Wayne National Forest, OH, 1288

**Trade Representative, Office of United States**
NOTICES
Trade liberalization priorities; report, 1299

**Transportation Department**
*See also* Coast Guard; National Highway Traffic Safety Administration
PROPOSED RULES
Procedural regulations:
Payment of interest on subsidy and compensation claims; withdrawn, 1215
NOTICES
Aviation proceedings:
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 1304

**Treasury Department**
*See also* Alcohol, Tobacco and Firearms Bureau; Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 1305
Meetings:
National Center for State and Local Law Enforcement Training Advisory Committee, 1305

**Veterans Affairs Department**
NOTICES
Meetings:
Environmental Hazards Advisory Committee, 1307

---

**Separate Parts In This Issue**

**Part II**
Department of Housing and Urban Development, 1312

**Part III**
Environmental Protection Agency, 1334

**Part IV**
Environmental Protection Agency, 1338

**Part V**
Environmental Protection Agency, 1342

**Part VI**
Department of Commerce, International Trade Administration, 1348

---

**Reader Aids**
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

## CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.


**7 CFR**
907.....1171
910.....1173

**14 CFR**
**Proposed Rules:**
327.....1215

**18 CFR**
154.....1174
157.....1174
260.....1174
284.....1174
385.....1174
388.....1174

**19 CFR**
357.....1348

**21 CFR**
522.....1184

**23 CFR**
1313.....1185

**24 CFR**
201.....1312
203.....1312
234.....1312

**26 CFR**
**Proposed Rules:**
1.....1215

**29 CFR**
1956.....1204
2610.....1206
2622.....1206
2644.....1208
2676.....1208

**30 CFR**
220.....1209
**Proposed Rules:**
917.....1216

**34 CFR**
**Proposed Rules:**
302.....1217

**43 CFR**
**Public Land Orders:**
6763.....1210

**44 CFR**
**Proposed Rules:**
67 (2 documents).....1217, 1226

**46 CFR**
15.....1210

**49 CFR**
**Proposed Rules:**
571.....1226

**50 CFR**
642.....1212
652.....1213
**Proposed Rules:**
17.....1230

# Rules and Regulations

Federal Register
Vol. 55, No. 9
Friday, January 12, 1990

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.
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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 907

[Navel Orange Reg. 702]

### Navel Oranges Grown in Arizona and Designated Part of California

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from January 12 through January 18, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

**DATES:** Regulation 702 (7 CFR part 907) is effective for the period from January 12 through January 18, 1990.

**FOR FURTHER INFORMATION CONTACT:** Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 382–1754.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order 907 (7 CFR part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

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

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,065 navel orange producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented 85 percent of the total production in 1988–89. District 2 is located in the southern coastal area of California and represented 13 percent of 1988–89 production; District 3 is the desert area of California and Arizona, and it represented approximately 1 percent; and District 4, which represented approximately 1 percent, is northern California. The Committee's estimate of 1989–90 production is 83,000 cars (one car equals 1,000 cartons at 37.5 pounds net weight each), as compared with 70,633 cars during the 1988–89 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges. The Committee estimates that about 60 percent of the 1989–90 crop of 83,000 cars will be utilized in fresh domestic channels (49,500 cars), with the remainder being exported fresh (9 percent) or processed (29 percent). This compares with the 1988–89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of the crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to growers. Growers benefit from increased returns and improved market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of the regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the navel orange marketing order are required by the Committee from handlers of navel oranges. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

Major reasons for the use of volume regulations under this marketing order are to foster market stability and enhance grower revenue. Prices for navel oranges tend to be relatively inelastic at the grower level. Thus, even a small variation in shipments can have a great impact on prices and grower revenue. Under these circumstances, strong arguments can be advanced as to the benefits of regulation to growers, particularly small growers.

At the beginning of each marketing year, the Committee submits a marketing policy to the U.S. Department of Agriculture (Department) which discusses, among other things, the potential use of volume and size regulations for the ensuing season. The Committee, in its 1989–90 season marketing policy, considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Pello. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate. A "Notice of Marketing Policy" (notice), which summarized the Committee's marketing policy, was prepared by the Department and published in the October 19, 1989, issue of the **Federal Register** (54 FR 42966). The purpose of the notice was to allow public comment on the Committee's marketing policy and the impact of any regulations on small business activities.

The notice provided a 30-day period for the receipt of comments from interested persons. That comment period ended on November 20, 1989. Three comments were received. The Department is continuing its analysis of the comments received, and the analysis will be made available to interested persons. That analysis is assisting the Department in evaluating recommendations for the issuance of weekly volume regulations.

The Committee met publicly on January 9, 1990, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, with seven members voting in favor, three opposing, and one abstaining, that 1,750,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1989–90 marketing policy. This recommended amount is 50,000 cartons more than estimated in the tentative shipping schedule adopted by the Committee on November 14, 1989. Of the 1,750,000 cartons, 1,435,000 are allocated for District 1, 228,000 are allotted for District 2, and 87,000 are allotted for District 4. District 3 is not regulated since approximately 75 percent of its crop to date has been picked.

During the week ending on January 4, 1990, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,664,000 cartons compared with 1,143,000 cartons shipped during the week ending on January 5, 1989. Export shipments totaled 310,000 cartons compared with 292,000 cartons shipped during the week ending on January 5, 1989. Processing and other uses accounted for 416,000 cartons compared with 385,000 cartons shipped during the week ending on January 5, 1989.

Fresh domestic shipments to date this season total 15,391,000 cartons compared with 11,548,000 cartons shipped by this time last season. Export shipments total 2,384,000 cartons compared with 1,390,000 cartons shipped by this time last season. Processing and other use shipments total 3,845,000 cartons compared with 2,915,000 cartons shipped by this time last season.

For the week ending on January 4, 1990, regulated shipments of navel oranges to the fresh domestic market were 1,509,000 cartons on an adjusted allotment of 1,492,000 cartons which resulted in net overshipments of 17,000 cartons. Regulated shipments for the current week (January 5 through January 11, 1990) are estimated at 1,760,000 cartons on an adjusted allotment of 1,791,000 cartons. Thus, undershipments of 31,000 cartons could be carried over into the week ending on January 18, 1990.

The average f.o.b. shipping point price for the week ending on January 4, 1990, was $7.20 per carton based on a reported sales volume of 1,266,000 cartons compared with last week's average of $7.44 per carton on a reported sales volume of 714,000 cartons. The season average f.o.b. shipping point price to date is $8.39 per carton. The average f.o.b. shipping point price for the week ending on January 5, 1989, was $7.43 per carton; the season average f.o.b. shipping point price at this time last season was $8.75 per carton.

Over the weekend of December 22–25, Florida, Texas, Georgia, and Louisiana experienced a major freeze in produce-growing areas. In Florida, the extent of possible tree damage has not yet been completely determined. Freeze-damaged oranges can be harvested and used for processing, if harvested before warming temperatures cause rot in the fruit. Freeze-damaged oranges are, however, unsuitable for fresh market sale. Growers are busy salvaging as much of the crop as possible. In Texas, citrus crops were hit even harder by the cold weather. Texas citrus grown in the Rio Grande Valley experienced at least 16 hours of temperatures below 26 degrees on December 22–23. The volume of Texas citrus fruit suitable for fresh sale is uncertain, except what is currently in storage, and the extent of possible damage to citrus trees in Texas has also not yet been determined. In addition, some trees in the small citrus-producing region in Louisiana are believed to have been killed by the freeze. In all of these States, it is too early to accurately assess the total extent of the freeze damage. Warm weather conditions that have recently prevailed in those areas are expected to cause further deterioration to citrus crops that were already damaged by the freeze. More accurate information is expected to be available in a crop report which will be issued on January 11.

The Committee reports that overall demand for navel oranges is moderate. The Committee discussed the recent Florida and Texas freezes and is continuing to monitor the effects of those freezes on the California-Arizona navel orange industry.

The 1988–89 season average fresh equivalent on-tree price for California-Arizona navel oranges was $3.86 per carton, 65 percent of the season average parity equivalent price of $5.98 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1989–90 season average fresh on-tree price is estimated to be between $4.80 and $5.10 per carton. This range is equivalent to 73–78 percent of the projected season average fresh on-tree parity equivalent price of $6.54 per carton. Thus, the 1989–90 season average fresh on-tree price is not expected to exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of naval oranges that may be shipped during the period from January 12 through January 18, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the

Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register. This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until January 9, 1990, and this action needs to be effective for the regulatory week which begins on January 12, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

**List of Subjects in 7 CFR Part 907**

Arizona, California, Marketing agreements and orders, Navel, Oranges.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

**PART 907—[AMENDED]**

1. The authority citation for 7 CFR part 907 continues to read as follows:

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

2. Section 907.1002 is added to read as follows:

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

**§ 907.1002 Navel Orange Regulation 702.**

The quantity of navel oranges grown in California and Arizona which may be handled during the period from January 12 through January 18, 1990, is established as follows:

(a) District 1: 1,435,000 cartons;

(b) District 2: 228,000 cartons;

(c) District 3: unlimited cartons;

(d) District 4: 87,000 cartons.

Dated: January 10, 1990.

Eric M. Forman,

*Acting Director, Fruit and Vegetable Division.*

[FR Doc. 90–977 Filed 1–11–90; 8:45 am]

BILLING CODE 3410–02–M

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**7 CFR Part 910**

**[Lemon Reg. 700]**

## Lemons Grown in California and Arizona; Limitation of Handling

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** Regulation 700 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 275,474 cartons during the period from January 14, 1990, through January 20, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

**DATES:** Regulation 700 (7 CFR part 910) is effective for the period from January 14, 1990, through January 20, 1990.

**FOR FURTHER INFORMATION CONTACT:** Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, Room 2523, South Building, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 475–3861.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512–1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

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

There are approximately 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601–674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989–90. The Committee met publicly on January 9, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is good.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the Federal Register because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

**List of Subjects in 7 CFR Part 910**

Arizona, California, Lemons, Marketing agreements and orders.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

## PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

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

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

2. Section 910.700 is added to read as follows:

**§ 910.700 Lemon Regulation 700.**

The quantity of lemons grown in California and Arizona which may be handled during the period from January 14, 1990, through January 20, 1990, is established at 275,474 cartons.

Dated: January 10, 1990.

**Eric M. Forman,**

*Acting Director, Fruit and Vegetable Division.*

[FR Doc. 90–976 Filed 1–11–90; 8:45 am]

BILLING CODE 3410–02–M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### 18 CFR Parts 154, 157, 260, 284, 385 and 388

**[Docket No. RM87–17–000]**

### Natural Gas Data Collection System; Notice of Revisions and Availability of Revised Edit Checks for FERC Form Nos. 2 and 2–A

**Issued January 8, 1990.**

**AGENCY:** Federal Energy Regulatory Commission, Energy.

**ACTION:** Notice of Revisions and Availability of Revised Edit Checks for FERC Form Nos. 2 and 2–A.

**SUMMARY:** This notice identifies revisions to the record formats for FERC Form Nos. 2 and 2–A in accordance with Order Nos. 493 (53 FR 15,025 (Apr. 27, 1988)), and 493–A (53 FR 30,027 (Aug. 10, 1988)). The revisions for FERC Form No. 2 affect the following records:

Schedule F4, Records 11–16 and 19–26.
Schedule F5, Records 06, 09, 17, 26, 46 and 50–53.
Schedule F6, Records 02, 05, 07–09, 14, 16, 17, 21, 30, 34.
Schedule F7, Records 01, 02, 10, 17, 23.
Record Format pages, vi, 2, 4, 152, 296–297 (Exhibit B) and 328–329.

The revisions for FERC Form No. 2–A affect:

Schedule F8, Records 01, 12–14, 18, 20, 23 and substitute records 28–33, 36–40, 44, 47, 48, 51, 55–58, 62, 67, 71, 73, and 77.
Record Format pages ii, iv, 3, 4, 8, 10, 171–172 (Exhibit B) 173, 176, 179, and 186.

The complete formats, as revised by this notice, and the edit checks are available on both diskette and hardcopy and may be ordered using the order form included with this notice.

**DATE:** The revised formats and edit checks are available on December 27, 1989.

**ADDRESS:** Requests for copies of the formats and edit checks should be directed to: Reference and Information Center, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 2200,Washington, DC 20426, (202) 357–8118.

**FOR FURTHER INFORMATION CONTACT:** Bob Lynch, Office of Pipeline and Producer Regulation, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Room 6106–A, Washington, DC 20426, (202) 357–8329.

**SUPPLEMENTARY INFORMATION:** The Commission staff is issuing certain revisions to the record formats for FERC Form Nos. 2 and 2–A in order to correct certain inconsistencies with the printed version of the form.The revisions for FERC Form Nos. 2 and 2–A are described in Appendices A and B, respectively, of this notice. The print software will be revised to reflect these changes but will probably not be available in time for the next scheduled filings.

The Commission staff is also releasing revised edit checks for FERC Form Nos. 2 and 2–A. The revised edit checks are listed in Appendices C and D, respectively.

This notice is available through the Commission Issuance Posting System (CIPS), an electronic bulletin board service that provides access to formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed on a 24-hour basis using a personal computer with a modem by dialing (202) 357–8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, eight data bits and one stop bit. The entire notice on CIPS consists of two files under Docket No. RM87–17–000. The first file contains the notice text and Appendices A and B (Record Format Revisions, 17 pages). The second file contains Appendices C and D (Edit Checks, 45 pages). Both files will be available on CIPS for 30 days from the date of issuance of the notice.

In addition to publishing the text of this notice in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this notice and the revised record formats and edit checks during normal business hours in the Reference and Information Center (Room 2200) at the Commission's headquarters, 825 North Capitol Street NE., Washington, DC 20426.

Due to the size of the record format files, the complete formats, as revised by this notice, will not be available through CIPS. However, the revised record formats and the edit checks are available: (1) On a single 5.25" (1.2MB) or 3.5" (1.44MB) double-sided, high density diskette in ASCII text file format; or (2) on paper (353 pages for Form 2; 192 pages for Form 2–A; 36 pages for the Form 2 edit checks; and 13 pages for the Form 2–A edit checks). The diskettes and/or paper copy are available from the Commission's copy contractor, LaDorn Systems Corp., located in Room 2200, 825 North Capitol Street NE., Washington, DC 20426. The record formats and edit checks are available without charge. However, the Commission's copy contractor has copy fees for both diskettes and hardcopy. For your convenience an order form is attached to this notice.

**Lois D. Cashell,**

*Secretary.*

**Order Form**

USE THIS FORM TO ORDER COPIES OF THE REVISED FORMATS AND EDIT CHECKS FOR FERC FORM NOS. 2 AND 2–A (NOTICE ISSUED JANUARY 8, 1990, IN DOCKET NO. RM87–17–000).

Send to: LaDorn Systems Corporation, 825 North Capitol Street NE., Room 2200, Washington, DC. 20426, (202) 898–1151

Ordered By: _____
Company: _____
Address: _____
Phone Number: ( )_____

Payment is required prior to shipment by check payable to LaDorn Systems Corp., or charge to purchasers's account.

Method of payment: ____ check, or ____ charge

| Package (specify) | Copy fee |
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| 1. Hardcopies: (20 cents/page) | |
| ____ Package A Revised Record Formats for FERC Form No. 2 (353 pages) | _____ |
| ____ Package B Revised Record Formats for FERC Form No. 2–A (192 pages) | _____ |
| ____ Package C Revised Edit Checks for FERC Form No. 2 (37 pages) | _____ |
| ____ Package D Revised Edit Checks for FERC Form No. 2–A (11 pages) | _____ |

| Package (specify) | Copy fee |
|---|---|
| 2. Diskette: ___ 3.5" (1.44MB): $6.00/diskette (specify) ___ 5.25" ( 1.2MB): $5.00/diskette | |
| ___ Package E Revised Record Formats and Revised Edit Checks for FERC Form Nos. 2 and 2-A: 1 Diskette | |
| Postage & handling (Contact LaDorn) | |
| Total Copy Fee | |

**Appendix A—Form No. 2 Format Revisions January 8, 1990**

*Schedule F4:*

1. Record 11: Comparative Balance Sheet—Part 1:
   a. Items 43 and 46: Negative sign is deleted.
   b. Item 54: "Investment" changed to "Investments".
   c. Item 57: Total Other Property and Investments, comment is changed to "item 51—item 52+(sum of items 53 thru 56)".
2. Record 12: Comparative Balance Sheet—Part 2:
   a. Item 65: Negative sign is deleted.
   b. Item 69: "Expense" is changed to "Expenses".
3. Record 13: Comparative Balance Sheet—Part 3:
   a. Item 75: "Expenses" is changed to "Expense".
   b. Item 86, Total Current Accrued and Current Assets: comment is changed to "(sum of items 58 thru 64)—item 65+(sum of items 66 thru 85)".
4. Record 14: Comparative Balance Sheet—Part 4:
   a. Item 96: "Expense" changed to "Expenditures".
   b. Items 100 and 101 are deleted and replaced with Filler for character positions 168–191, blank filled.
   c. Item 102, Total Deferred Debits: comment is changed to "sum of items 87 thru 99".
5. Record 15: Comparative Balance Sheet—Part 5:
   a. Items 111, 112 and 115: Negative sign is deleted.
   b. Item 116, Total Proprietary Capital: Comment is changed to "(sum of items 104 thru 110)—item 111—item 112+item 113+item 114—item 115".
6. Record 16: Comparative Balance Sheet—Part 6:
   a. Items 118 and 122: Negative sign is deleted.
   b. Item 123, Total Long-Term Debt: Comment is changed to "item 117—item 118+(sum of items 119 thru 121)—item 122".
7. Record 19: Statement of Income for the Year—Part 1:
   a. Item 158: "Adjustment" changed to "Adjustments".
   b. Items 165 and 167: Negative sign is deleted.
   c. Item 169, Total Utility Operating Expenses: Comment is changed to "(sum of items 154 thru 164)—item 165 + item 166—item 167+item 168".
8. Record 20: Statement of Income for the Year—Part 2:
   a. Heading "Other Income and Deductions, Nonutility Operating Income" changed to "Other Income and Deductions, Other Income, Nonutility Operating Income".
   b. Items 172 and 174: Negative sign is deleted.
   c. Item 181, Total Other Income: Comment is changed to "item 171—item 172 + item 173—item 174+(sum of items 175 thru 180)".
9. Record 21: Statement of Income for the Year—Part 3:
   a. Items 190 and 192: Negative sign is deleted.
   b. Item 193, Total Taxes on Other Income and Deductions: Comment is changed to "(sum of items 186 thru 189)—item 190+item 191—item 192".
   c. Item 194, Net Other Income and Deductions: Comment is changed to "item 181—item 185—item 193".
10. Record 22: Statement of Income—Part 4:
    a. Items 198, 199, 202, and 206: Negative sign is deleted.
    b. Item 203, Net Interest Charges: Comment is changed to "(sum of items 195 thru 197)—item 198—item 199+item 200+item 201—item 202".
    c. Item 204, Income Before Extraordinary Items: Comment is changed to "item 170+item 194—item 203".
11. Record 23: Statement of Retained Earnings for the Year:
    a. Item 219, Unappropriated Retained Earnings Balance, End of Year: comment is changed to "item 211+item 212—item 213+item 214—item 215—item 216—item 217+item 218".
    b. Item 226: negative sign is deleted.
    c. Item 228, Balance—End of Year: comment is changed to "amount, ($); item 224+item 225—item 226+item 227".
12. Record 24: Statement of Cash Flows—Part 1:
    a. Items 235c, 235d, 237, and 241: the term "(less)" and/or negative sign is deleted.
    b. Item 236, Net Cash Provided by (Used In) Operating Activities: Comment is changed to "(sum of items 229 thru 235b)—235c—235d+235e".
    c. Item 243, Cash Outflows for Plant: comment is changed to "sum of items 237 thru 240—item 241+item 242".
13. Record 25: Statement of Cash Flows—Part 2:
    a. Items 244 thru 251b, and 254: negative sign is deleted.
    b. Item 252, Net Cash Provided by (Used In) Investing Activities: Comment changed to "(sum of items 243 thru 250)+item 251a+item 251b+item 251c+item 251d+item 251e+item 251f".
14. Record 26: Statement of Cash Flows—Part 3:
    a. Items 257a thru 260: negative sign is deleted.

*Schedule F5:*

1. Record 06: Gas Plant in Service (Accounts 101, 102, 103, and 106)—Part 4:
   a. Title "Base Load Liquefied Natural Gas Terminating and Processing Plant" changed to "Base Load Liquefied Natural Gas Terminating and Processing Plant".
   b. Item 358: "terminaling" changed to "terminating".
2. Record 09: Gas Plant in Service (Accounts 101, 102, 103, and 106)—Part 7:
   a. Item 399: negative sign is deleted.
   b. Item 401, Gas Plant in Service: comment is changed to "item 397+item 400, for trans. type=1, 5, and 6; item 397+item 398—item 399+item 400, for trans. type=2; item 397+item 398+item 400, for trans. type=3; item 397—item 399+item 400, for trans. type=4".
3. Record 17: Accumulated Provision for Depreciation of Gas Utility Plant [Account 108]—Part 1:
   a. Item 442: negative sign is deleted.
   b. Item 443, Total Net Charges for Plant Retired: comment changed to "item 440+item 441—item 442".
4. Record 26: Prepayments (Account 165):
   a. Item 514, Prepaid Taxes: comment is changed to "amount, ($)".
5. Record 46: Investment Tax Credits Generated and Utilized:
   a. Item "Tax Year": comment is changed to "For years 1979 and later enter last two digits of the year; (*eg.*, 1979, code=79; 1980, code=80; etc.). For the years 1962–1978, code=78".
   b. Item "Percent Reported": char. pos. are now "13–17" and comment is changed to "amount, (%); format f(5,2); see note 15 for the percents required to be reported from among 3%, 4%, 6%, 7%, 8%, 10%, and 11%; if other percent is reported provide details in a footnote".
   c. Note: remaining character positions increase by three.
6. Record 50: Undelivered Gas Obligations Under Sales Agreements:
   a. Item 649: Data Type changed to "character".
7. Record 51: Accumulated Deferred Income Taxes—Accelerated Amortization Property (Account 281):
   a. Items 659 thru 662: "Amount" changed to "Amounts".
   b. Item 663: "Debit" changed to "Debited".
   c. Item 665: "Credit" changed to "Credited".
8. Record 52: Accumulated Deferred Income Taxes—Other Property (Account 282):
   a. Items 670 thru 671: "Amount" changed to "Amounts".
   b. Item 674: "Debit" changed to "Debited".
   c. Item 676: "Credit" changed to "Credited".
9. Record 53: Accumulated Deferred Income Taxes—Other Property (Account 283):
   a. Items 681 thru 684: "Amount" changed to "Amounts".
   b. Item 685: "Debit" changed to "Debited".
   c. Item 687: "Credit" changed to "Credited".
   d. Item "Footnote ID": char. pos. are changed to "223–226".
   e. Item "Filler": char. pos. changed to "227–255".

*Schedule F6:*

1. Record 02: Gas Operating Revenues [Account 400]—Part 2:
   a. Item 713: negative sign is deleted.
   b. Item 714: Total Gas Operating Revenues Net of Provision for Refunds, comment is changed to "item 712—item 713".

2. Record 05: Residential and Commercial Space Heating Customers; and Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers:
   a. Item 740, Average Number of Customers for the Year: comment is changed to "number; sum of items 734, 736, and 738".
   b. Item 741, Mcf of Gas Sales for the Year: comment is changed to "amount, (Mcf); sum of items 735, 737, and 739".
3. Record 07: Sales for Resale—Natural Gas [Account 483]—Part 1:
   a. Items 760a, 760b, 760c, 760d and 760e are changed to 761, 762, 763, 764 and 765.
4. Record 08: Sales for Resale—Natural Gas [Account 483]—Part 1:
   a. Item "Sales Type": comment for "other, code=6, specify in item 760g" is changed to "other, code=6, specify in item 765g".
   b. Items 760e, 760f and 760g are changed to "760a, 761a and 765a".
5. Record 09: Revenue From Transportation of Gas of Others Natural Gas [Account 489]:
   a. Items 765a, thru 766 are changed to "766a thru 766j".
6. Record 14, Gas Operation and Maintenance Expenses—Part 3:
   a. Item 816: negative sign is deleted.
   b. Item 818, Total Operation: comment is changed to "(sum of items 804 thru 815)−item 816+item 817".
7. Record 16: Gas Operation and Maintenance Expenses—Part 5:
   a. Item 842: negative sign is deleted.
   b. Item 843 is deleted and replaced with filler.
   c. Item 844, Total Purchased Gas: comment is changed to "(sum of items 834 thru 841)−item 842".
8. Record 17: Gas Operation and Maintenance Expenses—Part 6:
   a. Items 853 and 855: negative sign is deleted.
   b. Item 856 is deleted and replaced with filler.
   c. Item 862, Total Other Gas Supply Expenses: comment is changed to "(sum of items 844, 845, 851, 852, 854, 860, and 861)−item 853−item 855".
9. Record 21: Gas Operation and Maintenance Expenses—Part 10:
   a. Item 918: negative sign is deleted.
   b. Item 922: Total Operation, comment is changed to "(sum of items 906 thru 917)−item 918+sum of items 919 thru 921)".
10. Record 30: Gas Operation and Maintenance Expenses—Part 19:
   a. Item 998 and 1005: negative sign is deleted.
   b. Item 1009, Total Operation: comment is changed to "item 996+item 997−item 998+(sum of items 999 thru 1004)−item 1005+(sum of items 1006 thru 1008)".
11. Record 34, Gas Purchases (Accounts 800, 800.1, 802, 803, 804, 804.1, 805, 805.1, 805.2) is changed to "Gas Purchases (Accounts 800, 800.1, 802, 803, 804, 804.1, 805, 805.1)":
   a. Item 1035 is deleted and replaced with filler.
   b. Item 1036, Total: comment is changed to "sum of items 1026 thru 1034".

*Schedule F7:*

1. Records 01 and 02: Regulatory Commission Expenses—Parts 1 and 2:
   a. Record 01 and 02 have the following note about sequence no. added: "It is essential that the sequence number of this schedule F7, Record 01 (02) be identical to the sequence number of the continuation of the information in Schedule F7, Record 02 (01) to permit the data to be merged".
2. Record 02: Regulatory Commission Expenses—Part 2:
   a. Item "Filler" is added to char. pos. 97–106, and the remaining char. pos. are revised as follows:
   Item 1090: char. pos. changed to "107–118".
   Item 1091: char. pos. changed to "119–130".
   "Footnote ID": char. pos. changed to "131–134".
   "Filler": char. pos. changed to "135–255".
3. Record 10: Changes In Estimated Natural Gas Reserves:
   a. Item 1187, Estimated Natural Gas Reserves at End of Year: comment is changed to "item 1175+item 1180−item 1186".
4. Record 17: Compressor Stations:
   a. Item 1254: char. pos. are changed to "210–219".
   b. Item 1255: char. pos. are changed to "220–226".
   c. Item 1256: char. pos. are changed to "227–232".
   d. Item "Footnote ID": char. pos. are changed to "233–236".
   e. Item "Filler": char. pos. are changed to "237–255".
5. Record 23: Gas Storage Projects—Part 4:
   a. Item 1318 is deleted and replaced with filler.

*Miscellaneous:*

Exhibit B (Diskette Filing Procedures) is revised to delete instructions for the delimited alternative and to clarify that each logical record should be terminated by CR (ASCII carriage return character—13 decimal, 0D hexadecimal) and LF (ASCII line feed character—10 decimal, 0A hexadecimal).

Other pages of the formats are revised as follows:

Page vi, Record (34): account 805.2 is deleted.
Page 2: Room Number is changed to 946.
Page 4: Room Number is changed to 3110.
Page 152, Record (34): account 805.2 is deleted.
Page 326, Part g: item 766 is changed to "766j".
Page 329, Items 48 and 48a: reference to account 805.2 is deleted.

**Appendix B—Form 2A Format Revisions January 8, 1990**

*Schedule F8:*

1. Record 04: Comparative Balance Sheet—Part 2:
   a. Items 43 and 44 are deleted and replaced with filler.
   b. Item 45, Total Deferred Debits: comment is changed to "sum of items 35 thru 42".
2. Record 12: Statement of Cash Flows—Part 1:
   a. Items 152c, 152d, 154, and 158, the term "(less)" and/or negative sign is deleted.
   b. Item 153, Net Cash Provided by (Used In) Operating Activities: comment is changed to "(sum of items 146 thru 151)+152a+152b−152c−152d+152e".
   c. Item 160, Cash Outflows for Plant: comment is changed to "sum of items 154 thru 157−item 158+item 159".
3. Record 13: Statement of Cash Flows—Part 2:
   a. Items 162 thru 168b, and 171, negative sign is deleted.
   b. Item 169, Net Cash Provided by (Used In) Investing Activities: comment changed to "(sum of items 160 thru 167)+item 168a+item 168b+item 168c+item 168d+item 168e+item 168f".
4. Record 14: Statement of Cash Flows—Part 3:
   a. Items 174a thru 177, negative sign is deleted.
5. Record 18: Long-Term Debt Data:
   a. Item "Information Reported" added, character position 11, data type=numeric: comment, "individual debt oblig., code=1, total of all obligations, code=2".
6. Record 20: Gas Operation and Maintenance Expenses—Part 1:
   a. Item 212 deleted and replaced with filler.
   b. Item 218, Total Other Gas Supply: comment revised to "(sum of items 209 thru 211) + (sum of items 213 thru 217)".
7. Record 23: "Gas Purchases [Account 799–805.2]" is changed to "Gas Purchases [Account 799–805.2]":
   a. Item "Account Number Code" is changed to "natural gas purchases (799), code=1; other gas purchases (805), code=2; purchased gas cost adjustments (805.1), code=3; total (799, 805, and 805.1), code=5".
   b. Note 6 is changed to read "This item is to be reported for accounts 799 and 805 and total only. Record a value of .001 in this field for account 805.1.".

**Substitute Schedule/Records**

8. Record 28: Comparative Balance Sheet—Part 1:
   See Form 2 Schedule F4 Record 11 comments.
9. Record 29: Comparative Balance Sheet—Part 2:
   See Form 2 Schedule F4 Record 12 comments.
10. Record 30: Comparative Balance Sheet—Part 3:
   See Form 2 Schedule F4 Record 13 comments.
11. Record 31: Comparative Balance Sheet—Part 4:
   See Form 2 Schedule F4 Record 14 comments.
12. Record 32: Comparative Balance Sheet—Part 5:
   See Form 2 Schedule F4 Record 15 comments.
13. Record 33: Comparative Balance Sheet—Part 6:
   See Form 2 Schedule F4 Record 16 comments.
14. Record 36: Statement of Income for the Year—Part 1:

See Form 2 Schedule F4 Record 19 comments.
15. Record 37: Statement of Income for the Year—Part 2:
See Form 2 Schedule F4 Record 20 comments.
16. Record 38: Statement of Income for the Year—Part 3:
See Form 2 Schedule F4 Record 21 comments.
17. Record 39: Statement of Income for the Year—Part 4:
See Form 2 Schedule F4 Record 22 comments.
18. Record 40: Statement of Retained Earnings for the Year—Part 4:
See Form 2 Schedule F4 Record 23 comments.
19. Record 44: Gas Plant in Service (Accounts 101, 102, 103, and 106)—Part 4:
See Form 2 Schedule F5 Record 06 comments.
20. Record 47: Gas Plant in Service (Accounts 101, 102, 103, and 106)—Part 7:
See Form 2 Schedule F5 Record 09 comments.
21. Record 48: Accumulated Provision for Depreciation of Gas Utility Plant [Account 108]—Part 1:
See Form 2 Schedule F5 Record 17 comments.
22. Record 51: Gas Operating Revenues [Account 400]—Part 2:
See Form 2 Schedule F6 Record 02 comments.
23. Record 55: Gas Operation and Maintenance Expenses—Part 3:
See Form 2 Schedule F6 Record 14 comments.
24. Record 56: Gas Operation and Maintenance Expenses—Part 4:
See Form 2 Schedule F6 Record 15 comments.
25. Record 57: Gas Operation and Maintenance Expenses—Part 5:
See Form 2 Schedule F6 Record 16 comments.
26. Record 58: Gas Operation and Maintenance Expenses—Part 6:
See Form 2 Schedule F6 Record 17 comments.
27. Record 62: Gas Operation and Maintenance Expense—Part 10:
See Form 2 Schedule F6 Record 21 comments.
28. Record 65: Gas Operation and Maintenance Expenses—Part 13:
See Form 2 Schedule F6 Record 24 comments.
29. Record 67: Gas Operation and Maintenance Expenses—Part 15:
See Form 2 Schedule F6 Record 26 comments.
30. Record 71: Gas Operation and Maintenance Expenses—Part 19:
See Form 2 Schedule F6 Record 30 comments.
31. Record 73: Gas Purchases (Accounts 800, 800.1, 802, 803, 804, 804.1, 805, 805.1):
See Form 2 Schedule F6 Record 34 comments.
32. Record 77: Sales for Resale—Natural Gas [Account 483]—Part 1:
a. Item 935, "nonconcidental" is changed to "noncoincidental".

*Miscellaneous:*

Exhibit B (Diskette Filing Procedures) is revised to delete instructions for the delimited alternative and to clarify that each logical record should be terminated by CR (ASCII carriage return character—13 decimal, 0D hexadecimal) and LF (ASCII line feed character—10 decimal, 0A hexadecimal).

Other pages of the formats are revised as follows:

Page ii, Record (23): account "805.2" is changed to "805.1".
Page iv, Record (73): account 805.2 is deleted.
Page 3: Room Number "601 RB" is changed to "946" and Room Number "1000" is changed to "3110".
Page 4: account 805.2 is deleted.
Page 8, Record (23): account "805.2" is changed to "805.1".
Page 10, Record (73): account 805.2 is deleted.
Page 173: "accountting" is changed to "accounting".
Page 176: "Scheudle" is changed to "Schedule".
Pages 179 and 186: reference to "account 805.2" is deleted.

**Appendix C—FERC Form No. 2 Edit Checks—January 8, 1990**

Schedule F(4), Records 11–18: Comparative Balance Sheet. Hard Copy Pages 110–113:
For Balance Year Code=2:
1. Item 40=Item 270+Item 271+Item 272+Item 274 (Report. Utility Code=1)
2. Item 41=Item 273 (Report. Utility Code=1)
3. Item 42=Item 40+Item 41
4. Item 43=Item 276 (Report. Utility Code=1)
5. Item 44=Item 42−Item 43
6. Item 47=Item 45−Item 46
7. Item 48=Item 44+Item 47
8. Item 57=Item 51−Item 52+Item 53+Item 54+Item 55+Item 56
9. Item 50=Item 460 (Gas Stored Code=1)
10. Item 52=Item 477
11. Item 54=Item 492 (Info. Reported Code=2)
12. Item 76=Item 460 (Gas Stored Code=2)
13. Item 77=Item 460 (Gas Stored Code=3)
14. Item 78=Item 460 (Gas Stored Code=4)
15. Item 79=Item 518
16. Item 83=(Sum of Items 58 thru 64)—Item 65+(Sum of Items 66 thru 85)
17. Item 88=Item 524 (Info. Reported Code=2)
18. Item 89=Item 530 (Info. Reported Code=2)
19. Item 94=Item 549 (Deferred Debit Code=3)
20. Item 96=Item 1097 (Research, Devel. & Demon. Class. Code=16)+Item 1097 (Research, Devel. & Demon. Class Code=19)
21. Item 98=Item 559 (Utility Plant Code=7)
22. Item 102=Sum of Items 87 thru 99
23. Item 103=Sum of Items 48, 49, 50, 57, 86, and 102
24. Item 103=Item 152

For Balance Year Code=2:
25. Item 104=Item 564 (Stock Code=3)
26. Item 105=Item 564 (Stock Code=4)
27. Item 109=Item 574 (Info. Reported Code=3)
28. Item 111=Item 576 (Info. Reported Code=2)
29. Item 112=Item 579 (Info. Reported Code=2)
30. Item 113=Item 223
31. Item 114=Item 228
32. Item 115=Item 566 (Stock Code=3)+Item 566 (Stock Code=4)
33. Item 116=(Sum of Items 104 thru 110)−Item 111−Item 112+Item 113+Item 114−Item 115
34. Item 117=Item 588 (Info. Reported Code=2, Account No.=221)
35. Item 118=Item 588 (Info. Reported Code=2, Account No.=222)
36. Item 119=Item 588 (Info. Reported Code=2, Account No.=223)
37. Item 120=Item 588 (Info. Reported Code=2, Account No.=224)
38. Item 121=Sum of Item 601 (Account No.=225)
39. Item 122=Sum of Item 601 (Account No.=226)
40. Item 123=Item 117−Item 118+Item 119+Item 120+Item 121−Item 122
41. Item 130=Sum of Items 124 thru 129
42. Item 136=Item 615 (Info. Reported Code=3)
43. Item 142=Item 640 (Info. Reported Code=2)
44. Item 144=Sum of Items 131 thru 143
45. Item 148=Item 647 (Info. Reported Code=2)
46. Item 150=Item 667 (Account Subdiv. Code=13)+Item 678 (Account Subdiv. Code=4)+Item 689 (Account Subdiv. Code=4)
47. Item 151=Sum of Items 145 thru 150
48. Item 152=Sum of Items 116, 123, 130, 144, and 151

Schedule F(4), Records 19–22: Statement of Income for the Year. Hard Copy Pages 114–117:
For Bal. Year Code=1 and 2; and Util. Plant Code=1, 2, 3 and 4:
49. Item 169=(Sum of Items 154 thru 164)−Item 165+Item 166−Item 167+Item 168
50. Item 170=Item 153−Item 169

For Balance Year Code=Item 1 and 2:
51. Item 181=Item 171−Item 172+Item 173−Item 174+(Sum of Items 175 thru 180)
52. Item 185=Sum of Items 182 thru 184
53. Item 193=(Sum of Items 186 thru 189)−Item 190+Item 191−Item 192
54. Item 194=Item 181−Item 185−Item 193
55. Item 203=(Sum of Items 195 thru 197)−Item 198−Item 199+Item 200+Item 201−Item 202
56. Item 204=Item 170+Item 194−Item 203
57. Item 207=Item 205−Item 206
58. Item 209=Item 207−Item 208
59. Item 210=Item 204+Item 209

Schedule F(4), Record 23: Statement of Retained Earnings for the Year. Hard Copy Pages 118–119:
60. Item 219=Item 211+Item 212−Item 213+Item 214−Item 215−Item 216−Item 217+Item 218
61. Item 222=Item 220+Item 221
62. Item 223=Item 219+Item 222

63. Item 223=Item 224+Item 225−Item 226+Item 227

Schedule F(4), Records 25–26: Statement of Cash Flows. Hard Copy Pages 120–121:

64. Item 236=(Sum of Items 229 thru 235b)−Item 235c−Item 235d+Item 235e
65. Item 243=(Sum of Items 237 thru 240)−Item 241+Item 242
66. Item 252=Sum of Items 243 thru 251f
67. Item 256=Sum of Items 253a thru 255
68. Item 261=Sum of Items 256 thru 260
69. Item 262=Item 236+Item 252+Item 261
70. Item 264=Item 262+Item 263

Schedule F(5), Records 01–02: Summary of Utility Plant and Accumulated Provisions for Depreciation, Amortization, and Depletion. Hard Copy Page 200:

For Reporting Utility Departments Code=1, 2, 3, 4 and 5:

71. Item 270=Sum of Items 265 thru 269
72. Item 275=Sum of Items 270 thru 274
73. Item 277=Item 275−Item 276
74. Item 282=Sum of Items 278 thru 281
75. Item 285=Item 283+Item 284
76. Item 288=Item 286+Item 287
77. Item 291=Item 282+Item 285+Item 288+Item 289+Item 290

Schedule F(5), Records 03–09: Gas Plant in Service (Accounts 101, 102, 103, and 106). Hard Copy Pages 204–209:

For Transaction Type Code=1 thru 6:

78. Item 295=Sum of Items 292 thru 294
79. Item 314=Sum of Items 296 thru 313
80. Item 323=Sum of Items 315 thru 322
81. Item 324=Item 314+Item 323
82. Item 326=Item 324+Item 325
83. Item 339=Sum of Items 327 thru 338
84. Item 349=Sum of Items 340 thru 348
85. Item 358=Sum of Items 350 thru 357
86. Item 359=Item 339+Item 349+Item 358
87. Item 368=Sum of Items 360 thru 367
88. Item 383=Sum of Items 369 thru 382
89. Item 394=Sum of Items 384 thru 393
90. Item 396=Item 394+Item 395
91. Item 397=Item 295+Item 326+Item 359+Item 368+Item 383+Item 396
92. Item 401=Item 397+Item 400 (For Transaction Type Code=1)
93. Item 401=Item 397+Item 398−Item 399+Item 400 (For Transaction Type Code 2)
94. Item 401=Item 397+Item 398+Item 400 (For Transaction Type Code 3)
95. Item 401=Item 397−Item 399+Item 400 (For Transaction Type Code 4)
96. Item 401=Item 397+Item 400 (For Transaction Type Code 5 and 6)

Schedule F(5), Record 16: Computation of Allowance for Funds Used During Construction. Hard Copy Page 218:

97. Item 427=Item 424+Item 425+Item 426
98. Item 427a=Item 424a+Item 425a+Item 426a
99. Item 429=[Item 423 * (Item 422 / Item 428)]+{[Item 424b * (Item 424 / (Item 424+Item 425+Item 426)] * [1−Item 422 / Item 428]}
100. Item 430={1−(Item 422 / Item 428)} * {[Item 425b * (Item 425 / (Item 424+Item 425+Item 426))]+[Item 426b * (Item 426 / (Item 424+Item 425+Item 426))]}

Schedule F(5), Records 17–18: Accumulated Provision for Depreciation of Gas Utility Plant (Account 108). Hard Copy Page 219:

For Balance Type Reported Code=1, 2, 3 and 4:

101. Item 439=Sum of Items 434 thru 438
102. Item 443=Item 440+Item 441−Item 442
103. Item 445=Item 433+Item 439+Item 443+Item 444
104. Item 455=Sum of Items 446 thru 454

Schedule F(5), Record 19: Gas Stored (Accounts 117, 164.1, 164.2, and 164.3). Hard Copy Page 220:

105. Item 456 (Gas Stored Code=5)=Sum of Item 456 for Gas Stored Codes=1 thru 4)
106. Item 457 (Gas Stored Code=5)=Sum of Item 457 for Gas Stored Codes=1 thru 4)
107. Item 458 (Gas Stored Code=5)=Sum of Item 458 for Gas Stored Codes=1 thru 4)
108. Item 459 (Gas Stored Code=5)=Sum of Item 459 for Gas Stored Codes=1 thru 4)
109. Item 460 (Gas Stored Code=5)=Sum of Item 460 for Gas Stored Codes=1 thru 4)
110. Item 461 (Gas Stored Code=5)=Sum of Item 461 for Gas Stored Codes=1 thru 4)
111. Item 462 (Gas Stored Code=5)=Sum of Item 462 for Gas Stored Codes=1 thru 4)

For Gas Storage Code=1 thru 5:

112. Item 460=Item 456+Item 457−Item 458+Item 459
113. Item 462=(Item 460)/(Item 461) * 100

Schedule F(5), Record 20: Nonutility Property (Account 121). Hard Copy Page 221:

114. Item 466=Item 464+Item 465

Schedule F(5), Record 21: Accumulated Provision for Depr. and Amortization of Nonutility Property (Acct 122). Hard Copy Page 221:

115. Item 471=Sum of Items 468 thru 470
116. Item 475=Sum of Items 472 thru 474
117. Item 477=Item 467+Item 471−Item 475+Item 476

Schedule F(5), Record 23: Investment in Subsidiary Companies (Account 123.1). Hard Copy Pages 224–225:

118. Item 489 (Info. Reported Code=2)=Sum of Item 489 (Info. Reported Code=1)
119. Item 490 (Info. Reported Code=2)=Sum of Item 490 (Info. Reported Code=1)
120. Item 491 (Info. Reported Code=2)=Sum of Item 491 (Info. Reported Code=1)
121. Item 492 (Info. Reported Code=2)=Sum of Item 492 (Info. Reported Code=1)
122. Item 493 (Info. Reported Code=2)=Sum of Item 493 (Info. Reported Code=1)

Schedule F(5), Record 24: Gas Prepayments Under Purc. Agreements. Hard Copy Pages 226–227:

123. Item 497 (Info. Reported Code=2)=Sum of Item 497 (Info. Reported Code=1)
124. Item 498 (Info. Reported Code=2)=Sum of Item 498 (Info. Reported Code=1)
125. Item 499 (Info. Reported Code=2)=Sum of Item 499 (Info. Reported Code=1)
126. Item 500 (Info. Reported Code=2)=Sum of Item 500 (Info. Reported Code=1)
127. Item 502 (Info. Reported Code=2)=Sum of Item 502 (Info. Reported Code=1)

Schedule F(5), Record 26: Gas Prepayments (Account 165). Hard Copy Pages 230–231:

128. Item 518=Sum of Items 512 thru 517
129. Item 520 (Info. Reported Code=2)=Sum of Item 520 (Info. Reported Code=1)
130. Item 521 (Info. Reported Code=2)=Sum of Item 521 (Info. Reported Code=1)
131. Item 523 (Info. Reported Code=2)=Sum of Item 523 (Info. Reported Code=1)
132. Item 524 (Info. Reported Code=2)=Sum of Item 524 (Info. Reported Code=1)
133. Item 526 (Info. Reported Code=2)=Sum of Item 526 (Info. Reported Code=1)
134. Item 527 (Info. Reported Code=2)=Sum of Item 527 (Info. Reported Code=1)
135. Item 529 (Info. Reported Code=2)=Sum of Item 529 (Info. Reported Code=1)
136. Item 530 (Info. Reported Code=2)=Sum of Item 530 (Info. Reported Code=1)
137. Item 532 (Info. Reported Code=2)=Sum of Item 532 (Info. Reported Code=1)
138. Item 533 (Info. Reported Code=2)=Sum of Item 533 (Info. Reported Code=1)
139. Item 535 (Info. Reported Code=2)=Sum of Item 535 (Info. Reported Code=1)
140. Item 536 (Info. Reported Code=2)=Sum of Item 536 (Info. Reported Code=1)

Schedule F(5), Records 30–31: Misc. Deferred Debits (Acct 186). Hard Copy Page 233:

141. Item 545 (Deferred Debit Code=3)=Sum of Item 538+Item 545 (Deferred Debit Code=1)+Item 545 (Deferred Debit Code=2)
142. Item 549 (Deferred Debit Code=3)=Sum of Item 542+Item 545 (Deferred Debit Code=1)+Item 545 (Deferred Debit Code=2)

Schedule F(5), Record 32: Accum. Deferred Income Taxes (Acct 190) Hard Copy Pages 234–235:

143. Item 550b (Utility Plant Code=3)=Sum of Item 550b (Util Plt Code=1 and 2)
144. Item 550b (Utility Plant Code=6)=Sum of Item 550b (Util Plt Code=4 and 5)
145. Item 550b (Utility Plant Code=8)=Sum of Item 550b (Util Plt Code=3, 6, 7)
146. Item 551 (Utility Plant Code=3)=Sum of Item 551 (Util Plt Code=1 and 2)
147. Item 551 (Utility Plant Code=6)=Sum of Item 551 (Util Plt Code=4 and 5)

148. Item 551 (Utility Plant Code=8)=Sum of Item 551 (Util Plt Code=3, 6, 7)
149. Item 552 (Utility Plant Code=3)=Sum of Item 552 (Util Plt Code=1 and 2)
150. Item 552 (Utility Plant Code=6)=Sum of Item 552 (Util Plt Code=4 and 5)
151. Item 552 (Utility Plant Code=8)=Sum of Item 552 (Util Plt Code=3, 6, 7)
152. Item 553 (Utility Plant Code=3)=Sum of Item 553 (Util Plt Code=1 and 2)
153. Item 553 (Utility Plant Code=6)=Sum of Item 553 (Util Plt Code=4 and 5)
154. Item 553 (Utility Plant Code=8)=Sum of Item 553 (Util Plt Code=3, 6, 7)
155. Item 554 (Utility Plant Code=3)=Sum of Item 554 (Util Plt Code=1 and 2)
156. Item 554 (Utility Plant Code=6)=Sum of Item 554 (Util Plt Code=4 and 5)
157. Item 554 (Utility Plant Code=8)=Sum of Item 554 (Util Plt Code=3, 6, 7)
158. Item 556 (Utility Plant Code=3)=Sum of Item 556 (Util Plt Code=1 and 2)
159. Item 556 (Utility Plant Code=6)=Sum of Item 556 (Util Plt Code=4 and 5)
160. Item 556 (Utility Plant Code=8)=Sum of Item 556 (Util Plt Code=3, 6, 7)
161. Item 558 (Utility Plant Code=3)=Sum of Item 558 (Util Plt Code=1 and 2)
162. Item 558 (Utility Plant Code=6)=Sum of Item 558 (Util Plt Code=4 and 5)
163. Item 558 (Utility Plant Code=8)=Sum of Item 558 (Util Plt Code=3, 6,7)
164. Item 559 (Utility Plant Code=3)=Sum of Item 559 (Util Plt Code=1 and 2)
165. Item 559 (Utility Plant Code=6)=Sum of Item 559 (Util Plt Code=4 and 5)
166. Item 559 (Utility Plant Code=8)=Sum of Item 559 (Util Plt Code=3, 6, 7)

Schedule F(5), Record 33: Capital Stock (Accounts 201 and 204). Hard Copy pages 250–251:

167. Item 560 (Stk Code=3)=Sum of Item 560 (Stk Code =1)
168. Item 560 (Stk Code=4)=Sum of Item 560 (Stk Code =2)
169. Item 561 (Stk Code=3)=Sum of Item 561 (Stk Code =1)
170. Item 561 (Stk Code=4)=Sum of Item 561 (Stk Code =2)
171. Item 562 (Stk Code=3)=Sum of Item 562 (Stk Code =1)
172. Item 562 (Stk Code=4)=Sum of Item 562 (Stk Code =2)
173. Item 563 (Stk Code=3)=Sum of Item 563 (Stk Code =1)
174. Item 563 (Stk Code=4)=Sum of Item 563 (Stk Code =2)
175. Item 564 (Stk Code=3)=Sum of Item 564 (Stk Code =1)
176. Item 564 (Stk Code=4)=Sum of Item 564 (Stk Code =2)
177. Item 565 (Stk Code=3)=Sum of Item 565 (Stk Code =1)
178. Item 565 (Stk Code=4)=Sum of Item 565 (Stk Code =2)
179. Item 566 (Stk Code=3)=Sum of Item 566 (Stk Code=1)
180. Item 566 (Stk Code=4)=Sum of Item 566 (Stk Code=2)
181. Item 567 (Stk Code=3)=Sum of Item 567 (Stk Code=1)
182. Item 567 (Stk Code=4)=Sum of Item 567 (Stk Code=2)
183. Item 568 (Stk Code=3)=Sum of Item 568 (Stk Code=1)
184. Item 568 (Stk Code=4)=Sum of Item 568 (Stk Code=2)

Schedule F(5), Records 34–37: Capital Stock Subscribed, Capital Stock Liability for Conversion, Premium on Capital Stock, and Installments Received on Capital Stock (Accounts 202 and 205, 203 and 206, 207, 212). Hard Copy Pages 252–254:

185. Item 571 (Info. Reported Code=2)=Sum of Item 571 (Info. Reported Code=1)
186. Item 572 (Info. Reported Code=2)=Sum of Item 572 (Info. Reported Code=1)
187. Item 574 (Info. Reported Code=2)=Sum of Item 574 (Info. Reported Code=1)
188. Item 576 (Info. Reported Code=2)=Sum of Item 576 (Info. Reported Code=1)
189. Item 579 (Info. Reported Code=2)=Sum of Item 579 (Info. Reported Code=1)

Schedule F(5), Record 39: Long Term Debt (Accts 221, 222, 223, and 224). Hard Copy Pages 256–257:

190. For each Account Number: Item 588 (Info. Rptd Code=2)=Sum of Item 588 (Info. Rptd Code=1)
191. Item 588 (Info. Reported Code=3)=Sum of Item 588 (Info. Rptd Code=2)
192. For each Account Number: Item 590 (Info. Rptd Code=2)=Sum of Item 590 (Info. Rptd Code=1)
193. Item 590 (Info. Reported Code=3)=Sum of Item 590 (Info. Rptd Code=2)
194. For each Account Number: Item 591 (Info. Rptd Code=2)=Sum of Item 591 (Info. Rptd Code=1)
195. Item 591 (Info. Reported Code=3)=Sum of Item 591 (Info. Rptd Code=2)
196. For each Account Number: Item 592 (Info. Rptd Code=2)=Sum of Item 592 (Info. Rptd Code=1)
197. Item 592 (Info. Reported Code=3)=Sum of Item 592 (Info. Rptd Code=2)

Schedule F(5), Records 44–45: Taxes Accrued, Prepaid and Charged During Year. Hard Copy Pages 262–263:

198. Item 610 (Info. Reported Code=3)=Sum of Item 610 (Info. Reported Code=2)
199. Item 611 (Info. Reported Code=3)=Sum of Item 611 (Info. Reported Code=2)
200. Item 612 (Info. Reported Code=3)=Sum of Item 612 (Info. Reported Code=2)
201. Item 613 (Info. Reported Code=3)=Sum of Item 613 (Info. Reported Code=2)
202. Item 614 (Info. Reported Code=3)=Sum of Item 614 (Info. Reported Code=2)
203. Item 615 (Info. Reported Code=3)=Sum of Item 615 (Info. Reported Code=2)
204. Item 616 (Info. Reported Code=3)=Sum of Item 616 (Info. Reported Code=2)
205. Item 618 (Info. Reported Code=3)=Sum of Item 618 (Info. Reported Code=2)
206. Item 619 (Info. Reported Code=3)=Sum of Item 619 (Info. Reported Code=2)
207. Item 620 (Info. Reported Code=3)=Sum of Item 620 (Info. Reported Code=2)
208. Item 621 (Info. Reported Code=3)=Sum of Item 621 (Info. Reported Code=2)
209. Item 622 (Info. Reported Code=3)=Sum of Item 622 (Info. Reported Code=2)
210. Item 623 (Info. Reported Code=3)=Sum of Item 623 (Info. Reported Code=2)
211. Item 624 (Info. Reported Code=3)=Sum of Item 624 (Info. Reported Code=2)

Schedule F(5), Record 47: Accumulated Deferred Invest. Tax Credits (Account 255). Hard Copy Pages 266–267:

212. Item 632 (Acct. Subdiv. Code=6)=Sum of Item 632 (Acct. Subdiv. Code=1 thru 5)
213. Item 634 (Acct. Subdiv. Code=6)=Sum of Item 634 (Acct. Subdiv. Code=1 thru 5)
214. Item 635 (Acct. Subdiv. Code=6)=Sum of Item 635 (Acct. Subdiv. Code=1 thru 5)
215. Item 636 (Acct. Subdiv. Code=6)=Sum of Item 636 (Acct. Subdiv. Code=1 thru 5)
216. Item 638 (Acct. Subdiv. Code=6)=Sum of Item 638 (Acct. Subdiv. Code=1 thru 5)

Schedule F(5), Record 48: Misc. Current and Accrued Liabilities (Account 242). Hard Copy Page 268:

217. Item 640 (Info. Reported Code=2)=Sum of Item 640 (Info. Reported Code=1)

Schedule F(5), Record 49: Other Deferred Credits (Account 253). Hard Copy Page 269:

218. Item 643 (Info. Reported Code=2)=Sum of Item 643 (Info. Reported Code=1)
219. Item 645 (Info. Reported Code=2)=Sum of Item 645 (Info. Reported Code=1)
220. Item 646 (Info. Reported Code=2)=Sum of Item 646 (Info. Reported Code=1)
221. Item 647 (Info. Reported Code=2)=Sum of Item 647 (Info. Reported Code=1)

Schedule F(5), Record 50: Undelivered Gas Obligations Under Sales Agreements. Hard Copy Pages 270–271:

222. Item 650 (Info. Reported Code=2)=Sum of Item 650 (Info. Reported Code=1)
223. Item 651 (Info. Reported Code=2)=Sum of Item 651 (Info. Reported Code=1)
224. Item 652 (Info. Reported Code=2)=Sum of Item 652 (Info. Reported Code=1)
225. Item 653 (Info. Reported Code=2)=Sum of Item 653 (Info. Reported Code=1)

226. Item 655 (Info. Reported Code=2)=Sum of Item 655 (Info. Reported Code=1)

Schedule F(5), Record 51: Accumulated Deferred Income Taxes-Accelerated Amortization Property (Account 281) Hard Copy Pages 272–273:

227. Item 658 (Acct. Subdiv. Code=4)=Sum of Item 658 (Acct. Subdiv. Code=1 thru 3)
228. Item 658 (Acct. Subdiv. Code=8)=Sum of Item 658 (Acct. Subdiv. Code=5 thru 7)
229. Item 658 (Acct. Subdiv. Code=10)=Sum of Item 658 (Acct. Subdiv. Code=4, 8 and 9)
230. Item 659 (Acct. Subdiv. Code=4)=Sum of Item 659 (Acct. Subdiv. Code=1 thru 3)
231. Item 659 (Acct. Subdiv. Code=8)=Sum of Item 659 (Acct. Subdiv. Code=5 thru 7)
232. Item 659 (Acct. Subdiv. Code=10)=Sum of Item 659 (Acct. Subdiv. Code=4, 8 and 9)
233. Item 662 (Acct. Subdiv. Code=4)=Sum of Item 662 (Acct. Subdiv. Code=1 thru 3)
234. Item 662 (Acct. Subdiv. Code=8)=Sum of Item 662 (Acct. Subdiv. Code=5 thru 7)
235. Item 662 (Acct. Subdiv. Code=10)=Sum of Item 662 (Acct. Subdiv. Code=4, 8 and 9)
236. Item 666 (Acct. Subdiv. Code=4)=Sum of Item 666 (Acct. Subdiv. Code=1 thru 3)
237. Item 666 (Acct. Subdiv. Code=8)=Sum of Item 666 (Acct. Subdiv. Code=5 thru 7)
238. Item 666 (Acct. Subdiv. Code=10)=Sum of Item 666 (Acct. Subdiv. Code=4, 8 and 9)
239. Item 667 (Acct. Subdiv. Code=4)=Sum of Item 667 (Acct. Subdiv. Code=1 thru 3)
240. Item 667 (Acct. Subdiv. Code=8)=Sum of Item 667 (Acct. Subdiv. Code=5 thru 7)
241. Item 667 (Acct. Subdiv. Code=10)=Sum of Item 667 (Acct. Subdiv. Code=4, 8 and 9)
242. Item 668 (Acct. Subdiv. Code=4)=Sum of Item 668 (Acct. Subdiv. Code=1 thru 3)
243. Item 668 (Acct. Subdiv. Code=8)=Sum of Item 668 (Acct. Subdiv. Code=5 thru 7)
244. Item 668 (Acct. Subdiv. Code=10)=Sum of Item 668 (Acct. Subdiv. Code=4, 8 and 9)

Schedule F(5), Record 52: Accumulated Deferred Income Taxes-Other Property (Account 282). Hard Copy Pages 274–275:

245. Item 669 (Acct. Subdiv. Code=6)=Sum of Item 669 (Acct. Subdiv. Code=4 and 5)
246. Item 669 (Acct. Subdiv. Code=4)=Sum of Item 669 (Acct. Subdiv. Code=1, 2, and 3)
247. Item 670 (Acct. Subdiv. Code=6)=Sum of Item 670 (Acct. Subdiv. Code=4 and 5)
248. Item 670 (Acct. Subdiv. Code=4)=Sum of Item 670 (Acct. Subdiv. Code=1, 2, and 3)
249. Item 673 (Acct. Subdiv. Code=6)=Sum of Item 673 (Acct. Subdiv. Code=4 and 5)
250. Item 673 (Acct. Subdiv. Code=4)=Sum of Item 673 (Acct. Subdiv. Code=1, 2, and 3)
251. Item 675 (Acct. Subdiv. Code=6)=Sum of Item 675 (Acct. Subdiv. Code=4 and 5)
252. Item 675 (Acct. Subdiv. Code=4)=Sum of Item 675 (Acct. Subdiv. Code=1, 2, and 3)
253. Item 677 (Acct. Subdiv. Code=6)=Sum of Item 677 (Acct. Subdiv. Code=4 and 5)
254. Item 677 (Acct. Subdiv. Code=4)=Sum of Item 677 (Acct. Subdiv. Code=1, 2, and 3)
255. Item 678 (Acct. Subdiv. Code=6)=Sum of Item 678 (Acct. Subdiv. Code=4 and 5)
256. Item 678 (Acct. Subdiv. Code=4)=Sum of Item 678 (Acct. Subdiv. Code=1, 2, and 3)

Schedule F(5), Record 53: Accumulated Deferred Income Taxes-Other (Account 283). Hard Copy Pages 276–277:

257. Item 680 (Acct. Subdiv. Code=3)=Sum of Item 680 (Acct. Subdiv. Code=1 and 2)
258. Item 680 (Acct. Subdiv. Code=6)=Sum of Item 680 (Acct. Subdiv. Code=4 and 5)
259. Item 680 (Acct. Subdiv. Code=8)=Sum of Item 680 (Acct. Subdiv. Code=3, 6 and 7)
260. Item 681 (Acct. Subdiv. Code=3)=Sum of Item 681 (Acct. Subdiv. Code=1 and 2)
261. Item 681 (Acct. Subdiv. Code=6)=Sum of Item 681 (Acct. Subdiv. Code=4 and 5)
262. Item 681 (Acct. Subdiv. Code=8)=Sum of Item 681 (Acct. Subdiv. Code=3, 6 and 7)
263. Item 684 (Acct. Subdiv. Code=3)=Sum of Item 684 (Acct. Subdiv. Code=1 and 2)
264. Item 684 (Acct. Subdiv. Code=6)=Sum of Item 684 (Acct. Subdiv. Code=4 and 5)
265. Item 684 (Acct. Subdiv. Code=8)=Sum of Item 684 (Acct. Subdiv. Code=3, 6 and 7)
266. Item 686 (Acct. Subdiv. Code=3)=Sum of Item 686 (Acct. Subdiv. Code=1 and 2)
267. Item 686 (Acct. Subdiv. Code=6)=Sum of Item 686 (Acct. Subdiv. Code=4 and 5)
268. Item 686 (Acct. Subdiv. Code=8)=Sum of Item 686 (Acct. Subdiv. Code=3, 6 and 7)
269. Item 688 (Acct. Subdiv. Code=3)=Sum of Item 688 (Acct. Subdiv. Code=1 and 2)
270. Item 688 (Acct. Subdiv. Code=6)=Sum of Item 688 (Acct. Subdiv. Code=4 and 5)
271. Item 688 (Acct. Subdiv. Code=8)=Sum of Item 688 (Acct. Subdiv. Code=3, 6 and 7)
272. Item 689 (Acct. Subdiv. Code=3)=Sum of Item 689 (Acct. Subdiv. Code=1 and 2)
273. Item 689 (Acct. Subdiv. Code=6)=Sum of Item 689 (Acct. Subdiv. Code=4 and 5)
274. Item 689 (Acct. Subdiv. Code=8)=Sum of Item 689 (Acct. Subdiv. Code=3, 6 and 7)

Schedule F(6), Records 01–03: Gas Operating Revenues. Hard Copy Pages 300–301:

For Info. Reported Code=1 thru 3; Bal. Year Codes 1 and 2:

275. Item 696=Sum of Items 691 thru 695
276. Item 698=Item 696+Item 697
277. Item 700=Item 698+Item 699

For Info. Reported Code=1; Balance Year Codes 1 and 2:

278. Item 711=Sum of Items 701 thru 710
279. Item 712=Item 700+Item 711
280. Item 714=Item 712−Item 713

For Info. Reported Code=1 and 2; Balance Year Code=1:

281. Item 720=Sum of Items 715 thru 719

Schedule F(6), Record 04: Distribution Type By Sales. Hard Copy Pages 302–303:

282. Item 722=Item 724+Item 726+Item 728
283. Item 723=Item 725+Item 727+Item 729

Schedule F(6), Record 05: Residential and Commercial Space Heating Customers; and Interruptible, Off Peak, and Firm Sales to Distribution System Industrial Customers. Hard Copy Page 305:

284. Item 740=Item 734+Item 736+Item 738
285. Item 741=Item 735+Item 737+Item 739

Schedule F(6), Records 07–08: Sales for Resale, Gas [Acct 483]. Hard Copy Pages 310–311:

286. Item 758a (Sales Type Code=1)=Sum of Item 758 (Sales Type Code=1)
287. Item 759a (Sales Type Code=1)=Sum of Item 759 (Sales Type Code=1)
288. Item 761a (Sales Type Code=1)=Sum of Item 761 (Sales Type Code=1)
289. Item 758a (Sales Type Code=2)=Sum of Item 758 (Sales Type Code=2)
290. Item 759a (Sales Type Code=2)=Sum of Item 759 (Sales Type Code=2)
291. Item 761a (Sales Type Code=2)=Sum of Item 761 (Sales Type Code=2)
292. Item 758a (Sales Type Code=3)=Sum of Item 758 (Sales Type Code=3)
293. Item 759a (Sales Type Code=3)=Sum of Item 759 (Sales Type Code=3)
294. Item 761a (Sales Type Code=3)=Sum of Item 761 (Sales Type Code=3)
295. Item 758a (Sales Type Code=4)=Sum of Item 758 (Sales Type Code=4)
296. Item 759a (Sales Type Code=4)=Sum of Item 759 (Sales Type Code=4)
297. Item 761a (Sales Type Code=4)=Sum of Item 761 (Sales Type Code=4)
298. Item 758a (Sales Type Code=5)=Sum of Item 758 (Sales Type Code=5)
299. Item 759a (Sales Type Code=5)=Sum of Item 759 (Sales Type Code=5)
300. Item 761a (Sales Type Code=5)=Sum of Item 761 (Sales Type Code=5)
301. Item 758a (Sales Type Code=6)=Sum of Item 758 (Sales Type Code=6)
302. Item 759a (Sales Type Code=6)=Sum of Item 759 (Sales Type Code=6)

303. Item 761a (Sales Type Code=6)=Sum of Item 761 (Sales Type Code=6)
304. Item 760=(Item 759)/(Item 758) *100
305. Item 760a=(Item 759a)/(Item 758a) *100

Schedule F(6), Record 09: Revenue From Transportation of Gas of Others (Account 489). Hard Copy Pages 312–313:
306. Item 767 (Info. Reported Code=6)=Sum of Item 767 (Info. Reported Code=1)
307. Item 767 (Info. Reported Code=7)=Sum of Item 767 (Info. Reported Code=4)
308. Item 767 (Info. Reported Code=8)=Sum of Item 767 (Info. Reported Code=5)
309. Item 767 (Info. Reported Code=9)=Sum of Item 767 (Info. Reported Codes 2, 3, 6, 7 and 8)
310. Item 768 (Info. Reported Code=8)=Sum of Item 768 (Info. Reported Code=5)
311. Item 768 (Info. Reported Code=9)=Sum of Item 768 (Info. Reported Codes 2, 3, 6, 7 and 8)
312. Item 769 (Info. Reported Code=8) =Sum of Item 769 (Info. Reported Code=5)
313. Item 769 (Info. Reported Code=9)=Sum of Item 769 (Info. Reported Codes 2, 3, 6, 7 and 8)
314. Item 770=(Item 769)/(Item 768) * 100 (Info. Reported Codes=1 thru 9)

Schedule F(6), Record 10: Sales of Products Extracted From Natural Gas (Account 490). Hard Copy Page 315:
315. Item 776=[(Item 775)/(Item 774)] * 100

Schedule F(6), Records 12–30: Gas Oper. and Maint. Expenses. Hard Copy Pages 320–325:

For Year Reported Codes 1 and 2:
316. Item 792=Sum of Items 781 thru 791
317. Item 802=Sum of Items 793 thru 801
318. Item 803=Item 792+Item 802
319. Item 818=(Sum of Items 804 thru 815)−Item 816+Item 817
320. Item 827=Sum of Items 819 thru 826
321. Item 828=Item 818+Item 827
322. Item 833=Sum of Items 829 thru 832
323. Item 844=(Sum of Items 834 thru 841)−Item 842
324. Item 851=Sum of Items 845 thru 850
325. Item 860=Item 857+Item 858+Item 859
326. Item 862=Item 844+Item 845+Item 851+Item 852−Item 853+Item 854−Item 855+Item 860+Item 861
327. Item 863=Item 780+Item 803+Item 828+Item 833+Item 862
328. Item 877=Sum of Items 864 thru 876
329. Item 886=Sum of Items 878 thru 885
330. Item 887=Item 877+Item 886
331. Item 894=Sum of Items 888 thru 893
332. Item 904=Sum of Items 895 thru 903
333. Item 905=Item 894+Item 904
334. Item 922=(Sum of Items 906 thru 917)−Item 918+Item 919+Item 920+Item 921
335. Item 931=Sum of Items 923 thru 930
336. Item 932=Item 922+Item 931
337. Item 933=Item 887+Item 905+Item 932
338. Item 945=Sum of Items 934 thru 944
339. Item 953=Sum of Items 946 thru 952
340. Item 954=Item 945+Item 953
341. Item 967=Sum of Items 955 thru 966
342. Item 978=Sum of Items 968 thru 977
343. Item 979=Item 967+Item 978
344. Item 985=Sum of Items 980 thru 984
345. Item 990=Sum of Items 986 thru 989
346. Item 995=Sum of Items 991 thru 994
347. Item 1009=Item 996+Item 997−Item 998+(Sum of Items 999 thru 1004)−Item 1005+Item 1006+Item 1007+Item 1008
348. Item 1011=Item 1009+Item 1010
349. Item 1012=Item 863+Item 933+Item 954+Item 979+Item 985+Item 990+Item 995+Item 1011

Schedule F(6), Record 31: Number of Gas Department Employees. Hard Copy Page 325:
350. Item 1016=Sum of Item 1014+Item 1015

Schedule F(6), Record 32: Exploration and Development Expenses (Accts 795, 796, 798, Except Abandoned Leases, Acct. 797). Hard Copy Page 326:
351. For each state code: Item 1019 (Info. Rptd Code=2)=Sum of Item 1019 (Info. Rptd Code=1)
352. Item 1019 (Info. Reported Code=3) =Sum of Item 1019 (Info. Rptd Code=2)
353. For each state code: Item 1020 (Info. Rptd Code=2)=Sum of Item 1020 (Info. Rptd Code=1)
354. Item 1020 (Info. Reported Code=3) =Sum of Item 1020 (Info. Rptd Code=2)
355. For each state code: Item 1021 (Info. Rptd Code=2)=Sum of Item 1021 (Info. Rptd Code=1)
356. Item 1021 (Info. Reported Code=3) =Sum of Item 1021 (Info. Rptd Code=2)
357. For each state code: Item 1022 (Info. Rptd Code=2)=Sum of Item 1022 (Info. Rptd Code=1)
358. Item 1022 (Info. Reported Code=3) =Sum of Item 1022 (Info. Rptd Code=2)
359. For each state code: Item 1023 (Info. Rptd Code=2) =Sum of Item 1023 (Info. Rptd Code=1)
360. Item 1023 (Info. Reported Code=3) =Sum of Item 1023 (Info. Rptd Code=2)

Schedule F(6), Record 34: Gas purchases (Accounts 800, 800.1, 801, 802, 803, 804, 804.1, 805, 805.1, 805.2). Hard Copy Page 327

For Info. Reported Codes 1, 2 and 3:
361. Item 1036=Sum of Items 1026 thru 1034

Schedule F(6), Record 35: Exchange Gas Transactions (Account 806, Exchange Gas). Hard Copy Pages 328–330:
362. Item 1039 (Info. Reported Code=2)=Sum of Item 1039 (Info. Rptd Code =1)
363. Item 1040 (Info. Reported Code=2)=Sum of Item 1040 (Info. Rptd Code =1)
364. Item 1042 (Info. Reported Code=2)=Sum of Item 1042 (Info. Rptd Code =1)
365. Item 1043 (Info. Reported Code=2)=Sum of Item 1043 (Info. Rptd Code =1)
366. Item 1044 (Info. Reported Code=2)=Sum of Item 1044 (Info. Rptd Code =1)
367. Item 1045 (Info. Reported Code=2)=Sum of Item 1045 (Info. Rptd Code =1)
368. Item 1046 (Info. Reported Code=2)=Sum of Item 1046 (Info. Rptd Code =1)
369. Item 1047a (Info. Reported Code=2)=Sum of Item 1047a (Info. Rptd Code=1)

Schedule F(6), Record 36: Gas Used in Utility Operations—Credit (Accounts 810, 811, 812). Hard Copy Page 331:
370. Item 1050 (Purpose Code=6)=Sum of Item 1050 (Purpose Codes 1 thru 5)
371. Item 1051 (Purpose Code=6)=Sum of Item 1051 (purpose Codes 1 thru 5)
372. Item 1053 (Purpose Code=6)=Sum of Item 1053 (purpose Codes 1 thru 5)
373. Item 1054 (purpose Code=6)=Sum of Item 1054 (Purpose Codes 1 thru 5)
374. Item 1052=(Item 1051)/(Item 1050) * 100

Schedule F(6), Record 37: Other Gas Supply Expenses (Acct. 813). Hard Copy Page 334:
375. Item 1056 (Info. Reported Code=2)=Sum of Item 1056 (Info. Rptd Code=1)

Schedule F(6), Record 38: Transmission and Compression of Gas By Others (Account 858). Hard Copy Pages 332–333:
376. Item 1060 (Info. Reported Code=3)=Sum of Item 1060 (Info. Rptd Code=1)
377. Item 1060 (Info. Reported Code=4)=Sum of Item 1060 (Info. Rptd Code=2)
378. Item 1060 (Info. Reported Code=5)=Sum of Item 1060 (Info. Rptd Codes 3 & 4)
379. Item 1061 (Info. Reported Code=3)=Sum of Item 1061 (Info. Rptd Code=1)
380. Item 1061 (Info. Reported Code=4)=Sum of Item 1061 (Info. Rptd Code=2)
381. Item 1061 (Info. Reported Code=5)=Sum of Item 1061 (Info. Rptd Codes 3 & 4)
382. Item 1062 (Info. Reported Code=3)=Sum of Item 1062 (Info. Rptd Code=1)
383. Item 1062 (Info. Reported Code=4)=Sum of Item 1062 (Info. Rptd Code=2)
384. Item 1062 (Info. Reported Code=5)=Sum of Item 1062 (Info. Rptd Codes 3 & 4)
385. Item 1063=(Item 1062)/(Item 1061) * 100

Schedule F(6), Record 39: Misc. Gen. Expenses (Acct 930.2) (Gas). Hard Copy Page 335:
386. Item 1068a=Sum of Items 1065 thru 1068

Schedule F(6), Records 40–41: Depreciation, Depletion, and Amortization of Gas Plant (Accounts 403, 404.1, 404.2, 404.3, 405) (Except Amort. of Acq. Adj.). Hard Copy Pages 336–338:
387. Item 1070 (Func. Class. Code=12)=Sum of Item 1070 (Func. Class. Codes 1 thru 10)
388. Item 1071 (Func. Class. Code=12)=Sum of Item 1071 (Func. Class. Codes 1 thru 10)

389. Item 1072 (Func. Class. Code=12)=Sum of Item 1072 (Func. Class. Codes 1 thru 10)
390. Item 1073 (Func. Class. Code=12)=Sum of Item 1073 (Func. Class. Codes 1 thru 10)
391. Item 1074 (Func. Class. Code=12)=Sum of Item 1074 (Func. Class. Codes 1 thru 10)
392. Item 1075 (Func. Class. Code=12)=Sum of Item 1075 (Func. Class. Codes 1 thru 11)
393. Item 1075=Sum of Item 1070 thru 1074
394. Item 1076b (Func. Class. Code=9)=Sum of Item 1076b (Func. Class. Codes 1 thru 8)

Schedule F(6), Record 43: Particulars Concerning Certain Income Deductions and Interest Charges Accounts. Hard Copy Page 340:
395. For each Acct. Number: Item 1080 (Info. Rpt. Code=2)=Sum of Item 1080 (Info. Rptd Code=1)
396. Item 1080 (Info. Reported Code=3)=Sum of Item 1080 (Info. Rptd Code=2)

Schedule F(7), Records 01–02: Regulatory Commission Expenses. Hard Copy Pages 350–351:
397. Item 1081 (Info. Reported Code=2)=Sum of Item 1081 (Info. Rptd Code=1)
398. Item 1082 (Info. Reported Code=2)=Sum of Item 1082 (Info. Rptd Code=1)
399. Item 1083 (Info. Reported Code=2)=Sum of Item 1083 (Info. Rptd Code=1)
400. Item 1084 (Info. Reported Code=2) =Sum of Item 1084 (Info. Rptd Code=1)
401. Item 1087 (Info. Reported Code=2) =Sum of Item 1087 (Info. Rptd Code=1)
402. Item 1088 (Info. Reported Code=2) =Sum of Item 1088 (Info. Rptd Code=1)
403. Item 1090 (Info. Reported Code=2) =Sum of Item 1090 (Info. Rptd Code=1)
404. Item 1091 (Info. Reported Code=2) =Sum of Item 1091 (Info. Rptd Code=1)

Schedule F(7), Record 03: Research and Demonstration Activities. Hard Copy Page 353:
405. Item 1093 (RD&D Class. Code=16) =Item 1093 (RD&D Class. Codes 1 thru 15)
406. Item 1094 (RD&D Class. Code=19) =Item 1094 (RD&D Class. Codes 17 and 18)
407. Item 1096 (RD&D Class. Code=16) =Item 1096 (RD&D Class. Codes 1 thru 15)
408. Item 1096 (RD&D Class. Code=19) =Item 1096 (RD&D Class. Codes 17 and 18)
409. Item 1097 (RD&D Class. Code=16) =Item 1097 (RD&D Class. Codes 1 thru 15)
410. Item 1097 (RD&D Class. Code=19) =Item 1097 (RD&D Class. Codes 17 and 18)

Schedule F(7), Records 04–07: Distribution of Salaries and Wages. Hard Copy Pages 354–355:
For Classification Code=1 Only:
411. Item 1105=Sum of Items 1098 thru 1104
412. Item 1110=Sum of Items 1106 thru 1109
413. Item 1111=Item 1098+Item 1106
414. Item 1112=Item 1099+Item 1107
415. Item 1113=Item 1100+Item 1108
416. Item 1117=Item 1104+Item 1109
417. Item 1118=Sum of Items 1111 thru 1117
418. Item 1129=Sum of Items 1119 thru 1128
419. Item 1137=Sum of Items 1130 thru 1136
420. Item 1138=Item 1119+Item 1130
421. Item 1139=Item 1120+Item 1131
422. Item 1140=Item 1121+Item 1132
423. Item 1141=Item 1122+Item 1133
424. Item 1142=Item 1123+Item 1134
425. Item 1143=Item 1124+Item 1135
426. Item 1144=Item 1125
427. Item 1145=Item 1126
428. Item 1146=Item 1127
429. Item 1147=Item 1128+Item 1136
430. Item 1148=Sum of Items 1138 thru 1147
For Classification Codes 1, 2 and 3:
431. Item 1149=Item 1118+Item 1148+Item 1148a
432. Item 1153=Item 1150+Item 1151+Item 1152
433. Item 1157=Item 1154+Item 1155+Item 1156
434. Item 1159=Item 1149+Item 1153+Item 1157+Item 1158

Schedule F(7), Record 09: Natural Gas Reserves and Land Acreage. Hard Copy Pages 500–501:
435. Item 1166 (Info. Reported Code=2) =Sum of Item 1166 (Info. Rptd Code=1)
436. Item 1167 (Info. Reported Code=2) =Sum of Item 1167 (Info. Rptd Code=1)
437. Item 1168 (Info. Reported Code=2) =Sum of Item 1168 (Info. Rptd Code=1)
438. Item 1169 (Info. Reported Code=2) =Sum of Item 1169 (Info. Rptd Code=1)
439. Item 1170 (Info. Reported Code=2) =Sum of Item 1170 (Info. Rptd Code=1)
440. Item 1171 (Info. Reported Code=2) =Sum of Item 1171 (Info. Rptd Code=1)
441. Item 1172 (Info. Reported Code=2) =Sum of Item 1172 (Info. Rptd Code=1)
442. Item 1173 (Info. Reported Code=2) =Sum of Item 1173 (Info. Rptd Code=1)
443. Item 1174 (Info. Reported Code=2) =Sum of Item 1174 (Info. Rptd Code=1)
444. Item 1173=Item 1167+Item 1169+Item 1171
445. Item 1174=Item 1168+Item 1170+Item 1172

Schedule F(7), Record 10: Changes in Estimated Natural Gas Reserves. Hard Copy Page 503:
For Information Reported Codes=1, 2 and 3:
446. Item 1180=Sum of Items 1176 thru 1179
447. Item 1186=Sum of Items 1181 thru 1185
448. Item 1187=Item 1175+Item 1180−Item 1186

Schedule F(7), Record 11: Changes in Estimated Hydrocarbon Reserves and Costs, and Net Realizable Value. Hard Copy Page 504:
For Information Reported Codes 1 thru 3:
449. Item 1187f=Item 1187b+Item 1187c+Item 1187d+Item 1187e
450. Item 11871=Item 1187g+Item 1187h+Item 1187i+Item 1187j+Item 1187k
451. Item 1187m=Item 1187a+Item 1187f+Item 11871
For Information Reported Code 4:
452. Item 1187f=Item 1187b+Item 1187d+Item 1187e
453. Item 11871=Item 1187g+Item 1187h+Item 1187j+Item 1187k

Schedule F(7), Records 13–14: Natural Gas Production and Gathering Statistics. Hard Copy Pages 506:
454. Item 1199=Sum of Items 1188 thru 1198 (For Information Reported Codes 1 thru 3)
455. Item 1199=Sum of Items 1188 thru 1197 (For Information Reported Code 4)
456. Item 1211=Sum of Items 1200 thru 1210 (For Information Reported Codes 1 thru 4)
457. Item 1215=Item 1212+Item 1213+Item 1214 (For Information Reported Codes 1 thru 4)

Schedule F(7), Records 15–16: Products Extraction Operations-Natural Gas. Hard Copy Page 507:
458. Item 1220=Item 1217+Item 1218+Item 1219
459. Item 1228=Sum of Items 1221 thru 1227

Schedule F(7), Record 18: Gas and Oil Wells. Hard Copy Page 510:
460. Item 1261=Item 1259+Item 1260
461. Item 1265=Item 1263+Item 1264
462. Item 1266=Item 1258+Item 1261+Item 1262−Item 1265

Schedule F(7), Record 19: Field and Storage Lines. Hard Copy Page 511:
463. For each state code: Item 1268 (Info. Rptd Code=3)=Sum of Item 1268 (Info. Rptd Code=1)
464. For each state code: Item 1268 (Info. Rptd Code=4)=Sum of Item 1268 (Info. Rptd Code=2)
465. Item 1268 (Info. Rptd Code=5)=Sum of Item 1268 (Info. Rpt. Codes 3 & 4)

Schedule F(7), Records 20–23: Gas Storage Projects. Hard Copy Pages 512–513:
466. Item 1274=Sum of Items 1269 thru 1273
467. Item 1278=Item 1275+Item 1276+Item 1277
468. Item 1291=Sum of Items 1279 thru 1290
469. Item 1306=Sum of Items 1294 thru 1305
470. Item 1309=Item 1307+Item 1308

Schedule F(7), Record 24: Transmission Lines. Hard Copy Page 514:
471. Item 1325 (Info. Rptd Code=2)=Sum of Item 1325 (Info. Rptd Code=1)

Schedule F(7), Record 25: Liquefied Petroleum Gas Operations. Hard Copy Pages 516–517:
472. Item 1327 (Info. Reported Code=2)=Sum of Item 1327 (Info. Rptd Code=1)
472. Item 1328 (Info. Reported Code=2)=Sum of Item 1328 (Info. Rptd Code=1)
473. Item 1329 (Info. Reported Code=2)=Sum of Item 1329 (Info. Rptd Code=1)
474. Item 1330 (Info. Reported Code=2)=Sum of Item 1330 (Info. Rptd Code=1)
475. Item 1331 (Info. Reported Code=2)=Sum of Item 1331 (Info. Rptd Code=1)
476. Item 1332 (Info. Reported Code=2)=Sum of Item 1332 (Info. Rptd Code=1)
477. Item 1333 (Info. Reported Code=2)=Sum of Item 1333 (Info. Rptd Code=1)

Schedule F(7), Records 26–27: Transmission System Peak Deliveries. Hard Copy Page 518:
478. Item 1337=Item 1335b+Item 1336
479. Item 1337a=Item 1335c+Item 1336a
480. Item 1340=Item 1338b+Item 1339
481. Item 1340a=Item 1338c+Item 1339a
482. Item 1343=Item 1341b+Item 1342
483. Item 1343a=Item 1341c+Item 1342a
484. Item 1346=Item 1344b+Item 1345
485. Item 1346a=Item 1344c+Item 1345a
486. Item 1352=Item 1350b+Item 1351

Schedule F(7), Records 29–31: Gas Account-Natural Gas. Hard Copy Pages 520–521:
487. Item 1368=Sum of Items 1361 thru 1367
488. Item 1376=(Sum of Items 1358 thru 1360)+Item 1368+(Sum of Items 1369 thru 1375)
489. Item 1380=Sum of Items 1377 thru 1379
490. Item 1386=Sum of Items 1381 thru 1385
491. Item 1389=Item 1387+Item 1388
492. Item 1391=Item 1380+Item 1386+Item 1389+Item 1390
493. Item 1394=Item 1392+Item 1393
494. Item 1403=Item 1391+(Sum of Items 1394 thru 1402)
495. Item 1409=Sum of Items 1404 thru 1408
496. Item 1410=Item 1403+Item 1409
497. Item 1358=Item 1216 (Info. Reported Code=1)
498. Item 1359=Item 1331+Item 1332 (Info. Rptd Code=2)
499. Item 1361=Item 1026 (Info. Reported Code=1)
500. Item 1362=Item 1028 (Info. Reported Code=1)
501. Item 1363=Item 1029 (Info. Reported Code=1)
502. Item 1364=Item 1030 (Info. Reported Code=1)
503. Item 1365=Item 1031 (Info. Reported Code=1)
504. Item 1366=Item 1032 (Info. Reported Code=1)
505. Item 1367=Item 1033 (Info. Reported Code=1)
506. Item 1368=Item 1036−Item 1027 (Info. Rptd Code=1)
507. Item 1369=Item 767 (Info. Reported Code=9)
508. Item 1370=Item 1061 (Info. Reported Code=5)
509. Item 1371=Item 1039 (Info. Reported Code=2)
510. Item 1372=Item 1306
511. Item 1376=(Sum of Items 1358 thru 1360)+(Sum of Items 1368 thru 1375)
512. Item 1377=Item 758a (Sales Type Code=1)
513. Item 1379=Item 758a (Sales Type Code=2)
514. Item 1381=Item 758a (Sales Type Code=3)
515. Item 1382=Item 758a (Sales Type Code=4)
516. Item 1385=Item 758a (Sales Type Code=5)
517. Item 1395=Item 1060 (Info. Reported Code=5)
518. Item 1396=Item 1042 (Info. Reported Code=2)
519. Item 1398=Item 1291

**Appendix D—FERC Form No. 2A Edit Checks January 8, 1990**

Schedule F(8), Records 03–07: Comparative Balance Sheet. Hard Copy Pages 4–5:

For Balance Year Code=2:
1. Item 20−Item 18−Item 19
2. Item 34=Sum of Items 26 thru 33
3. Item 45=Sum of Items 35 thru 42
4. Item 46=(Sum of Items 20 thru 25)+Item 34+Item 45
5. Item 56=Sum of Items 47 thru 55
6. Item 62=Sum of Items 57 thru 61
7. Item 69=Sum of Items 63 thru 68
8. Item 76=Sum of Items 70 thru 75
9. Item 83=Sum of Items 77 thru 82
10. Item 84=Sum of Items 56, 62, 69, 76, and 83

Schedule F(8), Records 08–10: Statement of Income for the Year. Hard Copy Pages 6–8:
11. Item 98=Sum of Items 86 thru 97
12. Item 99=Item 85−Item 98
13. Item 105=Sum of Items 100 thru 104
14. Item 109=Sum of Items 106 thru 108
15. Item 117=Sum of Items 110 thru 116
16. Item 118=Item 105−Item 109−Item 117
17. Item 127=Sum of Items 119 thru 126
18. Item 128=Item 99+Item 118−Item 127
19. Item 131=Item 129−Item 130
20. Item 133=Item 131−Item 132
21. Item 134=Item 128+Item 133

Schedule F(8), Record 11: Statement of Retained Earnings. HARD COPY PAGE 9:
22. Item 141=Sum of Items 135 thru 140
23. Item 144=Items 142+Item 143
24. Item 145=Items 141+Item 144

Schedule F(8), Records 12–14: Statement of Cash Flows. HARD COPY PAGES 120–121:
25. Item 153=(Sum of Items 146 thru 152b)−Item 152c−Item 152d+Item 152e
26. Item 160=(Sum of Items 154 thru 157)−Item 158+Item 159
27. Item 169=Sum of Items 160 thru 168f
28. Item 173=Sum of Items 170a thru 172
29. Item 178=Sum of Items 173 thru 177
30. Item 179=Item 153+Item 169+Item 178
31. Item 181=Item 179+Item 180

Schedule F(8), Record 19: Gas Sales for the Report Year. HARD COPY PAGE 16:
32. Item 200=Sum of Items 197 thru 199
33. Item 202=Item 200+Item 201
34. Item 204=Item 202+Item 203

Schedule F(8), Records 20–21: Gas Operation and Maintenance Expenses. HARD COPY PAGE 16:
35. Item 218 = (Sum of Items 209 thru 217)
36. Item 219 = (Sum of Items 205 thru 208)+Item 218
37. Item 227=Sum of Items 219 thru 226

Schedule F(8), Record 23: Gas purchases. HARD COPY PAGE 18:
38. Item 238=(Item 237 / Item 236) *100 (for Account Number Codes 1, 2, and 5)

Schedule F(8), Record 24: Gas Account−Natural Gas. HARD COPY PAGE 19:
39. Item 243=Sum of Items 240 thru 242
40. Item 244=Item 204 (for Information Reported Code=2)
41. Item 246=Item 244+Item 245
42. Item 248=Item 246+Item 247

Schedule F(8), Records 25–26: Utility Plant Data. HARD COPY PAGE 20:
43. Item 253=Sum of Items 250 thru 252
44. Item 259=Item 249+Item 253+(Sum of Items 254 thru 258)
45. Item 269=Sum of Items 259 thru 268
46. Item 271=Item 269+Item 270

**Substitute Records**

Schedule F(8), Records 28–35: Comparative Balance Sheet. HARD COPY PAGES 110–113:

For Balance Year Code=2:
47. Item 274=Item 272+Item 273
48. Item 276=Item 274−Item 275
49. Item 279=Item 277−Item 278
50. Item 280=Item 276+Item 279
51. Item 289=Item 283 Item 284+Item 285+Item 286+Item 287+Item 288
52. Item 318=(Sum of Items 290 thru 296)−Item 297+(Sum of Items 298 thru 317)
53. Item 334=Sum of Items 319 thru 331
54. Item 335=Item 280+Item 281+Item 282+Item 289+Item 318+Item 334
55. Item 335=Item 384
56. Item 348=(Sum of Items 336 thru 342)−Item 343−Item 344+Item 345+Item 346−Item 347
57. Item 355=Item 349−Item 350+Item 351+Item 352+Item 353−Item 354
58. Item 362=Sum of Items 356 thru 361
59. Item 376=Sum of Items 363 thru 375
60. Item 383=Sum of Items 377 thru 382
61. Item 384=Item 348+Item 355+Item 362+Item 376+Item 383

Schedule F(8), Records 36–39: Statement of Income for the Year; HARD COPY PAGES 114–117:

For Bal. Yr. Code=1 and 2; and Util. Plant Code=1, 2, 3 and 4:
62. Item 401=(Sum of Items 386 thru 396)−Item 397+Item 398−Item 399+Item 400
63. Item 402=Item 385−Item 401

For Balance Year Code=1 and 2:
64. Item 413=Item 403−Item 404+Item 405−Item 406+(Sum of Items 407 thru 412)
65. Item 417=Sum of Items 414 thru 416
66. Item 425=(Sum of Items 418 thru 421)−Item 422+Item 423−Item 424
67. Item 426=Item 413−Item 417−Item 425
68. Item 435=(Sum of Items 427 thru 429)−Item 430−Item 431+Item 432+Item 433−Item 434
69. Item 436=Item 402+Item 426−Item 435
70. Item 439=Item 437−Item 438
71. Item 441=Item 439−Item 440
72. Item 442=Item 436+Item 441

Schedule F(8), Record 40: Statement of Retained Earnings for the Year; HARD COPY PAGES 118–119:
73. Item 451=Item 443+Item 444−Item 445+Item 446−Item 447−Item 448−Item 449+Item 450
74. Item 454=Item 452+Item 453
75. Item 455=Item 451+Item 454
76. Item 460=Item 456+Item 457−Item 458+Item 459

Schedule F(8), Records 41–47: Gas Plant in Service (Accounts 101, 102, 103, & 106); HARD COPY PAGES 204−209:

For Transaction Type Code=1 thru 6:
77. Item 464=Sum of Items 461 thru 463
78. Item 483=Sum of Items 465 thru 482
79. Item 492=Sum of Items 484 thru 491
80. Item 493=Item 483+Item 492
81. Item 495=Item 493+Item 494

82. Item 508=Sum of Items 496 thru 507
83. Item 518=Sum of Items 509 thru 517
84. Item 527=Sum of Items 519 thru 526
85. Item 528=Item 508+Item 518+Item 527
86. Item 537=Sum of Items 529 thru 536
87. Item 552=Sum of Items 538 thru 551
88. Item 563=Sum of Items 553 thru 562
89. Item 565=Item 563+Item 564
90. Item 566=Item 464+Item 495+Item 528+Item 537+Item 552+Item 565
91. Item 570=Item 566+Item 569 (For Transaction Type Codes 1, 5 and 6)
92. Item 570=Item 566+Item 567−Item 568+Item 569 (For Transaction Type Code 2)
93. Item 570=Item 566+Item 567+Item 569 (For Transaction Type Code 3)
94. Item 570=Item 566−Item 568+Item 569 (For Transaction Type Code 4)

Schedule F(8), Records 48–49: Accumulated Provision for Depreciation of Gas Utility Plant (Account 108); HARD COPY PAGE 219

For Balance Type Reported Code=1, 2, 3 and 4:
95. Item 577=Sum of Items 572 thru 576
96. Item 581=Item 578+Item 579−Item 580
97. Item 583=Item 571+Item 577+Item 581+Item 582
98. Item 593=Sum of Items 584 thru 592

Schedule F(8), Records 50–52: Gas Operating Revenues; HARD COPY PAGES 300–301:

For Info. Rptd Code=1 thru 3; Balance Year Codes 1 and 2:
99. Item 599=Sum of Items 594 thru 598
100. Item 601=Item 599+Item 600
101. Item 603=Item 601+Item 602

For Info. Reported Code=1; Balance Year Codes 1 and 2:
102. Item 614=Sum of Items 604 thru 613
103. Item 615=Item 603+Item 614
104. Item 617=Item 615−Item 616

For Info. Reported Code=1 and 2; Balance Year Code=1:
105. Item 623=Sum of Items 618 thru 622

Schedule F(8), Records 53–71: Gas Operation and Maintenance Expenses; HARD COPY PAGES 320–325:

For Year Reported Codes 1 and 2:
106. Item 636=Sum of Items 625 thru 635
107. Item 646=Sum of Items 637 thru 645
108. Item 647=Item 636+Item 646
109. Item 662=(Sum of Items 648 thru 659)−Item 660+Item 661
110. Item 671=Sum of Items 663 thru 670
111. Item 672=Item 662+Item 671
112. Item 677=Sum of Items 673 thru 676
113. Item 683=(Sum of Items 678 thru 685)−Item 686
114. Item 695=Sum of Items 690 thru 694
115. Item 704=Item 701+Item 702+Item 703
116. Item 706=Item 688+Item 689+Item 695+Item 696−Item 697+Item 698−Item 699+Item 704+Item 705
117. Item 707=Item 624+Item 647+Item 672+Item 677+Item 706
118. Item 721=Sum of Items 708 thru 720
119. Item 730=Sum of Items 722 thru 729
120. Item 731=Item 721+Item 730
121. Item 738=Sum of Items 732 thru 737
122. Item 748=Sum of Items 739 thru 747
123. Item 749=Item 738+Item 748
124. Item 766=(Sum of Items 750 thru 761)−Item 762+Item 763+Item 764+Item 765
125. Item 775=Sum of Items 767 thru 774
126. Item 776=Item 766+Item 775
127. Item 777=Item 731+Item 749+Item 776
128. Item 789=Sum of Items 778 thru 788
129. Item 797=Sum of Items 790 thru 796
130. Item 798=Item 789+Item 797
131. Item 811=Sum of Items 799 thru 810
132. Item 822=Sum of Items 812 thru 821
133. Item 823=Item 811+Item 822
134. Item 829=Sum of Items 824 thru 828
135. Item 834=Sum of Items 830 thru 833
136. Item 839=Sum of Items 835 thru 838
137. Item 853=Item 840+Item 841−Item 842+(Sum of Items 843 thru 848)−Item 849+Item 850+Item 851+Item 852
138. Item 855=Item 853+Item 854
139. Item 856=Item 707+Item 777+Item 798+Item 823+Item 829+Item 834+Item 839+Item 855

Schedule F(8), Record 72: Number of Gas Department Employees; HARD COPY PAGE 325:
140. Item 860=Sum of Item 858+Item 859

Schedule F(8), Record 73: Gas Purchases (Accounts 800, 800.1, 801, 802, 803, 804, 804.1, 805, 805.1, 805.2); HARD COPY PAGE 327:

For Info. Reported Codes 1, 2 and 3:
141. Item 871=Sum of Items 861 thru 869

Schedule F(8), Records 74–76: Gas Account—Natural Gas; HARD COPY PAGES 520–521:
142. Item 882=Sum of Items 875 thru 881
143. Item 890=(Sum of Items 872 thru 874)+Item 882+(Sum of Items 883 thru 889)
144. Item 894=Sum of Items 891 thru 893
145. Item 900=Sum of Items 895 thru 899
146. Item 903=Item 901+Item 902
147. Item 905=Item 894+Item 900+Item 903+Item 904
148. Item 908=Item 906+Item 907
149. Item 917=Item 905+(Sum of Items 909 thru 916)
150. Item 923=Sum of Items 918 thru 922
151. Item 924=Item 917+Item 923
152. Item 875=Item 861 (Info. Reported Code=1)
153. Item 876=Item 863 (Info. Reported Code=1)
154. Item 877=Item 864 (Info. Reported Code=1)
155. Item 878=Item 865 (Info. Reported Code=1)
156. Item 879=Item 866 (Info. Reported Code=1)
157. Item 880=Item 867 (Info. Reported Code=1)
158. Item 881=Item 868 (Info. Reported Code=1)
159. Item 882=Item 871−Item 862 (Info. Rpt. Code=1)
160. Item 891=Item 938 (Sales Type Code=1)
161. Item 893=Item 938 (Sales Type Code=2)
162. Item 895=Item 938 (Sales Type Code=3)
163. Item 896=Item 938 (Sales Type Code=4)
164. Item 899=Item 938 (Sales Type Code=5)

Schedule F(8), Records 77–78: Sales for Resale, Natural Gas [Acct 483] HARD COPY PAGES 310–311:
165. Item 938 (Sales Type Code=1)=Sum of Item 930 (Sales Type Code=1)
166. Item 939 (Sales Type Code=1)=Sum of Item 931 (Sales Type Code=1)
167. Item 941 (Sales Type Code=1)=Sum of Item 933 (Sales Type Code=1)
168. Item 938 (Sales Type Code=2)=Sum of Item 930 (Sales Type Code=2)
169. Item 939 (Sales Type Code=2)=Sum of Item 931 (Sales Type Code=2)
170. Item 941 (Sales Type Code=2)=Sum of Item 933 (Sales Type Code=2)
171. Item 938 (Sales Type Code=3)=Sum of Item 930 (Sales Type Code=3)
172. Item 939 (Sales Type Code=3)=Sum of Item 931 (Sales Type Code=3)
173. Item 941 (Sales Type Code=3)=Sum of Item 933 (Sales Type Code=3)
174. Item 938 (Sales Type Code=4)=Sum of Item 930 (Sales Type Code=4)
175. Item 939 (Sales Type Code=4)=Sum of Item 931 (Sales Type Code=4)
176. Item 941 (Sales Type Code=4)=Sum of Item 933 (Sales Type Code=4)
177. Item 938 (Sales Type Code=5)=Sum of Item 930 (Sales Type Code=5)
178. Item 939 (Sales Type Code=5)=Sum of Item 931 (Sales Type Code=5)
179. Item 941 (Sales Type Code=5)=Sum of Item 933 (Sales Type Code=5)
180. Item 938 (Sales Type Code=6)=Sum of Item 930 (Sales Type Code=6)
181. Item 939 (Sales Type Code=6)=Sum of Item 931 (Sales Type Code=6)
182. Item 941 (Sales Type Code=6)=Sum of Item 933 (Sales Type Code=6)
183. Item 932=(Item 931)/(Item 930) * 100
184. Item 940=(Item 939)/(Item 938) * 100

[FR Doc. 90-787 Filed 1-11-90; 8:45 am]
BILLING CODE 6717-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 522

### Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Luprostiol Sterile Solution

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Norden Laboratories, Inc., providing for use of Equestrolin® (luprostiol sterile solution) in mares for estrus control and termination of pregnancy.

**EFFECTIVE DATE:** January 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** Sandra K. Woods, Center for Veterinary Medicine (HFV–114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3420.

**SUPPLEMENTARY INFORMATION:** Norden Laboratories, Inc., Lincoln, NE 68501, filed NADA 140–857, providing for intramuscular use of Equestrolin® (luprostiol sterile solution) in mares for estrus control and termination of pregnancy. The NADA is approved as of January 5, 1990, and 21 CFR 522.1290 is added to reflect the approval. The basis for approval is discussed in the freedom of information summary.

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

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

**List of Subjects in 21 CFR Part 522**

Animal drugs.

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

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

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

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

2. New § 522.1290 is added to read as follows:

**§ 522.1290 Luprostiol sterile solution.**

(a) *Specifications.* Each milliliter of sterile solution contains 7.5 milligrams of luprostiol.

(b) *Sponsor.* See No. 011519 in § 510.600(c) of this chapter.

(c) *Special considerations.* Labeling shall bear the following statements: *Warning:* Women of childbearing age, asthmatics, and persons with bronchial and other respiratory problems should exercise extreme caution when handling this product. In the early stages, women may be unaware of their pregnancies. Luprostiol is readily absorbed through the skin and can cause abortion and/or bronchiospasms. Direct contact with the skin should therefore be avoided. Accidental spillage on the skin should be washed off immediately with soap and water.

(d) *Conditions of use*—(1) *Amount.* 7.5 milligrams per mare.

(2) *Indications for use.* The drug is used in mares for estrus control and termination of pregnancy.

(3) *Limitations.* Administer by intramuscular injection only. Not for use in horses intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: January 5, 1990.

**Gerald B. Guest,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 90–819 Filed 1–11–90; 8:45 am]

BILLING CODE 4160–01–M

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 23 CFR Part 1313

**[Docket No. 89–02; Notice 2]**

**RIN 2127–AD01**

## Incentive Grant Criteria for Drunk Driving Prevention Programs

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Final rule.

**SUMMARY:** This Final Rule implements a new program enacted by the Anti-Drug Abuse Act of 1988, which authorizes two new categories of federal incentive grants to States that adopt and implement comprehensive drunk driving prevention programs which provide for certain specified elements. This rulemaking action establishes the manner in which States will certify that they are eligible for these incentive grants, and the procedure by which NHTSA will award such grants.

**DATE:** This rule becomes effective January 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** Mr. Lewis S. Buchanan, Office of Alcohol and State Programs, NTS–21, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366–2753; or Ms. Heidi L. Coleman, Office of Chief Counsel, National Highway Traffic Safety Administration, telephone (202) 366–1834.

**SUPPLEMENTARY INFORMATION:** On November 18, 1988, the Anti-Drug Abuse Act of 1988, Pub. L. 100–690, was signed into law by the President. Section 9001 of the Act, et seq., entitled the Drunk Driving Prevention Act of 1988, amends the Highway Safety Act of 1966, 23 U.S.C. 401, et seq., by adding section 410, which authorizes a new incentive grant program. This program establishes a two-tiered incentive grant program, under which States may qualify for basic and supplemental incentive grants for adopting and implementing comprehensive drunk driving prevention programs which are self-sustaining and provide for certain specified elements that will improve the effectiveness of the State's enforcement of drunk driving laws. States may qualify for these grants in up to three fiscal years.

The section 410 program is similar to the "section 408" alcohol incentive grant program administered by NHTSA (23 U.S.C. 408), under which States may qualify for grants by adopting and implementing effective programs to reduce drunk driving. The section 408 program was first enacted in 1982, under Pub. L. 97–364, as a two-tiered (basic and supplemental) grant program. In 1984, section 408 was amended, Pub. L. 98–363, to expand the scope of the 408 program to include programs to combat drugged driving as well as drunk driving and to establish a third grant for which States may qualify (special grants) to encourage the States to enact tough minimum sentencing standards. Section 203 of the Surface Transportation and Uniform Relocation Assistance Act of 1987, Pub. L. 100–17, amended section 408 again by extending from three to five, the number of fiscal years in which a State may receive section 408 incentive grants.

On June 26, 1989 (54 FR 26783), NHTSA issued a Notice of Proposed Rulemaking (NPRM) seeking comments on its proposal to implement the 1988 statute which creates the new section 410 incentive grant program. In particular, the agency requested comments on the manner in which States will certify that they are eligible for the grants, and the procedure by which NHTSA will award such grants.

The agency received over 270 comments. More than 200 of these comments were received from licensed beverage servers and tavern owners in the State of Wisconsin. The remaining commenters included the Governor's Representative or other officials representing 20 States, the National Association of Governors' Highway Safety Representatives (NAGHSR), Mothers Against Drunk Driving (MADD), Remove Intoxicated Drivers (RID), the National Licensed Beverage Association, the Tavern League of Wisconsin, the Pennsylvania Licensed Beverage Association, Guardian Technologies, and interested individuals.

**General Comments**

The comments were generally in support of the section 410 program and the agency's proposed regulation. North Dakota, for example, applauded the use of incentive programs that provide funding to States to help resolve problems rather than punitive sanctions that take needed funds away, and Illinois asserted that if the States pass the laws outlined in this ambitious Federal statute, it "should substantially reduce alcohol and drug related traffic accidents." Some States, such as Indiana, Ohio and Wisconsin, expressed hopes of qualifying for section 410 grants.

NAGHSR and several States asserted that the criteria that States must meet to qualify for a section 410 grant are far too strict. NAGHSR went so far as to state that "the stringent criteria will serve as a disincentive to [the] States rather than an incentive, as was intended by law." Minnesota stated that future legislation should not take a "cookbook approach to drunk driving laws," but rather should allow States to qualify based on proven performance. Most of these commenters, however, including NAGHSR and Minnesota, recognize that Congress left the agency with little discretion. They stress repeatedly that the agency should provide the States with as much flexibility as possible, within the confines of the language and spirit of the Federal statute, and NHTSA believes the regulation reflects this concern.

**Limitations on Grant Amounts**

As the agency explained in its NPRM, section 410 provides, in subsection (d), that an eligible State may receive as a basic grant an amount that shall not exceed 30 percent of its FY 1989 highway safety grant (section 402) apportionment. Section 402 apportionments are made to the States as formula grants under the Highway Safety Act of 1966, 23 U.S.C. 402, to aid the States in conducting highway safety programs. To qualify for a section 410 basic grant, a State must provide for both an expedited driver's license suspension or revocation system and a self-sustaining drunk driving prevention program.

If a State meets the basic grant requirements, and also the requirements for one or more of the four supplemental grants, it may be eligible for supplemental grant funds under section 410, subject to the matching requirements, which will be explained further below.

An eligible State may receive as a supplemental grant an amount that shall not exceed 10 percent of its FY 1989 section 402 apportionment for each of three programs: mandatory blood alcohol concentration testing programs for drivers involved in fatal and serious crashes who are believed to have committed an alcohol-related traffic offense; an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages; and a suspension of registration and return of license plate program for repeat offenders and individuals convicted of driving while their driver's license is under suspension or revocation for an alcohol-related offense. In addition, an eligible State may receive as a supplemental grant an amount that shall not exceed 25 percent of its FY 1989 section 402 apportionment for a program which makes it unlawful to possess an open container and to consume an alcoholic beverage in a motor vehicle. A State that meets the criteria for a basic grant and all four supplemental grants could receive grant funds in an amount of up to 85 percent of its FY 1989 section 402 apportionment.

Since the statute provides that these grant amounts "shall not exceed" the percentages identified above, the agency has the discretion to award grants of amounts which are less than those specified in the Act. As will be explained in further detail in the "Basic Grant Criteria" portion of this notice, the agency has adopted its proposal to award a 20 percent basic grant under certain circumstances, rather than the full 30 percent. States may qualify for the full 30 percent basic grant under the regulation by meeting additional requirements that need not be met to qualify for the 20 percent grant. Similarly, as will be explained in further detail in the "Supplemental Grant Criteria" portion of this notice, the agency has adopted its proposal to award a 10 percent grant to States for a program which makes it unlawful to possess an open container and to consume an alcoholic beverage in a motor vehicle under certain circumstances, rather than the full 25 percent. States may qualify for the full 25 percent under the proposal by submitting additional information not required to qualify for the 10 percent grant.

As proposed, the agency will award the full amount of each remaining supplemental grant to States that meet the statutory criteria and demonstrate compliance in accordance with the regulation. The amount to be awarded under each grant is identified in the portion of the regulation that describes the criteria for receiving that grant. See paragraphs (a) and (b) of § 1313.5 and paragraphs (a), (b), (c)(1), (c)(2) (i) and (d) of § 1313.6.

The statute provides, in section 410(c), that States, which may receive grants for up to three fiscal years, must match the section 410 grant funds they receive. The Act requires that the Federal share shall not exceed 75 percent of the cost of implementing and enforcing the drunk driving prevention program adopted to qualify for these funds in the first fiscal year the State receives funds, 50 percent in the second fiscal year and 25 percent in the third. The agency received no comments regarding these limitations. They have been included in section 1313.4(b) of the final rule.

In its NPRM, the agency proposed to accept, as we do for both the section 402 and section 408 programs, a "soft" match in section 410's administration. By this, we stated that we mean the State's share may be satisfied by the use of either allowable costs incurred by the State or the value of in-kind contributions applicable to the period to which the matching requirement applies. A State could not, however, use any Federal funds, such as its section 402 or 408 funds, to satisfy the matching requirements. In addition, a State could use each non-Federal expenditure only once for matching purposes. In other words, State funds expended to support drunk driving enforcement activities, if used to match section 402 Federal funds, could not be used also to match section 408 or 410 grant money. The only commenter to specifically address these issues supported the agency's decision to accept "soft" matches. The agency therefore adopts this portion of its proposal in this final rule.

**Certification and Award Procedures**

In an effort to simplify the administration of this program, the agency proposed certification and

award procedures for section 410 incentive grants that are essentially the same as those for section 408 incentive grants. Oregon supported the agency in this effort and, with one exception discussed below, we received no comments objecting to the proposal. In fact, commenters commended the agency for including certain options in these procedures, notably allowing States to submit a Drunk Driving Prevention Plan that covers the period of one, two or three years and, in the event that a State would receive a partial grant due to insufficient Federal funds, allowing the State to choose to wait until the next fiscal year to receive its section 410 grant. The certification and award procedures proposed in the agency's NPRM are, therefore, adopted without change. (For details on these procedures, interested parties are encouraged to review the NPRM, which discussed them at length.)

The agency received comments regarding its interpretation of the term "aggregate expenditures." The statute requires, and we proposed in the NPRM, that States must enter into agreements with the agency to ensure that "the State will maintain its aggregate expenditures from all other sources for drunk driving prevention programs at or above the average level of such expenditures in its two fiscal years preceding the date of enactment of this section."

In determining their prior levels of funding for the purpose of calculating aggregate expenditures, the agency proposed that States must include any non-section 410 money expended for drunk driving prevention purposes, regardless of source. It must include, for example, both Federal and matching funds expended under sections 402 and 408 for drunk driving prevention purposes. NAGHSR and the State of New Mexico challenged the agency's proposal in their comments. They argue that calculations made based on this proposal would penalize States currently receiving section 408 funds (particularly those in their last year of the program) and 403 grants (discretionary grants or contracts awarded to States for specific activities), and that the agency should not include these variable funds in its calculation of aggregate expenditures. Although the agency understands that this requirement could make it more difficult for some States to qualify, this outcome is dictated by statute. The statutory requirement, which appears in both the section 408 and 410 incentive grant programs, reflects Congress' interest in having States expand their drunk driving activities without their becoming dependent on Federal funds to conduct these activities.

Basic Grant Criteria

To be eligible for a basic grant, the Act specifies, in section 410(e), that a State must provide for an expedited driver's license suspension or revocation system and a self-sustaining drunk driving prevention program. Under the statute, an eligible State may receive up to 30 percent of its fiscal year 1989 section 402 apportionment.

The agency proposed that States which qualify for a basic grant and provide for an administrative review and suspend the driver's license of offenders within 15 days of their receiving notice, under section 410(e)(1)(C) and (F)(i) of the statute, would be awarded the full 30 percent. States that qualify for a basic grant and provide for an administrative review and suspend the driver's license of offenders within 30, but not 15, days of their receiving notice, under section 410(e)(1)(C) and (F)(ii) of the statute, would be awarded 20 percent. These States must also show that meeting the 15-day requirement would impose a hardship upon the State.

A number of commenters addressed this aspect of NHTSA's proposal. Some agree with the agency's proposal, and believe that two levels of funding are justified. Others, however, assert that the 15-day statutory requirement is unreasonably difficult to meet, and that any State which provides for an administrative review and suspends an offender's driver's license within 30 days (and can show that meeting the 15-day requirement would impose a hardship upon the State) deserves to receive the full 30 percent grant. MADD questions whether the Congressional intent in this area supports such a difference in grant amount, and NAGHSR claims it unfairly penalizes States that meet the statutory requirements.

As the agency stated in its NPRM, this partial grant scheme is authorized by the Federal statute. Rather than defining what it shall "equal," section 410 provides that the amount of a basic grant "shall not exceed" the 30 percent level. Moreover, NHTSA believes the creation of two funding levels for basic grants reflects Congressional intent. The original Senate version of section 410, as proposed in S. 2367, would have required that all States meet the 15-day requirement. On June 29, 1988, NHTSA testified on this bill, and expressed its concern that meeting such a requirement would be difficult for the States. Rather than amending the bill by replacing the 15-day with a 30-day requirement, however, Congress established two methods for achieving compliance. It is our belief that the 15-day time period was maintained because Congress continued to find that providing administrative review and suspending an offender's driver's license within 15 days is preferable. If the agency were to award a 30-percent grant to States meeting either the 15-day requirement or the 30-day requirement (with a showing of hardship), we believe the States would have little, if any, incentive to achieve these steps in 15 days, as Congress had hoped.

As we stated in the NPRM, the agency believes that States which meet all the basic criteria, but meet the 30 rather than the 15-day requirement, should be considered qualified for a section 410 basic grant. However, we wish to recognize, and provide incentives for States that go further, and provide administrative reviews and suspend driver's licenses within 15 days after offenders receive their notice. For this reason, this final rule provides that the agency will award 20 percent basic grants to qualifying States that meet the 30-day but not the 15-day requirement, and 30 percent grants to qualifying States that provide administrative reviews and suspend driver's licenses within the 15-day period.

However, we agree with NAGHSR and MADD that the 30-day requirement was added to facilitate the grantmaking process. Accordingly, as will be discussed further below, the agency intends to provide the States with some flexibility by permitting them to show hardship using a broad range of factors.

The elements of these two basic grant criteria and the manner in which States must demonstrate compliance are explained fully below:

1. *Expedited Driver's License Suspension or Revocation System.* Section 410(e) specifies that eligible States must provide:

(1) for an expedited driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol which requires that—

(A) when a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol related traffic offense and such individual is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer serve such individual with a written notice of suspension or revocation of the driver's license of such individual and take possession of such driver's license;

(B) the notice of suspension or revocation referred to in subparagraph (A) provide

information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of an individual for operating a motor vehicle while under the influence of alcohol and specify any rights of the operator under such procedures;

(C) the State provide, in the administrative procedures referred to in subparagraph (B), for due process of law, including the right to an administrative review of a driver's license suspension or revocation within the time period specified in subparagraph (F);

(D) after serving notice and taking possession of a driver's license in accordance with subparagraph (A), the law enforcement officer immediately report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this paragraph;

(E) in the case of an individual who, in any 5-year period beginning after the date of the enactment of this section, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering driver's licenses, upon receipt of the report of the law enforcement officer—

(i) suspend the driver's license of such individual for a period of not less than 90 days if such individual is a first offender in such 5-year period; and

(ii) suspend the driver's license of such individual for a period of not less than 1 year, or revoke such license, if such individual is a repeat offender in such 5-year period; and

(F) the suspension and revocation referred to under subparagraph (D) take effect not later than—

(i) 15 days after the day on which the individual first received notice of the suspension or revocation in accordance with subparagraph (B); or

(ii) 30 days after the day on which the individual first received notice of the suspension or revocation in accordance with subparagraph (B) if the Secretary determines that the requirements of clause (i) would impose a hardship upon the State.

In summary, the statute requires, under this criterion, that eligible states provide for an administrative driver's license suspension or revocation system that contains the following elements: (1) law enforcement officers take possession of an individual's driver's license on the spot if the driver fails a chemical test or refuses to take one; (2) officers serve offenders with notice of the suspension or revocation and of their rights, including the right to an administrative review; (3) the officers immediately forward a report to the appropriate licensing agency within the State; (4) due process is ensured by providing offenders with the right to an administrative review; (5) the period of suspension or revocation is not less than 90 days for first offenders and not less than 1 year for repeat offenders; and (6) the administrative review takes place and the suspension or revocation, if any, takes effect not later than 15 days after the individual receives notice (30 days if the State can show that meeting the 15-day requirement would impose a hardship on the State).

As already indicated, the commenters agree in principle that the swift and certain loss of driving privileges is an effective deterrent to drunk drivers. However, they are consistent in their view that the legislation was far too specific in outlining the particular criteria States must meet to be eligible for a section 410 grant.

NHTSA stated, in its NPRM, that it believes administrative license suspension systems are effective countermeasures to drunk drivers, because they assure prompt, mandatory license sanctions against all offenders, and strongly endorses the concept of administrative license suspensions and the enactment of administrative license suspension laws. The agency also believes, however, that States should have the flexibility to develop the details of an administrative license suspension law to meet their individual needs, so the agency did not support the establishment of an inflexible Federal model for all States to follow.

However, as we stated in the preamble to our proposed rule and most commenters recognize, Congress opted for limited flexibility. NHTSA proposed in the NPRM, and has retained in this final rule, some limited degree of flexibility, to the extent permitted by the statute. Discussed below are the most salient features of this criterion, and the comments received regarding these features. For a more complete discussion of the agency's proposal, interested parties are invited to review the NPRM, 54 FR 26783, June 26, 1989.

The terms "operating a motor vehicle while under the influence of alcohol" and "under the influence of alcohol while operating the motor vehicle" are used in paragraphs (A) and (B) of section 410(e)(1), and elsewhere in the legislation. The agency proposed to define these terms so that they apply to persons determined, by use of a chemical test, to have an alcohol concentration in the blood or breath of 0.10 percent or greater. We recognize that some States have enacted laws which provide that persons with an alcohol concentration level of .08 percent, rather than .10, are deemed to be under the influence. NHTSA encourages the adoption of the lower alcohol concentration standard. These State laws are acceptable under the definition for this program, since they consider persons with an alcohol concentration level of .10 percent (as well as persons with a level of .08 and .09 percent) to be under the influence of alcohol.

Consistent with the definitions in the 408 incentive grant program, these terms would not include persons who refuse to submit to such a test. To ensure that all offenders who may be subject to suspension or revocation under a State's law are provided with the same level of due process protection, we proposed to specify, in § 1313.5(a)(1)(i)(B), that refusers as well as other offenders are entitled to receive notice of their rights, including the right to an administrative review. NHTSA received no comments on these proposals. They have been adopted without change.

The statute requires that law enforcement officers serve offenders with notice of their rights, including the right to an administrative review. In addition, it provides, in § 410(e)(1)(C), that States must provide for "due process of law, including the right to an administrative review," which takes place not later than 15 days after the individual receives notice (30 days if the State can show that meeting the 15-day requirement would impose a hardship on the State.)

Accordingly, as long as a State meets these requirements by providing offenders with proper notice and the right to an individualized administrative review which takes place within the time established by statute, the agency stated that it would presume that due process has been ensured. We requested comments from the public on whether the agency should provide further guidance on the procedures necessary to ensure due process. All those addressing this issue agreed that the agency's proposal provides sufficient guidance. It has, therefore, been adopted without change.

Illinois requested that we accept judicial review as well as administrative review to satisfy the due process requirement. While the use of judicial review may not disqualify the State on due process grounds, a State's use of judicial rather than administrative proceedings may result in ineligibility for a section 410 grant based on the other elements of this criterion. It is difficult to make a determination, however, without more information from the State. The agency would be pleased to receive a written request, and review the law of Illinois (or other States with individual questions). Illinois also expresses its view that the administrative review should not have to take place before the effective date of the sanction. The Act and the regulation

require only that both the suspension or revocation and the review take place within the requisite periods of time (i.e., within 15 or 30 days). The order in which these two events take place has not been specified in the regulation.

RID asked the agency to make it clear that due process at hearings does not require the presence of a police officer, just the sworn statement of the probable cause and chemical test analysis. The NHTSA rule does not require the presence of a police officer as a condition for Section 410 eligibility. However, each State must determine its own rules of evidence, admissibility and due process. There is no need, nor any practical means for NHTSA, to address issues of judicial procedure or constitutional law in this rulemaking. Thus, we have not addressed this issue in our final rule.

As provided by law, the agency proposed (in section 1313.5(a)(1)(D)) that, after serving notice and taking possession of a driver's license, the law enforcement officer must immediately report all relevant information to the State entity responsible for administering driver's licenses. West Virginia asked whether the agency would consider 48 hours to be "immediately." This term has been left undefined. The agency's preliminary opinion is that a brief period of time, such as 48 hours, may pass without disqualifying a State, as long as the other time periods defined in the statute and the regulation are met. However, we must reserve final judgment until such time as we can review individual written requests and documentation from States.

In an effort to simplify the regulatory language, we proposed to avoid repeating the phrase "any 5-year period beginning after the date of the enactment of this section," or related phrases, in a number of places in the regulation that refer to the statutory criterion. As proposed, this phrase has been included in the definition of the term "repeat offender" and appropriate language replaces related phrases in § 1313.5 of the regulation. Most importantly, the agency interprets this language in the Act to mean that an offender is an individual who has failed a chemical test or refused to submit to one after November 18, 1988. These individuals are considered to be repeat offenders if they have failed a chemical test or refused to submit to one on two or more occasions within a 5-year period, and if at least two of these incidents occurred after November 18, 1988. The agency received no comments on these items.

NHTSA also received no comments regarding the length of time for which suspensions must be served (or which must pass before an offender whose driving privileges are revoked may obtain a new license). As proposed, the regulation provides that this period must be not less than 90 days for first offenders and not less than one year for repeat offenders. In addition, first offenders (other than refusers) must receive a "hard" suspension for the first thirty days of their 90 day suspension period, and repeat offenders (including repeat refusers) and first refusers must receive a "hard" suspension for the full one year or 90 days, respectively, during which time an offender is not allowed conditional driving privileges. This portion of the rule is identical to 23 CFR 1309.3(f), from the agency's regulation implementing the section 408 program. For more information on the lengths of suspension, particularly with regard to the conditions under which restricted licenses or In-Vehicle Alcohol Testing Devices (IVAT's) may be used, see 53 FR 32375, 32377 (August 25, 1988), which discusses the section 408 regulatory definition.

Utah asked whether the agency would accept, under the one-year suspension requirement, revocations required as part of the court sentence for second offenders. The agency would need more information before making a determination, such as whether such revocations occur "promptly," as defined in the regulation. The State may wish to submit a written request for an interpretation.

As proposed, the agency has defined the terms "suspension" and "revocation" in the same manner. As such, with respect to driver's licenses, the term "suspension" as used in the rule should be read to pertain to both suspensions and revocations, wherever appropriate. New Mexico argues that NHTSA should award a larger incentive grant (in terms of the percent of section 402 funds awarded) to States that revoke rather than suspend driver licenses, due to additional expenses incurred by these States. Section 410 does not support such an outcome. Moreover, NHTSA does not believe the added deterrence value of revoking a license, if any, over suspending it warrants such a difference in funding levels. We received no other objections to our proposal.

The time frames within which an administrative review must take place and the suspension, if any, must take effect are defined in paragraphs (C) and (F) of section 410(e)(1). These occurrences must take place within 15 days after the individual first received notice of the suspension and the right to have an administrative review, or within 30 days after the individual first received notice if the agency has determined that the 15-day requirement would impose a hardship upon the State.

With only one exception (Minnesota), every respondent to the NPRM on this issue asserted that these timeframes are unreasonably short. Illinois, for example, urges Congress to change the requirement. The State asserts, "Although we agree with the concept that administrative suspension or revocation is an effective sanction, we believe that the certainty of punishment * * * is more important than the loss of a license within a short period of time * * * There is little reason to believe that drivers will be deterred more by the threat of a sanction that is imposed within 15 or 30 days than one that is imposed within 45 days. It is the fact that a sanction is or will be imposed that makes the difference." While the agency agrees with this sentiment, the statute provides us with no flexibility in this regard. Similarly, we are precluded from considering factors other than hardship, such as the severity of State sanctions, as suggested by Utah and Arizona.

West Virginia asks the agency to make allowances for individual cases that are continued beyond the 15 or 30 day time period. The regulation does so by permitting States to demonstrate compliance with these periods of time through the use of averages. As discussed in the NPRM, the agency would accept data showing that the average time from notice to any administrative review and suspension does not exceed the requisite time periods. New Mexico also supported the agency's proposed acceptance of averages. We received no comments objecting to the manner in which States must demonstrate compliance. This portion of the regulation has been adopted, as proposed.

To avoid unnecessary duplication, the details relating to the manner in which States must demonstrate compliance have not been repeated in their entirety in this final rule. However, we will summarize this process briefly. States must demonstrate compliance with the first four elements of the expedited driver's license suspension requirement (§ 1313.5(a)(1)(i) (A)–(D)) by submission of the State's law, regulation or binding policy directive. No data will be required to demonstrate compliance with these elements of the criterion. With regard to the remaining two elements (§ 1313.5(a)(1)(i) (E) and (F) of

the rule), which cover the length of the suspension and the time within which the administrative review must take place and the suspension must take effect, States may qualify for 20 or 30 percent grants, as either "Law" or "Data" States.

Minnesota suggests that, rather than having "Law States" and "Data States" (both of which must submit data after the first year), incentive grants should be available through a two-tier system, under which States with appropriate laws would be eligible for one level of funding and States interested in gathering and analyzing data could qualify for a higher amount. Under Minnesota's proposal, States could qualify only if their laws contain each element of the statutory requirement NHTSA developed the concept of "Law States" and "Data States" under its section 408 program. to increase flexibility by providing the States with alternative methods for demonstrating compliance with the statutory criteria for that program. A number of States have laws which, in one or more ways, fail to meet each of the elements of the section 408 requirements. Notwithstanding the literal nonconformance (or incompleteness) of their laws, these States are permitted by regulation to qualify for section 408 funds as "Data States" by submitting additional information to demonstrate actual compliance. We believe this same flexibility should be provided to the States under the section 410 program. The agency views the submission of data by first year "Data States" as an opportunity for States that wouldn't otherwise qualify to receive incentive grant funds. We do not view it as an added initiative, warranting a higher level of funding. As previously discussed, the agency has reserved a higher level of funding for States that meet the 15 rather than the 30-day requirement.

In addition, the agency continues to believe that "Law States" should be required to submit data after their first year of funding. As the agency explained in its August 25, 1988 section 408 final rule (53 FR 32379), "the information required under this criterion should not be difficult for States to collect, since it should be available from the licensing agency in each State. More importantly, we believe collection of this information is essential for States, so they can ensure that the elements of [this] criterion continue to be met. We have observed that both the length of suspension and promptness requirements often prove difficult for States to maintain, even when they are established by State law. The availability of this data should alert both the States and the agency to any compliance problems before they become irreversible." For these reasons, the agency has decided not to adopt Minnesota's proposal.

Whether the State is applying for a 30 or a 20 percent grant, for purposes of this criterion, a "Law" State is a State that has laws, regulations, or binding policy directives which, on their face, meet each element of the expedited suspension requirement. A "Data" State is a State that has laws, regulations, or binding policy directives which, on their face, meet each element of the expedited suspension requirement, with the exception of the elements described in § 1313.5(a)(1)(i)(E) and (F) of the proposed regulation, regarding the length of the suspension and the time within which the administrative review must take place and the suspension must take effect.

To demonstrate compliance in the first year it receives a 30 percent basic grant, a "Law" State must submit only the law, regulation or binding policy directive itself governing its 15-day expedited suspension system requirement; the State would not be required to submit any data in that year. To comply with this criterion in subsequent years, the State must submit data on the actual license suspension terms, although the agency will accept data showing that the State meets an average of these terms, or a plan to achieve these averages. In addition, the State must submit data demonstrating that the average time from notice to any administrative review and suspension does not exceed 15 days

To demonstrate compliance for a 30 percent basic grant in both the first and in subsequent years, a "Data" State must submit its law, regulation, or binding policy directive governing its 15-day expedited suspension system. It must also submit data on the actual license suspension terms, although the agency will accept data showing that the State meets an average of these terms. A Data State does not have the option of submitting a plan showing how it intends to achieve these averages. In addition, the State must submit data demonstrating that the average time from notice to any administrative review and suspension does not exceed 15 days.

States that do not qualify for a 30 percent basic grant, but wish to apply for a 20 percent basic grant, may also do so as Law or Data States.

To demonstrate compliance in the first year it receives a 20 percent basic grant, a "Law" State must submit only the law, regulation or binding policy directive itself governing its 30-day expedited suspension system; the State is not required to submit any data in that year. The State's law must provide that any administrative reviews are provided and driver's licenses are suspended within 30 days after the individual receives notice of his or her right to a review and of the suspension, and the State must explain the hardship that would be imposed by a 15-day administrative review and suspension requirement. To comply with this criterion in subsequent years, the State must submit data on the actual license suspension terms, although the agency will accept data showing that the State meets an average of the license suspension terms, or a plan to achieve these averages. In addition, the State must submit data demonstrating that the average time from notice to any administrative review and suspension does not exceed 30 days, and explain the hardship that would be imposed by instituting 15-day administrative reviews and suspensions. In response to comments from NAGHSR and MADD, the State will not be required to submit a plan showing how it intends to meet the 15-day requirement. It is, of course, the agency's hope that States will achieve considerable progress toward providing administrative reviews and suspending offenders' driver's licenses within 15 days. We believe that the additional 10 percent grant, however, will do more to encourage the States to achieve this goal than will additional regulatory requirements and we believe that additional reporting activities are not necessary.

Based also on NAGHSR's and MADD's comments, asserting that the 30-day requirement was added by Congress to facilitate the grantmaking process, the agency intends to provide the States with some flexibility by permitting them to show hardship using a broad range of factors. As stated in the NPRM, we will not consider, in determining whether a hardship would be imposed, potential benefits that would not be realized due to the lack of section 410 funding. Additionally, in most instances, the agency believes that hardship claims require more than a showing that current State law or administrative requirements preclude implementation of the 15-day period. The State can make the requisite showing by demonstrating unreasonable administrative, financial, legal or other burdens would result if it were to institute a procedure by which administrative reviews would take place

and suspensions would take effect within 15 days. The agency will consider hardship claims based, for example, on significant increases in personnel or Automated Data Processing costs that would be needed for the State to meet the 15-day requirement.

A number of commenters noted the reasons why they believe they will have difficulty meeting the strict time periods defined by statute. Washington State, Illinois, North Dakota and NAGHSR assert that meeting these deadlines could jeopardize due process; California, Washington and NAGHSR cite the need for additional personnel and physical space as a problem; the impact on workloads and schedules are also mentioned. The agency will consider these factors as well in determining whether meeting the 15-day requirement would impose a hardship on the State.

To demonstrate compliance for a 20 percent basic grant in both the first or in subsequent years, a "Data" State must submit its law, regulation, or binding policy directive governing its 30-day expedited suspension system. It must also submit data on the actual license suspension terms, although the agency will accept data showing that the State meets an average of the license suspension terms. A Data State does not have the option of submitting a plan showing how it intends to achieve these averages. In addition, the State must submit data demonstrating that the average time from notice to any administrative review and suspension does not exceed 30 days, and explain the hardship that would be imposed by instituting 15-day administrative reviews and suspensions.

Several commenters requested clarification on aspects of this part of the proposal. North Dakota asked for guidance regarding what the agency would accept as a representative sample, and expressed concern that it will be penalized if data on a minimum number of cases is required. The agency recognizes that the demographics of the States vary greatly, and intends to be flexible with regard to the manner in which representative samples may be developed. It does not expect to accept, for example, an exclusive method for developing supporting data. States are encouraged to seek technical guidance from research analysts or statisticians early in the process of preparing their applications. In addition, NHTSA Regional staff will be pleased to discuss with the States their proposed strategies for developing representative samples. Oregon asked whether a State could qualify for 30 percent of its FY 1989 section 402 funds as a "Data State" by demonstrating that it substantially complies with the 15-day expedited suspension system requirement even though it has a law which specifies a 30-day expedited suspension system. The agency will accept data under these circumstances and, provided all other requirements are met, such a State could be eligible for a 30 percent grant.

The speed with which driver license suspensions take effect will determine whether a State is eligible for a 20 or a 30 percent basic grant. States must, in either case, have a self-sustaining drunk driving prevention program, and demonstrate compliance in the manner described below.

2. *Self-sustaining drunk driving prevention program.* Section 410(e) specifies that eligible States must provide also:

> (2) for a self-sustaining drunk driving prevention program under which the fines or surcharges collected from individuals convicted of operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

In the NPRM, the agency stated that it believes the three most essential elements of this criterion are: (1) the State, through its communities, institutes a "comprehensive" drunk driving prevention program; (2) while the program may not be completely "self-sustaining," a significant portion of its costs is supported with non-Federal funds; and (3) all of the fines or surcharges generated by drunk driving prevention programs, or an equivalent amount, are used for the program's continued operation.

The proposed definition of the term "comprehensive drunk driving prevention program" has been included in § 1313.3(b) with just one minor change, which is discussed below. The definition, as adopted, includes four components which must, at a minimum, be included in qualifying State programs. As it stated in the NPRM, the agency believes that a model comprehensive program should contain a broad range of drunk driving prevention activities and approaches. While we encourage the States to continually strive for increased comprehensiveness, for the purpose of this criterion, NHTSA has defined the term "comprehensive drunk driving prevention program" to include only those features and components which we consider absolutely essential.

The first component of the definition of "comprehensive drunk driving prevention program" has been expanded to include regularly conducted, peak-hour *traffic* enforcement efforts with an emphasis on DWI, rather than limiting such efforts to regularly conducted, peak-hour *DWI* enforcement. The agency believes such comprehensive efforts will lead to greater and more long-term benefits in terms of both traffic safety and reducing the incidents of drunk driving.

The proposed definition included, as its second component, "DWI prosecution, adjudication and sanctioning resources adequate to handle increased levels of DWI arrests." NHTSA stated in the NPRM that, with regard to this component, the agency estimates that approximately 1.5% to 2% of licensed drivers could be arrested annually in a high-arrest area States that have not experienced increased levels of DWI arrests may wish to use these figures for planning purposes. We received no comments on this aspect of the proposal.

Guardian Technologies, the manufacturer of In-Vehicle Alcohol Testers (or IVAT's), recommended that the third component, be changed to list specifically, among the programs directed at forms of prevention other than enforcement and adjudication activities, ignition interlock programs. The corporation asserted, "States should have sufficient flexibility to include ignition interlock programs as an integral part of their 'comprehensive drunk driving prevention program.' " Guardian also proposed a definition for the term "ignition interlock." NHTSA has decided not to incorporate this change. The activities listed in § 1313.3(b)(3) of the regulation are examples of programs that States may implement to satisfy this component of the definition. To list all such activities in this portion of our definition would be an onerous task, and is unnecessary. States are, of course, at liberty to incorporate other types of drunk driving prevention activities beyond those specifically listed in the regulation.

To demonstrate that they have "comprehensive" programs, we proposed to require that States describe their criteria and procedures for reviewing community drunk driving prevention programs. NAGHSR and the State of Washington suggested that this requirement be deleted. The agency notes that the statute requires community programs to be "comprehensive" and does not believe this requirement should be burdensome to the States. Moreover, these commenters offered no alternative methods for determining State compliance with the Federal criteria.

This requirement, therefore, will not be changed for centralized States. (As will be discussed further below, however, it will be modified in some respects for decentralized and mixed (or other) States, since it does not accurately reflect the manner in which such systems operate.) As we stated in the June 1989 notice, the criteria that all States use to evaluate whether their community programs are comprehensive must meet or exceed the agency's regulatory definition of the term cited above.

In determining a State's eligibility for a basic grant, under this criterion, the agency will not review individual community programs or require that centralized States report the number of community programs that qualify. However, as explained further below, these States must submit data showing the aggregate amount of fines or surcharges actually collected and the aggregate amount of revenues actually returned or provided to community drunk driving prevention programs under the State's self-sustaining system. They must also certify, among other things, that a significant portion of the costs of these programs are supported with non-Federal funds. The agency expects that a number of communities will receive funds immediately in qualifying States, and we expect and hope that, in the future, an increased number of communities will qualify for revenues and that, with these revenues, community programs will become more comprehensive.

The Act requires that eligible States must have "self-sustaining" programs. It is clear from the statute and the legislative history that Congress did not intend that States would be required to show that their costs were covered completely in order to qualify. Congress did intend that States must show, however, that all fines or surcharges collected from convicted drunk drivers, or an equivalent amount, are returned or provided to the State's community level drunk driving prevention programs; that these non-Federal revenues are made available to continue the operation of community drunk driving prevention programs; and that a significant portion of the costs of operating these programs are supported with non-Federal funds. To determine whether States are meeting these requirements, the agency proposed that States must describe their procedures for returning or providing revenues to communities that have comprehensive drunk driving prevention programs, submit data showing the aggregate amount of fines or surcharges actually collected and the aggregate amount of revenues actually returned or provided to these programs, and certify that these revenues are being used to continue the operation of comprehensive drunk driving prevention programs and that a significant portion of the costs of these programs are supported with non-Federal funds.

NAGHSR and California asserted that it would be difficult and costly to submit data showing the aggregate amount of revenues actually collected and returned or provided to community programs under the State's self-sustaining system. The agency believes it must review this data to determine whether a State complies with the statutory criteria. We recognize that decentralized States and mixed States (those with features of both centralized and decentralized systems), however, may have difficulty collecting some of this information and have, therefore, made some allowances. These are discussed below.

The respondents agreed with the agency's proposal to leave the term "significant" undefined in our regulation, and permit the States to establish their own definitions.

NHTSA said, in its proposed rule, that it recognizes that many activities conducted by the State, such as enforcement efforts by the State highway patrol, directly benefit, and for the purpose of this criterion should be considered part of, a community's comprehensive drunk driving prevention program. For this reason, we proposed to accept, under the regulation, a self-sustaining program which returns or provides revenues either directly to communities which have comprehensive drunk driving prevention programs, or to activities conducted by the State for the benefit of those communities. All commenters responding to this issue agreed with the agency. Section 1313.5(a)(2)(iii) of the regulation has been adopted without change. It is based on 23 C.F.R. § 1250.4(c) of NHTSA's section 402 implementing regulation, and describes the conditions under which non-Federal funds expended for activities conducted by the State for the benefit of communities may be considered to have been returned or provided to the community.

As noted above, the Act defines the mechanism for meeting the goals of comprehensiveness and self-sufficiency. It provides that all of the fines or surcharges generated by drunk driving prevention programs, or an equivalent amount, are used for the program's continued operation. More specifically, "fines or surcharges collected from individuals convicted of operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles."

As NHTSA explained in the NPRM, Congress used a program that was established in New York State as its model, but did not require that States use New York's particular approach in order to qualify for section 410 funds. In its June, 1989 notice, NHTSA expressed its wish to provide the States with sufficient flexibility to develop their own models for self-sustaining programs, provided the goals described above and the statutory criterion are satisfied. Most commenters applauded the agency for taking a flexible approach to this criterion. Conversely, one respondent criticized the proposal as being too vague. New York stated that it permits too much latitude. Other comments provide that, despite the flexibility afforded, the requirements under this criterion are too difficult for States to meet.

To determine compliance with this portion of the criterion, States must submit a copy of the law, regulation or binding policy directive governing the State's self-sustaining drunk driving prevention program, which provides for fines or surcharges to be imposed, and a description of the State's procedures for returning or providing revenues to communities that have comprehensive drunk driving prevention programs

As proposed, under the definition of the term "fines or surcharges collected" from individuals convicted of operating a motor vehicle while under the influence of alcohol, "fines" include both fines and penalties collected. "Surcharges" include additional assessments collected over and above the fines and penalties, but it does not include user-type charges, such as rehabilitation, treatment, and license reinstatement fees. Indiana and California assert that license reinstatement and user fees should be included. The agency has decided, however, not to follow this recommendation.

By user-type charge, the agency is referring to an assessment that is collected to reimburse the State (or its communities) for a particular program or operation, such as licensing, rehabilitation or treatment, and that is earmarked and actually used for this purpose. We recognize that some States may refer to an assessment as a user fee, even though some or all of the revenues collected may be of a somewhat different nature, or used for a

different purpose. In determining whether revenues are fines, surcharges or user-type charges, NHTSA intends to consider the nature and purpose of these revenues, and not be bound by the nomenclature that has been assigned to them.

The agency believes user-type charges are not the revenues Congress had in mind when it developed this particular criterion. Such revenues are already being used to reimburse a State (or its communities) for certain aspects of its drunk driving prevention program. What section 410 provides for is an additional source of revenue, not necessarily created for that purpose, that can be used to promote more comprehensive programs. In addition, NHTSA does not wish to require that States divert these revenues to the other activities that would comprise a comprehensive drunk driving prevention program, as defined in this regulation. Although user-type charges will not be considered by the agency to be revenues qualifying as fines or surcharges returned or an equivalent amount provided to local communities, these monies will be accepted by the agency to show that a significant portion of a State s comprehensive drunk driving prevention program is supported with non-Federal funds and to show that it is maintaining its aggregate expenditures, in accordance with § 1313.4(a)(2)(iv) of this regulation.

In addition, this provision covers only fines or surcharges imposed on *convicted* individuals. Based on the statutory language in section 410(e)(2), the regulation provides that the revenues would not include fines or surcharges collected from individuals who lose their license administratively, but are not *convicted* of operating a motor vehicle while under the influence of alcohol. Further, the agency believes these revenues are limited to those assessed as a result of the conviction. Accordingly, even if the individual is ultimately convicted of operating a motor vehicle while under the influence of alcohol, for the purpose of this regulation, fines or surcharges would not include assessments imposed at the time of the administrative licensing action. NHTSA believes it may be appropriate for States to assess fines and surcharges when persons lose a driver's license administratively, but the section 410 statute does not permit the agency to take those moneys into account. Minnesota believes this result is inconsistent with the rest of the section 410 statute, which puts such importance on administrative actions, and MADD states that it believes this is not what Congress intended. It is, however, what Congress included in the law and the agency is, therefore, bound by it.

California claims that problems, such as whether fees may be assessed for indigents and the non-payment of fees by offenders, prevent States from achieving self-sufficiency. As the agency noted earlier, however, section 410 does not require that States show that their costs were covered completely in order to qualify with a "self-sustaining" program Moreover, the requirement that States return or provide certain funds to the State's community level drunk driving prevention programs, covers only those fines or surcharges *collected* from convicted drunk drivers, or an equivalent amount.

In the NPRM, NHTSA proposed to permit States to demonstrate compliance with this portion of the criterion by showing that *either* fines *or* surcharges are returned to qualifying communities. However, we requested comments on whether, to ensure that a significant portion of the costs of operating comprehensive drunk driving prevention programs is funded with non-Federal moneys, NHTSA should require that both or the greater of the two sources should be used for these purposes. Most commenters supported the proposal to accept either sum. The State of New York, however, whose program was used by Congress as a model, warned the agency that "a superficial response by the States with bookkeeping approaches to justify existing efforts" could result, and progress would not be made toward self-sufficiency. To reconcile these two views, NHTSA has decided that States must demonstrate compliance with this portion of the criterion by showing that either fines or surcharges, whichever amount is greater, are returned to qualifying communities. This change is reflected in the regulatory definition of the term "fines or surcharges collected". Hereinafter, whenever it refers to "fines or surcharges," the agency is referring to the greater of the two amounts.

Rather than returning the actual fines or surcharges to communities, under the regulation, States have the option of providing an equivalent amount from other non-Federal revenues. Congress established this option when it became aware that certain States are constitutionally restricted as to their use of fine revenues (e.g., prohibited for any purpose other than education). Accordingly, States that are unable or choose not to return the actual fines or surcharges collected from individuals convicted, can provide non-Federal funds from other sources (such as general or special tax revenues or fees) to communities that have comprehensive drunk driving prevention programs.

The National Licensed Beverage Association (NLBA) took exception with NHTSA's inclusion of alcoholic beverage taxes or fees as examples in the NPRM. The agency is in no way attempting to "dictate" new State sources of revenue, as claimed by NLBA. We mentioned these examples in the NPRM simply because we are aware of many States that already raise revenue in this fashion. Some comments included other examples of assessments made in the States. NHTSA believes it has provided broad latitude in the regulation regarding the sources that would be acceptable as an equivalent amount.

In the NPRM, the agency required that States returning an equivalent amount, rather than returning the actual fines and surcharges, to communities must do so "through the State's ordinary appropriations process." West Virginia asks whether its system for providing revenues to its communities would be acceptable under this portion of the regulation. The State explained, in its comments, that a tax on alcoholic beverages is collected in the State for a drunk driving prevention fund, and that the West Virginia Commission on Drunk Driving Prevention (CDDP) administers the fund and distributes monies through a grant award process. A preliminary review of West Virginia's law reveals that the CDDP does not distribute funds without first receiving an annual appropriation from the State legislature. The agency believes that such a system could qualify, provided the other elements of this criterion are met. We would need to review documentation from the State, however, before making a final determination.

West Virginia's question raises concerns that some States may not use its ordinary appropriations process to provide funds to its communities and may be excluded unfairly from qualifying for a section 410 grant on this basis alone. The agency believes that States should be permitted to use other ordinary State funding processes, provided the State can demonstrate the accountability of the funds that are provided to its communities. The regulation has been changed accordingly.

To demonstrate compliance with this portion of the criterion, States that choose to provide an equivalent amount of non-Federal funds to qualifying communities must show that an amount equivalent to either the State's fines or

surcharges are provided to qualifying communities. Like the change noted above, this change to the proposal has been made to ensure that a significant portion of the costs of operating comprehensive drunk driving prevention programs is supported with non-Federal funds.

The regulation provides, as NHTSA proposed, that States with self-sustaining programs must return or provide fines or surcharges collected within a community, or an equivalent amount, to that community once it qualifies with a comprehensive program. States are not required to return or provide fines or surcharges collected, or an equivalent amount, within communities that do not qualify with such a program. The agency proposed to leave the term "community" undefined in its regulation. We stated that, while it may be effective to evaluate programs on a county basis in one State, another State may need to evaluate community programs using a different basis. In fact, a State may wish to define communities in a manner that is not uniform throughout the State, or to recognize communities which cross State lines. The agency does not believe grant qualification should be jeopardized on this basis. RID urges the agency to define the term "community" to ensure that the political jurisdiction bringing in revenue is the one that receives the money for its programs. NHTSA believes the statute and the other portions of this regulation dictate this desired result without the need to define the term "community." Accordingly, we will permit each individual State to develop its own definition.

As proposed, the regulation requires that States returning fines or surcharges collected to qualifying communities must submit data showing the aggregate amount of fines or surcharges actually collected and returned. States providing an equivalent amount must show the aggregate amount of fines or surcharges actually collected, the amount of other non-Federal funds actually provided to communities and the source of those other funds. In addition, as stated previously, to qualify for a grant, States must certify that these revenues are being used to continue the operation of comprehensive drunk driving programs and that a significant portion of the costs of operating these programs are supported with non-Federal funds.

As it explained, in the NPRM, although Congress used New York's program as a model in enacting the self-sustaining program requirement of section 410, NHTSA wishes to provide the States with sufficient flexibility to develop their own models for self-sustaining programs, provided the statutory goals and criteria are satisfied. For example, New York has a centralized system, under which fines, penalties and forfeitures are collected and paid to the State Comptroller, and then returned to counties with approved programs. The agency does not wish to require that decentralized and mixed States, which provide that communities retain some or all of the revenues collected, change their entire systems in order to qualify for this program if they otherwise meet the criterion's requirements and Congressional goals. However, we stated that under such a system, where a community may retain revenues whether or not it has a comprehensive drunk driving program and may not be required to account for its expenditures, additional requirements may need to be established to ensure qualification. Further, NHTSA is concerned that there may be less of an incentive in these States for communities to develop comprehensive drunk driving prevention programs. We therefore requested comments on whether State systems that are decentralized or mixed should be accepted as self-sustaining under this criterion, and suggestions regarding the additional information, if any, that States with these systems must submit to demonstrate compliance.

The comments overwhelmingly favored accepting these States under this criterion. The agency has decided that these States may demonstrate compliance by submitting the same information as centralized States, with the following modifications. To more accurately reflect the manner in which they operate their systems, decentralized and mixed States may demonstrate compliance by showing that its community programs are comprehensive, in fact, rather than describing its criteria and procedures for reviewing community programs. In addition, rather than submitting the aggregate amount of fines or surcharges actually collected and the aggregate amount of revenues actually returned or provided to community drunk driving prevention programs under the State's self-sustaining system, decentralized or mixed States may submit a representative sample of these figures. NHTSA hopes this change to the proposal addresses the concern expressed by some that actual aggregate figures would be too difficult for these States to collect. Finally, since there may be less incentive for communities in decentralized or mixed States to develop comprehensive drunk driving prevention programs, the State must submit data showing that a significant number of its communities have such programs.

**Supplemental Grant Criteria**

In section 410(f), the Act provides for four separate supplemental grant programs. States that are eligible for basic grants and also meet the supplemental criteria may receive one or more of these grants. These supplemental grant programs include: (1) mandatory blood alcohol concentration testing programs for drivers involved in fatal and serious crashes who are believed to have committed an alcohol-related traffic offense; (2) an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages; (3) a program which makes it unlawful to possess an open container and to consume an alcoholic beverage in a motor vehicle and (4) a suspension of registration and return of license plate program for repeat offenders and individuals convicted of driving while their driver's license is under suspension or revocation for an alcohol-related offense.

Under the statute, a State that is eligible for the open container grant may receive up to 25 percent of its FY 1989 section 402 highway safety grant apportionment. A State that is eligible for the other supplemental grant programs may receive up to 10 percent of its FY 1989 section 402 apportionment for each grant.

The elements of these supplemental grant criteria, and the manner in which States must demonstrate compliance are explained fully below:

1. *Mandatory Blood Alcohol Concentration Testing Programs.* Section 410(f)(1) of the Act specifies that eligible States must provide for:

> mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in [a crash] resulting in the loss of human life or * * * serious bodily injury, has committed an alcohol-related traffic offense.

In other words, if a law enforcement officer has probable cause to believe a driver of a motor vehicle involved in the fatal or serious injury crash has committed an alcohol-related traffic offense, the State must provide for mandatory testing of that driver. The agency believes that this program was meant to cover both fatally injured and surviving drivers.

The Act requires that the Secretary determine what is meant by "serious

bodily injury." The agency has adopted, as its definition for this term, as proposed, "an injury, other than a fatal injury, which prevents injured persons from walking, driving or normally continuing the activities they were capable of performing before the injury occurred."

As we explained in the NPRM, State laws that provide for BAC testing whether the crash results in serious bodily injury, death or any other injury will be acceptable under this definition. State laws that provide for BAC testing of drivers only when crashes result in fatalities or injuries likely to cause a fatality will have to be expanded to qualify.

In addition, as proposed, if a State *requires* that testing be conducted, the agency will permit the State (which would be considered to be a "Law" State under this particular grant) to demonstrate compliance in the first year it receives the grant by submitting only a copy of its law, regulation or binding policy directive governing the State's mandatory BAC testing program. The State will not be required to submit data to demonstrate compliance in the first fiscal year. Data must be submitted in subsequent years, however, showing the number of drivers involved in fatal and serious bodily injury crashes and that, when there was probable cause to believe that the driver had committed an alcohol-related traffic offense, substantially all of these drivers were tested for alcohol content and the results were reported to the State. The State can provide the necessary data based on a representative sample.

A State that does not require testing (a "Data" State under this particular grant) must demonstrate compliance in the first and in subsequent years by submitting a copy of its law, regulation or binding policy directive governing the State's BAC testing program, plus data showing the number of drivers involved in fatal and serious bodily injury crashes and that, when there was probable cause to believe that the driver had committed an alcohol-related traffic offense, substantially all of these drivers were tested for alcohol concentration and the results were reported to the State. The State can provide the necessary data based on a representative sample. While a Data State's law does not need to make post-crash BAC testing mandatory, it must give law enforcement officers authority to conduct this testing and establish all other elements of this criterion.

New Mexico asserts that it will be extremely hard for States to determine when the officer had probable cause for an arrest and did not choose to test the individual. NHTSA recognizes that it may be difficult to obtain actual figures demonstrating when probable cause was present. For this reason, the regulation has been changed to permit States to provide the necessary data based on surrogate measures, such as single vehicle night-time crashes or samples of crashes involving certain populations of drivers in which the probability of alcohol involvement is high. We received no other recommendations regarding this criterion.

The agency will award the full 10 percent to States that qualify under the mandatory blood alcohol concentration testing program.

2. *Program for Prevention of Operators under 21 from Obtaining Alcoholic Beverages.* Section 410(f)(2) of the Act specifies that eligible States must provide for:

> an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages * * *

The terms "alcoholic beverage" and "motor vehicle," which are used to describe the qualifications for receiving this grant, are defined by statute. The statutory definitions are reflected in § 1313.3 of the proposed regulation.

Congress provided, in the statute, that a State's effective system "may include the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals 21 years of age and older." Easily distinguishable licenses may, for example, use a different colored background, be stamped with the word "MINOR" or include a profile photograph of under-21 drivers, as compared with a full-face photograph of individuals 21 years of age and older.

As it explained in the NPRM, the agency believes the use of easily distinguishable licenses for underaged drivers is a necessary element for an effective program. Therefore, States must use such licenses to qualify for this supplemental grant. Because it believes the adoption of clearly identifiable licenses by all States is desirable, MADD suggests that NHTSA provide a 5 percent grant to States adopting these licenses, and 10 percent to those that also include additional initiatives in their underage drunk driving efforts. The agency has decided not to follow this recommendation. As we stated in our proposal, the agency does not believe that an easily distinguishable license alone makes a State's program effective. An effective system must be comprehensive and include a number of elements which, together, prevent operators under 21 from obtaining alcoholic beverages. Moreover, we doubt that an additional 5 percent of funding would provide enough of an incentive for States to implement the other components of a comprehensive program which we consider to be so important.

Under the regulation, in order to qualify for this supplemental grant, a State must issue easily distinguishable licenses to underaged drivers, and make it unlawful both for a person who is less than 21 years of age to purchase and publicly possess any alcoholic beverage and for a person to provide (by sale or otherwise) any alcoholic beverage to a person who is less than 21 years of age. (We will recognize, as we do under the National Minimum Drinking Age Act, a limited number of exceptions, such as for religious purposes, and valid defenses for providers, such as lack of knowledge and good faith.) The State must also provide for meaningful penalties for both the underaged person and the provider of the alcoholic beverage, and maintain an effective and highly visible enforcement program. In addition, the State must have a statewide training program for servers and vendors or a plan to put such a program in place. The State must also have a statewide training program for its law enforcement community and a public information program for the general population addressing specifically the problem of underaged individuals obtaining alcoholic beverages, or a plan to put such programs in place. The agency encourages the States to address not only underage drinking in their training and public information programs, but also other drunk driving prevention issues.

None of the commenters objected to the enforcement or public information components of the proposed regulation. They have been adopted without change. New Mexico and Michigan disagreed that a statewide training program should be included as a prerequisite to funding. The Tavern League of Wisconsin and individual tavern owners, on the other hand, supported its inclusion in the regulation. Michigan suggested promoting, rather than mandating, server training or certification programs and the Pennsylvania Licensed Beverage Association (PLBA) recommended the use of "limited mandatory server training." The agency will continue to include this requirement. We wish to clarify in this final rule, however, that server training need not be mandatory to qualify under the regulation. For a

statewide program to be acceptable, training programs must be promoted by the State, and be available and conducted on a Statewide basis. As we proposed, NHTSA will accept either a Statewide training program for servers, vendors and the State's law enforcement community or a plan to put such a program in place.

The agency has adopted its proposal that States must make it unlawful both for a person who is less than 21 years of age to purchase and publicly possess any alcoholic beverage and for a person to provide (by sale or otherwise) any alcoholic beverage to a person who is less than 21 years of age. The State must also provide for meaningful penalties for both the underaged person and the provider of the alcoholic beverage to qualify for this supplemental grant. The National Licensed Beverage Association (NLBA) vehemently opposed this requirement since it goes "beyond that which was mandated under the National Minimum Drinking Age Act." The agency believes NLBA's strong opposition is based on a misunderstanding of our proposal. The regulation proposed in June was designed to implement section 410 of the Highway Safety Act, which authorizes the agency to define the manner in which States may demonstrate that they have "effective systems for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages." The proposal was not designed to implement the National Minimum Drinking Age Act (23 U.S.C. 158). That Act has already been implemented in a Joint NHTSA/FHWA regulation, 23 CFR part 1208. In some respects, Section 410 goes beyond the National Minimum Drinking Age Act. The agency continues to believe that effective programs must be directed at providers as well as users of these substances.

NLBA took issue with the agency's use of similar strategies against underage drinking, to those used against illegal drug use. It states, "NLBA strongly objects to NHTSA equating 'illegal' drug abuse to the legal use of alcohol beverages." This regulation is not attempting to interfere with the legitimate business operations of tavern owners and other licensed beverage servers. The comments indicate that this community of tavern owners and servers is made up of individuals who are also concerned about safety, and are doing what they can to protect their patrons and clientele. However, it must not be forgotten that use of alcoholic beverages *is* unlawful when the user is under the age of 21. Moreover, we consider alcohol consumption, particularly when drinkers drive, to be among the most serious "drug abuse" problems in this country.

NHTSA requested comments in the NPRM on whether to specify, in the regulation, the particular penalties that must be imposed. We stated that the current research suggests that license-based penalties are effective as both a specific and a general deterrent of drinking and driving, and cited evidence from the State of North Carolina which indicates significant reductions in the involvement of underaged drivers in alcohol-related crashes take place following implementation of laws that require loss of driving privileges for illegal purchase of alcohol and other offenses. Some commenters, including MADD, agreed that license-based penalties are most effective in combatting underage drinking and driving. We have decided, however, to leave the term "meaningful penalties" undefined, as suggested by most respondents addressing this issue. Most commenters strongly urged the agency not to establish minimum penalties, but to provide the States with flexibility, because setting minimum penalties could undermine State efforts to develop and implement innovative and effective State sanctions. We have followed this recommendation.

The State penalties, however, must truly be meaningful. For example, the agency does not intend to accept, under this criterion, State laws that impose a de minimus fine on underaged persons who obtain alcoholic beverages or persons who provide alcoholic beverages to minors, without some strong showing in terms of performance. The agency expects that it will generally accept driver license-based penalties on underaged drinkers and liquor license-based penalties on alcohol providers, when they are of more than de minimus duration. The agency may also accept other penalties, however, and these should not be viewed as minimum requirements. What is most important is not the particular sanction provided for by law, but its effectiveness when implemented. We strongly encourage State innovation in developing and instituting effective tools and methods of enforcement.

The agency received over 200 comments opposing the requirements under this criterion. Many of these commenters seemed to be under the impression that the Federal government intended to impose sanctions directly on establishments that serve alcoholic beverages or that it was either "empowering" or mandating that the States do so. NHTSA wishes to clarify that, under this regulation, the agency is simply offering incentive grant funds to States that qualify under the statutory criteria. We are imposing no sanctions on the States or on private businesses. States may, at their discretion, choose to enact legislation introducing new penalties on underaged drinkers or on people who provide alcoholic beverages to minors. Alternatively, they may qualify based on existing legislation and data demonstrating performance. By leaving the term "meaningful penalties" undefined, we are establishing no minimum requirements that States must establish by statute.

The types of sanctions most often criticized in the comments were so-called "dram shop" liability (i.e., civil liability against sellers or providers of alcoholic beverages) and the establishment of a lower illegal alcohol concentration level for drivers under the age of 21 than for other drivers (e.g., .02 percent rather than .10 percent). Dram shop liability was mentioned in the NPRM as one type of sanction that is imposed in some States against providers of alcoholic beverages. We requested comments on whether this would be a meaningful penalty and would contribute to an effective system preventing underage drinking. Some commenters point out that the imposition of dram shop liability in a State does not guarantee results, and that such liability is not necessary for a State to have an effective system for controlling underage drinking. The agency agrees. We would consider dram shop liability to be a meaningful penalty if the State also submits the requisite data, discussed below, demonstrating an effective and highly visible enforcement program. States are not required, however, to introduce such liability in order to qualify for this supplemental grant. The agency supports lower alcohol concentration levels (with appropriate penalties) for drivers under the age of 21, although that was neither mentioned in the NPRM, nor adopted in this final rule. Since consumption of alcohol is illegal for those under 21, however, we question whether States should establish any "acceptable" level for drivers, thereby creating a need to approximate the level of actual impairment.

To demonstrate compliance in the first and in subsequent years, under this regulation, the State must submit a law, regulation or binding policy directive which makes it unlawful both for a person who is less than 21 years of age to purchase and publicly possess any alcoholic beverage and for a person to provide (by sale or otherwise) any

alcoholic beverage to a person who is less than 21 years of age, and which provides for meaningful penalties for both the underaged individual and the provider of the alcoholic beverage. The State must also submit sample driver's licenses issued to persons both under and over 21 years of age. In addition, the State must submit data demonstrating that it maintains an effective and highly visible enforcement program, and has or plans to put in place a Statewide training program for servers, vendors and its law enforcement community, and a public information program for the general population addressing specifically the problem of underaged individuals obtaining alcoholic beverages. The State must show progress in addressing this problem in subsequent years.

The agency did not propose to specify the particular items of information that States must submit in support of these aspects of its system. However, some examples of information the agency might consider include: the number and the average period of time that driver or liquor licenses are actually suspended in the State for the purchase, sale or public possession of alcoholic beverages by persons under the age of 21; the amounts of fines or penalties assessed and collected and other penalties imposed and served for this type of violation; the amount of time and resources dedicated to the enforcement of this program; the number of alcohol-related fatal and non-fatal crashes which involved an underaged driver; the number of underaged drivers charged and found to be operating a motor vehicle while under the influence of alcohol; examples of training and promotional materials or electronic and print advertising developed and used and an estimate of the exposure obtained in the State (through dollar value and/or the number of people reached from each target audience).

The agency requested comments regarding whether we should provide further guidance on, or specifically identify in the regulation, the particular items of information that States must submit to demonstrate compliance with this requirement. California stated that minimum data requirements be established, although it offered no suggestions for what those minimums should be. Other commenters, however, were satisfied with the proposal. NAGHSR, for example, recommended that NHTSA provide broad guidance to the States, and afford them with maximum flexibility to demonstrate compliance. Minnesota supports the use of performance-based data which, under the regulation, would be acceptable and is encouraged.

The agency will award the full 10 percent to States that have a qualifying program for prevention of operators under 21 from obtaining alcoholic beverages.

3. *Program Making Unlawful Open Containers and Consumption of Alcohol in Motor Vehicles.* Section 410(f)(3) of the Act specifies that eligible States must:

> make unlawful the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except—
>
> (A) as allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or
>
> (B) as otherwise specifically allowed by such State, with the approval of the Secretary, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

The terms "alcoholic beverage," "motor vehicle" and "open alcoholic beverage container," which are used to describe the criteria for this grant, are defined by statute. The statutory definitions are reflected in § 1313.3 of this regulation.

The Act provides that a State which meets the criteria for this grant may receive up to 25 percent of its FY 1989 section 402 apportionment. As stated earlier in this final rule, the agency will award a grant of 10 percent of this apportionment, rather than the full 25 percent, to States under certain circumstances. States may qualify for the full 25 percent, however, by submitting additional information not required to qualify for the 10 percent grant.

To demonstrate compliance for the 10 percent grant, in the first and in subsequent years, the State must submit only a law, regulation or binding policy directive which provides for each element of the unlawful open container and consumption of alcohol requirement. States must prohibit both the possession of an open container and the consumption of alcoholic beverages in a motor vehicle to qualify. The State is not required to submit any data, but must identify any exceptions to its open container and consumption law, and provide sufficient justification for the agency to approve any exception not specifically permitted by the Federal statute. The statute permits an exception for persons (other than the driver) in the passenger area of a motor vehicle designed to transport more than 10 persons (bus) while being used to provide charter transportation of passengers.

To demonstrate compliance for the 25 percent grant, in the first and in subsequent years, the State must submit the information identified above. In addition, the State must show that its law provides for meaningful penalties, and submit data demonstrating that the State maintains an effective and highly visible enforcement program.

Three States (Michigan, New Mexico and Utah) objected to the agency's proposal to use two levels of funding. Other respondents supported this approach. In fact, Minnesota suggested that the approach used here, namely awarding one level of funds for simply having a complying law and an increased level for submission of supporting performance data and compliance with additional requirements, should be used by the agency for the other section 410 grants, particularly the basic grant. The agency has decided to adopt the regulation as proposed. The Federal statute, which provides that this supplemental grant shall "not exceed 25 percent" authorizes the agency to award an amount which is less than the full amount. For a State to receive the full sum (which exceeds all other supplemental grants by 15%), the agency believes it is important that States not only have open container and consumption laws (as many States already do), but they must demonstrate that their laws are effective and show progress in subsequent years.

The agency requested comments on whether to specify, in the regulation, the particular penalties that must be imposed. We have decided to leave the term "meaningful penalties" undefined, as suggested by most respondents addressing this issue. Most commenters strongly urged the agency not to establish minimum penalties, but to provide the States with flexibility, because setting minimum penalties could undermine State efforts to develop and implement innovative and effective State sanctions. We have followed this recommendation.

The State penalties, however, must truly be meaningful. For example, the agency does not intend to accept, under this criterion, State laws that impose a de minimus fine on individuals who consume alcoholic beverages or transport open containers while driving, without some strong showing in terms of performance. The agency expects that it will generally accept driver license-based penalties, when they are of more

than de minimus duration. The agency may also accept other penalties, however, and these should not be viewed as minimum requirements. What is most important is not the particular sanction provided for by law, but its effectiveness when implemented. We strongly encourage State innovation in developing and instituting effective tools and methods of enforcement.

The State must show progress in subsequent years. The agency did not propose to specify the particular items of information that States must submit in support of their enforcement and public information efforts, or to demonstrate progress. However, some examples of information the agency might consider include the number and the average period of time for which licenses are actually suspended under the State's open container and consumption laws, the amount of time and resources dedicated to the enforcement of this program, examples of promotional materials or electronic and print advertising developed and used and an estimate of the exposure obtained in the State (through dollar value and/or the number of people reached from the target audience).

The agency requested comments regarding whether we should provide further guidance on, or specifically identify in the regulation, the particular items of information that States must submit to demonstrate compliance with this requirement. The comments that we received regarding this aspect of this criterion are essentially the same as those received regarding this aspect of the underage drinking criterion, and have already been discussed earlier in this final rule.

4. *Suspension of Registration and Return of License Plate Program.* Section 410(f)(4) specifies that eligible States must provide for:

> the suspension of the registration of, and the return to such State of the license plates for, any motor vehicle owned by an individual who—
>
> (A) has been convicted on more than one occasion of an alcohol-related traffic offense within any 5-year period following the date of the enactment of this section; or
>
> (B) has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for * * * an [alcohol-related traffic] offense.
>
> A State may provide limited exceptions to such suspension of registration or return of license plates, on an individual basis, to avoid undue hardship to any individual, including any family member of the convicted individual, and any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. Such exceptions may not result in unrestricted reinstatement of the registration or unrestricted return of the license plates of the motor vehicle.

The statute provides for the suspension of the offender's registration and the return of the offender's license plates to the State. The agency is aware that some States provide for confiscation procedures, while others provide instead for a license plate impoundment process. Like the revocation of a driver's license, if the license plates of a motor vehicle are confiscated, the individual must apply for new license plates before that vehicle can be returned to service. As with a driver's license suspension, this step is not necessary if the license plates of the vehicle are impounded, although some action may need to be taken, such as the payment of reinstatement fees. We believe there is less of an administrative burden to States using a confiscation procedure. Under § 1313.3(j) of the regulation, States may employ either method of suspending registrations and returning license plates to the State.

North Dakota asks whether the agency would accept a program under which motor vehicles, rather than motor vehicle license plates are confiscated. Provided all other requirements are satisfied, NHTSA would accept such a program. Oregon asks the agency to accept any license plate identification/removal program aimed at reducing driving while suspended. It is unclear from Oregon's comment whether the State expects to have difficulty meeting a particular aspect of the criterion. The agency is not at liberty, however, to waive the statutory requirements. We would be pleased to review Oregon's law and provide an interpretation upon written request.

The Act does not specify the period of time for which offenders must lose their motor vehicle registration and license plates. The agency proposed to require, in § 1313.3(j) of the regulation, that States reinstate offenders' registration and release their license plates only after they have completed their *driver's license* suspension or revocation term(s). For example, if the offender is found to be driving with a suspended license and has, at that time, served five months of a one-year suspension term, the individual's registration would have to be suspended and his or her license plates returned to the State for the remaining seven months of the one-year term. In addition, if the individual's driver's license suspension term is extended for an additional year for this offense under State law, the registration and license plates must not be released to the offender until after this additional term has also been completed. States would, of course, be at liberty to impose more stringent penalties. The agency requested comments on this aspect of its proposal. Minnesota and California responded, and both supported the agency's proposal. It has been adopted without change.

The statutory criterion for this supplemental grant requires that States impose the penalties identified in the Act on individuals who have been *convicted* on more than one occasion of alcohol-related traffic offenses within the time period specified or *convicted* of driving while their driver's license is suspended or revoked due to a *conviction* of an alcohol-related traffic offense. To determine whether a State complies, therefore, the agency stated in the NPRM that it would consider only whether the registration must be suspended and the license plates returned to the State for these particular offenses. We stated that we would not consider, for example, penalties for the following offenses: administrative loss of license on more than one occasion for alcohol-related traffic offenses when there was no conviction, or conviction of driving while the offender's license is under suspension or revocation for a non-alcohol-related traffic offense. States would of course be free to impose these sanctions for offenses that are not covered by section 410. Minnesota pointed out the inconsistency in section 410. Administrative actions are discounted under this supplemental criterion, yet Congress placed such importance on them under the first criterion of the basic grant. We agree with Minnesota, yet we must follow the requirements of the legislation.

To qualify, under the regulation, the registration of "any motor vehicle owned" by the offender must be suspended and the license plates of these vehicles returned to the State. The offender need not be driving his or her motor vehicle at the time of the offense for this penalty to apply to motor vehicles that he or she owns. In addition, the State must impose these penalties on *all* vehicles owned by the offender to meet the statutory criterion. By "own," we mean that the offender's name appears on the motor vehicle's registration or title.

Under section 410, a State may provide limited exceptions, on an individual basis, to avoid undue hardship to any individual, such as a family member of the convicted individual or any co-owner of the motor vehicle, who is completely dependent on the motor vehicle for the necessities of life. To ensure that the availability of

these exceptions do not undermine the driver's license suspension requirements, however, exceptions must be issued in accordance with Statewide published guidelines developed by the State, and in exceptional circumstances specific to the offender. In addition, the exceptions may not result in unrestricted reinstatement of the registration or unrestricted return of the license plates of the motor vehicle. The regulation provides specifically that while exceptions may be made to avoid undue hardship for individuals which include a family member or a co-owner of a motor vehicle, an exception may not be made to avoid undue hardship for the offender.

To demonstrate compliance in the first year a State receives this grant, the State must submit a copy of its law, regulation or binding policy directive governing its suspension of registration and return of license plate program. The State need not submit data to obtain funding under this grant in the first fiscal year. The State's law, regulation or binding policy directive (which may include Statewide published guidelines), however, must establish the conditions under which license plates may be released by the State and provide that releases are made only in exceptional circumstances specific to the offender's motor vehicle. In addition, the agency must be able to determine, based on the information provided, that these exceptions do not result in unrestricted reinstatement of registrations or unrestricted releases of license plates. As the Senate Committee on Commerce, Science and Transportation pointed out, in Senate Report 100-594, Minnesota's law provides for special and distinctive license plates to be issued when a hardship exception is allowed with regard to an offender's motor vehicle. The Committee stated, and the agency agrees, that this may be one, although not the only, method of avoiding undue hardship, while attempting to prevent abuses by offenders. NHTSA reserves judgment on whether other aspects of the Minnesota law would be sufficient to qualify for this supplemental grant program.

In subsequent years, a State must submit, in addition to the information described above, data showing the number of registrations suspended and license plates returned, that the average length of suspension terms meets the regulatory definition, and the number, reasons for and conditions under which hardship exemptions were granted. The State may provide the necessary data based on a representative sample.

The agency will award the full 10 percent to States that have a qualifying suspension of registration and return of license plate program.

**Federalism Assessment**

This rulemaking action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it will have no federalism implication that warrants the preparation of a federalism assessment. The grant programs established by section 410 are entirely optional for the States. While many of the eligibility requirements are highly restrictive, they are mandated by the section 410 statute.

The National Licensed Beverage Association argues that NHTSA should include a federalism assessment because they "violate States rights." No States, however, made this claim. Contrary to NLBA's assertions, NHTSA is neither requiring that States change their laws, nor regulating the sale and consumption of alcoholic beverages.

**Economic and Other Effects**

NHTSA has analyzed the effect of this action and has determined that it is not "major" within the meaning of Executive Order 12291, but that it is "significant" within the meaning of Department of Transportation regulatory policies and procedures, because it will have a substantial impact on State and local governments. A final evaluation of the impacts of this regulation has been prepared and placed in Docket 89-02; Notice 2. Any interested person may obtain a copy of this final evaluation by writing to NHTSA's Docket Section, room 5109, 400 Seventh Street, SW., Washington, DC 20590, or by calling the Docket Section at (202) 366-4949.

In compliance with the Regulatory Flexibility Act, the agency has evaluated the effects of this final rule on small entities. Based on the evaluation, I certify that this rule will not have a significant economic impact on a substantial number of small entities. States will be recipients of any funds awarded under the regulation and, accordingly, the preparation of a Regulatory Flexibility Analysis is unnecessary. NLBA claims that the agency's proposal on the underage drinking supplemental grant would have had a significant economic impact on a substantial number of small entities, and the agency received many comments from tavern owners and other licensed beverage servers who claimed that dram shop liability, for example, would increase their insurance costs. This final rule, however, does not require that States take any legislative action, for it establishes no minimum penalties for providers of alcoholic beverages to minors. States may be able to qualify under this supplemental grant criterion based on the legislative scheme already in place. Moreover, presuming that these small businesses have been complying with State law (which makes it unlawful to serve alcoholic beverages to individuals under the age of 21 in every State), and continue to do so, this regulation should have no economic impact on them at all.

The requirements in this rule that States retain and report to the Federal government information which demonstrates compliance with drunk driving prevention incentive grant criteria, are considered to be information collection requirements as that term is defined by the Office of Management and Budget (OMB) in 5 CFR part 1320. Accordingly, these requirements have been submitted to OMB for approval, pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). A notice will be published in the Federal Register when OMB makes its decision on this request.

The agency has also analyzed this action for the purpose of the National Environmental Policy Act. The agency has determined that this action will not have any effect on the human environment.

**List of Subjects in 23 CFR Part 1313**

Alcohol and alcoholic beverages, Drugs, Grant programs, Transportation, Highway safety.

In accordance with the foregoing, Part 1313 of title 23 of the Code of Federal Regulations is added to read as follows:

## PART 1313—INCENTIVE GRANT CRITERIA FOR DRUNK DRIVING PREVENTION PROGRAMS

Sec.

1313.1 Scope.
1313.2 Purpose.
1313.3 Definitions.
1313.4 General requirements.
1313.5 Requirements for a basic grant.
1313.6 Requirements for supplemental grants.
1313.7 Award procedures.
1313.8 OMB approval.

**Authority:** 23 U.S.C. 410.

### § 1313.1 Scope.

This part establishes criteria, in accordance with 23 U.S.C. 410, for awarding incentive grants to States that adopt and implement comprehensive drunk driving prevention programs which are self-sustaining and include measures that will improve the

effectiveness of the enforcement of State drunk driving laws.

**§ 1313.2 Purpose.**

The purpose of this part is to encourage States to adopt and implement comprehensive drunk driving prevention programs which include measures that will discourage individuals from operating motor vehicles while under the influence of alcohol. The criteria established are intended to ensure that the State drunk driving prevention programs for which incentive grants are awarded are self-sustaining, and meet or exceed minimum levels designed to improve the effectiveness of the enforcement of State drunk driving laws.

**§ 1313.3 Definitions.**

(a) "Alcoholic beverage" has the meaning given such term in section 1208.3 of this title, which implements section 158(c) of the National Minimum Drinking Age Act, 23 U.S.C. § 158.

(b) A "comprehensive drunk driving prevention program" means a program that reflects the complexity and totality of the State's alcohol traffic safety problems, incorporates multiple approaches to these problems over a sustained period of time and ensures that public and private entities work in concert to address these problems. The program must include, at a minimum, the following components:

(1) regularly conducted, peak-hour traffic enforcement efforts consisting of measures, such as roadside sobriety checkpoints or special DWI patrols;

(2) DWI prosecution, adjudication and sanctioning resources adequate to handle increased levels of DWI arrests;

(3) other programs directed at forms of prevention other than enforcement and adjudication activities, such as school, worksite or community education; designated driver programs; transportation alternatives; responsible alcohol service programs; server training; or treatment programs; and

(4) a public information program designed to make the public aware of the problem of drunk driving and of the above efforts in place to address it.

(c) "Fines or surcharges collected" means all fines and penalties or additional assessments collected, whichever of these two amounts is greater, but it does not include user-type fees.

(d) "Motor vehicle" has the meaning given such term in section 659.5(c) of this title, which implements 23 U.S.C. § 154, the National Maximum Speed Limit Act.

(e) "Open alcoholic beverage container" means any bottle, can, or other receptacle: (1) which contains any amount of an alcoholic beverage and (2)(i) which is open or has a broken seal or (ii) the contents of which are partially removed.

(f) "Operating a motor vehicle while under the influence of alcohol" or "under the influence of alcohol while operating the motor vehicle" means operating a vehicle while the alcohol concentration in the blood or breath is 0.10 or more grams of alcohol per 100 milliliters of blood or 0.10 or more grams of alcohol per 210 liters of breath, as determined by chemical or other tests.

(g) "Repeat offender" means any person who a law enforcement officer has probable cause under State law to believe has committed an alcohol-related traffic offense, and to whom is administered one or more chemical tests to determine whether the individual was under the influence of alcohol while operating the motor vehicle and who is determined, as a result of such tests, to be under the influence of alcohol, or who refuses to submit to such a test as proposed by the officer, more than once in any 5-year period beginning after November 18, 1988.

(h) "Serious bodily injury" means an injury, other than a fatal injury, which prevents injured persons from walking, driving or normally continuing the activities they were capable of performing before the injury occurred.

(i) With regard to an individual's driver's license, "suspension" or "revocation" means:

(1) For first offenses (other than refusals), the temporary debarring of all driving privileges for a term of not less than 90 days, or not less than 30 days followed immediately by a term of not less than 60 days of a restricted, provisional or conditional license. A restricted, provisional or conditional license may be issued only in accordance with a State law, regulation or binding policy directive establishing the conditions under which a restricted, provisional or conditional license may be issued or with Statewide published guidelines and in exceptional circumstances specific to the offender.

(2) For refusal to take a chemical test for first offenses, the temporary debarring of all driving privileges for a term of not less than 90 days.

(3) For second and subsequent offenses, including the refusal to take a chemical test, the temporary debarring of all driving privileges for a term of not less than one year.

(j) With regard to an individual's registration and license plates, "suspension" and "return" means the temporary debarring of the privilege to operate or maintain a particular registered motor vehicle on the public highways and the confiscation or impoundment of the motor vehicle's license plates for not less than the term(s) for which the individual's driver's license will be under suspension or revocation.

**§ 1313.4 General requirements.**

(a) Certification requirements. To qualify for a grant under 23 U.S.C. 410, a State must, for each year it seeks to qualify:

(1) Submit an application to NHTSA, 400 Seventh Street, SW., Washington, DC 20590 demonstrating that it meets the requirements of § 1313.5 and, if applicable, § 1313.6;

(2) Submit a certification to NHTSA, 400 Seventh Street, SW., Washington, DC 20590 that:

(i) It has a drunk driving prevention program that meets those requirements,

(ii) It will use the funds awarded under 23 U.S.C. 410 only for the implementation and enforcement of drunk driving prevention programs,

(iii) It will administer the funds in accordance with 49 CFR Part 18 and OMB Circulars A–102 and A–87, and

(iv) It will maintain its aggregate expenditures from all other sources for its drunk driving prevention programs at or above the average level of such expenditures in fiscal years 1987 and 1988 (either State or Federal fiscal year 1987 and 1988 can be used); and

(3) After being informed by NHTSA that it is eligible for a grant, submit, within 120 days, to the agency a drunk driving prevention plan for up to three years, as applicable, that describes the programs the State is and will be implementing in order to be eligible for the grant and that provides the necessary information, identified in § 1313.5 and § 1313.6, to demonstrate that the programs comply with the applicable criteria. The plan must also describe how the specific supplemental criteria adopted by a State are related to the State's overall drunk driving prevention program.

(b) Limitation on grants. A State may receive a grant for up to three fiscal years subject to the following limitations:

(1) The amount received as a basic grant, under § 1313.5 of this part, shall not exceed 30 percent of the State's 23 U.S.C. 402 apportionment for fiscal year 1989.

(2) The amount received as a supplemental grant for a mandatory blood alcohol concentration testing program, under § 1313.6(a) of this part, shall not exceed 10 percent of the State's

23 U.S.C. 402 apportionment for fiscal year 1989.

(3) The amount received as a supplemental grant for a program for prevention of operators under 21 from obtaining alcoholic beverages, under § 1313.6(b) of this part, shall not exceed 10 percent of the State's 23 U.S.C. 402 apportionment for fiscal year 1989.

(4) The amount received as a supplemental grant for a program making unlawful open containers and consumption of alcohol in motor vehicles, under § 1313.6(c) of this part, shall not exceed 25 percent of the State's 23 U.S.C. 402 apportionment for fiscal year 1989.

(5) The amount received as a supplemental grant for a suspension of registration and return of license plate program, under § 1313.6(d) of this part, shall not exceed 10 percent of the State's 23 U.S C. 402 apportionment for fiscal year 1989.

(6) In the first fiscal year a State receives a basic or supplemental grant, it shall be reimbursed for up to 75 percent of the cost of its drunk driving prevention program adopted pursuant to 23 U.S.C. 410;

(7) In the second fiscal year a State receives a basic or supplemental grant, it shall be reimbursed for up to 50 percent of the cost of its drunk driving prevention program adopted pursuant to 23 U.S.C. 410; and

(8) In the third fiscal year a State receives a basic or supplemental grant, it shall be reimbursed for up to 25 percent of the cost of its drunk driving prevention program adopted pursuant to 23 U.S.C. 410;

**§ 1313.5 Requirements for a basic grant.**

(a) To qualify for a basic incentive grant of 30 percent of its 23 U.S.C. 402 apportionment for fiscal year 1989, a State must have in place and implement or adopt and implement the following requirements:

(1)(i) An expedited driver's license suspension or revocation system for individuals who operate motor vehicles while under the influence of alcohol which requires that:

(A) When a law enforcement officer has probable cause under State law to believe an individual has committed an alcohol-related traffic offense and such individual is determined, on the basis of a chemical test, to have been under the influence of alcohol while operating the motor vehicle or refuses to submit to such a test as proposed by the officer, the officer serve such individual with a written notice of suspension or revocation of the driver's license of such individual and take possession of such driver's license;

(B) The notice of suspension or revocation referred to in subparagraph (a)(1)(i)(A) of this section provide information on the administrative procedures under which the State may suspend or revoke in accordance with the objectives of this section a driver's license of an individual for operating a motor vehicle while under the influence of alcohol or refusing to submit to a chemical test and specify any rights of the individual under such procedures;

(C) The State provide, in the administrative procedures referred to in subparagraph (a)(1)(i)(B) of this section, for due process of law, including the right to an administrative review of a driver's license suspension or revocation;

(D) After serving notice and taking possession of a driver's license in accordance with subparagraph (a)(1)(i)(A) of this section, the law enforcement officer immediately report to the State entity responsible for administering drivers' licenses all information relevant to the action taken in accordance with this paragraph;

(E) In the case of an individual who, after November 18, 1988, is determined on the basis of a chemical test to have been operating a motor vehicle under the influence of alcohol or is determined to have refused to submit to such a test as proposed by the law enforcement officer, the State entity responsible for administering driver's licenses, upon receipt of the report of the law enforcement officer, provides for:

(*1*) The suspension of the driver's license of such individual for a period of not less than 90 days if the individual is a first offender; and

(*2*) The suspension or revocation of the driver's license of such individual for a period of not less than 1 year if the individual is a repeat offender; and

(F) The administrative review referred to under paragraph (a)(1)(i)(C) of this section shall take place and the suspension and revocation referred to under subparagraph (a)(1)(i)(E) of this section take effect not later than 15 days after the individual first received notice of the suspension or revocation.

(ii)(A) To demonstrate compliance in the first fiscal year the State receives a basic grant, a Law State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the 15-day expedited suspension system requirement.

(B) To demonstrate compliance in subsequent fiscal years the State receives a basic grant, a Law State shall submit, in addition to the information identified in paragraph (a)(1)(ii)(A) of this section, data showing the number of licenses suspended, that the average length of the suspension terms for first offenders, first refusers, repeat offenders and repeat refusers meets the terms defined in § 1313.3(i) and that the average number of days it took to provide the administrative reviews and suspend the licenses meets the promptness requirement in paragraph (a)(1)(i)(F) of this section. The State can provide the necessary data based on a representative sample. Data on the average length of the suspension term must not include license suspension periods which exceed the terms actually prescribed by the State, and must reflect terms only to the extent that they are actually completed. If the State's data do not meet the average license suspension terms defined in § 1313.3(i), the State can demonstrate compliance with this element by submitting a plan showing how it intends to achieve these averages.

(C) For the purpose of this paragraph, "Law State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the 15-day expedited suspension system criterion.

(iii)(A) To demonstrate compliance in the first and in subsequent years the State receives a basic grant, a Data State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the 15-day expedited suspension system requirement and data showing the number of licenses suspended, that the average length of the suspension terms for first offenders, first refusers, repeat offenders and repeat refusers meets the terms defined in § 1313.3(i) and that the average number of days it took to provide the administrative reviews and suspend the licenses meets the promptness requirement in paragraphs (a)(1)(i)(F) of this section. The State can provide the necessary data based on a representative sample. Data on the average length of the suspension term must not include license suspension periods which exceed the terms actually prescribed by the State, and must reflect terms only to the extent that they are actually completed.

(B) For the purpose of this paragraph, "Data State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the 15-day expedited suspension system criterion, except that it need not specifically

provide for each element of paragraphs (a)(1)(i)(E) and (F) of this section.

(2)(i) A self-sustaining drunk driving prevention program under which the fines or surcharges collected from individuals convicted of operating a motor vehicle while under the influence of alcohol are returned, or an equivalent amount of non-Federal funds are provided through the State's ordinary appropriations process or other ordinary State funding process which demonstrates the accountability of these funds, to those communities which have comprehensive programs for the prevention of such operations of motor vehicles.

(ii) To demonstrate compliance in the first and in subsequent years the State receives a basic grant, a centralized State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for a self-sustaining drunk driving prevention program, and for fines or surcharges to be imposed on individuals convicted of operating a motor vehicle while under the influence of alcohol. The State shall describe its criteria and procedures for reviewing community programs to determine whether they are comprehensive, as defined in § 1313.3(b) of this part, and describe its procedures for returning or providing revenues to communities that have comprehensive drunk driving prevention programs. The State shall submit data showing the aggregate amount of fines or surcharges actually collected and the aggregate amount of revenues actually returned or provided to community drunk driving prevention programs under the State's self-sustaining system. The State shall certify that these revenues are being used to continue the operation of comprehensive drunk driving prevention programs and that a significant portion of the costs of these programs are supported with non-Federal funds. If the State is demonstrating compliance based on the equivalent amount of non-Federal funds it provides to communities, it must also identify the source of these funds. For purposes of this section, a "centralized State" is a State in which revenues are collected at the State level and distributed to the communities.

(iii) To demonstrate compliance in the first and in subsequent years the State receives a basic grant, other States shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for a self-sustaining drunk driving prevention program, and for fines or surcharges to be imposed on individuals convicted of operating a motor vehicle while under the influence of alcohol. The State shall describe its criteria and procedures for reviewing community programs to determine whether they are comprehensive, or show with detailed examples of specific community programs that such programs are comprehensive, as defined in § 1313.3(b) of this part. It shall also describe its procedures for returning or providing revenues to communities that have comprehensive drunk driving prevention programs. The State shall submit data showing the aggregate amount of fines or surcharges actually collected and the aggregate amount of revenues actually returned or provided to community drunk driving prevention programs under the State's self-sustaining system. The State can provide the necessary data based on a representative sample. The State shall certify that these revenues are being used to continue the operation of comprehensive drunk driving prevention programs and that a significant portion of the costs of these programs are supported with non-Federal funds. If the State is demonstrating compliance based on the equivalent amount of non-Federal funds it provides to communities, it must also identify the source of these funds. In addition, the State shall certify that a significant number of communities within the State have comprehensive drunk driving prevention programs. For purposes of this section, "other States" include decentralized and mixed States in which some or all revenues are retained by the communities, rather than collected at the State level and distributed to the communities.

(iv) For the purpose of this section, activities conducted by the State for the benefit of a community may be considered to have been returned or provided to that community, provided that the community benefitted has had an active voice in the initiation, development, and implementation of the activities for which such funds are expended. In no case may the State arbitrarily ascribe State agency expenditures as "benefitting local communities." Where communities have had an active voice in the initiation, development, and implementation of a particular activity, and a community which has not had such active voice agrees in advance of implementation to accept the benefits of the activity, the non-Federal share of the cost of these benefits may be considered to have been returned or provided to the community. Where no communities have had an active voice in the initiation, development, and implementation of a particular activity, but a political subdivision requests the benefits of the activity, the non-Federal share of the cost of these benefits may be considered to have been returned or provided to the community. Evidence of consent and acceptance of the work, goods or services on behalf of the community must be established and maintained on file by the State, until all basic grant funds for that fiscal year have been expended and audits completed.

(b) To qualify for a basic incentive grant of 20 percent of its 23 U.S.C. 402 apportionment of fiscal year 1989, a State must meet the requirements of (a)(1)(i) (A)–(E) and (2)(i) of this section and require that the administrative review referred to under paragraph (a)(1)(i)(C) of this section shall take place and the suspension and revocation referred to under subparagraph (a)(1)(i)(E) of this section take effect not later than 30 days after the individual first received notice of the administrative review and suspension or revocation, but only if the agency determines that the requirements of paragraph (a)(1)(i)(F) of this section would impose a hardship upon the State.

(1)(i) To demonstrate compliance in the first fiscal year the State receives a basic grant, a Law State shall submit, in addition to the information identified in (a)(2) (ii) or (iii) of this section, a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the 30-day expedited suspension system requirement. The State shall also explain the hardship that would be imposed by a 15-day administrative review and suspension requirement.

(ii) To demonstrate compliance in subsequent fiscal years the State receives a basic grant, a Law State shall submit, in addition to the information identified in paragraph (b)(1)(i) of this section, data showing the number of licenses suspended, that the average length of the suspension terms for first offenders, first refusers, repeat offenders and repeat refusers meets the terms defined in § 1313.3(i) and that the average number of days it took to provide the administrative reviews and suspend the licenses meets the promptness requirement in paragraph (b) of this section. The State can provide the necessary data based on a representative sample. Data on the average length of the suspension term must not include license suspension periods which exceed the terms actually prescribed by the State, and must reflect terms only to the extent that they are

actually completed. If the State's data do not meet the average license suspension terms defined in § 1313.3(i), the State can demonstrate compliance with this element by submitting a plan showing how it intends to achieve these averages. The State shall also explain the hardship that would be imposed by a 15-day administrative review and suspension requirement.

(iii) For the purpose of this paragraph, "Law State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the 30-day expedited suspension system criterion.

(2)(i) To demonstrate compliance in the first and in subsequent years the State receives a basic grant, a Data State shall submit, in addition to the information identified in (a)(2) (ii) or (iii) of this section, a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the 30-day expedited suspension system requirement and data showing the number of licenses suspended, that the average length of the suspension terms for first offenders, first refusers, repeat offenders and repeat refusers meets the terms defined in § 1313.3(i) and that the average number of days it took to provide the administrative reviews and suspend the licenses meets the promptness requirement in paragraph (b) of this section. The State can provide the necessary data based on a representative sample. Data on the average length of the suspension term must not include license suspension periods which exceed the terms actually prescribed by the State, and must reflect terms only to the extent that they are actually completed. The State shall also explain the hardship that would be imposed by a 15-day administrative review and suspension requirement.

(ii) For the purpose of this paragraph, "Data State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the 30-day expedited suspension system criterion, except that it need not specifically provide for each element of paragraph (a)(1)(i)(E) or the promptness requirement in paragraph (b) of this section.

**§ 1313.6 Requirements for supplemental grants.**

(a) *Mandatory blood alcohol concentration testing program.* (1) To qualify for a supplemental grant of 10 percent of its 23 U.S.C. 402 apportionment for fiscal year 1989, a State must have in place and implement or adopt and implement a drunk driving prevention program which meets the requirements of § 1313.5, and provide for mandatory blood alcohol concentration testing whenever a law enforcement officer has probable cause under State law to believe that a driver of a motor vehicle involved in a crash resulting in the loss of human life or serious bodily injury has committed an alcohol-related traffic offense.

(2)(i) To demonstrate compliance in the first fiscal year the State receives a supplemental grant under this paragraph, a Law State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the mandatory testing requirement.

(ii) To demonstrate compliance in subsequent fiscal years the State receives a supplemental grant under this paragraph, a Law State shall submit, in addition to the information in paragraph (a)(2)(i) of this section, data showing the number of drivers involved in these crashes and that, when there was probable cause to believe the driver had committed an alcohol-related traffic offense, substantially all of these drivers were tested for alcohol content and the results were reported to the State. The State can provide the necessary data based on a representative sample or surrogate measure.

(iii) For the purpose of this paragraph, "Law State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the mandatory testing criterion, including the requirement that testing is mandatory.

(3)(i) To demonstrate compliance in the first and in subsequent fiscal years the State receives a supplemental grant under this paragraph, a Data State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for the blood alcohol concentration testing requirement. The State shall also submit data showing the number of drivers involved in these crashes and that, when there was probable cause to believe the driver had committed an alcohol-related traffic offense, substantially all of these drivers were tested for alcohol content and the results were reported to the State. The State can provide the necessary data based on a representative sample or surrogate measure.

(ii) For the purpose of this paragraph, "Data State" means a State that has a law, regulation or binding policy directive implementing or interpreting an existing law or regulation which provides for each element of the mandatory testing criterion, except that testing may be permitted rather than required by law.

(b) *Program for prevention of operators under 21 from obtaining alcoholic beverages.* (1) To qualify for a supplemental grant of 10 percent of its 23 U.S.C. 402 apportionment for fiscal year 1989, a State must have in place and implement or adopt and implement a drunk driving prevention program which meets the requirements of § 1313.5, and provide for an effective system for preventing operators of motor vehicles under age 21 from obtaining alcoholic beverages, which includes the issuance of drivers' licenses to individuals under age 21 that are easily distinguishable in appearance from drivers' licenses issued to individuals 21 years of age and older. The State must also make it unlawful both for a person who is less than 21 years of age to purchase and publicly possess any alcoholic beverage and for a person to provide (by sale or otherwise) any alcoholic beverage to a person who is less than 21 years of age; provide for meaningful penalties for both the underaged person and the provider of the alcoholic beverage; and maintain an effective and highly visible enforcement program. In addition, the State must have a Statewide training program for servers, vendors and its law enforcement community and a public information program for the general population addressing specifically the problem of underaged individuals obtaining alcoholic beverages or a plan to put such programs in place.

(2) To demonstrate compliance in the first and in subsequent fiscal years the State receives a supplemental grant under this paragraph, a State shall submit a law, regulation, or binding policy directive implementing or interpreting an existing law which makes it unlawful both for a person who is less than 21 years of age to purchase and publicly possess any alcoholic beverage and for a person to provide (by sale or otherwise) any alcoholic beverage to a person who is less than 21 years of age, and which provides for meaningful penalties for both underaged individuals and providers of alcoholic beverages. The State must also submit sample driver's licenses issued to persons both under and over 21 years of age. In addition, the State shall submit data demonstrating that the enforcement program is effective and highly visible, and that the State has a Statewide

training program for servers, vendors and its law enforcement community and a public information program for the general population addressing specifically the problem of underaged individuals obtaining alcoholic beverages or its plan to put such programs in place. Specific progress toward preventing operators of motor vehicles under 21 from obtaining alcoholic beverages must be shown in subsequent years.

(c) *Program making unlawful open containers and consumption of alcohol in motor vehicles.* (1)(i) To qualify for a supplemental grant of 10 percent of its 23 U.S.C. 402 apportionment for fiscal year 1989, a State must have in place and implement or adopt and implement a drunk driving prevention program which meets the requirements of § 1313.5, and make unlawful the possession of any open alcoholic beverage container, and the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway or the right-of-way of a public highway, except:

(A) As allowed in the passenger area, by persons (other than the driver), of any motor vehicle designed to transport more than 10 passengers (including the driver) while being used to provide charter transportation of passengers; or

(B) As otherwise specifically allowed by such State, with the approval of NHTSA, but in no event may the driver of such motor vehicle be allowed to possess or consume an alcoholic beverage in the passenger area.

(ii) To demonstrate compliance in the first and in subsequent fiscal years the State receives a supplemental grant under this paragraph, a State shall submit a law, regulation, binding policy directive implementing or interpreting an existing law or regulation, which provides for each element of the unlawful open container and consumption of alcohol requirement. The State shall also identify and provide sufficient justification for the agency to approve any exception, other than the exception that is specifically permitted under paragraph (c)(1)(i)(A) of this section.

(2)(i) To qualify for a supplemental grant of 25 percent of its 23 U.S.C. 402 apportionment for fiscal year 1989, a State must meet the requirements of (c)(1)(i) of this section, and have an effective and highly visible enforcement program which provides for meaningful penalties for violations.

(ii) To demonstrate compliance in the first and in subsequent fiscal years the State receives a supplemental grant under this paragraph, in addition to submitting the information identified in paragraph (c)(1)(ii) of this section, a State shall show that its law provides for meaningful penalties and submit data demonstrating that the State enforcement program is effective and highly visible. Specific progress toward deterring the unlawful possession of open containers and the consumption of alcoholic beverages in motor vehicles must be shown in subsequent years.

(d) *Suspension of registration and return of license plate program.* (1) To qualify for a supplemental grant of 10 percent of its 23 U.S.C. 402 apportionment for fiscal year 1989, a State must have in place and implement or adopt and implement a drunk driving prevention program which meets the requirements of § 1313.5, and provide for the suspension of the registration of, and the return to such State of the license plates for, any motor vehicle owned by an individual who:

(i) Has been convicted on more than one occasion of an alcohol-related traffic offense within any 5-year period following November 18, 1988; or

(ii) Has been convicted of driving while his or her driver's license is suspended or revoked by reason of a conviction for an alcohol-related traffic offense; except that

(iii) A State may provide limited exceptions to such suspension of registration or return of license plates, on an individual basis, to avoid undue hardship to any individual who is completely dependent on the motor vehicle for the necessities of life, including any family member of the convicted individual, and any co-owner of the motor vehicle, but not including the offender. Such exceptions may be issued only in accordance with a State law, regulation or binding policy directive establishing the conditions under which license plates may be released by the State or under Statewide published guidelines and in exceptional circumstances specific to the offender's motor vehicle, and may not result in unrestricted reinstatement of the registration or unrestricted return of the license plates of the motor vehicle.

(2)(i) To demonstrate compliance in the first year the State receives a supplemental grant under this paragraph, the State shall submit a copy of the law, regulation or binding policy directive implementing or interpreting the law or regulation, which provides for each element of the registration suspension and license plate return requirement.

(ii) To demonstrate compliance in subsequent years the State receives a supplemental grant under this paragraph, the State shall submit, in addition to the information identified in paragraph (d)(2)(i) of this section, data showing the number of registrations suspended and license plates returned under the State law, that the average length of the term for which the registration was suspended and the license plates returned meets the definition in § 1313.3(j), and the number, reasons for and conditions under which hardship exemptions are being granted. The State must show that it is actively enforcing its law and that the hardship exceptions do not result in unrestricted reinstatement of the registration or unrestricted return of the licenses plates of the motor vehicle. The State can provide the necessary data based on a representative sample.

**§ 1313.7 Award procedures.**

For each Federal fiscal year, grants under 23 U.S.C. 410 shall be made to eligible States upon submission of the drunk driving prevention plan and certification required by § 1313.4. Such grants shall be made until all eligible States have received a grant or until there are insufficient funds to award a grant to a State. Time of submission shall be determined by the postmark for certifications delivered through the mail and by stamped receipt for certifications delivered in person.

Issued on: January 8, 1990.

**Jerry Ralph Curry,**

*Administrator, National Highway Traffic Safety Administration.*

[FR Doc. 90-773 Filed 1-9-90; 10:39 am]

BILLING CODE 4910-59-M

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## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

### 29 CFR Part 1956

### New York State Plan for State and Local Government Employees

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

**ACTION:** Approval of Supplements to State Plan.

**SUMMARY:** This notice approves the State initiated change supplement establishing an Analysis and Management Information Systems Unit within the State plan administrative structure; and, approves the completion of eight (8) developmental steps: extend Bureau of Labor Statistics (BLS) Survey of Injuries and Illnesses to State and local government: regulations for granting variances, equivalent to 20 CFR

part 1905; regulations for injury/illness recordkeeping, equivalent to 29 CFR part 1904; employee non-discrimination procedures equivalent to 19 CFR part 1977; procedures for review of contested cases equivalent to 29 CFR part 2200; procedures for development of alternative State standards; Industrial Hygiene Manual; program for onsite consultation.

**EFFECTIVE DATE:** January 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** James Foster, Director, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Room N3647, 200 Constitution Avenue, NW., Washington, DC 20210, Telephone (202) 523-8148.

**SUPPLEMENTARY INFORMATION:**

## A. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Occupational Safety and Health Administration will review and approve changes to a State plan which has been approved in accordance with section 18(c) of the Act and part 1956.

On June 1, 1984, notice was published in the Federal Register (49 FR 22994) of the initial approval of the New York plan applicable only to public employees (employees of the State and its political subdivisions), adoption of subpart F of part 1956 containing the approval decision and description of the plan, including the developmental schedule in § 1956.51 and the Federal Occupational Safety and Health Administration's retention of full authority for coverage of private sector employees in the State of New York as well as for coverage of Federal government employees. Although the New York Acts sets forth the general authority and scope for implementing the New York Public Employee Only Plan, the plan is developmental under the terms of 29 CFR 1956.2(b). The plan included satisfactory assurances that it would take the necessary steps to bring the State into conformity with the criteria within the 3-year period following the commencement of the plan's operation. The developmental period ended on June 1, 1987 and the State has submitted State plan supplements as required on all developmental goals within the prescribed time frame. Reviews have been conducted and some revisions required. Several supplements are still under review and negotiation in the OSHA Regional office. After all supplements are approved the State can be certified as having completed its developmental steps satisfactorily, in accordance with § 1956.23.

## B. Description of Supplements

### *1. Change in Staffing Plan*

By letter dated July 28, 1988 the State submitted a supplement establishing an Analysis and Management Information Systems Unit whose function it is to prepare changes to the State plan; analyze the applicability of OSHA administrative directives in order to have the operations of the State program meet OSHA guidelines; implement participation in Federal OSHA's Integrated Management Information System (IMIS), and the Consultation Data System (CDS), to facilitate the submission of program information required by OSHA and maintain continuous liaison with staff at the national and regional offices of OSHA and the federal office of Management Data Systems. The Unit is composed of an Associate Administrative Analyst, one Senior Administrative Analyst, one Information Processing Specialist II and four Keyboard Specialists. Three of the Keyboard Specialists are in the PESH State Plan as statistical clerk positions. In addition the State is adding one Senior Safety and Health Engineer who will process permanent and temporary variances, provide technical support to the field staff and consultation services to public employers.

### *2. Completion of Development Steps*

a. The State submitted a supplement on March 11, 1987, verifying fulfillment of developmental step § 1956.51(d) providing documentation of New York's participation in the BLS Survey of Injuries and Illnesses in the public sector. A Public Employee Safety and Health Unit has been established within the State Labor Department's Division of Research and Statistics for the purpose of collecting and tabulating work injury and illness occurrences in the public sector.

b. By letter dated May 17, 1988, the State submitted a supplement in fulfillment of developmental step § 1956.51(e) documenting the State's promulgation of regulations for variances which are comparable to OSHA regulations at 29 CFR part 1905, and provide equivalent protection that is consistent with State law and Federal regulations.

c. By letter dated May 30, 1988, the State submitted a supplement in fulfillment of developmental step § 1956.51(f) documenting the State's promulgation of regulations for injury/illness recordkeeping identical to Federal regulations at 29 CFR part 1904, except applicable only to New York State and local public employment.

d. By letter dated May 26, 1987, the State submitted a supplement in fulfillment of developmental step § 1956.51(g) documenting the State's development and adoption of employee non-discrimination procedures which are comparable to Federal Regulations at 29 CFR part 1977, and consistent with the New York State Labor Law and Administrative Procedures Act. The State has its discrimination cases under the State plan investigated by State plan enforcement personnel. Case files are then forwarded to the Department of Labor Counsel's office for determination. If the complaint is sustained, the case is referred to the office of the Attorney General for enforcement. In such enforcement action, the State Supreme Court has jurisdiction to restrain violations of Labor Law secton 27-a(10) and to order all appropriate relief.

e. By letter dated May 29, 1978, the State submitted a supplement in fulfillment of developmental step § 1956.51(h) documenting the State's promulgation of procedures for review of contested cases which are comparable to OSHA regulations at 29 CFR part 2200. The State's procedures differ from the Federal provisions in that employees as well as employers may contest to the State's Industrial Board of Appeals. Parties affected by a decision of the Board may appeal by commencing a judicial review.

f. By letter dated May 26, 1987, the State submitted a supplement in fulfillment of developmental step § 1956.51(i) documenting the State's procedures for development of alternative State standards comparable to OSHA regulations at 29 CFR part 1911. The State's Public Employee Safety and Health Act provides only for the adoption of identical safety and health standards promulgated under the Occupational Safety and Health Act of 1970. Under the New York Act the State may adopt alternative or different occupational safety and health standards if a determination is made that an issue is not adequately addressed by OSHA standards. In such cases, the State law requires the proposal of specific legislative action mandating the development of an alternative standard.

g. By letter dated April 28, 1987, the State submitted a supplement in fulfillment of development step § 1956.51(k) documenting the State's adoption of the Federal Industrial Hygiene Manual, including changes one

(1) and two (2), adopted November 20, 1984 and April 7, 1987 respectively with appropriate modification to reflect the State's organizational structure.

h. By letter dated May 27, 1987, the State submitted a supplement in fufillment of developmental step § 1956.51(l) documenting the issuance of a directive implementing an on-site consultation program in the public sector.

*C. Location of Plan Supplement for Inspection and Copying*

A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations:

Directorate of Federal-State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N3700, Washington, DC 20210; the Office of the Regional Administrator, Occupational Safety and Health Administration, U.S. Department of Labor, 201 Varick Street, Room 670, New York, New York 10014; the State of New York Department of Labor, State Office Building Campus, Building 12, Room 579, Albany, New York 12226 and the Division of Occupational Safety and Health, State of New York Department of Labor, 1 Main Street, Room 811, Brooklyn, New York 11201.

*D. Public Participation*

Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for any other good cause which may be consistent with applicable law. The Assistant Secretary finds that the New York supplements are consistent with commitments in the approved State plan which was previously made available for public comment, and the State plan changes were adopted in accordance with the procedural requirements of State law. Good cause is therefore found for approval of these supplements, and further public participation would be unnecessary.

*E. Decision*

After careful consideration and review by the OSHA Regional and National offices, the New York plan supplements described above are hereby approved under 29 CFR part 1953. This decision incorporates the requirements of the Act and implementing regulations applicable to State plans generally.

**List of Subjects in 29 CFR Part 1956**

Intergovernmental relations, Law enforcement, Occupational safety and health.

(Secs. 8, 18, Pub L. 91–596, 84 Stat. U.S.C. 657–,667; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable.)

Signed at Washington, DC this 29th day of December, 1989.

**Gerard F. Scannell,**

*Assistant Secretary of Labor.*

Accordingly, subpart F of 29 CFR part 1956 is hereby amended as follows:

## PART 1956—[AMENDED]

1. The authority citation for 29 CFR part 1956 continues to read as follows:

**Authority:** Secs. 8, 18 Pub. L. 91–596, 84 Stat. 1608, 29 U.S.C. 657, 667; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), or 9–83 (48 FR 35736), as applicable.

**§ 1956.52 Completed developmental steps.**

2. Section 1956.52 is amended by adding new paragraphs (c), (d), (e), (f), (g), (h), (i), and (j) as follows:

* * * * *

(c) In accordance with 29 CFR 1956.51(d) the State extended its participation in the Bureau of Labor Statistics (BLS) Survey of Injuries and Illnesses to the public sector. This supplement was approved by the Assistant Secretary on December 29, 1989.

(d) In accordance with 29 CFR 1956.51(e) the State promulgated regulations for granting variances, equivalent to 29 CFR part 1905, which were approved by the Assistant Secretary on December 29, 1989.

(e) In accordance with 29 CFR 1956.51(f) the State promulgated regulations for injury/illness recordkeeping, equivalent to 29 CFR part 1904, which were approved by the Assistant Secretary on December 29, 1989.

(f) In accordance with 29 CFR 1956.51(g) the State developed and adopted employee non-discrimination procedures equivalent to 29 CFR part 1977, which were approved by the Assistant Secretary on December 29, 1989.

(g) In accordance with 29 CFR 1956.51(h) the State adopted procedures for the review of contested cases equivalent to 29 CFR part 2200, which were approved by the Assistant Secretary on December 29, 1989.

(h) In accordance with 29 CFR 1956.51(i) the State revised its plan to reflect the procedures dictated by State law that require specific legislative action in the development and adoption of alternative standards as the State's Public Employee Safety and Health Act provides only for the adoption of identical OSHA safety and health standards, which were approved by the Assistant Secretary on December 29, 1989.

(i) In accordance with 29 CFR 1956.51(k) the State has adopted the Federal Industrial Hygiene Manual, including changes one (1) and two (2), through April 7, 1987, which was approved by the Assistant Secretary on December 29, 1989.

(j) In accordance with 29 CFR 1956.51(l) the State issued a directive implementing an on-site consultation program in the public sector which was approved by the Assistant Secretary on December 29, 1989.

* * * * *

3. Section 1956.55 is amended by adding new paragraph (b) as follows:

**§ 1956.55 Changes to approved plans.**

* * * * *

(b) The State submitted a staffing pattern change which establishes an Analysis and Management Information System Unit. The Assistant Secretary approved the supplement on December 29, 1989.

[FR Doc. 90–828 Filed 1–11–90; 8:45 am]

BILLING CODE 4510–26–M

## PENSION BENEFIT GUARANTY CORPORATION

### 29 CFR Parts 2610 and 2622

### Late Premium Payments and Employer Liability Underpayments and Overpayments; Interest Rate for Determining Variable Rate Premium; Amendments to Interest Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This document notifies the public of the interest rate applicable to late premium payments and employer liability underpayments and overpayments for the calendar quarter beginning January 1, 1990. This interest rate is established quarterly by the Internal Revenue Service. This document also sets forth the interest rates for valuing unfunded vested benefits for premium purposes for plan years beginning in November and December of 1989 and January of 1990. These interest rates are established pursuant to section 4006 of the Employee

Retirement Income Security Act of 1974, as amended. The effect of these amendments is to advise plan sponsors and pension practitioners of these new interest rates.

**EFFECTIVE DATE:** January 1, 1990.

**FOR FURTHER INFORMATION CONTACT:** Harold Ashner, Assistant General Counsel, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; telephone (202) 778–8824 ((202) 778–8859 for TTY and TTD). These are not toll free numbers.

**SUPPLEMENTARY INFORMATION:** As a part of title IV of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("PBGC") collects premiums from ongoing plans to support the single-employer and multiemployer insurance programs. Under the single-employer program, the PBGC also collects employer liability from those persons described in ERISA section 4062(a). Under ERISA section 4007 and 29 CFR 2610.7, the interest rate to be charged on unpaid premiums is the rate established under section 6601 of the Internal Revenue Code ("Code"). Similarly, under 29 CFR 2622.7, the interest rate to be credited or charged with respect to overpayments or underpayments of employer liability is the section 6601 rate. These interest rates are published by the PBGC in Appendix A to the premium regulation and Appendix A to the employer liability regulation.

The Internal Revenue Service has announced that for the quarter beginning January 1, 1990, the interest charged on the underpayment of taxes will be at a rate of 11 percent. Accordingly, the PBGC is amending Appendix A to 29 CFR part 2610 and Appendix A to 29 CFR part 2622 to set forth this rate for the January 1–March 31, 1990 quarter.

Under ERISA section 4006(a)(3)(E)(iii)(II), in determining a single-employer plan's unfunded vested benefits for premium computation purposes, plans must use an interest rate equal to 80% of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid. Under § 2610.23(b)(1) of the premium regulation, this value is determined by reference to 30-year Treasury constant maturities as reported in Federal Reserve Statistical Releases G.13 and H.15. The PBGC publishes these rates in Appendix B to the regulation.

The PBGC publishes these monthly interest rates in Appendix B on a quarterly basis to coincide with the publication of the late payment interest rate set forth in Appendix A. (The PBGC publishes the Appendix A rates every quarter, regardless of whether the rate has changed.) Unlike the Appendix A rate, which is determined prospectively, the Appendix B rate is not known until a short time after the first of the month for which it applies. Accordingly, the PBGC is hereby amending Appendix B to part 2610 to add the vested benefits valuation rates for plan years beginning in November and December of 1989 and January of 1990.

The appendices to 29 CFR parts 2610 and 2622 do not prescribe the interest rates under these regulations. Under both regulations, the Appendix A rates are the rates determined under section 6601(a) of the Code. The interest rates in Appendix B to part 2610 are prescribed by ERISA section 4006(a)(3)(E)(iii)(II) and § 2610.23(b)(1) of the regulation. These appendices merely collect and republish the interest rates in a convenient place. Thus, the interest rates in the appendices are informational only. Accordingly, the PBGC finds that notice of and public comment on these amendments would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making these amendments effective immediately.

The PBGC has determined that none of these amendments is a "major rule" within the meaning of Executive Order 12291, because they will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for these amendments, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

**List of Subjects**

*29 CFR Part 2610*

Employee benefit plans, Penalties, Pension insurance, Pensions, and Reporting and recordkeeping requirements.

*29 CFR Part 2622*

Business and industry, Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements, and Small businesses.

In consideration of the foregoing, Appendix A and Appendix B to part 2610 and Appendix A to part 2622 of chapter XXVI of title 29, Code of Federal Regulations, are hereby amended as follows:

## PART 2610—PAYMENT OF PREMIUMS

1. The authority citation for part 2610 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1306, 1307, as amended by sec. 9331, Pub. L. 100–203, 101 Stat. 1330.

2. Appendix A to part 2610 is amended by adding a new entry for the quarter beginning January 1, 1990, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

**Appendix A—Late Payment Interest Rates**

The following table lists the late payment interest rates under § 2610.7(a) for the specified time periods:

| From | Through | Interest rate (percent) |
|---|---|---|
| * * * * * | | |
| January 1, 1990..... | March 31, 1990..... | 11 |

3. Appendix B to part 2610 is amended by adding to the table of interest rates therein new entries for premium payment years beginning in November and December of 1989 and January of 1990, and by adding the year 1989 to the entries for the months of August through October, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

**Appendix B—Interest Rates for Valuing Vested Benefits**

The following table lists the required interest rates to be used in valuing a plan's vested benefits under § 2610.23(b) and in calculating a plan's adjusted vested benefits under § 2610.23(c)(1):

| For premium payment years beginning in: | Required interest rate [1] |
|---|---|
| * * * * * | |
| August 1989 | 6.46 |
| September 1989 | 6.50 |
| October 1989 | 6.52 |
| November 1989 | 6.40 |
| December 1989 | 6.32 |
| January 1990 | 6.32 |

[1] The required interest rate listed above is equal to 80% of the annual yield for 30-year Treasury constant maturities, as reported in Federal Reserve Statistical Release G.13 and H.15 for the calendar month preceding the calendar month in which the premium payment year begins.

## PART 2622—EMPLOYER LIABILITY FOR WITHDRAWALS FROM AND TERMINATIONS OF SINGLE-EMPLOYER PLANS

4. The authority citation for part 2622 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1362–1364, 1367–68, as amended by secs. 9312, 9313, Pub. L. 100–203, 101 Stat. 1330.

5. Appendix A to part 2622 is amended by adding a new entry for the quarter beginning January 1, 1990, to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

### Appendix A—Late Payment and Overpayment Interest Rates

The following table lists the late payment and overpayment interest rates under § 2622.7 for the specified time periods:

| From | Through | Interest rate (percent) |
|---|---|---|
| * * * * * | | |
| January 1, 1990..... | March 31, 1990..... | 11 |

Issued in Washington, DC, the 8th day of January 1990.

**James B. Lockhart III,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 90–831 Filed 1–11–90; 8:45 am]

BILLING CODE 7708–01–M

## 29 CFR Part 2644

## Notice and Collection of Withdrawal Liability; Adoption of New Interest Rate

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Notice and Collection of Withdrawal Liability. That regulation incorporates certain interest rates published by another Federal agency. The effect of this amendment is to add to the appendix of that regulation a new interest rate to be effective from January 1, 1990 to March 31, 1990.

**EFFECTIVE DATE:** January 1, 1990.

**FOR FURTHER INFORMATION CONTACT:** J. Ronald Goldstein, Senior Counsel, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; telephone 202–778–6850 (202–778–8859 or TTY and TDD). These are not toll-free numbers.

**SUPPLEMENTARY INFORMATION:** Under section 4219(c) of the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), the Pension Benefit Guaranty Corporation ("the PBGC") promulgated a final regulation on Notice and Collection of Withdrawal Liability. That regulation, codified at 29 CFR part 2644, deals with the rate of interest to be charged by multiemployer pension plans on withdrawal liability payments that are overdue or in default, or to be credited by plans on overpayments of withdrawal liability. The regulation allows plans to set rates, subject to certain restrictions. Where a plan does not set the interest rate, § 2644.3(b) of the regulation provides that the rate to be charged or credited for any calendar quarter is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 ("Selected Interest Rates").

Because the regulation incorporates interest rates published in Statistical Release H.15, that release is the authoritative source for the rates that are to be applied under the regulation. As a convenience to persons using the regulation, however, the PBGC collects the applicable rates and republishes them in an appendix to part 2644. This amendment adds to this appendix the interest rate of 10½ percent, which will be effective from January 1, 1990, through March 31, 1989. This rate represents no change from the rate in effect for the fourth quarter of 1989. This rate is based on the prime rate in effect on December 15, 1989.

The appendix to 29 CFR part 2644 does not prescribe interest rates under the regulation; the rates prescribed in the regulation are those published in Statistical Release H.15. The appendix merely collects and republishes the rates in a convenient place. Thus, the interest rates in the appendix are informational only. Accordingly, the PBGC finds that notice of and public comment on this amendment would be unnecessary and contrary to the public interest. For the above reasons, the PBGC also believes that good cause exists for making this amendment effective immediately.

The PBGC has determined that this amendment is not a "major rule" within the meaning of Executive Order 12291, because it will not have an annual effect on the economy of $100 million or more; nor create a major increase in costs or prices for consumers, individual industries, or geographic regions, nor have significant adverse effects on competition, employment, investment, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

### List of Subjects in 29 CFR Part 2644

Employee benefit plans, Pensions.

In consideration of the foregoing, part 2644 subchapter F of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

## PART 2644—NOTICE AND COLLECTION OF WITHDRAWAL LIABILITY

1. The authority citation for part 2644 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3) and 1399(c)(6).

2. Appendix A is amended by adding to the end of the table therein a new entry as follows:

| From | To | Date of quotation | Rate (percent) |
|---|---|---|---|
| * * * * | | | |
| 01/01/90 | 03/31/90 | 12/15/89 | 10.50 |

Issued at Washington, DC, on this 8th day of January, 1990.

**James B. Lockhart III,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 90–833 Filed 1–11–90; 8:45 am]

BILLING CODE 7708–01–M

## 29 CFR Part 2676

## Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal—Interest Rates

**AGENCY:** Pension Benefit Guaranty Corporation.

**ACTION:** Final rule.

**SUMMARY:** This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth,

for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not the rates are changing. This amendment adds to the table the rate series for the month of February 1990.

**EFFECTIVE DATE:** February 1, 1990.

**FOR FURTHER INFORMATION CONTACT:** Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006; 202–778–8820 (202–778–8859 for TTY and TDD). (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:** The PBGC finds that notice of and public comment on this amendment would be impracticable and contrary to the public interest, and that there is good cause for making this amendment effective immediately. These findings are based on the need to have the interest rates in this amendment reflect market conditions that are as nearly current as possible and the need to issue the interest rates promptly so that they are available to the public before the beginning of the period to which they apply. (*See* 5 U.S.C. 533 (b) and (d).) Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply (5 U.S.C. 601(2)).

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order 12291 because it will not have an annual effect on the economy of $100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**List of Subjects in 29 CFR Part 2676**

Employee benefit plans and Pensions.

In consideration of the foregoing, part 2676 of subchapter H of chapter XXVI of title 29, Code of Federal Regulations, is amended as follows:

## PART 2676—VALUATION OF PLAN BENEFITS AND PLAN ASSETS FOLLOWING MASS WITHDRAWAL

1. The authority citation for part 2676 continues to read as follows:

**Authority:** 29 U.S.C. 1302(b)(3), 1399(c)(1)(D), and 1441(b)(1).

2. In § 2676.15, paragraph (c) is amended by adding to the end of the table of interest rates therein the following new entry:

**§ 2676.15 Interest.**

* * * * *

(c) *Interest rates.*

| | For valuation dates occurring in the month— | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| The values for $i_t$ are— | $i_1$ | $i_2$ | $i_3$ | $i_4$ | $i_5$ | $i_6$ | $i_7$ | $i_8$ | $i_9$ | $i_{10}$ | $i_{11}$ | $i_{12}$ | $i_{13}$ | $i_{14}$ | $i_{15}$ | $i_n$ |
| | | • | | • | | • | | • | | • | | • | | • | | |
| February 1990 ... | .0825 | .08 | .0775 | .075 | .0725 | .07 | .07 | .07 | .07 | .07 | .065 | .065 | .065 | .065 | .065 | .05875 |

Issued at Washington, DC, on this 9th day of January 1990.

**James B. Lockhart III,**

*Executive Director, Pension Benefit Guaranty Corporation.*

[FR Doc. 90–832 Filed 1–11–90; 8:45 am]

BILLING CODE 7708–01–M

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

### 30 CFR Part 220

### Accounting Procedures for Determining Net Profit Share Payment for Outer Continental Shelf Oil and Gas Leases

August 25, 1990.

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Final rule, technical amendment.

**SUMMARY:** The Minerals Management Service is amending its regulations at 30 CFR 220.021(a)(2) to correct a technical error.

**EFFECTIVE DATE:** January 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Royalty Management Program, Minerals Management Service, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 662, Denver, Colorado 80225, (303) 231–3432, (FTS) 326–3432.

**SUPPLEMENTARY INFORMATION:**

**I. Final Rule Amendment**

Paragraph (a)(2) of 30 CFR § 220.021 includes an erroneous reference to § 220.110(b) of the regulations. The reference should be to § 260.110(b), which is the same as the reference cited in the definition of "Production Revenue" at § 220.002. The MMS is publishing this final rule amendment to correct this technical error.

**II. Procedural Matters**

*Administrative Procedure Act*

The changes included in this rulemaking are technical corrections only and are not substantive changes. Accordingly, pursuant to 5 U.S.C. 553(b), it has been determined that it is unnecessary to issue proposed regulations before the issuance of this final regulation. For the same reason, it has been determined that in accordance with 5 U.S.C. 553(d), there is good cause to make this regulation effective upon publication in the Federal Register.

*Executive Order 12291 and Regulatory Flexibility Act*

The Department of the Interior has determined that this document is not a major rule under E.O. 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

*Paperwork Reduction Act of 1980*

This 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.

*National Environmental Policy Act of 1969*

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment, and a

detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is not required.

**List of Subjects in 30 CFR Part 220**

Coal, Continental Shelf, Geothermal energy, Government contracts, Indian lands, Mineral royalties, Natural gas, Petroleum, Public lands-mineral resources, Reporting and recordkeeping requirements.

Dated: December 28, 1989.

**James M. Hughes,**

*Acting Assistant Secretary—Land and Minerals Management.*

For the reasons set out in the preamble, 30 CFR part 220 is amended as set forth below:

## PART 220—ACCOUNTING PROCEDURES FOR DETERMINING NET PROFIT SHARE PAYMENT FOR OUTER CONTINENTAL SHELF OIL AND GAS LEASES

1. The authority citation for part 220 continues to read as follows:

**Authority:** Section 205, Pub. L. 95-372, 92 stat. 643 (43 U.S.C. 1337).

2. Paragraph (a)(2) of § 220.021 is revised to read as follows:

**§ 220.021 Determination of net profit share base.**

(a) * * *

(2) Credited with an amount reflecting the production revenues for the month, calculated in accordance with § 260.110(b) of this chapter.

* * * * *

[FR Doc. 90-686 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-MR-M

## Bureau of Land Management

## 43 CFR Public Land Order 6763

**[CA-940-00-4214-10; CACA-24047]**

## Withdrawal of Public Land for a Security Zone for Sea Site I; California

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Public Land Order.

**SUMMARY:** This order withdraws 7,760 acres of public land from surface entry and mining for a period of 5 years for the Department of the Navy to protect Sea Site I, a highly classified, sensitive, electronic warfare installation at the Naval Weapons Center, China Lake, pending the processing of an Engle Act withdrawal application. The land has been and will remain open to mineral leasing

**EFFECTIVE DATE:** January 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** Viola Andrade, BLM California State Office, Room E-2845, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825, 916-978-4820.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, and entry under the general land laws, including the United States mining laws (30 U.S.C. Ch. 2), but not from leasing under the mineral leasing laws, to protect the land pending action on an Engle Act withdrawal application:

Mount Diablo Meridian

T. 27 S., R. 43 E.,
Secs. 31 to 34, inclusive.
T. 28 S., R. 43 E.,
Secs. 4 to 9, inclusive;
Secs. 17 and 18;
Sec. 19, N½N½N½

The area described contains 7,760 acres in San Bernardino County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 5 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

4. This withdrawal does not authorize any military use of the lands by the Department of the Navy until the Engle Act withdrawal is enacted by Congress.

Dated: January 5, 1990.

**Dave O'Neal,**

*Assistant Secretary of the Interior.*

[FR Doc. 90-850 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-40-M

## DEPARTMENT OF TRANSPORTATION

## Coast Guard

## 46 CFR Part 15

**CGD-89-061**

**RIN 2115-AD38**

## Waiver of Crewmember Citizenship Requirements

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim final rule.

**SUMMARY:** The Coast Guard is amending the regulations concerning the use of non-U.S. citizens as licensed individuals and unlicensed seamen on U.S. documented vessels to provide a general waiver for offshore supply vessels (OSVs) operating out of foreign ports, and mobile offshore drilling units (MODUs) operating beyond the water above the U.S. Outer Continental Shelf. This action is necessary to allow these vessels to operate in areas subject to foreign jurisdiction where local citizenship laws may apply and where recruitment of U.S. citizens may be impractical. The intent of this action is to allow these operations to be conducted without obligating the operators to request individual waivers for each situation in which a non-U.S. citizen may be employed or engaged.

This waiver is only effective for those OSVs and MODUs which meet specific operational criteria. The requirement that any individual serving as master on these vessels must be a citizen of the United States is not waived by this action. With respect to an OSV operating from a foreign port and not operating on the water above the U.S. Outer Continental Shelf, and a MODU operating beyond the water above the U.S. Outer Continental Shelf, this waiver permits the licensed individuals (except for the Master), and more than 25 percent of the total number of unlicensed seamen, to be non-U.S. citizens.

**DATES:** This regulation is effective February 12, 1990. Comments must be received by June 30, 1990.

**ADDRESSES:** Comments should be submitted to the Executive Secretary, Marine Safety Council (G-LRA-2/3600) [CGD 89-061], U.S. Coast Guard, Washington, DC 20593-0001. Between 8:00 a.m. and 3:00 p.m., Monday through Friday, comments may be delivered and will be available for inspection or copying at the Marine Safety Council (G-LRA-2), Room 3600, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593-0001, telephone (202) 267-1477.

**FOR FURTHER INFORMATION CONTACT:** Mr. C. M. Young, Office of Marine Safety, Security and Environmental Protection (G-MVP), U.S. Coast Guard Headquarters, telephone (202) 267-0229.

**SUPPLEMENTARY INFORMATION:** The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100-239) provided authority for the Secretary of Transportation to waive, except with respect to the master, the

requirement that the licensed individuals and 75 percent of the total number of unlicensed seamen on board a U.S. documented vessel must be citizens of the United States [46 U.S.C. 8103(b)(3)].

A technical error in Public Law 100–239 was later corrected by Public Law 100–255 which replaced the word "subsection" in paragraph (b)(3) of section 8103 of title 46, U.S. Code, with the word "section", thereby clarifying that the waiver authority extended to the citizenship requirement applicable to licensed individuals referred to in subsection 8103(a), except masters.

Neither Public Law 100–239 nor 100–255 authorizes the Secretary to waive the requirement of 46 U.S.C. 12110 that "a documented vessel may be placed under the command only of a citizen of the United States."

In accordance with 46 U.S.C. 8103(b)(3), a waiver may be granted with respect to the following:

(a) An offshore supply vessel or other similarly engaged vessel of less than 1600 gross tons that operates from a foreign port;

(b) A mobile offshore drilling unit or other vessel engaged in support of exploration, exploitation, or production of offshore mineral energy resources operating beyond the water above the Outer Continental Shelf; and

(c) Any other vessel if the Secretary of Transportation determines, after an investigation, that qualified seamen who are citizens of the United States are not available.

The authority provided to the Secretary of Transportation to issue waivers under 46 U.S.C. 8103(b)(3) has been delegated to the Coast Guard under a general delegation of marine safety functions in 49 CFR 1.46(b).

The present regulatory action establishes a waiver only with respect to offshore supply vessels (OSVs) that operate from a foreign port, and mobile offshore drilling units (MODUs) operating beyond the water above the U.S. Outer Continental Shelf [as defined in 43 U.S.C. 1331(a)].

An OSV is defined in 46 U.S.C. 2101(19) as "a motor vessel of more than 15 gross tons but less than 500 gross tons that regularly carries goods, supplies, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources and is not a small passenger vessel."

A MODU is defined in 46 U.S.C. 2101(15a) as "a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources."

Waivers from citizenship requirements with respect to other vessels, including vessels engaged in operations similar to those of OSV's or MODU's, are considered by the Coast Guard on an individual basis.

*Drafting Information:* The drafters of this notice are Mr. C. M. Young, Office of Marine Safety, Security and Environmental Protection, and CDR G.A. Gallion, Project Counsel, Office of Chief Counsel.

*Discussion:* The Commercial Fishing Industry Vessel Anti-Reflagging Act of 1987 (Public Law 100–239, as amended; hereinafter referred to as "the Act"), establishes certain requirements for the employment of U.S. citizens on U.S. documented vessels. The Act revises previous provisions on crewmember citizenship by adding the following restrictions: (a) Under 46 U.S.C. 8103(a), radio officer is included as one of the licensed positions which must be occupied by a U.S. citizen; (b) under section 8103(b), unlicensed seamen must be U.S. citizens or aliens lawfully admitted to the United States for permanent residence, and only up to 25% of the unlicensed seamen can be permanent resident aliens.

The Act also tightened the requirements applying to U.S. vessels operating out of foreign ports. Under revised section 8103(e), vessels on foreign voyages which are deprived of a crewmember are allowed to employ a non-U.S. citizen only until "the vessel's return to a port at which in the most expeditious manner a replacement who is a citizen of the United States can be obtained" (as opposed to "the vessel's first return to a United States port" as stated in the previous version of the law).

In tightening the citizenship requirements for crewmembers on U.S.-documented vessels, the Congress "recognized that the practice of employing a limited number of American citizens on offshore supply vessels and mobile offshore drilling units when operating in foreign territorial waters or on the high seas or beyond the waters above our Outer Continental Shelf would have to be continued" (House Report No. 100–423). Congress therefore granted authority to the Secretary of Transportation to waive the citizenship requirements in certain cases. This authority has been delegated to the Coast Guard.

The Act does not provide any authority to waive the requirement that only a citizen of the United States may serve as master (under 46 U.S.C. 8103(a) and 8103(b)(3)) or as the individual in command of a U.S.-documented vessel (under 46 U.S.C. 12110(d)).

The Coast Guard is of the view that the operational conditions established in the Act for OSVs and MODUs are sufficiently clear that there is no need for a case-by-case evaluation of applications for waivers for vessels which meet these conditions. In accordance with 46 U.S.C. 8103(b)(3)(A), the following conditions must exist before an OSV is entitled to a waiver of the citizenship requirements of 46 U.S.C. 8103 (except the requirement that applies to the master):

a. The U.S.-documented vessel must be an offshore supply vessel, as defined in 46 U.S.C. 2101(19). Normally, this status will be indicated on the vessel's Certificate of Inspection.

b. The vessel must also be operating from a foreign (non-U.S.) port; and

c. The vessel must be operating beyond the water above the U.S. Outer Continental Shelf, as defined in 43 U.S.C. 1331(a). (Vessels operating in water above the U.S. Outer Continental Shelf must comply with the citizenship requirements under 43 U.S.C. 1356.)

By the terms of this regulation, the operator of a vessel which meets the above conditions may employ or engage non-U.S. citizens as crewmembers, except for the position of master, for the period during which these conditions continue to exist with respect to that particular vessel. The Coast Guard estimates that approximately 120 OSVs are currently operating under these conditions.

In accordance with 46 U.S.C. 8103(b)(3)(B), the following conditions must exist before a MODU will be entitled to a waiver of the citizenship requirements of 46 U.S.C. 8103 (except the requirement that applies to the master):

a. The U.S.-documented vessel must be a mobile offshore drilling unit (MODU), as defined in 46 U.S.C. 2101(15a). Normally, this status will be indicated on the vessel's Certificate of Inspection.

b. The vessel must also be operating beyond the water above the U.S. Outer Continental Shelf, as defined in 43 U.S.C. 1331(a). (Vessels operating in water above the U.S. Outer Continental Shelf must comply with the citizenship requirements under 43 U.S.C. 1356.)

By the terms of this regulation, the operator of a vessel which meets the above conditions may employ or engage non-U.S. citizens as crewmembers, except for master, for the period during which these conditions continue to exist with respect to that particular vessel. The Coast Guard estimates that approximately 105 MODUs are currently operating under these conditions.

Owners and operators of vessels which engage non-U.S. citizens by the

authority of this waiver should particularly note the responsibility assigned to the master in 46 CFR 15.720(b). This section requires the master to assure that individuals used as replacements hold a license or document which is equivalent in experience, training, and other qualifications to the U.S. license or document required for the position and that the person possesses or will possess the training required of the position, including the ability to communicate to the extent required by regulations (46 CFR 15.730).

The Coast Guard is also revising 46 CFR 15.720(a) to correctly reflect the Act's amendment of 46 U.S.C. 8103(e). The regulation will now authorize the use of non-U.S. citizens when a vessel is deprived of a crewmember on a foreign voyage, only until the vessel's return to "a port where in the most expeditious manner a replacement who is a citizen of the United States can be obtained."

During the comment period for this interim Final Rule, the Coast Guard encourages interested persons to provide comments and opinions on the advantages or disadvantages of the application of a general waiver process to crewmember citizenship requirements. Comments relating to specific foreign legal requirements which make it impractical or impossible to employ U.S. citizens as crewmembers on U.S. OSVs and MODUs operating in waters subject to foreign jurisdiction would be of particular assistance to the Coast Guard in evaluating this general waiver procedure. Comments concerning the application of the waiver to specific crewmember positions or to specific operational circumstances would also be useful. The Coast Guard will consider all comments in deciding whether this interim Final Rule should be adopted as a Final Rule.

### Paperwork Reduction Act

No information collection is required by this regulation.

### Federalism Implications

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

### Economic Assessment and Certification

This regulatory action is considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979).

As noted in House Report No. 100–423, the practice of "employing a limited number of American citizens on offshore supply vessels and mobile offshore drilling units when operating in foreign territorial waters or on the high seas or beyond the waters above our Outer Continental Shelf would have to be continued." In effect, this rule is permitting vessels to continue to operate according to current industry practice. This rule is not expected to result in any new economic impacts. Therefore, the economic impact of this rule is expected to be so minimal that a regulatory evaluation is unnecessary. Any economic impacts which are brought to the Coast Guard's attention during the comment period will be taken into account in preparation of the final rule.

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

In view of the intent of Congress to continue the practice of employing a limited number of American citizens on OSVs operating from foreign ports and on MODUs operating beyond the U.S. Outer Continental Shelf, and in order to minimize the potential for technical manning violations involving such vessels, the Coast Guard finds good cause for publication of this rule without notice and opportunity for public comment. Considering that Congressional intent, such public procedure is unnecessary.

### List of Subjects

Marine Safety, Navigation (water), Vessels, Offshore supply vessels, Mobile offshore drilling units, Citizenship, Seamen, Crewmembers.

### Interim Final Rule

In consideration of the foregoing, the Coast Guard is amending part 15 of title 46, Code of Federal Regulations as set forth below:

## PART 15—MANNING REQUIREMENTS

1. The authority citation for Part 15 continues to read as follows:

**Authority:** 46 U.S.C. 2103, 3703, 8105; 49 CFR 1.45, 1.46.

2. Section 15.720 is amended by revising paragraph (a), redesignating paragraph (b) as paragraph (d), revising newly redesignated paragraph (d), and adding new paragraphs (b), and (c) to read as follows:

**§ 15.720 Use of non-U.S. licensed and/or documented personnel.**

(a) United States vessels which need to replace one or more persons while on a foreign voyage and outside the jurisdiction of the United States, in order to meet manning requirements, may utilize non-U.S. licensed and documented personnel, except for the positions of master and radio officer, until the vessel returns to a port at which in the most expeditious manner replacements who are citizens of the United States can be obtained.

(b) The citizenship requirements of 46 U.S.C. 8103 (a) and (b) are waived, except for the requirement that the master must be a U.S. citizen, with respect to the following vessels:

(1) A U.S.-documented offshore supply vessel (OSV) (as that term is defined in 46 U.S.C. 2101(19)) that is operating from a foreign port; and

(2) A U.S.-documented mobile offshore drilling unit (MODU) (as that term is defined in 46 U.S.C. 2101(15a)) that is operating beyond the water above the U.S. Outer Continental Shelf.

(c) The waiver provided in paragraph (b) of this section does not apply to any vessel operating in water above the U.S. Outer Continental Shelf (as that term is defined in 43 U.S.C. 1331(a)).

(d) The master shall assure that any replacements of crewmembers by non-U.S. citizens made in accordance with this section will be with an individual who holds a license or document which is equivalent in experience, training, and other qualifications to the U.S. license or document required for the position and that the person possesses or will possess the training required to communicate to the extent required by § 15.730.

Dated: January 8, 1990.

**J.D. Sipes,**

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

[FR Doc. 90–791 Filed 1–11–90; 8:45 am]

BILLING CODE 4910–14–M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### 50 CFR Part 642

**[Docket No. 90637–9166]**

### Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

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

**ACTION:** Notice of closure.

**SUMMARY:** The Secretary of Commerce (Secretary) closes the commercial fishery for king mackerel from the eastern zone of the Gulf migratory group in the exclusive economic zone (EEZ). The Secretary has determined that the commercial quota for Gulf group king mackerel from the eastern zone was reached on January 8, 1990. This closure is necessary to protect the overfished Gulf king mackerel resource.

**EFFECTIVE DATES:** Closure is effective at 12:01 a.m., local time, January 9, 1990 until 12 p.m. (midnight), local time, June 30, 1990.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813–893–3722.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic, as amended, was developed by the South Atlantic and Gulf of Mexico Fishery Management Councils (Councils) under authority of the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, and is implemented by regulations at 50 CFR part 642. Regulations effective July 1, 1989, implemented catch limits recommended by the Councils for the Gulf of Mexico migratory group of king mackerel for the current fishing year (July 1, 1989 through June 30, 1990). Those regulations set the commercial allocation at 1.36 million pounds divided into quotas of 0.94 million pounds for the eastern zone and 0.42 million pounds for the western zone (54 FR 30554, July 21, 1989). From November 1 through March 31, the management area for the Gulf migratory group of king mackerel extends in the EEZ from the Mexico/United States border to a line extending directly east from the Volusia/Flagler County, FL boundary (29°25′ N. latitude). From April 1 through October 31, the management area extends in the EEZ from the Mexico/United States border to a line extending directly west from the Monroe/Collier County, FL boundary (25°48′ N. latitude). The boundary between the eastern and western zones is a line directly south from the Florida/Alabama boundary (87°31′06″ W. longitude) to the outer limit of the EEZ.

Under § 642.22(a), the Secretary is required to close any segment of the king mackerel commercial fishery when its allocation or quota has been reached, or is projected to be reached, by publishing a notice in the **Federal Register**. The Secretary has determined that the commercial quota of 0.94 million pounds for the eastern zone of the Gulf migratory group of king mackerel was reached on January 8, 1990. Hence, the commercial fishery for Gulf group king mackerel from the eastern zone is closed effective 12:01 a.m., January 9, 1990 through June 30, 1990, the end of the fishing year.

The Secretary previously determined that the commercial quota of 0.42 million pounds of king mackerel for the western zone was reached on October 24, 1989, and closed this segment of the fishery on October 25, 1989 (54 FR 43970, October 30, 1989). With closure of the commercial fishery in the eastern zone, all commercial fisheries in the EEZ for Gulf migratory group king mackerel are closed through June 30, 1990.

Except for a person on a charter vessel, during the closure, no person aboard a vessel permitted to fish under a commercial allocation may fish for, retain, or have in possession in the EEZ king mackerel from the Gulf migratory group. A person aboard a charter vessel may continue to fish for king mackerel from the Gulf migratory group under the bag limit set forth in § 642.28(a)(1), provided the vessel is under charter (i.e., there are more than three persons aboard, including captain and crew) and the vessel has an annual charter vessel permit issued under § 642.4(a)(3).

During the closure, king mackerel from the Gulf migratory group taken in the EEZ, including those harvested under the bag limit, may not be purchased, bartered, traded, or sold. This prohibition does not apply to trade in king mackerel from the Gulf migratory group that were harvested, landed, and bartered, traded, or sold prior to the closure and held in cold storage by a dealer or processor.

### Other Matters

This action is required by 50 CFR 642.22(a) and complies with E.O. 12291.

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

### List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 8, 1990.

**Richard H. Schaefer,**

*Director of Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 90–801 Filed 1–9–90; 8:45 am]

BILLING CODE 3510–22–M

## 50 CFR Part 652

**[Docket No. 70617–7148]**

## Atlantic Surf Clam and Ocean Quahog Fisheries

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

**ACTION:** Notice of allowable surf clam fishing time.

**SUMMARY:** NOAA issues this notice to establish allowable fishing time at 36 hours for each quarter of 1990 for vessels harvesting surf clams in the Mid-Atlantic Area of the exclusive economic zone. This action will provide flexibility and predictability to operators in the use of fishing time during the period. The intended effect is to match fishing effort to the available quota for the area.

**EFFECTIVE DATE:** December 31, 1989, through December 29, 1990.

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

**SUPPLEMENTARY INFORMATION:** Regulations implementing the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries contain at 50 CFR 652.22(a)(3) a provision allowing the Regional Director to revise allowable fishing times to promote fishing for surf clams throughout the year with a minimum of changes.

The 1989 fishery operated under a schedule of six trips of six hours duration (36 hours total) in each of the quarters. Harvest under this schedule has maintained a pace such that the 1989 annual quota was attained with little overage expected. The flexible nature of this type of scheduling has allowed vessel operators to utilize a greater number of their allotted trips at the times most beneficial to them and with greater safety.

Given the success of the past year, the Regional Director has decided to maintain the quarterly allotment of 36 hours in the 1990 fishery. Again the allotment will take the form of six trips of six hours duration between 0800 and 1400 hours. In making this decision, the Regional Director has taken into account catch rates for the past year, available quota, the actual number of trips taken and possible upcoming changes in the management of the surf clam resource. Adjustments to the number of trips to insure the attainment of the quarterly quota will be made to the quarter

immediately following when more complete catch information is available.

The fishing trips must be scheduled with 10 days advance written notice to the Surf Clam Coordinator, NMFS, One Blackburn Drive, Gloucester, Massachusetts 01930.

**Other Matters**

This action is taken under the authority of 50 CFR part 652 and is taken in compliance with Executive Order 12291.

**Authority:** 16 U.S.C. 180 *et seq.*

**List of Subjects in 50 CFR Part 652**

Fisheries, Reporting and recordkeeping requirements.

Dated: January 9, 1990.

**David S. Crestin,**

*Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 90-905 Filed 1-9-90; 5:03 pm]

BILLING CODE 3510-08-M

# Proposed Rules

Federal Register
Vol. 55, No. 9
Friday, January 12, 1990

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

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

### 14 CFR Part 327

[Docket No. 41855; Notice 90-1]

RIN 2105-AA77

### Payment of Interest on Subsidy and Compensation Claims; Withdrawal of Proposed Rulemaking

**AGENCY:** Office of the Secretary, DOT.

**ACTION:** Withdrawal of proposed rulemaking.

**SUMMARY:** DOT is withdrawing proposed procedural rules originally issued by the Civil Aeronautics Board (CAB) in accord with legislation applying provisions of the Contract Disputes Act to certain compensation claims under the essential air service (EAS) program. No qualifying claims have ever been submitted and legislation revising the program has rendered the earlier legislation moot.

**FOR FURTHER INFORMATION CONTACT:** Robert I. Ross, Office of the General Counsel, C-10, Department of Transportation, Washington, DC 20590, 202-366-9154.

**SUPPLEMENTARY INFORMATION:** In Section 322 of the Department of Transportation and Related Agencies Appropriation Act for Fiscal Year 1983 (Public Law 97-369), the Congress created a limited right to interest on subsidy claims arising under either section 406 (no longer in effect) or Section 419 (Essential Air Service) of the Federal Aviation Act of 1958 (FAAct), as amended. In order to induce CAB to decide subsidy claims more quickly, the Congress authorized the payment of interest on any claim for "hold-in" (compelled service) compensation under section 419(a)(7)(B) submitted by a certificated air carrier (a carrier holding a certificate of public convenience and necessity under section 401 of the FAAct to offer a full range of air transportation of persons or property for hire) within 120 days after such claim is, or is deemed to be, denied.

The EAS program has been changed substantially since CAB first proposed procedural regulations implementing this right to interest payments (48 FR 56599, December 22, 1983). Principally, section 419(a)(7)(B) was repealed in 1987 by the Airport and Airway Safety and Capacity Expansion Act of 1987 (Public Law 100-223 December 30, 1987).

In addition, the 1987 statute added to the EAS program a new requirement for prompt payment of all subsidy claims, which now must be paid or denied within 15 days of their submission by a carrier (section 419(g)). The result of these two factors is that there are now very few, if any, qualifying claims that can be made. Finally, as made clear by CAB in its original proposal, regulations are not needed to implement Section 322, which is self-actuating. CAB at the time thought that regulations would be helpful; given the discussion above, DOT, successor to CAB for this purpose under the Airline Deregulation Act (Public Law 95-504, October 24, 1978), no longer believes they would be useful.

### List of Subjects in 14 CFR Part 327

Claims, Grant Programs—Transportation.

In accordance with the above, the Notice of Proposed Rulemaking issued by CAB in this docket is hereby withdrawn.

Issued in Washington, DC, on January 3, 1990.

Samuel K. Skinner,

*Secretary of Transportation.*

[FR Doc. 90-790 Filed 1-11-90; 8:45 am]

BILLING CODE 4910-62-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### 26 CFR Part 1

[FI-27-89]

RIN 1545-AN52

### Real Estate Mortgage Investment Conduits; Reporting Requirements and Other Administrative Matters; Public Hearing on Proposed Regulations

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of public hearing on proposed regulations.

**SUMMARY:** This document provides notice of a public hearing on proposed regulations relating to real estate mortgage investment conduits.

**DATES:** The public hearing will be held on Wednesday, March 14, 1990, beginning at 1 p.m. Outlines of oral comments must be delivered by Thursday, March 1, 1990.

**ADDRESSES:** The public hearing will be held in the I.R.S. Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R (FI-27-89), Room 4429, Washington, DC 20044.

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

**SUPPLEMENTARY INFORMATION:** The subject of the public hearing is proposed regulations under sections 1272, 1275, and 6049. The proposed regulations appeared in the **Federal Register** for Thursday, September 7, 1989, at page 37125 (54 FR 37125).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Thursday, March 1, 1990, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be permitted beyond the lobby of the Internal Revenue Building until 12:45 p.m.

An agenda showing the scheduling of the speakers will be made after outlines

are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue.

**Dale D. Goode,**

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

[FR Doc. 90-780 Filed 1-11-90; 8:45 am]

BILLING CODE 4830-01-M

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 917

### Kentucky Permanent Regulatory Program; Minor Field Revisions

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

**ACTION:** Proposed rule; reopening the public comment period.

**SUMMARY:** OSM is reopening the public comment period on the substantive adequacy of certain program amendments submitted by the Commonwealth of Kentucky to modify the Kentucky permanent regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). On August 15, 1989, Kentucky submitted a proposed amendment on minor field revisions. On November 30, 1989, Kentucky resubmitted this proposed amendment with additional changes and clarifications. The amendment consists of new permit revision procedures that minor field revisions to a permit would be processed in the Department for Surface Mining Reclamation and Enforcement's (DSMRE) Regional Office rather than the central Frankfort Office. The proposed regulations contain a list of revisions to a permit that would be defined as minor field revisions.

This notice sets forth the times and locations that the Kentucky program and the proposed amendment are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding a public hearing, if one is requested.

**DATES:** Written comments must be received on or before 4 p.m. on February 12, 1990. If requested, a public hearing on the proposed amendment will be held at 10 a.m. on February 6, 1990. Requests to present oral testimony at the hearing must be received on or before 4 p.m. on January 29, 1990.

**ADDRESSES:** Written comments and requests for a hearing should be mailed or hand delivered to: Roger Calhoun, Acting Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504. Copies of the Kentucky program, the proposed amendment, and all written comments received in response to this notice will be available for review at the addresses listed below, Monday through Friday, 9:00 a.m. to 4:00 p.m., excluding holidays. Each requestor may receive, free of charge, one copy of the proposed amendment by contacting OSM's Lexington Field Office.

Office of Surface Mining Reclamation and Enforcement, Lexington Field Office, 340 Legion Drive, Suite 28, Lexington, Kentucky 40504, Telephone: (606) 233-7327.

Office of Surface Mining Reclamation and Enforcement, Eastern Field Operations, Ten Parkway Center, Pittsburgh, Pennsylvania 15220, Telephone: (412) 937-2828.

Department for Surface Mining Reclamation and Enforcement, No. 2 Hudson Hollow Complex, Frankfort, Kentucky 40601, Telephone: (502) 564-6940.

If a public hearing is held, its location will be: The Harley Hotel, 2143 North Broadway, Lexington, Kentucky 40505.

**FOR FURTHER INFORMATION CONTACT:** Roger Calhoun, Acting Director, Lexington Field Office, Telephone (606) 233-7327.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

On May 18, 1982, the Secretary of the Interior conditionally approved the Kentucky program. Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404-21435). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 917.15, 917.16, and 917.17.

#### II. Discussion of Amendment

By letter dated August 15, 1989, (Administrative Record No. KY-911), Kentucky submitted proposed regulations to revise Kentucky Administrative Regulations (KAR) at 405 KAR 8:010. The proposed amendment defines and establishes a new procedure for permit revisions that are minor field revisions by amending 405 KAR 8:010 Section 20. The proposed amendment gives the Regional Offices of DSMRE the authority to process 27 types of minor field revisions as defined in the proposed amendment. The proposed regulations provide conditions for processing the various types of minor field revisions.

On November 30, 1989, (Administrative Record Number KY-941) Kentucky resubmitted proposed regulations to further revise 405 KAR 8:010. The proposed amendment gives the Regional Offices of DSMRE the authority to process 27 types of minor field revisions as defined in the proposed amendment. The amendment revised 12 types of minor field revisions as a result of concerns raised in the formal Kentucky regulation promulgation process. The revised amendment also contains Kentucky's statement of consideration responding to written comments received during the formal promulgation process.

#### III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Kentucky satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Kentucky program.

*Written Comments*

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commentor's recommendations. Comments received after the time indicated under "**DATES**" or at locations other than the Lexington Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

*Public Hearing*

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4:00 p.m. on January 29, 1990. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

*Public Meeting*

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the OSM, Lexington Field Office listed under "**ADDRESSES**" by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**" All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under "**ADDRESSES.**" A written summary of each meeting will be made a part of the Administrative Record.

**VI. Procedural Determinations**

*1. Compliance with the National Environmental Policy Act*

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

*2. Executive Order 12291 and the Regulatory Flexibility Act*

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

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

*3. Paperwork Reduction Act*

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

**List of Subjects in 30 CFR Part 917**

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: January 8, 1990.

**Carl C. Close,**

*Assistant Director, Eastern Field Operations.*

[FR Doc. 90-844 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-05-M

## DEPARTMENT OF EDUCATION

### 34 CFR Part 302

### "Chapter 1" State Operated or Supported Programs for Handicapped Children Program

**AGENCY:** Department of Education.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** On October 17, 1989, the Department of Education published in the **Federal Register** a notice of proposed rulemaking (NPRM) for the Chapter 1 State Operated or Supported Programs for Handicapped Children program. This program provides financial assistance to State operated and supported programs and projects to supplement special education and early intervention services for handicapped infants, toddlers, and children. The NPRM provided for a comment period ending December 18, 1989 (54 FR 42704-42714).

In response to requests received, the Secretary extends the comment period.

**DATE:** The comment period for the October 17, 1989 NPRM is extended until January 26, 1990.

**ADDRESS:** All comments concerning the proposed regulations should be addressed to Lucille Sleger, Program Administration Branch, Division of Assistance to States, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3615 MES 2720, Washington, DC 20202-2720.

**FOR FURTHER INFORMATION CONTACT:** Mr. William Tyrrell, Division of Assistance to States, Office of Special Education Programs, Department of Education, 400 Maryland Avenue, SW., Switzer Building, Room 3625 MES 2720, Washington, DC 20202-2720; telephone: (202) 732-1025.

Dated: January 5, 1990.

**Lauro F. Cavazos,**

*Secretary of Education.*

[FR Doc. 90-796 Filed 1-11-90; 8:45 am]

BILLING CODE 4000-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### 44 CFR Part 67

**[Docket No. FEMA-6978]**

### Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule.

**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations and proposed base flood elevation modifications listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

**DATES:** The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

**ADDRESSES:** See table below.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations and modified base flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

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

the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prohibit development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

**List of Subjects in 44 CFR Part 67**

Flood insurance, Flood plains.

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

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

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| **ALABAMA** | |
| **Marshall County (unincorporated areas)** | |
| *Tennessee River:* | |
| At western county boundary | *577 |
| Just downstream of Guntersville Dam | *581 |
| Just upstream of Guntersville Dam | *596 |
| At eastern county boundary | *597 |
| *Big Spring Creek:* | |
| About 2.7 miles upstream of U.S. Highway 431 | *598 |
| About 3000 feet upstream of Joe Reeves Road | *645 |
| *Hog Creek:* | |
| About 1.4 miles downstream of State Highway 205 | *983 |
| About 2250 feet upstream of State Highway 205 | *1002 |
| **Maps available for inspection** at the County Courthouse, Guntersville, Alabama. | |
| Send comments to The Honorable Charles Wright, Chairman, County Commissioners, Marshall County, County Courthouse, Guntersville, Alabama 35976. | |

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| **KANSAS** | |
| **Bassett (city), Allen County** | |
| *Elm Creek:* Within community | *952 |
| **Maps available for inspection** at the City Hall, Iola, Kansas. | |
| Send comments to The Honorable Darrell D. Buss, Mayor, City of Bassett, P.O. Box 57, Iola, Kansas 66749. | |
| **Liberal (city), Seward County** | |
| *Playa 4:* | |
| About 2000 feet northwest of intersection of Kansas Avenue and Tucker Road | *2853 |
| *Playa 5:* | |
| About 2000 feet west and 200 feet south of intersection of Kansas Avenue and Tucker Road | *2854 |
| *Playa 6:* | |
| About 1000 feet north of intersection of Western Avenue and 15th Street | *2861 |
| *Playa 7:* | |
| About 1600 feet north and 500 feet west of intersection of Kansas Avenue and 15th Street | *2848 |
| *Playa 8:* | |
| About 1000 feet south and 500 feet west of intersection of Kansas Avenue and 15th Street | *2837 |
| *Playa 9:* | |
| About 1200 feet west of intersection of 15th Street and Country Estates Road | *2826 |
| *Playa 11:* | |
| At intersection of Clay Avenue and Ohio Street | *2842 |
| *Playa 12:* | |
| Just west of intersection of Western Avenue and Cain Avenue | *2852 |
| *Playa 13:* | |
| Just south of Pancake Boulevard between Pennsylvania Avenue and New York Avenue | *2838 |
| *Playa 15:* | |
| Just northwest of intersection of Harold Boulevard and Kansas Avenue | *2846 |
| *Playa 17:* | |
| Just northwest of intersection of Clay Street and Walnut Street | *2844 |
| **Maps available for inspection** at the City Hall, 325 North Washington, Liberal, Kansas. | |
| Send comments to The Honorable Tony Herrman, Mayor, City of Liberal, 325 North Washington, P.O. Box 830, Liberal, Kansas 67901. | |
| **Reno County (unincorporated areas)** | |
| *Arkansas River:* | |
| About 500 feet downstream of the Atchison, Topeka, & Santa Fe Railway | *1535 |
| About 690 feet upstream of State Highway 96 | *1602 |
| *Cow Creek:* | |
| About 2.2 miles downstream of Pennington Road | *1547 |
| Just downstream of West 108th Avenue | *1580 |
| *Cow Creek Tributary A:* | |
| Just downstream of West 43rd Avenue | *1548 |
| About 1580 feet upstream of West 69th Avenue | *1564 |
| *Cow Creek Tributary B:* | |
| At mouth | *1553 |
| About 0.95 mile upstream of West 69th Avenue | *1571 |
| *Cow Creek Tributary C:* | |
| At mouth | *1563 |
| About 0.9 mile upstream of West 82nd Avenue | *1602 |
| *Bull Creek:* | |
| At confluence with Cow Creek | *1566 |
| About 0.7 mile upstream of Centennial Road | *1602 |
| *Plum Creek:* | |
| Just upstream of West 43rd Avenue | *1541 |
| About 1.5 miles upstream of East 56th Avenue | *1646 |
| *Gar Creek:* | |
| About 1100 feet downstream of Rayl Road | *1451 |
| About 0.9 mile upstream of Irish Creek Road | *1487 |
| *Sand Creek:* | |
| About 600 feet downstream of Morgan Avenue | *1512 |
| Just downstream of the Missouri Pacific Railroad | *1533 |
| Just upstream of State Highway 96 | *1540 |
| Just upstream of Valley Pride Road | *1550 |

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| *Salt Creek:* | |
| At mouth | *1540 |
| About 1.3 miles upstream of West 4th Avenue | *1562 |
| *Salt Creek Tributary A:* | |
| At mouth | *1572 |
| Just downstream of West 4th Avenue | *1591 |
| *Salt Creek Tributary B:* | |
| At mouth | *1582 |
| Just downstream of West 4th Avenue | *1614 |
| *Little Arkansas River:* | |
| Just upstream of Rayl Road | *1451 |
| About 1.3 miles upstream of Medora Road | *1485 |
| *Little Arkansas River Tributary A:* | |
| At mouth | *1477 |
| About 2100 feet upstream of East 69th Avenue | *1536 |
| *Little Arkansas River Tributary B:* | |
| At mouth | *1457 |
| About 2900 feet upstream of East 43rd Avenue | *1524 |
| *Kisiwa Creek:* | |
| About 0.76 mile downstream of the Atchison, Topeka, & Santa Fe Railway | *1469 |
| Just downstream of East 4th Avenue | *1514 |
| *Kisiwa Creek Tributary:* | |
| At mouth | *1507 |
| Just downstream of East 4th Avenue | *1518 |
| *North Fork Ninnescah River:* | |
| About 1430 feet downstream of Castleton Road | *1549 |
| About 1.2 miles upstream of Sego Road | *1587 |
| *Smoots Creek:* | |
| Just upstream of Boundary Road | *1549 |
| About 0.87 mile upstream of Dean Road | *1582 |
| *Smoots Creek Tributary:* | |
| At mouth | *1551 |
| About 275 feet upstream of Booth Street | *1566 |
| *Silver Creek Tributary:* | |
| About 1850 feet downstream of Brownlee Road | *1729 |
| About 450 feet upstream of Sun City Road | *1753 |
| **Maps available for inspection** at the Public Works Department, County Courthouse, 206 West First, Hutchinson, Kansas. | |
| Send comments to The Honorable Lewis Larson, Chairman, Board of County Commissioners, Reno County, 206 West First, Hutchinson, Kansas 67502. | |
| **KENTUCKY** | |
| **Madison County (unincorporated areas)** | |
| *Kentucky River:* | |
| County boundary | *572 |
| About 850 feet upstream of confluence of Tate Creek | *582 |
| *Tate Creek:* | |
| At mouth | *581 |
| About 1.3 miles upstream of State Route 169 | *619 |
| **Maps available for inspection** at the County Courthouse, Richmond, Kentucky. | |
| Send comments to The Honorable Harold K. Botner, Judge/Executive, Madison County, County Courthouse, Richmond, Kentucky 40475. | |
| **Russell County (unincorporated areas)** | |
| *Big Lily Creek:* | |
| About 2700 feet downstream of State Route 619 | *750 |
| Just downstream of waterfalls | *760 |
| Just upstream of waterfalls | *772 |
| About 0.9 mile upstream of Clear Springs Road | *899 |
| *Little Lily Creek:* | |
| At mouth | *756 |
| About 1.4 miles upstream of Halkay Road | *1017 |
| *Cumberland Lake: Within community* | *750 |
| **Maps available for inspection** at the Judge/Executive's Office, County Courthouse, Jamestown, Kentucky. | |
| Send comments to The Honorable Terrill Flanagan, Judge/Executive, Russell County, County Courthouse, P.O. Box 397, Jamestown, Kentucky 42629. | |

## PROPOSED BASE (100-YEAR) FLOOD ELEVATION—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| **MICHIGAN** | |
| **Three Rivers (city), St. Joseph** | |
| *St. Joseph River:* | |
| About 2200 feet downstream of Conrail | *792 |
| Just downstream of Fairbanks Morse Dam | *795 |
| About 4200 feet upstream of Fairbanks Morse Dam | *801 |
| *Portage River:* | |
| At mouth | *794 |
| Just downstream of Portage Plant Dam | *796 |
| About 2700 feet upstream of Portage Plant Dam | *806 |
| *Rocky River:* | |
| At mouth | *793 |
| About 500 feet upstream of Hoffman Street | *800 |
| **Maps available for inspection** at the City Hall, 333 West Michigan, Three Rivers, Michigan. | |
| Send comments to The Honorable Michael Sieckenstein, Mayor, City of Three Rivers, City Hall, 333 West Michigan, Three Rivers, Michigan 49093. | |
| **NEW YORK** | |
| **Hancock (town), Delaware County** | |
| *Delaware River:* | |
| Approximately 400 feet downstream of corporate limits | *841 |
| At the confluence of the East Branch Delaware River and West Branch Delaware River | *904 |
| *East Branch Delaware River:* | |
| Approximately 200 feet upstream of confluence with Delaware River | *904 |
| Approximately 200 feet downstream of corporate limits | *1,060 |
| *West Branch Delaware River:* | |
| Approximately 500 feet upstream of corporate limits | *915 |
| Approximately 300 feet downstream of corporate limits | *948 |
| *Beaver Kill:* | |
| At confluence with East Branch Delaware River | *1,010 |
| Approximately 900 feet downstream of corporate limits | *1,109 |
| *Cadosia Creek:* | |
| At confluence with East Branch Delaware River | *918 |
| Approximately 50 feet downstream of corporate limits | *1,213 |
| *Fish Creek:* | |
| At confluence with East Branch Delaware River | *978 |
| Approximately 1.5 miles upstream of confluence of Tributary to Fish Creek | *1,087 |
| *Tributary to Fish Creek:* | |
| At confluence with Fish Creek | *1,012 |
| Approximately 1,275 feet upstream of County Route 28 | *1,114 |
| *Humphries Brook:* | |
| At confluence with Delaware River | *867 |
| Approximately 1,600 feet upstream of Sand Pond Dam | *1,260 |
| *Trout Brook:* | |
| At confluence with Beaver Kill | *1,037 |
| Approximately 520 feet downstream of Burnwood Road | *1,057 |
| *Bear Brook:* | |
| Approximately 8 feet upstream of corporate limits | *947 |
| Approximately 7 feet upstream of Woods Road | *1018 |
| **Maps available for inspection** at Town Hall, 115 W. Main Street, Hancock, New York. | |
| Send comments to The Honorable George Evanitsky, Supervisor of the Town of Hancock, Delaware County, 115 W. Main Street, Hancock, New York 13783. | |
| **Walton (village), Delaware County** | |
| *West Branch Delaware River:* | |
| Approximately 5,000 feet downstream of State Route 206 bridge (Bridge Street) | *1,201 |
| Approximately 4,900 feet upstream of State Route 206 bridge | *1,217 |
| *West Brook:* | |
| At the confluence with the West Branch Delaware River | *1,207 |
| Approximately 1,500 feet upstream of Austin Lincoln Park Road bridge | *1,244 |
| *East Brook:* | |
| At the confluence with the West Branch Delaware River | *1,213 |
| Approximately 680 feet upstream of East Street Bridge | *1,237 |
| *Third Brook:* | |
| At the confluence with West Brook | *1,209 |
| Approximately 1,250 feet upstream of Ogden Street Bridge | *1,263 |
| **Maps available for inspection** at the Village Hall, 21 North Street, Walton, New York. | |
| Send comments to The Honorable Raymond Baldi, Mayor of the Village of Walton, Delaware County, Village Hall, 21 North Street, Walton, New York 13856. | |
| **NORTH CAROLINA** | |
| **Avery County (unincorporated areas)** | |
| *Elk River:* | |
| About 300 feet upstream of SR 1341 | *3696 |
| About 3650 feet upstream of SR 1341 | *3779 |
| *Linville River:* | |
| Just upstream of Land Harbors Dam | *3540 |
| About 4300 feet upstream of Road E | *3695 |
| *West Fork:* | |
| At mouth | *3636 |
| About 700 feet upstream of SR 1351 | *3684 |
| **Maps available for inspection** at the Building Official's Office, County Courthouse, Main Street, Newland, North Carolina. | |
| Send comments to The Honorable Randall Fletcher, County Manager, Avery County, P.O. Box 638, Newland, North Carolina 28657. | |
| **OHIO** | |
| **Carroll County (unincorporated areas)** | |
| *Big Sandy Creek:* | |
| At Western County Boundary | *969 |
| About 2000 feet upstream of confluence of Still Fork | *1037 |
| **Maps available for inspection** at the Commissioner's Office, County Courthouse, Public Square, Carrollton, Ohio. | |
| Send comments to The Honorable Russell Barnett, President, Board of Commissioners, Carroll County, County Courthouse, Public Square, Carrollton, Ohio 44615. | |
| **PENNSYLVANIA** | |
| **Donegal (township), Westmoreland County** | |
| *Fourmile Run:* | |
| Downstream at State Route 130 | *1,390 |
| At Fourmile Run Dam | *1,445 |
| *Indian Creek:* | |
| At downstream corporate limits | *1,483 |
| At State Route 31 | *1,535 |
| **Maps available for inspection** at the Township Building, Donegal, Pennsylvania. | |
| Send comments to The Honorable Floyd G. Snyder, Chairman of the Township of Donegal Board of Supervisors, Westmoreland County, R.D. 1, Stahlstown, Pennsylvania 15687. | |
| **Rockland (township), Venango County** | |
| *Allegheny River:* | |
| At downstream of corporate limits | *932 |
| At confluence with East Sandy Creek | *961 |
| **Maps available for inspection** at the Township Building, Kennerdale, Pennsylvania. | |
| Send comments to The Honorable Edwin Thomas, Chairman of the Township of Rockland Board of Supervisors, Venango County, Box 62, Kennerdell, Pennsylvania 16374. | |
| **Sandycreek (township), Venango County** | |
| *Allegheny River:* | |
| At confluence of Sandy Creek | *950 |
| Approximately 528 feet upstream of U.S. Route 322 | *976 |
| **Maps available for inspection** at the Township Building, Franklin, Pennsylvania. | |
| Send comments to The Honorable H. E. Moffett, Chairman of the Township of Sandycreek Board of Supervisors, Venango County, R.D. 4, Box 900, Franklin, Pennsylvania 16323. | |
| **UTAH** | |
| **Morgan County (unincorporated areas)** | |
| *Weber River:* | |
| 650 feet upstream of confluence with Cottonwood Creek | *4,836 |
| 225 feet upstream of bridge at County Road 591 | *4,889 |
| 100 feet downstream of corporate city limits—Morgan City | *5,032 |
| 1,150 feet downstream of Fairground Bridge | *5,067 |
| At Fairground Bridge | *5,080 |
| 13,840 feet upstream of Fairground Bridge | *5,124 |
| *East Canyon Creek:* | |
| At confluence with Weber River | *4,999 |
| Just downstream of Young Street Bridge | *5,056 |
| 4,980 feet upstream of corporate city limits at limit of detailed study | *5,077 |
| *Deep Creek:* | |
| At confluence with Weber River | *4,991 |
| 100 feet upstream of County Road 591 | *5,046 |
| 600 feet upstream of confluence with North Fork at limit of detailed study | *5,140 |
| *Cottonwood Creek:* | |
| 450 feet upstream of confluence with Weber River | *4,834 |
| Just downstream of County Road 337 | *4,872 |
| 13,720 feet upstream of County Road 337 at limit of detailed study | *5,110 |
| **Maps are available for review** at the Morgan County Economic Development Office, 98 North Commercial Street, Morgan, Utah. | |
| Send comments to The Honorable Jeff London, Chairman, Morgan County Commission, County Courthouse, 48 West Young Street, Morgan, Utah 84050. | |
| **WASHINGTON** | |
| **Wahkiakum County (unincorporated areas)** | |
| *Columbia River:* | |
| At the Wahkiakum County corporate limits at River Mile 20 | *10 |
| At the most downstream point of Puget Island | *11 |
| At River Mile 46 | *12 |
| At the Wahkiskum County corporate limits at River Mile 52 | *13 |
| *Elochoman River:* | |
| Approximately 1,000 feet upstream of confluence with Elochoman Slough | *11 |
| Just upstream of State Route 4 bridge | *11 |
| Approximately 1,600 feet upstream of Foster Road bridge | *14 |
| Approximately 2,300 feet downstream of State Route 407 bridge | *25 |
| Approximately 1,700 feet upstream of State Route 407 bridge | *35 |
| **Maps are available for review** at the Wahkiakum County Courthouse, 64 Main Street, Cathlamet, Washington. | |
| Send comments to The Honorable Don Wright, Director, Wahkiakum County Board of Commissioners, County Commissioners' Office, P.O. Box 586, Cathlamet, Washington 98612. | |
| **WISCONSIN** | |
| **Cornell (city), Chippewa County** | |
| *Chippewa River:* | |
| About 1.5 miles downstream of Cornell Dam | *974 |
| Just downstream of Cornell Dam | *981 |
| Just upstream of Cornell Dam | *1005 |
| About 1.3 miles upstream of Bridge Street | *1006 |
| **Maps available for inspection** at the City Hall, 222 Main Street, Cornell, Wisconsin. | |

## PROPOSED BASE (100-YEAR) FLOOD ELEVATION—Continued

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| Send comments to The Honorable David Tonnancour, Mayor City of Cornell, City Hall, 222 Main Street, Cornell, Wisconsin 54732. | |
| **Langlade County (unincorporated areas)** | |
| *Spring Brook:* | |
| Just upstream of Monarch Road | *1461 |
| Just downstream of State Highway 64 | *1500 |
| Just upstream of State Highway 64 | *1508 |
| Just downstream of County Highway V | *1524 |
| **Maps available for inspection** at the Zoning Office, County Courthouse, 800 Clermont Street, Antigo, Wisconsin. | |

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| Send comments to The Honorable Marv Tessmer, Chairman, County Board, Langlade County, 800 Clermont Street, Antigo, Wisconsin 54409. | |
| **Sawyer County (unincorporated areas)** | |
| *Chippewa River:* | |
| About 2.76 miles downstream of Arpin Dam | *1189 |
| Just downstream of Arpin Dam | *1207 |
| Just upstream of Arpin Dam | *1229 |
| Just downstream of Moose Lake Dam | *1361 |
| **Maps available for inspection** at the Zoning Administration Office, County Courthouse, 408 Main Street, Hayward, Wisconsin. | |

| Source of flooding and location | #Depth in feet above ground. *Elevation in feet (NGVD) |
|---|---|
| Send comments to The Honorable Robert Kinney, Chairman, County Board, Sawyer County, County Courthouse, Clerk's Office, Box 273, 406 Main Street, Hayward, Wisconsin 54843. | |

The proposed modified base (100-year) flood elevations for selected locations are:

## PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |
| Alaska | City and Borough of Juneau. | Montana Creek | Approximately 500 feet upstream of confluence with Mendenhall River. | *28 | *29 |
| | | | Just downstream of Mendenhall Loop Road | *47 | *46 |
| | | | Just upstream of Mendenhall Loop Road | *49 | *48 |
| | | | Approximately 6,200 feet downstream from Montana Creek Road. | None | *89 |
| | | | Approximately 5,400 feet downstream from Montana Creek Road. | *None | *101 |
| | | | Approximately 2,800 feet downstream from Montana Creek Road. | None | *122 |
| | | | Just downstream of confluence with McGinnis Creek. | None | *291 |
| | | Montana Creek Overbank Flow. | At convergence with Montana Creek | *36 | *36 |
| | | | Approximately 800 feet upstream of convergence with Montana Creek. | *37 | *37 |
| | | | Approximately 1,400 feet upstream of confluence with Montana Creek. | *41 | *41 |
| | | Mendenhall River | At confluence with Gastineau Channel | *20 | *20 |
| | | | Approximately 2,600 feet downstream of Mendenhall Loop Road. | *38 | *38 |
| | | | Just downstream of Mendenhall Loop Road | *51 | *53 |
| | | | Just upstream of Mendenhall Loop Road | *52 | *56 |
| | | | Approximately 800 feet upstream of Mendenhall Loop Road. | *56 | *59 |
| | | | At Mendenhall Lake | *63 | *63 |
| Maps are available for review at the Department of Commerce and Regional Affairs, Municipal Regional Assistance Division, 949 East 36th Avenue, Suite 404, Anchorage, Alaska. | | | | | |
| Send comments to The Honorable Bruce Botelio, Mayor, City and Borough of Juneau, 155 South Seward Street, Juneau, Alaska 99801. | | | | | |
| Arizona | City of Flagstaff, Coconino County. | Switzer Canyon Wash | Approximately 120 feet downstream of the downstream Turquoise Drive crossing. | *6,874 | *6,874 |
| | | | Approximately 2,000 feet upstream of the downstream Turquoise Drive crossing. | None | *6,910 |
| | | | Approximately 1,320 feet downstream of Cedar Avenue. | None | *6,951 |
| | | | At confluence with Switzer Canyon Wash East | None | *6,994 |
| | | | Approximately 1,160 feet upstream of San Francisco Street, at the corporate limits. | None | *7,013 |
| Maps are available for review at City Hall, 211 West Aspen Avenue, Flagstaff, Arizona. | | | | | |
| Send comments to The Honorable Christopher Bavasi, Mayor, City of Flagstaff, City Hall, 211 West Aspen Avenue, Arizona 86001. | | | | | |
| California | City of Roseville, Placer County. | Antelope Creek | At confluence with Miners Ravine and Dry Creek. | *151 | *155 |
| | | | Just upstream of Southern Pacific Railroad | *160 | *164 |
| | | | Just upstream of County Dump Road and Maya Archery Club. | *170 | *172 |
| | | | Approximately 3,000 feet upstream of County Dump road and Maya Archery Club. | *173 | *174 |
| | | | At northern corporate limits | None | *182 |
| | | Cirby Creek | At confluence with Dry Creek | *131 | *135 |
| | | | At Oak Ridge Road | *138 | *141 |
| | | | Just upstream of Rocky Ridge Drive | None | *158 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |
| | | | Approximately 250 feet downstream of Winchester Way. | None | *164 |
| | | | At intersection of Colama Way and Trimble Way. | None | #1 |
| | | | At intersection of Trimble Way and Wendy Court. | None | #3 |
| | | Dry Creek | At southwestern corporate limits | *110 | *111 |
| | | | At Vernon Street | *126 | *134 |
| | | | Just downstream of Darling Way | *132 | *136 |
| | | | Just upstream of Folsom Road | *145 | *149 |
| | | | At confluence of Antelope Creek and Miners Ravine. | *151 | *155 |
| | | Linda Creek | At confluence with Cirby Creeek | *135 | *137 |
| | | | Just upstream of Rocky Ridge Road | *150 | *155 |
| | | | At Champion Oaks Drive | *157 | *158 |
| | | | Just upstream of New Auburn road | *162 | *168 |
| | | | At Old Auburn Road | *165 | *168 |
| | | Miners Ravine | At confluence with Antelope Creek and Dry Creeek. | *151 | *155 |
| | | | Just upstream of confluence of Secret Ravine | *169 | *171 |
| | | | Approximately 4,075 feet upstream of confluence of Secret Ravine. | *188 | *193 |
| | | | Approximately 8,900 feet upstream of confluence of Secret Ravine. | *220 | *221 |
| | | | At eastern corporate limits | *232 | *235 |
| | | Pleasant Grove Creek | Approximately 1,025 feet upstream of Fiddyment Road. | None | *90 |
| | | | Approximately 4,000 feet upstream of Fiddyment Road. | None | *92 |
| | | | Approximately 7,200 feet upstream of Fiddyment Road. | None | *96 |
| | | | Approximately 200 feet upstream of Industrial Boulevard. | None | *107 |
| | | | Approximately 3,000 feet upstream of Industrial Boulevard. | None | *109 |
| | | Secret Ravine | At confluence with Miners Ravine | *169 | *171 |
| | | | Just upstream of Roseville Reservoir Access road. | *169 | *173 |
| | | | Approximatley 1,050 feet upstream of Reservoir Access road. | *173 | *177 |
| | | | At northern corporate limits | None | *196 |
| | | South branch, Pleasant Grove Creek. | Approximately 1,000 feet upstream of confluence with Pleasant Grove Creek. | None | *90 |
| | | | Approximately 4,500 feet upstream of confluence with Pleasant Grove Creek. | *None | *93 |
| | | | Approximately 100 feet upstream of Foothill Boulevard. | *117 | *116 |
| | | | Just downstream of Interstate Highway 65 | *123 | *121 |
| | | | Approximately 8,025 feet upstream of Diamond Oaks Road. | *None | *157 |
| | | Strap Ravine | At confluence with Linda Creek | *153 | *156 |
| | | | Just upstream of McClaren Drive | *155 | *157 |
| | | | Just downstream of Johnson Ranch Drive | *183 | *182 |
| | | | At East Roseville Parkway | *195 | *200 |
| | | | At eastern corporate limits | *215 | *217 |

Maps are available for inspection at City Hall, 316 Vernon Street, Roseville, California.

Send comments to The Honorable Pauline Roccucci, Mayor, City of Roseville, 311 Vernon Street, Roseville, California 95678.

| | | | | | |
|---|---|---|---|---|---|
| California | City of Sebastopol, Sonoma County. | Laguna de Santa Rosa | At Sebastopol Avenue | *76 | *75 |

Maps are available for review at City Hall, 7120 Bodega Avenue, Sebastopol, California.

Send comments to The Honorable Thomas F. Miller, Mayor, City of Sebastopol, City Hall, 7120 Bodega Avenue, Sebastopol, California 95472.

| | | | | | |
|---|---|---|---|---|---|
| California | Sonoma County Unincorporated Areas. | Airport Creek | At confluence with Windsor Creek | None | *75 |
| | | | Just upstream of Windsor Road Crossin | None | *85 |
| | | | At confluence of Redwood Creek | None | *95 |
| | | | 1,800 feet upstream of confluence with Redwood Creek. | None | *100 |
| | | Bloomfield Creek | At Valley Ford Road | None | *50 |
| | | | Just upstream from Bloomfield Road | None | *51 |
| | | | Just upstream of Atchison Road | None | *61 |
| | | | Approximately 725 feet upstream of Atchinson Road. | None | *62 |
| | | Cameron Creek | At confluence with Fulton Creek | None | *88 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |
| | | | Just downstream of Woodway Bridge | None | *96 |
| | | | Just upstream of Woodland bridge | None | *103 |
| | | | At Woolsey Road bridge | None | *110 |
| | | Capri Creek | At the City of Petaluma corporate limits | None | *53 |
| | | | Approximately 2,400 feet upstream of City of Petaluma corporate limits. | None | *80 |
| | | Corona Creek | At McDowell Road | None | *26 |
| | | | Just Above Ely Road | None | *46 |
| | | | At Adobe Road bridge | None | *125 |
| | | Dry Creek | At confluence with Russian River | None | *84 |
| | | | 500 feet upstream from West Side Road bridge. | None | *86 |
| | | | At confluence of Crane Creek | None | *128 |
| | | | 200 feet upstream of Yoa Kim Bridge Road | None | *172 |
| | | | At Bord bridge | None | *199 |
| | | Fulton Creek | At confluence with Mark West Creek | None | *76 |
| | | | At confluence of Cameron Creek | None | *88 |
| | | | Just upstream of Laughlin Road | None | *107 |
| | | | Just upstream of Bisordi Lane | None | *119 |
| | | | Just upstream of Southern Pacific Railroad | None | *131 |
| | | Gibson Creek | At confluence with Marin Creek | None | *74 |
| | | | Just above Eastman Lane | None | *84 |
| | | | Approximately 1,960 feet upstream of Eastman Lane. | None | *107 |
| | | Hulbert Creek | At confluence with Russian River | None | *56 |
| | | | Just upstream of Old Cazadero Road | None | *76 |
| | | | Just upstream of Fern Way | None | *94 |
| | | | Approximately 1,950 feet upstream of confluence with Hulbert Creek Tributary. | None | *109 |
| | | Hulbert Creek Tributary | At confluence with Hulbert Creek | None | *95 |
| | | | Approximately 850 feet upstream of confluence with Hulbert Creek. | None | *108 |
| | | Kizer Creek | At confluence with Wiggins Creek | None | *51 |
| | | | Just upstream of Skilman Lane | None | *53 |
| | | | Just upstream of Bodega Avenue | None | *61 |
| | | | Just downstream of Eucalyptus Avenue | None | *124 |
| | | Laguna De Santa Rosa | At confluence with Mark West Creek | *76 | *75 |
| | | | At State Route 12 | None | *75 |
| | | | At confluence of Hessel Creek | None | *80 |
| | | | Just upstream of Llano Road | None | *84 |
| | | | At confluence of Bellevue-Wilfred flood control channel. | None | *89 |
| | | Liberty Creek | At confluence with Marine Creek | None | *37 |
| | | | Just downstream of Pepper Road | None | *50 |
| | | | Approximately 100 feet downstream of White Leghorn Farm Road. | None | *75 |
| | | | Just upstream of Jewett Road | None | *129 |
| | | | Just downstream of Stoney Point Road | None | *150 |
| | | Lichau Creek | At confluence with Willow Brook | None | *47 |
| | | | 300 feet upstream from Adobe Road | None | *75 |
| | | | 200 feet upstream from Southern Pacific Railroad bridge. | None | *95 |
| | | Lynch Creek | Just above Ely Road | None | *61 |
| | | | Approximately 3,600 feet upstream of Ely Road | None | *95 |
| | | | Approximately 1,000 feet downstream of Adobe Road. | None | *119 |
| | | Marin Creek | At confluence with Petaluma River | None | *37 |
| | | | At Skillman Lane | None | *44 |
| | | | At Bodega Avenue Bridge | None | *63 |
| | | | Just above Eastman Lane | None | *90 |
| | | Mark West Creek | From Russian River to Slusser Road | None | *75 |
| | | | Just upstream of Laughlin Road | None | *110 |
| | | | Just upstream of Southern Pacific Railroad | None | *131 |
| | | | Just upstream of Wikiup Bridgeway | None | *184 |
| | | | Approximately 550 feet upstream from Mark West Springs. | None | *440 |
| | | McBrown Creek | At confluence with Wiggins Creek | None | *59 |
| | | | Just upstream of McBrown Road | None | *80 |
| | | | Just upstream of Sprauer Road | None | *83 |
| | | Pocket Canyon | At confluence with Russian River | None | *59 |
| | | | At Fellows Park Road | None | *79 |
| | | | Just upstream of Mays Canyon Road | None | *111 |
| | | | At confluence of Oregon Canyon | None | *154 |
| | | | Approximately 4,700 feet upstream of the upstream State Highway 116 crossing. | None | *241 |
| | | Pool Creek | At confluence with Windsor Creek | None | *76 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |
| | | | Just upstream of Windsor Road | None | *85 |
| | | | At confluence of Pruitt Creek | None | *101 |
| | | | Just upstream of Old Redwood Highway | None | *127 |
| | | | 2,400 feet upstream from Pleasant Avenue | None | *169 |
| | | Pruitt Creek | At confluence with Pool Creek | None | *101 |
| | | | Just upstream of U.S. Highway 101 | None | *116 |
| | | | Just downstream of Old Redwood Highway | None | *132 |
| | | | Just upstream of East Shiloh Road | None | *149 |
| | | | Just downstream of Faught Road | None | *186 |
| | | Redwood Creek | At confluence with Airport Creek | None | *95 |
| | | | Just upstream of sewage treatment pond | None | *100 |
| | | | Just upstream of Skyland Road | None | *107 |
| | | | Just upstream of Jenny's Lane | None | *113 |
| | | | 1,750 feet upstream of Jenny's Lane | None | *116 |
| | | Russian River | At confluence with Pacific Ocean | *10 | *6 |
| | | | Approximately 100 feet downstream of State Highway #1. | *16 | *16 |
| | | | Approximately 150 feet upstream from Hulbert Creek. | *58 | *56 |
| | | | Approximately 1,200 feet upstream of Odd Fellows Park Road. | *68 | *64 |
| | | | Approximately 700 feet downstream of Wohler Road. | *76 | *75 |
| | | | Downstream side of State Highway 101 | *89 | *88 |
| | | | At confluence of Miller Creek | *202 | *202 |
| | | | Approximately 100 feet upstream from Geyersville Road. | *211 | *210 |
| | | | At confluence with Gill Creek | *226 | *226 |
| | | Santa Rosa Flood Control Channel. | At confluence with Laguna de Santa Rosa | None | *75 |
| | | | Approximately 8,450 feet upstream of Willowside Road. | None | *86 |
| | | Sonoma Creek | Approximately 2,050 feet downstream from Kenilworth Avenue. | *390 | *390 |
| | | | 400 feet upstream of confluence of North Kenwood Creek. | *400 | *402 |
| | | | At confluence of Mount Hood Creek | *424 | *425 |
| | | | Approximately 1,250 feet upstream of confluence with Mount Hood Creek. | *430 | *428 |
| | | | Just upstream of State Route 12 | *443 | *444 |
| | | Starr Creek | At confluence with Windsor Creek | None | *78 |
| | | | Just upstream of Kloer Road | None | *88 |
| | | | Just upstream of Windsor River Road | None | *108 |
| | | | Just upstream of U.S. Highway 101 | None | *131 |
| | | | 300 feet upstream of Arata Lane | None | *145 |
| | | Washington Creek | At Petaluma corporate limits | None | *78 |
| | | | Just upstream of Adobe Road | None | *122 |
| | | East Washington Creek | 100 feet upstream of Petaluma corporate limits | None | *82 |
| | | | Approximately 800 feet downstream of Adobe Road bridge. | None | *88 |
| | | | 300 feet upstream of Adobe Road | None | *90 |
| | | Wiggins Creek | At confluence with Marin Creek | None | *37 |
| | | | Upstream side of Liberty Road | None | *54 |
| | | | 1,800 feet upstream from King Road | None | *85 |
| | | Willow Brook | 625 feet downstream from Old Redwood Highway. | None | *38 |
| | | | Just upstream from Southern Pacific Railroad | None | *49 |
| | | | Just upstream of Adobe Road bridge | None | *88 |
| | | Wilson Creek | At confluence with Marin Creek | None | *37 |
| | | | Upstream side of Skillman Lane | None | *52 |
| | | | Just upstream of Bodega Avenue | None | *74 |
| | | | Approximately 1,000 feet above confluence of Stark Creek. | None | *119 |
| | | Windsor Creek | At confluence with Mark West Creek | None | *75 |
| | | | Just upstream of Windsor Road | None | *88 |
| | | | Just upstream of U.S. Highway 101 | None | *111 |
| | | | Just upstream of Arata Lane | None | *151 |
| | | | Just upstream of Brooks Road | None | *189 |
| | | East Windsor Creek | At confluence with Windsor Creek | None | *92 |
| | | | Just downstream from Southern Pacific Railroad. | None | *98 |
| | | | Just upstream of Old Redwood Highway | None | *110 |
| | | | 1,900 feet upstream of Jensen Lane | None | *124 |
| | | | 4,000 feet upstream of Jensen Lane | None | *142 |
| | | Wollsey Creek | 500 feet upstream of Slusser Road | None | *76 |
| | | | Just upstream of Willowside Ranch Road | None | *100 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |
| | | | Just upstream of Saddle Dam | None | *111 |
| | | | Approximately 1,800 feet upstream of Saddle Dam at limit of detailed study. | None | *112 |

Maps are available for review at the Sonoma County Building Department, 575 Administration Drive, Santa Rosa, California.

Send comments to The Honorable Thomas Schopflin, Sonoma County Administrator, 575 Administration Drive, Room 100A, Santa Rosa, California 95403.

| | | | | | |
|---|---|---|---|---|---|
| California | City of Sutter Creek, Amador County. | Sutter Creek | Approximately 300 feet upstream of the Sewage treatment plant. | None | *1,154 |
| | | | Just upstream of the Amelia Street Extension | None | *1,172 |
| | | | At the State Highway 49/Main Street Bridge | None | *1,187 |
| | | | Approximately 50 feet upstream of the footbridge near Eureka Trail Extention. | None | *1,193 |
| | | | At the eastern corporate limits | None | *1,197 |

Maps are available for review at City Hall, 18 Main Street, Sutter Creek, California.

Send comments to The Honorable Sid Smith, Mayor, City of Sutter Creek, City Hall, 18 Main Street, Sutter Creek, California 95685.

| | | | | | |
|---|---|---|---|---|---|
| California | Ventura County, Unincorporated Areas. | Rincon Creek | Approximately 1,125 feet downstream of U.S. Highway 101 southbound bridge. | None | *10 |
| | | | Just downstream of the Southern Pacific Railroad. | None | #1 |
| | | | Approximately 125 feet upstream of the Southern Pacific Railroad. | None | *40 |
| | | | Approximately 100 feet downstream of the Bates Road Bridge. | None | *70 |

Maps are available for review at the Department of Public Works, 800 South Victoria Avenue, Ventura, California 93009.

Send comments to The Honorable John Flynn, Chairman, Ventura County Board of Supervisors, 800 South Victoria Avenue, Ventura, California 93009.

| | | | | | |
|---|---|---|---|---|---|
| Colorado | El Paso County | Dirty Woman Creek | Just downstream of Mitchell Avenue | None | *6,879 |
| | | | Just upstream of Mitchell Avenue | None | *6,886 |
| | | | Just upstream of the Denver and Rio Grande Railroad. | None | *6,895 |
| | | | Just upstream of Old Denver Highway | None | *6,925 |
| | | | Just downstream of Interstate Highway 85/87 | None | *6,950 |
| | | Crystal Creek | At the confluence with Monument Lake | None | *6,920 |
| | | | Just upstream of Davidson Street | None | *6,948 |
| | | | Just upstream of Abandoned Railroad Bridge | None | *6,999 |
| | | | At Beacon Light Road | None | *7,013 |
| | | | At the Unnamed Road, approximately 1,100 feet upstream of Beacon Light Road. | None | *7,044 |

Maps are available for inspection at the Regional Building Office, 101 West Costilla, Colorado Springs, Colorado 80903.

Send comments to The Honorable Gary Shupp, Chairman, El Paso County Board of Commissioners, 20 East Vernijo Street, Colorado Springs, Colorado 80903.

| | | | | | |
|---|---|---|---|---|---|
| Idaho | City of Middleton, Canyon County. | Willow Creek | Just upstream of the confluence with the Boise River. | *2,382 | *2,381 |
| | | | Approximately 500 feet upstream of the sewage lagoon bridge, at the City of Middleton corporate limits. | *2,390 | *2,387 |
| | | | Approximately 1,450 feet downstream of State Highway 44, at the corporate limits. | *2,395 | *2,394 |
| | | | Just upstream of the Concord Street Bridge | *2,411 | *2,410 |
| | | | Just downstream of the Union Pacific Railroad Bridge. | *2,421 | *2,420 |

Maps are available for review at City Hall, 15 North Dewey Avenue, Middleton, Idaho.

Send comments to The Honorable Alice Lanning, Mayor, City of Middleton, 15 North Dewey Avenue, Middleton, Idaho 83644.

| | | | | | |
|---|---|---|---|---|---|
| Kansas | City of Hutchinson, Reno County. | Plum Creek | Just upstream of 30th Avenue | None | *1534 |
| | | | Just downstream of West 43rd Avenue | None | *1544 |
| | | Kisiwa Creek | Within community | None | *1514 |
| | | Kisiwa Creek Tributary | About 0.94 mile of downstream of East 4th Avenue. | None | *1514 |
| | | | Just downstream of East 4th Avenue | None | *1518 |

Maps available for inspection at the City Hall, 125 East Avenue B, Hutchinson, Kansas.

Send comments to The Honorable Ralph Ginerich, Mayor, City of Hutchinson, P.O. Box 1567, Hutchinson, Kansas 67504-1567.

| | | | | | |
|---|---|---|---|---|---|
| Kansas | City of Iola, Allen County | Coon Creek | Just upstream of U.S. Highway 54 | *955 | *955 |
| | | | Just upstream of Kentucky Street | *988 | *989 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |
| Maps available for inspection at the City Hall, 2 West Jackson, Iola, Kansas. | | | | | |
| Send comments to The Honorable Ray Pershall, Mayor, City of Iola, 2 West Jackson, Iola Kansas 66749. | | | | | |
| Michigan | City of Holland Ottawa and Allegan Counties. | Macatawa River | At mouth | *584 | *585 |
| | | | About 0.9 mile upstream of Paw Paw Drive | *593 | *597 |
| | | Lake Macatawa | Along shoreline | *584 | *585 |
| Maps available for inspection at the City Planning and Engineering Department, City Hall, 270 River Avenue, Holland, Michigan. | | | | | |
| Send comments to The Honorable Phil Tanis, Mayor, City of Holland, 270. River Avenue, Holland, Michigan 49423. | | | | | |
| Michigan | Township of Holland, Ottawa County. | Macatawa River | About 2100 feet downstream of Butternut Drive | None | *585 |
| | | | Just downstream of 96th Avenue | None | *600 |
| | | Lake Macatawa | Along shoreline | *584 | *585 |
| | | County Drain No. 40 | At mouth | *587 | *592 |
| | | | Just downstream of U.S. Highway 31 | *592 | *592 |
| | | Noordeloos Creek | About 1775 feet downstream of 107th Avenue | *593 | *597 |
| | | | About 575 feet upstream of U.S. Highway 21 | *597 | *597 |
| | | Tulip Intercounty Drain | At mouth | *594 | *598 |
| | | | About 2350 feet upstream of Adams Street | *598 | *598 |
| | | Secondary Channel | Just upstream of 104th Street | *594 | *598 |
| | | | At divergence with Macatawa River | *596 | *598 |
| Maps available for insepction at the Township Hall, 353 N. 120th Avenue, Holland, Michigan. | | | | | |
| Send comments to The Honorable Terry Niehuis, Township, Supervisor, Township of Holland, P.O. Box 8127, Holland, Michigan 49424. | | | | | |
| New York | Hancock, Village, Delaware County. | East Branch Delaware River | At Confluence with West Branch Delaware River. | None | *904 |
| | | | Approximately 0.57 mile upstream of State Route 97. | None | *914 |
| | | West Branch Delaware River | At the confluence with East Branch Delaware River. | None | *904 |
| | | | Approximately 0.68 mile upstream of State Route 191. | None | *914 |
| | | Sands Creek | At the confluence with West Branch Delaware River. | None | *912 |
| | | | At the confluence of Bear Brook | None | *939 |
| | | Bear Brook | At the confluence with Sand Creek | None | *939 |
| | | | Approximately 40 feet upstream of corporate limits. | None | *1,020 |
| Maps available for inspection at the Village Hall, 66 East Front Street, Hancock, New York. | | | | | |
| Send comments to The Honorable Dennis E. Christensen, Mayor of the Village of Hancock, Delaware County, 66 East Front Street, Hancock, New York 13783. | | | | | |
| Ohio | Village of Lowellville, Mahoning County. | Mahoning River | About 3200 feet downstream of First Street | None | *809 |
| | | | About 1.2 miles upstream of confluence of Gray's Run. | None | *821 |
| Maps available for inspection at the City Hall, Municipal Building, Lowellville, Ohio. | | | | | |
| Send comments to The Honaorable Alfred A. Russo, Mayor, Village of Lowellville, Municipal Building, P.O. Box 102, Lowellville, Ohio 44436. | | | | | |
| Oregon | City of Gresham, Multhomah County. | Fairview Creek | Approximately 100 feet upstream of NE. Glisan Street. | None | *209 |
| | | | Just upstream of Stark Street | None | *244 |
| | | | Just upstream of Burnside Road | None | *254 |
| | | | At Birdsdale Avenue | None | *263 |
| | | | Approximately 2,500 feet upstream of SE. Division Street. | None | *266 |
| Maps are available for review at the Department of Public Works, Gresham City Hall, 1333 NW. Eastman Parkway, Gresham, Oregon. | | | | | |
| Send comments to The Honorable Gussie McRobert, Mayor, City of Gresham, City Hall, 1333 NW. Eastman Parkway, Gresham, Oregon 97030. | | | | | |
| Washington | Whatcom County Unincorporated Areas. | Strait of Georgia | At shoreline about 3,000 feet east of the west end of Point Roberts. | None | 11 |
| | | | Seaward edge of Edwards Drive, 3,000 feet east of the west end of Point Roberts. | None | 8 |
| | | Birch Bay | Just south of a point along Birch Point Road, 600 feet west of its intersection with Shintaffer Road. | None | 9 |
| | | | At shoreline south of the intersection of Nitinat Road and Haida Way. | None | 14 |

PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

| State | City/town/county | Source of Flooding | Location | #Depth in feet above ground *Elevation in feet (NGVD) | |
|---|---|---|---|---|---|
| | | | | Existing | Modified |

Maps are available for review at County Engineer's Office, 311 Grand Avenue, Bellingham, Washington.
Send comments to The Honorable Shirley Van Zenten, Whatcom County Executive, 311 Grand Avenue, Bellingham, Washington 98225.

**Harold T. Duryee,**
*Administrator, Federal Insurance Administration.*

Issued: January 8, 1990.

[FR Doc. 90-814 Filed 1-11-90; 8:45 am]
BILLING CODE 6718-03-M

## 44 CFR Part 67

**[Docket No. FEMA-6966]**

## Proposed Flood Elevation Determinations

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This document corrects a Notice of Proposed Modified Determinations of base (100-year) flood elevations previously published at 54 FR 38400 on September 18, 1989. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Town of Pittstown, Rensselaer County, New York.

**FOR FURTHER INFORMATION CONTACT:** John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

**SUPPLEMENTARY INFORMATION:** The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Modified Determinations of base (100-year) flood elevations for selected locations in the Town of Pittstown, previously published at 54 FR 38400 on September 18, 1989, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

### List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

On page 38400, in the September 18, 1989 issue of the **Federal Register**, the entries under Pittstown (Town) Rensselaer County, are corrected to read as follows:

| Source of flooding | Location | #Depth in feet above ground. *Elevation in Feet (NGVD) | |
|---|---|---|---|
| | | Existing | Modified |
| Hoosic River. | Approximately 100 feet downstream of the downstream corporate limits. | None..... | *280 |
| | Approximately 1,200 feet downstream of the upstream corporate limits. | None..... | *356 |

Issued: January 4, 1990.

**Harold T. Duryee,**
*Administrator, Federal Insurance Administration.*

[FR Doc. 90-815 Filed 1-11-90; 8:45 am]
BILLING CODE 6718-03-M

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

### 49 CFR Part 571

**[Docket No 88-16; Notice 3]**

**RIN 2127-AC-75**

## Federal Motor Vehicle Safety Standards; Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect

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

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** Standard No. 102 requires permanent display of gear position information for automatic transmission vehicles without a gear shift lever park position. This notice proposes to replace that requirement with one that would require display of gear position information only when the key is not in the "off" or "accessory" position. The purpose of this change, which would affect medium and heavy duty vehicles, would be to facilitate the use of electronic technology. This notice also proposes to require, for all automatic transmission vehicles, that full gear position information, i.e., identification of shift lever positions, including the position of the gears in relation to each other and the gear position selected, be provided in a single location. The notice also responds to a suggestion by Volkswagen that the agency amend Standard No. 102 to provide greater flexibility for manual transmission pattern displays.

**DATES:** Comments must be received on or before February 26, 1990. The proposed amendment to Standard No. 102's requirement for permanent display of gear position information for automatic transmission vehicles without a gear shift lever park position would become effective 30 days after publication of a final rule. The proposed amendment to require, for all automatic transmission vehicles, that full gear position information be displayed in a single location would become effective 180 days after publication of a final rule.

**ADDRESS:** Comments should refer to the docket and notice numbers and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street, SW., Washington, DC 20590. Docket hours are 9:30 a.m. to 4 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Mr. Kenneth Rutland, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC (202-366-5267).

**SUPPLEMENTARY INFORMATION:** One of the stated purposes of Standard No. 102, Transmission Shift Lever Sequence, Starter Interlock, and Transmission Braking Effect, is to reduce the likelihood of shifting errors. For many years, section S3.2 of the standard required identification of shift lever positions of all automatic transmission vehicles to be permanently displayed in view of the driver.

On August 25, 1988, NHTSA published in the Federal Register (53 FR 32409) a notice of proposed rulemaking (NPRM) to amend Standard No. 102. As discussed in the NPRM, Chrysler and GM had submitted petitions for rulemaking requesting that the standard be amended to "permit" or "more clearly allow" the use of electronic displays of automatic transmission shift lever positions. (These displays are often called PRNDL displays, the acronym PRNDL referring to the following gear positions: *p*ark, *r*everse, *n*eutral, *d*rive, and *l*ow.) Chrysler argued that the requirement for permanent display of the PRNDL was design restrictive and prevented the use of electronics. That company stated that since an electronic display requires electrical current for activation, a permanent and constantly activated display would drain the vehicle's battery in a short period of time. Chrysler stated that fifteen minutes is the maximum amount of time that it can allow an electronic display to draw energy from the battery of a parked vehicle.

Both Chrysler and GM argued that the use of electronic PRNDL displays can offer several benefits, as compared to conventional mechanical displays. These include more precise indication of the selected gear, visibility which does not depend on ambient light and/or headlamp activation, designs with improved human factors characteristics, and improved customer satisfaction through product distinction and innovation.

In light of Chrysler's and GM's petitions for rulemaking and changed technology since the requirement for permanent display was promulgated, NHTSA reexamined the issue of whether permanent display of PRNDL information is necessary for safety. The agency explained in the NPRM that it had tentatively determined that a less stringent requirement could maintain the safety aspects of section S3.2 while facilitating the use of electronic technology.

As indicated above, the stated purpose of the requirement for permanent display of PRNDL information is to reduce the likelihood of shifting errors. NHTSA stated in the NPRM that, with respect to a driver making a mistake in shifting gears, it believed that this purpose could be accomplished by requiring PRNDL information to be displayed whenever the ignition is in a position where it is possible for the driver to shift the transmission. Another safety concern about shifting errors is the possibility that a driver will leave a vehicle believing that it is in park when it is not. The agency stated in the NPRM that, with respect to the contribution that a PRNDL display can make to reducing the likelihood of such an occurrence, it believed that purpose could be accomplished by requiring PRNDL information to be displayed whenever the transmission is not in park.

NHTSA therefore proposed to amend Standard No. 102 by replacing section S3.2's requirement for permanent display with a requirement that identification of shift lever positions of automatic transmissions, including both the position of the gears in relation to each other and the position selected, be displayed in view of the driver when either of the following conditions exists: (A) the ignition is in a position where the transmission can be shifted, or (B) the transmission is not in park. Under the proposal, however, such display would not be required when the ignition is in a position that is used only to start the vehicle. The only time the ignition is in that position is momentarily during the starting of the vehicle, and full battery power may be needed at that time to start the vehicle. NHTSA noted that the proposed requirements focused on the vehicle conditions where the agency believed there is a safety need for PRNDL information to be displayed to the driver.

On July 11, 1989, NHTSA published in the Federal Register (54 FR 29042) a final rule amending Standard No. 102. The amendment was along the lines of the proposal for automatic transmission vehicles which have a shift lever park position. The agency concluded that the amended requirements would maintain the safety aspects of section S3.2 while facilitating the use of electronic technology for passenger cars and other light vehicles.

NHTSA recognized a concern expressed by several commenters, including GM, Ford, Navistar International, and the Motor Vehicle Manufacturers Association (MVMA), that the proposed requirements would not facilitate the use of electronic technology in medium and heavy duty trucks, since those vehicles do not have a shift lever park position. The agency noted that the requirements recommended by those commenters were significantly different than those proposed in the NPRM and indicated that it would address that issue, as well as other issues related to Standard No. 102's display requirements, in a separate rulemaking. The agency now turns to those issues.

NHTSA agrees that its recent regulatory approach for automatic transmission vehicles with a park position, i.e., passenger cars and other light vehicles, may not be appropriate for many medium and heavy duty trucks. As discussed above, that regulatory approach was to require gear position information to be displayed in view of the driver whenever either of the following conditions exists: (A) The ignition is in a position where the transmission can be shifted, or (B) the transmission is not in park.

In order to take advantage of the increased flexibility offered by that amendment, a vehicle is likely to need both a park position and a transmission shift interlock system, i.e., a system which requires the shift lever to be in park before the ignition key can be removed and which prevents the shift lever from being moved from park after the key is removed. While passenger cars and other light vehicles have a park position and are increasingly being equipped with transmission shift interlock systems, many medium and heavy duty vehicles do not have a park position. Ford stated that these vehicles do not have a transmission park position because of their heavy loads and unique operating circumstances. Medium and heavy duty vehicles that do not have a park position also do not have a transmission shift interlock system, since such a system is dependent on having a park position.

GM, Ford, Navistar and MVMA all recommended, for vehicles without a park position, that NHTSA require display of gear position information only when the key is not in the "off" or "accessory" position. Ford stated that it believes a change of this nature can be made to permit design flexibility for these vehicles without any adverse safety consequences. That company noted that since these vehicles do not have a transmission park position, parking brakes are used to secure them, which keep the vehicles immobilized regardless of the shift lever position. Ford also noted that, as required by section S3.1.3 of Standard No. 102, the vehicles are equipped with a starter interlock so that they cannot be started in a drive gear. Ford concluded that if shift lever sequence and position is displayed when the ignition is in a position other than "off" or "accessory," the driver will have the information necessary to safely operate the vehicle. GM suggested that the suggested amendment would result in display of automatic transmission shift lever information whenever the vehicle is capable of mobility.

In light of GM's, Ford's, MVMA's and Navistar's comments with respect to medium and heavy duty vehicles and changed technology, NHTSA has reconsidered the conditions for which the display of gear position information for these vehicles is necessary for safety. As discussed below, the agency has tentatively determined that an amendment along the lines suggested by those commenters can maintain the safety aspects of the existing requirement while facilitating the use of electronic technology.

In proposing to amend Standard No. 102, NHTSA has focused its attention on whether gear position information would be displayed at all times when it is needed by the driver. The proposed amendment would ensure display of gear position information when the engine is running, the vehicle condition when drivers are most likely to shift gears. (An exception to this would be the momentary period the ignition is in the "start" position.)

The proposed amendment would not ensure display of gear position information when the engine is not running. NHTSA has therefore considered whether gear position information is needed for that vehicle condition.

Since the proposed amendment would not ensure the display of gear position information prior to the time a vehicle is started, one possible concern is whether the driver might mistakenly start the vehicle in gear, leading to inadvertent vehicle movement. As noted by Ford, however, section S3.1.3 of Standard No. 102 requires these vehicles to be equipped with a starter interlock so that they cannot be started in a drive gear.

NHTSA has also considered whether there is a safety concern related to a driver leaving a vehicle erroneously believing it is in a particular gear position. This can be a safety concern for vehicles with a park position, since a driver might leave a vehicle believing it is in park when it is not, creating the potential for vehicle movement. NHTSA does not believe that there is a similar concern for vehicles without a park position. An automatic transmission vehicle without a park position can roll regardless of whether it is parked in neutral or in gear. Thus, drivers of such vehicles must set the parking brake before leaving the vehicle. Of course, the display of gear position information would be ensured prior to the time the engine is turned off, enabling a driver to place the gear shift lever in whatever position was desired.

A third possible concern is whether a driver might need gear position information in the event that he or she decides to move a vehicle without the engine running. The proposed amendment would not ensure the display of gear position information in that situation.

NHTSA notes that it addressed this issue for vehicles with a park position in the July 1989 final rule. Austin Rover commented that complete information was needed only when the vehicle is capable of powered motion, and that in situations where the vehicle is not capable of powered motion, the driver only needs to be able to determine whether the park position has been selected. NHTSA disagreed, stating the following:

> First, whenever a vehicle is not already in park, the agency believes that a driver needs complete PRNDL information in order to be able to easily shift the vehicle to park. The issue of whether the vehicle is then capable of powered motion or not is irrelevant to that point. Second, a driver might choose to shift gears and move a vehicle for short distances without the engine on. In this situation, where the vehicle is not capable of powered motion, the agency believes that the driver needs full PRNDL information in order to safely move the vehicle. 54 FR 29045, July 11, 1989.

The possibility of a driver choosing to shift gears and move a vehicle for short distances without the engine on exists both for vehicles with a park position and vehicles without a park position. In considering whether there is a safety need for gear position information to be displayed in this situation, however, NHTSA believes there are significant differences between these two types of vehicles. One important difference is that there is a need for a driver moving a vehicle with a park position to be able to easily shift the gear lever to the park position at the completion of the move. This need does not exist for vehicles without a park position. A second difference relates to the fact that vehicles without a park position are primarily driven by professional drivers. Given these differences, and the fact that moving a vehicle without the engine on is in any event not a common driving situation, NHTSA does not believe that there is a safety need for gear position information to be displayed in this situation for vehicles without a park position.

Based on the above considerations, NHTSA does not believe it is necessary, for vehicles without a park position, to require display of gear position information when the ignition is in the "off" or "accessory" position. Therefore, this notice proposes an amendment along the lines suggested by GM, Ford, MVMA, and Navistar, which the agency believes would maintain the safety aspects of the existing requirement while facilitating the use of electronic technology.

Another issue raised in the comments on the August 1988 NPRM was whether the functions of two gear position displays can be used together to demonstrate compliance with the standard. Volkswagen asked whether an electronic display on the instrument panel could be used to show the gear position selected and an embossed display on the floor console be used to show the position of the gears in relation to each other.

In responding to Volkswagen, NHTSA noted that Standard No. 102 does not expressly require the specified information to be provided in a single display. The agency stated its belief, however, that the requirement was written with the assumption that the specified information would be provided in a single display, and noted that current vehicle designs reflect that assumption. NHTSA stated that it was concerned that if the information is not provided in a single display, the standard may be less effective in achieving its purpose of reducing the likelihood of shifting errors, and indicated that it planned to address this issue in the separate rulemaking.

In this notice, NHTSA is proposing to require that full gear position information, i.e., identification of shift lever positions, including the position of the gears in relation to each other and the gear position selected, be provided in a single location. The agency has tentatively concluded that the standard's purpose of reducing the likelihood of shifting errors is best met if all of the required information is available in one location. The process of shifting gears while driving necessitates some diversion of the driver's attention from the road. In order to minimize such diversion, NHTSA believes that a driver should be able to obtain full gear position information as quickly as possible. The agency believes that the need to check more than one location in order to obtain full gear position information would unnecessarily increase the potential for driver hesitation and confusion, leading to greater likelihood of shifting errors. The agency also notes that an instrument panel display of the gear position selected, without other labeling such as "PRNDL," could be confusing, particularly if a single letter such as "P" or "R" was displayed. While the proposed amendment would require full gear position information to be displayed in one location, manufacturers could provide redundant displays providing partial information.

In commenting on the August 1988 NPRM, Volkswagen also suggested that Standard No. 102 be amended to provide greater flexibility for manual transmission pattern displays. Standard No. 102 requires that identification of the shift lever pattern of manual transmissions, except three forward speed manual transmissions having the standard "H" pattern, shall be permanently displayed in view of the driver. In the August 1988 NPRM, the agency explained that while the language of this requirement may appear to be similar to a requirement for permanent display of automatic transmission gear position information, the substance is quite different. While it is necessary to use a position indicator to show the shift lever positions of an automatic transmission, a simple label may be used to show the shift pattern of a manual transmission. NHTSA indicated that it was unaware of any reason to propose a change in the requirements for display of the shift lever pattern of a manual transmission. The agency stated that the use of electronic technology does not appear to be relevant to these provisions, since they require a simple label rather than a position indicator. NHTSA also noted that manufacturers desiring to supplement the required label with an electronic display are free to do so.

Volkswagen recommended that NHTSA permit electronic display technology to be used as a sole indication of the manual transmission shift pattern. That company argued that a vehicle with a clutch pedal interlock which does not permit the vehicle to be started unless the clutch pedal is depressed should be permitted to be equipped with an electronic display of the manual transmission shift pattern which is displayed only when the ignition is in the "on" position. According to Volkswagen, the driver does not need to know the gear position of a vehicle until a vehicle is being started if a transmission, clutch or other interlock is provided such that the vehicle cannot be started in gear. NHTSA indicated in the July 1989 final rule that it would address Volkswagen's comment in the separate rulemaking.

While NHTSA has considered Volkswagen's suggestion, it does not believe that the amendment suggested by that company would be appropriate. First, unlike the situation for automatic transmission vehicles and as indicated above, there is no need to change the current requirement in order to facilitate the use of electronic displays. Even if a manufacturer provides an electronic display for manual transmissions, the need to also provide a simple label depicting manual transmission shift pattern is not burdensome. Second, such a label serves a safety purpose. In order to drive a manual transmission car, a driver should memorize the manual transmission pattern. If the manual transmission shift pattern is displayed prior to the time the vehicle is started, there is a greater opportunity for the driver to memorize the pattern. It is also desirable that drivers be able to check the pattern if they move the vehicle without the engine on.

Since the proposed amendment to Standard No. 102's requirement for permanent display of gear position information for automatic transmission vehicles without a gear shift lever park position would impose no new requirements but would instead increase manufacturer flexibility by relieving a restriction, the agency is proposing that the amendment become effective 30 days after publication of a final rule.

The proposed amendment to require, for all automatic transmission vehicles, that full gear position information be displayed in a single location would become effective 180 days after publication of a final rule. NHTSA believes that all automatic transmission vehicles currently meet this proposed requirement. If commenters identify any vehicles that do not meet the requirement, the agency requests that the commenters address how much leadtime would be necessary to bring such vehicles into compliance.

**Regulatory Impacts**

The agency has analyzed the economic and other effects of this proposal and determined that they are neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. The proposed amendment to Standard No. 102's requirement for permanent display of gear position information for automatic transmission vehicles without a gear shift lever park position would impose no new requirements but would instead increase manufacturer flexibility by relieving a restriction. Any cost impacts would be in the nature of slight, nonquantifiable cost savings. The agency believes that the other proposed amendment, to require, for all automatic transmission vehicles, that full gear position information be displayed in a single location, is currently met by all automatic transmission vehicles. The agency has determined that the economic effects of the proposed amendments are so minimal that a full regulatory evaluation is not required.

In accordance with the Regulatory Flexibility Act, NHTSA has evaluated the effects of this proposed action on small entities. Based upon this evaluation, I certify that the proposed amendments will not have a significant economic impact on a substantial number of small entities. Small businesses, small organizations, and small governmental units would be affected by the proposed amendments only to the extent that they purchase motor vehicles. As indicated above, one of the proposed amendments would impose no new requirements but instead offer increased manufacturer flexibility by relieving a restriction, while the other proposed amendment is believed to be met by all current vehicles. The proposed amendments would not significantly affect vehicle price. Accordingly, no regulatory flexibility analysis has been prepared.

The agency has also analyzed this rule for the purpose of the National Environmental Policy Act, and determined that it would not have any significant impact on the quality of the human environment.

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

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR Part 512.

All comments received before the close of business on the comment closing date indicated above for the

proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

**List of Subjects in 49 CFR Part 571**

Imports, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

## PART 571—[AMENDED]

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

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

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

**§ 571.102 [Amended]**

2. S3.1.4.2 of § 571.102 would be revised to read as follows:

S3.1.4.2 Except as specified in S3.1.4.3. if the transmission shift lever sequence does not include a park position, identification of shift lever positions, including the positions in relation to each other and the position selected, shall be displayed in view of the driver whenever the ignition is in a position other than any of the following:

(a) The "off" position.

(b) A position used only to operate accessories without the engine running.

3. S3.1.4.4 would be added to § 571.102 to read as follows:

S3.1.4.4 Effective (date 180 days after publication of a final rule would be inserted), all of the information required to be displayed by S3.1.4.1 or S3.1.4.2 shall be displayed in view of the driver in a single location. At the option of the manufacturer, redundant displays providing some or all of the information may be provided.

Issued on January 8, 1990.

**Barry Felrice,**

*Associate Administrator for Rulemaking.*

[FR Doc. 90-779 Filed 1-11-90; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

**RIN 1018-AB35**

## Endangered and Threatened Wildlife and Plants; Desert Tortoise

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of extension of comment period, correction.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) is correcting errors in the DATE and SUPPLEMENTARY INFORMATION of the proposed rule to extend the comment period, which appeared in the **Federal Register** on December 15, 1989 (54 FR 51432).

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert P. Smith at (503) 231-6159.

**SUPPLEMENTARY INFORMATION:** The Service published a notice that extended the comment period for the proposed rule to determine the Mojave population of the desert tortoise as an endangered species on December 15, 1989 (54 FR 51432). The comment period was extended to January 19, 1990. An incorrect date of January 19, 1989, appears in the **SUMMARY** and in the **SUPPLEMENTARY INFORMATION.** These errors are corrected below.

* * * * *

Dated: January 8, 1990.

**Marvin L. Plenert,**

*Regional Director.*

The following corrections are made in RIN 1018-AB35, the notice of extension of comment period to list the Mojave population of the desert tortoise which appeared in the **Federal Register** on December 15, 1989 (54 FR 51432).

On page 51432, first column, line 25, change "January 19, 1989" to "January 19, 1990" and line 53, change "January 19, 1989" to "January 19, 1990".

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[FR Doc. 90-837 Filed 1-11-90; 8:45 am]

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# Notices

Federal Register
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Friday, January 12, 1990

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

### Farmers Home Administration

### Submission of Information Collection to the Office of Management and Budget (OMB)

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** The information collection requirement described below has been submitted to OMB for emergency clearance under 5 CFR 1320.18. The Agency solicits comments on subject submission. The action is necessary to comply with the 1990 Rural Development, Agriculture, and Related Agencies Appropriations Act.

**ADDRESS:** Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Lisa Grove, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Anne Williams, FmHA, Community Facilities Division, USDA, Room 6304, South Building, 14th and Independence Ave., SW., Washington, DC 20250; 202–382–1490.

**SUPPLEMENTARY INFORMATION:** The Agency has submitted the proposal for collection of information as described below to OMB for clearance as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). It is requested that OMB approve this submission within seven days.

The following Supporting Statement explains the need and provides justification for the collection of information.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507.

**Supporting Statement**

7 CFR part 1980, subpart I, "Community Programs Guaranteed Loans"

1. The Farmers Home Administration (FmHA) is authorized by section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of essential community facilities primarily serving rural residents.

Community Programs (CP) has been in existence for approximately 52 years and has provided insured loan funds and grants through the Community Facilities Program and Water and Waste Disposal Program to finance many types of projects varying in size and complexity from large general hospitals to small rural water systems.

The intended effect of FmHA's implementation of a new regulation for Community Programs Guaranteed Loans is to comply with the budget as proposed for fiscal year 1990 and incorporate the legislation in a new FmHA regulation. The implementation of this new regulation would have an effect on both the Community Facilities and Water and Waste Disposal programs. The guaranteed loan program would encourage lender participation in the program and provide specific guidance in the processing and servicing of guaranteed Community Facility and Water and Waste Disposal loans.

2. The information will be collected by FmHA field offices from applicants/borrowers and their lenders and consultants. This information will be used to determine applicant/borrower eligibility, project feasibility, and to ensure that borrowers operate on a sound basis and use loan funds for authorized purposes. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, and/or unsound loans.

*Legal Authority and Responsibility.* Each borrower must have or obtain the legal authority necessary to own and operate the proposed facility, incur and repay debt, and pledge security for the loan. Copies of items such as Charters, By-Laws, and Articles of Incorporation are needed so FmHA can determine that the borrower has proper authority to borrow money for the proposed project.

*Proof of Lender Eligibility.* This requirement is necessary to ensure that the lender is capable of meeting the requirements of the enabling legislation as well as providing a reasonable assurance to the Government that the lender will provide maximum protection of the Government's investment in the borrower's operation.

*Intergovernmental Review.* Executive Order 12372 requires consultation with State officials on projects proposed for Federal financing. States may choose the Federal programs they wish to review. Clearinghouse review and approval is necessary for loan approval.

*Preapplication/Application Processing.* The borrower/lender prepare information for preapplicaton and application packages which is necessary for proper analysis and loan determination process performed by FmHA.

*Construction Contracts.* At the end of construction, the lender must provide FmHA with a written certification that all guaranteed loan funds were utilized for authorized purposes and that FmHA design policies have been met.

*Loan Servicing/Audited Financial Statements.* The lender is responsible for servicing the entire loan in accordance with the lender's loan agreement. Failure to properly service the loan may result in the cancellation of the guarantee or an adjustment in the percent of guarantee.

The borrower is required to provide the lender, at a minimum, annual audited financial statements which the lender will analyze and determine the soundness of the borrower's operations and provide a summary evaluation to FmHA.

*Borrower Default.* In the case of borrower default, the lender is responsible for notifying FmHA officials preparing a plan to correct the default. The position of both FmHA and the lender may be jeopardized if corrective actions are not taken promptly.

*Liquidation.* When liquidation is necessary, the lender will prepare a liquidation plan in accordance with the lender's loan agreement and Form FmHA 449–35. The plan will contain information as to how the liquidation will be conducted, proof of the lender's ownership of the note and other security instruments, information concerning the borrower's assets, the proposed method of obtaining the maximum collection,

and an estimate of the market and potential liquidated value of the collateral.

*Bankruptcy Responsibilities.* The lender must protect the guaranteed loan debt and all collateral securing it in the case of bankruptcy proceedings. The lender will file a proof of claim where necessary and all necessary papers and pleadings, participate in meetings of creditors and all court proceedings, adequately protect the collateral, and keep FmHA informed in writing of all aspects of the proceedings.

*Transfers and Assumptions.* In the case of a transfer and assumption either to an eligible or ineligible borrower, the lender is responsible for collecting and submitting a one-time nonreturnable standard fee plus the cost of the appraisal to the FmHA District Office.

The lender is responsible for making a complete credit analysis to determine the viability of the project and will provide FmHA with a statement that the transaction can be properly transferred and will file, register, or record all conveyance instruments as appropriate.

The lender will see that all transfers and assumptions are noted on all originals of the Loan Note Guarantee(s) and will provide FmHA with a copy of the transfer and assumption agreement. The lender is responsible for notifying FmHA before any borrower or guarantor is released from liability.

*Disposition of Acquired Property.* The lender will develop a plan as soon as possible to insure that all collateral is fully protected and a method of disposing of the collateral is effected. If the plan does not address the disposition of acquired property, the lender will prepare and submit to FmHA a plan on the best method of sale considering all prospective purchasers. Failure to develop a plan and proceed according to the plan may result in a nonrecoverable loss to the Government.

*Form FmHA 1980–10, "Application for Loan and Guarantee (Community Programs)."* This form is used by both the lender and the borrower to make application for an FmHA Community Programs guaranteed loan. The form supplies information that is used in determining the use of the requested funding and aids in making an evaluation of the ability of the lender's and borrower's qualifications to meet the objectives of the program.

3. Information needed is specific to each applicant, many of which may be small organizations and not equipped for high technology information gathering. FmHA attempts to use the data from the borrower and lender, the majority of which is generally available although perhaps not through the use of the latest technology. FmHA has many requirements that involve certifications from the borrower and lender as well as other parties involved in the project. FmHA could not comply with legislative mandates without these certifications.

4. This is a new program and not actively duplicated elsewhere in the Government.

5. No similar information is available since there is no duplication.

6. The information collected will be from public bodies, nonprofit organizations, and financial institutions.

7. The information collected under this program is considered to be the minimum necessary to conform to the requirements of the program regulations established by law. Information is collected only when needed, and we believe no reduction of collection is possible.

8. Collection of information is consistent with 5 CFR 1320.6.

9. FmHA will publish the regulations as an interim rule with comments to be received for a 30-day period. All comments received will be analyzed and will be considered in finalizing the regulation. FmHA has also submitted the interim rule to the Office of General Counsel (OGC) for their approval. The OGC reviews FmHA regulations for legal sufficiency, clarification, and compliance with enabling legislation.

FmHA conducted a sampling of lenders, bond counsels, and packagers who are knowledgeable in financial services similar to the Business and industry (B&I) guaranteed loan program and Community Programs type loans upon which the regulations for the Community Programs Guaranteed Loan program are based and requested their analysis of the public burden associated with completing and processing a guaranteed loan from the preapplication stage through liquidation.

Personal interviews were conducted with the following:

(1) Citizens Fidelity Bank, Louisville, Kentucky, (2) Hunton & Williams, Richmond, Virginia, and (3) Anderson Thomas Financial Group, Atlanta, Georgia.

10. No assurance of confidentiality is provided. The information collected under the provisions of the proposed program is not considered to be of a confidential nature. Organizations such as nonprofit entities and public bodies from which the information is collected ordinarily are required to make their activities available for public scrutiny.

11. The information collected does not contain any questions of a sensitive nature such as sexual behavior, religious beliefs, or other matters commonly considered private.

12. We believe the firms surveyed and listed in item 9 provide a fair sampling of size and expertise necessary to make a judgement on FmHA program requirements. Each firm surveyed was requested to provide a weighted salary scale which is used to calculate the public cost in dollars. A final composite average of the responses was used to determine the final costs. The overall average response was used to determine the final costs. The overall average weighted rate is $153.00 per hour. We have projected a total annualized cost to the public of $247,795. FmHA estimates the cost to the Federal Government to administer the activities of this program to be $300,000 per year which includes the time to collect the information provided by the respondents, costs of printing the regulations, forms, and administrative costs.

The cost of the regulation as a burden to the public was computed on the basis of $153.00 per hour. This figure was arrived at by averaging the data collected through our sampling of lenders, bond counsel, and packagers. The $153.00 represents an average of administration, travel, clerical, and professional costs as determined by those interviewed. The hourly cost was then multiplied by the burden hours.

13. The attached spread sheet shows the estimates for the paperwork burden to meet the requirements of 1980–I. A comparison was made with the Community Facilities loan program, Water and Waste Disposal loan program, and the Business and Industrial Loan Guarantee program. The estimated number of respondents, 200, is based on the number of preapplications and applications received as compared to the yearly allocation of the programs compared. The amount of time estimated to perform the various activities associated with preparing the preapplication and application packages and servicing the loans was discussed with the representatives of the institutions surveyed for their analysis of the burden associated with this type of loan. The estimated number of man-hours is for total preparation time including the lender's and borrower's input.

14. This is the initial request for OMB clearance; therefore, there is no change in the paperwork burden.

15. FmHA has no plans to publish the information collected under the provisions of this program.

Dated: January 4, 1990.

**Neal Sox Johnson,**

*Acting Administrator, Farmers Home Administration.*

[FR Doc. 80–829 Filed 1–11–90; 8:45 am]

BILLING CODE 3410–07–M

## Submission of Information Collection to OMB

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Notice.

**SUMMARY:** The information collection requirement described below has been submitted to OMB for emergency clearance under 5 CFR 1320.18. The agency solicits comments on subject submission. This action is necessary in order to comply with the Disaster Assistance Act of 1989 (Pub. L 101–82).

**ADDRESSES:** Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Lisa Grove, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Jerry W. Cooper, Loan Specialist, Water and Waste Disposal Division, Room 6328, South USDA Building, 14th and Independence Avenue SW., Washington, DC 20250, 202–382–9589.

**SUPPLEMENTARY INFORMATION:** The agency has submitted the proposal for collection of information as described below, to OMB for clearance as required by the Paperwork Reduction Act (44 U.S.C. Chapter 35). It is requested that OMB approve this submission within seven days.

The supporting statement shown below delineates the new regulation 7 CFR part 1942, subpart K, Emergency Community Water Assistance Grants.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3407.

Supporting Statement

7 CFR part 1942, subpart K, Emergency Community Water Assistance Grants.

1. Farmers Home Administration (FmHA) is requesting OMB clearance of the reporting and recordkeeping requirements relating to 7 CFR part 1942, subpart K. FmHA seeks to implement a program for emergency community water assistance grants (ECWAG) mandated by section 501 of Pub L. 101.82 (Disaster Assistance Act of 1989, "the Act") which will result in a reporting and recordkeeping burden. The new grant program authorized by the Act will assist rural communities that have had a significant decline in quantity or quality in their drinking water supply or their existing water system needs emergency repairs. Grants made under this program shall be made for 100 percent of the project costs. Grants can be made to serve rural areas with a population not in excess of 15,000 and a median household income not in excess of 100 percent of a State's nonmetropolitian median household income. The Act requires that the regulations to implement this grant program be published as an interim final rule within 45 days after the date of enactment.

2. The Act provides $35 million for Fiscal Years 1990 and 1991. The Act directs the Secretary of Agriculture to provide grants to assist the residents of rural areas and small communities secure adequate quantities of safe water. FmHA anticipates approving 175 grants each fiscal year. Grants under this program may be made to public bodies and nonprofit corprorations serving rural areas. Public bodies include counties, cities, townships, incorporated towns and villages, boroughs, authorities, districts, and other political subdivisions of a State. Public bodies also include Indian tribes on Federal and State reservations and other Federally recognized Indian Tribal groups in rural areas. Applicants will provide the information to be collected as part of the preapplication and grant processing by providing certain documentation, certification, or completion of a form. Failure to collect the information included in this regulation would hinder the making of grants authorized by the Act.

This regulation requires three areas of reporting burden used in processing these grants. The reporting burden is described as follows:

*Documentation that a significant Decline Occurred Within 2 Years of Filing an Application*

Grants are authorized to be made to alleviate a significant decline in quantity or quality of water available from water supplies for rural residents. The applicant must demonstrate that the decline occurred within two years of the date the application was filed with FmHA. Documentation evidencing a significant decline may be obtained from State agencies recording such information, logs of well tests, water use records of the applicant, etc. The documentation could include anything that would indicate that a sufficient quantity and/or quality of water was available in the past, is not available now and the decline occurred within the last 2 years. Most of the information needed is readily available to the applicant from internal records or from State agencies that the applicant is accustomed to dealing with. This reporting burden is required by the Act.

*Certification of Compliance With the Safe Drinking Water Act*

Grantees will be required to obtain a certification from the State agency or the Environmental Protection Agency stating that the proposed improvements will be in compliance with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) (SDWA). This reporting burden will help assure that projects will be constructed to meet the requirements of the SDWA and provide rural residents a supply of safe drinking water.

*Form FmHA 1942–31, Association Water or Sewer System Grant Agreement*

Form FmHA 1942–31, "Association Water or Sewer System Grant Agreement," is used to record contractual agreements between FmHA and Grantees. This is an existing form previously cleared by OMB under docket number 0575–0074. Its use will simplify grant processing and reporting. The form is being revised to require the borrower to comply with the measures identified in the Government's environmental impact analysis for their facility.

The use of the revised form will make the borrower responsible for any environmental impacts the facility's construction or operations cause and may also serve as a more legally defensible document in court if used as an exhibit in cases of adverse servicing actions.

3. The nature of the information collected cannot be accomplished through the use of a computer or other improved information technology.

4. The information will only be collected from applicants applying for a grant or those receiving a FmHA grant. There will be no duplication in the collection of information required by this regulation

5. There is no similar information available that can be used or modified to collect the information needed to process or close a grant under this program.

6. The information to be collected is the minimum necessary to carry out this grant program. Small entities will be affected by the reporting burden, but only the absolute minimum information needed will be required in order to carry out the grant program authorized by the Act.

7. The information to be collected only applies when an applicant files an application or when a grant is closed under this grant program. The information cannot be collected less frequently and meet the requirements to the Act.

8. The data collection is not inconsistent with the guidelines in 5 CFR 1320.6.

9. No persons outside the agency were consulted to obtain their views on the information to be collected. The information that is to be used in processing a grant application under this program is mandated by the Act.

10. FmHA will be the primary user of the information collected. Under the Freedom of Information Act, the general public can request most data collected from respondents. No assurance of confidentiality is provided respondents.

11. The information collected does not contain any questions of a sensitive nature.

12. The estimated annual cost to the government for the collection of information required by this Notice is $387,500. This estimate was based on the estimated time to collect and report the information by the respondents, using historical data associated with the operation of other grant programs. The annual cost to the respondents is estimated as $47,665. This was obtained by multiplying the hourly cost of $18.84 by 2,530 manhours. These costs include all the administrative and overhead costs associated with the collection of information.

13. The estimates of the burden of the collection of information are based on FmHA's experience with similar type grant programs. FmHA estimates that the "Documentation that a significant decline occurred within 2 years of filing a application" will be made by 315 respondents and take 2 hours to complete.

The "Certification of compliance with the Safe Drinking Water Act" will be made by 175 respondents and take 2 hours to complete. The Form FmHA 1942–31, "Association Water or Sewer System Grant Agreement," will be completed by 775 respondents, for all FmHA grant programs that use this form, and take 2 hours to complete.

14. There is additional burden in the new grant program as authorized by the Disaster Assistance Act.

15. The information will not be published for statistical uses.

Form FmHA 1942–31 is revised to read as follows:

BILLING CODE 3410-07-M

Form FmHA 1942-31
(Rev. 12-89)

FORM APPROVED
OMB NO. 0575-0074

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

## ASSOCIATION WATER OR SEWER SYSTEM GRANT AGREEMENT

THIS AGREEMENT dated _____, 19 ___, between

_____

a public corporation organized and operating under _____

_____

*(Authorizing Statute)*

herein called "Grantee," and the United States of America acting through the Farmers Home Administration, Department of Agriculture, herein called "Grantor," WITNESSETH:

WHEREAS

Grantee has determined to undertake a project of acquisition, construction, enlargement, or capital improvement of a (water) (sewer)

system to serve the area under its jurisdiction at an estimated cost of $ _____ and has duly authorized the undertaking of such project.

Grantee is able to finance not more than $ _____ of the development costs through revenues, charges, taxes or assessments, or funds otherwise available to Grantee resulting in a reasonable user charge.

Said sum of $ _____ has been comitted to and by Grantee for such project development costs.

Grantor has agreed to grant the Grantee a sum not to exceed $ _____ or _____ percent of said development costs, whichever is the lesser, subject to the terms and conditions established by the Grantor. Provided, however, that the proportionate share of any grant funds actually advanced and not needed for grant purposes shall be returned immediately to the Grantor. The Grantor may terminate the grant in whole, or in part, at any time before the date of completion, whenever it is determined that the Grantee has failed to comply with the conditions of the grant.

NOW, THEREFORE, In consideration of said grant by Grantor to Grantee, to be made pursuant to Section 306 (a) of the

Consolidated Farm and Rural Development Act for the purpose only of defraying a part not to exceed _____ percent of the development costs, as defined by applicable Farmers Home Administration instructions.

GRANTEE AGREES THAT GRANTEE WILL:

A. Cause said project to be constructed within the total sums available to it, including said grant, in accordance with the project plans and specifications and any modifications thereof prepared by Grantee and approved by Grantor.

B. Permit periodic inspection of the construction by a representative of Grantor during construction.

C. Comply with any measures identified in the Government's environmental impact analysis for this facility for the purpose of avoiding or reducing the adverse environmental impacts of the facility's construction or operation.

D. Comply with all applicable state and federal laws and regulations and manage, operate and maintain the system, including this project if less than the whole of said system, continuously in an efficient and economical manner.

E. Make the services of said system available within its capacity to all persons in Grantee's service area without discrimination as to race, color, religion, sex, national origin, age, marital status, or physical or mental handicap (possess capacity to enter into legal contract for services) at reasonable charges, including assessments, taxes, or fees in accordance with a schedule of such charges,

whether for one or more classes of service, adopted by resolution date _____, 19 ___, as may be modified from time to time by Grantee. The initial rate schedule must be approved by Grantor. Thereafter, Grantee may make such modifications to the rate system as long as the rate schedule remains reasonable and nondiscriminatory.

*Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0074), Washington, D.C. 20503.*

F. Adjust its operating costs and service charges from time to time to provide for adequate operation and maintenance, emergency repair reserves, obsolescence reserves, debt service and debt service reserves.

G. Expand its system from time to time to meet reasonably anticipated growth or service requirements in the area within its jurisdiction.

H. Provide Grantor with such periodic reports as it may require and permit periodic inspection of its operations by a representative of the Grantor.

I. To execute Forms FmHA 400-1, "Equal Opportunity Agreement," and FmHA 400-4, "Assurance Agreement," and any other agreements required by Grantor which Grantee is legally authorized to execute. If any such forms have been executed by Grantee as a result of a loan being made to Grantee by Grantor contemporaneously with the making of this Grant, another form of the same type need not be executed in connection with this Grant.

J. Upon any default under its representations or agreements set forth in this instrument, or in the instruments incident to the awarding of the grant, Grantee, at the option and demand of Grantor, to the extent legally permissible, will repay to grantor forthwith the original amount of the grant received with the interest accruing thereon from the date of default at the market rate for water and waste disposal loan assistance in effect on the date hereof or at the time the default occurred, whichever is greater. Default by the Grantee will constitute termination of the grant thereby causing cancellation of Federal assistance under the grant. The provisions of this Grant Agreement may be enforced by Grantor, at its option and without regard to prior waivers by it of previous defaults of Grantee, by judicial proceedings to require specific performance of the terms of this Grant Agreement or by such other proceedings in law or equity, in either Federal or State courts, as may be deemed necessary by Grantor to assure compliance with the provisions of this Grant Agreement and the laws and regulations under which this grant is made.

K. Return immediately to Grantor, as required by the regulations of Grantor, any grant funds actually advanced and not needed by Grantee for approved purposes.

L. Use the real property including land, land improvements, structures, and appurtenances thereto, for authorized purposes of the grant as long as needed.

1. Title to real property shall vest in the recipient subject to the condition that the Grantee shall use the real property for the authorized purpose of the original grant as long as needed.

2. The Grantee shall obtain approval by the Grantor agency for the use of the real property in other projects when the Grantee determines that the property is no longer needed for the original grant purposes. Use in other projects shall be limited to those under other Federal grant programs or programs that have purposes consistent with those authorized for support by the Grantor.

3. When the real property is no longer needed as provided in 1 and 2 above, the Grantee shall request disposition instructions from the Grantor agency or its successor Federal agency. The Grantor agency shall observe the following rules in the disposition instructions:

(a) The Grantor may be permitted to retain title after it compensates the Federal Government in an amount computed by applying the Federal percentage of participation in the cost of the original project to the fair market value of the property.

(b) The Grantee may be directed to sell the property under guidelines provided by the Grantor agency and pay the Federal Government an amount computed by applying the Federal percentage of participation in the cost of the original project to the proceeds from sale (after deducting actual and reasonable selling and fix-up expenses, if any, from the sale proceeds). When the Grantee is authorized or required to sell the property, proper sales procedures shall be established that provide for competition to the extent practicable and result in the highest possible return.

(c) The Grantee may be directed to transfer title to the property to the Federal Government provided that in such cases the Grantee shall be entitled to compensation computed by applying the Grantee's percentage of participation in the cost of the program or project to the current fair market value of the property.

*The Grant Agreement covers the following described real property (use continuation sheets as necessary).*

M. Abide by the following conditions pertaining to nonexpendable personal property which is furnished by the Grantor or acquired wholly or in part with grant funds. Nonexpendable personal property means tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. A Grantee may use its own definition of nonexpendable personal property provided such definition would at least include all tangible personal personal property as defined above.

1. Use of nonexpendable property.

(a) The Grantee shall use the property in the project for which it was acquired as long as needed. When no longer needed for the original project, the Grantee shall use the property in connection with its other Federally sponsored activities, if any, in the following order of priority:

(1) Activities sponsored by FmHA.

(2) Activities sponsored by other Federal agencies.

(b) During the time that nonexpendable personal property is held for use on the project for which it was acquired, the Grantee shall make it available for use on other projects if such other use will not interfere with the work on the project for which the property was originally acquired. First preference for such other use shall be given to FmHA sponsored projects. Second preference will be given to other Federally sponsored projects.

2. Disposition of nonexpendable property. When the Grantee no longer needs the property as provided in paragraph (a) above, the property may be used for other activites in accordance with the following standards:

(a) Nonexpendable property with a unit acquisition cost of less than $1,000. The Grantee may use the property for other activities without reimbursement to the Federal Government or sell the property and retain the proceeds.

(b) Nonexpendable personal property with a unit acquisiton cost of $1,000 or more. The Grantee may retain the property for other uses provided that compensation is made to the original Grantor agency or its successor. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project or program to the current fair market value of the property. If the Grantee has no need for the property and the property has further use value, the Grantee shall request disposition instructions from the original Grantor agency.

The Grantor agency shall determine whether the property can be used to meet the agency's requirements. If no requirement exists within that agency, the availability of the property shall be reported, in accordance with the guidelines of the Federal Property Management Regulations (FPMR), to the General Services Administration by the Grantor agency to determine whether a requirement for the property exists in other Federal agencies. The Grantor agency shall issue instructions to the Grantee no later than 120 days after the Grantee request and the following procedures shall govern:

(1) If so instructed or if disposition instructions are not issued within 120 calendar days after the Grantee's request, the Grantee shall sell the property and reimburse the Grantor agency an amount computed by applying to the sales proceeds the percentage of Federal participation in the cost of the original project or program. However, the Grantee shall be permitted to deduct and retain from the Federal share $100 or ten percent of the proceeds, whichever is greater, for the Grantee's selling and handling expenses.

(2) If the Grantee is instructed to ship the property elsewhere the Grantee shall be reimbursed by the benefitting Federal agency with an amount which is computed by applying the percentage of the Grantee participation in the cost of the original grant project or program to the current fair market value of the property, plus any reasonable shipping or interim storage costs incurred.

(3) If the Grantee is instructed to otherwise dispose of the property, the Grantee shall be reimbursed by the Grantor agency for such costs incurred in its disposition.

3. The Grantee's property management standards for nonexpendable personal property shall also include:

(a) Property records which accurately provide for: a description of the property; manufacturer's serial number or other identification number; acquisition date and cost; source of the property; percentage (at the end of budget year) of Federal participation in the cost of the project for which the property was acquired; location, use and condition of the property and the date the information was reported; and ultimate disposition data including sales price or the method used to determine current fair market value if the Grantee reimburses the Grantor for its share.

(b) A physical inventory of property shall be taken and the results reconciled with the property records at least once every two years to verify the existence, current utilization, and continued need for the property.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented.

(d) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(e) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

*This Grant Agreement covers the following described nonexpendable property (use continuation sheets as necessary).*

N. Provide Financial Management Systems which will include:

1. Accurate, current, and complete disclosure of the financial results of each grant. Financial reporting will be on an accrual basis.

2. Records which identify adequately the source and application of funds for grant-supported activities. Those records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

3. Effective control over and accountability for all funds, property and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

4. Accounting records supported by source documentation.

O. Retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of at least three years after grant closing except that the records shall be retained beyond the three-year period if audit findings have not been resolved. Microfilm copies may be substituted in lieu of original records. The Grantor and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the Grantee's government which are pertinent to the specific grant program for the purpose of making audits, examinations, excerpts and transcripts.

P. Provide information as requested by the Grantor to determine the need for and complete any necessary Environmental Impact Statements.

Q. Provide an audit report prepared in sufficient detail to allow the Grantor to determine that funds have been used in compliance with the proposal, any applicable laws and regulations and this Agreement.

R. Agree to account for and to return to Grantor interest earned on grant funds pending this disbursement for program purposes when the Grantee is a unit of local government or a nonprofit organization. States and agencies or instrumentalities of states shall not be held accountable for interest earned on grant funds pending their disbursement.

S. Not encumber, transfer or dispose of the property or any part thereof, furnished by the Grantor or acquired wholly or in part with Grantor funds without the written consent of the Grantor except as provided in items K and L above.

T. Include in all contracts for construction or repair a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). The Grantee shall report all suspected or reported violations to the Grantor.

U. In construction contracts in excess of $2,000 and in other contracts in excess of $2,500 which involve the employment of mechanics or laborers, to include a provision for compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5).

V. To include in all contracts in excess of $100,000 a provision that the contractor agrees to comply with all the requirements of Section 114 of the Clean Air Act (42 U.S.C. §1875C-9) and Section 308 of the Water Pollution Control Act (33 U.S.C. §1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued thereunder after the award of the contract. Such regulations and guidelines can be found in 40 CFR 15.4 and 40 FR 17126 dated April 16, 1975. In so doing the Contractor further agrees:

1. As a condition for the award of contract, to notify the Owner of the receipt of any communication from the Environmental Protection Agency (EPA) indicating that a facility to be utilized in the performance of the contract is under consideration to be listed on the EPA list of Violating Facilities. Prompt notification is required prior to contract award.

2. To certify that any facility to be utilized in the performance of any nonexempt contractor subcontract is not listed on the EPA list of Violating Facilities pursuant to 40 CFR 15.20 as of the date of contract award.

3. To include or cause to be included the above criteria and the requirements in every nonexempt subcontract and that the Contractor will take such action as the Government may direct as a means of enforcing such provisions.

As used in these paragraphs the term "facility" means any building, plan, installation, structure, mine, vessel or other floating craft, location, or site of operations, owned, leased, or supervised by a Grantee, cooperator, contractor, or subcontractor, to be utilized in the performance of a grant, agreement,contract, subgrant, or subcontract. Where a location or site of operation contains or includes more than one building, plant, installation, or structure, the entire location shall be deemed to be a facility except where the Director, Office of Federal Activities, Environmental Protection Agency, determines that independent facilities are co-located in one geographical area.

W. The following clause is applicable to nonprofit organizations:

**As a condition of this Grant or Cooperative Agreement, the recipient assures and certifies that it is in compliance with and will comply in the course of the Agreement with all applicable laws, regulations, Executive Orders and other generally applicable requirements, including those set out in 7 CFR 3015.205(b), which hereby are incorporated in this Agreement by reference, and such statutory provisions as are specifically set forth herein.**

GRANTOR AGREES THAT IT:

A. Will make available to Grantee for the purpose of this Agreement not to exceed $ _____

which it will advance to Grantee to meet not to exceed _____ percent of the development costs of the project in accordance with the actual needs of Grantee as determined by Grantor.

B. Will assist Grantee, within available appropriations, with such technical assistance as Grantor deems appropriate in planning the project and coordinating the plan with local official comprehensive plans for sewer and water and with any State or area plans for the area in which the project is located.

C. At its sole discretion and at any time may give any consent, deferment, subordination, release, satisfaction, or termination of any or all of Grantee's grant obligations, with or without valuable consideration, upon such terms and conditions as Grantor may determine to be (1) advisable to further the purpose of the grant or to protect Grantor's financial interest therein and (2) consistent with both the statutory purposes of the grant and the limitations of the statutory authority under which it is made.

TERMINATION OF THIS AGREEMENT

This Agreement may be terminated for cause in the event of default on the part of the Grantee as provided in Paragraph I above or for convenience of the Grantor and Grantee prior to the date of completion of the grant purpose. Termination for convenience will occur when both the Grantee and Grantor agree that the continuation of the project will not produce beneficial results commensurate with the further expenditure of funds.

IN WITNESS WHEREOF Grantee on the date first above written has caused these presence to be executed by its duly authorized _____

and attested and its corporated seal affixed by its duly authorized _____

BILLING CODE 3410-07-C

ATTEST:
By

(Title)

By

(Title)

UNITED STATES OF AMERICA
FARMERS HOME ADMINISTRATION

By

(Title)

Dated: December 28, 1989.

**Michael C. Wilkinson,**

*Acting Administrator, Farmers Home Administration.*

[FR Doc. 90–830 Filed 1–11–90; 8:45 am]

BILLING CODE 3410–07–M

## Forest Service

### The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the first meeting of The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council. The meeting will be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act.

**DATE:** February 6, 1990, 7:00 p.m.

**ADDRESS:** The meeting location is Bob Lee Kidd Civic Center, Highway 271 North, Poteau, Oklahoma. Send written statements to Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71902.

**FOR FURTHER INFORMATION CONTACT:** Gary Pierson, (501) 321–5281.

**SUPPLEMENTARY INFORMATION:** The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council was created by the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv-13). The Council, comprised of 20 members, appointed by the Secretary of Agriculture September 25, 1989, will meet periodically. The purpose of this Council is advisory in nature. The Council shall provide information and recommendations to the Secretary regarding the operation of the Ouachita National Forest in Le Flore County. The Council is composed of representatives from the local area in which the Ouachita National Forest is located, equally divided among conservation, timber, fish and wildlife, tourism and recreation, and economic development interests.

Mike Curran, Supervisor of the Ouachita National Forest will chair the meeting. Representatives of the Forest Service will attend from the Department of Agriculture including the designated officer of the Federal Government, Mike Curran. The agenda for this meeting will be to: receive an update on management of the Ouachita National Forest, discuss the report required by this legislation, discuss budgets for F.Y. 1990, and discuss issues and concerns about Forest management. Statements from the public will be heard.

Dated: January 4, 1990.

**John M. Curran,**

*Forest Supervisor.*

[FR Doc. 90–849 Filed 1–11–90; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF COMMERCE

### Agency Forms Under Review by the Office of Management and Budget (OMB)

Doc has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

*Agency:* Bureau of the Census
*Title:* Current Population Survey—June 1990 Marital History, Fertility, and Birth Expectations Supplement
*Form Number(s):* CPS–1
*Agency Approval Number:* 0607–0610
*Type of Request:* New collection
*Burden:* 6,175 hours
*Number of Respondents:* 57,000
*Avg Hours per Response:* six and one-half minutes
*Needs and Uses:* This supplement provides data on marital history and childbearing characteristics of female household members by various demographic characteristics. It is sponsored jointly by the Bureau of the Census and the National Institute of Child Health and Human Development (NICHD) of the Department of Health and Human Services. The Data collected from this supplement are used primarily by government and private analysts to project future population growth, to analyze child spacing patterns and marital stability, and to assist policymakers in making decisions which are affected by changes in family size and composition.
*Affected Public:* Individuals or households
*Frequency:* Biennially (fertility) Quinquennially (marital history)
*Respondent's Obligation:* Voluntary
*OMB Desk Officer:* Don Arbuckle 395–7340

*Agency:* Bureau of the Census
*Title:* Apparel Survey
*Form Number(s):* MQ23A
*Agency Approval Number:* 0607–0560
*Type of Request:* Revision of a currently approved collection
*Burden:* 9,750 hours
*Number of Respondents:* Quarterly—2,400, Annually—3,000
*Avg Hours per Response:* Quarterly—45 mins., Annually—1 hr. 15 mins.
*Needs and Uses:* This survey collects product detail quarterly and annually on manufactured garments. Primary users of the data are the Committee for the Implementation of Textile Agreements (CITA) and the Office of Textiles and Apparel (OTEXA). Other users include other government agencies, business firms, trade associations, and research and consulting organizations. The data are used to administer the international trade agreements monitored by CITA and OTEXA and to analyze and forecast the effect of imports on the apparel and textile industries.
*Affected Public:* Businesses or other for-profit organizations and small businesses or organizations
*Frequency:* Quarterly and annually
*Respondent's Obligation:* Mandatory
*OMB Desk Officer:* Don Arbuckle 395–7340

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377–3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to Don Arbuckle, OMB Desk Officer, Room 3208, New Executive Officer Building, Washington, DC 20503.

Dated: January 4, 1990.

**Gerald J. Tache',**

*Chief, Management Support Division, Office of Management and Organization.*

[FR Doc. 90–852 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–07–M

## Bureau of Export Administration

### Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical

Advisory Committee will be held January 25 and 26, 1990, in the Herbert C. Hoover Building, Room 1617F, 14th Street and Constitution Avenue, NW., Washington, DC. The General Session of the meeting will convene at 1:00 p.m. on January 25, 1990. The meeting will reconvene in Executive Session at 8:30 a.m. on January 26. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to automated manufacturing equipment and related technology.

Agenda

*General Session:* January 25, 1990–1:00 p.m.

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. CCL assignments and work schedules.
4. Foreign availability review.
5. Discussion of the following ECCH's:
   - 1091 (Numerical control equipment).
   - 1093 (Components and specially-designed parts).
   - 1088 (Gear making or finishing machinery).
   - 1370 (Machine-tools for generating optical quality surfaces).
   - 1312 ("Isostatic presses").
   - 1074 (Spin-forming and flow-forming machines).
   - 1399 ("Soft" and technology for "automatically controlled industrial systems").
   - 1391 ("Robots", "robot" controllers and "robot" "end-effectors").
   - 1357 (Equipment for the production of fibers embargoed by ECCN 1763 or their composites).
   - 1371 (Anti-friction bearings).
   - 1080 (Specially designed equipment, tooling and fixtures for the manufacture or measuring of gas turbine blades or vanes).
   - 1081 (Specially designed or modified equipment, tools, dies, molds and fixtures for the manufacture or inspection of aircraft, airframe structures or aircraft fasteners).
   - 1086 (Specially designed or modified equipment, tools, dies, molds, fixtures and gauges for the manufacture or inspection of aircraft and aircraft-derived gas turbine engines).
6. New business.

*Executive Session:* January 26, 1990–8:30 a.m.

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Dept. of Commerce, 14th and Pennsylvania Ave., NW, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 2, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provision relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6620, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377–2583.

Dated: January 5, 1990.

**Betty Anne Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.*

[FR Doc. 90–853 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–DT–M

## Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held, January 30, 1990, 9:30 a.m., Herbert C. Hoover Building, Room B–841, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

*Agenda:* General Session:

1. Opening Remarks by the Chairman and Commerce Representative.
2. Introduction of Members and Visitors.
3. Summary of All TAC Actions in 1989.
4. Preview of January 31 Meeting on Local Area Networks (LANs) and 80386 32 Bit Computers.
5. The Final Status of Removable Disk Packs.
6. Status of Magnetic Tape Drives.
7. Optical Disk File Status.

*Executive Session:*

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue NW., Room 4069A, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 2, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in sections 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202–377–4959.

Dated: January 5, 1990.

**Betty A. Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.*

[FR Doc. 90–584 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–DT–M

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## Joint Factory Computing and Communications Subcommittee of the Automated Manufacturing Equipment Technical Advisory Committee et al.; Partially Closed Meeting

A meeting of the Joint Factory Computing and Communications Subcommittee of the Automated Manufacturing Equipment Technical Advisory Committee; the Computer Peripherals, Components & Related Test Equipment Technical Advisory Committee; the Computer Systems Technical Advisory Committee and the Electronic Instrumentation Technical Advisory Committee will be held January 30, 1990, 9:30 a.m., Room 1617F, Herbert C. Hoover Building, 14th Street and Constitution Avenue NW., Washington, DC. The Joint Subcommittee advises the Office of Technology & Policy Analysis on overlapping issues such as: Computerized Numerical Control (CNC), Computer-Aided-Design (CAD), Computer-Aided-Manufacturing (CAM); Computer-Aided-Engineering (CAE), etc.

**Agenda**

*General Session*

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Reports from Technical Advisory Committee Representatives.
4. Discussion of "software" rewrite.
5. Discussion of Computer-Aided-Design (CAD).
6. Discussion of computer networks.
7. Discussion of automated test equipment.
8. Discussion of personal computers.
9. Discussion of microprocessor development systems.

*Executive Session*

10. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th and Constitution Ave., N.W., Washington DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 2, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Subcommittee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377–2583.

Dated: January 5, 1990.

**Betty Anne Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.*

[FR Doc. 90–783 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–DT–M

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## Computer Systems Technical Advisory Committee; Partially Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee will be held February 1, 1990, 12:30 p.m., in the Herbert C. Hoover Building, Room 1617F, 14th and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to computer systems or technology.

**Agenda**

*General Session*

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Election of new Chairman for Software Subcommittee.
4. Office of Foreign Availability finding on People's Republic of China Array Processor.
5. Treatment of supercomputer spare parts.
6. Performance measurements for parallel processing machines.

*Executive Session*

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be presented at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TSS/OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 2, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified material listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3) of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter at (202) 377–2583.

Dated: January 5, 1990.

**Betty Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.*

[FR Doc. 90–782 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–DT–M

### Licensing Procedures and Regulations Subcommittee of Computer Systems Technical Advisory Committee; Open Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held February 1, 1990, 9 a.m., in the Herbert C. Hoover Building, Room 1617F, 14th & Constitution Avenue, NW., Washington, DC. The Committee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

**Agenda**

1. Opening remarks by the Chairwoman.
2. Presentation of papers or comments by the public.
3. Discussion of Distribution License limits.
4. Discussion of public rule making.
5. Discussion of hand-carry's.
6. Discussion of G–TEMP.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter at (202) 377–2583.

Dated: January 5, 1990.

**Betty Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.*

[FR Doc. 90–784 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–DT–M

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### Joint Meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee and Computer Systems Technical Advisory Committee; Open Meeting

A joint meeting of the Computer Peripherals, Components, and Related Test Equipment Technical Advisory Committee and the Computer Systems Technical Advisory Committee will be held January 31, 1990, at 9:30 a.m., in the Herbert C. Hoover Building, Room 1617–F, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to computer peripherals, components and related test equipment or technology.

*Agenda: General Session:*

1. Opening Remarks by the Chairman & Commerce Representative.
2. Introduction of Members and Visitors.
3. Discussion of Local Area Networks (LANs).
4. Discussion of 80386 32 Bit Computers.
5. Presentation on Local Area Networks (LANs) by Representative from the Norvell Corporation.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue, NW., Room 4069A, Washington, DC 20230.

For further information or copies of the minutes call Ruth D. Fitts, 202–377–4959.

Dated: January 4, 1990.

**Betty A. Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.*

[FR Doc. 90–855 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–DT–M

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### Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

A meeting to the Electronic Instrumentation Technical Advisory Committee will be held January 23 & 24, 1990, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617F, 14th Street & Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to electronics and related equipment and technology.

Agenda:

*General Session*

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Discussion of the following Commodity Control List Numbers:
   - 1521–Amplifiers & related equipment
   - 1529–Electronic equipment for testing & measuring
   - 1531–Frequency synthesizers
   - 1534–Flatbed microdensitometers

*Executive Session*

4. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements on issues pertinent to export regulations for commodities within the responsibility of the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Constitution Ave., N.W., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 2, 1990, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public. A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC.

For further information or copies of the minutes please call Lee Ann Carpenter at (202) 377–2583.

Dated: January 5, 1990.

**Betty Anne Ferrell,**

*Director, Technical Advisory Committee Unit, Office of Technology & Policy Analysis.*

[FR Doc. 90-856 Filed 1-11-90; 8:45 am]

BILLING CODE 3510-DT-M

## National Institute of Standards and Technology

**[Docket No. 81015-9240]**
**RIN No. 0693-AA78**

## Approval of Federal Information Processing Standards Publication 21-3, COBOL

**AGENCY:** National Institute of Standards and Technology (NIST), Commerce.

**ACTION:** The purpose of this notice is to announce that the Secretary of Commerce has approved a revision of Federal Information Processing Standard 21-2, COBOL, which will be published as FIPS Publication 21-3.

**SUMMARY:** On December 15, 1988, notice was published in the **Federal Register** (54 FR 50435) that a revised Federal Information Processing Standard for COBOL was being proposed for Federal use.

The written comments submitted by interested parties and other material available to the Department relevant to this standard were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve the revised standard as a Federal Information Processing Standard (FIPS), and prepared a detailed justification document for the Secretary's review in support of that recommendation.

The detailed justification document which was presented to the Secretary is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Herbert C. Hoover Building, 14th Street between Pennsylvania and Constitution Avenues, NW., Washington, DC 20230.

This FIPS contains two sections: (1) an announcement section, which provides information concerning the applicability, implementation, and maintenance of the standard; and (2) a specifications section, which deals with the technical requirements of the standard. Only the announcement section of the standard is provided in this notice.

**EFFECTIVE DATE:** This standard is effective June 29, 1990.

**ADDRESS:** Interested parties may purchase copies of this revised standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this standard is set out in the Where to Obtain Copies Section of the announcement section of the standard.

**FOR FURTHER INFORMATION CONTACT:** Mr. Arnold Johnson, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975-3274.

Dated: January 8, 1990.

**Raymond G. Kammer,**

*Acting Director.*

**Federal Information Processing Standards Publication 21-3 (Date)**

*Announcing the Standard for COBOL*

Federal Information Processing Standards Publications (FIPS PUBS) are issued by the National Institute of Standards and Technology (NIST) after approval by the Secretary of Commerce pursuant to Section 111(d) of the Federal Property and Administrative Services Act of 1949 as amended by the Computer Security Act of 1987, Public Law 100-235.

1. *Name of Standard.* COBOL (FIPS PUB 21-3).

2. *Category of Standard.* Software Standard, Programming Language.

3. *Explanation.* This publication announces the adoption of American National Standard Programming Language, COBOL, ANSI X3.23-1985 and X3.23A-1989, as amplified herein, as a Federal Information Processing Standard (FIPS). This revision supersedes FIPS PUB 21-2 and reflects the addition of an Intrinsic Function facility to the COBOL specifications. The American National Standards define the elements of the COBOL programming language and the rules for their use. The purpose of the standards is to promote portability of COBOL programs for use in a variety of data processing systems. The standards are used by implementors as the reference authority in developing processors and by users who need to know the precise syntactic and semantic rules of the standard language.

4. *Approving Authority.* Secretary of Commerce.

5. *Maintenance Agency.* Department of Commerce, National Institute of Standards and Technology (NIST).

6. *Cross Index.* a. American National Standard Programming Language COBOL, ANSI X3.23-1985, ISO 1989-1985.

b. Addendum X3.23A-1989 to American National Standard Programming Language COBOL, ANSI X3.23-1985.

7. *Related Documents.** a. Federal Information Resources Management Regulation 201-39, Acquisition of Federal Information Processing Resources by Contracting.

b. Federal Information Processing Standards Publication 29, Interpretation Procedures for Federal Information Processing Standards for Software.

c. NBS Special Publication 500-117, Selection and Use of General-Purpose Programming Languages.

8. *Objectives.* Federal Standards for high level programming languages permit Federal departments and agencies to exercise more effective control over the production, management, and use of the Government's information resources. The primary objectives of Federal programming language standards are:

—to encourage more effective utilization and management of programmers by insuring that programming skills acquired on one job are transportable to other jobs, thereby reducing the cost of programmer re-training.

—to reduce the cost of program development by achieving the increased programmer productivity that is inherent in the use of high level programming languages;

—to reduce the overall software costs by making it easier and less expensive to maintain programs and to transfer programs among different computer systems, including replacement systems;

—to protect the existing software assets of the Federal Government by insuring to the maximal feasible extent that Federal programming language standards are technically sound and that subsequent revisions are compatible with the installed base.

9. *Applicability.* a. Federal standards for high level programming languages should be used for computer applications and programs that are either developed or acquired for government use. FIPS COBOL is one of the high level programming language standards provided for use by all Federal departments and agencies. FIPS COBOL is especially suited for applications that emphasize the manipulation of characters, records, files, and input/output (in contrast to those primarily concerned with scientific and numeric computations).

b. The use of FIPS high level programming languages is strongly recommended when one or more of the following situations exist:

*Refers to most recent revision of FIPS PUBS.

—It is anticipated that the life of the program will be longer than the life of the presently utilized equipment.
—The application or program is under constant review for updating of the specifications, and changes may result frequently.
—The application is being designed and programmed centrally for a decentralized system that employs computers of different makes, models and configurations.
—The program will or might be run on equipment other than for which the program is initially written.
—The program is to be understood and maintained by programmers other than the original ones.
—The advantages of improved program design, debugging, documentation and intelligibility can be obtained through the use of this high level language regardless of interchange potential.
—The program is or is likely to be used by organizations outside the Federal Government (i.e., State and local governments, and others).

c. Nonstandard language features should be used only when the needed operation or function cannot reasonably be implemented with the standard features alone. Although nonstandard language features can be very useful, it should be recognized that their use may make the interchange of programs and future conversion to a revised standard or replacement processor more difficult and costly.

d. It is recognized that programmatic requirements may be more economically and efficiently satisfied through the use of report generation, database management, or text processing languages. The use of any facility should be considered in the context of system life, system cost, data integrity, and the potential for data sharing.

e. Programmatic requirements may be also more economically and efficiently satisfied by the use of automatic program generators. However, if the final output of a program generator is a COBOL source program, then the resulting program should conform to the conditions and specifications of FIPS COBOL.

f. When it is determined that a programming language that has been adopted as a FIPS is to be used for an application or program, a processor conforming to the FIPS programming language shall be used, if available. It is not intended that existing programs be rewritten solely for the purpose of conforming to a FIPS programming language. If a program is to be part of an existing application written in a programming language not conforming to a FIPS programming language, the language processor used for the existing application may be used for the new program.

10. *Specifications.* FIPS COBOL specifications are contained in American National Standard Programming Language COBOL, ANSI X3.23–1985 and ANSI X3.23A–1989.

ANSI X3.23–1985 and ANSI X3.23a–1989 specify the form of a program written in COBOL, formats for data, and rules for program and data interpretation.

The standards do not specify limits on the size of programs, minimum system requirements, the means of supervisory control of programs, or the means of transforming programs internally for processing.

In addition, the following requirements apply:

a. For purposes of FIPS COBOL, the modules defined in ANSI X3.23–1985 and ANSI X3.23A–1989 are combined into three subsets and four optional modules. The three subsets are identified as Minimum, Intermediate, and High. The four optional modules are Report Writer, Communication, Debug, and Segmentation. These four optional modules may be associated with any of the subsets.

The high subset is composed of all language elements of the highest level of all required modules. The intermediate subset is composed of all language elements of level 1 of all required modules. The minimum subset is composed of all language elements of level 1 of the Nucleus, Sequential I–O, and Inter-Program Communication modules.

The following table reflects the composition of the required subsets and the relationship of the subsets and the optional modules. The numbers in the table refer to the level within a module as designated in ANSI X3.23–1985 and ANSI X3.23A–1989, and a dash denotes the corresponding module is omitted or may be omitted.

| Modules | COBOL Subsets | | High |
|---|---|---|---|
| | Minimum | Intermediate | |
| Required Nucleus | 1 | 1 | 2 |
| Sequential I–O | 1 | 1 | 2 |
| Relative I–O | | 1 | 2 |
| Indexed I–O | | 1 | 2 |
| Inter-Program Communication | 1 | 1 | 2 |
| Sort-Merge | | 1 | 1 |
| Source Text Manipulation | | 1 | 2 |
| Intrinsic Function | | | 1 |
| Optional Report Writer | –, or 1 | –, or 1 | –, or 1 |
| Communication | –, 1, or 2 | –, 1, or 2 | –, 1, or 2 |
| Debug | –, 1, or 2 | –, 1, or 2 | –, 1, or 2 |
| Segmentation | –, 1, or 2 | –, 1, or 2 | –, 1, or 2 |

b. A facility must be available in the processor for the user to optionally specify monitoring of the source program at compile tme. The monitoring may be specified for a FIPS COBOL subset, for any of the optional modules, for all of the obsolete language elements included in the processor, or for a combination of a FIPS COBOL subset, optional modules, and all obsolete elements. The monitoring may be specified for any FIPS COBOL subset at or below the highest subset for which the processor is implemented and for a level of an optional module at or below the level of the optional module for which the processor is implemented. The monitoring is an analysis of the syntax used in the source program against the syntax included in the user selected FIPS COBOL subset and optional modules. Any syntax used in the source program that does not conform to that included in the user selected FIPS COBOL subset and optional modules will be diagnosed and identified to the user through a message on the source program listing. Any syntax for an obsolete language element included in the processor and used in the source program will also be diagnosed and identified through a message on the source program listing.

The determination of the need to flag any given source program syntax in accordance with these requirements cannot be logically resolved until the syntactic correctness of the source program has been established. The message provided will identify:

—The clause, statement or header that directly contains the nonconforming or obsolete syntax. (For the purpose of this requirement the definitions of clause, statement and header contained in American National Standard Programming Language COBOL, ANSI X3.23–1985, Section III, Glossary, and the definition of syntax contained in American National Dictionary for Information Processing Systems, X3/TR–1–82, apply.)

—The source program line and an indication of the beginning location within the line of the clause, statement or header which contains the nonconforming or obsolete syntax.

—The syntax as "nonconforming standard" if the nonconforming syntax is included in the processor but is not within the user selected FIPS COBOL subset or optional modules except if monitoring is selected for the obsolete category then obsolete language elements are only flagged as "obsolete".

—The syntax as "nonconforming nonstandard" if the nonconforming syntax is a nonstandard extension included in the processor.

—The syntax as "obsolete" if the syntax identified is in the obsolete category within a FIPS COBOL subset or optional module included in the processor.

11. *Implementation.* The implementation of FIPS COBOL involves three areas of consideration: acquisition of COBOL processors, interpretation of FIPS COBOL, and validation of COBOL processors.

11.1 *Acquisition of COBOL Processors.* This publication is effective June 29, 1990. COBOL processors acquired for Federal use after this date should implement at least one of the required subsets of FIPS COBOL. If the functionality of one or more of the optional modules meets programmatic requirements, then those optional modules also should be acquired. Each optional module that is needed to meet programmatic requirements should be explicitly cited as a requirement in the order for the processor. Conformance to FIPS COBOL should be considered whether COBOL processors are developed internally, acquired as part of and ADP system procurement, acquired by separate procurement, used under an ADP leasing arrangement, or specified for use in contracts for programming services.

A transition period provides time for industry to produce COBOL processors conforming to the standard. The transition period begins on the effective date and continues for one (1) year thereafter. The following apply during the transition period:

a. The provisions of FIPS PUB 21–2 apply to processors ordered before the effective date but delivered subsequent to the effective date.

b. The provisions of this publication apply to orders placed after the effective date; however, a processor conforming to FIPS PUB 21–3, if available, may be acquired for use prior to the effective date. If a conforming processor is not available, a processor conforming to FIPS PUB 21–2 may be acquired for interim use during the transition period.

11.2 *Interpretation of FIPS COBOL.* NIST provides for the resolution of questions regarding FIPS COBOL specifications and requirements, and issues official interpretations as needed. All questions about the interpretation of FIPS COBOL should be addressed to: National Institute of Standards and Technology, ATTN: COBOL Interpretation, Technology Building, Room B–154, Gaithersburg, MD 20899.

11.3 *Validation of COBOL Processors.* NIST provides a service for the purpose of validating the conformance to this standard of processors offered for Federal procurement. The validation system reports the nature of any deviations that are detected. This service is offered on a reimbursable basis. Further information about the validation service can be obtained from the Software Standards Validation Group, COBOL Validation, National Institute of Standards and Technology, Gaithersburg, MD 20899 (301) 975–3247.

12. *Waivers.* Under certain exceptional circumstances, the heads of Federal Information Processing Standards (FIPS). The head of such agency may redelegate such authority only to a senior official designated pursuant to section 3506(b) of Title 44, United States Code. Waivers shall be granted only when:

a. Compliance with a standard would adversely affect the accomplishment of the mission of an operator of a Federal computer system, or

b. Cause a major adverse financial impact on the operator which is not offset by Government-wide savings.

Agency heads may act upon a written waiver request containing the information detailed above. Agency heads may also act without a written waiver request when they determine that conditions for meeting the standard cannot be met. Agency heads may approve waivers only by a written decision which explains the basis on which the agency head made the required finding(s). A copy of each such decision, with procurement sensitive or classified portions clearly identified, shall be sent to: National Institute of Standards and Technology; ATTN: FIPS Waiver Decisions, Technology Building, Room B–154; Gaithersburg, MD 20899.

In addition notice of each waiver granted and each delegation of authority to approve waivers shall be sent promptly to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate and shall be published promptly in the **Federal Register**.

When the determination on a waiver applies to the procurement of equipment and/or services, a notice of the waiver determination must be published in the *Commerce Business Daily* as a part of the notice of solicitation for offers of an acquisition or, if the waiver determination is made after that notice is published, by amendment to such notice.

A copy of the waiver, any supporting documents, the document approving the waiver and any supporting and accompanying documents, with such deletions as the agency is authorized and decides to make under 5 U.S.C. Sec. 552(b), shall be part of the procurement documentation and retained by the agency.

13. *Where to Obtain Copies.* Copies of this publication are for sale by the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161. (Sale of the included specifications document is by arrangement with the American National Standards Institute.) When ordering, refer to Federal Information Processing Standards Publication 21–3 (FIPSPUB21–3), and title. Payment may be made by check, money order, or deposit account.

[FR Doc. 90–817 Filed 1–11–90; 8:45 am]
BILLING CODE 3510–CN–M

## Announcement of Meeting of National Conference on Weights and Measures

**AGENCY:** National Institute of Standards and Technology, Commerce

**ACTION:** Notice of Meeting.

**SUMMARY:** Notice is hereby given that the Interim Meetings of the National Conference on Weights and Measures will be held January 15 through January

18, 1990, at the SunBurst Resort Hotel and Conference Center, Scottsdale, Arizona. The meeting is open to the public.

The National Conference on Weights and Measures is an organization of weights and measures enforcement officials of the States, counties, and cities of the United States, and private sector representatives. The interim meetings of the conference, as well as the annual meeting to be held next July (a notice will be published in the Federal Register prior to such meeting), brings together enforcement officials, other government officials, and representatives of business, industry, trade associations, and consumer organizations to discuss subject that relate to the field of weights and measures technology and administration.

Pursuant to section 2(5) of its Organic Act (15 U.S.C. 272(5)), the National Institute of Standards and Technology acts as a sponsor of the National Conference on Weights and Measures in order to promote uniformity among the States in the complex of laws, regulations, methods, and testing equipment that comprises regulatory control by the States of commercial weighing and measuring.

**DATE:** The meeting will be held January 15–18, 1990.

Location of Meeting: SunBurst Resort Hotel and Conference Center, Scotsdale, Arizona.

**FOR FURTHER INFORMATION CONTACT:** Albert D. Tholen, Executive Secretary, National Conference on Weights and Measures, P.O. Box 4025, Gaithersburg, Maryland 20885. Telephone: (301) 975–4009.

Dated: January 8, 1990.

**Raymond G. Kammer,**

*Acting Director.*

[FR Doc. 90–818 Filed 1–11–90; 8:45 am]

BILLING CODE 3510–13–M

## COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

### Procurement List 1990; Proposed Additions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Proposed Additions to Procurement List.

**SUMMARY:** The Committee has received proposals to add to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

Comments Must Be Received on or Before: February 12, 1990

**ADDRESS:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557–1145

**SUPPLEMENTARY INFORMATION:** This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

**Commodities**

*Case, Tent Repair Kit*

8340–00–270–1334

*Trunks, General Purpose*

8415–01–291–7117
8415–01–291–7118
8415–01–291–7119
8415–01–291–7120
8415–01–291–7121

**Services**

*Janitorial/Custodial*

U.S. Army Reserve Center, Rt. 3 & Delchester Road, Edgemont, Pennsylvania

*Janitorial/Custodial*

U.S. Army Reserve Center, 936 Easton Road, Horsham, Pennsylvania

*Janitorial/Custodial*

U.S. Army Reserve Center, 400 Horsham Road, Horsham, Pennsylvania

*Janitorial/Custodial*

U.S. Army Reserve Center, Division & Woodlawn Avenue, Willow Grove, Pennsylvania

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 90–846 Filed 1–11–90; 8:45 am]

BILLING CODE 6820–33–M

### Procurement List 1990; Additions and Deletions

**AGENCY:** Committee for Purchase from the Blind and Other Severely Handicapped.

**ACTION:** Additions to and Deletions from Procurement List.

**SUMMARY:** This action adds to and deletes from Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

**EFFECTIVE DATE:** February 12, 1990.

**ADDRESSES:** Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

**FOR FURTHER INFORMATION CONTACT:** Beverly Milkman (703) 557–1145.

**SUPPLEMENTARY INFORMATION:** On March 3 and November 27, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (54 FR 9078, 48788 and 48789) of proposed additions to and deletions from Procurement List 1990, which was published on November 3, 1989 (54 FR 46450).

**Additions**

No comments were received concerning the proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities at a fair market price and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities listed.

c. The actions will result in authorizing small entities to produce the commodities procured by the Government.

Accordingly, the following commodities are hereby added to Procurement List 1990:

**Commodities**

*Slacks, Woman's*

8410–01–107–0262
8410–01–107–0263
8410–01–107–0264
8410–01–107–0265
8410–01–107–0266
8410–01–107–0267
8410–01–107–0268
8410–01–107–0269
8410–01–107–0270

8410-01-107-0271
8410-01-107-0272
8410-01-107-0273
8410-01-107-0274
8410-01-107-0275
8410-01-107-0276
8410-01-107-0277
8410-01-107-0278
8410-01-107-0279
8410-01-107-0280
8410-01-107-0281
8410-01-107-0282
8410-01-107-0283
8410-01-107-0284
8410-01-107-0285
8410-01-107-0286
8410-01-107-0287
8410-01-107-0288
8410-01-107-0289
8410-01-107-0290
8410-01-107-0291
8410-01-107-0292
8410-01-107-0293
8410-01-107-0294
8410-01-107-0295
8410-01-107-0296
8410-01-107-0297
8410-01-107-0298
8410-01-107-0299
8410-01-107-0301
8410-01-107-0302

**Deletions**

After consideration of the relevant matter presented, the Committee has determined that the commodities and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6. Accordingly, the following commodities and services are hereby deleted from Procurement List 1990:

**Commodities**

*Pallet, Material Handling*

3990-00-L77-0044
(Requirements for Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania only)

*Clothing, Operating Room*

6532-00-009-7174
6532-00-158-9890
6532-00-172-3506
6532-00-172-3507
6532-00-172-3509

*Gown, Operating, Surgical*

6532-00-009-2034
6532-00-009-2035

*Suit, Convalescent*

6532-01-076-7369
6532-01-076-8683
6532-01-076-8684
6532-01-076-9769

*Frame, Picture*

7105-00-149-1276

**Services**

*Janitorial/Elevator Operator*

Veterans Administration Clinic Building, 17 Court Street, Boston, Massachusetts

*Major Mechanical Operation*

The Carter Presidential Library, Atlanta, Georgia

*Metal Furniture Rehabilitation*

Naval Ordnance Station, Louisville, Kentucky

*Repair Services for Electrode Holder Assemblies*

Bremerton, Washington

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 90-847 Filed 1-11-90; 8:45 am]

BILLING CODE 6820-33-M

## Procurement List 1990; Additions and Deletions; Correction

On page 54 of FR Doc. 89-30361 in the issue of Tuesday, January 2, 1990, the Mat, Floor entry reading 7220-00-305-3062 should read 7220-01-105-3062.

**Beverly L. Milkman,**

*Executive Director.*

[FR Doc. 90-845 Filed 1-11-90; 8:45 am]

BILLING CODE 6820-33-M

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement; Submission to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Nonprior Service and Prior Service Accessions; ATC Forms 1319, 1325, and 1419; and OMB Control Number 0701-0079.

*Type of Request:* Revision.

*Average Burden Hours/Minutes per Response:* 30 minutes.

*Frequency of Response:* On occasion.

*Number of Respondents:* 60,060.

*Annual Burden Hours:* 19,543.

*Annual Responses:* 60,060.

*Needs and Uses:* These forms are used by field recruiters in the processing of nonprior and prior service enlistment applications for the Air Force.

*Affected Public:* Individuals or households.

*Frequency:* One time only.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*OMB Desk Officer:* Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: January 8, 1990.

**L.M. Bynum,**

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 90-798 Filed 1-11-90; 8:45 am]

BILLING CODE 3810-01-M

### Public Information Collection Requirement; Submission to OMB for Review

**ACTION:** Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Title, Applicable Form, and Applicable OMB Control Number:* Application for Commission or Warrant Rank, USN or USNR; NAVCRUIT Form 1100/11; and OMB Control Number 0703-0029.

*Type of Request:* Revision.

*Average Burden Hours/Minutes Per Response:* .5 Hours.

*Frequency of Response:* One-time.

*Number of Respondents:* 20,000.

*Annual Burden Hours:* 10,000.

*Annual Responses:* 20,000.

*Needs and Uses:* Form is needed to determine if applicants are qualified for commission in the U.S. Navy or U.S. Naval Reserve. Individuals applying for commission in the U.S. Navy or U.S. Naval Reserve are affected.

*Affected Public:* Individuals or households.

*Frequency:* On Occasion.

*Respondent's Obligation:* Required to obtain or retain a benefit.

*OMB Desk Officer:* Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

*DOD Clearance Officer:* Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway,

Suite 1204, Arlington, Virginia 22202-4302.

Dated: January 8, 1990.

L.M. Bynum,

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 90-799 Filed 1-11-90; 8:45 am]

BILLING CODE 3810-01-M

## U.S. Court of Military Appeals Code Committee Meeting

**ACTION:** Notice of public hearing.

**SUMMARY:** This notice announces the forthcoming public meeting of the Code Committee established by Article 67(g), Uniform Code of Military Justice, 10 U.S.C. 867(g), to be held at 10:00 a.m. on January 30, 1990, in the Judge William Holmes Cook Conference Room at the Courthouse of the United States Court of Military Appeals, 450 E Street NW, Washington, DC 20442-0001. The agenda for this meeting will include consideration of the proposed changes to the Manual for Courts-Martial, United States, 1984, as well as other matters relating to the operation of the Uniform Code of Military Justice throughout the Armed Services.

**DATE:** January 30, 1990.

**FOR FURTHER INFORMATION CONTACT:** Thomas F. Granahan, Clerk of Court, United States Court of Military Appeals, 450 E Street NW, Washington, DC 20442-0001; telephone (202) 272-1448.

Dated: January 8, 1990.

L.M. Bynum,

*Alternate OSD Federal Register, Liaison Officer, Department of Defense.*

[FR Doc. 90-800 Filed 1-11-90; 8:45 am]

BILLING CODE 3810-01-M

## Department of the Air Force

## USAF Scientific Advisory Board; Meeting

January 8, 1990.

The USAF Scientific Advisory Board Ad Hoc Committee Summer Study on Future Electronic Combat Technology will meet on 29-31 Jan 90 from 8:00 AM to 5:00 PM at the ANSER Corp., 1215 Jefferson Davis Hwy, Arlington, VA.

The purpose of this meeting will be to review the task statement for the study, determine the committee's organization, and develop a program plan for conducting the study. This meeting will involve discussions of classified defense matters listed in section 552b(c) of Title 5, United States Code, specifically subparagrah (1) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4648.

Patsy J. Conner,

*Air Force Federal Register Liaison Officer.*

[FR Doc. 90-827 Filed 1-11-90; 8:45 am]

BILLING CODE 3910-01-M

## DEPARTMENT OF EDUCATION

[CFDA No.: 84.183C]

## Drug Prevention Programs in Higher Education; Special Focus Program Competition: Approaches to Accountability in Prevention Program; Extension of Deadline

**ACTION:** Notice to extend the deadline for receipt of applications.

**SUMMARY:** On September 15, 1989, the Secretary of Education published in the **Federal Register** (54 FR 38335) a notice inviting applications for new awards for the Approaches to Accountability in Prevention Program, which is a Special Focus Program competition of the Drug Prevention Programs in Higher Education. This document extends the date for receipt of applications from February 15, 1990, until March 8, 1990. The Secretary takes this action to allow the public additional time to prepare applications.

For Applications or Information Contact: FIPSE, FY 1990-C Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Authority: 20 U.S.C. 3211.

Dated: January 3, 1990.

Leonard L. Haynes III,

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 90-793 Filed 1-11-90; 8:45 am]

BILLING CODE 4000-01-M

[CFDA No.: 84.183A]

## Drug Prevention Programs in Higher Education; Institution-Wide Program; Extension of Deadline

**ACTION:** Notice to extend the deadline for receipt of applications.

**SUMMARY:** On September 15, 1989, the Secretary of Education published in the **Federal Register** (54 FR 38336) a notice inviting applications for new awards for the Institution-Wide Program. This document extends the date for receipt of applications from February 22, 1990, until March 15, 1990. The Secretary takes this action to allow the public additional time to prepare applications.

For Applications or Information Contact: FIPSE, FY 1990-A Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Room 3100, ROB-3, Washington, DC 20202-5175. Telephone: (202) 732-6001.

Authority: U.S.C. 3211.

Dated: January 3, 1990.

Leonard L. Haynes III,

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 90-792 Filed 1-11-90; 8:45 am]

BILLING CODE 4000-01-M

## Office of Postsecondary Education

## Paul Douglas Teacher Scholarship Program

**AGENCY:** Department of Education.

**ACTION:** Notice of closing date for receipt of State applications for fiscal year 1990.

**SUMMARY:** The Secretary gives notice of the closing date for receipt of State applications for fiscal year 1990 State allotments under the Paul Douglas Teacher Scholarship Program for scholarships for academic year 1990-91. This program is a federally funded program to provide college scholarships to outstanding high school graduates to enable and encourage them to pursue teaching careers at the preschool, elementary school, or secondary school level.

Authority for this program is contained in Title V, Part D, Subpart 1 of the Higher Education Act of 1965, as amended (HEA).

A State that desires to receive fiscal year 1990 Paul Douglas Teacher Scholarship Program funds must submit an application as provided for under the authorizing law. The State must provide the information requested in section 553 of the HEA and should be guided by the program regulations (34 CFR 653.20). The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Republic of Palau, provided it remains a trust territory. (The future eligibility of the Republic of Palau will be determined by the provisions of the Compact of Free Association.) However, a State that has submitted an application that was subsequently approved by the Secretary for this program need not submit an application to receive its fiscal year 1990 program allotment.

Closing Date for Transmittal of Applications: An application for fiscal

year 1990 Paul Douglas Teacher Scholarship Program funds must be mailed or hand-delivered by February 15, 1990.

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, DC 20202, Attention: Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Room 4018, ROB #3.

An applicant must show proof of mailing consisting of one of the following: (1) a legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a Commercial Carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encouraged to use registered or at least first-class mail.

Each late applicant will be notified that it cannot be assured that its application will be considered for fiscal year 1990 funding.

*Applications Delivered by Hand:* An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., Room 4018, GSA Regional Office Building #3, Washington, DC. Hand-delivered applications will be accepted between 8 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

*Available Funds:* The Congress appropriated $14.922 million for fiscal year 1990.

*Program Information:* The Secretary requires the submission of an application followed by the approval of that application by the Secretary for a State to receive Paul Douglas Teacher Scholarship Program funds. State allotments are determined by the statutorily mandated population formula and are not subject to negotiation.

*Application Information:* There is no required application form for receiving Paul Douglas Teacher Scholarship Program funds. Applications must be prepared and submitted in accordance with the authorizing law and the program regulations cited in this notice. The Secretary strongly urges that applicants not submit information that is not requested.

*Applicable Regulations:* The following regulations are applicable to the Paul Douglas Teacher Scholarship Program:

1) The Paul Douglas Teacher Scholarship Program final regulations (34 CFR part 653).

2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 76 (State-Administered Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), and part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

*Intergovernmental Review:* This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order.

In States that have not established a process for or chosen this program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, area-wide, regional, and local entities must be mailed or hand delivered by March 15, 1990 to the following address: The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.176), 400 Maryland Avenue, SW., Washington, DC 20202.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

*For Further Information:* For further information contact Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Office of Student Financial Assistance, U.S. Department of Education, Washington, DC 20202; telephone (202) 732–4507.

(Catalog of Federal Domestic Assistance Number 84.176, Paul Douglas Teacher Scholarship Program)

Dated: January 8, 1990.

**Leonard L. Haynes III,**

*Assistant Secretary for Postsecondary Education*

[FR Doc. 90–794 Filed 1–11–90; 8:45 am]

BILLING CODE 4000–01–M

## State Student Incentive Grant Program

**AGENCY:** Department of Education.

**ACTION:** Notice of Closing Date for Receipt of State Applications for Fiscal Year 1990.

**SUMMARY:** The Secretary gives notice of the closing date for receipt of State applications for fiscal year 1990 funds under the State Student Incentive Grant (SSIG) Program. This program, through matching formula grants to States for student awards, provides a nationwide delivery system of grants for students with substantial financial need.

A State that desires to receive SSIG funds for any fiscal year must have an agreement with the Secretary as provided for under the authorizing law and must submit an application through the State agency that administered its SSIG Program on July 1, 1985.

The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Republic of Palau, provided it remains a trust territory. (The future eligibility of the Republic of Palau will be determined by the provisions of the Compact of Free Association.) Authority for this program is contained in sections 415A through 415E of the Higher Education Act of 1965, as amended (HEA). (20 U.S.C. 1070c–1070c–4)

*Closing Date For Transmittal of Applications:* An application for fiscal year 1990 SSIG Program funds must be mailed or hand-delivered by February 15, 1990.

*Applications Delivered by Mail:* An application sent by mail must be

addressed to the U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, DC 20202–5447, Attention: Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Room 4018, ROB #3.

An applicant must show proof of mailing consisting of one of the following: (1) a legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a Commercial Carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) a private metered postmark or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. The Department of Education encourages applicants to use registered or at least first-class mail.

Each late applicant will be notified that it cannot be assured that its application will be considered for fiscal year 1990 funding.

*Applications Delivered by Hand:* An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., Room 4018, GSA Regional Office Building #3, Washington, DC. Hand-delivered applications will be accepted between 8 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

*Program Information:* The Secretary requires an annual submission of an application for receipt of SSIG funds. In preparing an application, each State agency should be guided by the table of allotments provided in the application package.

State allotments are determined by the statutorily mandated formula and are not subject to negotiations. The States may also request a share of reallotments, in addition to their basic allotments, contingent upon the availability of such funds from allotments to any States unable to use all their basic allotments. In FY 1989, all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands participated in the SSIG assistance delivery network.

*Application Forms:* The required application form for receiving SSIG Program funds will be mailed to officials of appropriate State agencies at least 30 days before the closing date. Applications must be prepared and submitted in accordance with the HEA and the program regulations cited in this notice. The Secretary strongly urges that applicants not submit information that is not requested.

*Applicable Regulations:* The following regulations are applicable to the SSIG Program:

1) The SSIG Program regulations (34 CFR part 692).

2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 76 (State-Administered Programs), part 77 (Definitions that Apply to Department Regulations), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), and part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

3) The regulations in 34 CFR part 604 that implement section 1203 of the HEA (Federal-State Relationship Agreements).

4) The Student Assistance General Provisions in 34 CFR part 668.

*For Further Information:* For further information contact Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Office of Student Financial Assistance, U.S. Department of Education, Washington, DC 20202–5447; telephone (202) 732–4507.

**Authority:** (20 U.S.C. 1070c–1070c–4).

(Catalog of Federal Domestic Assistance Number 84.069, State Student Incentive Grant Program)

Dated: January 8, 1990.

**Leonard L. Haynes III,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 90–795 Filed 1–11–90; 8:45 am]

BILLING CODE 4000–01–M

## Student Financial Assistance Advisory Committee; Meeting

**AGENCY:** Education.

**ACTION:** Notice of Partially Closed Meeting.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Committee on Student Financial Assistance. This notice also describes the functions of the Committee. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of the opportunity to attend.

**DATE:** January 25, 1990 beginning at 9:00 a.m. and ending at 5:00 p.m.; and January 26, 1990 beginning at 8:30 a.m. and ending at 1:30 p.m., but closed from 11:00 a.m. to 12:00 noon.

**ADDRESS:** Wyndham Bristol Hotel, 2430 Pennsylvania Avenue NW., Washington, DC 20037.

**FOR FURTHER INFORMATION CONTACT:** Brian K. Fitzgerald, Staff Director, Advisory Committee on Student Financial Assistance, Room 4600, ROB–3, 7th & D Streets, SW., Washington, DC 20202–7582, (202) 732–3439.

**SUPPLEMENTARY INFORMATION:** The Advisory Committee on Student Financial Assistance is established under section 491 of the Higher Education Act of 1965 as amended by Public Law 100–50 (20 U.S.C. 1098). The Advisory Committee is established to provide advice and counsel to the Congress and the Secretary of Education on student financial aid matters, including providing technical expertise with regard to systems of need analysis and application forms, making recommendations that will result in the maintenance of access to postsecondary education for low- and middle-income students, and conducting a thorough study of institutional lending policy in the Stafford Student Loan Program. The Congress also requested the Advisory Committee's assistance in preparing for reauthorization of the Higher Education Act.

The Advisory Committee will meet in Washington, DC on January 25, from 9:00 a.m. to 5:00 p.m., and on January 26, from 8:30 a.m. to 1:30 p.m. The meeting will be closed to the public from 11:00 a.m. to 12:00 noon on January 26 to elect a new Chairman and discuss other personnel matters. The election and ensuing discussion will disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session, and are protected by exemption (6) of section 552(c) of Title 5 U.S.C. The meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463;

5 U.S.C., Appendix 2) and under exemption (6) of section 552b(c) of the Government Sunshine Act (Pub. L. 94–409).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

The proposed agenda of the open portion of the meeting includes: (a) The Symposium on Simplification of Need Analysis and Delivery System and upcoming analytic activities of the Subcommittee; (b) Plans for a symposium on information programs, services and resources; (c) the Public Report of the Advisory Committee; and (d) Committee personnel matters.

Records are kept of all Committee proceedings, and are available for public inspection at the Office of the Advisory Committee on Student Financial Assistance, Room 4600, 7th and D Streets SW., Washington, DC from the hours of 9:00 a.m. to 5:30 p.m., weekdays, except Federal holidays.

Dated: January 5, 1990.

**Brian K. Fitzgerald,**

*Staff Director Advisory Committee on Student Financial Assistance.*

[FR Doc. 90–841 Filed 1–11–90; 8:45 am]

BILLING CODE 4000–01–M

## Stafford Loan Program, SLS Program, Plus Program, and Consolidation Loan Program

**AGENCY:** Department of Education.

**ACTION:** Notice of special allowance for quarter ending September 30, 1989.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Stafford Loan Program (formerly the Guaranteed Student Loan Program), the Supplemental Loans for Students (SLS) Program, the PLUS Program or the Consolidation Loan Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087–1).

Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087–1(b)(2)(B), for the quarter ending September 30, 1989, the special allowance will be paid at the following rates:

| Applicable interest rate (percent) | Annual special allowance rate (percent) | Special allowance rate for quarter ending September 30, 1989 (percent) |
|---|---|---|
| I. Stafford, PLUS or Consolidation loans made prior to October 1, 1981: | | |
| 7 | 4.625 | 1.15625 |
| 9 | 2.625 | 0.65625 |
| II. Stafford, SLS or PLUS loans made on or after October 1, 1981, but prior to November 16, 1986, for periods of enrollment beginning prior to November 16, 1986; Consolidation loans made on or after October 1, 1981, but prior to November 16, 1986: | | |
| 7 | 4.62 | 1.155 |
| 8 | 3.62 | 0.905 |
| 9 | 2.62 | 0.655 |
| 12 | 0.00 | 0.00 |
| 14 | 0.00 | 0.00 |
| III. Stafford loans made on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986; SLS or PLUS loans made at a fixed rate of interest either on or after November 16, 1986, or for periods of enrollment beginning on or after November 16, 1986; Consolidation loans made on or after November 16, 1986: | | |
| 7 | 4.37 | 1.0925 |
| 8 | 3.37 | 0.8425 |
| 9 | 2.37 | 0.5925 |
| 10 | 1.37 | 0.3425 |
| 11 | 0.37 | 0.0925 |
| 12 | 0.00 | 0.00 |
| 13 | 0.00 | 0.00 |
| 14 | 0.00 | 0.00 |

The Assistant Secretary determined the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate, by making the following four calculations:

(a) *Step 1.*

Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the quarter for which this notice applies (8.12 percent for the quarter ending September 30, 1989);

(b) *Step 2.*

Subtract from that average the applicable interest rate of loans for which a holder is requesting payment;

(c) *Step 3.*

(1) Add 3.5 percent to the remainder, and, in the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent; or

(2) Add 3.25 percent in the case of (i) Stafford loans made on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986, (ii) SLS or PLUS loans made at a fixed rate of interest either on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986, or (iii) Consolidation loans made on or after November 16, 1986; and

(d) *Step 4.*

Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

**FOR FURTHER INFORMATION CONTACT:** Ralph B. Madden, Program Specialist, Guaranteed Student Loan Branch, Division of Policy and Program Development, Department of Education on (202) 732–4242.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS Program)

Dated: January 8, 1990.

**Leonard L. Haynes III,**

*Assistant Secretary for Postsecondary Education.*

[FR Doc. 90–797 Filed 1–11–90; 8:45 am]

BILLING CODE 4000–01–M

## DEPARTMENT OF ENERGY

## Intent To Prepare an Environmental Impact Statement on Proposed Construction and Operation of a Special Nuclear Materials Research and Development Laboratory at Los Alamos National Laboratory, Los Alamos, New Mexico, and to Conduct a Public Scoping Meeting

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS).

**SUMMARY:** DOE announces its intent to prepare an EIS pursuant to the National Environmental Policy Act (NEPA) of 1969, as amended, and to conduct a public scoping meeting in Los Alamos, New Mexico. The EIS will evaluate the environmental impacts of the construction and operation of a Special Nuclear Materials Research and Development (SNM R&D) Laboratory at Los Alamos National Laboratory (LANL), Los Alamos, New Mexico. The proposed SNM R&D Laboratory would provide space to consolidate certain aqueous processing and analytical chemistry functions currently being performed in an older laboratory building (built in 1952). Some operations now being conducted in the existing Technical Area 55 Plutonium Facility would be relocated to the proposed SNM R&D Laboratory. The proposed SNM R&D Laboratory would be located about one hundred feet south of the existing Plutonium Facility at LANL Technical Area 55 Building PF–4) and an associated facility for the pre-treatment of liquid radioactive waste would be

located several hundred feet towards the northeast.

Invitation to Comment: To ensure that the full range of issues related to this proposal are addressed, comments on the proposed scope and content of the EIS are invited from all interested parties. Written comments or suggestions to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS should be postmarked by March 1, 1990. Comments received after that date will be considered to the extent practicable. Agencies, organizations, and the general public also are invited to present oral comments or suggestions pertinent to preparation of this EIS at the public scoping meeting scheduled to be held in Los Alamos, New Mexico, at Fuller Lodge, Pajarito Room at 7:00 pm on January 31, 1990. Written and oral comments will be given equal weight in the scoping process. Comments and suggestions received during the scoping period will be considered in preparing the draft EIS. The draft EIS is expected to be completed during 1990, at which time its availability will be announced in the Federal Register, and public comments will again be solicited. Comments on the draft EIS will be considered in preparing the final EIS.

**ADDRESSES:** Written comments or suggestions on the scope of the EIS, requests to speak at the public scoping meeting, questions concerning the project, and requests for copies of the draft EIS should be directed to: Mr. Donald Lucero, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, NM 87115, (505) 665–2170.

**FOR FURTHER INFORMATION CONTACT:** For general information on the EIS process, please contact: Carol M. Borgstrom, Director, Office of NEPA Project Assistance (EH–25), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–4600.

**DATES:** Written comments and suggestions on the proposed scope of the EIS should be postmarked by March 1, 1990, to assure consideration in the preparation of the EIS. Comments received after that date will be considered to the extent practicable. A public scoping meeting will be held in Los Alamos, New Mexico, at Fuller Lodge, Pajarito Room at 7:00 pm on January 31, 1990.

*Background Information:* DOE's special nuclear materials programs at LANL directly support the nation's nuclear weapons defense activities in research, process development, and metal recycling. Recycling in the context of this project means plutonium metal purification from scrap materials. The SNM activities that support the DOE weapons programs at LANL include research, development, and testing (RD&T); research, development and demonstration (RD&D); analytical chemistry; technology exchange; and process development. These activities are presently carried out in either the Chemistry and Metallurgy Research (CMR) Building or in Building PF–4.

Since its construction in 1952, the CMR Building has been used for research, development, and analytical chemistry of plutonium and uranium. This building is located in the most densely build-up technical area at LANL and is approaching the end of its useful life as presently configured. Over the past 37 years, the utilities, glove box confinement systems, and ventilation system hoods have aged to some extent so that the potential for work interruption because of equipment breakdown or maintenance has become a concern. DOE has decided that either a major upgrade or a replacement of the CMR Building is necessary to continue the weapons programs support work without undue risk of interruption.

*Alternatives Proposed for Consideration:* The alternatives proposed for consideration in the EIS will be:

1. Site a new SNM R&D Laboratory at LANL Technical Area 55.
2. Major upgrade and refurbishment of the CMR Building.
3. No action except to continue operations in the existing facilities.
4. Siting a new SNM R&D Laboratory at a LANL location other than LANL Technical Area 55.

*Identification of Environmental Issues:* The following issues have been tentatively identified for analysis in the EIS:

*1. Public and Occupational Safety:* The radiological and nonradiological impacts of routine operations and potential accidents including projected effects on workers and the public will be addressed in accordance with DOE policy.

*2. Regulatory Compliance:* Compliance with all applicable Federal, State and local statutes and regulations.

*3. Air Quality:* The effects of radioactive and nonradioactive air emissions.

*4. Waste Management:* The environmental effects of the generation, treatment, transport, storage, and disposal of radioactive, hazardous and solid wastes and mixtures of the foregoing.

*5. Packaging and Transportation of Radioactive Materials:* The environmental effects of the packaging and transportation of radioactive materials on LANL site roads that are open to the public.

*6. Decommissioning and Decontamination:* The environmental effects of the eventual decommissioning and decontamination activities at the end of the new facility's operating lifetime.

*7. Cultural Resources:* The potential impacts on historical, archaeological, scientific or culturally important sites.

*8. Threatened or Endangered Species:* The disturbance or destruction of habitat of threatened or endangered flora and fauna.

*9. Cumulative Impact:* The effect of the total of the foregoing and any other identifiable adverse impacts acting together upon the environment.

Related Documentation: Background information on DOE operations at LANL is contained in the following document: Final Environmental Impact Statement Los Alamos Scientific Laboratory Site Los Alamos, New Mexico, DOE/EIS–0018, Dec. 1979.

Requests for copies of the foregoing document should be directed to Mr. Donald Lucero, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115. (505) 665–2170. It is also available for examination at the following locations:

Espanola Public Library, 314–A Onate Street, Espanola, New Mexico.
Mesa Public Library, 1742 Central Avenue, Los Alamos, New Mexico.
National Atomic Museum, Wyoming Boulevard, Kirtland Air Force Base East, Albuquerque, New Mexico.
New Mexico School of Mining and Technology, Socorro, New Mexico.
New Mexico State Library, 325 Don Gaspar, Santa Fe, New Mexico, 87503.
New Mexico State University, Documents Department, Las Cruces, New Mexico.
Oppenheimer Study Center, Los Alamos National Laboratory, Los Alamos, New Mexico.
Raton Public Library, 224 Cook Avenue, Raton, New Mexico.
Taos Public Library, 238 LeDoux Street, Taos, New Mexico.
University of New Mexico, Zimmerman Library, Albuquerque, New Mexico.
U.S. Department of Energy, Freedom of Information Reading Room, Room 1E–190 Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6020.

Scoping Meeting: In addition to receiving written comments, DOE will conduct a public scoping meeting to

assist in determining the appropriate scope of the EIS and the significant environmental issues to be addressed. This meeting will be held in Los Alamos, New Mexico at Fuller Lodge, Pajarito Room at 7:00 p.m. on January 31, 1990.

Individuals desiring to comment orally at this meeting should notify Mr. Lucero at the address above as soon as possible so that the Department can arrange a schedule of presentations. Persons who have not submitted a request to speak in advance may register to do so at the meeting. The meeting will not be conducted as an evidentiary hearing and there will be no questioning of speakers. In order to assure that everyone who wishes to present oral comments has the opportunity to do so, five minutes will be allotted to each speaker. Comments received at the meeting will be considered in the preparation of the Draft EIS. Speakers who wish to provide further information for the record should submit it to Mr. Lucero at the address above by March 1, 1990. Oral and written comments will be given equal consideration. DOE will prepare transcripts of the scoping meeting and make them available to the public. The transcripts will be available for examination at the Reading Rooms and libraries identified in this notice.

Dated in Washington, DC, this 5th day of January 1990.

**Peter N. Brush,**

*Acting Assistant Secretary Environment, Safety and Health.*

[FR Doc. 90–860 Filed 1–11–90; 8:45 am]

BILLING CODE 6450–01–M

## Financial Assistance Award Intent to Award Grant to Larimer and Van Liew Associates

**AGENCY:** Department of Energy.

**ACTION:** Notice of unsolicited financial assistance award.

**SUMMARY:** The Department of Energy announces that pursuant to 10 CFR 600.14, it is making a financial assistance award based on an unsolicited application under Grant Number DE–FG01–90CE15462 to Larimer & Van Liew Associates to assist in the development of a Energy-Efficient Asymmetric Pre-Swirl Vane and Twisted Propeller Propulsion System.

Scope: This grant will aid in providing funding to allow and continue the preliminary testing of early designs of the technology under the auspices of the U.S. Coast Guard.

The purpose of this project is to achieve the optimal design and testing of vane-propeller combinations for 4 different types of marine craft: large fishing boats, medium fishing boats, pilot boats and shrimp trawlers. The anticipated objective is to use results from the preliminary tests to engineer a prototype to be tested under actual use. The development thus far has indicated significant reductions in fuel consumption on a 41 foot utility boat fitted with the new combination of asymmetric pre-swirl vane twisted propeller.

Eligibility: Based on receipt of an unsolicited application, eligibility of this award is being limited to Larimer and Van Liew Associates, a private company with high qualifications in this highly specialized field of marine technology. Mr. Donald H. Van Liew holds several patents, including this one which is being used to test the energy efficient pre-swirl vane and twisted propeller propulsion system. It has been determined that this project has high technical merit, representing an innovative and novel idea which has a strong possibility of reducing fuel consumption and operating costs of recreational and commercial crafts.

The term of this grant shall be 30 months from the effective date of award.

**FOR FURTHER INFORMATION CONTACT:** U.S. Department of Energy, Office of Procurement Operations, ATTN: Calvin Lee, MA–405.42, 1000 Independence Avenue SW., Washington, DC 20585.

**Scott Sheffield,**

*Acting Director, Contract Operations Division "B", Office of Procurement Operations.*

[FR Doc. 90–861 Filed 1–11–90; 8:45 am]

BILLING CODE 6450–01–M

## Chicago Operations Office; Grants; University of Maryland

**AGENCY:** Department of Energy.

**ACTION:** Notice of Noncompetitive Financial Assistance Award.

**SUMMARY:** The U.S. Department of Energy (DOE) announces that pursuant to the DOE Financial Assistance Rules, 10 CFR 600.14, it intends to award a grant based on acceptance of an unsolicited proposal to the University of Maryland, 660 West Redwood Street, Baltimore, Maryland 21201 for the application of best available science to the environmental regulatory process. The University will establish and maintain liaison with the American Society of Mechanical Engineers (ASME) and other professional societies and conduct analysis of complex regulatory issues associated with environmental regulations. The analysis of proposed and existing regulations will focus on the technical basis of the regulations. The newly formed American Association for Advancement of Technology (AAAT) includes the key personnel associated with this grant and will receive technical information to provide to its consensus panels. Information from this review will be provided to DOE for it to share with its personnel, other agencies, and non-Federal consensus groups.

The grantee will formulate technical positions for issues such as establishment of de minimis levels and other similar issues which have been or will be defined by ASME and AAAT. These will be made available through the consensus groups for industry deliberation and/or action by industry.

**FOR FURTHER INFORMATION CONTACT:** Michael Barainca, U.S. Department of Energy, Office of Defense Waste and Transportation Management, DP–12, Germantown, Maryland 20545, 301/353–3253.

**SUPPLEMENTARY INFORMATION:** DOE proposes to negotiate a grant to evaluate the application of "Best Available Technology" to the regulatory process. Award is made to the University of Maryland based on DOE's acceptance of its unsolicited proposal pursuant to 10 CFR 600.14(d). The grantee provides unique expertise, approach, and personnel to assess the scientific validity of actions affected by the regulatory process. The proposal will provide an understanding of external positions on complex regulatory issues critical to DOE success in developing technology programs and in formulating internal positions to standards. DOE knows of no other organization which is conducting or planning to conduct these types of activities.

Award is estimated at $1.2 million for 60 months of effort. Funding for the first year is $225,507.00.

Issued in Chicago, Illinois, on December 28, 1989.

**Alan E. Smith,**

*Acting for Assistant Manager for Administration.*

[FR Doc. 90–862 Filed 1–11–90; 8:45 am]

BILLING CODE 6450–01–M

# Energy Information Administration

## Agency Information Collections Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of Request Submitted for Expedited Review by the Office of Management and Budget of a Proposed Revision to Form EIA–867.

**SUMMARY:** The Energy Information Administration (EIA) has submitted the energy information collection requirement, as listed at the end of this notice, to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96–511, 44 U.S.C. 3501 et seq.).

The entry contains the following information: (1) The sponsor of the collection; (2) Collection number; (3) Current OMB docket number; (4) Collection title; (5) Type of request, e.g., new, revision, reinstatement, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

**DATES:** Under the provisions of 5 CFR 1320.15(b)(1), the Agency has requested that the Office of Management and Budget take action by January 16, 1990 (the expected mailing date of the currently approved form EIA–867).

**ADDRESS:** Direct comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, Telephone No. (202) 395–3084. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

**FOR FURTHER INFORMATION CONTACT:** Jay Casselberry, EIA's Office of Statistical Standards (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 586–2171.

**SUPPLEMENTARY INFORMATION:** The energy information collection submitted to OMB for review was:

1. Energy Information Administration.
2. EIA–867.
3. 1905–0177.
4. Annual Nonutility Power Producer Report.
5. Revision: The addition of a Schedule IIIB, "Generating Facility Information (For Facilities of 25 Megawatts or More)."
6. Annually.
7. Mandatory.
8. Businesses or other for-profit.
9. 2,800 respondents.
10. 2,800 responses annually.
11. The estimated average hours per response for each of the respondents to the revised EIA–867 is 3.325 burden hours.
12. The estimated total reporting hours for the revised EIA–867 are 9,310.
13. The EIA–867 is required annually from nonutility power producers who own or plan on installing electric generation equipment with a total capacity of 5 megawatts or more at an existing or proposed site: Schedule IIIB will be required only for those with a capacity of 25 megawatts or more. The information will be used by EIA to augment its existing data base and to strengthen its modeling capabilities, both of which will also help in the development of the Department's National Energy Strategy. A portion of the form (7 questions) is required of facilities between 1 and 5 megawatts.

Also in accordance with the provisions of 5 CFR 1320.15(b)(1), a copy of proposed Schedule IIIB follows in its entirety.

**Statutory Authority:** Sec. 5(a), 5(b), 13(b), and 52, Public Law 93–275, Federal Energy Administration Act of 1974, as amended, 15 U.S.C. sections 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, January 8, 1990.

**Yvonne M. Bishop,**

*Directory, Statistical Standards Energy Information Administration.*

BILLING CODE 6450-01-M

U.S. Department of Energy
Energy Information Administration
Form EIA-867 (1989)

# ANNUAL NONUTILITY POWER PRODUCER REPORT
## 1989

EIA Use Only
EIA Owner Code _____
EIA Facility Code _____

## SCHEDULE IIIB: GENERATING FACILITY INFORMATION (FOR FACILITIES 25 MEGAWATTS OR MORE)

8. Facilty Name: _____

9. Enter the weighted (by quantity) average annual sulfur and ash content of the fuel as burned to the nearest 0.1 % by weight.

| | Sulfur | Ash |
|---|---|---|
| Coal, Lignite, and Petroleum Coke | ____% | ____% |
| Petroleum and Natural Gas Liquids | ____% | |

10. Does the generating facility have flue gas desulfurization (FGD) equipment?

( ) YES
( ) NO

11. Does the generating facility have flue gas particulate collectors?

( ) YES
( ) NO

12. Does the generating facility have equipment or processes used to reduce emissions of nitrogen oxides (NOx)?

( ) YES
( ) NO

If YES check all processes and equipment below:

( ) Low NOx burners
( ) Low excess air
( ) Flue gas recirculation
( ) Overfire air
( ) Steam or Water Injection
( ) Catalytic Conversion
( ) Other, specify:

_____
_____
_____

***Proceed to Schedule IV, and complete one page for each generator at the facility.***



[FR Doc. 90–863 Filed 1–11–90; 8:45 am]
BILLING CODE 6450–01–C

## Agency Information Collections Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, DOE.

**ACTION:** Notice of requests submitted for review by the Office of Management and Budget.

**SUMMARY:** The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

The listing does not include information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

**DATE:** Comments must be filed February 12, 1990.

**ADDRESS:** Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

**FOR FURTHER INFORMATION CONTACT:** Jay Casselberry, Office of Statistical Standards (EI–73), Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2171.

**SUPPLEMENTARY INFORMATION:** If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the DOE contact listed above.)

The energy information collection submitted to OMB for review was:

1. Office of Civilian Radioactive Waste Management.
2. NWPR–830R–A–G.
3. 1901–0260.
4. Standard Contract for Disposal of Spent Nuclear Fuel and/or High-Level Waste.
5. Extension.
6. Quarterly.
7. Mandatory.
8. Businesses or other for profit.
9. 100 respondents.
10. 400 responses.
11. 5 hours per response.
12. 2,000 hours (total).
13. NWPA–830–A–G is designed to serve as the service document for entries into the Department of Energy's (DOE) Accounting records to transmit data from "utilities" concerning payment of their contribution to the Nuclear Waste Fund. This form is used by electric utilities, vendors, and owners of nuclear fuel to purchase the services of the DOE for disposal of their spent nuclear fuel and high level waste. The U.S. Court of Appeals for the District of Columbia decision of March 17, 1989, states that the DOE cannot charge a fee for electricity lost in the transmission and distribution process. A Notice of Proposed Rulemaking promulgating this decision is being prepared and will be published for comment. It is anticipated that the rule will be published in the spring of 1990. Therefore, this request is made for a three-year extension of the Civilian Radioactive Waste Survey form NWPA–830G, "Standard Remittance Advice for Payment of Fees and Annex A." Pending the final rulemaking, it is likely that significant changes will be necessary on the NWPA–830 collection form which could impact on the respondent burden hours and a request for a revision will be made at that time.

**Statutory Authority:** Secs. 5(a), 5(b), 13 (b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

**Yvonne Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

[FR Doc. 90–864 Filed 1–11–90; 8:45 am]

BILLING CODE 6450–01–M

## Agency Information Collections Under Review by the Office of Management and Budget

**AGENCY:** Energy Information Administration, Energy.

**ACTION:** Notice of requests submitted for review by the Office of Management and Budget.

**SUMMARY:** The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

The listing does not include information collection requirements contained in new or revised regulations which are to be submitted under 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, or extension; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden, and (13) A brief abstract describing the proposed collection and the respondents.

**DATE:** Comments must be filed February 12, 1990.

**ADDRESS:** Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards, at the address below.)

**FOR FURTHER INFORMATION CONTACT:** Jay Casselberry, Office of Statistical Standards (EI–73), Energy Information Administration, M.S. 1H–023, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586–2171.

**SUPPLEMENTARY INFORMATION:** If you anticipate that you will be submitting comments, but find it difficult to do so

within the period of time allowed by this notice, you should advise the OMB DOE Desk Officer of your intention to do so as soon as possible.

The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the DOE contact listed above.) The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission.
2. FERC–568.
3. 1902–0112.
4. Well Category Determination.
5. Extension.
6. On occasion.
7. Mandatory.
8. Businesses or other for profit.
9. 1,000 respondents.
10. 6,140 responses.
11. 6.01 hours per response.
12. 36,900 hours (total).
13. FERC–568, "Well Category Determination," is an information collection under the NGPA of 1978 for jurisdictional determinations of four (4) categories of natural gas (1) new natural gas and new reservoirs of old OCS leases; (2) new onshore production wells; (3) high cost natural gas; and (4) stripper well natural gas.

**Statutory Authority:** Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b), and 790a.

**Yvonne Bishop,**

*Director, Statistical Standards, Energy Information Administration.*

[FR Doc. 90–865 Filed 1–11–90; 8:45 am]

BILLING CODE 6450–01–M

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## Federal Energy Regulatory Commission

**[Docket Nos. ER90–135–000, et al.]**

## Wisconsin Power & Light Company, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

January 5, 1990.

Take notice that the following filings have been made with the Commission:

### 1. Wisconsin Power & Light Company

[Docket No. ER90–135–000]

Take notice that on January 2, 1990, Wisconsin Power & Light Company (WPL) tendered for filing a wholesale power agreement dated November 30, 1989, between the Waushara Electric Cooperative and WPL. WPL states that this new wholesale power agreement revises the previous agreement between the two parties which was dated July 25, 1988, and designated Rate schedule No. 129 by the Commission.

The purpose of this new agreement is to revise the terms of service. Terms of service for this customer will be on a similar basis to the terms of service for other W–2 wholesale customers.

WPL requests that an effective date concurrent with the contract effective date be assigned. WPL states that copies of the agreement and the filing have been provided to the Waushara Electric Cooperative and the Wisconsin Public Service Commission.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

### 2. Wisconsin Power & Light Company

[Docket No. ER90–134–000]

Take notice that on January 2, 1990, Wisconsin Power & Light Company (WPL) tendered for filing a wholesale power agreement dated November 22, 1989, between Adams-Columbia Electric Cooperative and WPL. WPL states that this new wholesale power agreement revises the previous agreement between the two parties which was dated August 24, 1988, and designated Rate Schedule No. 144 by the Commission.

The purpose of this new agreement is to revise the terms of service. Terms of service for this customer will be on a similar basis to the terms of service for other W–2 wholesale customers.

WPL requests that an effective date concurrent with the contract effective date by assigned. WPL states that copies of the agreement and the filing have been provided to the Adams-Columbia Electric Cooperative and the Wisconsin Public Service Commission.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

### 3. Puget Sound Power & Light Company

[Docket No. ER90–116–000]

Take notice that Puget Sound Power & Light Company of Bellevue, Washington (Puget Power) on December 21, 1989, tendered for filing a change in rates applicable to electric service rendered to nonwholesale customers under its existing Wholesale for Resale Power Contracts. Puget Power's filing would change both of its wholesale rate schedules, one for large customers and the other for small customers. Puget Power states that the proposed changes would increase revenues from the nine wholesale customers by $215,200 based on the twelve-month period ending September 30, 1988.

Puget Power states that the proposed rate increase is necessary in order to recover a portion of the $239,439 overall revenue deficiency which exists.

Copies of the filing were served upon Puget's wholesale customers.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

### 4. Central Vermont Public Service Corporation and Allied Power & Light Company

[Docket No. EC90–8–000]

Take notice that on December 27, 1989, Central Vermont Public Service Corporation (Central Vermont) and Allied Power and Light Company (Allied) filed a Joint Application seeking approval of a proposed acquisition and merger under section 203 of the Federal Power Act.

Under the acquisition and merger proposal, Central Vermont will acquire the entire equity securities of Allied and Allied's jurisdictional facilities will be merged with Central Vermont. Allied will merger into and within Central Vermont. Central Vermont will acquire securities of Allied and Central Vermont and Allied will merge their jurisdictional facilities. The parties to the acquisition and merger state that they anticipate substantial efficiencies issuing from integration of applicants' now-separate electric businesses, and expect no adverse impact on any of their resale of transmission service customers.

Copies of this filing have been served upon the Vermont Public Service Board.

*Comment date:* February 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

### 5. Wisconsin Electric Power Company

[Docket No. ER90–129–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric), on December 28, 1989, tendered for filing documents supporting a second delivery point for the Upper Peninsula Power Company at Iron River, Michigan.

Wisconsin Electric respectfully requests wavier of the Commission's notice requirements in order to allow an effective date coincident with the in-service date of the new facilities. Wisconsin Electric is authorized to state that Upper Peninsula Power Company joins in the requested effective date.

Copies of the filing have been served on Upper Peninsula Power Company, the Public Service Commission of Wisconsin, and the Michigan Public Service Commission.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

### 6. Wisconsin Public Service Corporation

[Docket No. ER90–130–000]

Take notice that Wisconsin Public Service Corporation on December 26,

1989, tendered for filing supplements to the following service agreements:

*FPC Electric Original Volume No. 1*, the June 25, 1987 Partial Requirements Service Agreement with the Marshfield Electric and Water Department.

*FPC Electric Original Volume No. 1*, the March 1, 1989 Partial Requirements Service Agreement with the Manitowoc Public Utilities.

*FERC Electric Tariff Original Volume No. 3*, the October 29, 1987 Partial Requirements Load Pattern Service Agreement with the Consolidated Water Power Company.

These supplements will revise the contract demand quantities in accordance with Exhibit 1 of the service agreements, Paragraph 6, *Requirements.*

Copies of this filing were served upon the City of Marshfield, Wisconsin, and the Consolidated Water Power Company.

These supplements are to be effective on and after December 18, 1989.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

**7. Newport Electric Corporation**

[Docket No. EC90-9-000]

Take notice that on January 2, 1990, Newport Electric Corporation (Newport) tendered for filing an Application for Approval Under section 203 of the Federal Power Act. Newport's pleading describes a proposed transaction pursuant to which Eastern Utilities Associates (EUA), a registered public utility holding company under the Public Utility Holding Company Act of 1935, would acquire all of the outstanding common stock of Newport.

Newport states that it has served copies of its filing on the Rhode Island Public Utilities Commission and the Division of Public Utilities and Carriers.

*Comment date:* February 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

**8. Pennsylvania Power & Light Company**

[Docket No. ER89-389-000]

Take notice that Pennsylvania Power & Light Company (PP&L) on January 3, 1990, tendered for filing the Second Supplement to the Electric Output Sales Agreement, dated as of December 26, 1989, between PP&L and Northeast Utilities Service Company, as agent for the Connecticut Light and Power Company and Western Massachusetts Electric Company (NU Companies), which was filed with the Federal Energy Regulatory Commission (Commission) on April 28, 1989, and which was amended by the First Supplement to the Agreement, dated June 16, 1989, which was filed with the Commission on June 19, 1989.

The Second Supplement to the Agreement provides for the maximum charges that can be charged by PP&L for each Reservation Period under the Agreement.

PP&L requests waiver of the notice requirements of section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the Agreement, the First Supplement to the Agreement, and the Second Supplement to the Agreement can be made effective as of May 1, 1989, in accordance with the commencement of service.

PP&L states that a copy of its filing was served on NU Companies, the Pennsylvania Public Utility Commission, the Connecticut Public Utilities Control Authority and the Massachusetts Department of Public Utilities.

*Comment date:* January 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

**9. UtiliCorp United Inc.**

[Docket No. ES90-21-000]

Take notice that on January 2, 1990, UtiliCorp United Inc. ("Applicant") filed an application seeking an order under section 204(a) of the Federal Power Act authorizing the Applicant to issue not more than $400 million, in the aggregate at any one time outstanding, of unsecured notes and other obligations during the period from March 1, 1990, through February 28, 1992.

*Comment date:* January 31, 1990, in accordance with Standard Paragraph E at the end of this notice.

**10. Pennsylvania Power & Light Company**

[Docket No. ER90-53-000]

Take notice that Pennsylvania Power & Light Company (PP&L) on January 3, 1990, tendered for filing the First Supplement to the Electric Output Sales Agreement, dated as of December 27, 1989, between PP&L and Public Service Company of New Hampshire (PSNH), which was filed with the Federal Energy Regulatory Commission (Commission) on November 1, 1989.

The First Supplement to the Agreement provides for the maximum charges that can be charged by PP&L for each Reservation Period under the Agreement.

PP&L requests waiver of the notice requirements of section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the Agreement and the First Supplement to the Agreement can be made effective as of November 1, 1989, in accordance with the commencement of service.

PP&L states that a copy of its filing was served on PSNH, the Pennsylvania Public Utility Commission and the New Hampshire Public Utility Commission.

*Comment date:* January 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

**11. United Illuminating Company**

[Docket No. ER90-136-000]

Take notice that on January 3, 1990, the United Illuminating Company (UI) tendered for filing a rate schedule between UI and Newport Electric Corporation schedule between UI and Newport Electric Corporation (Newport). The Agreement provides for the sale to Newport of capacity and associated energy from UI. The parties request an effective date of April 1, 1989.

Copies of this filing were mailed or delivered to Newport. UI further states that the filing is in accordance with section 35 of the Commission's Regulations.

*Comment date:* January 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

**12. Pennsylvania Power & Light Company**

[Docket No. ER89-554-000]

Take notice that Pennsylvania Power & Light Company (PP&L) on January 3, 1990 tendered for filing the First Supplement to the Electric Output Sales Agreement, dated as of December 27, 1989, between PP&L and Niagara Mohawk Power Corporation (Niagrara Mohawk), which was filed with the Federal Energy Regulatory Commission (Commission) on July 14, 1989.

The First Supplement to the Agreement provides for the maximum charges that can be charged by PP&L for each Reservation Period under the Agreement.

PP&L requests waiver of the notice requirements of section 205 of the Federal Power Act and §,35.3 of the Commission's Regulations so that the Agreement and the First Supplement to the Agreement can be made effective as of July 14, 1989, in accordance with the commencement service.

PP&L states that a copy of its filing was served on Niagara Mohawk, the Pennsylvania Public Utility Commission and the New York Public Service Commission.

*Comment date:* January 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

**13. Doswell Limited Partnership**

[Docket No. ER90-80-000]

Take notice that Doswell Limited Partnership tendered for filing on December 28, 1989, additional

information in connection with its filing in this docket. Doswell states that it is providing this information at the request of the Commission staff.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

**14. Appalachian Power Company**

[Docket No. ER90-133-000]

Take notice that Appalachian Power Company (APCO) on January 2, 1990, tendered for filing proposed changes in its Electric Service Rate Schedule FPC No. 23 applicable to service to Kingsport Power Company. The proposed rate changes would increase revenues from jurisdictional sales and service by $572,873 based upon the twelve-month period ending December 31, 1990. APCO proposes that the rates and charges which are revised by this filing become effective March 3, 1990.

The proposed rates changes are designed to reflect general increases in the cost of providing electric service.

Copies of the filing were served upon Kingsport Power Company and the Tennessee Public Service Commission.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

**15. Appalachian Power Company**

[Docket No. ER90-132-000]

Take notice that Appalachian Power Company (APCO) on January 2, 1990, tendered for filing proposed changes in its FERC Rate Schedules for Service to its twenty-two wholesale customers in the States of Virginia and West Virginia. The proposed rate changes would increase revenues from jurisdictional sales and service by $2,423,574 based upon the twelve-month period ending December 31, 1990. APCO proposes that the rates and charges which are revised by this filing become effective March 3, 1990.

The proposed rate schedule changes are designed to reflect general increases in the cost of providing electric service.

Copies of the filing were served upon APCO's jurisdictional customers and the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

*Comment date:* January 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

**Standard Paragraph**

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell**

*Secretary.*

[FR Doc. 90-786 Filed 1-11-90; 8:45 am]

BILLING CODE 6717-01-M

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[Docket No. RP90-68-000]

## Pelican Interstate Gas System; Petition for Waiver

January 8, 1990.

Take notice that on December 22, 1989, Pelican Interstate Gas System (Pelican) filed a petition for a one-year waiver of the requirements of § 385.2011 of the Commission's Regulations regarding electronic media filings.

Pelican states that it presently lacks the necessary resources to prepare the software and input the information necessary to comply with the electronic media requirement. Pelican states that (1) it is evaluating a new computer system platform, (2) believes that the system installation will begin in 1990 and (3) all required filings will be made afer 1990 on electronic media.

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 Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such motions or protests should be filed on or before January 16, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**Lois D. Cashell,**

*Secretary.*

[FR Doc. 90-785 Filed 1-11-90; 8:45 am]

BILLING CODE 6717-01-M

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## Office of Hearings and Appeals

## Change in Filing Deadline in Special Refund Proceeding No. KEF-0044 Involving Crown Central Petroleum Corp.

**AGENCY:** Office of Hearings and Appeals, DOE.

**ACTION:** Notice of change of Final Deadline for Filing Applications for Refund in Special Refund Proceeding KEF-0044, Crown Central Petroleum Corporation.

**SUMMARY:** The Office of Hearings and Appeals of the Department of Energy hereby announces a change and re-sets the final deadline for filing Applications for Refund from the Crown Central Petroleum Corporation escrow account. That account was established pursuant to a consent order between the Department of Energy and the Crown Central Petroleum Corporation, Special Refund Proceeding No. KEF-0044. The final deadline is extended from November 15, 1989 to March 1, 1990.

**FOR FURTHER INFORMATION CONTACT:** Gary Comstock, Staff Attorney, Department of Energy, Office of Hearings and Appeals, HG-30, 1000 Independence Avenue SW., Washington, DC 20024, (202) 586-6602.

**SUPPLEMENTARY INFORMATION:** On December 5, 1988, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order setting forth final refund procedures to distribute the monies in the escrow account established in accordance with the terms of a Consent Order entered into by the Department of Energy and the Crown Central Petroleum Corporation. See Crown Central Petroleum Corporation, 18 DOE 85,326, 53 FR 49915 (December 12, 1988). That Decision established July 31, 1989 as the filing deadline for the submission of refund applications for direct restitution by purchasers of Crown Central's refined petroleum products. 18 DOE at 88,530, 53 FR at 49919. On July 28, 1989, we extended the filing deadline to November 15, 1989.

With respect to the first extension of time, we noted that fewer applications had been filed in this proceeding than were expected. While that is still the case, we continue to receive inquiries. In view of the fact that a complete list of Crown's customers has never been available to assist us in notifying those who may have been eligible to file for refunds in this proceedings, we believe that extending the application period a second time is appropriate. We have therefore extended the time for filing a

refund application in the Crown Central proceeding from November 15, 1989 to March 1, 1990. In accordance with our usual practice, applications postmarked after that date are subject to summary dismissal. Any unclaimed funds remaining after all pending claims are resolved will be made available for indirect resitution pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501.

Dated: January 8, 1990.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 90-866 Filed 1-11-90; 8:45 am]

BILLING CODE 6450-01-M

## ENVIRONMENTAL PROTECTION AGENCY

**[ER-FRL 3704-5]**

### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5076.

Availability of Environmental Impact Statements Filed January 1, 1990 Through January 5, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900000, Draft, FHW, TX, TX-121 Extension, I-20 in Fort Worth to US 67, Construction, Section 404 Permit and Funding, Tarrant and Johnson Counties, TX, Due: February 26, 1990, Contact: W.L. Hall, Jr. (512) 770-5988.

EIS No. 900001, DSuppl, FRC, ID, Twin Falls (FERC. No. 18), Milner (FERC. No. 2899) Auger Falls (FERC. No. 4797) and Star Falls (FERC. No. 5797) Hydroelectric Projects on the Mainstem of the Snake River, C/O/M, Licenses, New Circumstances, Information and Project Modification, Upper Snake River Basin, Twin Falls and Jerome Counties, ID, Due: February 26, 1990, Contact: Frank Karwoski (202) 357-0782.

EIS No. 900002, DSuppl, BLM, CA, Castle Mountain Open Pit Heap Leach Gold Mine Project, Construction and Operation, Permit Approval, Regulation Changes and Modifications, San Bernardino, CA, Due: March 14, 1990, Contact: Elena Daly (619) 326-3896.

EIS No. 900003, Final, EPA, TX, Freeport Harbor and Jetty Channels Ocean Dredged Material Disposal Site (ODMDS) Designation, TX, Due: February 12, 1990, Contact: Norm Thomas (214) 655-2260.

EIS No. 900004, Final, FHW, OR, 6th and 7th Avenue Couplet/OR-99 Extension, Garfield Street to West 11 Avenue/ OR-126/Florence Engene Highway, Funding, Lane County, OR, Due: February 12, 1990, Contact: Dale E. Wilken (503) 399-5749.

EIS No. 900005, Draft, COE, IL, O'Hara System Flood Control Reservoir Project, Chicagoland Underflow Plan, Implementation, Cook County, IL, Due: February 26, 1990, Contact: Rose Austin (312) 353-7795.

EIS No. 900006, Draft, BLM, NV, Thousand Springs Coal-Fired Power Plan Land Exchange, Construction and Operation, Right-of-Way Grant, Section 404 Permit, Elko County, NV, Due: February 26, 1990, Contact: Nancy Phelp-Dailey (702) 738-4071.

EIS No. 900007, Draft, UAF, NM, Cannon Air Force Base Realignment, Implementation, 27th Tactical Fighter Wing, Mount Dora Military Operations Area, Melrose Range, Curry County, NM, Due: February 26, 1990, Contact: Capt. Wilfred Cassidy (804) 764-4430.

**Amended Notices**

EIS No. 890253, Draft, FHW, VA, Southeastern Expressway Improvement, I-464/I-64 to VA-44 (Norfolk-Virginia Beach Expressway) Construction, section 10 & 404 Permits, CGD Bridge Permit, York and James City, Counties, VA, Due: January 15, 1990, Contact: James M. Tumlin (804) 771-2371. Published FR 09-22-89—Review period extended.

EIS No. 890345, DRevised, AFS, CA, Sherwin Bowl Ski Area Development, Alpine Skiing, Special Use Permit, Inyo National Forest, Mammoth Ranger District, Mono County, CA, Due: February 12, 1990, Contact: John Ruopp (619) 873-5841. Published FR 09-22-89—Review period extended.

EIS No. 890352, Final, AFS, CA, Doe Ridge Golf Course Development and Operation, Special Use Permit, Inyo National Forest, Mono County, CA, Due: January 31, 1990, Contact: Dean McAlister (619) 934-2505. Published FR 12-22-89—Review period extended.

EIS No. 890362, FSuppl, NRC, TX, Comanche Peak Steam Electric Station, Units 1 and 2, Licensing, Installation of Severe-Accident-Mitigation Design Features, Somervell County, TX, Due: February 5, 1990, Contact: Christopher I. Grimes (301) 492-3298. Published FR 1-5-90—Incorrect project title.

Dated: January 9, 1990.

**Richard E. Sanderson,**

*Director, Office of Federal Activities.*

[FR Doc. 90-867 Filed 1-11-90; 8:45 am]

BILLING CODE 6560-50-M

**[ER-FRL-3704-6]**

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared December 25, 1989 through December 29, 1989 pursuant to the Environmental Review Process (ERP), under sectoin 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in **Federal Register** dated April 7, 1989 (54 FR 15006).

**Draft EISs**

ERP No. D-FHW-E40726-KY, Rating EC2, US 27 Construction, Camp Nelson to Nicholasville Bypass, Funding and 404 Permit, Jessamine County, KY.

*Summary:* EPA's review indicated the need for more information regarding the environmental impacts of the frontage roads that were proposed to accompany the project. More information on water quality impacts from non-point source is needed.

ERP No. D-FHW-E0727-AL, Rating EC2, Patton Island Bridge and Approach Roads Construction, crossing the Tennessee River and connecting the cities of Florence and Muscle Shoals, Funding, 404 Permit, TVA Permit, and CGD Bridge Permit, Colbert and Lauderdale Counties, AL.

*Summary:* EPA requests mitigation measures be incorporated into the project to reduce impacts to aquatic and upland resources. Additional information on the relocation of Sweetwater Creek was requested.

ERP No. D-NOA-A91055-00, Rating L01, Swin-With-The-Dolphin Programs, use of Marine Mammals, Implementation.

*Summary:* EPA feels the environmental impacts of the proposed action are negligible, but there are concerns about the insufficient reporting by operators and the ineffectiveness of the Special Conditions imposed by NMFS.

ERP No. DS-USA-L11007-WA, Rating L0, Yakima Firing Center Expansion of Military Training Center, Land Acquisition, Possible Changes in the Force Structure of the 9th Infantry Division, Fort Lewis Military Installation, Yakima and Kittitas Counties, WA.

*Summary:* EPA has no objections to the activity as described in this

document. EPA recommends that the final EIS and Record of Decision affirm the Army's commitment to mitigate identified adverse environmental impacts associated with the proposed action.

Regulations

ERP No. R-CGD-A27011-0, 33 CFR parts 154, 155, and 156; 46 CFR Parts 32 35, and 39; Marine Vapor Control Systems (54 FR 41366).

*Summary:* Review of this document has been completed and the project found to be satisfactory.

Dated: January 9, 1990.

**Richard E. Sanderson,**

*Director, Office of Federal Activities.*

[FR Doc. 90-868 Filed 1-11-90; 8:45 am]

BILLING CODE 6560-50-M

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[OPP-70001; FRL-3688-1]

## Nonconfidentiality of Certain Information Submitted under Sections 7 and 17(a)(2) of FIFRA

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Under section 7 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), certain information required to be reported to EPA by pesticide producers is not entitled to be treated as confidential business information. Specifically, in accordance with the statute, EPA considers as public information the name and location of the pesticide establishment reported, the names of any pesticides produced, sold, or distributed, and, if applicable, the names of active ingredients used. EPA also considers as nonconfidential certain information required to be reported under FIFRA section 17(a)(2) regarding export of unregistered pesticides. Specifically, the fact that a section 17(a)(2) export notification has been submitted by a company concerning a given pesticide is public information based on the information required to be disclosed under section 7.

**DATE:** The information described as nonconfidential will be considered public on February 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** Michael C. Calhoun, Compliance Division (EN-342), Office of Compliance Monitoring, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 382-3809.

**SUPPLEMENTARY INFORMATION:** Under section 7 of FIFRA (7 U.S.C. 136 to 136y), subsection (c)(1), any producer operating a registered pesticide establishment must submit to EPA and annually update the following information:

> * * * the types and amounts of pesticides and, if applicable, active ingredients used in producing pesticides—(A) which he is currently producing; (B) which he has produced during the past year; and (C) which he has sold or distributed during the past year.

Subsection (d) of section 7 states that the information submitted under subsection (c) shall be considered confidential, subject to section 10 of FIFRA, except for "the names of the pesticides or active ingredients used in producing pesticides produced, sold, or distributed at an establishment * * *." (Section 10 states general rules regarding confidential business information under FIFRA and sets out categories of information which are not entitled to confidential treatment.)

It is therefore clear from the language of section 7(d) that certain information required under section 7(c) is publicly available while certain other information may not be. Specifically, the following information on the section 7 reporting form is not entitled to confidential treatment: the name and location of the pesticide establishment, the name of the pesticide(s) produced there, and, if applicable, the name of the active ingredient(s). Required information which may be entitled to confidential treatment includes the amount of pesticides produced or distributed by an establishment. Information required under subsection 7(c)(2) concerning recipients of pesticides may also be entitled to confidentiality.

EPA is issuing this notice clarifying its interpretation of section 7 because the current section 7 reporting form (EPA Form 3540-16), and instructions for the form, incorrectly tell submitters that all information reported on the form will be treated as confidential. The form and instructions will be reissued in the near future in a corrected version that will state which information is not entitled to confidentiality under section 7. In clarifying its policy, EPA is hereby providing a 30-day comment period, at the end of the comment period EPA will consider the information described above as publicly available.

Section 17(a)(2) of FIFRA allows the export of unregistered pesticides to foreign countries if, prior to export, the foreign purchaser has signed a statement acknowledging that he or she understands that the pesticide is not registered for use and cannot be sold in the United States. In accordance with section 17(a)(2) and established EPA policy, the exporter must provide that statement to EPA, and EPA then transmits it to an appropriate government official of the importing country. Because section 7(d) requires disclosure of the names of pesticide products produced by an establishment in a given year, whether registered or unregistered, and because names of producers of registered pesticides are a matter of public record under FIFRA section 3, the fact that a company makes a given unregistered pesticide is therefore also a matter of public record. Accordingly, since unregistered pesticides generally may be made only for the export market, the fact that a company has filed a notice under section 17(a)(2) for a given pesticide will also be public information.

EPA is hereby also providing 30-days notice that the filing of a notification of export under section 17(a)(2) for a given unregistered pesticide will not be entitled to confidential treatment. EPA will treat the following information contained in a section 17(a)(2) notice as public: the identity of the producer of the unregistered pesticide; the identity of the exporting company; the name of the unregistered pesticide product; and, if applicable, the name of the active ingredient. EPA is still considering whether other information provided under section 17(a)(2), such as the name of the country of export, should be entitled to confidentiality.

Dated: December 29, 1989.

**Linda J. Fisher,**

*Assistant Administrator for Pesticides and Toxic Substances.*

[FR 90-746; Filed 1-11-90; 8:45 am]

BILLING CODE 6560-50-D

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[OPTS-140125; FRL-3686-4]

## Access to Confidential Business Information by Hampshire Research Associates

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has authorized the subcontractor, Hampshire Research Associates (HRA) of Alexandria, Virginia, for access to information which has been submitted to EPA under sections 5 and 8 of the Toxic Substances Control Act (TSCA). Some of the

information involved may be claimed or determined to be confidential business information (CBI).

**DATE:** Access to the confidential data submitted to EPA will occur no sooner than January 29, 1990.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Director, TSCA Environmental Assistance Division (TS–799), Office of Toxic Substances, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

**SUPPLEMENTARY INFORMATION:** Under contract number 68–08–0116, work assignment number 2–12, subcontractor HRA, of 1800 Diagonal Road, Suite 150, Alexandria, VA, will assist the Office of Toxic Substances (OTS), Information Management Division (IMD), in examining OTS personal computer (PC) data bases used to support the premanufacture notice review process to determine what efficiencies and economies may exist from increased data sharing or standardizing of these data bases. In addition, HRA will review mainframe systems maintained by the IMD which support the new chemical review process to determine if possible economies and efficiencies may result from better coordination and integration of these systems with the PC data bases. The PC data bases will contain information that may be claimed or determined to be CBI.

HRA is working as a subcontractor under the ICF Incorporated (ICF). Access to TSCA CBI by ICF was previously announced in the **Federal Register** of December 1, 1988 (53 FR 48584).

EPA is issuing this notice to inform all submitters of information under sections 5 and 8 of TSCA that EPA may provide HRA access to these CBI materials on a need-to-know basis. All access to TSCA CBI under this contractor will take place at EPA Headquarters facilities.

Clearance for access to TSCA CBI under this contract is scheduled to expire on May 31, 1990.

HRA personnel will be required to sign non-disclosure agreements and will be briefed on appropriate security procedures before they are permitted access to TSCA CBI.

Dated: January 3, 1990.

**Linda A. Travers,**

*Director, Information Management Division, Office of Toxic Substances.*

[FR 90–794; Filed 1–11–90; 8:45 am]

**BILLING CODE 6560–50–D**

**[OPTS–59270B; FRL–3686–3]**

## Certain Chemical Approval of Modifications to Test Marketing Exemption

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces EPA's approval of modifications of test marketing production volumes, use, risk assessment, and worker protection requirements for test marketing exemption (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated the original test marketing applications as TME 89–9, TME 89–10, and TME 89–11. The test marketing conditions are described below.

**EFFECTIVE DATE:** December 22, 1989.

**FOR FURTHER INFORMATION CONTACT:** Mark Howard, New Chemicals Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Room E–613, 401 M Street SW., Washington, DC 20460, (202) 245–4143.

**SUPPLEMENTARY INFORMATION:** Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves the modification of the production volumes, use, and worker protection requirements for TME 89–10 and TME 89–11, and the worker protection requirements for TME 89–9. EPA has determined that test marketing of the new chemical substances described below, under the conditions set out in the TME applications and modification requests will not present an unreasonable risk of injury to health or the environment. Production volumes must not exceed those specified in the modification. All other conditions and restrictions described in the original Notice of Approval of Test Marketing Application must also be met.

*T 89–9*

*Notice of Approval of Original Application:* June 2, 1989, (54 FR 23693).

*Commencing On:* Date of manufacture.

*Modified Risk Assessment*: EPA initially identified concerns for liver toxicity, kidney toxicity, and developmental toxicity based on data on similar chemical substances. However, upon further examination, the Agency does not believe that these chemcial substances are sufficiently analogous to the test market substances in terms of substituent groups and physical/chemical porperties to support those health concerns.

*T 89–10*

*Notice of Approval of Original Application:* June 2, 1989, (54 FR 23693).

*Modified Use:* Intermediate for new final product (G).

*Modified Test Marketing Production Volume:* Increase. Amount Confidential.

*Commencing On:* Date of manufacture.

*Modified Risk Assessment*: EPA initially identified concerns for liver toxicity, kidney toxicity, and developmental toxicity based on data on similar chemical substances. However, upon further examination, the Agency does not believe that these chemcial substances are sufficiently analogous to the test market substances in terms of substituent groups and physical/chemical porperties to support those health concerns.

*T 89–11*

*Notice of Approval of Original Application:* June 2, 1989, (54 FR 23693).

*Modified Use:* Intermediate for new final product (G).

*Modified Test Marketing Production Volume:* Increase. Amount Confidential.

*Commencing On:* Date of manufacture.

*Modified Risk Assessment*: EPA initially identified concerns for liver toxicity, kidney toxicity, and developmental toxicity based on data on similar chemical substances. However, upon further examination, the Agency does not believe that these chemcial substances are sufficiently analogous to the test market substances in terms of substituent groups and physical/chemical porperties to support those health concerns.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: December 22, 1989.

John W. Melone,

*Director, Chemical Control Division, Office of Toxic Substances.*

[FR Doc. 90–755 Filed 1–11–90; 8:45 am]

BILLING CODE 6560–50–Dcation:

[FRL–3704–2]

## Availability of Public File and Status Reports Concerning Enforcement Agreements; Ocean Dumping of Sewage Sludge

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability.

**SUMMARY:** EPA announces the availability of a public file for public review and status reports concerning the nine enforcement agreements (Agreements) in accordance with the objectives of the Ocean Dumping Ban Act of 1988. The file will include: All reports required to be submitted to EPA by the ocean dumpers pursuant to the Agreements, except reports subject to any claim of privilege; all documents filed with the Court in the nine pending actions associated with the Agreements; and written communications between EPA and any ocean dumper with respect to the Agreements except written communications in connection with any settlement negotiations or other communications subject to any claim of privilege. The reports will describe the status of the ocean dumpers' compliance with the Agreements in the nine pending actions.

EPA received complete applications from the following nine New Jersey and New York sewage sludge generators: Bergen County Utilities Authority (BCUA), Joint Meeting of Essex and Union Counties (JMEUC), Linden Roselle Sewerage Authority (LRSA), Middlesex County Utilities Authority (MCUA), Passaic Valley Sewerage Commissioners (PVSC), Rahway Valley Sewerage Authority (RVSA), Nassau County Department of Public Works (NCDPW), New York City Department of Environmental Protection (NYCDEP), and Westchester County Department of Environmental Facilities (WCDEF) for issuance of special permits to transport and dispose of sewage sludge under the Marine Protection, Research, and Sanctuaries Act of 1972, 33 U.S.C. 1401. In conjunction with preparing permit conditions for these ocean dumpers and issuing the permits on August 4, 1989 for a term ending on March 17, 1991, EPA drafted Agreements to ensure that the ocean dumpers aggressively pursue the implementation of alternative disposal methods as required by the Ocean Dumping Ban Act. The ocean dumpers accepted the Agreements, and EPA and the respective State accepted their cessation schedules. The proposed Agreements were announced in the **Federal Register** in June and July 1989 for public comment. The Agreements were signed by all parties in August 1989.

**ADDRESSES:** This file is available for public inspection at the following address: Laura Livingston, Chief, Permits Administration Branch, EPA, Region II, 26 Federal Plaza, Room 505, New York, New York 10278–0090, (212) 264–9880.

**FOR FURTHER INFORMATION CONTACT:** Bruce Kiselica, Chief, Ocean Dumping Task Force, EPA, Region II, 26 Federal Plaza, Room 813, New York, New York 10278–0090, (212) 264–5693.

**SUPPLEMENTARY INFORMATION:** The Ocean Dumping Ban Act of 1988 (the Act) amends the Marine Protection, Research, and Sanctuaries Act (MPRSA) regarding cessation of ocean disposal of sewage sludge. The Act establishes a framework for ending the ocean disposal of sewage sludge and prohibits the dumping of sewage sludge after August 14, 1989 unless the ocean dumper has received a permit and has entered into an Agreement with EPA and the State in which the dumper is located that includes a schedule to end the dumping. The Act makes in unlawful to ocean dump sewage sludge after December 31, 1991. It requires that EPA report to Congress annually on the progress being made in implementing the schedules to end ocean disposal.

Ocean disposal of municipal sewage sludge has occurred since the 1920s. The dumping has occurred at the site designated by EPA, the Deepwater Municipal Sludge Dump Site (the "106-Mile Site"), since March 17, 1986. Previous ocean dumping permits allowed disposal at the 12-Mile Site.

As required by the Act, the Agreements include schedules with key milestone dates for the implementation of alternatives to ocean dumping, including interim disposal measures as necessary, reporting requirements for monitoring implementation progress, and provisions for payment of ocean dumping fees/penalties. In addition, the Agreement provides for payment of stipulated penalties by the ocean dumper for any violation of the Agreement.

Notice of NCDPW's Agreement was published in the **Federal Register** on June 20, 1989 (54 FR 25902); notices of the other New York ocean dumpers' Agreements were published on June 30, 1989 (54 FR 27704); notices of the New Jersey Agreements were published on July 11, 1989 (54 FR 29104). The only major differences among the various Agreements are the specific interim schedules for ceasing ocean disposal and long term schedules for implementing final land based alternatives, provisions concerning special masters, and varying amounts of stipulated penalties depending on the size of the dumping operation.

Regarding the specific interim schedules for ceasing ocean disposal and long term schedules for implementing final alternatives to ocean disposal, the ocean dumpers have developed the following plans for their sludges as part of the Agreements. BCUA proposes to dewater and out-of-state landfill on an interim basis and to incinerate on a long term basis. JMEUC proposes to out-of-state landfill on an interim basis and to incinerate on a long term basis. LRSA proposes to dewater and out-of-state landfill on an interim basis to incinerate on a long term basis. MCUA proposes to dewater, chemically fix, and in-state landfill as a cover material on a long term basis. PVSC proposes to dewater and out-of-state landfill on an interim basis and to incinerate on a long term basis. RVSA proposes to dewater and out-of-state landfill on an inerim basis an to incinerate at JMEUC's facility on a long term basis. The New York ocean dumpers propose to dewater and out-of-state landfill or use a private vender on an interim basis. They are each investigating the full range of sludge management alternatives for use on a long term basis. The ocean dumpers propose to implement their plans by the following dates:

| Ocean dumper | Interim plan | Long term plan |
|---|---|---|
| BCUA | 3/17/91 | 1/01/96 |
| JMEUC | 3/17/91 | 2/10/98 |
| LRSA | 3/17/91 | 1/01/96 |
| MCUA | 3/17/91 | 3/17/91 |
| PVSC | 3/17/91 | 12/31/96 |
| RVSA | 3/17/91 | 2/10/98 |
| NCDPW | 6/30/91 (50%) 12/31/91 (100%). | 12/31/94 |
| NYCDEP | 12/31/91 (20%) 6/30/92 (100%). | 12/31/95 (>50%) 6/30/98 (100%) |

| Ocean dumper | Interim plan | Long term plan |
|---|---|---|
| WCDEF | 12/31/91 | 9/15/95 |

The Act established fees for ocean disposal prior to the December 31, 1991 deadline and civil penalties for dumpers who continue dumping after the deadline. The fees are $100, $150, and $200 for each dry ton dumped in 1989 after August 14th, in 1990, and in 1991, respectively. The penalties increase each year starting from $600 per dry ton in 1992. Eighty-five percent of the fees and a portion of the penalties, beginning with 90% in 1992 and declining by 5% each year thereafter, must be deposited in trust accounts that have been established by the dumpers. A portion of the remaining funds ($15) goes to EPA, the U.S. Coast Guard, and the National Oceanic and Atmospheric Administration to cover the costs of administering the Act, including the conducting of a monitoring program. Any further available funds go to the respective State for specified activities.

The trust accounts can be used by the ocean dumpers, with EPA's approval, to implement alternatives to ocean disposal. Funds remaining in the trust account after the dumper has ceased dumping are returned to the dumper to be used for compliance with the Clean Water Act and for reducing debt incurred for compliance, including operations and maintenance costs, with this Act and the Clean Water Act.

The States of New Jersey and New York are required to make available ten percent of the capitalization grant payments made to them in FY-1990 and 1991 for its State revolving fund under the Federal Water Pollution Control Act and ten percent of the associated State matching funds to assist the respective ocean dumpers in finding and implementing alternatives to dumping.

The file concerning the enforcement agreements may be inspected and arrangements made for copying at the Region II Permits Administration Branch between 9:00 a.m. and 4:00 p.m., Monday through Friday, except federal holidays. Reservations should be made by calling (212) 264–9880) to ensure that the file is available at the desired time. The first status report will be prepared in April 1990. If you are interested in receiving a copy of this or future status reports, call (212) 264–0853 or write to the above Region II Ocean Dumping Task Force address.

Dated: January 9, 1990.

**Constantine Sidamon-Eristoff,**

*Regional Administrator for Region II.*

[FR Doc. 90–840 Filed 1–11–90; 8:45 am]

BILLING CODE 6560–50–M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### California; Notice of a Major Disaster Declaration

[FEMA–845–DR]

**AGENCY:** Federal Emergency Management Agency.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster for the State of California (FEMA–845–DR), dated October 18, 1989, and related determinations.

**DATED:** January 2, 1990.

**FOR FURTHER INFORMATION CONTACT:** Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

Notice: Notice is hereby given that the incident period for this disaster is closed effective December 18, 1989.

**Grant C. Peterson,**

*Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.*

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

[FR Doc. 90–816 Filed 1–11–90; 8:45 am]

BILLING CODE 6718–02–M

## FEDERAL RESERVE SYSTEM

### Martin T. Hart; Correction

This notice corrects a previous **Federal Register** Notice (FR Doc. 89–26765) published at page 47571 of the issue for Wednesday, November 15, 1989.

Under the Federal Reserve Bank of Kansas City, the entry for Martin T. Hart is amended to read as follows:

1. *Martin T. Hart*, Denver, Colorado, and Lawrence E. Hart, Atchison, Kansas; to each acquire an additional 10.28 percent of the voting shares of Valley Bancshares, Inc., Atchison, Kansas, for a total of 25.31 percent each, and thereby indirectly acquire The Valley Bank, Atchison, Kansas.

Comments on this application must be received by January 26, 1990.

Board of Governors of the Federal Reserve System, January 8, 1990.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 90–806 Filed 1–11–90; 8:45 am]

BILLING CODE 6210–01–M

### Wells Fargo & Co.; Correction

This notice corrects a previous **Federal Register** Notice (FR Doc. 89–26272) published at page 46985 of the issue for Wednesday, November 8, 1989.

Under the Federal Reserve Bank of San Francisco, the entry for Wells Fargo & Co. is amended to read as follows:

1. *Wells Fargo & Company*, San Francisco, California, to acquire directly 0.1 percent of Wells Fargo Institutional Trust Company., N.A., San Francisco, California, a limited purpose national bank, in connection with a joint venture with The Nikko Securities Co., Ltd., Tokyo, Japan. Wells Fargo Institutional Trust Company would engage in trust activities that may be performed by a trust company in the manner authorized by state and federal law pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Applicant also proposes to acquire indirectly, through Wells Fargo Bank, N.A., San Francisco, California, fifty percent of Wells Fargo-Nikko Investment Advisors, San Francisco, California, and 66.7 percent of Wells Fargo Foreign Funds Advisors, San Francisco, California, and thereby provide investment and financial advice, pursuant to § 225.25(b)(4) of the Board's Regulation Y. The Nikko Securities Co., Ltd., will acquire 50 percent of Wells Fargo-Nikko Investment Advisors and 33.3 percent of Wells Fargo Foreign Funds Advisors. Wells Fargo-Nikko Investment Advisors will acquire 99.9 percent of Wells Fargo Institutional Trust Company.

Comments on this application must be received by January 26, 1990.

Board of Governors of the Federal Reserve System, January 8, 1990.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 90–805 Filed 1–11–90; 8:45 am]

BILLING CODE 6210–01–M

### Cumberland Savings Bancshares, Inc., 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 February 1, 1990.

**A. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 100 Marietta Street NW., Atlanta, Georgia 30303:

1. *Cumberland Savings Bakcshares, Inc.*, Cathage, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of Cumberland Savings Bank, Carthage, Tennessee.

2. *Synovous Financial Corp.*, Columbus, Georgia, and TB&C Bancshares, Inc., Columbus, Georgia; to merge with State Bancshares, Inc., Enterprise, Alabama, and thereby indirectly acquire Coffee County Bank, Enterprise, Alabama.

**B. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Colonial Bankshares, Corporation*, Chicago, Illinois; to acquire 98.46 percent of American National Bank of DuPage, Downers Grove, Illinois, and 96.58 percent of the voting shares of Burbank State Bank, Burbank, Illinois.

2. *INB Financial Corporation*, Indianapolis, Indiana; to acquire 100 percent of the voting shares of CSB, Inc., Chesterton, Indiana, and thereby indirectly acquire Chesterton State Bank, Chesterton, Indiana.

3. *West Surburban Bancorp*, Lombard, Illinois; to acquire 100 percent of the voting shares of LBM Bank, Masoutah, Illinois, and West Surburban Bank of St. Charles, St. Charles, Illinois, a *de novo* bank.

**C. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *El Paso Bancshares, Inc.*, Monument, Colorado; to become a bank holding company by acquiring up to 100 percent of the voting shares of Mid-Continent Corporation, Mission Hills, Kansas, and thereby indirectly acquire Commercial Bank of Leadville, Leadville, Colorado.

2. *HNB Corporation*, Arkansas City, Kansas; to become a bank holding company by acquiring at least 55.88 percent of the voting shares of The First National Bank and Trust Company, Ponca City, Oklahoma.

Board of Governors of the Federal Reserve System, January 8, 1990.

**Jennifer J. Johnnson,**

*Associate Secretary of the Board.*

[FR Doc. 90-807 Filed 1-11-90; 8:45 am]

BILLING CODE 6210-01-M

## Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than January 26, 1990.

**A. Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *William C. Hess*, Coon Rapids, Iowa; to retain 8.33 percent of the voting shares of Community Grain Company, Coon Rapids, Iowa, and thereby indirectly retain Iowa Savings Bank, Coon Rapids, Iowa.

2. *Kenneth Hylton, Sr.*, Detroit, Michigan, and William Johnson, Woodlands, Texas; to acquire 30.16 percent of the voting shares of River Rouge Savings Bank, River Rogue, Michigan.

**B. Federal Reserve Bank of Kansas City** (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Richard Lincoln*, Linneus, Missouri; to acquire an additional 3.07 percent, for a total of 25.07 percent, of the voting shares of Capital Bancshare, Inc., Brookfield, Missouri, and thereby indirectly acquire Bank of Brookfield-Purdin, N.A., Brookfield, Missouri.

**C. Federal Reserve Bank of San Francisco** (Harry W. Green, Vice President) 101 Market Street, San Francisco, California 94105:

1. *The Jay Newlin Trust*, Des Moines, Iowa; to acquire an additional 3.22 percent, for a total of 12.88 percent, of the voting shares of Founders Bancorp, Inc., Scottsdale, Arizona, and thereby indirectly acquire Founders Bank of Arizona, Scottsdale, Arizona.

Board of Governors of the Federal Reserve System, January 8, 1990.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 90-808 Filed 1-11-90 8:45 am]

BILLING CODE 6210-01-M

## Premier Financial Corp., et al.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected

to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 1, 1990.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Premier Financial Corp.*, Elkhart, Indiana; to become a bank holding company by acquiring 100 percent of the voting shares of Cromwell Financial Corp., Cromwell, Indiana, and thereby indirectly acquire The Cromwell State Bank, Cromwell, Indiana.

In connection with this application, Applicant also proposes to acquire Crittson Financial Corporation, Elkhart, Indiana, and thereby engage in credit card processing and servicing pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 8, 1990.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 90-810 Filed 1-11-90; 8:45 am]

BILLING CODE 6210-01-M

## Southern Bancorp, Inc., et al.; 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 February 1, 1990.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 100 Marietta Street NW., Atlanta, Georgia 30303:

1. *Southern Bancorp, Inc.*, Miami, Florida; to engage *de novo* in making, acquiring, and servicing loans pursuant to § 225.25(b)(1) 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. *Astoria Investment Co.*, Astoria, Illinois; to engage *de novo* in credit insurance activities pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

2. *Bartonville Investment Co.*, Bartonville, Illinois; to engage *de novo* in credit insurance activities pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

3. *Hopedale Investment Company*, Hopedale, Illinois; to engage *de novo* in credit insurance—acting as principal, agent or broker for insurance directly related to an extension of credit at subsidiary bank pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System; January 8, 1990.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 90-809 Filed 1-11-90; 8:45 am]

BILLING CODE 6210-01-M

## MNC Financial, Inc.; 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 January 29, 1990.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *MNC Financial, Inc.*, Baltimore, Maryland; to acquire Mid-Atlantic Holdings, Inc., Fayetteville, North

Carolina, and thereby engage in making, acquiring and servicing loans related to financing premiums for personal and commercial automobile insurance and other commercial and personal insurance lines underwritten and sold by third party insurance underwriters and agents; providing data processing services to insurance agents and brokers related to such loans, pursuant to §§ 225.25(b) (1) and (7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, January 9, 1990.

**Jennifer J. Johnson,**

*Associate Secretary of the Board.*

[FR Doc. 90-882 Filed 1-11-90; 8:45 am]

BILLING CODE 6210-01-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Alcohol, Drug Abuse, and Mental Health Administration

### Advisory Committee Meeting in January, Correction

**AGENCY:** Alcohol, Drug Abuse, and Mental Health Administration, HHS.

**ACTION:** Correction of Meeting Notice.

**SUMMARY:** Public notice was given in the Federal Register on December 21, 1989, Volume 54, No. 244, on page 52459 that the Extramural Science Advisory Board, NIMH, would meet at the National Institutes of Health, Building 31, on January 22–23. The meeting will take place on January 23 only, and will meet at the National Institutes of Health, Building 36, Conference Room 1B13, Bethesda, MD 20892.

The agenda has also changed. The Board will be discussing medication development and final recommendations on peer review rather than molecular genetics.

Dated: January 8, 1990.

**Peggy W. Cockrill,**

*Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.*

[FR Doc. 90-778 Filed 1-11-90; 8:45 am]

BILLING CODE 4160-20-M

### Food and Drug Administration

**[Docket No. 90N-0005]**

### Drug Export; Theophylline Controlled Release Capsules 350 MG

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Fisons Pharmaceuticals has filed an application requesting approval for the export of the human drug theophylline controlled release capsules 350 mg to Canada.

**ADDRESSES:** Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Beers Block, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

**SUPPLEMENTARY INFORMATION:** The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the Federal Register within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Fisons Pharmaceuticals, Jefferson Rd., P.O. Box 1710, Rochester, NY 14603, has filed an application requesting approval for the export of the drug theophylline controlled release capsules 350 mg, to Canada. This product is indicated for use as a bronchodilator and pulmonary smooth muscle relaxant. It is indicated to relieve and/or prevent symptoms from asthma and reversible bronchospasms associated with chronic bronchitis and emphysema. The application was received and filed in the Center for Drug Evaluation and Research on December 21, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by January 22, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: January 2, 1990.

**Daniel L. Michels,**

*Director, Office of Compliance, Center for Drug Evaluation and Research.*

[FR Doc. 90-775 Filed 1-11-90; 8:45 am]

BILLING CODE 4160-01-M

**[Docket No. 90N-0003]**

### Drug Export; Theophylline Controlled Release Capsules 50 MG

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Fisons Pharmaceuticals has filed an application requesting approval for the export of the human drug theophylline controlled release capsules 50 mg to Canada.

**ADDRESSES:** Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Beers Block, Division of Drug Labeling Compliance (HFD–313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–295–8073.

**SUPPLEMENTARY INFORMATION:** The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section

802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Fisons Pharmaceuticals, Jefferson Rd., P.O. Box 1710, Rochester, NY 14603, has filed an application requesting approval for the export of the drug theophylline controlled release capsules 50 mg, to Canada. This product is indicated for use as a bronchodilator and pulmonary smooth muscle relaxant. It is indicated to relieve and/or prevent symtoms from asthma and reversible bronchospasms associated with chronic bronchitis and emphysema. The application was received and filed in the Center for Drug Evaluation and Research on December 21, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by January 22, 1990, and to provide an additional copy of the submission directly to the contact person identified above. to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: January 2, 1990.

**Daniel L. Michels,** *Director,*

*Office of Compliance, Center for Drug Evaluation and Research.*

[FR Doc. 90-776 Filed 1-11-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90N-0004]

## Drug Export; Theophylline Controlled Release Capsules 300 MG

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Fisons Pharmaceuticals has filed an application requesting approval for the export of the human drug theophylline controlled release capsules 300 mg to Canada.

**ADDRESSES:** Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human drugs under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

**FOR FURTHER INFORMATION CONTACT:** Patricia M. Beers Block, Division of Drug Labeling Compliance (HFD-313), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8073.

**SUPPLEMENTARY INFORMATION:** The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Fisons Pharmaceuticals, Jefferson Rd., P.O. Box 1710, Rochester, NY 14603, has filed an application requesting approval for the export of the drug theophylline controlled release capsules 300 mg, to Canada. This product is indicated for use as a bronchodilator and pulmonary smooth muscle relaxant. It is indicated to relieve and/or prevent symptoms from asthma and reversible bronchospasms associated with chronic bronchitis and emphysema. The application was received and filed in the Center for Drug Evaluation and Research on December 21, 1989, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by February 22, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Drug Evaluation and Research (21 CFR 5.44).

Dated: January 2, 1990.

**Daniel L. Michels,**

*Director, Office of Compliance, Center for Drug Evaluation and Research.*

[FR Doc. 90-777 Filed 1-11-90; 8:45 am]

BILLING CODE 4160-01-M

## Family Support Administration

### Forms Submitted to the Office of Management and Budget for Clearance

The Family Support Administration (FSA) will publish on Fridays information collection packages submitted to the Office of Management and Budget (OMB) for clearance, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). Following is the package submitted to OMB since the last publication on January 5, 1990.

(For a copy of the package, call the FSA, Reports Clearance Officer on 202-252-5604)

Refugee Unaccompanied Minor Placement Report (Form ORR-3) and Refugee Unaccompanied Minor Progress Report (Form ORR-4)—0970-0034—The information on Forms ORR-3 and ORR-4 enables ORR to meet its statutory obligation to maintain a national, central registry of all unaccompanied minors to assist parents and other relatives in locating minor children.

**Form ORR–3 (Refugee Unaccompanied Minor Placement Report)**

*Respondents:* State or local governments; *Number of Respondents:* 2,000; *Frequency of Response:* On Occasion; *Average Burden per Response:* 25 minutes; *Estimated Annual Burden:* 833 hours.

**Form ORR–4 (Refugee Unaccompanied Minor Progress Report)**

*Respondents:* State or local governments; *Number of Respondents:* 3,000; *Frequency of Response:* Annually; *Average Burden per Response:* 15 minutes; *Estimated Annual Burden:* 750 hours.

*Total Estimated Burden Hours for 0970–0034:* 1,583

*OMB Desk Clearance Officer:* Justin Kopca

Consideration will be given to comments and suggestions received within 60 days of publication. Written comments and recommendations for the proposed information collections should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3201, 725 17th Street NW., Washington, DC 20503.

Dated: December 29,1989.

**Sylvia E. Vela,**

*Deputy Associate Administrator, Office of Management and Information Systems, FSA.*

[FR Doc. 90–592 Filed 1–11–90; 8:45am]

BILLING CODE 4150–04–M

## Office of Human Development Services

### President's Committee on Mental Retardation; Meeting

*Agency Holding the Meeting:* President's Committee on Mental Retardation.

*Time and Date:* Executive Committee, Sunday, February 11, 1990, 6:30 p.m.–8:30 p.m., Full Committee, February 12–13, 1990, 9:00 a.m.–5:30 p.m.

*Place:* Omni Shoreham Hotel 2500 Calvert Street NW., Washington, DC 20008

*Status:* Meetings are open to the public. An interpreter for the deaf will be available upon advance request. All locations are barrier free.

*Matters to be Considered:* Reports by members of the Executive Committee of the President's Committee on Mental Retardation (PCMR) will be given. The Committee plans to discuss critical issues concerning prevention, family and community services, full citizenship, public awareness and other issues relevant to the PCMR's goals.

*The PCMR:* (1) Acts in an advisory capacity to the President and the Secretary of the Department of Health and Human Services on matters relating to programs and services for persons who are mentally retarded; and (2) is responsible for evaluating the adequacy of current practices in programs for the retarded, and reviewing legislative proposals that affect the mentally retarded.

*Contact Person For More Information:* Jim F. Young, 330 Independence Avenue SW., Room 4262—Wilbur J. Cohen Building, Washington, DC 20201–0001, (202) 245–7634.

Dated: January 4, 1990.

**Jim F. Young,**

*Acting Executive Director, PCMR.*

[FR Doc. 90–834 Filed 1–11–90; 8:45 am]

BILLING CODE 4130–01–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of Administration

[Docket No. 90–2099]

### Submission of Proposed Information Collections to OMB

**AGENCY:** Office of Administration, HUD.

**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

**ADDRESS:** Interested persons are invited to submit comment regarding these proposals. 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.

The Notices list the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: December 23, 1989.

**John T. Murphy,**

*Director, Information Policy and Management Division.*

*Proposal:* Request for Alternative Construction ("No Action Letter")—24 CFR 3282.14; Alternative Construction of Manufactured Homes.

*Office:* Housing.

*Description of the Need for the Information and its Proposed Use:* The Department will use this information to allow manufacturers to build homes using construction methods other than those required by the National Manufactured Home Construction and Safety Standards established by the Secretary. It will also assure that home purchasers are aware of any use of alternative construction.

*Form Number:* None.

*Respondents:* Businesses or Other For-Profit.

*Frequency of Submission:* On Occasion.

*Reporting Burden:*

| | Number of Respondents | × | Frequency of Response | × | Hours per Response | = | Burden Hours |
|---|---|---|---|---|---|---|---|
| Information collection | 10 | | 2 | | 25 | | 500 |

*Total Estimated Burden Hours:* 500.
*Status:* Extension.
*Contact:* Donald R. Fairman, HUD (202) 755–5718; John Allison, OMB, (202) 395–6880.
Date: December 28, 1989.

*Proposal:* Request for Local Code Review (One- and Two-Family Dwellings).
*Office:* Housing.
*Description of the Need for the Information and its Proposed Use:* The information is needed to determine if local codes are comparable to one of the nationally recognized model building codes used by the Department. If a local code has once been accepted as the Department's standard, periodic information is needed to determine if changes have been made.
*Form Number:* None.
*Respondents:* Businesses or Other For-Profit.
*Frequency of Submission:* On Occasion.
*Reporting Burden:*

| | Number of Respondents | × | Frequency of Response | × | Hours per Response | = | Burden Hours |
|---|---|---|---|---|---|---|---|
| Information collection | 1,000 | | 1 | | 8 | | 8,000 |

*Total Estimated Burden Hours:* 8,000.
*Status:* Extension.
*Contact:* Donald R. Fairman, HUD, (202) 755–5718; John Allison, OMB, (202) 395–6880.
Date: December 28, 1989.

[FR Doc. 90–803 Filed 1–11–90; 8:45 am]
BILLING CODE 4210–01–M

## Office of the Assistant Secretary for Community Planning and Development

**[Docket No. N–90–3000]**

### Submission of Proposed Information Collection to OMB

**AGENCY:** Office of Community Planning and Development; HUD.
**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESS:** Interested persons are invited to submit comments regarding this proposal. 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 has also requested that OMB complete its review within three 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; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Date: January 8, 1990.

**Anna Kondratas,**
*Assistant Secretary for Community Planning and Development.*

### Submission of Proposed Information Collection to OMB

*Proposal:* Application forms for Supplemental Assistance for Facilities to Assist the Homeless Program
*Office:* Community Planning and Development
*Description:* The application forms are necessary to allow HUD to determine the eligibility of proposed activities, to provide a basis for HUD to assign rating scores to proposals, and to ensure that various prerequisites for funding are met. The proposed application forms and instructions appear below. The application will also include Standard Form 424, Application For Federal Assistance (OMB Approval No. 0348–0043).
*Form Number:* HUD–40077.
*Respondents:* States, metropolitan cities, urban counties, other governmental entities, tribes, and private nonprofit organizations.
*Frequency of Submission:* On occasion.
*Reporting Burden:*

| | Number of respondents | × | Frequency of response | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|---|
| Comprehensive application | 250 | | 1 | | 100 | | 25,000 |
| Supplemental application | 30 | | 1 | | 52 | | 1,560 |

*Total Estimated Burden Hours:* 26,560
*Status:* Revision
*Contact:* James N. Forsberg, HUD, (202) 755–6300; John Allison, OMB, (202) 395–6880.
Date: January 8, 1990.

**Justification**

1. The following circumstances make the collection of information necessary:

The information is needed primarily to assist HUD in selecting proposals to be awarded SAFAH funds, as authorized by the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100–77) and the final rule governing the SAFAH program (24 CFR Part 579) published in the **Federal Register** (54 FR 46812) on November 7, 1989. Selections will be made based on the ranking factors contained in the final rule at section 579.215. Section 579.210 of the final rule mandates the collection of the information described in the SAFAH application forms and instructions.

2. The information collected will be used in the following manner: *Part 1, Project Summary:* A major function of this form is to assist HUD in computing the amount of non-Federal resources that would be leveraged by the SAFAH funds. One-fifth of the total rating points will depend on the amount of leveraging. Documentation supporting the availability of the non-Federal resources is required to ensure that a firm basis exists for the leveraging calculation and that applicants do not receive credit in the competition for guesses about the amount of non-Federal resources to be provided. The form also helps ensure that sufficient resources would be available to cover total activity costs, that no more than 5% of the SAFAH award is used for administration of the award, and that no more than $1 million is awarded to one applicant. Additionally, the instructions require applicants which are private nonprofit organizations to submit information to allow HUD to determine financial responsibility, as required by section 579.210(b)(1)(i) of the final rule.

*Part 2, Project Description:* The description of the facility, the supportive services to be provided, the budget breakdown, and the homeless population to be served, as required by section 579.210(b) (5) and (6) of the final rule, will assist HUD in assigning rating points for innovation, comprehensiveness, cost effectiveness and, if applicable, special homeless populations to be served. These criteria for assigning rating points are described at section 579.215. The question on when homeless person will begin to be served by the proposed activities will be used as part of the evaluation of the applicant's capacity, referred to in section 579.210(b)(3). The question regarding child care for children of homeless families will assist HUD in assigning rating points for special homeless populations, as described in 579.210(b)(4). The question about the transfer and use of a public building to assist the homeless relates to one of the bases upon which SAFAH may be awarded to cover costs in excess of assistance provided under the Emergency Shelter Grants Program and the Supportive Housing Demonstration Program, as described at section 579.105(a). The question on displacement is designed to ensure that the applicant is counseled by HUD about its responsibilities for relocation assistance should the project involve the displacement of any family, individual, business, nonprofit organization, or farm.

*Part 3, Budget for Operations and Supportive Services:* This budget information will assist HUD in assigning rating points for cost effectiveness by considering the extent to which the applicant's proposed cost for operating a facility and providing supportive services are reasonable in relation to the services to be provided. It will also help ensure that there will be adequate resources available for facility operations and supportive services for any structure acquired or rehabilitated with SAFAH funds.

*Part 4, Ranking Information:* The information requested will supplement other information in the application which relates to three of the ranking criteria described in section 579.215. Specifically, this form requires applicants to provide supplementary information about the innovative features and comprehensiveness of the project and, if applicable, provide milestones for accomplishing acquisition and/or rehabilitation activities. The information will assist HUD in assigning rating points.

*Part 5, Additional Documentation:* Each item described on this form is required by section 579.210 of the final rule. The documentation will be used to determine if various prerequisites for SAFAH funding have been met, such as consistency of the project with local plans and site control.

3. Development of computer software for use of applicants in preparing their applications are prepared only on occasion (no more than once a year) and applicants are unlikely to be the same from year to year. In addition, many applicants are expected to be private nonprofit organizations with small operating budgets and little, if any, computer support.

4. To avoid duplication of information, instructions for Part 3 allow applicants to incorporate by reference information from Part 1 rather than requiring repetition of the information.

5. Similar information collected in the past cannot be used instead of the information being requested in the application because up-to-date data is needed for the purpose of selecting the best proposals for grant awards.

6. The wide range of eligible applicants, including states, local governments, tribes, and private nonprofit organizations, and the need to consider all applications on an equal basis, made it difficult to give special consideration to the burden placed on small entities by this collection of information. Instead, efforts were made to minimize the burden placed on all applicants, while at the same time ensuring that sufficient information would be provided to allow HUD to determine and select the best proposals.

7. Considering that the information in the application forms will only be collected for the competition, the SAFAH program could not operate if the collection were conducted less frequently.

8. This information collection is being conducted in a manner consistent with the guidelines in 5 CFR 1320.6.

9. The information collection requirements contained in these application forms were described in the final rule for the SAFAH program, published in the **Federal Register** on November 7, 1989. In the preamble to that rule, the public was provided the opportunity to send comments to HUD by December 7, 1989, regarding the estimated public reporting burden or any other aspect of the collection of information described in the rule, including suggestions for reducing this burden. The need to proceed quickly with the funding competition limited the opportunity to consult further with the public about this information collection.

10. To the extent that any information collected is of a confidential nature, there will be compliance with Privacy Act requirements. However, the proposed application does not request the submission of such information.

11. This information collection does not include any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

12. Estimates of the annualized cost to the Federal Government and to the respondents of this information collection are:

| | |
|---|---|
| *Federal Government* | |
| *Cost:* | |
| Review, rank and select applicants | $8,400.00 |
| Notify selected applicants (clerical and professional staff time) | 2,000.00 |
| Total | 10,400.00 |

| | | |
|---|---|---|
| *Respondent's Cost* (per site): | | |
| Preparation of proposal: | | |
| Supplemental assistance: | | $624.00 |
| Comprehensive assistance: | | 1,188.00 |
| Administrative expenses | 1,500.00 | 1,500.00 |
| Total | 2,124.00 | 2,688.00 |

13. The following are estimates of the burden of this collection of information:

| | Number of respondents | Frequency of response | Hours per response | Burden hours |
|---|---|---|---|---|
| Comprehensive application | 250 | 1 | 100 | 25,000 |
| Supplemental application | 30 | 1 | 52 | 1,560 |
| Total | | | | 26,560 |

14. The burden hours have not been increased for the collection of information in the application forms.

15. The results of this collection of information are not planned to be published for statistical use.

BILLING CODE 4210-29-M

# Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)
# Part 1
# Project Summary

**U.S. Department of Housing and Urban Development**
Office of Community Planning and Development

**A. Name of Applicant :**

**B. Type of Applicant :**

**C. Is the Applicant a Primarily Religious Organization ?**

☐ Yes ☐ No (reference 579.110(c) of the SAFAH regulations)

**D. Funding Competition Request : (see instructions)**

☐ 1 ☐ 2

**E. Address(es) of Site(s) :**

**F. Sources and Uses Summary:**

| Activity Category (a) | Total Activity Cost (cols. c thru e) (b) | SAFAH Amount Requested (c) | Other Federal Funds (d) | Balance of Activity Cost (e) | Other Contributions (f) |
|---|---|---|---|---|---|
| 1. Acquisition | $ = | $ + | $ + | $ | |
| 2. Substantial Rehabilitation | $ = | $ + | $ + | $ | |
| 3. Moderate Rehabilitation | $ = | $ + | $ + | $ | |
| 4. Operating Costs | $ = | $ + | $ + | $ | |
| 5. Supportive Services | $ = | $ + | $ + | $ | |
| 6. Other Grant Assistance (only if you marked block "2" in item D, above) | $ = | $ + | $ + | $ | |
| 7. Subtotal (sum of lines 1 through 6 ) | $ = | $ + | $ + | $ | |
| 8. Administrative Costs (Maximum 5% of 7.(c)) | | $ | | | |
| 9. Total SAFAH Amount Requested | | $ | | | |

**Note:** The maximum SAFAH grant and/or advance that may be requested is $1 million per applicant. There is no minimum amount.

form HUD-40077

## Instructions for Part 1, Project Summary

**General:** Each proposal for SAFAH funding may include only one project. As used in this application, a "project" means an eligible activity or group of related eligible activities designed to assist homeless persons through the achievement of common objectives. Each proposed project will be assigned points and ranked separately in the competition with other proposals in the same funding category. There are two funding categories, as described in Item D, below. While each proposal includes only one project, a single project may involve more than one site. For example, a project could involve conversion of more than one building into facilities to assist the homeless, or it could involve expanded supportive services at multiple locations. Part 1, *Project Summary*, covers the entire project. If the project is to be carried out at more than one site, the data entered in Part 1 will be aggregate figures covering all project sites.

**Item A: Applicant** - Enter the name of the applicant. Note: The applicant's name should be the same as shown in Item 5 of Standard Form 424, Application for Federal Assistance.

**Item B: Applicant Type** - Enter State, metropolitan city, urban county, other governmental entity, Indian tribe, or private nonprofit organization, as appropriate, for the applicant identified in Item A.

### Special Instructions for Private Nonprofit Organizations:

If the applicant is a private nonprofit organization, then the following information and documentation must be provided in order to be considered for funding:

1. A copy of the organization's most recent Statement of Support, Revenue and Expenses, and Balance Sheet;

2. Evidence that the nonprofit organization:

a. operates in a manner so that no part of its net earnings inures to the benefit of any member, founder, contributor or individual. One acceptable form of evidence for this is a copy of the organization's IRS ruling providing tax exempt status under Section 501(c) (3) of the IRS Code of 1986, as amended;

b. has a voluntary Board of Directors; and

c. (i) has a functioning accounting system that is operated in accordance with generally accepted accounting principles (as evidenced by either an audit or certification by a CPA or Public Accountant, or some other independent third-party qualified to provide an informed opinion); or

(ii) has designated a qualified entity to maintain a functioning accounting system in accordance with generally accepted accounting principles. Provide the name and address of the entity if one has been designated.

Note: HUD will not consider an application for funding from a private nonprofit applicant which does not meet the above requirements.

**Item C:** To the question: "Is the applicant a primarily religious organization?" mark "Yes" or "No" as appropriate.

**Item D. Funding Competition Request:** The following are the two types of assistance that may be requested under the SAFAH Program. Indicate in Item D to which of the two funding categories (1 or 2) this proposal applies:

(1) **Comprehensive Assistance:** HUD will provide funds for proposals that are particularly innovative, or are reflective of alternative methods, for meeting the immediate and long-term needs of homeless individuals and families. The purpose of such assistance is to stimulate the development and implementation of innovative community-based, comprehensive efforts to respond to the problems of the homeless. (Reference Section 579.100)

(2) **Assistance in Excess of Emergency Shelter Grants (ESG) and Supportive Housing Demonstration (SHD) program funding.** HUD will provide assistance to proposals that cover the costs in excess of an applicant's established ESG or SHD programs, when the proposal (a) meets the special needs of homeless families with children, elderly homeless individuals or handicapped homeless persons; (b) facilitates the transfer and utilization of public buildings to assist homeless individuals and families; or (c) provides supportive services for the homeless. Assistance under this category will be made available only in connection with a project that has been approved, or has received, funding under the ESG or SHD programs. (Reference section 579.105)

**Note: Eligible applicants for comprehensive assistance will be funded first. If there are funds available after all eligible applications for comprehensive assistance have been funded, then applications for assistance in excess of funds received under the ESG or SHD programs will be considered.**

**Item E:** A proposal for SAFAH assistance may involve more than one project site (structure). In such cases, list the address of each site.

**Item F: Sources and Uses Summary:**

**Column (a): Activity Category** - The following describes the types of funding available under the SAFAH program.

**Line 1. Acquisition:** Advances to defray the cost of acquiring existing structures to be used as facilities to assist the homeless. This would also include an advance for a lease on such a structure.

**Line 2. Substantial Rehabilitation:** Advances to defray the cost of substantially rehabilitating structures for use for the homeless. Substantial rehabilitation is defined as rehabilitation of a building that involves costs of rehabilitation in excess of 75 percent of the value of the building before rehabilitation. A proposal may request an advance that includes both acquisition and substantial rehabilitation.

Note: **Terms of an Advance for Acquisition and/or Substantial Rehabilitation** - HUD will make advances consistent with the terms described in section 579.310 of the SAFAH regulations.

**Line 3. Moderate Rehabilitation:** Grants to defray the cost of moderate rehabilitation of existing structures to assist the homeless. Moderate rehabilitation is defined as rehabilitation of a building that involves costs of 75 percent or less of the value of the building before rehabilitation.

**Line 4. Operating Costs:** Grants to pay for the costs associated with the day-to-day operation of facilities to assist the homeless, including expenses incurred for administration (including staff salaries), maintenance, minor or routine repair, security, rental, utilities, fuel, furnishing and equipment of such facilities, and relocation assistance. Reference section 579.5, "Operating Costs." These grants may cover a period of from one to five years.

**Line 5. Supportive Services:** Grants to pay for the costs of providing supportive services to assist the homeless for a period of from one to five years. Such costs include salaries paid to providers of supportive services, the costs of conducting resident supportive services needs assessments, and any other costs directly associated with providing such services. Outpatient health services are also an eligible supportive service activity, but have a spending limitation that no more than $10,000 can be expended from a recipient's grant or advance for outpatient health services. This limitation does not apply to amounts expended for the rehabilitation or conversion of facilities to assist the homeless that are used to provide outpatient health services. (Reference section 579.110(f)).

**Line 6. Other Grant Assistance:** Applies only to proposals seeking assistance in "excess of Emergency Shelter Grant (ESG) and Supportive Housing Demonstration (SHD) program funding" and is assistance that would be used to carry out any activities eligible under ESG and SHD programs that are not covered by any of the activity categories above.

**Line 8. Administrative Costs:** Costs of administering the SAFAH assistance, such as the cost of audits. Recipients are allowed to expend no more than 5% of line 7, column (c) for costs associated with the administration of their advances and/or grants.

Column (b): **Total Activity Cost** - For each line, 1 through 7, enter the sum of columns (c) through (e). For each activity category listed in column (a), Total Activity Cost represents the total amount needed from all sources to carry out the activity. **Do not** include amounts from column (f).

Column (c): **SAFAH Amount Requested** - Enter the amount of SAFAH funds requested for each activity category listed in column (a).

**Line 1. Acquisition:** Enter the amount of the SAFAH advance requested for acquisition.

**Line 2. Substantial Rehabilitation:** Enter the amount of the SAFAH advance requested for substantial rehabilitation.

**Line 3. Moderate Rehabilitation:** Enter the amount of the SAFAH grant requested for moderate rehabilitation .

**Line 4. Operating Costs:** Enter the amount of the SAFAH grant requested for the operation of facilities to assist the homeless. The amount entered must be equal to the total amount of grant funds requested for the budget period covered by this grant application, i.e., from one (1) to five (5) years and be equal to the amount shown in Part 3, Budget, line 1.a., column (g). If facilities will be operated at more than one site, the amount entered must equal the sum of the amounts shown on line 1.a., column (g) of the Budget for each site.

**Line 5. Supportive Services:** Enter the amount of the SAFAH grant requested for the supportive services to be provided . The amount shown must be equal to the total amount of grant funds requested for the budget period covered by this grant application, i.e., from one (1) to five (5) years, and be equal to the amount shown in Part 3, Budget, line 1.b., column (g).If supportive services will be provided at more than one site, the amount entered must equal the sum of the amounts shown on line 1.b., column (g) of the Budget for each site.

**Line 6. Other Grant Assistance:** Enter the amount of the SAFAH grant requested to carry out activities eligible under the Emergency Shelter Grants (ESG) or Supportive Housing Demonstration (SHD) programs that are not covered by any of the activity categories above.

**Line 7. Subtotal:** Enter the sum of all amounts listed in column (c), lines 1 through 6.

**Line 8. Administrative Costs:** Enter the amount of SAFAH grant requested to administer the SAFAH advances and/or grants. The amount entered may not exceed 5% of line 7, column (c).

**Line 9. Total SAFAH Amount Requested:** Enter the sum of lines 7 and 8, column (c).

**Column (d). Other Federal Funds:** For each line, 1 through 6, enter any Federal funds, other than the amount of SAFAH funds shown in column (c), that have been committed for use in meeting the expenses of the corresponding activity listed in column (a). For example, grant funds awarded by the Federal Emergency Management Agency may represent part of the funds needed for operating the facility described in this SAFAH proposal. (Federal monetary contributions to the activity are not included in the leveraging computation under the ranking criteria. Note, however, that funds from Community Development Block Grants and Community Services Block Grants are considered non-Federal sources. Reference: 579.115)

In support of the amount entered in column (d) for any activity category, attach a list of the source and amount of each Federal commitment.

On line 7, enter the sum of all amounts listed in column (d), lines 1 through 6.

Column (e): **Balance of Activity Cost** - For each line, 1 through 6, enter any resources, other than Federal monetary contributions, that will be used in meeting the expenses of the corresponding activity listed in column (a). However, such resources are limited to those for which documentation is submitted with this application supporting the availability of non-Federal contributions, as described below. This includes both cash and the value of in-kind contributions. For example, if an applicant proposes to substantially rehabilitate a building it currently owns, and the applicant will contribute $10,000 worth of building materials and $5,000 in local cash toward the cost of rehabilitation, then the applicant should enter $15,000 on line 2, column (e).

**The value of contributions related to the activity, but which will not actually meet part of the expense of the specific activity, must not be entered in column (e). For example, if the building being rehabilitated is donated to the project, the building's fair market value must not be entered in column (e), because that donation will not help meet the cost of the rehabilitation. The donation of the building will be reflected in column (f), Other Contributions.**

In support of the amount entered in column (e) for any activity category, attach a list of the source and amount of each contribution to the balance of the activity's cost. Also, see the discussion below on the documentation required to be submitted to support the availability of non-Federal contributions.

On line 7, enter the sum of all amounts listed in column (e), lines 1 through 6.

Column (f): **Other Contributions:** For each line, 1 through 6, enter the value of contributions related to the corresponding activity, but which will not actually meet part of the expense of that activity. See example under the instructions for column (e). Do not include in column (f) any amount included in column (e).

Such contributions are limited to those for which documentation is submitted with this application supporting the availability of non-Federal contributions. In support of the amount entered in column (f) for any activity category, attach a list of the source and amount of each contribution related to the activity. Also see the discussion below on the documentation required to be submitted to support the availability of non-Federal contributions.

On line 7, enter the sum of all amounts listed in column (f), lines 1 through 6.

Note: The sum of the amounts entered in columns (e) and (f) will be used in the computation of leveraging under the ranking criterion described in 579.215 (b) (3).

**Documentation to Be Submitted to Support the Availability of Non-Federal Contributions.** Each amount entered in column (e) or (f) must be supported by documentation, as described below:

**1. Cash Contributions:**

**a. By Applicant** - An applicant committing its own funds must commit to a specific dollar amount in writing by an authorized representative of the applicant with the authority to certify that such funds are currently available, committed to the project and will be held exclusively for this purpose. If the commitment requires the authorization of a board, the applicant should submit a copy of the resolution making that commitment. The applicant must submit financial statements demonstrating that the funds are currently available or the applicant may submit a letter from a banking institution in which such funds are maintained certifying the amount of the funds on deposit and that such funds are unencumbered and available for this project.

**Rental Income** - An applicant requesting an operating grant may include rental payments to be paid (during the period covered by the Operations Budget shown in Part 3 of this application) by residents of the facility(ies) assisted under this proposal. Documentation of the contribution of rental income for the applicant's non-Federal share would show the total estimated number of households occupying the facility, an estimate of the monthly or annual rent to be charged, and the estimated total annual amount of rent to be collected.

**b. By Third-party** - If the applicant proposes to use funds from a grant or donation as a source of its non-Federal contributions in either columns (e) or (f), then the following documentation must be submitted for each such grant or donation:

(i) the name of the party making the grant or donation;
(ii) the dollar amount of the grant or donation;
(iii) evidence, such as a commitment letter from the third-party, that the funds have been granted or pledged, or if this is not possible, the factual basis on which the applicant has the expectation of receiving the funds, such as past funding experience; and
(iv) the approximate date the funds will be made available. The commitment may be conditioned upon the receipt of HUD funds under this proposal, however, the commitment must not include any other conditions affecting the availability or provision of the grant or donation.

2. "In-kind" contributions:

a. Contribution of building - An applicant requesting an advance and/or a grant may contribute its fee simple ownership in the structure(s) for the site(s) shown for this proposal in Item E. of this application form. For purposes of establishing the amount to be leveraged, HUD will recognize the fair market value of the structure to be contributed. If the applicant is making such a contribution, then the following documentation should be submitted:
(i) a pledge from an authorized official of the applicant contributing the real property to the project; and
(ii) evidence substantiating the fair market value of the real property identified in Item E. of this form. Such evidence may be in the form of an appraisal of the real property or an estimate from a qualified independent third-party verifying the market value of comparable property in the project area.

b. Contribution of leasehold interest - An applicant requesting an advance or a grant may contribute its leasehold interest in the facility(ies) listed in Item E. of this application form. For purposes of establishing the amount to be leveraged, HUD will recognize the fair rental value of the building. If the applicant is making such a contribution, then the following documentation should be submitted:
(i) a pledge from an authorized official of the applicant contributing the leasehold interest of the facility to the project;
(ii) an executed copy of the applicant's lease for the facility; and
(iii) evidence substantiating the fair rental value of the lease. Such evidence may include the lease submitted for (ii) above if it shows the term of the lease and the annual lease amount to be paid and documentation from an independent third-party, such as a real estate firm, with knowledge of the area, attesting to the current market rental rates for similar space in the project area.

c. Volunteer time and services - HUD will recognize time and services to be contributed to the project by volunteers at the value of $5.00 per hour. To support the volunteer time and services to be used as non-Federal contributions, provide the following information by activity category (i.e., substantial rehabilitation, operating costs, etc.):
- the name, address and telephone number of the person or organization volunteering time and services;
- a written commitment from the person or organization specifying the number of hours of volunteer time and services to be contributed; and
- a summary of the total number of hours to be contributed, by activity category, and the total value of those hours, calculated at $5.00 per hour.

d. Contributed materials - HUD will recognize the value of materials to be contributed to the project. To support the value of the donated materials, provide the following information by activity category (i.e. substantial rehabilitation, operating costs,etc):
- the name, address and telephone number of the person or organization donating the materials;
- a written commitment from the person or organization to provide the donated materials, including a dollar valuation of the materials; and
- a list of the materials with their estimated value.

**Checklist:** The required information described in these Part 1 instructions should be enclosed behind the Part 1, Project Summary, form in the order it is described. To ensure that the necessary information is submitted, place check marks in the boxes below when the information is assembled in order and enclosed behind the form. Where a listed item does not apply, write "NA" in the box.

☐ **1.1 Nonprofit Financial Information:** If the applicant is a private nonprofit organization, provide a copy of the required financial documents and other evidence concerning the nonprofit's operations.

☐ **1.2 Other Federal Funds:** In support of the amounts entered in Part 1, column (d), *Other Federal Funds*, list the source and amount of each Federal commitment for each activity category listed in column (a).

☐ **1.3 Balance of Activity Cost:** In support of the amounts entered in Part 1, column (e), *Balance of Activity Cost*, list the source and amount of each contribution for each activity category listed in column (a) and provide the documentation required concerning the availability of the contribution.

☐ **1.4 Other Contributions:** In support of the amounts entered in Part 1, column (f), *Other Contributions*, list the source and amount of each contribution for each activity category listed in column (a) and provide the documentation required concerning the availability of the contribution.

Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)

# Part 2 Project Description

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

1. Name of Applicant :

2. Address of Site :

| 3. Size of Project Site : | 4. Size of Building | 5. Size of Expansion | 6. Occupancy Type : | 7. No. of Bedrooms | | 8. No. of Beds | |
|---|---|---|---|---|---|---|---|
| ☐ in Acres or ☐ in Sq. Ft. | Sq. Ft. | Sq. Ft. | | Current : | Proposed | Current : | Proposed : |
| | | | | | | | |

9. Project Description Attachments:
   a. Additional description of building;
   b. Description of each activity (e.g., substantial rehabilitation; supportive services) for which SAFAH funds are being sought for this site;
   c. Budget breakdown for each activity for which SAFAH funds are being sought for this site.

| 10. Comprehensive Assistance Proposal | Families and Persons Served at this Site | (I) Currently | | (II) Proposed | |
|---|---|---|---|---|---|
| | | No. of Families | No. of Persons | No. of Families | No. of Persons |
| | a. Homeless Families with Children | | | | |
| | b. Homeless Elderly | | | | |
| | c. Other (specify) | | | | |
| | | | | | |
| | d. Total | | | | |

| 11. Assistance In Excess of ESG & SHD | Families and Persons Served at this Site | (I) Currently | | (II) Proposed | |
|---|---|---|---|---|---|
| | | No. of Families | No. of Persons | No. of Families | No. of Persons |
| | a. Homeless Families with Children | | | | |
| | b. Homeless Elderly | | | | |
| | c. Handicapped Homeless | | | | |
| | d. Other (specify) | | | | |
| | | | | | |
| | e. Total | | | | |

12. Within how many months from the award of SAFAH assistance will homeless persons begin to be served by the proposed activities?
_____ months

13. Does this proposal request SAFAH assistance for child care for children of homeless families?
☐ Yes ☐ No (if yes, see instructions)

14. If this proposal is for assistance in excess of ESG and SHD program funding, will the assistance result in the transfer and use of a public building to assist the homeless?
☐ Yes ☐ No

15. Will this project involve the displacement of any "person" (i.e., individual, family, business, nonprofit, or farm)?
☐ Yes ☐ No

## Instructions for Part 2, Project Description

Fill out a Part 2 form for each site identified in Item E, "Address(es) of Site(s)" in Part 1 of this application.

**Item 2. Address of Site:** Enter the address where the proposed project (or part of the project) will be located. **Note:** This address should be the same as the address (or one of the addresses) entered in Item E of Part 1 of this application.

**Item 3. Project Site Size:** Enter the size of the site identified in Item 2.

**Item 4. Building Size:** Enter the size of the building(s), in square feet, which currently exists on the project site. If this site is vacant, write "vacant" in the space provided.

**Item 5. Expansion Size:** If applicable, enter the number of square feet which are proposed to be added to the building(s) in Item 4.

**Item 6. Occupancy Type:** Enter the type of bedrooms (i.e., dormitory, single occupancy, double occupancy, or other) that are proposed under this project.

**Item 7. Number of Bedrooms:** In the space labeled "current," enter the number of bedrooms which currently exist in the building(s) on this site. In the space labeled "proposed," enter the total number of bedrooms which will be available in the building(s) on this site if this project is approved.

**Item 8. Number of Beds:** In the space labeled "current," enter the number of beds which currently exist in the building(s) on this site. In the space labeled "proposed," enter the total number of beds which will be available in the building(s) on this site if this project is approved.

**Item 9. Project Description Attachments:** The following information must be attached to this Part 2 form:

**a. Additional description of building** - Describe the outside dimensions of the building, the number of usable floors, the kitchen and bathroom facilities, and any amenities.

**b. Description of each SAFAH-assisted activity** - Briefly describe each activity for which SAFAH funds are being sought for this site. Describe the entire activity, regardless of whether SAFAH funds are proposed to pay all, or just part, of the activity's cost. The activity categories, as listed in column (a) of Part 1 of this application, are acquisition, substantial rehabilitation, moderate rehabilitation, operating costs, supportive services, and other grant assistance. "Other grant assistance" applies only to proposals seeking assistance in excess of Emergency Shelter Grant and Supportive Housing Demonstration program funding.

If SAFAH funds are proposed for use in acquiring, substantially rehabilitating, or moderately rehabilitating an existing building, state the appraised value of the building and identify the source of the appraisal. The appraisal itself must be kept on file by the applicant.

If SAFAH funds are proposed for use in leasing an existing building, state the current fair market rental value of the lease and describe how, and by whom, that value was established. Evidence substantiating the fair market rental value of the lease must be kept on file by the applicant. Such evidence may include the proposed lease showing the term and annual lease amount to be paid and documentation from an independent third-party, such as a real estate firm with knowledge of the area, attesting to the current market rental rates for similar space in the project area.

**c. Budget breakdown for each SAFAH-assisted activity** - Provide a budget breakdown for each activity for which SAFAH funds are being sought for this site, as follows:

**Acquisition:**

- the total amount to be paid for the site; and
- the closing costs, but not including prepaid items.

**Substantial Rehabilitation or Moderate Rehabilitation:**

- the total dollar estimate of work to be done at this site;
- a breakdown of all hard construction costs, including a breakdown by labor and material costs shown by trade (i.e., carpentry, plumbing, heating/air conditioning, etc.) and a breakdown of all soft costs (i.e., architect fees, taxes, permits, etc.) which make up the total cost of the rehabilitation work; and
- the methods by which these costs were calculated (e.g., architect's estimate, contractor's estimate, supplier's estimate, etc.).

Indicate how much of the acquisition and/or rehabilitation cost will be paid with SAFAH funds.

**Operating Costs and Supportive Services:** Part 3 of this application, the Budget, provides the needed budget breakdown for operating cost and supportive services activities.

**Note: When a project is carried out at more than one site, the sum of the budgets for each activity (e.g., moderate rehabilitation) at all sites must equal the "Total Activity Cost" for that type of activity as shown in column (b) of Part 1 of this application.**

**Item 10. Comprehensive Assistance Proposal: Families and Persons Served At This Site** - Complete this item if SAFAH assistance is requested under funding category 1, as shown in Item D of Part 1 of this application. **Note:** If a family or person served at this site can be classified in more than one of the categories listed, include that family or person in only one category to avoid double counting when the numbers are totaled on line 10d.

**a. Homeless Families with Children:**

**Column (i)** - Enter the number of homeless families with children who are currently served at this site. Also enter the total number of persons in all of those families.

**Column (ii)** - Enter the estimated number of homeless families with children who will be served at this site if this project is approved, including those currently served. Also enter the total number of persons in all of those families.

**b. Homeless Elderly:** An elderly homeless person is a homeless person who is 62 years of age or older.

**Column (i)** - Enter the number of homeless families currently served at this site where the head of the family (or the spouse of the head of the family) is an elderly homeless person. Also enter the total number of persons in all of those families plus all other elderly homeless persons currently served at this site.

**Column (ii)** - Enter the estimated number of homeless families who will be served at this site if this project is approved, including those currently served, where the head of the family (or the spouse of the head of the family) is an elderly homeless person. Also enter the total number of persons in all of those families plus all other elderly homeless persons who are expected to be served at this site if this project is approved.

**c. Other** - For any subgroup(s) of the homeless population not covered on lines 10a or 10b, enter the name of that subgroup in the space provided. Then, opposite that space, complete columns (i) and (ii), with column (i) showing the number of the families and persons in the subgroup who are currently served at this site and column (ii) showing the number of the families and persons in the subgroup who are expected to be served at this site if this project is approved.

**d. Total** - Enter the sum of each column within Item 10.

**Item 11. Assistance in Excess of ESG and SHD: Families and Persons Served At This Site** - Complete this item only if SAFAH assistance is requested under funding category 2, as shown in Item D of Part 1 of this application. **Note:** If a family or person served at this site can be classified in more than one of the categories listed, include that family or person in only one category to avoid double counting when the numbers are totaled on line 11e.

**a. Homeless Families with Children:**

**Column (i)** - Enter the number of homeless families with children who are currently served at this site. Also enter the total number of persons in all of those families.

**Column (ii)** - Enter the estimated number of homeless families with children who will be served at this site if this project is approved, including those

currently served. Also enter the total number of persons in all of those families.

**b. Homeless Elderly:** An elderly homeless person is a homeless person who is 62 years of age or older.

**Column (i)** - Enter the number of homeless families currently served at this site where the head of the family (or the spouse of the head of the family) is an elderly homeless person. Also enter the total number of persons in all of those families plus all other elderly homeless persons currently served at this site.

**Column (ii)** - Enter the estimated number of homeless families who will be served at this site if this project is approved, including those currently served, where the head of the family (or the spouse of the head of the family) is an elderly homeless person. Also enter the total number of persons in all of those families plus all other elderly homeless persons who are expected to be served at this site if this project is approved.

**c. Handicapped Homeless:** A handicapped homeless person is a handicapped person who is homeless, or who is currently not a homeless person but is at risk of becoming a homeless person, or who has been a resident of transitional housing assisted under the Transitional Housing program. Reference 579.5.

**Column (i)** - Enter the number of homeless families currently served at this site where the head of the family (or the spouse of the head of the family) is a handicapped homeless person. Also enter the total number of persons in all of those families plus all other handicapped homeless persons currently served at this site.

**Column (ii)** - Enter the estimated number of homeless families who will be served at this site if this project is approved, including those currently served, where the head of the family (or the spouse of the head of the family) is a handicapped homeless person. Also enter the total number of persons in all of those families plus all other handicapped homeless persons who are expected to be served at this site if this project is approved.

**d. Other** - For any subgroup(s) of the homeless population not covered on lines 11a through 11c, enter the name of that subgroup in the space provided. Then, opposite that space, complete columns (i) and (ii), with column (i) showing the number of the families and persons in the subgroup who are currently served at this site and column (ii) showing the number of families and persons in the subgroup who are expected to be served at this site if this project is approved.

**e. Total** - Enter the sum of each column within Item 11.

**Item 13.** In ranking proposals, HUD will consider whether the applicant's proposal requests SAFAH assistance for child care for children of homeless families. Reference 579.215(b). If the response to the question posed in Item 13 is "Yes" and the SAFAH assistance will be used for acquisition or rehabilitation of a structure for a child care facility, submit a detailed description of the facility, including its physical aspects and its amenities, and state the amount of SAFAH assistance that would be used for the facility. Also describe any supportive services that would be provided in conjunction with the child care facility and how many homeless children would be served. If SAFAH funds will be used for child care services, a description of the services is required as an attachment to Part 3, Budget, as explained in the instructions to line 12b of Part 3.

**Item 14.** Mark "Yes" or "No," as appropriate. Reference 579.105.

**Item 15.** If the answer is "Yes," contact the HUD Field Office for guidance. Generally, a person occupying property who moves permanently and involuntarily as a direct result of acquisition, rehabilitation, or demolition for the project is a "displaced person".

**Checklist:** The required information described in these Part 2 instructions should be enclosed behind the Part 2, Project Description, form in the order it is described. To ensure that the necessary information is submitted, place check marks in the boxes below when the information is assembled in order and enclosed behind the form. If there is more than one project site, a separate form and enclosures are required for each site.

☐ **2.1 Additional Description of Building:** Describe the outside dimensions of the building, the number of usable floors, the kitchen and bathroom facilities, and any amenities.

☐ **2.2 Description of SAFAH-Assisted Activities:** Briefly describe each activity for which SAFAH funds are being sought for this site.

☐ **2.3 Budget Breakdown for each SAFAH-Assisted Activity:** Provide a budget breakdown for each activity for which SAFAH funds are being sought for this site.

☐ **2.4 SAFAH Assistance for Child Care:** If SAFAH assistance is sought for a child care facility that will serve children of homeless families, provide a detailed description of the facility, including its physical aspects and its amenities, and state the amount of SAFAH assistance that would be used for the facility. Also, describe any supportive services that would be provided in conjunction with the child care facility and how many homeless children would be served. If SAFAH assistance is not being sought for this purpose, write "NA" (not applicable) in the box.

Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)
**Part 3**

**U.S. Department of Housing and Urban Development**
Office of Community Planning and Development

## Budget for Operations and Supportive Services

A. Name of Applicant :

B. Address of Site :

C. (mark one)
☐ New Program
☐ Expansion of an Existing Program

| Resources (a) | Year 1 (b) | Year 2 (c) | Year 3 (d) | Year 4 (e) | Year 5 (f) | Total (cols .b-f) (g) |
|---|---|---|---|---|---|---|
| 1. SAFAH Amount Requested | | | | | | |
| a. SAFAH Grant for Operations | | | | | | |
| b. SAFAH Grant for Supportive Services | | | | | | |
| 2. Other Federal Funds | | | | | | |
| 3. Balance of Activity Resources | | | | | | |
| a. Non-Federal Cash Contributions | | | | | | |
| b. In-Kind Contributions | | | | | | |
| 4. a. Documented Resources (lines 1a thru 3b) | | | | | | |
| b. Anticipated Resources | | | | | | |
| c. Total Resources | | | | | | |
| **Line Item Expenses** | | | | | | |
| 5. Rent | | | | | | |
| 6. Maintenance/Repair | | | | | | |
| 7. Security | | | | | | |
| 8. Utilities/Fuels | | | | | | |
| 9. Furnishings/ Equipment | | | | | | |
| 10. Staff Salaries (attributable to project) | | | | | | |
| 11. Other | | | | | | |
| 12. Supportive Services | | | | | | |
| a. Outpatient Health Services | | | | | | |
| b. Child Care Services | | | | | | |
| c. Other | | | | | | |
| **13. Total Expenses** | | | | | | |
| Start Date | | | | | | |
| End Date | | | | | | |

form HUD-40077

## Instructions for Part 3, Budget for Operations and Supportive Services

General: The SAFAH regulations at section 579.210(b)(5)(iii) require applicants to submit estimated annual budgets of operating costs, supportive services costs, and any other applicable costs for the period of assistance. At each site where SAFAH funds are used for operating costs and/or supportive services, therefore, the budget must cover the number of years of SAFAH assistance requested (i.e., from one to five years). However, at each site where SAFAH funds are proposed to be used for acquisition and/or rehabilitation activities (whether or not in combination with SAFAH funded operating costs and/or supportive services), applicants are requested to submit a five-year budget covering facility operations and supportive services. This will provide a more comprehensive view of how the facility will assist the homeless, and will provide additional opportunities for the applicant to receive credit for leveraging under the ranking criteria. Non-Federal cash and in-kind contributions included in the budget will be counted in the leveraging computation under the ranking criteria to the extent that documentation is submitted supporting the availability of such non-Federal contributions. (The documentation requirements are described in the instructions of Part 1 of this application under the heading "Documentation to be Submitted to Support the Availability of Non-Federal Contributions.")

For example, where SAFAH funds will be used for converting a structure into a facility to assist the homeless, time and services to be contributed by volunteers for operating the new facility or providing supportive services during the five-year period covered by the budget will count in the leveraging computation to the extent the contributions are supported by required documentation.

Documented resources, including SAFAH funds requested, commitments of other Federal funds, and documented non-Federal cash and in-kind contributions, are to be shown on lines 1a through 4a of the budget by year. Anticipated resources that do not meet the documentation requirements are to be shown together by year on line 4b.

Item A. Applicant's Name: Enter the name of the applicant. Note: The applicant's name should be the same as shown in Item 5 of Standard Form 424, Application for Federal Assistance.

Item B. Address of Site: Enter the address of the site (or one of the sites) where the project (or part of the project) will be located. Note: This address should be the same as the address (or one of the addresses) entered in Item E, "Address(es) of Site(s)", in Part 1 of this application.

Item C. New Program or Expansion of Existing Program : Mark one of the two boxes. Reference 579.110(a).

### Special Instructions for Expansion Programs

If SAFAH assistance is being requested to expand an existing program, submit as an attachment a description of how the expansion meets one or more of the following criteria, as described in more detail in section 579.110(a):

- A substantial increase in the number of homeless persons for whom housing will be provided;
- A substantial increase in the level of supportive services to be provided;
- A substantial change in the use of existing facilities for the homeless;or
- For funding category 2 only, improvements to an existing structure necessary to bring the structure to a level which meets applicable state and local government health and safety standards.

**When an existing program is proposed for expansion, this budget must only cover the resources and expenses associated with the proposed expansion of operations and services above the current level.**

## Instructions for All Applicants

**Line 1a. SAFAH Grant for Operations:** SAFAH grants for operating costs may cover a period of from one to five years. In columns (b)-(f), enter the amounts of the SAFAH grant requested for the operation of the facility located at this site for each year, and enter the total for the five years in column (g). The amount entered in column (g) must equal the amount shown in Part 1 of this application on line 4, column (c), unless the SAFAH grant will be used to pay operating costs at more than one site. In that case, the sum of the amounts shown on line 1a, column (g), of the Budget for each site must equal the amount shown in Part 1 on line 4, column (c).

**Line 1b. SAFAH Grant for Supportive Services:** SAFAH grants for supportive services may cover a period of from one to five years. In columns (b)-(f), enter the amounts of the SAFAH grant requested for supportive services to be provided at this site each year, and enter the total for the five years in column (g). The amount entered in column (g) must equal the amount shown in Part 1 of this application on line 5, column (c), unless the SAFAH grant will be used to pay for supportive services at more than one site. In that case, the sum of the amounts shown on line 1b, column (g), of the Budget for each site must equal the amount shown in Part 1 on line 5, column (c).

**Line 2. Other Federal Funds:** In columns (b)-(f), enter the amounts of committed Federal funds, other than the amounts of SAFAH funds shown on lines 1a and 1b, that will be used in meeting the costs of operations or supportive services at this site each year, and enter the total for the five years in column (g). (Note: Funds from Community Development Block Grants and Community Services Block Grants are not considered to be Federal funds; they may be included as non-Federal cash contributions on line 3a, below.) Attach a list showing the sources and amounts of "Other Federal Funds" committed for use in meeting the costs of operations or supportive services at this site. Alternately, incorporate by reference relevant items from the listing of sources and amounts included with Part 1 of this application.

The amount entered in column (g) must equal the sum of the amounts shown in Part 1 of this application in column (d) for lines 4 and 5, unless these "Other Federal Funds" will be used to pay for operating costs or supportive services at more than one site. In that case, the sum of the amounts shown on line 2, column (g), of the Budget for each site must equal the sum of the amounts shown in Part 1 in column (d) for lines 4 and 5.

**Line 3a. Non-Federal Cash Contributions:** In columns (b)-(f), enter the amounts of cash contributions, other than Federal cash contributions shown on lines 1a-2, that will be used in meeting the costs of operations or supportive services at this site each year, and enter the total for the five years in column (g). Only include contributions to the extent that documentation is submitted as an enclosure to Part 1 of this application supporting the availability of such contributions. Attach a list showing the sources and amounts of non-Federal cash contributions . Alternately, incorporate by reference relevant items from the listing of sources and amounts included with Part 1.

**Line 3b. In-Kind Contributions:** In columns (b)-(f), enter the value of in-kind contributions that will be used in meeting the costs of operations or supportive services at this site each year, and enter the total for the five years in column (g). Only include in-kind contributions to the extent that documentation is submitted as an enclosure to Part 1 of this application supporting the availability of such contributions. Attach a list showing the value of the material, time and services to be contributed in each year. Alternately, incorporate by reference relevant items from the listing of sources and amounts included with Part 1.

Note: The sum of the amounts entered in column (g) for lines 3a and 3b must equal the sum of the amounts shown in Part 1 of this application in column (e)

for lines 4 and 5, unless in-kind contributions will be used in meeting the costs of operations or supportive services at more than one site. In such case, the sum of the amounts shown in column (g) for lines 3a and 3b of the Budget for each site must equal the sum of the amounts shown in Part I in column (e) for lines 4 and 5.

**Line 4a. Documented Resources:** For each year, enter the sum of lines 1a through 3b.

**Line 4b. Anticipated Resources:** For each year, enter the amount of anticipated resources that do not meet the documentation standards referenced above.

**Line 4c. Total Resources:** For each year, enter the sum of lines 4a and 4b.

**Line Item Expenses (Lines 5-12c):** For each year, enter the estimated expenses at this site, by appropriate line item, for operating costs and supportive services costs, regardless of whether SAFAH funds will be used to pay such costs. The line item expenses must include all estimated costs (i.e., both those to be met through actual outlays and those to be met through in-kind contributions).

**If a SAFAH grant for operating costs is being requested,** the budget must be accompanied by a brief description of each line item expense for lines 5-11, including a breakdown of the individual costs that comprise each of the line item expenses.

**Line 10. Staff Salaries:** Covers the salaries of staff who operate the facility, but does not include the salaries of supporting services providers, which should be included on line 12a, 12b, or 12c, as appropriate. If necessary, prorate a salary between line 10 and line 12a, 12b, or 12c.

**Line 11. Other:** Covers any administrative cost (other than staff salaries, which are covered in line 10) involved in operating the facility. It also covers any relocation assistance for displaced persons. See section 579.315. If permanent or temporary relocation is required, submit information identifying the agency that will provide payments and services, and provide the basis for the cost estimate, by person. Line 11 does not include expenses of administering the SAFAH advance or grant, such as audit expenses, which should be reflected only on line 8 of Part I of this application.

**Line 12a. Outpatient Health Services:** Enter the amounts representing outpatient health services, if any, and provide on a separate sheet the name and budget amount for each outpatient health service. Reference 579.5 for definition of examples of these services. If SAFAH funds will be used for outpatient health services, identify the services and indicate the amount. No more than $10,000 of any SAFAH grant may be used for outpatient health services.

**Line 12b. Child Care Services:** Enter the amounts representing child care services, if any, and provide on a separate sheet the name and budget amount for each such service. If SAFAH funds will be used for child care services, identify the services, indicate the SAFAH amount, and provide a cost breakdown, including the salaries of the providers, by position (e.g., director - $25,000).

**Line 12c. Other:** Enter the amounts representing other supportive services included in the project, if any, and provide on a separate sheet the name and budget amount for each such service. If SAFAH funds will be used for any such services, identify the services, the SAFAH amount, and provide a cost breakdown, including the salaries of the providers, by position, (e.g., counselor - $25,000).

**Line 13. Total Expenses:** For each year, enter the total of lines 5-12c. The amount entered for Total Expenses should equal the amount entered for Total Resources on line 4c for each corresponding year.

**Start Date/End Date:** In the spaces provided, enter the start and end dates of each budget year.

**Checklist:** The required information described in these Part 3 instructions should be enclosed behind the Part 3, Budget, form in the order it is described. To ensure that the necessary information is submitted, place check marks in the boxes below when the information is assembled in order and enclosed behind the form. Where a listed item does not apply, write "NA" in the box. If there is more than one project site, a separate form and enclosures are required for each site.

☐ **3.1 Expansion of Existing Program:** If SAFAH assistance is being requested to expand an existing program, provide a description of how the expansion meets one or more of the criteria described in section 579.110(a) of the SAFAH regulations.

☐ **3.2 Other Federal Funds:** List the sources and amounts of "Other Federal Funds" that are committed for use in meeting the costs of operations or supportive services.

☐ **3.3 Non-Federal Cash Contributions:** List the sources and amounts of "Non-Federal Cash Contributions" that will be used in meeting the costs of operations or supportive services.

☐ **3.4 In-Kind Contributions:** List the value of the material, time and services to be contributed toward meeting the costs of operations or supportive services.

☐ **3.5 Operating Expenses:** If SAFAH funds are being requested for operating expenses, provide a brief description of each line item expense for lines 5 - 11, including a breakdown of the individual costs that comprise each of the line item expenses.

☐ **3.6 Supportive Services Expenses:** Provide a listing of the name and budget amount for each outpatient health service, each child care service, and any other supportive service included in the project. If SAFAH funds will be used for the service, identify the service, indicate the SAFAH amount, and provide a cost breakdown, including the salaries of the providers. The cost breakdown is not required for outpatient health services.

# Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)
# Part 4
# Ranking Information

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Name of Applicant

**Instructions:** Attach sheets to this form providing the required information in the order it is described on this form. After the information is assembled in order and attached to this form, place check marks in the boxes which appear below.

**Points:** Each proposal will be assigned points and placed in rank order by HUD based upon the information in this application, including the information requested below, which relates to each of the following criteria. A proposal can receive a maximum of 1000 points. (Reference: 579.215)

**4.1. Innovation (200 points):** HUD will consider the extent to which the proposal involves a particularly innovative program for, or alternate methods of, meeting the immediate and long-term needs of the homeless individuals and families.

☐ **The information on innovation requested below is attached in the order requested.**

Describe:

a. How the immediate and long-term needs of homeless families and individuals will be addressed.

b. How the proposal's focus and approaches differ from the typical operations involving housing and supportive services for the homeless and represents a new and unusual approach.

c Why the proposal holds promise for successfully meeting the immediate and long-term needs of the proposal's homeless population (i.e., the homeless population identified by the applicant in Part 2, Item 10 or 11).

**4.2. Comprehensiveness (400 points):** HUD will award points based on the following:

a. The extent to which the proposal reflects a clear understanding of the immediate and long-term needs of the homeless to be served.

b. The extent to which the facilities and supportive services to be provided under the proposal, and those to be available from other sources in the area proposed to be served, will meet the needs of the population to be served.

c. The extent to which the proposal is the result of coordinated efforts of members of the community and represents a diversity of experience, broad-based and enduring community commitment and access to resources.

☐ **The information on comprehensiveness requested below is attached in the order requested.**

Provide:

a. A description of the number and type of homeless people that this proposal will serve, including the method (e.g. outreach, referrals, existing shelter network) for selecting the homeless served by this proposal and the processes (e.g., case management) for evaluating their needs for specific supportive services and a description of those needs;

b. Estimates of the number of homeless in the service area; the type of facilities and supportive services needed to accommodate that number; the number and type of facilities currently in the target area serving that need; and the basis or source used for determining the area's unmet needs, e.g. the Comprehensive Homeless Assistance Plan (CHAP) or other local surveys;

c. Description of your system for coordinating other available resources with the funds received under this proposal; and

d. The names of the local officials, members of the business and religious community, neighborhood organizations and citizens involved in this proposal and their role in the proposal's development and implementation. Also describe their experience in working on issues affecting their community.

**4.3. Cost Effectiveness (100 points):** HUD will consider the extent to which the applicant's proposed costs in acquiring or rehabilitating housing and in operating a facility and providing supportive services (as defined in this proposal) are:

a. reasonable in relation to the rehabilitation to be performed, the property to be acquired, and the services to be provided; and

b. effective in accomplishing the purposes of the proposal.

In assigning points for cost effectiveness, HUD will evaluate the information submitted in this application which relates to cost effectiveness. In addition, if this proposal requests acquisition and/or rehabilitation assistance, HUD will consider the timeliness of the proposal based upon the completion of specific milestones.

☐ **The information on milestones requested below is attached. (If the proposal does not request SAFAH assistance for acquisition or rehabilitation, write "NA" (not applicable) in the box.)**

Submit the following information showing the number of days from the award until each of these milestones will occur:

(i) Closing on the purchase of the structure or execution of a lease for the facility;

(ii) Rehabilitation started;

(iii) Rehabilitation completed;

(iv) Initial occupancy (include phases); and

(v) Supportive services start date.

**4.4. Leveraging (200 points):** HUD will consider the extent to which the applicant will leverage the amount of SAFAH assistance requested in this proposal with funds and other resources from other public and private sources, particularly non-Federal sources. HUD will utilize the information provided in this application form to determine the extent of the applicant's leveraging.

**4.5. Special Homeless Population (100 points):** HUD will consider the extent to which the application proposes facilities designed primarily to benefit homeless elderly individuals or homeless families with children or proposes child care for the children of homeless families. HUD will utilize the information provided in this application to determine the extent that the proposal's benefits are designated for these segments of the homeless population.

# Supplemental Assistance for Facilities to Assist the Homeless (SAFAH)
# Part 5
# Additional Documentation

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

Name of Applicant

**Instructions:** Attach sheets to this form providing the required information in the order it is described on this form. To ensure that the necessary information is submitted, place check marks in the boxes which appear below when the information is assembled in order and attached to this form. One or more of items 4-7, 11 and 12 may not apply to your proposal. In such cases, write "NA" (not applicable) on the line next to the box.

☐ **5.1. Evidence of the Applicant's Commitment to Alleviate Poverty:** HUD will consider the applicant's past efforts and its continuing commitment to serve lower income persons. Evidence may include the applicant's description of activities that have been undertaken over the past five years to benefit lower income persons and the amount of funds expended on these activities. Nonprofits not having a 5 year funding history should provide their activity description for the period that they have been in operation. In addition, these organizations must provide a statement of their organization's objectives and explain how they specifically foster services to lower income persons. Reference: 579.210(b)(2).

☐ **5.2. Evidence of the Applicant's Capacity:** HUD will consider the applicant's capacity based on its experience in carrying out activities and programs relating to the homeless. Provide the following information, as applicable, on:

a. The nature and extent of the experience of the director or project manager (responsible for implementing this proposal) in the development and operation of homeless facilities. Provide relevant educational background, work experience, including length of work experience, the breath and scope of duties and responsibilities, size of facilities (e.g., the numbers of persons served, budget size, number of staff supervised and the number of programs or program elements).

b. The experience of the applicant's Board of Directors, staff and volunteers in the administration, management and operations of a homeless facility. Describe the particular skills or services provided by board members, staff and volunteers to the facility. Applicants who are governmental entities need only submit information on paid staff and volunteers who will be involved in the project.

c. The name and address of the supportive services providers who are proposed to be utilized by the applicant under this proposal. For each service provider listed, describe the experience and capacity and how the provider evaluates the progress of the beneficiaries of their supportive services. State whether there will be any full- or part-time residential supervisor to provide or supervise the provision of supportive services to residents. Reference: 579.210(b)(3).

☐ **5.3. Certification of Consistency with Comprehensive Homeless Assistance Plan** – All applicants are required to provide the following special certification from the appropriate State or local government official:

I, (name & title), authorized to act on behalf of the (state. city or county), do certify that the activities proposed by (name of applicant) are consistent with the Comprehensive Homeless Assistance Plan submitted by the (state, city or county) on (date), having addressed the need for assistance and the manner in which such assistance will enhance and complement available services as referenced in such a plan.

(signature, title & date) Reference: 579.210(b)(9).

**Site Control:** For each structure proposed for use as a homeless facility, submit documentation as described below:

☐ **5.4. Site under Control:** Submit evidence that the applicant has control of the site proposed for use as homeless housing. If the structure to be used for housing is a leased structure, submit a description of how the applicant will ensure that the facility will be operated as a facility for the homeless for not less than ten years from the date of initial occupancy.

Provide evidence in one of the following forms of documentation

(a) Deed or other proof of ownership

(b) Executed contract of sale

(c) Lease agreement.

(d) Option agreement to purchase or lease ( options must, at a minimum be for a six month period).

(e) Documentation described below for acquisition from a public body or through eminent domain.

☐ **5.5. Site Acquired from Public Bodies:** If the site is to be acquired from a public body, submit evidence that the public body:

(a) possess clear title or an option to purchase or lease, and

(b) has entered into a legally binding written agreement to convey the site to the applicant upon its notification of funding under the program.

☐ **5.6. Site Acquired through Eminent Domain:** If the site is to be acquired by the public body through the eminent domain process:

(a) the action must be complete within a year of the date application.

(b) Submit evidence that the unit of general local government is prepared to use its authority of eminent domain if necessary.

(c) the application must include a copy of the land disposition agreement or a resolution from the public body conveying, or committing to convey, site control to the applicant.

or

☐ **5.7. Site Under Negotiation:**

(a) A certification ( See Below) from the applicant reflecting the following:

(1) the name of the third party with whom the site control is being negotiated

(2) the address (street, city, state) of the site under negotiation

or;

(b) Evidence documenting that site control will be achieved by (date) is attached.

**Recommended Form of Certification:**

(_____)certifies that it is currently engaged in negotiations with (Name and Address of Owner, Realtor, etc.) for the purpose of gaining control of the site(s) : (Address of Site). We expect site control to be achieved by : (no later than 6 months after notification of grant award). (signature, title & date)

Reference: 579.210(b)(10).

☐ **5.8. Evidence of Consistency with Local Plans:** Submit a written statement, on official stationary, from the unit of general local government in which the project is proposed to be located that the proposed use of the structure and site is not inconsistent with any plan of the local government that may have an effect on the use of the structure or site.

Alternately, if a written statement has not been provided, submit evidence demonstrating that a written request was made to the unit of local government for the statement and the statement has not been received within 30 days after the request. Reference: 579.210(b)(11).

☐ **5.9. Evidence of Permissive Zoning:** Submit one of the following forms of evidence for each site:

(a) A written statement from the unit of general local government in which the project is proposed to be located that the proposed use of the site (give the property address) is permissible under applicable zoning, ordinances and regulations , or

(b) A written statement from the applicant describing the proposed actions necessary to make the use of the site (give the property address) permissible under applicable zoning ordinances and regulations, with evidence that there is a reasonable basis to believe that the proposed zoning actions will be completed successfully and within four months following submission of the application.. Reference: 579.210(b)(11).

☐ **5.10. Evidence of Reasonable Efforts:** Applicants must provide evidence that they have made reasonable efforts to use all available local resources, including state & local government and private sector funds, as well as resources available under the Emergency Shelter Grants and Supportive Housing Demonstration programs and the Section 8 --Moderate Rehabilitation Program for Single Room Occupancy Dwellings authorized under Subtitle E of the Stewart B. McKinney Homeless Assistance Act, and demonstrate that other resources are not sufficient or available to carry out this project.

In providing this evidence, it is left to the applicant's discretion to provide the documentation that the applicant determines supports the efforts to use all available resources in funding the proposed project. Reference: 579.210(b)(12).

☐ ___ **5.11. Evidence of Environmental Review:** State or local government applicants must submit a letter of participation agreeing to assume the Federal responsibility for assessing the environmental effects of the proposed facility in accordance with 104(g) of the Housing and Community Development Act of 1974, the procedural provisions of NEPA, and the regulations contained in 24 CFR Part 58. Reference: 579.210(b)(13).

☐ ___ **5.12. Evidence that the project has received or has been approved for funding under the Emergency Shelter Grants (ESG) and Supportive Housing Demonstration (SHD) programs.** Such evidence only applies to applicants requesting assistance in excess of that received under these programs. In these cases the applicant may submit a copy of the HUD approval letter notifying the applicant of the ESG or SHD award.

[FR Doc. 90-880 Filed 1-11-90; 8:45 am]
BILLING CODE 4210-29-C

## Office of the General Counsel

[Docket No. D-90-912; FR-2707]

### Delegation of Authority Under the Fair Housing Act and 24 CFR Part 103

**AGENCY:** Office of the General Counsel, HUD.

**ACTION:** Notice of delegation of authority.

**SUMMARY:** The complaint processing procedure under title VIII of the Civil Rights Act of 1968 (the Fair Housing Act) and 24 CFR part 103 provides that, within 100 days after the filing of the complaint, the General Counsel of the Department of Housing and Urban Development shall determine whether reasonable cause exists to believe that a discriminatory housing practice has occurred. 24 CFR 103.400. If a charge is issued a complainant, a respondent, or an aggrieved person on whose behalf the complaint is filed may elect within 20 days after the receipt of service of a charge to have the claims decided in a civil action under section 812(o) of the Fair Housing Act in lieu of an administrative proceeding under 24 CFR part 104. 24 CFR 103.410(a)–(b). If an election is made, the regulation provides that the General Counsel shall immediately notify and authorize the Attorney General to commence and maintain such a civil action on behalf of the aggrieved person. 24 CFR 103.410(d).

The complaint processing procedure also provides that if at any time following the filing of a complaint, the General Counsel concludes that prompt judicial action is necessary to carry out the purposes of 24 CFR parts 103 or 104, the General Counsel may authorize the Attorney General to commence a civil action for appropriate temporary or preliminary relief pending final disposition of the complaint. 24 CFR 103.500(a). To ensure the prompt initiation of the civil action, the procedure also provides that the General Counsel will consult with the Assistant Attorney General for the Civil Rights Division of the United States Department of Justice before making the determination that prompt judicial action is necessary.

The complaint processing procedure also provides that if the General Counsel has reason to believe that a basis exists for the commencement of proceedings against the respondent under section 814(a) (Pattern or Practice Cases), proceedings under section 814(c) (Enforcement of Subpoenas), or proceedings by any governmental licensing or supervisory authorities, the General Counsel shall transmit the information upon which that belief is based to the Attorney General and to other appropriate authority. 24 CFR 103.500(b).

This notice delegates from the General Counsel to the Associate General Counsel for Equal Opportunity and Administrative Law and the Assistant General Counsel for General Law the authority: (1) Following notice to the General Counsel, to notify and authorize the Attorney General to commence and maintain a civil action under section 812(o); (2) to consult with the Assistant Attorney General for the Civil Rights Division and, following notice to the General Counsel, to authorize the Attorney General to commence a civil action for prompt judicial action; and (3) to determine whether there is reason to believe that a basis exists for the commencement of proceedings against a respondent under section 814(a), proceedings under section 814(c), or proceedings by any governmental licensing or supervisory authorities, and to transmit the information upon which that belief is based to the Attorney General and to other appropriate authorities.

**EFFECTIVE DATE:** January 3, 1990.

**FOR FURTHER INFORMATION CONTACT:** Richard Bennett, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone: (202) 755–2342. This is not a toll free number.

*Delegation of Authority*

The General Counsel delegates to the Associate General Counsel for Equal Opportunity and Administrative Law and the Assistant General Counsel for General Law the following authority:

1. The authority under 24 CFR 103.410(d), following notice to the General Counsel, to notify and authorize the Attorney General to commence and maintain a civil action seeking relief under section 812(o) of the Fair Housing Act on behalf of an aggrieved person in an appropriate United States District Court.

2. The authority under 24 CFR 103.500(a), following notice to the General Counsel, to authorize the Attorney General to commence a civil action for appropriate temporary or preliminary relief pending final disposition of a complaint when the Associate General Counsel for Equal Opportunity and Administrative Law or the Assistant General Counsel for General Law, after consultation with the Assistant Attorney General for the Civil Rights Division, concludes that prompt judicial action is necessary to carry out the purposes of 24 CFR Parts 103 or 104.

3. The authority under 24 CFR 103.500(b) to determine whether there is reason to believe that a basis exists for the commencement of proceedings against a respondent under section 814(a), proceedings under section 814(c), or proceedings by any governmental licensing or supervisory authorities, and to transmit the information upon which that belief is based to the Attorney General and to other appropriate authorities.

Dated: January 3, 1990.

**Frank Keating,**

*General Counsel.*

[FR Doc. 90–881 Filed 1–11–90; 8:45 am]

BILLING CODE 4210–01–M

## Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-1917; FR-2606-N-54]

### Unutilized and Underutilized Federal Buildings and Real Property Determined To Be Suitable for Use for Facilities To Assist the Homeless

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

**ACTION:** Notice.

**SUMMARY:** This notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

**EFFECTIVE DATE:** January 12, 1990.

**ADDRESS:** For further information, contact James Forsberg, Department of Housing and Urban Development, room 7228, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755–6300; TDD number for the hearing- and speech-impaired (202) 426–0015. (These telephone numbers are not toll-free.)

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized and underutilized Federal buildings and real property determined by HUD to be suitable for use for facilities to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable this week.

Dated: January 4, 1990.

**Paul Roitman Bardack,**

*Deputy Assistant, Secretary for Program Policy Development and Evaluation.*

[FR Doc. 90-704 Filed 1-11-90; 8:45 am]

BILLING CODE 4210-29-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-030-00-4333-14]

### Las Cruces District Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The meeting will include a field trip to historic Ft. Craig, 25 miles south of Socorro, New Mexico off of Interstate 25. The itinerary and agenda are:

1. 10:00 a.m.—Meet in the parking area at Ft. Craig.
2. 10:15 a.m.—Walking tour of Ft. Craig.
3. 11:15 a.m.—Leave Ft. Craig for luncheon at the Owl Bar, San Antonio, New Mexico.
4. 1:00 p.m.—Leave Owl Bar and travel to Bosque del Apache Refuge.
5. 1:15 p.m.—Meeting begins in Conference Room at Bosque del Apache facilities with review and approval of minutes for the October 4, 1989 meeting.
6. 1:25 p.m.—Review of proposed resolution regarding the Las Cruces District and the U.S. Army at Ft. Bliss.
7. 1:40 p.m.—Briefing on Riparian and Wildlife programs in the Las Cruces District.
8. 2:20 p.m.—Briefing on Fence Lake Coal Leasing proposal.
9. 2:45 p.m.—Public Comment.
10. 3:00 p.m.—Adjourn.

**DATE:** Board members and interested parties should meet at the Las Cruces District Office, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico at 7:30 a.m., Wednesday, February 14, 1990. The group will the District Office for Ft. Craig at 8:00 a.m.

**FOR FURTHER INFORMATION CONTACT:** H. James Fox, District Manager, Las Cruces District Office, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005 or at (505) 525-8228.

Dated: January 5, 1990.

**H. James Fox,**

*District Manager.*

[FR Doc. 90-804 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-FB-M

[NM-940-00-4730-12]

### New Mexico; Filing of Plats of Survey

January 4, 1990.

The plats of survey described below are on open file in the New Mexico State Office, Bureau of Land Management (BLM), Santa Fe, New Mexico, pending official filing. Effective at 10:00 a.m. on February 7, 1990, these plats will be officially filed.

A survey representing the dependent resurvey of a portion of the south boundary of the San Isidro Grant, a portion of the west and north boundaries of the Zia Pueblo Grant, a portion of the west boundary of the township, a portion of the subdivisional lines, small holding claim 4163, the subdivision of sections 7 and 19, and the survey of certain lot lines in section 7, Township 15 North, Range 2 East, New Mexico Principal Meridian, New Mexico, for Group 848 NM. This survey was requested by the Area Manager, Albuquerque Area Office, Bureau of Indian Affairs (BIA), Albuquerque, New Mexico.

A survey representing the dependent resurvey of a portion of the north boundary, and a portion of the subdivisional lines, and the subdivision of section 3, Township 25 North, Range 7 West, New Mexico Principal Meridian, New Mexico, for Group 879 NM. This survey was requested by the State Director, New Mexico State Office, BLM, Santa Fe, New Mexico.

A survey representing the dependent resurvey of a portion of the subdivisional lines, and the adjusted record meanders of the 1874 right bank of the Canadian River in section 10, the subdivision of section 10, the survey of the meanders of the 1984 right bank of the Canadian River through a portion of section 10, and the partitions of accretion in section 10, Township 16 North, Range 15 West, Indian Meridian, Oklahoma, for Group 40 OK. This survey was requested by the Area Manager, Anadarko Area Office, BIA, Anadarko, Oklahoma.

A survey representing the dependent resurvey of a portion of the west boundary, and a portion of the subdivisional lines, and the subdivision of section 18, Township 21 North, Range 5 East, Indian Meridian, OK, for Group 56 OK. This survey was requested by the Area Manager, Anadarko Area Office, BIA, Anadarko, Oklahoma.

The supplemental plat showing the north and south halves of section 2, Township 26 South, Range 22 East, New Mexico Principal Meridian, New Mexico. This plat was requested by BLM records.

These plats will be in the open files of the new Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504-1449. Copies may be obtained from this office upon payment of $2.50 per sheet.

**Kelley Williamson,**

*Acting Chief, Branch of Cadastral Survey.*

[FR Doc. 90-851 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-FB-M

### Bureau of Mines

### Demonstration Project to Develop a Reliable Source of Titanium Ore From Ilmenite

**AGENCY:** Bureau of Mines, Interior.

**ACTION:** Notice of Intent.

**SUMMARY:** In furtherance of the Department of Defense Appropriations Act of 1990 (PL101-165, H.R. 3072-13) the Bureau of Mines is about to initiate the "Soledad Canyon Demonstration Project in Los Angeles County, California", to develop a reliable domestic supply of titanium ore from ilmenite. The project will include field examinations and metallurgical testing of mineral samples to include a total resource evaluation, bulk sample recovery, evaluation of beneficiation potential, and response to technology to produce synthetic rutile, pigment, and/or titanium metal. Six million dollars is available through September 30, 1993 for the project. Any one interested in participating therein should write.

**FOR FURTHER INFORMATION CONTACT:** U.S. Bureau of Mines, ATTN: Dr. Robert S. Kaplan, Chief Division of Minerals and Materials Science, Bureau of Mines, MS 6204, 2401 E. St. NW, Washington, DC 20241, (phone 202-634-1236) not later than 45 days from the date of this notice.

**SUPPLEMENTARY INFORMATION:** This project is concerned with titanium resources in the vicinty of Soledad Canyon and adjacent areas of the Angeles National Forest in Los Angeles County, California. Anyone wishing to participate in this project should provide the following information:

(1) Reason for interest in the project.

(2) Location of mineral resource of interest, preferably with a map detailing the site location.

(3) Analysis of titanium minerals, or other minerals of interest, known to be in the resource.

(4) Information relating to surface and mineral ownership.

(5) Information on past or ongoing attempts to recover titanium minerals or any other mineral from the site.

(8) Any other information relevant to the site and this project.

Dated: January 8, 1990.

Dr. John D. Morgan, Jr.,

*Acting Director.*

[FR Doc. 90-813 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-53-M

## Office of Surface Mining Reclamation and Enforcement

## Request for Determination of Valid Existing Rights Within the Wayne National Forest

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Notice of Request for Determination and Invitation for Interested Persons to Participate.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) has received a request for a determination that Belville Mining Company, Inc., has valid existing rights (VER) to surface mine coal on certain properties within the Wayne National Forest in Lawrence, Jackson and Scioto Counties, Ohio. By this notice, OSM is inviting interested persons to participate in the matter proceeding and to submit relevant factual material on the matter. OSM intends to develop a complete Administrative Record and will render a final agency decision on whether Belville Mining Company, Inc., has VER.

**DATES:** OSM will accept written materials on this request for a VER determination until 5 p.m. local time on February 28, 1990.

**ADDRESSES:** Hand deliver or mail written materials to Carl C. Close, Assistant Director, Eastern Field Operations at the address listed below. Documents contained in the Administrative Record are available for public review at the locations listed below during normal business hours, Monday through Friday, excluding holidays:

Office of Surface Mining Reclamation and Enforcement, Eastern Field Operations, Room 246, Ten Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937-2897.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 2242 South Hamilton Road, Columbus, OH 43232, Telephone: (614) 866-0578.

**SUPPLEMENTARY INFORMATION:** Section 522(e) of SMCRA prohibits surface coal mining operations in certain areas, subject to VER and except for those operations in certain areas, subject to VER and except for those operations which existed on August 3, 1977. Under section 522(e)(2), the prohibition is applied to any Federal lands within the boundaries of any national forest unless the Secretary of the Interior finds that there are no significant recreational, timber, economic or other values that may be incompatible with such surface coal mining operations and the surface operation and impacts are incident to an underground coal mine. National forest land west of the 100th meridian that does not have significant forest cover as determined by the Secretary of Agriculture may be surface coal mined.

The term "VER" is not defined in SMCRA. On September 14, 1983 (48 FR 41312-41356), OSM adopted a regulatory definition of VER at 30 CFR 761.5 which defined VER as those rights, which if affected by the prohibitions in section 522(e), would entitle the owner to payment of just compensation under the Fifth and Fourteenth Amendments to the United States Constitution, the so-called "takings" test.

On March 22, 1985, the United States District Court for the District of Columbia held that the promulgation of the VER definition in 30 CFR 761.5 violated the Administrative Procedures Act and remanded the definition to the Secretary of the Interior (*IN RE: Permanent Surface Mining Regulation Litigation II* No. 79-1144).

In the November 20, 1986, Federal Register (51 FR 41952), OSM suspended the Federal definition of VER insofar as it incorporates a takings test. OSM announced that during the period of suspension it would make VER determinations on Federal lands within the boundaries of national forests using the VER definition contained in the appropriate state regulatory program.

The term VER is defined in Chapter 1501 of the Ohio Administrative Code: 13-1-02 (FFFFFF). Chapter 1501 states that VER means those property rights in existence on August 3, 1977, that were created by a legally binding document which authorizes the production of coal by a mining operation; and the persons proposing to conduct coal mining operations on such lands either had been validly issued, on or before August 3, 1977, all State and Federal permits necessary to conduct such operations or can demonstrate that the coal is both needed for and immediately adjacent to an ongoing coal mining operation for which approvals and permits were obtained prior to August 3, 1977.

By letter dated November 29, 1989, Belville Mining Company, Inc., requested that OSM make a determination of VER for four properties in the Ironton Ranger District of the Wayne National Forest. Belville Mining Company, Inc., alleges that it owns mineral rights on these properties, the surface of which is owned by the United States of America and managed by the United States Forest Service. The properties in question are listed below.

### 1. Parks Property

The coal rights in and to the following described property, as reserved in the Deed of E. S. and Alice C. Culbertson to the United States of America by deed of February 26, 1936, Volume 147, Page 350, of the Record of Deeds of Lawrence County, Ohio.

All that certain parcel of land situated in the Township of Washington, County of Lawrence, State of Ohio and more particularly described as follows:

Being seventy acres off the West half of section 27, Township 4, Range 18, bounded and described as follows: to-wit:

Beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter of section 27, Township 4, Range 18, Lawrence County, Ohio; thence North along the West line of said section 27 to the center of the old Gallipolis and Portsmouth Road; thence in an Easterly direction along the center of said road far enough East to a South line parallel with the Section line of section 27 so as to include seventy acres. Said South line to extend to the quarter-quarter section line; thence West along the quarter line to the place of beginning.

### 2. Arthur Property

Coal and limestone in the following described property, as deeded to Charles Jenkins by George and Flora Arthur, by deed dated August 13, 1942 and recorded in Deed Book 166, Page 173, Record of Deeds of Lawrence County, Ohio: That part of the southeast quarter of the northeast quarter of section 28, Township 4, Range 18, that lies south of the road known as Telegraph Road, consisting of twenty (20) acres more or less.

### 3. Bauer Property

Mineral rights in and to the following described property, as reserved in the Deed of Edward and Clarice Bauer to the United States of America by deed March 27, 1942, Volume 281, Page 134, of the Record of Deeds of Scioto County, Ohio. All that certain parcel of land situated in the county of Scioto, State of Ohio, being a part of the Ohio River Survey and more particularly described as follows:

Township 4 North, Range 18:

Section 31, the northwest quarter of the northwest quarter; the southwest quarter of the west half of the northeast quarter; the southeast quarter of the west half of the northeast quarter; the south half of the northwest quarter of the west half of the northeast quarter; the northeast quarter of the west half of the northeast quarter.

**4. Jenkins property**

Coal rights in and to the following described property, as reserved in the Deed of Charles A. and Beulah Jenkins to the United States of America of March 29, 1950, Volume 137, Page 637, of the Record of Deeds of Jackson County, Ohio.

All that certain parcel of land situated in the County of Jackson, State of Ohio, being a part of the Ohio River Survey and more particularly described as follows:

In section Three (3), Township Five (5), Range Eighteen (18), Southwest quarter of Southwest quarter, except Five (5.00) acres from the Southwest corner described as follows: Beginning at the Southwest Section corner of Section 34; thence East with the section line Ten (10.00) chains; thence North Five (5.00) chains; thence West Ten (10.00) chains; thence South the Section line Five (5.00) chains to the point of beginning, containing Five (5.00) acres, more or less. The area being acquired in this section being Thirty-five (35) acres, more or less.

In order to establish that the requestor has VER for surface coal mining on the properties in question, OSM must first determine that the requestor has demonstrated all necessary rights to mine the coal. OSM particularly invites interested persons to provide factual information as to whether the requestor has the property right to mine by the proposed method, and other information concerning whether the requestor has VER under the applicable standards.

OSM will make a final decision on Belville Mining Company, Inc.'s VER request as soon as it is practicable following completion of the Administrative Record. If OSM determines that Belville Mining Company, Inc. has VER, the Ohio Department of Natural Resources may issue permits to Belville Mining Company, Inc. authorizing the surface mining of coal on the properties in question. If it is determined that Belville Mining Company, Inc. does not have VER, no permits may be issued.

Dated: January 4, 1990.

**Carl C. Close,**

*Assistant Director, Eastern Field Operations.*

[FR Doc. 90-843 Filed 1-11-90; 8:45 am]

BILLING CODE 4310-05-M

## INTERSTATE COMMERCE COMMISSION

**[Finance Docket No. 31581]**

### Crosbyton Railroad Co.—Acquisition and Operation Exemption—Line of the Atchison, Topeka & Santa Fe Railway Co.

Crosbyton Railroad Company (Crosbyton), a noncarrier, has filed a notice of exemption to acquire and operate approximately 36.14 miles of rail line owned by The Atchison, Topeka and Santa Fe Railway Company. The line extends from Lubbock, in Lubbock County, TX (near milepost 2 + 1789.43 feet), to Crosbyton, in Crosby County, TX (near milepost 38.48). The transaction was expected to be consummated on or after December 21, 1989.

Any comments must be filed with the Commission and served on: John R. Whisenhunt, Robinson, Felts, Starnes, Angenend & Mashburn, 1806 Rio Grande, P.O. Box 2207, Austin TX 78768-2207; and Dennis W. Wilson, The Atchison, Topeka and Santa Fe Railway Company, 80 East Jackson Boulevard, Chicago, IL 60604.

Crosbyton shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 407.[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: January 8, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

**Noreta R. McGee,**

*Secretary.*

[FR Doc. 90-858 Filed 1-11-90; 8:45 am]

BILLING CODE 7035-01-M

[1] Crosbyton certifies that it has identified to the appropriate State Historic Preservation Officer all sites and structures 50 years old and older that will be transferred as a result of this transaction.

**[Ex Parte No. 431 (Sub 2)]**

### Review of the General Purpose Costing System

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Notice of intent to review policy.

**SUMMARY:** The Commission is noticing its intent to re-examine the Uniform Railroad Costing System (URCS) adopted in Uniform Railroad Costing System, 5 I.C.C. 2d 894 (1989). Periodic review of the general purpose costing system was recommended by the Railroad Accounting Principles Board (RAPB) in its Final Report of Accounting Principles and Recommendations, issued September 1, 1987. The Commission's proposed review includes, but is not limited to, three broad areas: (1) Aggregation of accounts; (2) treatment of data for merged railroads; and (3) econometric and statistical issues. Comments are invited on the scope of this review and the Commission's proposed schedule for it.

**DATES:** Notices of intent to participate and comments due February 26, 1990.

**ADDRESSES:** Send pleadings referring to Ex Parte No. 431 (Sub-No. 2) to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:**

William T. Bono, (202) 275-7354,
Thomas A. Schmitz, (202) 275-7549,
[TDD for hearing impaired (202) 275-1721].

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD Services at (202) 275-1721.]

This action will not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 10321, 10705a and 10709.

Decided: January 4, 1990.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Lamboley, Phillips, and Emmett.

**Noreta R. McGee,**

*Secretary.*

[FR Doc. 90-857 Filed 1-11-90; 8:45 am]

BILLING CODE 7035-01-M

## DEPARTMENT OF LABOR

### Employment and Training Administration

### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other person showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 22, 1990.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than January 22, 1990.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213.

Signed at Washington, DC this 2nd day of January 1990.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

APPENDIX

| Petitioner:—Union/Workers/Firm | Location | Date received | Date of petition | Petition No. | Articles produced |
|---|---|---|---|---|---|
| C-K-C Well Servicing Inc. (Workers) | Velma, OK | 1/2/90 | 12/7/89 | 23,768 | Oil & Gas. |
| Howe Richardson Corp. (Workers) | Clifton, NJ | 1/2/90 | 12/15/89 | 23,769 | Scales & Packaging Machinery. |
| Lenco Fashions, Inc. (Workers) | Hoboken, NJ | 1/2/90 | 12/1/89 | 23,770 | Ladies' Coats. |
| Lisa Originals, Inc. (ILGWU) | Hoboken, NJ | 1/2/90 | 12/1/89 | 23,771 | Ladies' Coats. |
| Love Fashions, Inc. (ILGWU) | Hoboken, NJ | 1/2/90 | 12/1/89 | 23,772 | Ladies' Coats & Jackets. |
| M.C.M. Co., Inc. (ILGWU) | Hoboken, NJ | 1/2/90 | 12/1/89 | 23,773 | Ladies' Coats & Suits. |
| Quintana Petroleum Corp. (Workers) | Houston, TX | 1/2/90 | 12/18/89 | 23,774 | Oil & Gas. |
| Robotic Systems Group of SSMC (Workers) | Fairfield, NJ | 12/26/89 | 11/29/89 | 23,775 | Automated Systems for Apparel Textile, Industry. |
| TMBR/Sharp Drilling Co., Inc. (Workers) | Midland, TX | 1/2/90 | 11/2/89 | 23,776 | Oil & Gas. |
| Story Well Service, Inc. (Company) | Magnolia, AR | 1/2/90 | 12/1/89 | 23,777 | Oil & Gas. |

[FR Doc. 90-871 Filed 1-11-90; 8:45 am]
BILLING CODE 4510-30-M

[TA-W-23,261]

### KA'U Agribusiness Co., Inc., Pahala, Hawaii; Negative Determination Regarding Application for Reconsideration

By an application dated November 20, 1989 counsel for the International Longshoremen and Warehousemen's Union (ILWU) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on October 26, 1989 and published in the Federal Register on November 9, 1989 (54 FR 47148).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If, in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

Counsel claims that workers were adversely affected at Ka'u Agribusiness because sugar was imported into the U.S. at prices below those at which Ka'u was able to produce raw sugar. Counsel also claims that the conditions confronting Ka'u in 1989 are similar to those faced by the workers at Wailuku Sugar (TA-W-1761) who were certified eligible to apply for adjustment assistance by the Department in 1977.

Investigation findings show that worker separations began in March 1989 and that the workers produce raw sugar and molasses. Molasses accounts for a very small proportion of sales and the workers are not separately identifiable by product. Accordingly, any import influence on molasses could not have contributed importantly to the overall declines in employment.

The Department's denial is based on the fact that the "contributed importantly" test of the Group Eligibility Requirements of the Trade Act was not met. The contributed importantly test is generally demonstrated through a survey of the firm's customers. The survey showed that the only customer did not import raw or refined sugar in 1987, 1988 or in the first six months of 1989.

Also, the company announced in late 1988 that worker separations would occur as the result of over 4200 acres of marginal land being taken out of production.

There is no merit in counsel's allegation concerning the price of sugar imports adversely affecting employment at Ka'u Agribusiness Company. Investigation findings show that Ka'u sold all of its production to a cooperatively-owned refinery in California. This refinery had increased sales of refined sugar in the first half of 1989 compared to the same period in 1988. Further, price, in itself, would not form a basis for certification.

Also, the market in which workers at Wailuku were certified in 1977 differed substantially from the market in which workers at Ka'u were denied. The domestic sugar market applicable to the subject investigation was insulated from foreign competition because of quotas and price supports. The domestic sugar market applicable to the Wailuku certification was for all practical purposes unregulated. When the Sugar Act expired on December 31, 1974, price restrictions and quota levels were removed from sugar. As a result domestic prices fell to the level of world

sugar prices in response to the impact of an increased supply of sugar in a previously regulated market.

**Conclusion**

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC, this 3rd day of January 1990.

**Stephen A. Wandner,**

*Deputy Director, Office of Legislation and Actuarial Services, UIS.*

[FR Doc. 90-872 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-30-M

## Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period December 1989.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

**Negative Determinations**

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

*TA-W-23,558; Olin-Hunt Specialty Products, Inc., Limerock, RI*

*TA-W-23,581; Lithocraft, Inc., Carlstadt, NJ*

*TA-W-23,526; Great Northern Paper Co., Millinocket, ME*

*TA-W-23,541; American Carco, Dayton, OH*

*TA-W-23,536; Spicer Transmission, Toledo, OH*

*TA-W-23,552; Handy & Harman, Inc., Dover, OH*

*TA-W-23,528; Hawkins Oil & Gas, Inc., Tulsa, OK*

*TA-W-23,539; Zeller Corp., Defiance, OH*

*TA-W-23,353; Varo Quality Semiconductor, Inc., Garland, TX*

*TA-W-23,561; Republic Electronics, Paterson, NJ*

*TA-W-23,555; Laminating Corp of America, Eatontown, NJ*

*TA-W-23,480; Weston Instruments, Newark, NJ*

*TA-W-23,527; Horizon Embroidery, Fairview, NJ*

*TA-W-23,514; Lorch Electronics Div. of Vernitron Corp., Englewood, NJ*

*TA-W-23,485; Berry Plastics, New Brunswick, NJ*

*TA-W-23,517; Arbeka Webbing Co., Pawtucket, RI*

*TA-W-23,515; Al Gor Shoe Co., Inc., Rochester, NH*

*TA-W-23,500; Olin-Hunt Specialty Products, Inc., Palisades Park, NJ*

*TA-W-23,490; S. Goldfeder, Inc., Yaleville, CT*

*TA-W-23,490A; Birmingham Silver, Inc., Yaleville, CT*

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

*TA-W-23,533; Power Resources, Inc., Casper, WY*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,493; Marlite, Dover, OH*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,544; Big D. Equipment Co., Midland, TX*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-23,564; U.R.I., Inc., Kingsville, TX*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,568; American Shim Steel Co., New Kensington, PA*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,563; Stolzenbach Coal Gauging Co., Pittsburgh, PA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-23,464; Burns International Security Service, Inc., Beverly Hills, CA*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-23,597; Cooper Coating, Inc., Ellinwood, KS*

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

*TA-W-23,560; Prestolite Wire Corp., Port Huron, MI*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

*TA-W-23,524; Dur-O-Lite, Inc., Melrose Park, IL*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

*TA-W-23,553; Helicopter Services, Inc., Scottsdale, PA*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,591; Uniminerals Corp., Houston, TX*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,554; Input/Output, Inc., Stafford, TX*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

*TA-W-23,550; E.W. Bliss, Hastings, MI*

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

*TA-W-23,599; George E. Failing Co., Enid, OK*

U.S. imports of stationary & vehicle mounted drilling rigs for water well drilling are negligible.

*TA-W-23,489; General Motors Corp., CPC Van Nuys, Van Nuys, CA*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,478; Sprague Electric Co., Hillsville, VA*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,475; Ringo Drilling Co., Anilene, TX*

The investigation revealed that criterion (2) has not been met. Sales of production did not decline during the relevant period as required for certification.

*TA-W-23,507; Plaskon Electronic Materials, Inc., Toledo, OH*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,534; Quanex Corp., Michigan Seamless Tube Div., South Lyon, MI*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,486; Certainteed Corp., Berlin Plant, Winslow Township, NJ*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,509; Square D Co., Lexington, KY*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,495; Ohio River Pipeline, Inc., Marietta, OH*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974

*TA-W-23,496; Ohio River Pipeline, Inc., E. Sparta, OH*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,497; Ohio River Pipeline, Inc., Moreland, OH*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,498; Ohio River Pipeline, Inc., Mt. Gilead, OH*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,499; Ohio River Pipeline, Inc., Lexington, OH*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,540; ARCO Oil & Gas Co., Selma City, TX*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,606; Packaging Resources, Inc., Cedar Grove, NJ*

U.S. imports of sanitary food containers were negligible.

*TA-W-23,519; Apache Lease Service, Inc., Alice, TX*

The workers' firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

*TA-W-23,589; UNOCAL (Union Oil Co., of California), Casper District, Exploration Dept., Casper, WY*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,548; Classic Frames, Inc., North Brunswick, NJ*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,567; Aluminum Co. of America (ALCOA), Wenatchie, WA*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,706; Mt. Carmel Fashions, Girardville, PA*

Increased imports did not contribute importantly to workers separations at the firm.

*TA-W-23,600; Harter Corp., Hairmont Office Furniture Group, Sturgis, MI*

The workers' firm does not produce an article as required for certification.

*TA-W-23, 562; SKW Alloys, Inc., Niagara Falls, NY*

Increased imports did not contribute importantly to workers separations at the firm.

**Affirmative Determinations**

*TA-W-23, 542; Atlas/Soundolier, Desoto, MO*

A certification was issued covering all workers separated on or after October 11, 1988 and before July 1, 1989.

*TA-W-23, 516; AT&T Network Systems Microelectronics Group, Lee's Summit, MO*

A certification was issued covering all workers separated on or after October 11, 1988.

*TA-W-23, 512; Vassarette, Guin, AL*

A certification was issued covering all workers separated on or after October 2, 1988.

*TA-W-23, 530; Longview Manufacturing, Inc., Longview, TX*

A certification was issued covering all workers separated on or after October 6, 1988 and before April 13, 1989.

*TA-W-23, 521; Comtel Mfg, Inc., Joplin, MO*

A certification was issued covering all workers separated on or after August 1, 1989.

*TA-W-23, 582; Manhattan Fashions, Inc., Union City, NJ*

A certification was issued covering all workers separated on or after October 26, 1988.

*TA-W-23, 578; Grada Products Div. of Louis M Gerson Co., Inc., Chattanooga, TN*

A certification was issued covering all workers separated on or after October 25, 1988.

*TA-W-23, 508; Robertshaw Controls Co., Lebanon, TN*

A certification was issued covering all workers separated on or after October 22, 1988.

*TA-W-23, 546; Charro Sportswear, Inc., Westbury, NY*

A certification was issued covering all workers separated on or after October 10, 1988 and before October 1, 1989.

*TA-W-23, 538; Visionetics Corp., Brookfield, CT*

A certification was issued covering all workers separated on or after October 4, 1988 and before October 8, 1989.

*TA-W-23, 577; General Motors Corp., Inland-Fisher Guide, Fort Street Plant, Detroit, MI*

A certification was issued covering all workers separated on or after October 28, 1989.

*TA-W-23, 494; Monk Fur Co., Inc., Jim Thorpe, PA*

A certification was issued covering all workers separated on or after October 2, 1988 and before March 24, 1989.

*TA-W-23, 511; United States Pipe & Foundry Co., Industrial Products Div., Burlington, NJ*

A certification was issued covering all workers separated on or after October 6, 1988.

*TA-W-23, 492; Lordship, Inc., Stratford, CT*

A certification was issued covering all workers separated on or after September 26, 1988.

*TA-W-23, 513; Western Art Manufacturing Colorado Springs, CO*

A certification was issued covering all workers separated on or after October 5, 1988 and before January 16, 1989.

*TA-W-23, 491; Howard Manufacturing Co., Inc., Nashville, AR*

A certification was issued covering all workers separated on or after October 16, 1988.

*TA–W–23, 510; Superior/Ideal, Inc., Oskaloosa, IA*

A certification was issued covering all workers separated on or after October 2, 1988.

*TA–W–23, 535; Royal Conversions, Inc., Brainerd, MN*

A certification was issued covering all workers separated on or after September 6, 1988.

*TA–W–23, 551; General Automotive Specialty Co., Inc., North Brunswick, NJ*

A certification was issued covering all workers separated on or after October 14, 1988.

*TA–W–23, 487; Duck Head Apparel Co., McLemoresville, TN*

A certification was issued covering all workers separated on or after October 3, 1988 and before September 1, 1989.

*TA–W–23, 484; Billen Shoe Co., Lewiston, ME*

A certification was issued covering all workers separated on or after October 2, 1988.

*TA–W–23, 559; Ottenheimer & Co., Inc., Meta, MO*

A certification was issued covering all workers separated on or after October 12, 1988 and before November 20, 1989.

*TA–W–23, 547; Cipher Data Products, Inc., Irwin Products Group, Ann Arbor, MI*

A certification was issued covering all workers separated on or after October 1, 1989.

*TA–W–23, 556; Milmac, Inc., Houlton, ME*

A certification was issued covering all workers separated on or after October 16, 1988.

*TA–W–23, 569; American Trim Products, Inc., Rochester, NY*

A certification was issued covering all workers separated on or after January 1, 1989.

*TA–W–23, 585; Orweco, Inc., Shippenburg, PA*

A certification was issued covering all workers separated on or after October 23, 1988 and before December 1, 1989.

*TA–W–23, 565; Victory Optical Manufacturing Co., Newark, NJ*

A certification was issued covering all workers separated on or after October 16, 1988.

*TA–W–23, 543; Bass Enterprises Production Co., Denver, CO*

A certification was issued covering all workers separated on or after October 19, 1988.

I hereby certify that the aforementioned determinations were issued during the month of December 1989. Copies of these determinations are available for inspection in Room 6434, U.S. Department of Labor, 601 D Street, NW., Washington, DC 20213 during normal business hours or will be mailed to persons to write to the above address.

Dated: January 2, 1990.

**Marvin M. Fooks,**

*Director, Office of Trade Adjustment Assistance.*

[FR Doc. 90–873 Filed 1–11–90; 8:45 am]

BILLING CODE 4510–30–M

## Employment Standards Administration, Wage and Hour Division

### Child Labor Advisory Committee Meeting

On February 7 and 8, 1990, the Child Labor Advisory Committee (the Committee) will meet from 9 a.m. to 5 p.m. in Room C–5521, Seminar Room A and B, Frances Perkins Building, Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

The Committee's agenda includes the following:

**February 7**

Call to Order
Discussion of Committee's recommendations from previous meetings
Approval of Minutes from May 1989 meeting
Old Business—Review of injury data collection system; Proposed HO 10 regulation change; Review of HO 2 issues; Committee Discussions

**February 8**

Old Business—Continued
New Business—Panel discussion of Child Labor in Agriculture
Adjournment

Members of the public are invited to attend the proceedings. Data, views, or arguments pertaining to the business before the Committee should be received by Ms. Nila Stovall, Chief, Branch of Child Labor Programs, in writing by January 19, 1990. Twenty-six copies are needed for distribution to the members and for inclusion in the meeting minutes.

Telephone inquiries concerning this meeting should be directed to Ms. Stovall, Room S–3510, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 523–7640.

Signed at Washington, DC, this 8th day of January 1990.

**Nancy M. Flynn,**

*Acting Administrator.*

[FR Doc. 90–874 Filed 1–11–90; 8:45 am]

BILLING CODE 4510–27–M

### Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

Geneal wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and

supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geoghraphic area indicated as required by an applicable Federal prevailing rate law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon and Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3504, Washington, DC. 20210.

**New General Wage Determinations Decisions**

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by Volume, State and page number(s).

*Volume I*

Alabama:
AL90-32 ..... p.62a, p.62b.
Virginia:
VA90-70 ..... p. 1370a, p. 1370b.

*Volume II*

Michigan:
MI90-18 ..... p. 544a, p. 544b.
Nebraska:
NE90-13 ..... p. 746a, p. 746b.

**Modifications to General Wage Determination Decisions**

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

*Volume I*

Florida:
FL90-35 (Jan. 5, 1990) ..... p. 183, p. 184.
FL90-36 (Jan. 5, 1990) ..... p. 185, p. 186.
FL90-37 (Jan. 5, 1990) ..... p. 189, pp. 190-191.
FL90-38 (Jan. 5, 1990) ..... p. 193, pp. 193-195.
FL90-39 (Jan. 5, 1990) ..... p. 197, pp. 198-199.
FL90-40 (Jan. 5, 1990) ..... p. 201, p. 202.
FL90-42 (Jan. 5, 1990) ..... p. 203, p. 204.
FL90-43 (Jan. 5, 1990) ..... p. 205, p. 206.
FL90-44 (Jan. 5, 1990) ..... p. 207, pp. 208-208b.
Pennsylvania:
PA90-3 (Jan. 5, 1990) ..... p. 935, pp. 936-937.

*Volume II*

Arkansas:
AR90-3 (Jan. 5, 1990) ..... p. 7, p. 8.

*Volume III*

California:
CA90-4 (Jan. 5, 1990) ..... p. 71, pp. 72, 73, pp. 75-76, pp. 78-106.
Washington:
WA90-5 (Jan. 5, 1990) ..... p. 413, pp. 414-416.

**General Wage Determination Publication**

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts." This publication is avialable at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 5th day of January 1990.

**Alan L. Moss,**

*Director, Division of Wage Determinations.*

[FR Doc. 90-752 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-27-M

## Mine Safety and Health Administration

**[Docket No. M-89-181-C]**

### Billy Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Billy Coal Company, 137 Clark Street, Abingdon, Virginia 24210 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Mine No. 2 (I.D. No. 15-16598) located in Letcher 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 canopies by installed on two scoops used for mantrips and supplies.

2. Petitioner states that due to the low coal height, installation of canopies on the scoops would result in a diminution of safety for the miners affected because the canopies could limit the operator's visibility and dislodge roof support.

3. For these reasons, petitioner requests a modification of the standard for mining heights of 42 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 February 12, 1990.

Copies of the petition are available for inspection at that address.

Dated: December 22, 1989.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 90-875 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-174-C]

## Bodie Mining, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Bodie Mining, Inc., P.O. Box 878, St. Paul, Virginia 24283 has filed a petition to modify the application of 30 CFR 75.326 (aircourses and belt haulage entries) to its No. 1 Mine (I.D. No. 44-00294) located in Wise County, Virginia. 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 air coursed through belt haulage entries not be used to ventilate active working places.

2. As an alternate method, petitioner proposes to use belt-haulage air in the active working places.

3. In support of this request, petitioner proposes to install an early warning fire detection system utilizing a low-level carbon monoxide detection system in the belt entries used as intake air courses as outlined in the petition.

4. The carbon monoxide monitoring devices would be located so that air is monitored at each belt drive and tailpiece and at intervals not to exceed 1,000 feet along each conveyor belt flight.

5. The low-level carbon monoxide monitoring devices would be capable of providing both visual and audible alarm signals. The carbon monoxide monitoring system would give a visual signal at 10 ppm above the established ambient level and all persons would be withdrawn to a safe area out by the working places and appropriate action would be taken to determine the cause of the activation. The carbon monoxide monitoring system would also give an audible signal at 15 ppm above the established ambient level and the mine evacuation plan required by 30 CFR 75.1101-23(a) would be implemented. Persons on the working section would always be within 500 feet of fresh air intakes separate and distinct from the belt entry.

6. 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 February 12, 1990.

Copies of the petition are available for inspection at that address.

Dated: December 22, 1989.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 90-876 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-43-M

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[Docket No. M-89-184-C]

## Fountain Blue Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Fountain Blue Coal Co., Box 567, Elkhorn City, Kentucky 41552 has filed a petition to modify the application of 30 CFR 1710 (cabs and canopies) to its No. 3 Mine (I.D. No. 15-16487) located in Pike 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 and canopies be installed on the mine's shuttle cars and scoops.

2. The height in the mine ranges from 40 to 60 inches.

3. The use of canopies on the mine's shuttle cars and scoops would result in a diminution of safety to the miners affected because the canopies would:

(a) Dislodge or loosen roof support;

(b) Limit the operator's visibility, causing him to lean outside of the compartment in order to see; and

(c) Reduce clearance to the point where equipment would not be able to get through.

4. For these reasons, petitioner requests a modification of 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 (February 12, 1990).

Copies of the petition are available for inspection at that address.

Dated: December 27, 1989.

**Patricia W. Silvey,**

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 90-877 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-89-180-C]

## U.S. Steel Mining Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

U.S. Steel Mining Company, Inc., P.O. Box 599, Fairfield, Alabama 35064 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Oak Grove Mine (I.D. No. 01-00851) located in Jefferson County, Alabama. 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 trolley wires and trolley feeder wires, high-voltage cables, and transformers not be located in by the last open crosscut and be kept at least 150 feet from pillar workings.

2. As an alternate method, petitioner proposes to install high-voltage cables for longwall face conveyor motors and for all present and future longwall panels with specific techniques and procedures as outlined in the petition.

3. In support of this request, petitioner states that—

(a) Ground-fault current for the high-voltage motor circuits would be limited by a neutral grounding resistor to not more than 3.75 amps;

(b) Each high-voltage motor circuit would be provided with instantaneous ground-fault protection set at not more than 40 percent of the current rating of the neutral grounding resistor;

(c) Additional training in the proper work practices as they apply to the longwall high-voltage systems would be provided to all electricians who are authorized to perform such work; and

(d) A caution statement would be installed and maintained on all covers of the power center.

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 February 12, 1990. Copies of the petition are available for inspection at that address.

Dated: December 27, 1989.

Patricia W. Silvey,

*Director, Office of Standards, Regulations and Variances.*

[FR Doc. 90-878 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-43-M

## Occupational Safety and Health Administration

### Maryland State Standards; Notice of Approval

1. *Background*—Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5, 1973, notice was published in the Federal Register (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart 0 to part 1952 containing the decision.

The Maryland State Plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of subpart 0 sets forth the State's schedule for the adoption of Federal standards. By letter dated March 16, 1989, from Commissioner Henry Koellein, Jr., Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted a State standard identical to: 1910.1001 and 1926.58 pertaining to revisions to the Standard for Asbestos, Tremolite, Anthophyllite and Actinolite as published in the Federal Register of September 14, 1988, (53 FR 35625). These standards are contained in COMAR 09.12.31. Maryland Occupational Safety and Health Standards were promulgated after public hearings on December 2, 1988. These standards were effective on March 20, 1989.

2. *Decision*—Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly are approved.

3. *Location of the Supplements for Inspection and Copying*—A copy of the standards supplements, along with the approved plan, may be inspected and copied at the following locations during normal business hours: Office of the Regional Administrator, 3535 Market Street, Suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202; and the OSHA Office of State Programs, Room N-3476, Third Street and Constitution Avenue, NW., Washington, DC 20210.

4. *Public Participation*—Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 12, 1990.

**Authority:** (Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Philadelphia, Pennsylvania, this 7th day of April 1989.

Linda R. Anku,

*Regional Administrator.*

**Editorial Note:** This document was received by the office of the Federal Register January 9, 1990.

[FR Doc. 90-879 Filed 1-11-90; 8:45 am]

BILLING CODE 4510-26-M

## NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

### Agency Information Collection Activities Under OMB Review

**AGENCY:** National Endowment for the Humanities.

**ACTION:** Notice.

**SUMMARY:** The National Endowment for the Humanities (NEH) has sent to the Office of Management and Budget (OMB) the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**DATE:** Comments on this information collection must be submitted on or before February 12, 1990.

**ADDRESSES:** Send comments to Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, Room 310, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202-786-0494) and Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., Room 3002, Washington, DC 20503 (202-395-7316).

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Daisey, Assistant Director, Grants Office, National Endowment for the Humanities, Room 310, 1100 Pennsylvania Avenue NW., Washington, DC 20506 (202-786-0494) from whom copies of forms and supporting documents are available.

**SUPPLEMENTARY INFORMATION:** All of the entries are grouped into new forms, revisions, or extensions. Each entry is issued by NEH and contains the following information: (1) The title of the form; (2) the agency form number, if applicable; (3) how often the form must be filled out; (4) who will be required or asked to report; (5) what form will be used for; (6) an estimate of the number of responses; (7) an estimate of the total number of hours needed to fill out the form. None of these entries are subject to 44 U.S.C. 3504(h).

Category: Revisions

*Title:* Office of Preservation Guidelines and Application Instructions

*Form Number:* Not applicable

*Frequency of Collection:* Collections occur twice yearly, according to application deadlines. (Once per application)

*Respondents:* Humanities institutions and individuals applying for funding for projects involving the preservation of research resources in the humanities

*Use:* To describe and to justify the preservation objectives and methodologies used in a project so that competing applications for funding can be evaluated in the peer review process.

*Estimated Number of Respondents:* 120

*Frequency of Response:* Once

*Estimated Hours for Respondents to Provide Information:* 40 per respondent

*Estimated Total Annual Reporting and Recording Burden:* 6,000 hours.

Thomas S. Kingston,

*Assistant Chairman for Operations.*

[FR Doc. 90-842 Filed 1-11-90; 8:45 am]

BILLING CODE 7536-01-M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revison, or extension: Extension.

2. The title of the information collection: 10 CFR part 30—Domestic Licensing of Byproduct Material.

3. The form number if applicable: Not applicable.

4. How often the collection is required: Required reports are collected and evaluated on a continuing basis as events occur. Applications for new licenses and amendments are submitted only once. Applications for renewal licenses are submitted every five years. Information submitted in previous applications may be referenced without being resumbitted.

5. Who will be required or asked to report: Persons applying for or holding a license to manufacture, produce, transfer, receive, acquire, own, possess, or use radioactive byproduct material.

6. An estimate of the number of responses: Approximately 5,600 Material License Appliation responses subject to 10 CFR part 30 requirements are accounted for separately under the clearance previously approved for NRC Form 313, OMB No. 3150–0120, and other clearances. An additional 76 responses and 2,001,000 records are accounted for under this information collection clearance request.

7. An estimate of the total number of hours needed to complete the requirement or request: Approximately 7.5 hours per Material License Application, for a total of 42,250 hours, is accounted for separately under the clearance previous approved for NRC Form 313, OMB No. 3150–0120. An additional 0.45 hours per response and 7.06 hours per record, for a total industry burden of 60,064 hours, is accounted for under this information collection clearance request.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: 10 CFR part 30 establishes requirements governing domestic licensing of radioactive byproduct material. The application, reporting and recordkeeping requirements are necessary to permit the NRC to make a determination whether the use of by product material is in conformance with the Commission's regulations for protection of the public health and safety.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Washington, DC.

Comments and questions may be directd by mail to the OMB reviewer: Nicolas B. Garcia, Paperwork Reduction Project (3150–0017), Office of Mangement and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 2nd day of January, 1990.

For the Nuclear Regulatory Commission.

**George H. Messenger,**

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 90–822 Filed 1–11–90; 8:45 am]

BILLING CODE 7590–01–M

### Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: NRC Form 327—Special Nuclear Material (SNM) Physical Inventory Summary Report.

3. The form number if applicable: NRC Form 327.

4. How often the collection is required: The frequency of reporting corresponds to the frequency of required inventories, which depends essentially on the strategic significance of the SNM covered by the particular license. Certain licensees possessing strategic SNM are required to report inventories every two months. Licensees possessing SNM of moderate strategic significance must report every six months. Licensees possessing SNM of low strategic significance must report annually.

5. Who will be required or asked to report: Fuel facility licensees possessing special nuclear material.

6. An estimate of the number of responses: 28.

7. An estimate of the total number of hours needed to complete the requirement or request: Four hours per response. The total annual burden for the industry is 112 hours.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: NRC Form 327 is submitted by fuel facility licensees to account for special nuclear material. The data is used by NRC to assess licensee material control and accounting programs.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Nicolas B. Garcia, Paperwork Reduction Project (3150–0139), Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance officer is Brenda Jo. Shelton (301) 492–8132.

Dated at Bethesda, Maryland, this 2nd day of January 1990.

For the Nuclear Regulatory Commission.

**George H. Messenger,**

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 90–823 Filed 1–11–90; 8:45 am]

BILLING CODE 7590–01–M

### Documents Containing Reporting or Recordkeeping Requirements; Office Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the

Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: 10 CFR part 33—Specific Domestic Licenses of Broad Scope for Byproduct Material.

3. The form number if applicable: Not applicable.

4. How often the collection is required: New applications may be submitted at any time. Renewal applications are submitted every five years.

5. Who will be required or asked to report: Persons desiring an NRC license for broad scope use of radioactive byproduct material. Applicants and licensees are primarily medical institutions, colleges, universities, government agencies, and large private companies engaged in broad educational research, and development activities.

6. An estimate of the number of responses: 120.

7. An estimate of the total number of hours needed to complete the requirement or request: Twenty hours per submittal. The total industry burden is 2,400 hours.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstract: 10 CFR part 33 specifies requirements for applying for and being granted licenses authorizing broad scope use of radioactive byproduct material. The information submitted is reviewed by NRC to determine whether the applicant has adequate equipment, facilities, procedures, training, and experience to safely use radioactive material.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street NW., Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Nicolas B. Garcia, Paperwork Reduction Project (3150–0015), Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 2nd day of January, 1990.

For the Nuclear Regulatory Commission.

George H. Messenger,

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 90–824 Filed 1–11–90; 8:45 am]

BILLING CODE 7590–01–M

## Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. Type of submission, new, revision, or extension: Extension.

2. The title of the information collection: NRC Form 483 Registration Certificate—In Vitro Testing With Byproduct Material Under General License

3. The form number if applicable: NRC Form 483.

4. How often the collection is required: Once, when registering as a general licensee pursuant to 10 CFR 31.11.

5. Who will be required or asked to report: Physicians, clinical laboratories, hospitals, and veterinarians in the practice of veterinary medicine wishing to use byproduct material for *in vitro* clinical or laboratory testing under the general license in 10 CFR 31.11.

6. An estimate of the number of responses: 250.

7. An estimate of the total number of hours needed to complete the requirement or request: Approximately seven minutes per response. The total industry burden is 30 hours.

8. An indication of whether section 3504(h), Public Law 96–511 applies: Not applicable.

9. Abstact: Persons wishing to use byproduct material for *in vitro* clinical or laboratory testing under general license must register with NRC by submitting NRC Form 483. The certificate, when validated and returned by NRC, serves as evidence to suppliers of byproduct material that the registrant is entitled to receive the byproduct material.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., Washington, DC.

Comments and questions may be directed by mail to the OMB reviewer: Nicolas B. Garcia, Paperwork Reduction Project (3150–0038), Office of Management and Budget, Washington, DC 20503.

Comments may also be communicated by telephone at (202) 395–3084.

The NRC Clearance officer is Brenda Jo. Shelton, (301) 492–8132.

Dated at Bethesda, Maryland, this 2nd day of January, 1990.

For the Nuclear Regulatory Commission.

George H. Messenger,

*Acting Designated Senior Official for Information Resources Management.*

[FR Doc. 90–825 Filed 1–11–90; 8:45 am]

BILLING CODE 7590–01–M

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[Docket No. 50–302]

## Florida Power Corp.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission is considering issuance of an exemption from the requirements of appendix A to 10 CFR part 50 to Florida Power Corporation (the licensee), for the Crystal River Unit 3 Nuclear Generating Plant located in Crystal River, Florida.

### Environmental Assessment

*Identification of Proposed Action*

The proposed exemption would allow temporary relief from the requirements of General Design Criterion–2 (GDC–2) for the Crystal River Unit 3 Nuclear Generating Plant with regard to a portion of the tornado missile protection for the emergency diesel generators.

*The Need for the Proposed Action*

The proposed exemption is needed in order to permit completion of highly desirable upgrades to the emergency diesel generators without unduly extending the next scheduled refuelings outage (Refuel 7). The proposed exemption would permit part of the preparatory work to be accomplished prior to plant shutdown for the outage.

*Environmental Impacts of the Proposed Action*

The proposed exemption does not involve any measurable environmental impacts during normal operation since the plant configuration is changed only minimally and plant operation is not changed. The likelihood of tornado missile damage during the time the exemption would be in effect which would affect equipment required to operate to avoid radiological impact is low. Thus, the proposed exemption would not significantly affect the probability or consequences of potential reactor accidents and would not otherwise affect radiological plant effluents. Consequently, the Commission concludes that there are no significant

radiological impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed exemption involves features located entirely within the restricted area as defined in 10 CFR part 20. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, the staff concludes that there are no significant non-radiological environmental impacts associated with the proposed exemption.

*Alternatives to the Proposed Action*

Since the staff has concluded that there are no measurable environmental impacts associated with the proposed exemption, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the exemption would be to require strict compliance with GDC–2. Such action would not significantly enhance the protection of the environment, and would result in a significant loss of power to the licensee, as the next refueling outage would have to be extended considerably.

*Alternative Use of Resources*

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Crystal River Unit 3 Nuclear Generating Plant.

*Agencies and Persons Consulted*

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

**Finding of No Significant Impact**

Based upon the foregoing environmental assessment, the staff concludes that the proposed action would not have a significant effect on the quality of the human environment and has determined, therefore, not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the application dated December 12, 1989, as supplemented on December 22, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington DC and at the Crystal River Public Library, 668 NW First Avenue, Crystal River, Florida 32629.

Dated at Rockville, Maryland, this 5th day of January 1990.

For the Nuclear Regulatory Commission.

**Bart C. Buckley,**

*Acting Director, Project Directorate II–2, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 90–826 Filed 1–11–90; 8:45 am]

BILLING CODE 7590–01–M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Identification of Priority Practices; Request for Public Comment

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public on practices that should be considered with respect to identification of priority practices under section 310 of the Trade Act of 1974, as amended (19 U.S.C. 2420).

**SUMMARY:** Section 310 of the Trade Act requires the United States Trade Representative (USTR) to identify trade liberalization priorities, "including major barriers and trade distorting practices, the elimination of which are likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent." USTR is requesting written submissions from the public concerning foreign countries' practices that should be considered by the USTR in identifying priorities under section 310.

**DATES:** Submissions must be received on or before 12:00 noon on Friday, February 16, 1990.

**ADDRESS:** 600 17th Street NW., Washington, DC 20506.

**FOR FURTHER INFORMATION CONTACT:** Richard Steinberg, Assistant General Counsel, Office of the United States Trade Representative, (202) 395–3150.

**SUPPLEMENTARY INFORMATION:** Section 310(a) of the Trade Act requires the USTR, no later than April 30, 1990, to identify United States trade liberalization priority practices and countries and submit a report on such priorities to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and publish it in the **Federal Register**. Section 310(b) of the Act requires the Trade Representative to initiate investigations under section 302 of the Act, no later than May 21, 1990, with respect to any priority practices of priority countries identified in said report.

**Requirements for Submissions**

USTR invites submissions on major foreign trade barriers and trade distorting practices that should be considered in identifying priorities. Submissions should indicate whether the foreign policy or practice at issue was identified in the 1989 National Trade Estimate (NTE) Report published in April 1989 by USTR (GPO 0400100347–9). and if so, should cite the page number(s) where it appears in the NTE, and provide any additional information considered relevant. If the foreign policy or practice was not identified in the 1989 NTE Report, submissions should (1) include information on the nature and significance of the foreign policy or practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the foreign policy or practice; and (3) provide any other information considered relevant. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted.

Interested persons must provide twenty copies of any submission to Dorothy Balaban, staff assistant to the section 301 Committee, Room 222, 600 17th Street NW., Washington, DC 20506, no later than 12:00 noon on Friday, February 16, 1990.

**Public Inspection of Submissions**

Within one business day of receipt, submissions will be placed in a public file, open for inspection at the USTR Reading Room, in Room 101, Office of the United States Trade Representative, 600 17th Street NW., Washington, DC. An appointment to review the file may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

**A. Jane Bradley,**

*Chairman, Section 301 Committee.*

[FR Doc. 90–859 Filed 1–11–90; 8:45 am]

BILLING CODE 3190–01–M

## PHYSICIAN PAYMENT REVIEW COMMISSION

### Commission Meeting

**AGENCY:** Physician Payment Review Commission.

**ACTION:** Notice of Public Hearing and Meeting.

**SUMMARY:** The Physician Payment Review Commission will hold a hearing

from 9:00 a.m. to 5:00 p.m. on Wednesday, January 17, for interest groups to comment on the issues to be included in its 1990 report to Congess. Due to the large number of witnesses, the hearing will continue on Thursday morning, January 18, from 8:30 a.m. to 10:15 a.m. The Commission will then begin its regular meeting, scheduled from 10:15 a.m. to 5:30 p.m. on January 18 and continuing on Friday, January 19, beginning at 8:30 a.m.

A copy of the agenda will be available on Tuesday, January 16. The topics to be discussed will include: Issues related to financial protection for beneficiaries, refinement of the relative value scale, payment of malpractice premium costs under the Medicare fee schedule, payment to limited license practitioners, volume performance standards, legal issues in the development and use of practice guidelines, and issues and strategies for improving medical practice. The Commission also will review its work plans on geographic issues in implementing the Medicare fee schedule, methods for incorporating practice costs into the fee schedule, integrating radiology, anesthesiology and pathology into the Medicare fee schedule, and physician payment under Medicaid.

**ADDRESS:** The Commission office is located in Suite 510, 2120 L Street, NW., Washington, DC. The telephone number is 202/653–7220.

**FOR FURTHER INFORMATION CONTACT:** Lauren LeRoy, Deputy Director, 202/653–7220.

**Paul B. Ginsburg,**

*Executive Director.*

[FR Doc. 90–802 Filed 1–11–90; 8:45 am]

BILLING CODE 6820–SE–M

## SECURITIES AND EXCHANGE COMMISSION

**[Rel. No. IC–17295; 812–7299]**

### Alliance Short-Term Multi-Market Trust, Inc., et al.; Notice of Application

January 8, 1990

**AGENCY:** Securities and Exchange Commission ("SEC").

**ACTION:** Notice of Application for Exemption under the Investment Company Act of 1940 ("Act").

*Applicants:* Alliance Short-Term Multi-Market Trust, Inc. (the "Fund"), Alliance Capital Management L.P. (the "Adviser"), and Alliance Fund Distributors, Inc. (the "Distributor").

*Relevant Act Sections:* Order requested under section 6(c) that would grant an exemption from the provisions of Sections 2(a)(32), 2(a)(35), 18(f), 18(g), 18(i), 22(c), and 22(d) and Rule 22c–1.

*Summary of Application:* Applicants seek an order that would permit the Fund and other registered open-end investment companies in the same group of investment companies (i) to issue two classes of securities representing interests in the same portfolio of securities, one of which would convert into the other after a specified period to permit investors the benefit of a lower Rule 12b–1 distribution fee after the Distributor has recovered most of its distribution expenses, and (ii) to assess a contingent deferred sales load ("CDSL") on redemptions of the shares of one of the classes, and to waive the CDSL in certain cases.

*Filing Date:* The application was filed on April 17, 1989, and was amended and restated on July 28, 1989, August 16, 1989, October 10, 1989, and October 16, 1989.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 1, 1990, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

**ADDRESSES:** Secretary, SEC, 450 5th Street NW., Washington, DC 20549. Applicants, 1345 Avenue of the Americas, New York, New York 10105.

**FOR FURTHER INFORMATION CONTACT:** Jeremy N. Rubenstein, Staff Attorney, at (202) 272–2847, or Max Berueffy, Branch Chief, at (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or contacting the SEC's commercial copier at (800) 231–3282 (in Maryland (301) 258–4300).

*Applicants' Representations*— A. *Description of Applicants.* 1. The Fund is an open-end non-diversified management investment company registered under the Act. The Adviser serves as the Fund's investment adviser and manager and the Distributor acts as principal underwriter of the Fund's shares. The Fund presently offers a single class of shares at net asset value plus a front-end sales load, and makes Rule 12b–1 plan payments to the Distributor at an annual rate of up to 0.30% of the Fund's average daily net assets.

2. Applicants request that any relief also apply to future series of the Fund, and other registered open-end investment companies (i) whose investment adviser is the Adviser or an investment adviser that is under common control with the Adviser (as "control" is defined by section 2(a)(19) of the Act), (ii) whose principal underwriter is the Distributor, or a principal underwriter that is under common control with the Distributor (as "control" is defined by section 2(a)(19) of the Act), (iii) which hold themselves out to investors as being related for purposes of investment and investor services, and (iv) whose shares are divided into two classes of securities whose sales load, CDSL, rate of distribution fees, exchange privileges, conversion feature and differences in voting rights are identical to those applicable to the Fund's Class A and Class B shares as described in the application. Any such series or investment company will be subject to each of the conditions contained in the application.

*B. The Dual Distribution System.* 1. Applicants propose to establish a dual distribution system (the "Dual Distribution System") to enable the Fund to offer investors the option of purchasing shares that would either be subject to a conventional front-end sales load and Rule 12b–1 plan payments (the "Front-End Option) or subject to a CDSL and higher Rule 12b–1 plan payments (the "Deferred Option"). Applicants seek an exemption from sections 18(g), 18(f)(1) and 18(i) to the extent the Dual Distribution System may result in a senior security, as defined by section 18(g), the issuance and sale of which would be prohibited by section 18(f)(1), and to the extent the allocation of voting rights under the Dual Distribution System may violate the provisions of section 18(i).

2. If the requested relief is granted, the Fund will create a new class of shares, designated Class B. The currently authorized shares will be designated Class A and will continue to be offered. The two classes will each represent interests in the same portfolio of securities of the Fund and will be identical except that (i) the Class B shares will be subject to a higher Rule 12b–1 distribution fee; (ii) Class B shares

will be subject to higher transfer agency costs and any other incremental expenses resulting from the deferred sales arrangement subsequently identified which shall be approved by the SEC pursuant to an amended order; (iii) only Class B shares will have a conversion feature; (iv) the two classes will have different exchange privileges; and (v) each class will vote separately as a class with respect to the Fund's 12b–1 distribution plan.

3. Under the Front-End Option, an investor will purchase Class A shares at net asset value plus a front-end sales load. The sales load will be subject to reductions for larger purchases, under a combined purchase privilege, under a right of accumulation or under a statement of intent. The sales load also will be subject to other reductions permitted by section 22(d) of the Act and set forth in the registration statement of the Fund. The Fund will continue to pay the Distributor a distribution fee pursuant to the Fund's Rule 12b–1 plan at an annual rate of up to 0.30% of the average daily net asset value of the Class A shares. Shares of the Fund that were purchased prior to the implementation of the Dual Distribution System will be Class A shares.

4. Investors choosing the Deferred Option will purchase Class B shares at net asset value without the imposition of a sales load at the time of purchase. The Fund will pay the Distributor a distribution fee pursuant to the Fund's 12b–1 plan at an annual rate of up to 1% of the average daily net asset value of the Class B shares. In addition, an investor's proceeds from a redemption of Class B shares made within a specified period of years of their purchase (which will be at least three years but will not exceed six years) generally will be subject to a CDSL, as discussed below. The Deferred Option is designed to permit the investor to purchase Class B shares without the assessment of a front-end sales load and at the same time permit the Distributor to pay financial intermediaries a commission on the sale of the Class B shares.

5. Under the Fund's distribution plan, the Distributor will not be entitled to any specific percentage of the net asset value of each class of shares of the Fund or any other specific amount. The Fund's distribution plan will provide that the distribution fee paid out of the assets of the Class A and Class B shares will be used in its entirety by the Distributor to defray its expenses in providing distribution-related services (including, in the case of the Class B shares, commission expenses). The Fund will accrue and pay the distribution fee at a rate fixed by the Fund's board of directors (but not in excess of the applicable maximum percentage rate). Such rate is intended to result in payments that will not exceed the amounts actually expended for distribution by the Distributor on behalf of the Fund. If, for any fiscal year of the Fund, the amount paid to the Distributor would exceed the amount of distribution expenses incurred by the Distributor during the past fiscal year (plus, in the case of Class B shares, prior unreimbursed commission-related expenses), then the final distribution fee for that year will be reduced accordingly. In addition, the proceeds from the CDSL imposed on Class B shares will reduce the amount of distribution expenses for which the Distributor may be reimbursed.

6. Proceeds from the distribution fee and, in the case of Class B shares, the CDSL, will be used to compensate financial intermediaries with trail or maintenance commissions in an amount equal to 0.25%, annualized, of the average daily net asset value of the Class A shares or Class B shares maintained in the Fund by their customers and to defray the expenses of the Distributor with respect to providing distribution related services, including commissions paid on the sale of Class B shares.

7. The Distributor will furnish the directors of the Fund with quarterly and annual statements of distribution revenues and expenditures ("Statements"), in accordance with the requirements of paragraph (b)(3)(ii) of Rule 12b–1, to enable the directors to make the findings required by paragraphs (d) and (e) of Rule 12b–1. In the Statements, only distribution expenditures properly attributable to the sale of a particular class will be used to justify the distribution fee charged to that class. Distribution expenses attributable to the sale of both classes of shares will be allocated annually to each class based upon the ratio in which the sales of each class bears to the sales of all the shares of the Fund.

8. The decision as to whether a particular distribution expenditure or category of distribution expenditures is properly attributable to the sale of a particular class or to the sale of both classes of shares (and thus allocated to each class of shares in accordance with the method described above) will be subject to the review and approval of the directors. Currently, it is anticipated that all distribution expenditures will be determined to be attributable to the sale of both classes of shares except (i) commission expenses related to the sale of the Class B shares and (ii) trail or maintenance payments (which will be separately calculated with respect to each class). In the future, however, the directors may determine that a particular distribution expenditure or class of distribution expenditures, in addition to the two categories listed in the immediately preceding sentence, are attributable to the sale of a particular class. The Statements will disclose whether the distribution expenditures listed are attributable to the sale of a particular class or to the sale of both classes of shares.

9. All Class B shares of the Fund, other than those purchased through the reinvestment of dividends and distributions, will automatically convert to Class A shares in a certain number of years after the end of the calendar month in which the shareholder's order to purchase was accepted, in the circumstances and subject to the qualifications described below. Such number of years, which will be the same with respect to all Class B shares of the Fund, may be between four and eight. The purpose of the conversion feature is to relieve the holders of Class B shares that have been outstanding for a period of time sufficient for the Distributor to have been compensated for distribution expenses related to such shares from most of the burden of additional distribution expenses. Thus, Class A shares will consist of shares purchased by investors prior to the implementation of the Dual Distribution System, shares purchased pursuant to the Front-End Option, Class B shares that have converted to Class A status, and shares purchased by holders of outstanding Class A shares through the reinvestment of dividends and distributions paid in respect of those outstanding Class A shares.

10. Shares purchased through the reinvestment of dividends and other distributions in respect of Class B shares will be treated as Class B shares except that, for purposes of conversion to Class A, all such shares that have not already converted into Class A shares will be considered held in a separate sub-account. Each time any Class B shares in the shareholder's account (other than those in the sub-account referred to in the preceding sentence) convert to Class A, an equal pro rata portion of the Class B shares in the sub-account also will convert to Class A.

11. The Fund will obtain an opinion of counsel that the assessment of the additional distribution fee and transfer agency costs and any other special

allocations described above with respect to Class B shares does not result in any dividends or distributions constituting "preferential dividends" under the Internal Revenue Code of 1986, as amended ("IRC"), and that the conversion does not constitute a taxable event under current federal income tax law. The conversion of Class B shares to Class A shares may be suspended if such an opinion is no longer available at the time conversion is to occur. In that event, no further conversions of Class B shares would occur, and shares might continue to be subject to the additional distribution fee for an indefinite period, which may extend beyond the time at which the conversion of the shares would otherwise have occurred.

12. Applicants expect that Class A shares of the Fund will be exchangeable for shares of other open-end management investment companies in the Adviser's complex that are sold subject to a front-end load and for money market fund shares without the payment of any sales or service charge. In addition, Applicants expect that a holder of shares of any open-end investment company sponsored by the Adviser that is sold subject to a front-end sales load (or the holder of money market fund shares acquired through an exchange of such shares) will be able to exchange his shares for Class A shares of the Funds without the payment of any sales or service charge. Class B shares of the Fund will be exchangeable only for Class B shares of any other open-end management investment company in the Adviser's complex.

13. Except for the differences described above, the Class A shares of the Fund will have identical voting, dividend, liquidation and other rights, preferences, powers, restrictions, limitations, qualifications, designations and terms and conditions as the Class B shares of the Fund. All expenses incurred by the Fund will be borne on a pro rata basis by each outstanding share except for the expenses of the distribution plan and incremental transfer agency costs. Because of the additional expenses that will be borne solely by Class B, the net income attributable to and the dividends payable on Class B shares will be lower than the net income attributable to and the dividends payable on Class A shares. The net asset value of the Class A shares initially will be higher than the net asset value of the Class B shares, and the net asset value per share of the two classes will continue to diverge over time.

14. The Fund will clearly disclose the difference in the respective yields of the Class A and Class B shares of the Fund in its prospectus, statement of additional information, shareholder reports and any advertising materials, including newspaper advertisements. The Fund's prospectus and statement of additional information will disclose the different exchange privileges applicable to the different classes of shares as well as the conversion feature applicable to the Class B shares. The information provided by the Applicants to any newspaper or similar listing of the Fund's net asset value and public offering price will separately present the Class A and Class B shares.

*C. The CDSL.* 1. As stated above, Applicants also seek an exemption from the provisions of sections 2(a)(32), 2(a)(35), 22(c), and 22(d) of, and Rule 22c–1 under, the Act to permit the Fund to assess a CDSL on redemptions of Class B shares, and to permit the Fund to waive the CDSL for certain types of redemptions. The CDSL is expected to range from 3% to 5% (but, subject to the requirement that the CDSL comply with NASD sales load limitations and the provisions of proposed Rule 6c–10,[1] may be higher or lower) on shares redeemed during the first year after purchase and will be reduced at a rate of 1% per year over the applicable CDSL period, so that redemptions after that period will not be subject to a CDSL.

2. The CDSL will not be imposed on redemptions of (a) shares which were purchased more than a specified period of up to six years (the "CDSL Period") prior to their redemption or (b) Class B shares derived from the reinvestment of distributions. Furthermore, no CDSL will be imposed on an amount which represents an increase in the value of the shareholder's account resulting from capital appreciation above the amount paid for shares purchased during the CDSL Period. In determining whether a CDSL is applicable, it will be assumed that a redemption is made first of any Class A shares in the shareholder's Fund account, second of shares derived from reinvestment of distributions, third of shares held for a period longer than the CDSL Period, and fourth of shares held for a period not longer than the CDSL Period.

3. The Fund seeks the ability to waive the CDSL on redemptions (a) following the death or disability, as defined in section 72(m)(7) of the IRC, of a shareholder, (b) in connection with certain distributions from an Individual Retirement Account, a custodial account maintained pursuant to IRC section 403(b)(7) or a qualified pension or profit-sharing plan, and (c) in connection with the exercise of certain exchange privileges among the Class B shares of the Fund and the Class B shares of any other fund in the Adviser's complex. If the Fund waives or reduces the CDSL, such waiver or reduction will be uniformly applied to all offerees in the class specified. In waiving or reducing a CDSL, the Fund will comply with the requirements of Rule 22d–1 under the Act as if such CDSL were a sales load.

4. If the directors of the Fund determine to discontinue the waiver of the CDSL, the disclosure in the Fund's prospectus will be appropriately revised. Also, any Class B shares purchased prior to the termination of such waiver will be able to have the CDSL waived as provided in the Fund's prospectus at the time of the purchase of such shares.

*Applicants' Legal Conclusions—A. The Dual Distribution System.* 1. Applicants believe that the Dual Distribution System will both facilitate the distribution of shares by the Fund and provide investors with a broader choice of methods for financing the purchase of shares. Moreover, owners of both classes may be relieved of a portion of the fixed costs normally associated with open-end management investment companies since such costs would, potentially, be spread over a greater number of shares than would otherwise be the case. Finally, the conversion feature will benefit long-term Class B shareholders by relieving them of most of the burden of distribution expenses after a period of time sufficient for the Distributor to be compensated for the expenses incurred in connection with the distribution of such shares.

2. The proposed Dual Distribution System does not create the potential for the abuses that section 18 was designed to redress. The proposed arrangement will not increase the speculative character of the shares of the Fund. The proposal does not involve borrowings, and all shares will participate pro rata in all of the Fund's income and expenses, with the exception of the differing Rule 12b–1 distribution fees and transfer agency costs.

3. Both classes of shares will be redeemable at all times and no class of shares will have any preference or priority over any other class in the Fund in the usual sense (that is, no class will have distribution or liquidation preferences with respect to particular assets, no class will have any right to

[1] On November 2, 1988, the Commission proposed Rule 6c–10 under the Act. *See* Investment Company Act Release No. 16619 (53 FR 45275, Nov. 9, 1988). If adopted as proposed, Rule 6c–10 would permit open-end management companies to impose deferred sales loads, subject to the requirements of the rule.

require that lapsed dividends be paid before dividends are declared on the other class, and no class will be protected by any reserve or other account), and since the similarities (and, with respect to the Rule 12b–1 distribution plans and associated voting rights, the Class B conversion feature, the transfer agency costs, and the exchange privileges, dissimilarities) of the Class A and Class B shares will be fully disclosed in the Fund's prospectus and statement of additional information, investors will not be given misleading impressions as to the safety or risk of the Class A and Class B shares and the Class A and Class B shares will not be rendered speculative.

4. The interests of the two classes of shares as to the advisory fees of the Fund are the same and are not in conflict because these fees are used solely to compensate the Adviser for providing management and advisory services that are common to all investors, regardless of the class of shares held. Further, the directors must analyze the reasonableness of the advisory fee and the distribution fee under the standards defined by section 36(b) of the Act. Thus, the interests of each class of shareholders will be adequately protected.

5. The proposed allocation of expenses and voting rights relating to the Rule 12b–1 distribution plan is equitable and will not discriminate against either group of shareholders. Investors purchasing Class A shares will bear a proportionately lower share of the Fund's distribution expenses and transfer agency costs than holders of the Class B shares. However, each class will vote separately as a class with respect to the Fund's 12b–1 distribution plan.

*B. The CDSL.* 1. Applicants believe that the imposition of the CDSL on the Class B shares is fair and in the best interests of the Fund's shareholders. The proposed Dual Distribution System permits Class B shareholders to have the advantage of greater investment dollars working for them from the time of their purchase of Class B shares of the Fund than if a sales load were imposed at the time of purchase, as is the case with the Class A shares. Furthermore, the CDSL is fair to Class B shareholders because it applies only to amounts representing purchase payments and does not apply to increases in the value of an investor's account through capital appreciation, or to amounts representing reinvestment of distributions.

2. Applicants also believe that the imposition of the CDSL is appropriate in light of the relationship between the CDSL and the Fund's Rule 12b–1 plan. Applicants believe that when amounts attributable to Class B shares are redeemed prior to the expiration of the CDSL period, and thus no longer contribute to the annual distribution fee, it is fair to impose on the withdrawing Class B shareholder a lump sum payment reflecting expenses that have not been recovered through payments by the Fund. As noted above, the proceeds from the CDSL will reduce the amount of distribution expenses which must be borne by the remaining shares.

3. Applicants further believe that an order permitting the waivers of the CDSL described above would be consistent with the standards of section 6(c). Waiver of the CDSL in the extraordinary circumstances of death or total disability of the investor or in the case of certain distributions in connection with retirement plans is justified on the basis of considerations of fairness. Similarly, the waiver of the CDSL in the case of the exercise of any exchange privilege of the Class B shares of the Fund is justified by the fact that the investor still will be invested in a mutual fund sponsored by the Adviser, will be paying a Rule 12b–1 distribution fee on Class B shares, and will have to pay any applicable CDSL upon redemption out of the fund complex. Applicants represent that the exchange privilege of the Class B shares will comply with the provisions of Rule 11a–3.

*Applicants' Conditions*

Applicants agree that any order granting the requested relief shall be subject to the following conditions:

*A. Conditions Relating to the Dual Distribution System.* 1. The Class A and Class B shares will represent interests in the same portfolio of investments of the Fund, and be identical in all respects, except as set forth below. The only differences between Class A and Class B shares of the Fund will relate solely to: (a) the impact of the disproportionate Rule 12b–1 distribution plan payments allocated to each of the Class A shareholders and Class B shareholders of the Fund, the incremental transfer agency costs attributable to the Class B shares of the Fund resulting from the Deferred Option arrangement and any other incremental expenses subsequently identified that should be properly allocated to one class which shall be approved by the SEC pursuant to an amended order; (b) the fact that each class will vote separately as a class with respect to the Fund's 12b–1 distribution plan; (c) the different exchange privileges of the Class A and Class B shares; (d) only Class B shares will have a conversion feature; and (e) the designation of each class of shares of the Fund.

2. The directors of the Fund, including a majority of the independent directors, will approve the Dual Distribution System and at least a majority of the existing shareholders of the Fund will approve the Dual Distribution System by an affirmative vote prior to the implementation of the Dual Distribution System. The minutes of the meetings of the directors of the Fund regarding the deliberations of the directors with respect to the approvals necessary to implement the Dual Distribution System will reflect in detail the reasons for the directors' determination that the proposed Dual Distribution System is in the best interests of both the Fund and its shareholders and such minutes will be available for inspection by the SEC staff.

3. On an ongoing basis, the directors of the Fund, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor the Fund for the existence of any material conflicts between the interests of the two classes of shares. The directors, including a majority of the independent directors, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Adviser and the Distributor will be responsible for reporting any potential or existing conflicts to the directors. If a conflict arises, the Adviser and the Distributor at their own cost will remedy such conflict up to and including establishing a new registered management investment company.

4. The Fund's Rule 12b–1 distribution plan relating to the sale of the Fund's Class A shares and Class B shares will be approved and reviewed by the Fund's directors in accordance with the requirements and procedures set forth in Rule 12b–1, both currently and as that rule may be amended in the future. The amendment to the Fund's Rule 12b–1 distribution plan to permit the assessment of a Rule 12b–1 fee on the Class B shares will be submitted to the Fund's Class B shareholders for approval at the next meeting of shareholders after the initial issuance of Class B shares. Such meeting is to be held within one year from the date the Class B shares are initially issued. Any other series or investment company relying in the future on the order granted on the application will hold a meeting of shareholders within one year of the first date that more than one class of shares is issued and outstanding and will submit its Rule 12b–I distribution plan for the separate approval of the Class A and Class B shares at such meeting;

provided that the approval of the Class A shareholders shall not be necessary if the existing Rule 12b–1 plan has already been submitted for their approval.

5. The directors of the Fund will receive quarterly and annual Statements complying with paragraph (b)(3)(ii) of Rule 12b–1, as it may be amended from time to time. In the Statements, only distribution expenditures properly attributable to the sale of a particular class of shares will be used to justify the distribution fee charged to that class. Expenditures not related to the sale of a particular class will not be presented to the directors to justify the distribution fee attributable to that class. The statements, including the allocations upon which they are based, will be subject to the review and approval of the independent directors in the exercise of their fiduciary duties under Rule 12b–1.

6. Dividends paid by the Fund with respect to its Class A shares and Class B shares, to the extent any dividends are paid, will be calculated in the same manner at the same time on the same day and will be in the same amount, except that distribution fee payments relating to each respective class of shares will be borne exclusively by that class and any incremental transfer agency costs relating to Class B shares will be borne exclusively by that class.

7. The methodology and procedures for calculating the net asset value and dividends and distributions of the two classes and the proper allocation of expenses between the two classes has been reviewed by an expert (the "Expert") who has rendered a report to the Applicants, which has been provided to the staff of the SEC, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Expert, or an appropriate substitute Expert, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Fund that the calculations and allocations are being made properly. The reports of the Expert shall be filed as part of the periodic reports filed with the SEC pursuant to Sections 30(a) and 30(b)(1) of the Act. The work papers of the Expert with the respect to such reports, following request by the Fund (which the Fund agrees to provide), will be available for inspection by the SEC staff upon the written request to the Fund for such work papers by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Expert is a "Special Purpose" report on the "Design of a System" and the ongoing reports will be "Special Purpose" reports on the "Design of a System and Certain Compliance Tests" as defined and described in SAS No. 44 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

8. The Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends and distributions of the two classes of shares and the proper allocation of expenses between the two classes of shares and this representation will be concurred with by the Expert in the initial report referred to in condition (7) above and will be concurred with by the Expert, or an appropriate substitute Expert, on an ongoing basis at least annually in the ongoing reports referred to in condition (7) above. Applicants will take immediate corrective measures if this representation is not concurred in by the Expert or appropriate substitute Expert.

9. The prospectus of the Fund will contain a statement to the effect that a salesperson and any other person entitled to receive any portion of a distribution fee may receive different compensation for selling one particular class of shares over another in the Fund.

10. The Distributor will adopt compliance standards, substantially in the form of Exhibit C to the application, as to when Class A and Class B shares may appropriately be sold to particular investors. Applicants will require all broker-dealers selling shares of the Fund to agree to conform to such standards.

11. All purchases of shares of the Fund by the directors made after the issuance of a second class of shares has been authorized will be equally divided between the two classes. Over time and prior to conversion, the actual holdings of the two classes of these newly purchased shares will differ to a minor degree if a director elects to have dividends reinvested. Pursuant to the conversion feature of the Class B shares, Class B shares purchased by the directors of the Fund will eventually convert to Class A shares.

12. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the directors of the Fund with respect to the Dual Distribution System will be set forth in guidelines which will be furnished to the directors.

13. The Fund will clearly disclose the difference in the respective yields of the Class A and Class B shares of the Fund in its prospectus, statement of additional information, shareholder reports and any advertising materials, including newspaper advertisements. For instance, the supplementary financial information, including the per share table in the Fund's prospectus and the balance sheet in the Fund's statement of additional information, will be separately presented for the Class A and Class B shares. Also, the Fund's prospectus and statement of additional information will disclose the different exchange privileges applicable to the different classes of shares, as well as the conversion feature applicable to the Class B shares. Similarly, the information provided by the Applicants to any newspaper or similar listing of the Fund's net asset value and public offering price will separately present the Class A and Class B shares.

14. The Applicants acknowledge that the grant of the exemptive order requested by the application will not imply SEC approval, authorization or acquiescence in any particular level of payments that the Fund may make pursuant to its Rule 12b–1 distribution plan in reliance on the exemptive order.

15. Class B shares will convert into Class A shares on the basis of the relative net asset values of the two classes, without the imposition of any sales load, fee, or other charge.

*B. Condition Relating to the CDSL*

1. The Applicants will comply with the representations in the Application concerning the CDSL and the provisions of proposed Rule 6c–10 under the Act, as such rule is currently proposed and as it may be reproposed, adopted or amended.

By the Commission.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 90–835 Filed 1–11–90; 8:45am]

BILLING CODE 8010–01–M

## DEPARTMENT OF TRANSPORTATION

### Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended January 5, 1990

The following applications for certificates of public convenience and necessity and foreign air carrier permits

were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

*Docket Number:* 46693.
*Dated filed:* January 3, 1990.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 3, 1990.
*Description:* Application of Pan American World Airways, Inc. pursuant to section 401 of the Act and subpart Q of the Regulations, requests that the DOT direct the Department of Stae to designate Pan Am as the U.S. carrier to serve Chicago-London under the U.S.-U.K. bilateral. Alternatively, Pan Am respectfully requests that DOT consolidate any American-TWA application to transfer Chicago-London route authority with this Application and to hold a comparative route proceeding.

*Docket Number:* 46703
*Dated filed:* January 5, 1990.
*Due Date for Answers, Conforming Applications, or Motion to Modify Scope:* February 4, 1990.
*Description:* Joint Application of American Airlines, Inc., Eastern Air Lines, Inc. and Continental Airlines, Inc., applies, pursuant to section 401(h) of the Act and subpart Q of the regulations, for (a) approval of the transfer to American of Eastern's U.S.-South America, U.S.-Central America and Miami/Tampa-Toronto certificate authority, and Continental's Miami-London certificate authority and (b) transfer to American of Eastern's New York/Miami-Brazil and Miami-Madrid exemption authority and Eastern's U.S.-Argentina and Miami-Ecuador frequency allocations.

**Phyllis T. Kaylor,**
*Chief, Documentary Services Division.*
[FR Doc. 90-789 Filed 1-11-90; 8:45 am]
BILLING CODE 4910-62-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Date: January 8, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

**Internal Revenue Service**

*OMB Number:* New
*Form Number:* None
*Type of Review:* New collection
*Title:* Testing Sessions to Measure Comprehension Levels of Taxpayers
*Description:* The testing sessions are necessary to develop quantitative measures of comprehension levels of taxpayers, in support of IRS Strategic Initiative BEE-12. The results will be used in conjunction with later project phases to improve IRS tax forms and instructions, to make them easier to use and understand.
*Respondents:* Individuals or households
*Estimated Number of Responses:* 2,750
*Estimated Burden Hours Per Respondent:* 2 hours
*Frequency of Response:* One-time testing sessions
*Estimated Total Reporting:* 3,055 hours

*OMB Number:* 1545-0226
*Form Number:* IRS Form 6249
*Type of Review:* Extension
*Title:* Computation of Overpaid Windfall Profit Tax
*Description:* For 6249 is filed by individuals and other entities to claim a credit or refund for overpaid windfall profit tax. The IRS uses Form 6249 to determine if these credits or overpayments are correct. IRS also uses 6249 to provide information to the Treasury Department for their statistical use.
*Respondents:* Individuals or households
*Estimated Number of Responses:* 1,000
*Estimated Burden Hours Per Respondent:* 16 hours, 6 minutes
*Frequency of Response:* On occasion
*Estimated Total Reporting:* 53,790 hours.

*OMB Number:* 1545-0807
*Form Number:* None
*Type of Review:* Extension
*Title:* Time for Filing Returns of Corporations (LR 2013 (TD 7533 and 7896))
*Description:* Section 6072(b), (c), and (d) of the Internal Revenue Code deals with the filing dates of certain corporate returns. Regulation § 1.6072-2 provides additional information concerning these dates. The information is used to insure timely filing of corporate tax returns.
*Respondents:* Businesses or other for-profit, Small businesses or organizations Individuals or households
*Estimated Number of Responses:* 1
*Estimated Burden Hours Per Respondent:* 1 hour
*Frequency of Response:* On occasion, quarterly, annually
*Estimated Total Reporting:* 1 hour
*Clearance Officer:* Garrick Shear, (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.
*OMB Reviewer:* Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**
*Departmental Reports Management officer.*
[FR Doc. 90-812 Filed 1-11-90; 8:45 am]
BILLING CODE 4830-01-M

### Meeting of Advisory Committee to the National Center for State and Local Law Enforcement Training

**AGENCY:** Advisory Committee to the National Center for State and Local Law Enforcement Training.

**ACTION:** Notice of Meeting.

**SUMMARY:** The agenda for this meeting includes: Opening remarks by the Director of the Federal Law Enforcement Training Center and Committee Co-chairs; discussion of FY 90 training program status; Operation Alliance final report; Needs Assessment report; program development activities; Fellowship Program report; and discussion of proposed AIDS Symposium.

**DATE:** January 18, 1990.

**ADDRESS:** Federal Law Enforcement Training Center, Building 94, Board Room, Glynco, Georgia.

**FOR FURTHER INFORMATION CONTACT:** William M. Kelso, Acting Assistant Director, Office of State and Local Training, Federal Law Enforcement Training Center, Glynco, Georgia 31524.

Signed: December 19, 1989.

**Charles F. Rinkevich,**
*Director.*
[FR Doc. 90-405 Filed 1-11-90; 8:45am]
BILLING CODE 4810-32-M

## Bureau of Alcohol, Tobacco and Firearms

**[Notice No. 695]**

## Commerce in Explosives; List of Explosive Materials

Pursuant to the provisions of section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco, and Firearms, must publish and revise at least annually in the Federal Register a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution and Storage of Explosive Materials. This Chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code. Accordingly, the following is the 1989 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the Federal Register and blasting agents. The list is intended to also include any and all mixtures containing any of the materials in the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is *not* all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in Section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated December 29, 1988 (53 FR 52561) and will be effective as of January 12, 1990.

### List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
*Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate having particle size less than 15 microns.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
*ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1, 2-bis (2, 2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
*Blasting agents, nitro-carbo-nitrates, including non cap sensitiv slurry and water-gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder
BTNEC [bis (trinitroethyl) carbonate].
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclonite [RDX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGND [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
DNDP [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitroform).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellulose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogen [RDX].
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene-2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hyrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate.].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40 percent TNT, 40 percent ammonium nitrate, 20 percent aluminum].
MMAN [monoethylamine nitrate]; methylamine nitrate.
Monoitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside expolsive.
Nitrated poyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN).
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
PYX [2,6-bis(picrylamino)-3,5-dinitropyridine.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (manufactured as an explosive).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.
Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].
Safety fuse.
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide explosive mixture.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Squibs.
Styphnic acid explosives.

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a-tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN (trimethylolethane trinitrate].
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethyl orthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthamonas hydrophilic colloid explosive mixture.

**FOR FURTHER INFORMATION CONTACT:** Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226 (202–789–3027).

Approved: January 5, 1990.

**Stephen E. Higgins,**

*Director.*

[FR Doc. 90–820 Filed 1–11–90; 8:45 am]

BILLING CODE 4810–31–M

## DEPARTMENT OF VETERANS AFFAIRS

### Meeting of the Veterans' Advisory Committee on Environmental Hazards; Cancellation

The meeting of the Advisory Committee on Environmental Hazards which is scheduled for January 30–31, 1990, as set forth in the **Federal Register** of December 26, 1989 (54 FR 53031) has been cancelled. It will be rescheduled at a later date.

Date: January 5, 1990.

By direction of the Secretary:

**Sylvia Chavez Long,**

*Committee Management Officer.*

[FR Doc. 90–811 Filed 1–11–90; 8:45 am]

BILLING CODE 8320–01–M

# Sunshine Act Meetings

Federal Register
Vol. 55, No. 9
Friday, January 12, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, January 16, 1990, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous meetings.

Reports of actions approved by the standing committees of the Corporation and by officers of the Corporation pursuant to authority delegated by the Board of Directors.

Discussion Agenda:

Memorandum and resolution re: Statement of Policy Providing Guidance on External Auditing Procedures for State Nonmember Banks, which identifies the auditing procedures which the Corporation recommends that an independent external auditor should perform annually at each State nonmember bank.

Memorandum re: Mortgage Servicing Rights.

Memorandum re: Notice of Compliance with Section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550–17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: January 9, 1990.

Federal Deposit Insurance Corporation.
**Hoyle L. Robinson,**
*Executive Secretary.*
[FR Doc. 90–909 Filed 1–9–90; 5:10 pm]
BILLING CODE 6714–01–M

**FEDERAL DEPOSIT INSURANCE CORPORATION**

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:30 p.m. on Tuesday, January 16, 1990, the Federal Deposit Insurance Corporation's Board of Directors will meet in closed session, by vote of the Board of Directors, pursuant to sections 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of Title 5, United States Code, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Recommendations with respect to the initiation, termination, or conduct of administrative enforcement proceedings (cease-and-desist proceedings, termination-of-insurance proceedings, suspension or removal proceedings, or assessment of civil money penalties) against certain insured banks or officers, directors, employees, agents or other persons participating in the conduct of the affairs thereof:

Names of persons and names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), and (c)(9)(A)(ii)).

Note.—Some matters falling within this category may be placed on the discussion agenda without further public notice if it becomes likely that substantive discussion of those matters will occur at the meeting.

Recommendation regarding the liquidation of a depository institution's assets acquired by the Corporation in its capacity as receiver, liquidator, or liquidating agent of those assets:

Case No. 47,469—Cypress Savings and Loan Association Boynton Beach, Florida.

Reports of the Office of the Inspector General:

Audit Report re: Final Report—OIG Investigation (Memo dated November 16, 1989)
Audit Report re: Consolidated Financial Statements for FirstSouth F.A., FSLIC as Receiver, and Subsidiaries for the year ended September 30, 1988 (Memo dated December 1, 1989)
Audit Report re: Bond County State Bank Assistance Agreement (Memo dated December 6, 1989)
Audit Report re: The Bank of Santa Fe Assistance Agreement (Memo dated December 6, 1989)
Audit Report re: Audit of the Corporate Purchase Order System (Memo dated November 8, 1989)
Audit Report re: Guardian Bank, N.A., Hempstead, New York (5973) (Memo dated December 8, 1989)
Audit Report re: Kansas City Consolidated Office, Bank Termination (Memo dated November 16, 1989)
Audit Report re: Kansas City Consolidated Office, Cost Center—301 (Memo dated November 8, 1969)
Audit Report re: Inventory Closing Procedures, Bossier City Consolidated Office (Memo dated November 22, 1989)
Audit Report re: Inventory Closing Procedures, Kansas City Consolidated Office (Memo dated December 8, 1989)

Memorandum re: Justification for contract renewals.

Discussion Agenda:

Personnel actions regarding appointments, promotions, administrative pay increases, reassignments, retirements, separations, removals, etc.:

Names of employees authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(2) and (c)(6) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2) and (c)(6)).

Recommendation regarding the Corporation's corporate activities.

Matters relating to an assistance agreement pursuant to section 13 of the Federal Deposit Insurance Act.

Matters relating to the possible closing of certain insured banks:

Names and locations of banks authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed

to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 898–3813.

Dated: January 9, 1990.

Federal Deposit Insurance Corporation.

**Hoyle L. Robinson,**

*Executive Secretary.*

[FR Doc. 90–910 Filed 1–9–90; 5:10 pm]

BILLING CODE 6714–01–M

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**UNITED STATES POSTAL SERVICE BOARD OF GOVERNORS**

Notice of Vote to Close Meeting

At its meeting on January 8, 1990, the Board of Governors of the United States Postal Service voted unanimously to close to public observation its meeting scheduled for February 5, 1990, in Los Angeles, California. The members will discuss (1) preparations for the rate case filing and (2) possible strategies in collective bargaining negotiations.

The meeting is expected to be attended by the following persons: Governors Alvarado, del Junco, Griesemer, Hall, Mackie, Nevin, Pace, Ryan and Setrakian; Postmaster General Frank; Deputy Postmaster General Coughlin; Secretary to the Board Harris; and General Counsel Cox.

As to the first item, the Board determined that pursuant to section 552b(c)(3) of title 5, United Code, and § 7.3(c) of title 39, Code of Federal Regulations, discussion of this matter is exempt from the open meeting requirement of the Government in the Sunshine Act, [5 U.S.C. 552b(b)], because it is likely to disclose information in connection with proceedings under chapter 36 of title 39 (having to do with postal ratemaking, mail classification and changes in postal services), which is specifically exempted from disclosure by section 410(c)(4) of title 39, United States Code.

The Board has determined further that pursuant to section 552b(c)(10) of title 5, United States Code, and § 7.3(j) of title 39, Code of Federal Regulations, the discussion is exempt because it is likely to specifically concern the participation of the Postal Service in a civil action or proceeding or the litigation of a particular case involving a determination on the record after opportunity for a hearing. The Board further determined that the public interest does not require that the Board's discussion of this matter be open to the public.

As to the second item, the Board determined that pursuant to section 552b(c)(3) of Title 5, United States Code, and § 7.3(c) of Title 39, Code of Federal Regulations, this portion of the meeting is exempt from the open meeting requirement of the Government in the Sunshine Act [5 U.S.C. 552(b)] because it is likely to disclose information prepared for use in connection with the negotiation of collective bargaining agreements under Chapter 12 of Title 39, United States Code, which is specifically exempted from disclosure by section 410(c)(3) of Title 39, United States Code.

In accordance with section 552b(f)(1) of title 5, United States Code, and § 7.6(a) of title 39, Code of Federal Regulations, the General Counsel of the United States Postal Service has certified that in his opinion the meeting may properly be closed to public observation pursuant to section 552b(c)(3) and (10) of title 39, United States Code; and § 7.3(c) and (j) of title 39, Code of Federal Regulations.

Requests for information about the meeting should be addressed to the Secretary of the Board, David F. Harris, at (202) 268–4800.

**David F. Harris,**

*Secretary.*

[FR Doc. 90–985 Filed 1–10–90; 2:03 pm]

BILLING CODE 7710–12–M

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**SECURITIES AND EXCHANGE COMMISSION**

**"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:** [55 FR 694 January 8, 1990].

**STATUS:** Closed meeting.

**PLACE:** 450 Fifth Street, N.W., Washington, D.C.

**DATES PREVIOUSLY ANNOUNCED:** Wednesday, January 3, 1990.

**CHANGE IN THE MEETING:** Deletion.

The following item was not considered at a closed meeting on Tuesday, January 9, 1989, at 11:00 a.m., previously scheduled for 9:30 a.m.:

Formal order of investigation.

Commissioner Grundfest, as duty officer, determined that Commission business required the above change.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascretain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272–2100.

**Jonathan G. Katz,**

*Secretary.*

January 9, 1990.

[FR Doc. 90–989 Filed 1–10–90; 8:45 am]

BILLING CODE 8010–01–M

federal register

Friday
January 12, 1990

Part II

# Housing and Urban Development Department

**Office of the Assistant Secretary**

**24 CFR Parts 201, 203, and 234**

**Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots; Rule**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**Office of the Assistant Secretary for Housing—Federal Housing Commissioner**

**24 CFR Parts 201, 203, and 234**

**[Docket No. N-90-2091; FR-2727-N-1]**

# Mortgage Insurance; Changes to the Maximum Mortgage Limits for Single Family Residences, Condominiums and Manufactured Homes and Lots

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice of revisions to FHA maximum mortgage limits for high-cost areas.

**SUMMARY:** This Notice is the annual complete listing of areas eligible for "high-cost" mortgage limits under certain of HUD's insuring authorities under the National Housing Act (12 USC 1702), and each area's applicable limits. Mortgage limits are adjusted in an area when the Secretary determines that middle- and moderate-income persons have limited housing opportunities because of high prevailing housing sales prices.

**EFFECTIVE DATE:** January 12, 1990.

**FOR FURTHER INFORMATION CONTACT:** For single family: Morris Carter, Director, Single Family Development Division, Room 9270; telephone (202) 755-6720. For manufactured homes: Robert J. Coyle, Director, Title I Insurance Division, Room 9160; telephone (202) 755-6880; 451 Seventh Street, SW., Washington, DC 20410. (These are not toll-free numbers.)

**SUPPLEMENTARY INFORMATION:**

## Background

The National Housing Act (NHA), 12 U.S.C. (1710-1749), authorizes HUD to insure mortgages for single family residences (from one- to four-family structures), condominiums, manufactured homes, manufactured home lots, and combination manufactured homes and lots. The NHA, as amended by the Housing and Community Development Amendments of 1980 and the Housing and Community Development Amendments of 1981, permits HUD to increase the maximum mortgage limits under most of these programs to reflect regional differences in the cost of housing. In addition, sections 2(b) and 214 of the NHA provide for special high-cost limits for insured mortgages in Alaska, Guam and Hawaii.

The last comprehensive list of high-cost areas was published on December 12, 1988 (53 FR 49855). Since then a number of areas have had increases to their mortgage limits published in the Federal Register. In this Notice, HUD is updating the list of high-cost areas by publishing a list of new areas and increasing the limits for certain existing high-cost areas.

Currently, the National Housing Act provides that HUD can grant mortgage insurance for a one-family dwelling in a high-cost area up to a maximum of $101,250.00. (150% of the medium one-family dwelling mortgage limit) The basic Law remains unchanged. For fiscal Year 1990, the Departments of Veterans Affairs and Housing and Urban Development Appropriations Act (Pub. L. 101-144) has permitted HUD to insure high-cost area mortgages up to 185% of the base statutory mortgage insurance limits provided for in the NHA. ($124,875.00 in the case of a one-family dwelling) Hence, published limits in this Notice in excess of 150% of the statutory limits will not be effective after September 30, 1990 unless the Congress extends the fiscal year 1990 increase, except for mortgages insured under Title II of the NHA:

(1) Pursuant to a conditional commitment or master conditional commitment issued by HUD on or before September 30, 1990; or

(2) Pursuant to an appraisal report or master appraisal report signed by a Direct Endorsement underwriter on or before September 30, 1990; or

(3) Pursuant to a certificate of reasonable value or master certificate of reasonable value issued by the Department of Veterans Affairs on or before September 30, 1990.

For Title I loans, the published limits in this Notice will not apply to any loans and advances of credit, or purchases of obligations and advances of credit, made after September 30, 1990.

Since the statutory change is temporary in nature, HUD will not amend its regulations to conform them to the increase to 185% of the basic mortgage limit in high-cost areas for fiscal year 1990. The current regulations, which limit insurance coverage to 150% of the base amount in high-cost areas, will be waived in those areas listed in this Notice, where local cost data supports a limit in excess of 150%.

## This Document

In this document, the Department publishes its entire list of high-cost areas with applicable mortgage limits. This document incorporates the changes published on April 7, 1989 (54 FR 14075), April 24, 1989 (54 FR 16360), and July 31, 1989 (54 FR 31519), as well as new and increased limits announced for the first time in this document.

This document adds the following areas with applicable limits to the high-cost list:

### New Areas

Windham County, VT
Windsor County, VT
Orange County, VT
Belknap County, NH
Burlington, VT MSA
Albany-Schenectady-Troy, NY MSA
Elmira, NY MSA
Niagara Falls, NY MSA
Rochester, NY MSA
Utica-Rome, NY MSA
Sullivan County, NY
Vineland-Milleville-Bridgeton, NJ PMSA
Altoona, PA MSA
Lancaster, PA MSA
Hagerstown, MD MSA
Wicomico County, MD
Charlottesville, VA MSA
Jefferson County, W VA
Johnson City-Kingsport-Bristol, TN-VA MSA
Alamance County, NC
Louisville, KY MSA
Henderson County, NC
Kalamazoo, MI MSA
Georgetown County, SC
Lansing-East Lansing, MI MSA
Muscogee County, GA
Saginaw-Bay City-Midland, MI MSA
Canton, OH MSA
Hamilton-Middleton, OH MSA
Eau Claire, WI MSA
Kenosha, WI MSA
LaCrosse, WI MSA
San Angelo, TX MSA
Laredo, TX MSA
Lawrence, KS MSA
Cedar Rapids, IA MSA
Davenport-Rock Island-Moline, IA MSA
Eugene-Springfield, OR MSA
Medford, OR MSA
Salem, OR MSA

This document also revises the existing limits for the following areas.

### Revised Areas

Manchester, NH PMSA
Lewiston-Auburn, ME MSA
Portland, ME MSA
State of Massachusetts
State of Rhode Island
Binghamton, NY MSA
Nassau-Suffolk, NY PMSA
New York, NY PMSA
Orange County, NY PMSA
Poughkeepsie, NY MSA

Syracuse, NY MSA
State of Connecticut
Atlantic City, NJ MSA
Bergen-Passaic, NJ PMSA
Jersey City, NJ PMSA
Middlesex-Somerset-Hunterdon, NJ PMSA
Monmouth-Ocean, NJ PMSA
Newark, NJ PMSA
Trenton, NJ PMSA
Allentown-Bethlehem, PA–NJ MSA
St. Croix, VI
Harrisburg-Lebanon-Carlisle, PA MSA
Philadelphia, PA MSA
Scranton—Wilkes-Barre, PA MSA
York, PA MSA
Baltimore, MD MSA
Washington, DC–MD–VA, MSA
Culpeper County, VA
Madison County, VA
Orange County, VA
Norfolk-Virginia Beach-Newport News, VA MSA
Richmond-Petersburg, VA MSA
Roanoke, VA MSA
Atlanta, GA MSA
Augusta, GA MSA
Macon-Warner Robins, GA MSA
Savannah, GA MSA
Florence, AL MSA
Huntsville, AL MSA
Tuscaloosa, AL MSA
Asheville, NC MSA
Fayetteville, NC MSA
Greenboro—Winston-Salem-High Point, NC MSA
Raleigh-Durham, NC MSA
Biloxi-Gulfpoint, MS MSA
Jackson, MS MSA
Pascagoula, MS MSA
Ft. Myers, FL MSA
Gainesville, FL MSA
Lakeland-Winter Haven, FL MSA
Monroe County, FL
Melbourne-Titusville-Palm Bay, FL MSA
Panama City, FL MSA
Sarasota, FL MSA
Tallahassee, FL MSA
West Palm Beach-Boca Raton-Delray Beach, FL MSA
Nashville, TN MSA
Aurora-Elgin, IL PMSA
Bloomington-Normal, IL MSA
Champaign-Urbana-Rantoul, IL MSA
Chicago, IL PMSA
Joliet, IL PMSA
Lake County, IL PMSA
Monroe County, IN
St. Joseph County, IN
Akron, OH PMSA
Cleveland, OH PMSA
Columbus, OH PMSA
Dayton-Springfield, OH MSA
Lorain-Elyria, OH PMSA
Livingston County, MI
Minneapolis-St. Paul, MN MSA
Madison, WI MSA
Indianapolis, IN MSA
Abilene, TX MSA
Armarillo, TX MSA
Austin, TX MSA
Beaumont-Port Arthur, TX MSA
Killeen-Temple, TX MSA
Collin County, TX
Longview-Marshall, TX MSA
Lubbock, TX MSA
Sherman-Denison, TX MSA
Waco, TX MSA
Little Rock-North Little Rock, AR MSA
Tulsa, OK MSA
Lake Charles, LA MSA
Monroe, LA MSA
Shreveport, LA MSA
Topeka, KS MSA
Columbia, MO MSA
Dubuque, IA MSA
Lincoln, NE MSA
Denver, CO PMSA
Boulder-Longmont, CO PMSA
Colorado Springs, CO MSA
Fort Collins-Loveland, CO MSA
Greeley, CO MSA
Pueblo, CO MSA
Salt Lake City-Ogden, UT MSA
Fargo-Moorhead, ND-MN MSA
Grand Forks, ND MSA
Sioux Falls, SD MSA
Anaheim-Santa Ana, CA PMSA
Chico, CA MSA
Fresno, CA MSA
Los Angeles-Long Beach, CA PMSA
Modesto, CA MSA
Oakland, CA PMSA
Oxnard-Ventura, CA PMSA
Sacramento, CA MSA
Salinas-Seaside-Monterey, CA MSA
Redding, CA MSA
Riverside-San Bernardion, CA PMSA
San Diego, CA MSA
San Francisco, CA PMSA
San Jose, CA PMSA
Santa Barbara-Santa Maria-Lompoc, CA MSA
Santa Cruz, CA PMSA
Santa Rosa-Petaluma, CA PMSA
Stockton, CA MSA
Vallejo-Fairfield-Napa, CA PMSA
Reno, NV MSA
Phoenix, AZ MSA
Tucson, AZ MSA
State of Hawaii
Seattle, WA MSA
Tacoma, WA MSA
Boise City, ID MSA
Kent County, DE

These high-cost limits are effective January 12, 1990 and supersede other published amounts in effect, to the extent they are inconsistent with figures appearing in this document.

These amendments appear in two parts. Part I explains high-cost limits for mortgages insured under Title I of the National Housing Act. Part II lists each high-cost area, with applicable limits for single family residences (including condominiums) insured under section 203(b), 234(c) and 214 of the National Housing Act.

**List of Subjects**

*24 CFR Part 201*

Health facilities, Historic preservation, Home improvement, Loan programs-housing and community development, Manufactured homes, Reporting and recordkeeping requirements.

*24 CFR Part 203*

Hawaiian natives, Indians: lands, Home improvement, Loan programs-housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

*24 CFR Part 234*

Condominiums, Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, the Department publishes the revised dollar limitations as follows:

**National Housing Act High Cost Mortgage Limits**

I. Title I: Method of Computing Limits

A. *Section 2(b)(1)(D). Combination manufactured home and lot (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a combination manufactured home and lot loan, multiply the dollar amount in the "one family" column of Part II of this list by .80. For example, Cumberland County, ME, has a one-family limit of $109,250. The combination home and lot loan limit is $109,250×.80, or $87,400.

B. *Section 2(b)(1)(E): Lot only (excluding Alaska, Guam and Hawaii):* To determine the high-cost limit for a lot loan, multiply the dollar amount in the "one-family" column of Part II of this list by .20. For example, Cumberland County, ME, has a one-family limit of $109,250. The lot-only loan limit for Cumberland County, ME is $109,250×.20, or $22,850.

C. *Section 2(b)(2). Alaska, Guam and Hawaii limits:* The maximum dollar limits for Alaska, Guam and Hawaii may be 140% of the statutory loan limits set out in section 2(b)(1).

Accordingly, the dollar limits for Alaska, Guam and Hawaii are as follows:

1. For manufactured homes: $56,700, ($40,500×140%).

2. For combination manufactured homes and lots: $75,600. ($54,000×140%).

3. For lots only: $18,900 ($13,500×140%).

## II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| **REGION I** | | | | |
| **HUD Field Office: Bangor Office** | | | | |
| Lewiston-Auburn, ME MSA: | | | | |
| Androscoggin County | $117,650 | $132,500 | $160,950 | $185,750 |
| Portland, ME MSA: | | | | |
| Cumberland County | $109,250 | $123,050 | $149,500 | $172,500 |
| Portsmouth-Dover-Rochester, NH-ME MSA: | | | | |
| York County, ME | $101,250 | $114,000 | $138,000 | $160,500 |
| Other areas: | | | | |
| Sagadahoc County | $99,750 | $112,350 | $136,500 | $157,500 |
| **HUD Field Office: Burlington Office** | | | | |
| Burlington, VT MSA: | | | | |
| Chittenden County | $106,750 | $120,200 | $146,050 | $168,550 |
| Franklin County | | | | |
| Grand Isle County | | | | |
| Other Areas: | | | | |
| Addiston County | $85,500$ | $96,300 | $117,000 | $135,000 |
| Bennington County | $81,700 | $92,000 | $111,800 | $129,000 |
| Orange County | $87,400 | $98,400 | $119,600 | $138,000 |
| Rutland County | $97,850 | $110,200 | $133,900 | $154,500 |
| Washington County | $90,000 | $101,300 | $122,650 | $142,650 |
| Windham County | $99,750 | $112,350 | $136,500 | $157,500 |
| Windsor County | $101,250 | $114,000 | $138,000 | $160,500 |
| **HUD Field Office: Manchester Office** | | | | |
| Portsmouth-Dover-Rochester, NH-ME MSA: | | | | |
| Rockingham County (Part) | $124,875 | $140,600 | $170,200 | $197,950 |
| Strafford County | $101,250 | $114,000 | $138,000 | $160,500 |
| Manchester, NH PMSA: | | | | |
| Hillsborough County | $124,875 | $140,600 | $170,200 | $197,950 |
| Merrimack County | | | | |
| Rockingham County (Part) | | | | |
| Other Areas: | | | | |
| Belknap County | $101,250 | $114,000 | $138,000 | $160,500 |
| Cheshire County | $81,700 | $92,000 | $111,800 | $129,000 |
| **HUD Field Office: Hartford Office** | | | | |
| State of Connecticut | $124,875 | $140,600 | $170,200 | $197,950 |
| **HUD Field Office: Boston Office** | | | | |
| State of Massachusetts | $124,875 | $140,600 | $170,200 | $197,950 |
| **HUD Field Office: Providence Office** | | | | |
| State of Rhode Island | $124,875 | $140,600 | $170,200 | $197,950 |
| **REGION II** | | | | |
| **HUD Field Office: Caribbean Office** | | | | |
| Caguas, PR PMSA: | | | | |
| Aguas Buenas Municipio | $93,050 | $104,800 | $127,300 | $146,900 |
| Caguas Municipio | | | | |
| Cayey Municipio | | | | |
| Cidra Municipio | | | | |
| Gurabo Municipio | | | | |
| San Lorenzo Municipio | | | | |
| Mayaguez, PR MSA: | | | | |
| Anasco Municipio | $79,650 | $89,700 | $109,000 | $125,800 |
| Cabo Rojo Municipio | | | | |
| Hormigueros Municipio | | | | |
| Mayaguez Municipio | | | | |
| San German Municipio | | | | |
| Ponce, PR MSA: | | | | |
| Juana Diaz Municipio | $81,700 | $92,000 | $111,800 | $129,000 |
| Ponce Municipio | | | | |
| San Juan, PR PMSA: | | | | |
| Barceloneta Municipio | $ 93,050 | $104,800 | $127,300 | $146,900 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Bayamon Municipio | | | | |
| Canovanas Municipio | | | | |
| Carolina Municipio | | | | |
| Catano Municipio | | | | |
| Corozal Municipio | | | | |
| Dorado Municipio | | | | |
| Fajardo Municipio | | | | |
| Florida Municipio | | | | |
| Guaynabo Municipio | | | | |
| Humacao Municipio | | | | |
| Juncos Municipio | | | | |
| Las Piedras Municipio | | | | |
| Loiza Municipio | | | | |
| Luquillo Municipio | | | | |
| Manati Municipio | | | | |
| Naranjito Municipio | | | | |
| Rio Grande Municipio | | | | |
| San Juan Municipio | | | | |
| Toa Alta Municipio | | | | |
| Toa Baja Municipio | | | | |
| Trujillo Alto Municipio | | | | |
| Vega Alta Municipio | | | | |
| Vega Baja Municipio | | | | |
| Virgin Islands: | | | | |
| St. Croix | $124,875 | $140,600 | $170,200 | $197,950 |
| St. Thomas | $ 90,000 | $101,300 | $122,650 | $142,650 |
| **HUD Field Office: Albany Office** | | | | |
| Albany, NY MSA: | | | | |
| Albany County | $120,000 | $135,150 | $164,200 | $189,450 |
| Greene County | | | | |
| Montgomery County | | | | |
| Rensselaer County | | | | |
| Saratoga County | | | | |
| Schenectady County | | | | |
| Binghamton, NY MSA: | | | | |
| Broome County | $124,875 | $140,600 | $170,200 | $197,950 |
| Tioga County | | | | |
| Poughkeepsie, NY MSA: | | | | |
| Dutchess County | $124,875 | $140,600 | $170,200 | $197,950 |
| Syracuse, NY MSA: | | | | |
| Madison County | | | | |
| Onondaga County | $ 86,950 | $ 97,900 | $118,950 | $137,250 |
| Oswego County | | | | |
| Utica-Rome, NY MSA: | | | | |
| Herkimer County | $ 91,150 | $102,650 | $124,700 | $143,900 |
| Oneida County | | | | |
| Other Areas: | | | | |
| Columbia County | $ 90,250 | $101,650 | $123,500 | $142,500 |
| Sullivan County | $ 76,000 | $ 85,600 | $104,000 | $120,000 |
| Tompkins County | $ 86,300 | $ 97,200 | $118,100 | $136,250 |
| Ulster County | $101,250 | $114,000 | $138,000 | $160,500 |
| Warren County | $101,250 | $114,000 | $138,000 | $160,500 |
| **HUD Field Office: New York Office** | | | | |
| Nassau-Suffolk, NY PMSA: | | | | |
| Nassau County | $124,875 | $140,600 | $170,200 | $197,950 |
| Suffolk County | | | | |
| New York, NY PMSA: | | | | |
| Bronx County | $124,875 | $140,600 | $170,200 | $197,950 |
| Kings County | | | | |
| New York County | | | | |
| Putnam County | | | | |
| Queens County | | | | |
| Richmond County | | | | |
| Rockland County | | | | |
| Westchester County | | | | |
| Orange County, NY PMSA: | | | | |
| Orange County | $123,500 | $139,100 | $169,000 | $195,000 |
| **HUD Field Office: Newark Office** | | | | |
| Allentown-Bethlehem, PA-NJ MSA (part): | | | | |
| Warren County, NJ | $117,600 | $132,450 | $160,900 | $185,650 |
| Bergen-Passaic, NJ PMSA: | | | | |
| Bergen County | $124,875 | $140,600 | $170,200 | $197,950 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Passaic County | | | | |
| Jersey City, NJ PMSA: | | | | |
| Hudson County | $124,875 | $140,600 | $170,200 | $197,950 |
| Middlesex-Somerset-Hunterdon, NJ PMSA: | | | | |
| Hunterdon County | $124,875 | $140,600 | $170,200 | $197,950 |
| Middlesex County | | | | |
| Somerset County | | | | |
| Monmouth-Ocean, NJ PMSA (part): | | | | |
| Monmouth County | $124,875 | $140,600 | $170,200 | $197,950 |
| Ocean County | | | | |
| Newark, NJ PMSA: | | | | |
| Essex County | 124,875 | $140,600 | $170,200 | $197,950 |
| Morris County | | | | |
| Sussex County | | | | |
| Union County | | | | |
| HUD Field Office: Camden Office | | | | |
| Atlantic City, NJ MSA: | | | | |
| Atlantic County | $124,875 | $140,600 | $170,200 | $197,950 |
| Cape May County | | | | |
| Monmouth-Ocean, NJ PMSA (part): | | | | |
| Ocean County | $124,875 | $140,600 | $170,200 | $197,950 |
| Philadelphia, PA-NJ PMSA (part): | | | | |
| Burlington County, NJ | $124,875 | $140,600 | $170,200 | $197,950 |
| Camden County | | | | |
| Gloucester County | | | | |
| Trenton, NJ PMSA: | | | | |
| Mercer County | $124,875 | $140,600 | $170,200 | $197,950 |
| Vineland-Millville-Bridgeton, NJ PMSA: | | | | |
| Cumberland County | $86,600 | $97,500 | $118,500 | $136,700 |
| Wilmington, DE-NJ-MD PMSA (part): | | | | |
| Salem County, NJ | $90,300 | $101,700 | $123,550 | $142,550 |
| HUD Field Office: Buffalo Office | | | | |
| Buffalo, NY PMSA: | | | | |
| Erie County | $78,850 | $88,800 | $107,900 | $124,500 |
| Elmira, NY MSA: | | | | |
| Chemung County | $80,300 | $90,400 | $109,850 | $126,750 |
| Niagara Falls, NY PMSA: | | | | |
| Niagara County | $76,300 | $85,900 | $104,400 | $120,450 |
| Rochester, NY MSA: | | | | |
| Livingston County | $90,800 | $102,250 | $124,250 | $143,350 |
| Monroe County | | | | |
| Ontario County | | | | |
| Orleans County | | | | |
| Wayne County | | | | |
| REGION III | | | | |
| HUD Field Office: Philadelphia Office | | | | |
| Allentown-Bethlehem, PA-NJ MSA (part): | | | | |
| Carbon County, PA | $117,600 | $132,450 | $160,900 | $185,650 |
| Lehigh County | | | | |
| Northampton County | | | | |
| Harrisburg-Lebanon-Carlisle, PA MSA: | | | | |
| Cumberland County | $106,200 | $119,600 | $145,300 | $167,650 |
| Dauphin County | | | | |
| Lebanon County | | | | |
| Perry County | | | | |
| Lancaster, PA MSA: | | | | |
| Lancaster County | $115,500 | $130,050 | $158,050 | $182,350 |
| Philadelphia, PA-NJ PMSA (part): | | | | |
| Bucks County, PA | $124,875 | $140,600 | $170,200 | $197,950 |
| Chester County | | | | |
| Delaware County | | | | |
| Montgomery County | | | | |
| Philadelphia County | | | | |
| Reading, PA MSA: | | | | |
| Berks County | $89,300 | $100,600 | $122,250 | $141,050 |
| Scranton-Wilkes-Barre, PA MSA: | | | | |
| Columbia County | $95,600 | $107,650 | $130,800 | $150,900 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Lackawanna County | | | | |
| Luzerne County | | | | |
| Monroe County | | | | |
| Wyoming County | | | | |
| York, PA MSA: | | | | |
| Adams County | $103,550 | $116,600 | $141,700 | $163,500 |
| York County | | | | |
| **HUD Field Office: Baltimore Office** | | | | |
| Baltimore, MD MSA: | | | | |
| Baltimore City | $124,875 | $140,600 | $170,200 | 197,950 |
| Anne Arundel County | | | | |
| Baltimore County | | | | |
| Carroll County | | | | |
| Harford County | | | | |
| Howard County | | | | |
| Queen Annes County | | | | |
| Hagerstown, MD MSA | | | | |
| Washington County | $93,100 | $104,850 | $127,400 | $147,000 |
| Washington, DC-MD-VA MSA (part): | | | | |
| Charles County, MD | $124,875 | $140,600 | $170,200 | $197,950 |
| Calvert County | | | | |
| Frederick County | | | | |
| Wilmington, DE-NJ-MD PMSA (part): | | | | |
| Cecil County, MD | $90,300 | $101,700 | $123,550 | $142,550 |
| Other Areas: | | | | |
| St. Marys County | $90,250 | $101,650 | $123,500 | $142,500 |
| Talbot County | $101,250 | $114,000 | $138,000 | $160,500 |
| Wicomico County | $75,900 | $85,450 | $103,850 | $119,850 |
| Worcester County | $71,250 | $80,250 | $97,500 | $112,500 |
| **HUD Field Office: Washington, DC Office** | | | | |
| Washington, DC-MD-VA MSA (part): | | | | |
| District of Columbia | $124,875 | $140,600 | $170,200 | $197,950 |
| Montgomery County, MD | | | | |
| Prince Georges County, MD | | | | |
| Alexandria City, VA | | | | |
| Arlington County, VA | | | | |
| Fairfax County, VA | | | | |
| Falls Church City, VA | | | | |
| Loudoun County, VA | | | | |
| Manassas City, VA | | | | |
| Manassas Park City, VA | | | | |
| Prince William County, VA | | | | |
| **HUD Field Office: Wilmington Office** | | | | |
| Wilmington, DE-NJ-MD PMSA (part): | | | | |
| New Castle County, DE | $90,300 | $101,700 | $123,550 | $142,550 |
| Other Areas: | | | | |
| Kent County | $82,150 | $92,550 | $112,450 | $129,750 |
| **HUD Field Office: Pittsburgh Office** | | | | |
| Altoona, PA MSA: | | | | |
| Blair County | $83,550 | $94,100 | $114,300 | $131,900 |
| Pittsburgh, PA PMSA: | | | | |
| Allegheny County | $72,200 | $81,300 | $98,800 | $114,000 |
| Fayette County | | | | |
| Washington County | | | | |
| Westmoreland County | | | | |
| **HUD Field Office: Richmond Office** | | | | |
| Charlottesville, VA MSA: | | | | |
| Albermarle County | $95,000 | $107,000 | $130,000 | $150,000 |
| Fluvanna County | | | | |
| Greene County | | | | |
| Charlottesville City | | | | |
| Johnson City-Kingport-Bristol, TN-VA MAS (part): | | | | |
| Bristol City, VA | $85,400 | $96,150 | $116,850 | $134,800 |
| Scott County | | | | |
| Washington County | | | | |
| Norfolk-VA Beach-Newport News, VA MSA: | | | | |
| Chesapeake City | $113,050 | $127,300 | $154,700 | $178,500 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Gloucester County | | | | |
| Hampton City | | | | |
| James City County | | | | |
| Newport News City | | | | |
| Norfolk City | | | | |
| Poquoson City | | | | |
| Portsmouth City | | | | |
| Suffolk City | | | | |
| Virginia Beach City | | | | |
| Williamsburg City | | | | |
| Richmond-Petersburg, VA MSA: | | | | |
| Charles City County | $105,500 | $118,800 | $144,350 | $166,550 |
| Chesterfield County | | | | |
| Colonial Heights City | | | | |
| Dinwiddie County | | | | |
| Goochland County | | | | |
| Hanover County | | | | |
| Henrico County | | | | |
| Hopewell City | | | | |
| New Kent County | | | | |
| Petersburg City | | | | |
| Powhatan County | | | | |
| Prince George County | | | | |
| Richmond City | | | | |
| Roanoke, VA MSA: | | | | |
| Botetourt County | $93,750 | $105,550 | $128,250 | $148,000 |
| Roanoke County | | | | |
| Roanoke City | | | | |
| Salem City | | | | |
| Washington, DC-MD-VA MSA (part): | | | | |
| Stafford County, VA | $124,875 | $140,600 | $170,200 | $197,950 |
| State of Virginia: | | | | |
| Clark County | $90,250 | $101,650 | $123,500 | $142,500 |
| Culpeper County | $84,050 | $94,650 | $115,050 | $132,750 |
| Fauquier County | $99,300 | $111,800 | $135,850 | $156,750 |
| Frederick County | $81,700 | $92,000 | $118,800 | $129,000 |
| Isle of Wight County | $78,350 | $88,250 | $107,250 | $123,750 |
| Madison County | $76,000 | $85,600 | $104,000 | $120,000 |
| Orange County | $77,900 | $87,700 | $106,600 | $123,000 |
| Spotsylvania County/Fredericksburg City | $90,150 | $101,500 | $123,350 | $142,350 |
| Warren County | $75,500 | $85,050 | $103,350 | $119,250 |
| York County | $101,250 | $114,000 | $138,000 | $160,500 |
| All Other Areas | $68,300 | $76,900 | $93,500 | $107,900 |
| **HUD Field Office: Charleston Office** | | | | |
| Charleston, WV MSA: | | | | |
| Kanawha County | $79,800 | $89,850 | $109,200 | $126,000 |
| Putnam County | | | | |
| Huntington-Ashland, WV-KY-OH MSA (part): | | | | |
| Cabell County, WV | $82,100 | $92,450 | $112,300 | $129,600 |
| Wayne County | | | | |
| Parkersburg-Marietta, WV-OH MSA (part): | | | | |
| Wood County, WV | $75,400 | $84,900 | $103,150 | $119,050 |
| Wheeling, WV-OH MSA (part): | | | | |
| Marshall County, WV | $69,550 | $78,350 | $95,150 | $109,800 |
| Ohio County | | | | |
| Other Areas: | | | | |
| Jefferson County | $88,800 | $100,000 | $121,550 | $140,250 |
| **Region IV** | | | | |
| **HUD Field Office: Atlanta Office** | | | | |
| Atlanta, GA MSA: | | | | |
| Barrow County | $121,450 | $136,750 | $166,150 | $191,750 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Butts County | | | | |
| Cherokee County | | | | |
| Clayton County | | | | |
| Cobb County | | | | |
| Coweta County | | | | |
| DeKalb County | | | | |
| Douglas County | | | | |
| Fayette County | | | | |
| Forsyth County | | | | |
| Fulton County | | | | |
| Gwinnett County | | | | |
| Henry County | | | | |
| Newton County | | | | |
| Paulding County | | | | |
| Rockdale County | | | | |
| Spalding County | | | | |
| Walton County | | | | |
| Augusta, GA-SC MSA: | | | | |
| Columbia County, GA | $86,450 | $97,350 | $118,300 | $136,500 |
| Richmond County | | | | |
| McDuffie County | | | | |
| Chattanooga, TN-GA MSA (part): | | | | |
| Catoosa County, GA | $73,050 | $82,250 | $99,950 | $115,350 |
| Dade County | | | | |
| Walker County | | | | |
| Macon-Warner Robins, GA MSA: | | | | |
| Bibb County | $85,650 | $96,450 | $117,200 | $135,200 |
| Houston County | | | | |
| Jones County | | | | |
| Peach County | | | | |
| Savannah, GA MSA: | | | | |
| Chatham County | $92,700 | $104,400 | $126,850 | $146,350 |
| Effingham County | | | | |
| Other Areas: | | | | |
| Clarke County | $75,050 | $84,500 | $102,700 | $118,500 |
| Glynn County | $76,000 | $85,600 | $104,000 | $120,000 |
| Hall County | $75,000 | $85,050 | $103,350 | $119,250 |
| Muscogee County | $75,000 | $84,450 | $102,635 | $118,400 |
| Oconee County | $75,500 | $85,050 | $103,350 | $119,250 |
| HUD Field Office: Birmingham Office | | | | |
| Anniston, AL MSA: | | | | |
| Calhoun County | $76,000 | $85,600 | $104,000 | $120,000 |
| Birmingham, AL MSA: | | | | |
| Blount County | $96,900 | $109,100 | $132,600 | $153,000 |
| Jefferson County | | | | |
| Shelby County | | | | |
| St. Clair County | | | | |
| Walker County | | | | |
| Florence, AL MSA: | | | | |
| Colbert County | $77,150 | $86,850 | $105,550 | $121,800 |
| Huntsville, AL MSA: | | | | |
| Madison County | $86,950 | $97,900 | $118,950 | $137,250 |
| Mobile, AL MSA: | | | | |
| Baldwin County | $90,700 | $102,150 | $124,150 | $143,250 |
| Mobile County | | | | |
| Montgomery, AL MSA: | | | | |
| Atauga County | $84,500 | $95,150 | $115,650 | $133,400 |
| Elmore County | | | | |
| Montgomery County | | | | |
| Tuscaloosa, AL MSA: | | | | |
| Tuscaloosa County | $85,750 | $96,550 | $117,300 | $135,350 |
| HUD Field Office: Columbia Office | | | | |
| Augusta, GA-SC MSA (part): | | | | |
| Aiken County, SC | $86,450 | $97,350 | $118,300 | $136,500 |
| Charleston, SC MSA: | | | | |
| Berkeley County | $93,100 | $104,850 | $127,400 | $147,000 |
| Charleston County | | | | |
| Dorchester County | | | | |
| Charlotte-Gastonia-Rock Hill, NC-SC MSA (part): | | | | |
| York County, SC | $88,700 | $99,900 | $121,400 | $140,100 |
| Columbia, SC MSA: | | | | |
| Lexington County | $88,350 | $99,500 | $120,900 | $139,500 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Richland County | | | | |
| Greenville-Spartanburg, SC MSA: | | | | |
| Greenville County | $76,950 | $86,650 | $105,300 | $121,500 |
| Horry County | | | | |
| Pickens County | | | | |
| Spartanburg County | | | | |
| Other Areas: | | | | |
| Beaufort County | $94,050 | $105,900 | $128,700 | $148,500 |
| Georgetown County | $81,600 | $91,900 | $111,650 | $128,850 |
| HUD Field Office: Greensboro Office | | | | |
| Asheville, NC MSA: | | | | |
| Buncombe County | $102,450 | $115,350 | $140,150 | $161,750 |
| Burlington, NC MSA: | | | | |
| Alamance County | $73,150 | $82,350 | $100,000 | $115,500 |
| Charlotte-Gastonia-Rock Hill, NC-SC MSA (part): | | | | |
| Mecklenburg County, NC | $101,250 | $114,000 | $138,000 | $160,500 |
| Cabarrus County | $88,700 | $99,900 | $121,400 | $140,100 |
| Gaston County | | | | |
| Lincoln County | | | | |
| Rowan County | | | | |
| Union County | | | | |
| Fayetteville, NC MSA: | | | | |
| Cumberland County | $81,350 | $91,600 | $111,300 | $128,400 |
| Greensboro—Winston-Salem—High Point, NC MSA: | | | | |
| Davidson County | $90,650 | $102,100 | $124,000 | $143,100 |
| Davie County | | | | |
| Forsyth County | | | | |
| Guilford County | | | | |
| Randolph County | | | | |
| Stokes County | | | | |
| Yadkin County | | | | |
| Raleigh-Durham, NC MSA: | | | | |
| Durham County | $109,700 | $123,550 | $150,100 | $173,200 |
| Franklin County | | | | |
| Orange County | | | | |
| Wake County | | | | |
| Wilmington, NC MSA: | | | | |
| New Hanover County | $79,600 | $89,650 | $108,900 | $125,650 |
| Other Areas: | | | | |
| Carteret County | $70,300 | $79,150 | $96,200 | $111,000 |
| Craven County | $81,350 | $91,600 | $111,300 | $128,400 |
| Currituck County | $76,500 | $86,000 | $104,500 | $120,500 |
| Granville County | $72,200 | $81,300 | $98,800 | $114,000 |
| Henderson County | $78,350 | $88,250 | $107,250 | $123,750 |
| Johnston County | $71,250 | $80,250 | $97,500 | $112,500 |
| Pitt County | $75,050 | $84,500 | $102,750 | $118,500 |
| HUD Field Office: Jackson Office | | | | |
| Biloxi-Gulfport, MS MSA: | | | | |
| Hancock County | $84,850 | $95,550 | $116,100 | $133,950 |
| Harrison County | | | | |
| Jackson, MS MSA: | | | | |
| Hinds County | $94,950 | $106,900 | $129,900 | $149,950 |
| Madison County | | | | |
| Rankin County | | | | |
| Memphis, TN-AR-MS MSA: | | | | |
| Desoto County, MS | $101,250 | $114,000 | $138,000 | $160,500 |
| Pascagoula, MS MSA: | | | | |
| Jackson County | $81,800 | $92,100 | $111,900 | $129,150 |
| Other Areas: | | | | |
| Lowndes County | $70,200 | $79,100 | $96,100 | $110,900 |
| Oktibbeha County | $73,300 | $82,600 | $100,350 | $115,800 |
| Warren County | $80,000 | $90,100 | $109,450 | $126,300 |
| HUD Field Office: Coral Gables Office | | | | |
| Ft. Lauderdale-Hollywood-Pompano Beach, FL PMSA: | | | | |
| Broward County | $95,000 | $107,000 | $130,000 | $150,000 |
| Ft. Myers, FL MSA: | | | | |
| Lee County | $88,150 | $99,250 | $120,600 | $139,150 |
| Ft. Pierce, FL MSA: | | | | |
| Martin County | $92,150 | $103,750 | $126,100 | $145,500 |
| Miami-Hialeah, FL PMSA: | | | | |
| Dade County | $94,500 | $106,450 | $129,350 | $149,250 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| West Palm Beach-Boca Raton-Delray Beach, FL MSA: | | | | |
| Palm Beach County | $116,550 | $131,250 | $159,450 | $184,000 |
| Others Areas: | | | | |
| Collier County | $76,000 | $85,600 | $104,000 | $120,000 |
| Monroe County | $124,875 | $140,600 | $170,200 | $197,950 |
| HUD Field Office: Knoxville Office | | | | |
| Chattanooga, TN-GA MSA (part): | | | | |
| Hamilton County, TN | $73,050 | $82,250 | $99,950 | $115,350 |
| Marion County | | | | |
| Sequatchie County | | | | |
| Johnson City-Kingsport-Bristol, TN-VA MSA (part): | | | | |
| Carter County, TN | $85,400 | $96,150 | 116,850 | $134,800 |
| Hawkins County | | | | |
| Sullivan County | | | | |
| Unicoi County | | | | |
| Washington County | | | | |
| Knoxville, TN MSA: | | | | |
| Anderson County | $91,250 | $102,700 | $124,800 | $144,000 |
| Blount County | | | | |
| Graninger County | | | | |
| Jefferson County | | | | |
| Knox County | | | | |
| Sevier County | | | | |
| Union County | | | | |
| HUD Field Office: Memphis Office | | | | |
| Memphis, TN-AR-MS MSA: | | | | |
| Shelby County, TN | $101,250 | $114,000 | $138,000 | $160,500 |
| Tipton County | | | | |
| HUD Field Office: Nashville Office | | | | |
| Clarksville-Hopkinsville, TN-KY MSA (part): | | | | |
| Montgomery County, TN | $76,750 | $86,400 | $105,000 | $121,150 |
| Nashville, TN MSA: | | | | |
| Cheatham County | $101,550 | $114,350 | $138,950 | $160,300 |
| Davidson County | | | | |
| Dickson County | | | | |
| Robertson County | | | | |
| Rutherford County | | | | |
| Sumner County | | | | |
| Williamson County | | | | |
| Wilson County | | | | |
| Other Areas: | | | | |
| Maury County | $76,500 | $86,150 | $104,650 | $120,750 |
| HUD Field Office: Louisville Office | | | | |
| Cinncinnati, OH-KY-IN PMSA (part): | | | | |
| Boone County, KY | $80,750 | $90,950 | $110,500 | $127,500 |
| Campbell County | | | | |
| Kenton County | | | | |
| Clarksville-Hopkinsville, TN-KY MSA (part): | | | | |
| Christian County, KY | $76,750 | $86,400 | $105,100 | $121,150 |
| Huntington-Ashland, WV-KY-OH MSA (part): | | | | |
| Boyd County, KY | $82,100 | $92,450 | $112,300 | $129,600 |
| Carter County | | | | |
| Greenup County | | | | |
| Lexington-Fayette, KY MSA: | | | | |
| Bourbon County | $95,000 | $107,000 | $130,000 | $150,000 |
| Clark County | | | | |
| Fayette County | | | | |
| Jessamine County | | | | |
| Scott County | | | | |
| Woodford County | | | | |
| Louisville, KY-IN MSA (part): | | | | |
| Jefferson County, KY | $91,650 | $103,200 | $125,400 | $144,700 |
| Bullitt County | $74,400 | $83,750 | $101,800 | $117,450 |
| Oldham County | | | | |
| Shelby County | | | | |
| HUD Field Office: Orlando Office | | | | |
| Orlando, FL MSA: | | | | |
| Orange County | $88,350 | $99,500 | $120,900 | $139,500 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Osceola County | | | | |
| Seminole County | | | | |
| Melbourne-Titusville-Palm Bay, FL MSA: | | | | |
| Brevard County | $93,600 | $105,400 | $128,050 | $147,750 |
| Other Areas: | | | | |
| Indian River County | $69,800 | $78,600 | $95,550 | $110,250 |
| Volusia County | $74,550 | $83,950 | $102,050 | $117,750 |
| HUD Field Office: Jacksonville Office | | | | |
| Gainesville, FL MSA: | | | | |
| Alachua County | $92,350 | $104,000 | $126,350 | $145,800 |
| Bradford County | | | | |
| Jacksonville, FL MSA: | | | | |
| Clay County | $87,850 | $98,950 | $120,250 | $138,750 |
| Duval County | | | | |
| Nassau County | | | | |
| St. Johns County | | | | |
| Panama City, FL MSA: | | | | |
| Bay County | $96,750 | $108,950 | $132,350 | $152,750 |
| Pensacola, FL MSA: | | | | |
| Escambia County | $91,950 | $103,550 | $125,900 | $145,150 |
| Santa Rosa County | | | | |
| Tallahasse, FL MSA: | | | | |
| Gadsden County | $97,000 | $109,250 | $132,700 | $153,150 |
| Leon County | | | | |
| HUD Field Office: Tampa Office | | | | |
| Bradenton, FL MSA: | | | | |
| Manatee County | $86,650 | $97,550 | $118,550 | $136,800 |
| Lakeland-Winter Haven, FL MSA: | | | | |
| Polk County | $82,800 | $93,250 | $113,300 | $130,700 |
| Sarasota, FL MSA: | | | | |
| Sarasota County | $110,100 | $124,000 | $150,650 | $173,800 |
| Tampa-St. Petersburg-Clearwater, FL MSA: | | | | |
| Hernando County | $80,750 | $90,950 | $110,500 | $127,500 |
| Hillsborough County | | | | |
| Pasco County | | | | |
| Pinellas County | | | | |
| REGION V | | | | |
| HUD Field Office: Chicago Office | | | | |
| Aurora-Elgin, IL PMSA: | | | | |
| Kane County | $118,750 | $133,750 | $162,500 | $187,500 |
| Kendall County | | | | |
| Chicago, IL PMSA: | | | | |
| Cook County | $104,100 | $117,200 | $142,450 | $164,350 |
| DuPage County | | | | |
| McHenry County | | | | |
| Davenport-Rock Island-Moline, IA-IL MSA: | | | | |
| Henry County, IL | $72,750 | $81,900 | $99,550 | $149,300 |
| Rock Island County | | | | |
| Joliet, IL PMSA: | | | | |
| Grundy County | $97,850 | $110,200 | $133,900 | $154,500 |
| Will County | | | | |
| Lake County, IL PMSA: | | | | |
| Lake County | $124,875 | $140,600 | $170,200 | $197,950 |
| Rockford, IL MSA: | | | | |
| Boone County | $74,550 | $83,950 | $102,050 | $117,750 |
| Winnebago County | | | | |
| HUD Field Office: Detroit Office | | | | |
| Ann Arbor, MI PMSA: | | | | |
| Washtenaw County | $99,200 | $100,450 | $122,050 | $140,800 |
| Detroit, MI PMSA (part): | | | | |
| Oakland County | $101,250 | $114,000 | $138,000 | $160,500 |
| Livingston County | $84,550 | $95,200 | $115,700 | $133,500 |
| Macomb County | $79,700 | $89,750 | $109,050 | $125,850 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Monroe County | | | | |
| St. Clair County | | | | |
| Wayne County | | | | |
| **HUD Field Office: Grand Rapids Office** | | | | |
| Grand Rapids, MI PMSA: | | | | |
| Kent County | $74,550 | $83,950 | $102,050 | $117,750 |
| Ottawa County | | | | |
| Kalamazoo, MI MSA: | | | | |
| Kalamazoo County | $69,350 | $78,100 | $94,900 | $109,500 |
| Lansing-East Lansing, MI MSA: | | | | |
| Clinton County | $73,200 | $82,400 | $100,150 | $115,550 |
| Eaton County | | | | |
| Ingham County | | | | |
| **HUD Field Office: Flint Office** | | | | |
| Detroit, MI PMSA (part): | | | | |
| Lapeer County | $79,700 | $89,750 | $109,050 | $125,850 |
| Saginaw-Bay City-Midland, MI MSA: | | | | |
| Bay County | $72,650 | $81,800 | $99,400 | $114,700 |
| Midland County | | | | |
| Saginaw County | | | | |
| **HUD Field Office: Cleveland Office** | | | | |
| Akron, OH PMSA: | | | | |
| Portage County | $72,000 | $81,050 | $98,500 | $113,650 |
| Summit County | | | | |
| Canton, OH MSA: | | | | |
| Carroll County | $67,700 | $76,250 | $92,600 | $106,850 |
| Stark County | | | | |
| Cleveland, OH PMSA: | | | | |
| Cuyahoga County | $80,400 | $90,550 | $110,000 | $126,900 |
| Geauga County | | | | |
| Lake County | | | | |
| Medina County | | | | |
| Lorain-Elyria, OH PMSA: | | | | |
| Lorain County | $82,400 | $92,800 | $112,750 | $130,100 |
| **HUD Field Office: Springfield Office** | | | | |
| Alton-Granite City, IL PMSA: | | | | |
| Jersey County | $85,500 | $96,300 | $117,000 | $135,000 |
| Madison County | | | | |
| Bloomington-Normal, IL MSA: | | | | |
| McLean County | $79,500 | $89,500 | $108,750 | $125,500 |
| Champaign-Urbana-Rantoul, IL MSA: | | | | |
| Champaign County | $90,900 | $102,350 | $124,350 | $143,500 |
| East St. Louis-Belleville, IL PMSA: | | | | |
| Clinton County | $85,500 | $96,300 | $117,000 | $135,000 |
| St. Clair County | | | | |
| St. Louis, MO–IL PMSA (part): | | | | |
| Monroe County, IL | $99,150 | $111,650 | $135,650 | $156,550 |
| **HUD Field Office: Minneapolis-St. Paul Office** | | | | |
| Fargo-Moorhead, ND–MN MSA (part): | | | | |
| Clay County, MN | $99,800 | $112,400 | $136,550 | $157,550 |
| Minneapolis-St. Paul, MN–WI MSA (part): | | | | |
| Anoka County, MN | $107,600 | $121,150 | $147,200 | $169,850 |
| Carver County | | | | |
| Chisago County | | | | |
| Dakota County | | | | |
| Hennepin County | | | | |
| Isanti County | | | | |
| Ramsey County | | | | |
| St. Croix County | | | | |
| Scott County | | | | |
| Washington County | | | | |
| Wright County | | | | |
| Rochester, MN MSA: | | | | |
| Olmstead County | $101,250 | $114,000 | $138,000 | $160,500 |
| St. Cloud, MN MSA: | | | | |
| Benton County | $87,100 | $98,100 | $119,200 | $137,550 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Sherburn County | | | | |
| Stearns County | | | | |
| **HUD Field Office: Milwaukee Office** | | | | |
| Appleton-Oshkosk-Neenah, WI MSA: | | | | |
| Calument County | $71,700 | $80,750 | $98,150 | $113,250 |
| Outagamie County | | | | |
| Winnebago County | | | | |
| Eau Claire, WI MSA: | | | | |
| Chippewa County | $68,950 | $77,650 | $94,350 | $108,850 |
| Eau Claire County | | | | |
| Green Bay, WI MSA: | | | | |
| Brown County | $83,300 | $93,800 | $113,950 | $131,500 |
| Kenosha, WI MSA: | | | | |
| Kenosha County | $75,700 | $85,250 | $103,550 | $119,500 |
| La Crosse, WI MSA: | | | | |
| La Crosse County | $73,800 | $83,100 | $100,950 | $116,500 |
| Madison, WI MSA: | | | | |
| Dane County | $88,200 | $99,300 | $120,650 | $139,250 |
| Milwaukee, WI PMSA: | | | | |
| Milwaukee County | $85,650 | $96,500 | $117,250 | $135,300 |
| Ozaukee County | | | | |
| Washington County | | | | |
| Waukesha County | | | | |
| Minneapolis-St. Paul, MN-WI MSA (part): | | | | |
| St. Croix County, WI | $107,600 | $121,150 | $147,200 | $169,850 |
| Racine, WI PMSA: | | | | |
| Racine County | $85,450 | $96,200 | $116,900 | $134,900 |
| **HUD Field Office: Indianapolis Office** | | | | |
| Bloomington, IN MSA: | | | | |
| Monroe County | $80,500 | $90,650 | $110,150 | $127,100 |
| Cincinnati, OH-KY-IN PMSA: | | | | |
| Dearborn County, IN | $80,750 | $90,950 | $110,500 | $127,500 |
| Elkhart-Goshen, IN MSA: | | | | |
| Elkhart County | $76,450 | $86,150 | $104,650 | $120,750 |
| Fort Wayne, IN MSA: | | | | |
| Allen County | $76,000 | $85,600 | $104,000 | $120,000 |
| Dekalb County | | | | |
| Whitley County | | | | |
| Gary-Hammond, IN PMSA: | | | | |
| Lake County | $80,650 | $90,800 | $110,350 | $127,350 |
| Porter County | | | | |
| Indianapolis, IN MSA: | | | | |
| Boone County | $90,950 | $102,400 | $124,450 | $143,600 |
| Hamilton County | | | | |
| Hancock County | | | | |
| Hendricks County | | | | |
| Johnson County | | | | |
| Marion County | | | | |
| Morgan County | | | | |
| Shelby County | | | | |
| Lafayette, IN MSA: | | | | |
| Tippecanoe County | $79,700 | $89,750 | $109,050 | $125,850 |
| Louisville, KY-IN MSA (part): | | | | |
| Clark County, IN | $74,400 | $83,750 | $101,800 | $117,450 |
| Floyd County | | | | |
| Harrison County | | | | |
| South Bend-Mishawaka, IN MSA: | | | | |
| St. Joseph County | $79,800 | $89,850 | $109,200 | $126,000 |
| Other Areas: | | | | |
| Bartholomew County | $83,800 | $94,900 | $114,700 | $132,350 |
| **HUD Field Office: Columbus Office** | | | | |
| Columbus, OH MSA: | | | | |
| Delaware County | $83,750 | $94,300 | $114,600 | $132,200 |
| Fairfield County | | | | |
| Franklin County | | | | |
| Licking County | | | | |
| Madison County | | | | |
| Pickaway County | | | | |
| Union County | | | | |
| Dayton-Springfield, OH MSA (part): | | | | |
| Clark County | $72,000 | $81,050 | $98,500 | $113,650 |

## II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Huntington-Ashland, WV-KY-OH MSA (part): | | | | |
| Lawrence County, OH | $82,100 | $92,450 | $112,300 | $129,600 |
| Lima, OH MSA: | | | | |
| Allen County | $70,400 | $79,250 | $96,300 | $111,150 |
| Auglaize County | | | | |
| Parkersburg-Marietta, WV-OH MSA (part): | | | | |
| Washington County, OH | $75,400 | $84,900 | $103,150 | $119,050 |
| Wheeling, WV-OH MSA (part): | | | | |
| Belmont County, OH | $69,550 | $78,350 | $95,150 | $109,800 |
| HUD Field Office: Cincinnati Office | | | | |
| Cincinnati, OH-KY-IN PMSA (part): | | | | |
| Clermont County, OH | $80,750 | $90,950 | $110,500 | $127,500 |
| Hamilton County | | | | |
| Warren County | | | | |
| Dayton-Springfield, OH MSA (part): | | | | |
| Greene County | $72,000 | $81,050 | $98,500 | $113,650 |
| Miami County | | | | |
| Montgomery County | | | | |
| Hamilton-Middletown, OH PMSA: | | | | |
| Butler County | $80,750 | $90,950 | $110,500 | $127,500 |
| REGION VI | | | | |
| HUD Field Office: Dallas Office | | | | |
| Dallas, TX PMSA (part): | | | | |
| Collin County | $114,950 | $129,450 | $157,300 | $181,500 |
| Dallas County | $101,250 | $114,000 | $138,000 | $160,500 |
| Rockwall County | | | | |
| HUD Field Office: Fort Worth Office | | | | |
| Abilene, TX MSA: | | | | |
| Taylor County | $78,750 | $88,650 | $107,750 | $124,300 |
| Dallas, TX PMSA (part): | | | | |
| Denton County | $101,250 | $114,000 | $138,000 | $160,500 |
| Ellis County | | | | |
| Kaufman County | | | | |
| Ft. Worth-Arlington, TX PMSA: | | | | |
| Johnson County | $101,250 | $114,000 | $138,000 | $160,500 |
| Parker County | | | | |
| Tarrant County | | | | |
| Hood County | | | | |
| Killeen-Temple, TX MSA: | | | | |
| Bell County | $88,500 | $99,650 | $121,100 | $139,700 |
| Coryell County | | | | |
| Longview-Marshall, TX MSA (part): | | | | |
| Gregg County | $81,300 | $91,550 | $111,250 | $128,350 |
| San Angelo, TX MSA: | | | | |
| Tom Green County | $72,800 | $81,950 | $99,600 | $114,900 |
| Sherman-Denison, TX MSA: | | | | |
| Grayson County | $95,750 | $107,800 | $131,000 | $151,150 |
| Texarkana, TX-Texarkana, AR MSA (part): | | | | |
| Bowie County, TX | $76,750 | $86,400 | $105,000 | $121,150 |
| Tyler, TX MSA: | | | | |
| Smith County | $77,400 | $87,200 | $106,000 | $122,200 |
| Waco, TX MSA: | | | | |
| McLennan County | $86,300 | $97,200 | $118,050 | $136,250 |
| Wichita Falls, TX MSA: | | | | |
| Wichita County | $93,900 | $105,800 | $128,550 | $148,300 |
| HUD Field Office: Houston Office | | | | |
| Beaumont-Port Arthur, TX MSA: | | | | |
| Hardin County | $76,500 | $86,150 | $104,650 | $120,750 |
| Jefferson County | | | | |
| Orange County | | | | |
| Brazoria, TX PMSA: | | | | |
| Brazoria County | $90,000 | $101,300 | $122,650 | $142,650 |
| Galveston-Texas City, TX PMSA: | | | | |
| Galveston County | $101,250 | $114,000 | $138,000 | $160,500 |
| Houston, TX PMSA: | | | | |
| Ft. Bend County | $90,000 | $101,300 | $122,650 | $142,650 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Harris County | | | | |
| Liberty County | | | | |
| Montgomery County | | | | |
| Waller County | | | | |
| Other Areas: | | | | |
| Angelina County | $68,400 | $77,000 | $93,600 | $108,000 |
| **HUD Field Office: Lubbock Office** | | | | |
| Amarillo, TX MSA: | | | | |
| Potter County | $78,250 | $88,100 | $107,050 | $123,550 |
| Randall County | | | | |
| Lubbock, TX MSA: | | | | |
| Lubbock County | $96,200 | $108,350 | $131,600 | $151,850 |
| Midland, TX MSA: | | | | |
| Midland County | $101,250 | $114,000 | $138,000 | $160,500 |
| **HUD Field Office: San Antonio Office** | | | | |
| Austin, TX MSA: | | | | |
| Hays County | $116,800 | $131,550 | $159,800 | $184,400 |
| Travis County | | | | |
| Williamson County | | | | |
| Corpus Christi, TX MSA: | | | | |
| Nueces County | $81,450 | $91,750 | $111,450 | $128,600 |
| San Patricio County | | | | |
| Laredo, TX MSA: | | | | |
| Webb County | $76,000 | $85,600 | $104,000 | $120,000 |
| San Antonio, TX MSA: | | | | |
| Bexar County | $82,750 | $93,250 | $113,250 | $130,700 |
| Comal County | | | | |
| Guadalupe County | | | | |
| Other Areas: | | | | |
| Kendall County | $79,500 | $89,500 | $108,750 | $125,500 |
| **HUD Field Office: Little Rock Office** | | | | |
| Memphis, TN-AR-MS MSA (part): | | | | |
| Crittenden County, AR | $101,250 | $114,000 | $138,000 | $160,500 |
| Little Rock, AR MSA: | | | | |
| Faulkner County | $90,850 | $102,300 | $124,300 | $143,400 |
| Lenoke County | | | | |
| Pulaski County | | | | |
| Saline County | | | | |
| Texarkana, TX-Texarkana, AR MSA (part): | | | | |
| Miller County, AR | $76,750 | $86,400 | $105,000 | $121,150 |
| **HUD Field Office: Oklahoma City Office** | | | | |
| Oklahoma City, OK MSA: | | | | |
| Canadian County | $72,800 | $82,000 | $99,600 | $114,950 |
| Cleveland County | | | | |
| Logan County | | | | |
| McClain County | | | | |
| Oklahoma County | | | | |
| Pottawatomie County | | | | |
| **HUD Field Office: New Orleans Office** | | | | |
| Baton Rouge, LA MSA: | | | | |
| Ascension Parish | $76,000 | $85,600 | $104,000 | $120,000 |
| East Baton Rouge Parish | | | | |
| Livingston Parish | | | | |
| West Baton Rouge Parish | | | | |
| Lake Charles, LA MSA: | | | | |
| Calcasieu Parish | $77,950 | $87,750 | $106,650 | $123,050 |
| New Orleans, LA MSA: | | | | |
| Jefferson Parish | $96,500 | $108,650 | $132,050 | $152,350 |
| Orleans Parish | | | | |
| St. Bernard Parish | | | | |
| St. Charles Parish | | | | |
| St. John the Baptist Parish | | | | |
| St. Tammany Parish | | | | |
| Other Areas: | | | | |
| Lafayette Parish | $76,000 | $85,600 | $104,000 | $120,000 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| **HUD Field Office: Shreveport Office** | | | | |
| Alexandria, LA MSA: | | | | |
| Rapids Parish | $86,100 | $97,000 | $117,850 | $135,950 |
| Longview-Marshall, TX MSA (part): | | | | |
| Harrison County, TX | $75,850 | $85,400 | $103,800 | $119,750 |
| Monroe, LA MSA: | | | | |
| Ouachita Parish | $82,550 | $92,950 | $112,950 | $130,300 |
| Shreveport, LA MSA: | | | | |
| Bossier Parish | $89,350 | $100,600 | $122,250 | $141,050 |
| Caddo Parish | | | | |
| **HUD Field Office: Albuquerque Office** | | | | |
| Albuquerque, NM MSA: | | | | |
| Bernalillo County | $101,250 | $114,000 | $138,000 | $160,500 |
| Other Areas: | | | | |
| Los Alamos County | $101,250 | $114,000 | $138,000 | $160,500 |
| Santa Fe County | $95,000 | $107,000 | $130,000 | $150,000 |
| Sandoval County | $72,150 | $81,300 | $98,750 | $113,950 |
| **HUD Field Office: Tulsa Office** | | | | |
| Tulsa, OK MSA: | | | | |
| Creek County | $83,550 | $94,100 | $114,300 | $131,900 |
| Osage County | | | | |
| Rogers County | | | | |
| Tulsa County | | | | |
| Wagoner County | | | | |
| **REGION VII** | | | | |
| **HUD Field Office: Kansas City Office** | | | | |
| Kansas City, KS PMSA: | | | | |
| Johnson County, KS | $93,550 | $105,350 | $128,050 | $147,750 |
| Leavenworth County | $81,600 | $91,900 | $111,700 | $128,900 |
| Miami County | | | | |
| Wyandotte County | | | | |
| Kansas City, MO PMSA: | | | | |
| Cass County, MO | $81,600 | $91,900 | $111,700 | $128,900 |
| Clay County | | | | |
| Jackson County | | | | |
| Lafayette County | | | | |
| Platt County | | | | |
| Ray County | | | | |
| **HUD Field Office: St. Louis Office** | | | | |
| Columbia, MO MSA: | | | | |
| Boone County | $82,100 | $92,450 | $112,300 | $129,600 |
| St. Louis, MO–IL PMSA (part): | | | | |
| Franklin County, MO | $99,150 | $111,650 | $135,650 | $156,550 |
| Jefferson County | | | | |
| St. Charles County | | | | |
| St. Louis City | | | | |
| St. Louis County | | | | |
| **HUD Field Office: Des Moines Office** | | | | |
| Cedar Rapids, IA MSA: | | | | |
| Linn County | $72,800 | $81,950 | $99,600 | $114,900 |
| Davenport-Rock Island-Moline, IA–IL MSA (part): | | | | |
| Scott County, IA | $72,750 | $81,900 | $99,550 | $114,850 |
| Des Moines, IA MSA: | | | | |
| Dallas County | $75,800 | $85,400 | $103,750 | $119,700 |
| Polk County | | | | |
| Warren County | | | | |
| Dubuque, IA MSA: | | | | |
| Dubuque County | $84,650 | $95,300 | $115,800 | $133,650 |
| Omaha, NE–IA MSA (part): | | | | |
| Pottawattamie County, IA | $78,800 | $88,750 | $107,800 | $124,400 |
| Waterloo-Cedar Falls, IA MSA: | | | | |
| Black Hawk County | $78,950 | $88,950 | $108,050 | $124,700 |
| Brewer County | | | | |
| **HUD Field Office: Omaha Office** | | | | |
| Lincoln, NE MSA: | | | | |
| Lancaster County | $80,600 | $90,750 | $110,250 | $127,250 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Omaha, NE–IA MSA (part): | | | | |
| Douglas County NE | $78,800 | $88,750 | $107,800 | $124,400 |
| Sarpy County | | | | |
| Washington County | | | | |
| **HUD Field Office: Topeka Office** | | | | |
| Lawrence, KS MSA: | | | | |
| Douglas County | $68,850 | $77,500 | $94,200 | $108,700 |
| Topeka, KS MSA: | | | | |
| Shawnee County | $78,150 | $88,000 | $106,900 | $123,350 |
| Wichita, KS MSA: | | | | |
| Butler County | $78,450 | $88,350 | $107,350 | $123,900 |
| Harvey County | | | | |
| Sedgwick County | | | | |
| **REGION VIII** | | | | |
| **HUD Field Office: Denver Office** | | | | |
| Boulder-Longmont, CO PMSA: | | | | |
| Boulder County | $117,300 | $132,100 | $160,500 | $185,200 |
| Colorado Springs, CO MSA: | | | | |
| El Paso County | $110,400 | $124,300 | $151,050 | $174,300 |
| Denver, CO PMSA: | | | | |
| Arapahoe County | $108,300 | $121,950 | $148,200 | $171,000 |
| Douglas County | $109,150 | $122,900 | $149,350 | $172,350 |
| Adams County | $102,450 | $115,350 | $140,150 | $161,750 |
| Denver County | | | | |
| Jefferson County | | | | |
| Fort Collins-Loveland, CO MSA: | | | | |
| Larimer County | $116,750 | $131,450 | $159,750 | $184,300 |
| Greeley, CO MSA: | | | | |
| Weld County | $99,050 | $111,550 | $135,500 | $156,350 |
| Pueblo, CO MSA: | | | | |
| Pueblo County | $81,800 | $92,100 | $111,900 | $129,150 |
| State of Colorado: | | | | |
| Eagle County | $101,250 | $114,000 | $138,000 | $160,500 |
| Elbert County | $83,900 | $94,500 | $114,850 | $132,500 |
| Garfield County | $75,200 | $84,700 | $102,950 | $118,800 |
| Grand County | $80,750 | $90,950 | $110,500 | $127,500 |
| Park County | $78,250 | $88,150 | $107,100 | $123,600 |
| Pitkin County | $90,000 | $101,300 | $122,650 | $142,650 |
| Routt County | $90,000 | $101,300 | $122,650 | $142,650 |
| Summit County | $101,250 | $114,000 | $138,000 | $160,500 |
| Teller County | $80,750 | $90,950 | $110,500 | $127,500 |
| Other Areas | $71,800 | $80,900 | $98,300 | $113,400 |
| **HUD Field Office: Helena Office** | | | | |
| State of Montana | $75,500 | $85,050 | $103,350 | $119,250 |
| **HUD Field Office: Salt Lake City Office** | | | | |
| Provo-Orem, UT MSA: | | | | |
| Utah County | $90,700 | $102,150 | $124,150 | $143,250 |
| Salt Lake City-Ogden, UT MSA: | | | | |
| Davis County | $83,200 | $93,700 | $113,850 | $131,350 |
| Salt Lake County | | | | |
| Weber County | | | | |
| Other Areas: | | | | |
| Cache County | $89,550 | $100,850 | $122,550 | $141,400 |
| Summit County | $94,500 | $106,450 | $129,350 | $149,250 |
| Washington County | $75,900 | $85,450 | $103,850 | $119,850 |
| **HUD Field Office: Casper Office** | | | | |
| Teton County | $91,200 | $102,700 | $124,800 | $144,000 |
| State of Wyoming | $75,000 | $84,000 | $102,500 | $118,000 |
| **HUD Field Office: Fargo Office** | | | | |
| Fargo-Moorhead, ND–MN MSA (part): | | | | |
| Cass County, ND | $99,800 | $112,400 | $136,550 | $157,550 |
| Grand Forks, ND MSA: | | | | |
| Grand Forks County | $91,900 | $103,500 | $125,750 | $145,100 |
| Other Areas: | | | | |
| Burleigh County | $70,750 | $79,700 | $96,850 | $111,750 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Morton County | | | | |
| **HUD Field Office: Sioux Falls Office** | | | | |
| Rapid City, SD MSA: | | | | |
| Pennington County | $75,000 | $84,000 | $102,500 | $118,000 |
| Sioux Falls, SD MSA: | | | | |
| Lincoln County | $85,100 | $95,800 | $116,450 | $134,350 |
| Meade County | | | | |
| Minnehaha County | | | | |
| **REGION IX** | | | | |
| **HUD Field Office: Los Angeles Office** | | | | |
| Bakersfield, CA MSA: | | | | |
| Kern County | $101,250 | $114,000 | $138,000 | $160,500 |
| Los Angeles-Long Beach, CA PMSA: | | | | |
| Los Angeles County | $124,875 | $140,600 | $170,200 | $197,950 |
| Oxnard-Ventura, CA PMSA: | | | | |
| Ventura County | $124,875 | $140,600 | $170,200 | $197,950 |
| Santa Barbara-Santa Maria-Lompoc, CA MSA: | | | | |
| Santa Barbara County | $124,875 | $140,600 | $170,200 | $197,950 |
| Other Areas: | | | | |
| San Luis Obispo County | $101,250 | $114,000 | $138,000 | $160,500 |
| **HUD Field Office: San Francisco Office** | | | | |
| Oakland, CA PMSA: | | | | |
| Alameda County | $124,875 | $140,600 | $170,200 | $197,950 |
| Contra Costa | | | | |
| Salinas-Seaside-Monterey, CA MSA: | | | | |
| Monterey County | $124,875 | $140,600 | $170,200 | $197,950 |
| San Francisco, CA PMSA: | | | | |
| Marin County | $124,875 | $140,600 | $170,200 | $197,950 |
| San Francisco County | | | | |
| San Mateo County | | | | |
| San Jose, CA PMSA: | | | | |
| Santa Clara County | $124,875 | $140,600 | $170,200 | $197,950 |
| Santa Cruz, CA PMSA: | | | | |
| Santa Cruz County | $124,875 | $140,600 | $170,200 | $197,950 |
| Santa Rosa-Petaluma, CA PMSA: | | | | |
| Sunoma County | $124,875 | $140,600 | $170,200 | $197,950 |
| Vallejo-Fairfield-Napa, CA PMSA: | | | | |
| Napa County | $124,875 | $140,600 | $170,200 | $197,950 |
| Solano County | | | | |
| Other Areas: | | | | |
| Del Norte County | $101,250 | $114,000 | $138,000 | $160,500 |
| Humbolt County | | | | |
| Lake County | | | | |
| Mendocino County | | | | |
| San Benito County | | | | |
| **HUD Field Office: Fresno Office** | | | | |
| Fresno, CA MSA: | | | | |
| Fresno County | $106,800 | $120,250 | $146,100 | $168,600 |
| Modesto, CA MSA: | | | | |
| Stanislaus, County | $108,650 | $122,350 | $148,650 | $171,550 |
| Visalia-Tulare-Porterville, CA MSA: | | | | |
| Tulare County | $101,250 | $114,000 | $138,000 | $160,500 |
| Other Areas: | | | | |
| Kings County | $101,250 | $114,000 | $138,000 | $160,500 |
| Madera County | | | | |
| Mariposa County | | | | |
| Merced County | | | | |
| **HUD Field Office: Sacramento Office** | | | | |
| Chico, CA MSA: | | | | |
| Butte County | $108,300 | $121,950 | $148,200 | $171,000 |
| Redding, CA MSA: | | | | |
| Shasta County | $123,500 | $139,100 | $169,000 | $195,000 |
| Sacramento, CA MSA: | | | | |
| El Dorado County | $111,950 | $126,050 | $153,150 | $176,750 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| Placer County | | | | |
| Sacramento County | | | | |
| Yolo County | | | | |
| Stockton, CA MSA: | | | | |
| San Joaquin County | $117,800 | $132,650 | $161,200 | $186,000 |
| Yuba City, CA MSA: | | | | |
| Sutter County | $101,250 | $114,000 | $138,000 | $160,500 |
| Yuba County | | | | |
| Other Areas: | | | | |
| Alpine County | $101,250 | $114,000 | $138,000 | $160,500 |
| Amador County | | | | |
| Calaveras County | | | | |
| Colusa County | | | | |
| Glenn County | | | | |
| Lassen County | | | | |
| Modoc County | | | | |
| Nevada County | | | | |
| Plumas County | | | | |
| Sierra County | | | | |
| Siskiyou County | | | | |
| Tehama County | | | | |
| Trinity County | | | | |
| Tuolumne County | | | | |
| HUD Field Office: San Diego Office | | | | |
| San Diego, CA MSA: | | | | |
| San Diego County | $124,875 | $140,600 | $170,200 | $197,950 |
| Other Areas: | | | | |
| Imperial County | $101,250 | $114,000 | $138,000 | $160,500 |
| HUD Field Office: Santa Ana Office | | | | |
| Anaheim-Santa Ana, CA PMSA: | | | | |
| Orange County | $124,875 | $140,600 | $170,200 | $197,950 |
| Riverside-San Bernadino, CA PMSA: | | | | |
| Riverside County | $124,875 | $140,600 | $170,200 | $197,950 |
| San Bernadino County | | | | |
| Other Areas: | | | | |
| Inyo County | $75,000 | $84,000 | $102,500 | $118,000 |
| Mono County | | | | |
| HUD Field Office: Las Vegas Office | | | | |
| Las Vegas, NV MSA: | | | | |
| Clark County | $101,250 | $114,000 | $138,000 | $160,500 |
| Other Areas: | | | | |
| Lincoln County | $75,000 | $84,000 | $102,500 | $118,000 |
| Nye County (part) | | | | |
| HUD Field Office: Reno Office | | | | |
| Reno, NV MSA: | | | | |
| Washoe County | $121,300 | $136,600 | $165,950 | $191,500 |
| Other Areas: | | | | |
| Carson City County | $85,500 | $96,300 | $117,000 | $135,000 |
| Churchill County | $85,500 | $96,300 | $117,000 | $135,000 |
| Douglas County | $82,650 | $93,050 | $113,100 | $130,500 |
| Lyon County | $77,400 | $87,200 | $105,950 | $122,250 |
| Elko County | $75,000 | $84,000 | $102,500 | $118,000 |
| Esmeralda County | | | | |
| Eureka County | | | | |
| Humbolt County | | | | |
| Lander County | | | | |
| Mineral County | | | | |
| Nye County (part) | | | | |
| Pershing County | | | | |
| Storey County | | | | |
| White Pine County | | | | |
| HUD Field Office: Phoenix Office | | | | |
| Phoenix, AZ MSA: | | | | |
| Maricopa County | $104,450 | $117,600 | $142,900 | $164,900 |
| Other Areas: | | | | |
| Coconino County | $89,300 | $100,550 | $122,200 | $141,000 |
| Pinal County | $69,350 | $78,100 | $94,900 | $109,500 |

II. TITLE II.—UPDATING OF FHA SECTION 203(b), 234(c) AND 214 AREA WIDE MORTGAGE LIMITS—Continued

| Market area designation and local jurisdictions | Mortgage Limits | | | |
|---|---|---|---|---|
| | 1-family and condominium unit | 2-family | 3-family | 4-family |
| **HUD Field Office: Tucson Office** | | | | |
| Tucson, AZ MSA: | | | | |
| Pima County | $110,500 | $124,450 | $151,200 | $174,450 |
| **HUD Field Office: Honolulu Office** | | | | |
| State of Hawaii | $180,500 | $203,300 | $247,000 | $285,000 |
| Territory of Guam | $101,250 | $114,000 | $138,000 | $160,500 |
| **REGION X** | | | | |
| **HUD Field Office: Seattle Office** | | | | |
| Bremerton, WA MSA: | | | | |
| Kitsap County | $80,200 | $90,350 | $109,750 | $126,650 |
| Olympia, WA MSA: | | | | |
| Thurston County | $79,800 | $89,850 | $109,200 | $126,000 |
| Seattle, WA PMSA: | | | | |
| King County | $122,450 | $137,900 | $167,550 | $193,300 |
| Snohomish County | | | | |
| Tacoma, WA PMSA: | | | | |
| Pierce County | $94,550 | $106,450 | $129,350 | $149,250 |
| Yakima, WA MSA: | | | | |
| Yakima County | $83,350 | $93,850 | $114,050 | $131,600 |
| **HUD Field Office: Portland Office** | | | | |
| Portland, OR PMSA: | | | | |
| Clackamas County | $89,750 | $101,050 | $122,800 | $141,700 |
| Multnomah County | | | | |
| Washington County | | | | |
| Yamhill County | | | | |
| Vancouver, WA PMSA: | | | | |
| Clark County | $98,300 | $110,700 | $134,550 | $155,250 |
| State of Oregon | $85,200 | $95,950 | $116,600 | $134,550 |
| **HUD Field Office: Anchorage Office** | | | | |
| State of Alaska | $135,000 | $151,950 | $183,950 | $213,950 |
| **HUD Field Office: Spokane Office** | | | | |
| Richland-Kennewick-Pasco, WA MSA: | | | | |
| Benton County | $85,500 | $96,300 | $117,000 | $135,000 |
| Franklin County | | | | |
| Spokane, WA MSA: | | | | |
| Spokane County | $75,350 | $84,850 | $103,100 | $118,950 |
| **HUD Field Office: Boise Office** | | | | |
| Boise City, ID MSA: | | | | |
| Ada County | $102,150 | $115,050 | $139,750 | $161,250 |
| Other Areas: | | | | |
| Blaine County | $91,200 | $102,700 | $124,800 | $144,000 |
| Bonneville County | $70,300 | $79,150 | $96,200 | $111,000 |

Dated: December 22, 1989.

**Peter Monroe,**

*Acting General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 90-703 Filed 1-11-90; 8:45 am]

BILLING CODE 4210-27-M

federal register

Friday
January 12, 1990

Part III

# Environmental Protection Agency

## Premanufacture Notices; Monthly Status Report for August 1989

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53122; FRL 3684-6]

### Premanufacture Notices; Monthly Status Report for August 1989

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for August 1989.

Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8 a.m. and 4 p.m., Monday thru Friday, excluding legal holidays.

**ADDRESS:** Written comments, identified with the document control number "(OPTS-53122)" and the specific PMN and exemption request number shound be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Room L-100, Washington, DC 20460 (202) 382-3532.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during August; (b) PMNs received previous and still under review at the end of August; (c) PMNs for which the notice review period has ended during August; (d) chemical substances for which EPA has received a notice of commencement to manufacture during August; and (e) PMNs for which the review period has been suspended. Therefore, the August 1989 PMN Status Report is being published.

Dated: November 28, 1989.

**Steven Newburg-Rinn,**

*Acting Director, Information Management Division, Office of Toxic Substances.*

### Premanufacture Notice Monthly Status Report August 1989

I. 173 Premanufacture Notices and Exemption Requests Received During the Month:

PMN No.

| | | | |
|---|---|---|---|
| P 89-0944 | P 89-0945 | P 89-0946 | P 89-0947 |
| P 89-0948 | P 89-0949 | P 89-0950 | P 89-0951 |
| P 89-0952 | P 89-0953 | P 89-0954 | P 89-0955 |
| P 89-0956 | P 89-0957 | P 89-0958 | P 89-0959 |
| P 89-0960 | P 89-0961 | P 89-0962 | P 89-0963 |
| P 89-0964 | P 89-0965 | P 89-0966 | P 89-0967 |
| P 89-0968 | P 89-0969 | P 89-0970 | P 89-0971 |
| P 89-0972 | P 89-0973 | P 89-0974 | P 89-0975 |
| P 89-0976 | P 89-0977 | P 89-0978 | P 89-0979 |
| P 89-0980 | P 89-0981 | P 89-0982 | P 89-0984 |
| P 89-0985 | P 89-0986 | P 89-0987 | P 89-0988 |
| P 89-0989 | P 89-0990 | P 89-0991 | P 89-0992 |
| P 89-0993 | P 89-0994 | P 89-0995 | P 89-0996 |
| P 89-0997 | P 89-0998 | P 89-0999 | P 89-1000 |
| P 89-1001 | P 89-1002 | P 89-1003 | P 89-1004 |
| P 89-1005 | P 89-1006 | P 89-1007 | P 89-1008 |
| P 89-1009 | P 89-1010 | P 89-1011 | P 89-1012 |
| P 89-1013 | P 89-1014 | P 89-1015 | P 89-1016 |
| P 89-1017 | P 89-1018 | P 89-1019 | P 89-1020 |
| P 89-1021 | P 89-1022 | P 89-1023 | P 89-1024 |
| P 89-1025 | P 89-1026 | P 89-1027 | P 89-1028 |
| P 89-1029 | P 89-1030 | P 89-1031 | P 89-1032 |
| P 89-1033 | P 89-1034 | P 89-1035 | P 89-1036 |
| P 89-1037 | P 89-1038 | P 89-1039 | P 89-1040 |
| P 89-1041 | P 89-0993 | P 89-0994 | P 89-0995 |
| P 89-0996 | P 89-0997 | P 89-0998 | P 89-0999 |
| P 89-1000 | P 89-1001 | P 89-1002 | P 89-1003 |
| P 89-1004 | P 89-1005 | P 89-1006 | P 89-1007 |
| P 89-1008 | P 89-1009 | P 89-1010 | P 89-1011 |
| P 89-1012 | P 89-1013 | P 89-1014 | P 89-1015 |
| P 89-1016 | P 89-1017 | P 89-1018 | P 89-1019 |
| P 89-1020 | P 89-1021 | P 89-1022 | P 89-1023 |
| P 89-1024 | P 89-1025 | P 89-1026 | P 89-1027 |
| P 89-1028 | P 89-1029 | P 89-1030 | P 89-1031 |
| P 89-1032 | P 89-1033 | P 89-1034 | P 89-1035 |
| P 89-1036 | P 89-1037 | P 89-1038 | P 89-1039 |
| P 89-1040 | P 89-1041 | P 89-1042 | P 89-1043 |
| P 89-1044 | P 89-1045 | P 89-1046 | P 89-1047 |
| P 89-1048 | P 89-1049 | P 89-1050 | P 89-1051 |
| P 89-1052 | P 89-1053 | P 89-1054 | P 89-1055 |
| Y 89-0158 | Y 89-0159 | Y 89-0160 | Y 89-0161 |
| Y 89-0162 | Y 89-0163 | Y 89-0164 | Y 89-0165 |
| Y 89-0166 | Y 89-0167 | Y 89-0168 | Y 89-0169 |
| Y 89-0170 | Y 89-0171 | Y 89-0172 | Y 89-0173 |
| Y 89-0174 | Y 89-0175 | Y 89-0176 | Y 89-0177 |
| Y 89-0178 | Y 89-0179 | Y 89-0180 | Y 89-0181 |
| Y 89-0182 | Y 89-0183 | Y 89-0184 | Y 89-0185 |
| Y 89-0186 | Y 89-0187 | Y 89-0188 | Y 89-0189 |
| Y 89-0190 | Y 89-0191 | Y 89-0192 | Y 89-0193 |
| Y 89-0194 | Y 89-0195 | Y 89-0196 | Y 89-0197 |
| Y 89-0198 | Y 89-0199 | Y 89-0200 | Y 89-0201 |
| Y 89-0202 | Y 89-0203 | Y 89-0204 | Y 89-0205 |
| Y 89-0206 | Y 89-0207 | Y 89-0208 | Y 89-0209 |
| Y 89-0210 | Y 89-0211 | Y 89-0212 | Y 89-0213 |
| Y 89-0214 | Y 89-0215 | Y 89-0216 | Y 89-0217 |
| Y 89-0218 | Y 89-0219 | | |

II. 299 Premanufacture Notices Received Previously and Still Under Review at the End of the Month:

PMN No.

| | | | |
|---|---|---|---|
| P 85-0216 | P 85-0535 | P 85-0536 | P 85-0619 |
| P 85-0718 | P 86-1189 | P 86-1263 | P 86-1602 |
| P 86-1603 | P 86-1604 | P 86-1607 | P 87-0057 |
| P 87-0058 | P 87-0059 | P 87-0105 | P 87-0197 |
| P 87-0198 | P 87-0199 | P 87-0200 | P 87-0201 |
| P 87-0323 | P 87-0770 | P 87-0794 | P 87-0963 |
| P 87-1028 | P 87-1104 | P 87-1192 | P 87-1226 |
| P 87-1227 | P 87-1337 | P 87-1542 | P 87-1546 |
| P 87-1547 | P 87-1548 | P 87-1549 | P 87-1555 |
| P 87-1759 | P 87-1872 | P 87-1881 | P 87-1882 |
| P 88-0049 | P 88-0083 | P 88-0156 | P 88-0157 |
| P 88-0195 | P 88-0225 | P 88-0275 | P 88-0319 |
| P 88-0320 | P 88-0353 | P 88-0387 | P 88-0393 |
| P 88-0468 | P 88-0515 | P 88-0522 | P 88-0576 |
| P 88-0622 | P 88-0671 | P 88-0701 | P 88-0726 |
| P 88-0836 | P 88-0864 | P 88-0884 | P 88-0888 |
| P 88-0889 | P 88-0890 | P 88-0894 | P 88-0898 |
| P 88-0918 | P 88-0972 | P 88-0981 | P 88-1020 |
| P 88-1021 | P 88-1035 | P 88-1211 | P 88-1212 |
| P 88-1271 | P 88-1272 | P 88-1273 | P 88-1274 |
| P 88-1303 | P 88-1443 | P 88-1446 | P 88-1473 |
| P 88-1529 | P 88-1567 | P 88-1568 | P 88-1618 |
| P 88-1619 | P 88-1620 | P 88-1621 | P 88-1622 |
| P 88-1630 | P 88-1631 | P 88-1632 | P 88-1658 |
| P 88-1682 | P 88-1690 | P 88-1691 | P 88-1740 |
| P 88-1748 | P 88-1753 | P 88-1761 | P 88-1763 |
| P 88-1774 | P 88-1783 | P 88-1807 | P 88-1809 |
| P 88-1811 | P 88-1823 | P 88-1844 | P 88-1850 |
| P 88-1856 | P 88-1889 | P 88-1898 | P 88-1937 |
| P 88-1938 | P 88-1956 | P 88-1980 | P 88-1982 |
| P 88-1984 | P 88-1985 | P 88-1995 | P 88-1999 |
| P 88-2000 | P 88-2001 | P 88-2002 | P 88-2069 |
| P 88-2100 | P 88-2160 | P 88-2169 | P 88-2177 |
| P 88-2179 | P 88-2180 | P 88-2181 | P 88-2188 |
| P 88-2196 | P 88-2204 | P 88-2210 | P 88-2212 |
| P 88-2213 | P 88-2228 | P 88-2229 | P 88-2230 |
| P 88-2231 | P 88-2236 | P 88-2237 | P 88-2271 |
| P 88-2275 | P 88-2293 | P 88-2341 | P 88-2343 |
| P 88-2349 | P 88-2367 | P 88-2380 | P 88-2389 |
| P 88-2434 | P 88-2435 | P 88-2436 | P 88-2437 |
| P 88-2469 | P 88-2470 | P 88-2473 | P 88-2484 |
| P 88-2518 | P 88-2529 | P 88-2530 | P 88-2540 |
| P 88-2562 | P 88-2563 | P 88-2564 | P 88-2566 |
| P 88-2568 | P 88-2575 | P 88-2582 | P 88-2631 |
| P 88-2632 | P 89-0030 | P 89-0031 | P 89-0073 |
| P 89-0077 | P 89-0078 | P 89-0089 | P 89-0090 |
| P 89-0091 | P 89-0097 | P 89-0184 | P 89-0194 |
| P 89-0225 | P 89-0234 | P 89-0254 | P 89-0268 |
| P 89-0279 | P 89-0292 | P 89-0301 | P 89-0303 |
| P 89-0321 | P 89-0326 | P 89-0336 | P 89-0380 |
| P 89-0383 | P 89-0384 | P 89-0385 | P 89-0386 |
| P 89-0387 | P 89-0396 | P 89-0413 | P 89-0422 |
| P 89-0423 | P 89-0424 | P 89-0427 | P 89-0448 |
| P 89-0483 | P 89-0506 | P 89-0507 | P 89-0520 |
| P 89-0538 | P 89-0539 | P 89-0540 | P 89-0576 |
| P 89-0577 | P 89-0583 | P 89-0589 | P 89-0596 |
| P 89-0626 | P 89-0632 | P 89-0641 | P 89-0648 |
| P 89-0650 | P 89-0651 | P 89-0653 | P 89-0655 |
| P 89-0657 | P 89-0658 | P 89-0659 | P 89-0660 |
| P 89-0661 | P 89-0672 | P 89-0676 | P 89-0694 |
| P 89-0697 | P 89-0701 | P 89-0703 | P 89-0708 |
| P 89-0711 | P 89-0713 | P 89-0714 | P 89-0721 |
| P 89-0726 | P 89-0739 | P 89-0742 | P 89-0749 |
| P 89-0750 | P 89-0755 | P 89-0756 | P 89-0760 |
| P 89-0764 | P 89-0769 | P 89-0770 | P 89-0775 |
| P 89-0776 | P 89-0807 | P 89-0808 | P 89-0810 |
| P 89-0815 | P 89-0817 | P 89-0823 | P 89-0829 |
| P 89-0836 | P 89-0837 | P 89-0844 | P 89-0852 |
| P 89-0854 | P 89-0855 | P 89-0863 | P 89-0867 |
| P 89-0870 | P 89-0884 | P 89-0900 | P 89-0904 |

P 89-0906 P 89-0913 P 89-0914 P 89-0916
P 89-0917 P 89-0918 P 89-0919 P 89-0924
P 89-0931 P 89-0932 P 89-0933 P 89-0935
P 89-0936 P 89-0937 P 89-0938 P 89-0939
P 89-0941 P 89-0942 P 89-0943

### III. 149 Premanufacture Notices and Exemption Request for Which the Notice Review Period Has Ended During the Month. (Expiration or the Notice Review Period Does Not Signify That the Chemical Has Been Added to the Inventory).

PMN No.

P 86-1607 P 87-0057 P 87-0058 P 87-0059
P 87-0794 P 87-1028 P 87-1417 P 87-1555
P 88-0468 P 88-0622 P 88-0658 P 88-0836
P 88-0981 P 88-1063 P 88-1240 P 88-1443
P 88-1446 P 88-1543 P 88-1647 P 88-1648
P 88-1682 P 88-1730 P 88-1739 P 88-1748
P 88-1937 P 88-1938 P 88-2069 P 88-2100
P 88-2169 P 88-2271 P 88-2293 P 88-2367
P 88-2470 P 88-2484 P 88-2518 P 88-2631
P 88-2632 P 89-0078 P 89-0089 P 89-0090
P 89-0091 P 89-0195 P 89-0268 P 89-0279
P 89-0326 P 89-0344 P 89-0448 P 89-0672
P 89-0676 P 89-0682 P 89-0683 P 89-0684
P 89-0685 P 89-0686 P 89-0687 P 89-0688
P 89-0689 P 89-0690 P 89-0691 P 89-0693
P 89-0695 P 89-0696 P 89-0698 P 89-0699
P 89-0700 P 89-0702 P 89-0703 P 89-0704
P 89-0705 P 89-0706 P 89-0707 P 89-0708
P 89-0709 P 89-0710 P 89-0711 P 89-0712
P 89-0715 P 89-0716 P 89-0717 P 89-0718
P 89-0719 P 89-0720 P 89-0722 P 89-0723
P 89-0724 P 89-0725 P 89-0727 P 89-0728
P 89-0729 P 89-0730 P 89-0731 P 89-0732
P 89-0733 P 89-0734 P 89-0735 P 89-0737
P 89-0738 P 89-0739 P 89-0740 P 89-0741
P 89-0742 P 89-0743 P 89-0744 P 89-0745
P 89-0746 P 89-0747 P 89-0748 P 89-0751
P 89-0752 P 89-0753 P 89-0754 P 89-0755
P 89-0756 P 89-0757 P 89-0758 P 89-0759
P 89-0761 P 89-0762 P 89-0763 P 89-0765
P 89-0766 P 89-0767 P 89-0768 P 89-0770
P 89-0771 P 89-0772 P 89-0773 P 89-0790
Y 89-0149 Y 89-0150 Y 89-0151 Y 89-0152
Y 89-0153 Y 89-0154 Y 89-0155 Y 89-0156
Y 89-0157 Y 89-0158 Y 89-0159 Y 89-0160
Y 89-0161 Y 89-0162 Y 89-0163 Y 89-0164
Y 89-0165 Y 89-0166 Y 89-0167 Y 89-0168
Y 89-0169

### IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture

| PMN No. | Identity/generic name | Date of commencement |
|---|---|---|
| P 80-0360 | 2-Propanol, 1-methoxy-acetate- | February 24, 1982. |
| P 81-0500 | 2-DoderylCYL-9-H-thioxanthen-9-one | February 15, 1983. |
| P 81-0522 | G Substitited pyridine | January 15, 1983. |
| P 82-0005 | G Alkyl substituted phenyl alkylate | April 6, 1982. |
| P 82-0204 | G Di-abietamide | July 17, 1989. |
| P 83-0129 | Syncrude (full range, dewaxed dearsinited shale oil.) | December 16, 1986. |
| P 83-0603 | G Substituted nitrile | October 6, 1983. |
| P 83-0774 | G Substituted phenolic derivative, alkyl ester | August 23, 1983. |
| P 83-0896 | G Trisubstituted benzenesulfonic acid, alkali metal salt | November 10, 1983. |
| P 83-0897 | G Polymer of ethylene oxide, maleic anhydride and alkanepolyol and polymer of ethylene oxide, maleic anhydride | June 13, 1985. |
| P 83-0898 | G Polyether CR1226B | June 12, 1984. |
| P 83-1023 | G Alkyl aryl phosphine | March 30, 1984. |
| P 83-1185 | G Substituted-1-sila-2-azacyclopentane | February 28, 1984. |
| P 84-0035 | G (Substitutedphenyl)(hetero cyclesubstituted alkyl) ketone | February 7, 1984. |
| P 84-0149 | G Polyalkylene glycol ether | July 10, 1989. |
| P 84-0393 | G 2-Chloro-N-methyl-N-substituted acetamide | August 27, 1984. |
| P 84-0491 | G Substituted aliphatic acid halide | May 23, 1985. |
| P 84-0535 | G Alkali metal Polycarboxylate | August 28, 1984. |
| P 84-0954 | G Substituted aromatic | July 3, 1986. |
| P 84-0962 | G Metal salt of phosphoric acid ester | February 14, 1986. |
| P 85-0335 | G Aromatic diamine | May 12, 1986. |
| P 85-0368 | G Haloalkyl substituted cyclic ether | May 30, 1989. |
| P 85-0426 | G Complex organo-silane | November 15, 1985. |
| P 85-0812 | G 2-5'-Disubstituted-2'-hydroxyphenyl | December 7, 1985. |
| P 85-1249 | G Tetrafunctional silane | January 14, 1986. |
| P 85-1361 | G Titanium IV neoalkoxy trisneodecanoato | July 10, 1989. |
| P 86-0352 | G Zirconium IV neoalkoxy trisneodecanoato-O | September 13, 1986. |
| P 86-0354 | G Zirconium IV neoalkoxy tris(diisooctyl) phosphato-o | May 28, 1986. |
| P 86-0708 | Alkyd resin solution | August 3, 1989. |
| P 86-1165 | G Silane modified aliphatic alicyclic urethane | February 15, 1989. |
| P 86-1173 | G Substituted ethylene copolymer | July 23, 1989. |
| P 86-1259 | G Ethoxy propene derivative | January 30, 1987. |
| P 86-1263 | G Sodium pyridine water | December 16, 1986. |
| P 86-1622 | Polymer of: Siloxane; 2,4-toluene diisocyanate; and hydroxy ethylacrylate | April 30, 1987. |
| P 86-1690 | G Pheny substituted nitrogenheterocycle | April 8, 1987. |
| P 87-0218 | G Acrylic resin | March 7, 1987. |
| P 87-0289 | G Alkoxyamine/RE-32626 | April 6, 1987. |
| P 87-0915 | G Carbonochloridothioic acid, aryl ester | October 5, 1987. |
| P 87-1749 | Zirconium IV 2,2-bis (2-propenolatomethyl) butoanolate, cyclo di-2,2-(bis 2-propenolatomethyl)butanola to pyrophoshato-0,0 | July 24, 1989. |
| P 87-1757 | G Molybdate catalyst | December 15, 1987. |
| P 87-1844 | Toluene | April 12, 1988. |
| P 88-0053 | G Indophenol derivative | June 19, 1989. |

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture—Continued

| PMN No. | Identity/generic name | Date of commencement |
|---|---|---|
| P 88-0065 | G Alkylbenzene sulfonic acid, magnesium salt, overbased | July 12, 1989. |
| P 88-0078 | G Styrene, butadiene, polymer with alkandioic acid and alkane ester | February 2, 1988. |
| P 88-0080 | G Substituted hydroxyphenol benzotriazole carbolic ester | March 10, 1989. |
| P 88-0180 | G Polyester polyol terminated toluene diisocyanate polymer | March 10, 1989. |
| P 88-0282 | G Fatty amine | June 6, 1989. |
| P 88-0376 | Tricyclo(5.2.1.0 2,6) dec-3(4)-ene, 8-(3'-hydroxybutyl)- | July 11, 1989. |
| P 88-0444 | G Precious metal plating solution | March 21, 1988. |
| P 88-0445 | G Precious metal plating solution | March 21, 1988. |
| P 88-0670 | G Polyurethane elastomer | July 7, 1989. |
| P 88-0964 | G Diphenol dicyanate | June 20, 1989. |
| P 88-1609 | G Substituted triazine azomethanesulfonic acid | March 3, 1989. |
| P 88-1615 | Reaction product of siloxanes and silicones, dimethyl, 3-(N-methylamino) isobutylterminated, plus cyclohexane, 1,1-methylenebis-4-isocyanato-,plus 1,4butanediol plus, poly(oxy-1, 2-ethanediyl), hydro.omega. hydroxy-. | February 24, 1989. |
| P 88-1649 | G Substituted phthalocyanine | December 14, 1988. |
| P 88-2057 | G Vinyl acrylic copolymer | August 4, 1989. |
| P 88-2185 | Ethaneperoxoic acid, reaction products with aluminium isopropoxide and 1,5,10-trimethyl-1,5,9-cyclododecatriene | February 15, 1989. |
| P 88-2587 | G Cyanoguanidine amine polymer acid salt | June 13, 1989. |
| P 89-0012 | G Azo-initiated acrylic hydroxy/ester polymer | January 20, 1989. |
| P 89-0062 | G Substituted azo triazine | July 24, 1989. |
| P 89-0187 | G Alkyl methacrylate copolymer | July 11, 1989. |
| P 89-0207 | 1,3,5-Triazine-2,4-diamine,6-chloro-N-methyl-N'-(1-methylethyl) | July 12, 1989. |
| P 89-0212 | G Trifluoromethane sulfonate ester | July 7, 1989. |
| P 89-0213 | G Polystyrene copolymer | July 7, 1989. |
| P 89-0231 | 3-Diazo-3,4-dihydro-4-oxo-1-naphthalene-sulfonic acid, sodium salt monohydrate | July 20, 1989. |
| P 89-0306 | G Organopolysiloxane | July 19, 1989. |
| P 89-0388 | G Alkyleneamine alkylphenol mannish | August 8, 1989. |
| P 89-0390 | G Alkylamine compounds with(3H-)-benzothiazolethertthione | July 31, 1989. |
| P 89-0420 | Formaldehyde; urea; dicyandiamide; phosphoric acid; monoethanolamine | June 20, 1989. |
| P 89-0585 | 2,2-Methyl-1,3-propanediol; 2-ethyl-2-(hydroxymethyl)-1,3-propanediol; benzene acid; 1,3-benzofuranedione; 1,3-benzenedicarboxylic acid; trans-butanedioic acid; hexandioic acid. | July 12, 1989. |
| P 89-0587 | G Poly(substituted-phenyl)methane dimer | July 7, 1989. |
| P 89-0599 | G Adipic acid hexamethylenediamine polymer mod. and with hydrocarbon elast | July 25, 1989. |
| P 89-0601 | G Fatty amine condensate | July 17, 1989. |
| P 89-0603 | G Melamine phosphate | July 10, 1989. |
| P 89-0615 | G Substituted epoxy naphthalene | July 19, 1989. |
| P 89-0640 | G Sodium polythiocarbonate | July 18, 1989. |
| P 89-0647 | G Polyurethane based on polols, polyisocyanates and polyamines | July 19, 1989. |
| P 89-0689 | G Non-toxic amine | August 2, 1989. |
| Y 87-0049 | G Unsaturated polyester | July 27, 1989. |
| Y 89-0127 | G Polyester resin | August 10, 1989. |
| Y 89-0131 | Polymer of neopentyl glycol, trimethylolpropane, isophthalic acid, 1,4,-cyclohexanedicarboxylic acid | July 19, 1989. |
| Y 89-0132 | G Polyethylene glycol ester | July 18, 1989. |
| Y 89-0133 | G An aqueous solution of a polyacrylate | June 28, 1989. |
| Y 89-0136 | G Polyester resin of alkyl and aryl dibasic acids and alkyl polyols | June 30, 1989. |

V. 17 Premanufacture Notices for Which the Period Has Been Suspended.

PMN No.

P 87-1872 P 88-1647 P 88-1658 P 88-1682
P 89-0073 P 89-0195 P 89-0596 P 89-0694
P 89-0697 P 89-0708 P 89-0713 P 89-0714
P 89-0721 P 89-0726 P 89-0749 P 89-0764
P 89-0769

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BILLING CODE 6560-50-D

federal register

Friday
January 12, 1990

Part IV

# Environmental Protection Agency

## Premanufacture Notices; Monthly Status Report for September 1989

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53123; FRL 3684-7]

### Premanufacture Notices; Monthly Status Report For September 1989

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for September 1989.

Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

**ADDRESS:** Written comments, identified with the document control number "(OPTS-53123)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Room. L-100, Washington, DC 20460 (202) 382-3532.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room EB-44, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during September; (b) PMNs received previous and still under review at the end of September; (c) PMNs for which the notice review period has ended during September; (d) chemical substances for which EPA has received a notice of commencement to manufacture during September; and (e) PMNs for which the review period has been suspended. Therefore, the September 1989 PMN Status Report is being published.

Dated: November 28,1989.

**Steven Newburg-Rinn,**

*Acting Director, Information Management Division, Office of Toxic Substances.*

### Premanufacture Notice Monthly Status Report September 1989

I. 101 Premanufacture Notices and Exemption Requests Received During the Month:

PMN No.

| | | | |
|---|---|---|---|
| P 89-1056 | P 89-1057 | P 89-1058 | P 89-1059 |
| P 89-1060 | P 89-1061 | P 89-1062 | P 89-1063 |
| P 89-1064 | P 89-1065 | P 89-1066 | P 89-1067 |
| P 89-1068 | P 89-1069 | P 89-1070 | P 89-1071 |
| P 89-1072 | P 89-1073 | P 89-1074 | P 89-1075 |
| P 89-1076 | P 89-1077 | P 89-1078 | P 89-1080 |
| P 89-1081 | P 89-1082 | P 89-1083 | P 89-1086 |
| P 89-1087 | P 89-1088 | P 89-1089 | P 89-1090 |
| P 89-1091 | P 89-1092 | P 89-1093 | P 89-1094 |
| P 89-1095 | P 89-1096 | P 89-1097 | P 89-1098 |
| P 89-1099 | P 89-1100 | P 89-1101 | P 89-1102 |
| P 89-1103 | P 89-1104 | P 89-1105 | P 89-1106 |
| P 89-1107 | P 89-1108 | P 89-1109 | P 89-1110 |
| P 89-1111 | P 89-1112 | P 89-1113 | P 89-1114 |
| P 89-1115 | P 89-1116 | P 89-1117 | P 89-1118 |
| P 89-1119 | P 89-1120 | P 89-1121 | P 89-1122 |
| P 89-1123 | P 89-1124 | P 89-1125 | P 89-1126 |
| P 89-1127 | P 89-1128 | P 89-1129 | P 89-1130 |
| P 89-1131 | P 89-1132 | P 89-1133 | P 89-1134 |
| P 89-1135 | P 89-1136 | P 89-1137 | P 89-1138 |
| P 89-1139 | P 89-1140 | P 89-1141 | P 89-1142 |
| P 89-1143 | P 89-1144 | P 89-1145 | P 89-1146 |
| P 89-1147 | P 89-1148 | P 89-1149 | P 89-1150 |
| Y 89-0220 | Y 89-0221 | Y 89-0222 | Y 89-0223 |
| Y 89-0224 | Y 89-0225 | Y 89-0226 | Y 89-0227 |
| Y 89-0228 | | | |

II. 249 Premanufacture Notices Received Previously and Still Under Review at the End of the Month:

PMN No.

| | | | |
|---|---|---|---|
| P 84-1167 | P 85-0216 | P 85-0535 | P 85-0536 |
| P 85-0619 | P 85-0718 | P 85-0735 | P 86-1322 |
| P 86-1602 | P 86-1603 | P 86-1604 | P 86-1607 |
| P 87-0105 | P 87-0197 | P 87-0198 | P 87-0199 |
| P 87-0200 | P 87-0201 | P 87-0323 | P 87-0502 |
| P 87-0794 | P 87-1104 | P 87-1192 | P 87-1226 |
| P 87-1227 | P 87-1555 | P 87-1760 | P 87-1872 |
| P 87-1881 | P 87-1882 | P 88-0049 | P 88-0083 |
| P 88-0195 | P 88-0225 | P 88-0275 | P 88-0319 |
| P 88-0320 | P 88-0353 | P 88-0468 | P 88-0515 |
| P 88-0522 | P 88-0576 | P 88-0671 | P 88-0701 |
| P 88-0836 | P 88-0864 | P 88-0884 | P 88-0888 |
| P 88-0889 | P 88-0890 | P 88-0894 | P 88-0898 |
| P 88-0918 | P 88-0972 | P 88-1020 | P 88-1021 |
| P 88-1035 | P 88-1211 | P 88-1212 | P 88-1271 |
| P 88-1272 | P 88-1273 | P 88-1274 | P 88-1303 |
| P 88-1375 | P 88-1473 | P 88-1529 | P 88-1567 |
| P 88-1568 | P 88-1618 | P 88-1619 | P 88-1620 |
| P 88-1621 | P 88-1622 | P 88-1628 | P 88-1630 |
| P 88-1631 | P 88-1632 | P 88-1658 | P 88-1690 |
| P 88-1691 | P 88-1740 | P 88-1753 | P 88-1761 |
| P 88-1763 | P 88-1774 | P 88-1783 | P 88-1807 |
| P 88-1809 | P 88-1811 | P 88-1823 | P 88-1844 |
| P 88-1850 | P 88-1856 | P 88-1898 | P 88-1937 |
| P 88-1938 | P 88-1956 | P 88-1980 | P 88-1982 |
| P 88-1984 | P 88-1985 | P 88-1995 | P 88-1999 |
| P 88-2000 | P 88-2001 | P 88-2069 | P 88-2100 |
| P 88-2160 | P 88-2169 | P 88-2177 | P 88-2179 |
| P 88-2180 | P 88-2181 | P 88-2188 | P 88-2196 |
| P 88-2210 | P 88-2212 | P 88-2213 | P 88-2228 |
| P 88-2229 | P 88-2230 | P 88-2231 | P 88-2236 |
| P 88-2237 | P 88-2271 | P 88-2275 | P 88-2343 |
| P 88-2349 | P 88-2380 | P 88-2389 | P 88-2469 |
| P 88-2473 | P 88-2484 | P 88-2518 | P 88-2529 |
| P 88-2530 | P 88-2540 | P 88-2566 | P 88-2568 |
| P 88-2575 | P 88-2582 | P 89-0030 | P 89-0031 |
| P 89-0073 | P 89-0077 | P 89-0078 | P 89-0089 |
| P 89-0090 | P 89-0091 | P 89-0097 | P 89-0184 |
| P 89-0225 | P 89-0254 | P 89-0292 | P 89-0301 |
| P 89-0321 | P 89-0326 | P 89-0336 | P 89-0380 |
| P 89-0383 | P 89-0384 | P 89-0385 | P 89-0386 |
| P 89-0387 | P 89-0396 | P 89-0413 | P 89-0422 |
| P 89-0423 | P 89-0424 | P 89-0483 | P 89-0506 |
| P 89-0507 | P 89-0520 | P 89-0538 | P 89-0539 |
| P 89-0576 | P 89-0577 | P 89-0583 | P 89-0589 |
| P 89-0626 | P 89-0632 | P 89-0641 | P 89-0648 |
| P 89-0651 | P 89-0653 | P 89-0655 | P 89-0657 |
| P 89-0658 | P 89-0659 | P 89-0660 | P 89-0661 |
| P 89-0672 | P 89-0676 | P 89-0694 | P 89-0697 |
| P 89-0701 | P 89-0708 | P 89-0711 | P 89-0713 |
| P 89-0714 | P 89-0721 | P 89-0726 | P 89-0739 |
| P 89-0742 | P 89-0749 | P 89-0750 | P 89-0760 |
| P 89-0764 | P 89-0769 | P 89-0770 | P 89-0775 |
| P 89-0776 | P 89-0810 | P 89-0817 | P 89-0836 |
| P 89-0837 | P 89-0844 | P 89-0854 | P 89-0855 |
| P 89-0867 | P 89-0870 | P 89-0906 | P 89-0918 |
| P 89-0924 | P 89-0942 | P 89-0946 | P 89-0949 |
| P 89-0950 | P 89-0957 | P 89-0958 | P 89-0959 |
| P 89-0963 | P 89-0977 | P 89-0978 | P 89-0979 |
| P 89-0980 | P 89-0986 | P 89-0991 | P 89-0998 |
| P 89-1005 | P 89-1009 | P 89-1010 | P 89-1014 |
| P 89-1036 | P 89-1038 | P 89-1039 | P 89-1041 |
| P 89-1043 | | | |

III. 163 Premanufacture Notices and Exemption Request for Which the Notice Review Period Has Ended During the Month. (Expiration or the Notice Review Period Does Not Signify That the Chemical Has Been Added to the Inventory).

PMN No.

| | | | |
|---|---|---|---|
| P 86-0294 | P 86-0295 | P 87-0057 | P 87-0058 |
| P 87-0059 | P 87-0770 | P 87-1542 | P 88-0622 |
| P 88-1168 | P 88-1377 | P 88-1446 | P 88-1682 |
| P 88-1889 | P 88-2204 | P 88-2434 | P 88-2435 |
| P 88-2436 | P 88-2437 | P 88-2470 | P 89-0234 |
| P 89-0279 | P 89-0774 | P 89-0777 | P 89-0778 |
| P 89-0779 | P 89-0780 | P 89-0781 | P 89-0782 |
| P 89-0783 | P 89-0784 | P 89-0785 | P 89-0786 |
| P 89-0787 | P 89-0788 | P 89-0789 | P 89-0791 |
| P 89-0792 | P 89-0793 | P 89-0794 | P 89-0795 |
| P 89-0796 | P 89-0797 | P 89-0798 | P 89-0799 |
| P 89-0800 | P 89-0801 | P 89-0802 | P 89-0803 |
| P 89-0804 | P 89-0805 | P 89-0806 | P 89-0809 |
| P 89-0811 | P 89-0812 | P 89-0813 | P 89-0814 |
| P 89-0815 | P 89-0816 | P 89-0818 | P 89-0819 |
| P 89-0820 | P 89-0821 | P 89-0822 | P 89-0823 |
| P 89-0824 | P 89-0825 | P 89-0826 | P 89-0827 |
| P 89-0828 | P 89-0829 | P 89-0832 | P 89-0833 |
| P 89-0834 | P 89-0835 | P 89-0838 | P 89-0839 |
| P 89-0840 | P 89-0841 | P 89-0842 | P 89-0843 |
| P 89-0845 | P 89-0846 | P 89-0847 | P 89-0848 |
| P 89-0849 | P 89-0850 | P 89-0851 | P 89-0852 |
| P 89-0853 | P 89-0856 | P 89-0858 | P 89-0859 |
| P 89-0860 | P 89-0861 | P 89-0862 | P 89-0864 |
| P 89-0865 | P 89-0866 | P 89-0868 | P 89-0869 |
| P 89-0872 | Y 89-0161 | Y 89-0162 | Y 89-0163 |
| Y 89-0164 | Y 89-0165 | Y 89-0166 | Y 89-0167 |
| Y 89-0168 | Y 89-0169 | Y 89-0170 | Y 89-0171 |
| Y 89-0172 | Y 89-0173 | Y 89-0174 | Y 89-0175 |
| Y 89-0176 | Y 89-0177 | Y 89-0178 | Y 89-0179 |
| Y 89-0180 | Y 89-0181 | Y 89-0182 | Y 89-0183 |
| Y 89-0184 | Y 89-0185 | Y 89-0186 | Y 89-0187 |
| Y 89-0188 | Y 89-0189 | Y 89-0190 | Y 89-0191 |

Y 89-0192 Y 89-0193 Y 89-0194 Y 89-0195 Y 89-0196 Y 89-0197 Y 89-0198 Y 89-0199 Y 89-0200 Y 89-0201 Y 89-0202 Y 89-0203 Y 89-0204 Y 89-0205 Y 89-0206 Y 89-0207 Y 89-0208 Y 89-0209 Y 89-0210 Y 89-0211 Y 89-0212 Y 89-0213 Y 89-0214 Y 89-0215 Y 89-0216 Y 89-0217 Y 89-0218 Y 89-0219 Y 89-0220 Y 89-0221 Y 89-0222

## IV. 67 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture.

| PMN No. | Identity/Generic name | Date of commencement |
|---|---|---|
| P 81-0050 | Tall oil fatty acids, neopentyl glycol, trimethylolethane, isophtrthalic acid, benzoic acid | March 18, 1983. |
| P 84-0502 | G Modified epoxy based resinous product | October 10, 1986. |
| P 84-0834 | G Trisazo dye | April 17, 1986. |
| P 85-0007 | G Spirobenzofuran xanthene | August 14, 1989. |
| P 85-0249 | G Isobenzofuranone | August 9, 1989. |
| P 85-1155 | Benzene, methyl-, mono-C18-alkyl derivatives | January 21, 1988. |
| P 86-0066 | G Substituted triazine isocyanurate | July 12, 1989. |
| P 86-0355 | G Zirconium IV neoalkoxy, tris (diisooctyl)pyrophosphato- o | August 28, 1986. |
| P 86-0471 | 2-Hydroxy-N-(4-methoxy-2-methylphenyl)-11-h-benzo[alpha]carbazole-3- carboxamide, monosodium salt | May 23, 1986. |
| P 86-0501 | G Aromatic diamine | August 7, 1989. |
| P 86-0502 | G Tetraglycidylamine | May 7, 1989. |
| P 86-1108 | G Modified acrylate terpolymer | October 15, 1989. |
| P 86-1109 | G Modified acrylate | August 19, 1987. |
| P 87-0624 | G Ethylene interpolymer | August 1, 1989. |
| P 87-0838 | G NCO-terminated urethane | July 11, 1989. |
| P 87-1844 | Toluene. | April 12, 1988. |
| P 88-0063 | G Substituted thioazino salt | September 10, 1988. |
| P 88-0091 | G Heteromonocyclic methylene derivative of a hetero- polycyclic-indenone | April 19, 1988. |
| P 88-0115 | G Perfluoroalkenyltri-alkylamm onium salt | July 10, 1989. |
| P 88-0126 | Neopentyl glycol; 1,6 hexanediol; 1,4-butanediol; polyether of propylene and ethylene oxide; adipic acid; isophorone diisocyanate; hydrazine. | January 21, 1988. |
| P 88-0136 | G Methacrylic monomer | August 1, 1989. |
| P 88-0137 | G Methacrylic monomer | August 1, 1989. |
| P 88-0186 | Soybean oil, pentaerythritol, chlorendic anhydride alkyd resin | April 29, 1988. |
| P 88-0432 | 1H-Pyrole-2,5-dione, 1,1'-(methylenedi-4,1- phenylene)bis-, polymer with 4,4'- methylenebis(benzenamine), modified. | March 20, 1988. |
| P 88-0598 | G Azo-substituted-aniline derivative | July 28, 1989. |
| P 88-0656 | G Water-reducible epoxyester copolymer resin | April 26, 1988. |
| P 88-0845 | G Methacrylate ester | July 27, 1989. |
| P 88-0909 | G Cycloaliphatic amine adduct | August 2, 1989. |
| P 88-0966 | G 2-Naphthalenesulfonic acid, 7-((4,6- bis((substituted)amino)-1,3,5-triazin-2-yl)amino-4-hydroxy-3-((substituted phenyl)azo))-, organic acid (salt). | July 11, 1989. |
| P 88-1321 | G Styrene-modified acrylic | July 19, 1989. |
| P 88-1475 | G Reaction product of a fluorinated alcohol, epichlorohydrine, a diol and an isocyanate. | July 10, 1989. |
| P 88-1476 | G Reaction product of a fluorinated alcohol, epichlorohydrine, an alkyl glycol and an isocyanate. | July 10, 1989. |
| P 88-1479 | 1,3-dioxolan-2-one, 4-ethyl.July 21, 1989. | |
| P 88-1540 | G Polyester resin. | December 1, 1988. |
| P 88-1545 | Nitrile substituted poly vinyl alcohol | July 26, 1989. |
| P 88-1602 | G Acrylic copolymers emulsion | March 14, 1989. |
| P 88-1863 | G Organophosphorous compound | July 27, 1989. |
| P 88-1925 | Eicosanedioic acid | June 30, 1989. |
| P 88-1983 | G Sulfonated substituted anthraquinone, potassium salt | July 15, 1989. |
| P 88-2261 | G 1,2,4-Benzotriazine sulfonic acid alkali salt. | August 5, 1989. |
| P 89-0009 | G Substituted dialkyl aniline | July 29, 1989. |
| P 89-0128 | G Hydrophobically-modified hydroxethyl cellulose (HMHEC) | August 18, 1989. |
| P 89-0207 | 1,3,5-Triazine-2,4-diamine,6-chloro-N-methyl-N'-(1-methylethyl) | July 12, 1989. |
| P 89-0307 | G Organopolysiloxane | August 3, 1989. |
| P 89-0308 | G Polyorganosilazane | July 12, 1989. |
| P 89-0332 | G Styrenated acrylic polymer oxirane adduct. | August 3, 1989. |
| P 89-0376 | G Polyester-urethane amine salt | July 19, 1989. |
| P 89-0388 | G Alkyleneamine alkylphenol mannish | August 8, 1989. |
| P 89-0397 | 1-N,N-dimethylamino-3-aminopropane formates; disubstituted. | August 7, 1989. |
| P 89-0398 | 1-N,N-dimethylamino-3-aminopropane; disubstituted. | August 7, 1989. |
| P 89-0408 | G Methacrylate copolymer | August 11, 1989. |
| P 89-0446 | G Mercapto functional zirconium aluminum chloride hydroxide polymer. | August 16, 1989. |
| P 89-0489 | G Polyesterimide resin | August 24, 1989. |
| P 89-0491 | G Cathodic epoxy intermediate | July 17, 1989. |
| P 89-0492 | G Epoxy modified polyester polymer | July 18, 1989. |
| P 89-0514 | G Polyester polyurethane dispersion | July 20, 1989. |
| P 89-0516 | G Alkoxy alkyl titanate | August 9, 1989. |
| P 89-0597 | G Styrenated acrylic modified polyester | July 25, 1989. |
| P 89-0604 | G Melamine phosphate. | July 26, 1989. |
| P 89-0619 | G Polyoxyalkene polyester urethane block polymer | August 23, 1989. |
| P 89-0621 | G Polyester urethane block polymer | August 23, 1989. |
| Y 86-0175 | G Acrylate copolymer. | October 1, 1989. |
| Y 88-0017 | G Modified acrylate terpolymer | October 9, 1989. |
| Y 88-0160 | G Water reducible alkyd | July 24, 1989. |
| Y 89-0143 | G Acrylic polyol. | July 24, 1989. |

V. 18 Premanufacture Notices for Which the Period Has Been Suspended.

PMN No.

P 88-1740 P 88-2231 P 88-2237 P 89-0073
P 89-0427 P 89-0775 P 89-0776 P 89-0810
P 89-0817 P 89-0836 P 89-0837 P 89-0844
P 89-0854 P 89-0855 P 89-0863 P 89-0946
Y 89-0173 Y 89-0175

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federal register

Friday
January 12, 1990

Part V

# Environmental Protection Agency

## Premanufacture Notices; Monthly Status Report for October 1989

## ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53124; FRL 3686-2]

### Premanufacture Notices; Monthly Status Report for October 1989

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the Federal Register each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for October 1989.

Nonconfidential portions of the PMNs and exemption request may be seen in the Public Reading Room NE-G004 at the address below between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

**ADDRESS** Written comments, identified with the document control number "(OPTS-53124)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Room L-100, Washington, DC 20460 (202) 382-3532.

**FOR FURTHER INFORMATION CONTACT** Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room EB-44, 401 M Street, SW., Washington, DC 20460 (202) 382-3725.

**SUPPLEMENTARY INFORMATION:** The monthly status report published in the Federal Register as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during October; (b) PMNs received previous and still under review at the end of October; (c) PMNs for which the notice review period has ended during October; (d) chemical substances for which EPA has received a notice of commencement to manufacture during October; and (e) PMNs for which the review period has been suspended. Therefore, the October 1989 PMN Status Report is being published.

Date: December 5, 1989.

**Douglas W. Sellers,**

*Acting Director, Information Management Division, Office of Toxic Substances.*

### Premanufacture Notice Monthly Status Report October 1989

I. 95 Premanufacture Notices and Exemption Requests Received During the Month:

PMN No.

P 90-0001 P 90-0002 P 90-0003 P 90-0004
P 90-0005 P 90-0006 P 90-0007 P 90-0008
P 90-0009 P 90-0010 P 90-0011 P 90-0012
P 90-0013 P 90-0014 P 90-0015 P 90-0016
P 90-0017 P 90-0018 P 90-0019 P 90-0020
P 90-0021 P 90-0022 P 90-0023 P 90-0024
P 90-0025 P 90-0026 P 90-0027 P 90-0028
P 90-0029 P 90-0030 P 90-0031 P 90-0032
P 90-0033 P 90-0034 P 90-0035 P 90-0036
P 90-0037 P 90-0038 P 90-0039 P 90-0040
P 90-0041 P 90-0042 P 90-0043 P 90-0045
P 90-0046 P 90-0047 P 90-0048 P 90-0049
P 90-0050 P 90-0051 P 90-0053 P 90-0054
P 90-0055 P 90-0056 P 90-0057 P 90-0058
P 90-0059 P 90-0060 P 90-0061 P 90-0062
P 90-0063 P 90-0064 P 90-0065 P 90-0066
P 90-0067 P 90-0068 P 90-0069 P 90-0070
P 90-0071 P 90-0072 P 90-0073 P 90-0074
P 90-0075 P 90-0076 P 90-0077 P 90-0078
P 90-0079 P 90-0080 P 90-0081 P 90-0082
Y 90-0001 Y 90-0002 Y 90-0003 Y 90-0004
Y 90-0005 Y 90-0006 Y 90-0007 Y 90-0008
Y 90-0009 Y 90-0010 Y 90-0011 Y 90-0012
Y 90-0013 Y 90-0014 Y 90-0016

II. 264 Premanufacture Notices Received Previously and Still Under Review at the End of the Month:

PMN No.

P 11-1167 P 85-0216 P 85-0535 P 85-0536
P 85-0619 P 85-0718 P 85-0735 P 86-1322
P 86-1602 P 86-1603 P 86-1604 P 86-1607
P 87-0105 P 87-0197 P 87-0198 P 87-0199
P 87-0200 P 87-0201 P 87-0323 P 87-0502
P 87-0794 P 87-1104 P 87-1192 P 87-1226
P 87-1227 P 87-1555 P 87-1760 P 87-1872
P 87-1881 P 87-1882 P 88-0049 P 88-0083
P 88-0195 P 88-0225 P 88-0275 P 88-0319
P 88-0320 P 88-0353 P 88-0468 P 88-0515
P 88-0522 P 88-0576 P 88-0671 P 88-0701
P 88-0836 P 88-0364 P 88-0811 P 88-0888
P 88-0889 P 88-0890 P 88-0894 P 88-0898
P 88-0918 P 88-0972 P 88-1020 P 88-1021
P 88-1035 P 88-1211 P 88-1212 P 88-1271
P 88-1272 P 88-1273 P 88-1274 P 88-1303
P 88-1375 P 88-1473 P 88-1529 P 88-1567
P 88-1568 P 88-1618 P 88-1619 P 88-1620
P 88-1621 P 88-1622 P 88-1628 P 88-1630
P 88-1631 P 88-1632 P 88-1658 P 88-1690
P 88-1691 P 88-1740 P 88-1753 P 88-1761
P 88-1763 P 88-1774 P 88-1783 P 88-1807
P 88-1809 P 88-1811 P 88-1823 P 88-1114
P 88-1850 P 88-1856 P 88-1898 P 88-1937
P 88-1938 P 88-1956 P 88-1980 P 88-1982
P 88-1911 P 88-1985 P 88-1995 P 88-1999
P 88-2000 P 88-2001 P 88-2069 P 88-2100
P 88-2160 P 88-2169 P 88-2177 P 88-2179
P 88-2180 P 88-2181 P 88-2188 P 88-2196
P 88-2210 P 88-2212 P 88-2213 P 88-2228
P 88-2229 P 88-2230 P 88-2231 P 88-2236
P 88-2237 P 88-2271 P 88-2275 P 88-2343
P 88-2349 P 88-2380 P 88-2389 P 88-2469
P 88-2473 P 88-2411 P 88-2518 P 88-2529
P 88-2530 P 88-2540 P 88-2566 P 88-2568
P 88-2575 P 88-2582 P 89-0030 P 89-0031
P 89-0073 P 89-0077 P 89-0078 P 89-0089
P 89-0090 P 89-0091 P 89-0097 P 89-0111
P 89-0225 P 89-0254 P 89-0292 P 89-0301
P 89-0321 P 89-0326 P 89-0336 P 89-0380
P 89-0383 P 89-0311 P 89-0385 P 89-0386
P 89-0387 P 89-0396 P 89-0413 P 89-0422
P 89-0423 P 89-0424 P 89-0483 P 89-0506
P 89-0507 P 89-0520 P 89-0538 P 89-0539
P 89-0576 P 89-0577 P 89-0583 P 89-0589
P 89-0626 P 89-0632 P 89-0641 P 89-0648
P 89-0651 P 89-0653 P 89-0655 P 89-0657
P 89-0658 P 89-0659 P 89-0660 P 89-0661
P 89-0672 P 89-0676 P 89-0694 P 89-0697
P 89-0701 P 89-0708 P 89-0711 P 89-0713
P 89-0714 P 89-0721 P 89-0726 P 89-0739
P 89-0742 P 89-0749 P 89-0750 P 89-0760
P 89-0764 P 89-0769 P 89-0770 P 89-0775
P 89-0776 P 89-0810 P 89-0817 P 89-0836
P 89-0837 P 89-0114 P 89-0854 P 89-0855
P 89-0867 P 89-0870 P 89-0906 P 89-0918
P 89-0924 P 89-0942 P 89-0946 P 89-0949
P 89-0950 P 89-0957 P 89-0958 P 89-0959
P 89-0963 P 89-0977 P 89-0978 P 89-0979
P 89-0980 P 89-0986 P 89-0991 P 89-0998
P 89-1005 P 89-1009 P 89-1010 P 89-1014
P 89-1036 P 89-1038 P 89-1039 P 89-1041
P 89-1043 P 89-1058 P 89-1062 P 89-1068
P 89-1071 P 89-1072 P 89-1081 P 89-1082
P 89-1093 P 89-1099 P 89-1104 P 89-1125
P 89-1134 P 89-1135 P 89-1140 P 89-1148

III. 126 Premanufacture Notices and Exemption Request for Which the Notice Review Period Has Ended During the Month. (Expiration or the Notice Review Period Does Not Signify That the Chemical Has Been Added to the Inventory).

PMN No.

P 86-1189 P 86-1607 P 87-0105 P 87-0963
P 87-1337 P 87-1546 P 87-1547 P 87-1548
P 87-1549 P 87-1872 P 88-0049 P 88-0156
P 88-0157 P 88-0894 P 88-1753 P 88-1937
P 88-1938 P 88-2002 P 88-2160 P 88-2367
P 88-2529 P 88-2562 P 88-2563 P 88-2564
P 89-0254 P 89-0303 P 89-0448 P 89-0596
P 89-0650 P 89-0703 P 89-0736 P 89-0755
P 89-0756 P 89-0807 P 89-0808 P 89-0830
P 89-0831 P 89-0863 P 89-0871 P 89-0873
P 89-0874 P 89-0875 P 89-0876 P 89-0877
P 89-0878 P 89-0879 P 89-0880 P 89-0881
P 89-0882 P 89-0883 P 89-0811 P 89-0885
P 89-0886 P 89-0887 P 89-0888 P 89-0889
P 89-0890 P 89-0891 P 89-0892 P 89-0893
P 89-0894 P 89-0895 P 89-0896 P 89-0897
P 89-0898 P 89-0899 P 89-0900 P 89-0901
P 89-0902 P 89-0903 P 89-0904 P 89-0905
P 89-0907 P 89-0908 P 89-0909 P 89-0910
P 89-0911 P 89-0912 P 89-0913 P 89-0914
P 89-0915 P 89-0916 P 89-0917 P 89-0919
P 89-0920 P 89-0921 P 89-0922 P 89-0923
P 89-0925 P 89-0927 P 89-0928 P 89-0929
P 89-0930 P 89-0931 P 89-0932 P 89-0933
P 89-0934 P 89-0935 P 89-0936 P 89-0937
P 89-0938 P 89-0939 P 89-0940 P 89-0941
P 89-0943 P 89-0944 P 89-0945 P 89-0947
P 89-0948 P 89-0949 P 89-0950 P 89-0951
P 89-0952 P 89-0953 P 89-0954 Y 89-0223
Y 89-0224 Y 89-0225 Y 89-0226 Y 89-0227
Y 89-0228 Y 90-0001 Y 90-0002 Y 90-0003
Y 90-0004 Y 90-0005

## IV. 153 Chemical Substances for Which EPA Has Received Notices of Commencement to Manufacture.

| PMN No. | Identity/Generic Name | Date of Commencement |
|---|---|---|
| P 81-0389 | Alkylphenol modified xylene-formaldehyde resins | September 11, 1989. |
| P 81-0390 | Phenol-modified xylene-formaldehyde resins | September 11, 1989. |
| P 84-0498 | G Fatty alcohol, ethoxylated, propoxylated, fatty acid ester | April 15, 1985. |
| P 84-0566 | N-(Isobutoxymethyl) acrylamide, methyl methacrylate, 2-ethyl hexyl acrylate, acrylic acid, t-butyl peroctoate | August 14, 1989. |
| P 84-1167 | G Epoxy ester | February 16, 1985. |
| P 85-0009 | G Fatty alcohol, ethoxylated, propoxylated, fatty acid ester | January 1, 1985. |
| P 85-1177 | G Low molecular weight saccharide | January 11, 1989. |
| P 86-0165 | G Alkyd modified vinyl copolymer | October 9, 1989. |
| P 86-0503 | G Aromatic diamine | April 12, 1989. |
| P 86-1182 | G Substituted glycol, derivative | January 6, 1987. |
| P 86-1263 | G Sodium pyridine water | December 16, 1986. |
| P 86-1322 | G Aromatic diamine, thio-methylated | June 3, 1987. |
| P 86-1323 | G Substituted vinyl acetate/ethylene polymer | August 17, 1989. |
| P 87-0145 | G 3,4-dihydro-3-methyl-2H-1,4-benzoxazine | August 7, 1987. |
| P 87-0502 | G Dialkenylamide | January 26, 1988. |
| P 87-0583 | G Carbocyanine borate dye | June 13, 1989. |
| P 87-1250 | G Chlorinated polyethylene | August 23, 1989. |
| P 87-1261 | G Dicarbocyanine borate dye | June 7, 1989. |
| P 87-1532 | G Benzoate ester of alkoxylated C18-alcohol | October 4, 1989. |
| P 87-1583 | G Acrylic copolymer | June 13, 1989. |
| P 87-1760 | 4,4'-Methylene-bis-oxyethylene diphenol referred to as mod | July 22, 1988. |
| P 87-1904 | G Terpene aldehyde | September 27, 1989. |
| P 88-0006 | 6-Octen-3-01, 4,7-dimethyl-4-ethenyl- | October 2, 1989. |
| P 88-0013 | G N-Substituted alkyl lactam | September 2, 1989. |
| P 88-0235 | G Organic/inorganic copolymer | August 23, 1989. |
| P 88-0284 | Lithium montanate | September 11, 1989. |
| P 88-0311 | G Alkenyl alkoxy silane, olefin, olefin ester polymer | August 28, 1989. |
| P 88-0436 | G Poly(triazinyl piperazine) | September 25, 1989. |
| P 88-0517 | 2-Methyl-1-pentyloxy magnesium chloride | June 6, 1988. |
| P 88-0545 | Bisphenol A; triphenylphosphine; diibutyl tin silaurate | March 31, 1989. |
| P 88-0577 | G Substituted-succinic acid amine | September 1, 1989. |
| P 88-0578 | G Substituted-succinic acid amine | September 1, 1989. |
| P 88-0710 | G Disubstituted heterocycle phenyl carbomate | September 14, 1989. |
| P 88-0831 | Phenol, 4,4'-(9H-fluoren-9- ylidene)bis- | August 27, 1989. |
| P 88-0837 | G Epoxy resin | September 23, 1989. |
| P 88-1006 | G Substituted alkane anilide | October 17, 1989. |
| P 88-1007 | G Substituted sulfonanilide | October 17, 1989. |
| P 88-1145 | G Alkyl aluminum catalyst | September 9, 1989. |
| P 88-1267 | G Hydrazine derivative | November 22, 1988. |
| P 88-1286 | Reaction product of alcohols, C12-C14, ethoxylated with acetic, chloro,sodium salt, acidified | September 13, 1989. |
| P 88-1289 | Reaction product of poly(oxy-1,2-ethanediyl)-alpha-(dinonylphenyl)-omega-hydroxy-, branched with acetic acid, chloro-, sodium salt, acidified. | August 15, 1989. |
| P 88-1350 | G Substituted phosphorodichlorodithioic acid ester | August 19, 1989. |
| P 88-1355 | G Mixed sodium/potassium salt substituted naphthalene disulfonic acid | October 9, 1989. |
| P 88-1375 | Dimethyl octenes mixture and methyleneoctane | November 11, 1988. |
| P 88-1376 | G Dimethyl octenes mixture and 2-methyl-6-methylene-octane | September 18, 1989. |
| P 88-1420 | G Disubstituted heteromonocycleamino substituted benzenesulfonic acid, sodium salt | August 22, 1989. |
| P 88-1464 | Octane,6-chloro-2,6-dimethyl-and octane, 2-chloro-2,6-dimethyl-mixture | September 18, 1989. |
| P 88-1594 | G Vinyl acrylic copolymer | September 12, 1989. |
| P 88-1603 | G Vinyl acrylic copolymer | September 26, 1988. |
| P 88-1628 | G Di(substituted)alkyl hydrogen acid phosphite | December 6, 1988. |
| P 88-1654 | G Acid catalyzed reaction product of alkylidene bicycloalkene with alkyl alcohol | October 10, 1989. |
| P 88-1689 | G Unsaturated aliphatic ester | August 16, 1989. |
| P 88-1699 | G Alkyl alkanolamine salts | May 3, 1989. |
| P 88-1808 | G Phosphono carboxylic acid | August 14, 1989. |
| P 88-1947 | Piperidine, 1-acetyl-4-(3-dodecyl-2.5-dioxo-1-pyrrolidinyl)- 2.2.6.6-tetramethyl- | August 26, 1989. |
| P 88-1971 | G Substituted 3H-pyrazol-3-one-4-(2-methylphenyl)azo)-2,4-dihydro-5-methyl-2-phenyl | September 13, 1989. |

IV. 153 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE.—Continued

| PMN No. | Identity/Generic Name | Date of Commencement |
|---|---|---|
| P 88-2004 | Bis(substituted)heteropoly cyclicdiione | September 7, 1989. |
| P 88-2072 | G Functionalized styrenated acrylic polymer | September 6, 1989. |
| P 88-2105 | G Fluorinated acrylic ester copolymer | September 11, 1989. |
| P 88-2209 | G Carbamodithioc acid, ethylphenyl-lead(2+)salt | February 23, 1989. |
| P 88-2250 | Polyester resin | August 23, 1989. |
| P 88-2280 | G Alkyl substituted xanthene | September 5, 1989. |
| P 88-2322 | G Acid functional polyester resin of neopentyl glycol | February 6, 1989. |
| P 88-2409 | G Polyamide graft polymer | September 15, 1989. |
| P 88-2486 | G Tetra substituted-pyrazole | September 5, 1989. |
| P 88-2496 | G Chlorinated polypropylene modified acrylic copolymer | September 27, 1989. |
| P 88-2497 | G Polyester/acrylic polymer | September 29, 1989. |
| P 88-2552 | G Acrylic polyester | September 21, 1989. |
| P 88-2624 | G A polymer of a methacrylic acid, an acrylic acid ester and methacrylic acid | September 15, 1989. |
| P 89-0006 | G Substituted ketazine | October 8, 1989. |
| P 89-0007 | G Substituted phenone | October 4, 1989. |
| P 89-0008 | G Substituted alkyl aniline | July 29, 1989. |
| P 89-0045 | G Acrylic solution resin | September 29, 1989. |
| P 89-0117 | G Quaternary ammonium compound | September 21, 1989. |
| P 89-0119 | G Substituted lactone | September 29, 1989. |
| P 89-0190 | G Vinyl heterocycle alkyl methacrylate copolymer | August 17, 1989. |
| P 89-0221 | G Substituted nitrophenyl(chloroheterocy cle) | October 2, 1989. |
| P 89-0222 | G Substituted phenylheterocyclic acid, derivative | July 21, 1989. |
| P 89-0223 | G Substituted nitrophenylheterocyclic acid | August 28, 1989. |
| P 89-0224 | G Substituted nitrophenylheterocycle | August 28, 1989. |
| P 89-0235 | Tall oil fatty acids; pentaerythritol; cyclohexanedimethanol; ethylene glycol; benzoic acid; chlorendic anhydride; maleic anhydride | September 19, 1989. |
| P 89-0270 | G Acrylic polymer | August 16, 1989. |
| P 89-0277 | G Dibasic/acid glycol ester | September 14, 1989. |
| P 89-0286 | G Modified alkyl alkoxy silane | May 15, 1989. |
| P 89-0299 | G Amine functional epoxy salted with an organic acid | August 28, 1989. |
| P 89-0317 | G Arylalkyl polycyclicdiol | September 5, 1989. |
| P 89-0320 | G Saturated polyester resin from dibasic acids and polyol | September 5, 1989. |
| P 89-0327 | Methy methacrylate-2-hydroxy ethyl methacrylate; copolymer; methylmethacrylate-3-(trimethoxysilyl)propol; methacrylate copolymer; trichloromethylsilane polymer with dichloro; dimethylsilane, trichlorophenylsilane and diphenyldichlorosilane.. | September 16, 1989. |
| P 89-0328 | G Alkyl ketone | September 6, 1989. |
| P 89-0338 | Dicyclopentadiene; hydrocarbon resin intermediate; hydrocarbon resin intermediate | May 12, 1989. |
| P 89-0349 | G Alkoxy-functional poly(dimethyl)siloxane | September 6, 1989. |
| P 89-0350 | G Amino-functional poly(organo)siloxane | August 16, 1989. |
| P 89-0351 | G Acrylamide-functional poly(organo)siloxane | August 22, 1989. |
| P 89-0377 | G Disubstituted cyclopentanone | August 23, 1989. |
| P 89-0378 | G Substituted pyrylium salt | August 29, 1989. |
| P 89-0392 | G Modified acrylic polymer | September 20, 1989. |
| P 89-0410 | G Substituted(phenylchloroheerocycle)aromatic substituted alkanamide | September 22, 1989. |
| P 89-0452 | G Silicone-imide black copolymer | August 10, 1989. |
| P 89-0454 | G Amine substituted cycloaliphate epoxide | September 8, 1989. |
| P 89-0472 | G Substituted thiazinohydrazine | August 1, 1989. |
| P 89-0486 | Alkenes, C2-C3 hydroformylation products, C6-C24 fraction; obtanied by hydroformylation ethylene and propylene, removal of propionaldehyde and butyraldehydes and further distillation to obtain a fraction rich in C5-C24 oxygenated hydrocarbons. | October 5, 1989. |
| P 89-0487 | G Polyarylethersulfone | August 23, 1989. |
| P 89-0504 | 1,4-Butanediol bischloroformate | July 24, 1989. |
| P 89-0524 | G Modified polyacrylamide | October 4, 1989. |
| P 89-0525 | G Modified polyacrylamide | September 19, 1989. |
| P 89-0530 | G Disubstituted cyclopentanone | September 14, 1989. |
| P 89-0572 | G Polymer of alkyl glycol and bis(substituted aromatic haloacid) | August 25, 1989. |
| P 89-0578 | G Polyurethane | October 11, 1989. |

IV. 153 CHEMICAL SUBSTANCES FOR WHICH EPA HAS RECEIVED NOTICES OF COMMENCEMENT TO MANUFACTURE.—Continued

| PMN No. | Identity/Generic Name | Date of Commencement |
|---|---|---|
| P 89-0580 | G Tertiary amine catalyst | September 28, 1989. |
| P 89-0616 | Copolymer of laurylmethacrylate & 4vinylpyridine | September 1, 1989. |
| P 89-0617 | Di(2-hydroxyethyl trialkylacetate)adipate with carbon number C28-C30, C28 rich | August 25, 1989. |
| P 89-0620 | Di(2-hydroxethyl trialkylacetate) adipate with carbon number C28-C30, C30 rich | August 25, 1989. |
| P 89-0622 | G Polyester urethane block polymer | September 19, 1989. |
| P 89-0631 | G Poly(biphenol-A-carbonate) | August 25, 1989. |
| P 89-0637 | G Styrene/hydroxyacrylic polymer ammonium salt | September 19, 1989. |
| P 89-0666 | G Polyurethane polyol | September 14, 1989. |
| P 89-0678 | G Esters of a polyhydroxyspirobiindane and 215-diazonaphthoquinone sulfonyl chloride | August 22, 1989. |
| P 89-0679 | G Polydimethylsiloxane poly(oxyalkene)ether | September 19, 1989. |
| P 89-0690 | G Heterocyclic amine ester | September 18, 1989. |
| P 89-0692 | G Hydroxyl functional acrylic intermediate resin | September 13, 1989. |
| P 89-0707 | G Sodium salt of polyethyleneimine--carbon disulfide reaction product | August 31, 1989. |
| P 89-0724 | N(2,2-Dimethyl, meta-isopropenyl benzyl), poly(oxy-1,2-ethonediyl, alpha-(dionyl phenyl) carbamate; methacrylic acid; ethyl acrylate | September 14, 1989. |
| P 89-0729 | 4-(4,5-Dihydro-4-((5-hydroxy-3-methyl-1-(4-sulfophenyl)-(1H)-pyrazol-4yl)methylene)-3-methyl-5-oxy-1H-pyrazol-1) benzenesulfonic acid, dipotassium salt. | August 24, 1989. |
| P 89-0743 | G Amine functional epoxy resin salt | August 28, 1989. |
| P 89-0751 | G Substituted pyrazolone | September 16, 1989. |
| P 89-0752 | G Alkyl substituted benzene | September 16, 1989. |
| P 89-0754 | G Polyisocyanate polyaddition product (PIPA) | August 29, 1989. |
| P 89-0765 | G Modified acrylate terpolymer | August 30, 1989. |
| P 89-0772 | G Barium salt of the azo dye | September 27, 1989. |
| P 89-0774 | Bis-(dipropylamino)-methane; N,N,N'-tetrapropyl- methylenediamine | September 21, 1989. |
| P 89-0778 | G High solids polyester | September 14, 1989. |
| P 89-0780 | G Amine terminated polyether urethane | September 6, 1989. |
| P 89-0782 | G Modified aluminium stearate | September 21, 1989. |
| P 89-0783 | G Oxyalkylated amine phosphate | October 2, 1989. |
| P 89-0711 | G Alkylaryl sulfonate, amine salt | September 8, 1989. |
| P 89-0793 | G Organo-epoxysilane | September 20, 1989. |
| P 89-0801 | G Polymer of benzenecarboxylic acid, benzene dicarboxylic anhydride, vegetable fatty acids, aliphatic polyol and phenolic acids | October 10, 1989. |
| P 89-0822 | G Polymethylene polyphenyl isocyanate prepolymer | October 1, 1989. |
| P 89-0823 | G Triazinyl reactive azo dye | September 17, 1989. |
| P 89-0852 | G ETFE copolymer | September 25, 1989. |
| Y 88-0158 | G Short oil alkyd | September 19, 1989. |
| Y 88-0161 | G Aliphatic alicycle polyester urea triethane | September 8, 1989. |
| Y 88-0162 | G Aqueous solutions of acrylic polymer salts | April 29, 1988. |
| Y 88-0317 | G PMS copolymer | September 14, 1989. |
| Y 89-0023 | 2-Propenoic acid; isooctyl-2-propenoate; octadecyl-2-methyl-2-propenoate; hexadecyl-2-methyl-2 propenoate; eisosyl methacrylate; benzoyl peroxide.. | September 22, 1989. |
| Y 89-0030 | G Polyester of aryl & alkyl dicarboxylic acids and alkyl diols | September 19, 1989. |
| Y 89-0039 | G Hydroxy functional acrylic resin. | October 9, 1989. |
| Y 89-0054 | G Acrylic polymer | February 23, 1989. |
| Y 89-0105 | G Substituted aryl vinyl polymer | July 25, 1989. |
| Y 89-0106 | G Polyethylene | August 15, 1989. |
| Y 89-0107 | G Oxidized polyethylene | August 15, 1989. |
| Y 89-0142 | Aliphatic dibasic acid polymers with 1,4-butanediol and 2-ethylhexanol | September 21, 1989. |
| Y 89-0214 | G A salt of an acrylic-styrene copolymer | September 21, 1989. |

V. 16 Premanufacture Notices for Which the Period Has Been Suspended.

PMN No.

P 89-0648 P 89-0807 P 89-0808 P 89-0867
P 89-0870 P 89-0906 P 89-0918 P 89-0924
P 89-0942 P 89-0957 P 89-0958 P 89-0959
P 89-0977 P 89-0978 P 89-0979 P 89-0980

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federal register

Friday
January 12, 1990

Part VI

# Department of Commerce

## International Trade Administration

19 CFR Part 357

Short Supply Procedures; Interim Final Rule

**DEPARTMENT OF COMMERCE**

**International Trade Administration**

**19 CFR Part 357**

**[Docket No. 91285-9285]**

**RIN 0625-AA34**

## Short Supply Procedures

**AGENCY:** Import Administration, International Trade Administration, Commerce.

**ACTION:** Interim—final rules.

**SUMMARY:** The International Trade Administration ("ITA") hereby promulgates interim—final regulations on its short supply procedures in order to implement section 4(b) of the Steel Trade Liberalization Program Implementation Act ("the Act"), enacted on December 12, 1989. These regulations are also consistent with the President's steel trade liberalization program, announced on July 25, 1989. The rules provide that the Secretary of Commerce will authorize the importation of quantities of steel in excess of the aggregate import limitations in effect under a bilateral arrangement if: (1) An adequate petition is filed with the Secretary requesting a determination that there is not a sufficient supply of a particular steel product available to meet market demand in the United States; (2) the steel product is covered by an arrangement that provides for the authorization of additional quantities of that steel product; and (3) the Secretary determines that short supply exists with respect to the particular steel product.

The regulations contain uniform rules, criteria, and procedures for ensuring transparency, timeliness, and fairness in the administration of the short supply program. In particular, the regulations provide for requirements for the content of an adequate short supply petition; uniform factors that the Secretary will consider before determining the existence of short supply; time limits by which the Secretary will authorize a short supply allowance if short supply is determined to exist; publication in the **Federal Register** of notice of each short supply determination setting forth the basis for that determination; maintenance of an official record which will form the sole basis for the short supply determination; and the treatment of public and proprietary information.

**DATES:** The effective date of these rules is January 12, 1990. Comments (four copies) on these rules must be received on or before May 14, 1990.

**ADDRESS:** Comments may be sent to Nick Tolerico, Director of the Office of Agreements Compliance, International Trade Administration, Room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Stephen J. Powell, Chief Counsel for Import Administration, Room 3622, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230, (202) 377-8915.

**SUPPLEMENTARY INFORMATION:** The Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) was enacted on December 12, 1989. This new legislation extends the enforcement authority provided under the Steel Import Stabilization Act ("SISA") (19 U.S.C. 2253 note), and provides for the implementation of the President's steel trade liberalization program, announced on July 25, 1989. The Act contains provisions which, *inter alia,* amend section 805(b) of the SISA and replace it with new authority for the Secretary to make short supply determinations. To carry out this authority, the Act requires the Secretary to issue interim regulations on or before the 30th day after the date of enactment. The regulations described below implement these provisions.

These interim rules are effective immediately upon publication and will remain in effect until the ITA adopts final rules promulgated in accordance with the usual notice, comment, and delayed effective date procedures. The ITA will consider public comments on these interim—final rules if received on or before May 14, 1990.

*Administrative Procedure Act (APA):* ITA rules to implement new legislation ordinarily are promulgated in accordance with the rulemaking provisions of section 553 of the APA (5 U.S.C. 553 *et seq.*). Notice and opportunity to comment and delayed effective date procedures could not be utilized in this instance because the new legislation became effective upon enactment and requires their implementing regulations to be published within 30 days. Therefore, the ITA determined to adopt interim rules that are effective immediately and will remain in effect until the ITA can adopt final rules in accordance with the usual notice, comment, and delayed effective date procedures.

The ITA's authority to adopt interim rules without following all steps listed in section 553 of the APA is derived from the provisions of section 553 of the APA, which allows an agency to dispense with various steps in the prescribed rulemaking procedure under certain circumstances. The ITA finds that good cause exists for dispensing with the notice, comment, and delayed effective date procedures because such procedures would be impracticable.

For purposes of invoking the section 553(b) exemption from publishing a notice of proposed rulemaking which solicits public comment, the ITA finds that, because the new legislation required implementing regulations to be issued on or before the 30th day after the date of the enactment of the Act, it would be "impractical" for the ITA to comply with the usual notice, comment, and delayed effective date procedures. For purposes of invoking the section 553(b)(3) exemption from publishing advance notice of the interim rules thirty days prior to their effective date, the ITA finds that the fact that the Act required the issuance of implementing regulations on or before the 30th day after enactment make such advance publication impractical and constitutes "good cause" for the ITA not to comply with that requirement. The ITA recognizes that interim regulations should not respond to anything more than the exigencies created by the new legislation and expects that the final rules to follow will emerge as a result of the Congressionally-mandated policy of affording public participation in the rulemaking process. Nevertheless, the ITA finds it necessary to promulgate these particular rules on an interim basis, because they involve procedural matters not covered by preexisting rules. Comments are welcome on these interim rules, and, if received in a timely manner, will be considered in drafting the final rules.

*Executive Order 12291:* The ITA has determined that these regulations do not constitute a major rule as defined in section 1(b) of Executive Order 12291 (46 FR 13193, 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.

Paperwork Reduction Act: These rules contain a collection of information provision subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection is currently approved by the Office of Management and Budget (OMB) and has been assigned OMB control number 0625-0175. The public reporting burden for this collection is estimated at 3 hours per petition, including the time for reviewing instructions, searching existing data sources, gathering and

maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Reports Clearing Officer, International Trade Administration, Room 4001, U.S. Department of Commerce, Washington, DC 20230, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0625–0175), Washington, DC 20530.

*Regulatory Flexibility Act:* Since notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act or under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

*Executive Order 12612:* These interim rules do not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

**List of Subjects in 19 CFR Part 357**

Imports, Business and industry.

For the reasons set out in the preamble, 19 CFR part 357 is added to read as follows:

## PART 357—SHORT SUPPLY PROCEDURES

Sec.

357.101 Definitions.
357.102 Short Supply Allowances.
357.103 Petitions for Short Supply Allowances.
357.104 Determination of Adequacy of Petition, Notice of Review, and Opportunity for Comment.
357.105 Questionnaires.
357.106 Time Limits.
357.107 Publication of Determinations and Notification of Foreign Governments.
357.108 Disclosure of Information.
357.109 Request for Reconsideration.
357.110 Record of Review.
357.111 Public and Proprietary Information.

**Authority:** Sec. 4(b) of the Steel Trade Liberalization Program Implementation Act, Pub. L. No. 101–221, 103 Stat. 1886 (1989).

### § 357.101 Definitions.

(a) *Arrangement* means an arrangement between the United States Government and a foreign government whereby the foreign government agrees to restrain voluntarily certain steel exports to, or destined for consumption in, the United States for the period of October 1, 1989, through March 31, 1992.

(b) *Aberration* means a domestic price which is out of the ordinary and present course of normal pricing trends.

(c) *Interested party* means (1) A U.S. producer or consumer of the product; (2) a U.S. importer/distributor of the product; or (3) a foreign producer of the product (through its government, if such government is a party to the arrangement under which a short supply allowance is requested).

(d) *Prevailing domestic market prices* means current prices in the United States market for domestically produced and imported product, as reflected in actual purchases and sales (but does not include import prices which the Secretary decides are likely to be significantly affected by dumping or subsidy practices).

(e) The *product* means the steel product for which a short supply allowance is requested or material that possesses the same physical and mechanical characteristics, and which can be used for the same applications without imposing any significant retooling costs on the consumer.

(f) *The Secretary* means the Secretary of Commerce and the person to whom the authority to make the short supply determination has been delegated (the Assistant Secretary for Import Administration) or the person making a final recommendation for decision to that person (the Deputy Assistant Secretary for Compliance.)

(g) *Short supply* exists for a product when there is not a sufficient supply of that product available to meet market demand in the United States. In determining whether short supply exists, the Secretary will not consider one factor alone to be dispositive, but will consider all relevant factors, including:

(1) To the extent information is available, the recent levels of capacity utilization for domestic facilities producing the product or product sector;

(2) The quantity of additional imports of the product requested by the petitioner and the ability of domestic producers to supply the product in such quantity;

(3) The willingness of the producers of the product to supply the product at a price that is not an aberration from prevailing domestic market prices;

(4) Reasonable specifications requested by the purchaser or any end user, such as metallurgical, dimensional, quality, service requirements, and supply only by a *qualified supplier* if such qualification is required by the purchaser's customers, and

(5) Delivery times to the purchaser and to end users of the product.

(h) *A short supply allowance* means an authorization to import into the United States a quantity of the product in excess of the aggregate quantitative import limitation under an arrangement.

### § 357.102 Short supply allowances.

(a) The Secretary will authorize a short supply allowance if:

(1) The product is covered by an arrangement that provides for the authorization of a short supply allowance;

(2) An adequate petition is filed with the Secretary requesting a short supply allowance with respect to the product; and

(3) The Secretary determines that short supply exists with respect to the product.

The Secretary's short supply determination will be based only on information included in the official record. Any determination by the Secretary that is found to be based on inaccurate information will be reconsidered immediately.

(b) Address and submit petitions and all other documents concerning a short supply review (accompanied by four copies) to the Secretary of Commerce, Attention: Import Administration, Room 7866, U.S. Department of Commerce, Pennsylvania Avenue and 14th Street NW., Washington, DC 20230. All documents submitted must reference the name or number of the particular short supply review.

(c) The Secretary generally will consider petitions for short supply allowances for up to one calendar year. For annual requests for products that are produced domestically, but for which the domestic industry has minimal available production capacity, the Secretary may grant a short supply allowance for less than a full year, if the Secretary believes that the situation may be significantly altered prior to the end of one year.

(d) If the Secretary grants only a portion of the short supply request, or grants a short supply allowance for less than a full year, the petitioner must file a new petition to receive an allowance for any subsequent period in the same year. The petitioner must file a new petition if it subsequently modifies its request to the extent that the modification represents a substantial change in its request.

### § 357.103 Petitions for short supply allowances.

An interested party may file a petition with the Secretary requesting a short supply allowance.

(a) All short supply petitions shall contain, at a minimum, the following information:

(1) The exact specifications of the product for which the request is made, including dimensions, metallurgical specifications, and unique characteristics;

(2) A detailed explanation of how the product will be used;

(3) An explanation of why the petitioner believes the product is in short supply;

(4) The exact quantity of the short supply allowance requested and justification for the tonnage level. If the request is for more than one type and size of a product, specific quantity information for each type and size. If petitioner's request would represent an increase over previous consumption levels, a full explanation for the increase;

(5) The period of time for which a short supply allowance is requested; and

(6) A certification that the factual information contained in the petition is accurate and complete to the best of the petitioner's knowledge.

(b) If the petitioner is a U.S. company that processes the product in some manner, the petition shall contain, in addition to the information required under paragraph (a), the following information:

(1) A list of all U.S. and foreign producers of the product that have refused to sell the product to the petitioner during the past three years, indicating when they were contacted and the reason for their refusal;

(2) A list of all offers to sell the product to the petitioner by U.S. and foreign producers in the past three years that have been rejected by the petitioner, indicating the reasons for the rejection;

(3) A list of all domestic and foreign suppliers from whom the petitioner has purchased the product during the past three years, including the quantity purchased from each mill during this period;

(4) A list of potential foreign suppliers of the product; and

(5) Documentation indicating that petitioner has made efforts to purchase the product domestically.

(c) If the petitioner is a U.S. importer/distributor, the petition shall contain, in addition to the information required under paragraph (a), the following information:

(1) A list of all U.S. customers which have purchased the product from the petitioner during the past three years, along with documentation from these customers demonstrating that they support the request and have been unable to buy the product domestically;

(2) A list of all of petitioner's sales (by quantity) to U.S. customers of the product in each of the last three years;

(3) A list of all domestic and foreign firms that have supplied the product to the petitioner during the past three years, with the total quantity purchased from each supplier annually.

(4) A list of potential foreign suppliers of the product;

(d) If the petitioner is a foreign producer of the product applying through its government, the petition shall contain, in addition to the information required under paragraph (a), the following information:

(1) A list of all U.S. customers that have purchased the product from the foreign company during the past three years, along with documentation from these customers demonstrating that they support the petition and have been unable to purchase the product domestically;

(2) A list of all the foreign company's sales (by quantity) to U.S. customers of the product in each of the last three years.

**§ 357.104 Determination of adequacy of petition, notice of review and opportunity for comment.**

(a) Within 24 hours after a petition is filed, excluding weekends and holidays, the Secretary will determine whether the petition is adequate.

(b) If the Secretary determines that the petition is adequate, the Secretary promptly will cause to be published in the **Federal Register** a notice that a petition with respect to the product is under review and provide interested parties with the opportunity to submit written comments on the petition. Comments will be accepted for a period of seven days from the date notice of the review of the petition is published in the **Federal Register**. Interested parties may file replies to any comments submitted under this section. Any replies must be filed with the Secretary within five days after the closing date of the comment period. Interested parties shall certify that the factual information contained in any submission they make is accurate and complete to the best of their knowledge.

(c) If the Secretary determines that the petition is inadequate, the Secretary immediately will return the petition to the petitioner along with an explanation of why it is inadequate.

**§ 357.105 Questionnaires.**

For reviews conducted under section 106(b)(2), the Secretary normally will send questionnaires to potential producers/suppliers of the product to determine whether it is in short supply. Questionnaires shall be completed and delivered to the Secretary within 8 days after being sent by the Secretary. Questionnaire responses not received within this period will be deemed favorable to the petition.

**§ 357.106 Time limits.**

(a) The Secretary will determine, no later than the day specified in paragraph (b) of this section—

(1) Whether short supply exists with respect to the product; and

(2) If short supply is determined to exist, the quantity of the short supply allowance.

(b) The Secretary will make a short supply determination not later than—

(1) The 15th day after the day on which an adequate petition is received if—

(i) A twelve week moving average of raw steel making capacity utilization in the United States, as published by the American Iron and Steel Institute, equals or exceeds 90 percent, or

(ii) The Secretary has granted short supply allowances for the product during each of the two immediately preceding years. This requirement will be satisfied by a full or partial grant of a short supply allowance for the product for a one-year period during each of the two immediately preceding years, or for a six-month period during each of the two immediately preceding years, provided that there was not within the two immediately preceding years a formal negative determination by the Secretary as to the existence of short supply for the product; or

(iii) The Secretary, on the basis of available information (and whether or not in the context of a determination under section 102 of this part), finds that the product is not produced in the United States.

In making a determination with respect to which section 106(b)(1) of this part applies, the Secretary will apply a rebuttable presumption that the product is in short supply. The burden of proof will lie on a domestic steel producer to prove that it can and will produce and supply the product within the requested period of time provided it represents a normal order to delivery period. Unless such proof is provided, the Secretary will issue a short supply allowance within 15 days of receipt of an adequate petition.

(2) In all other circumstances, the Secretary will make a determination within 30 days after the day on which an adequate petition is received.

**§ 357.107 Publication of determinations and notification of foreign governments.**

The Secretary will publish in the Federal Register a notice of each short supply determination setting forth the basis for that determination. If the determination authorizes a short supply allowance, the Secretary will notify a representative of the appropriate foreign government and issue to the petitioner the necessary documentation to permit the importation.

**§ 357.108 Disclosure of information.**

Promptly after making a short supply determination, the Secretary will disclose to each interested party which requests such disclosure the rationale for the determination, along with all non-proprietary information forming the basis of the determination.

**§ 357.109 Request for reconsideration.**

Interested parties may file a request for reconsideration with the Secretary. The interested party must state with particularity the grounds for the request, including any alleged inaccurate information upon which the short supply determination was based, or facts or points of law which the interested party claims the Secretary has overlooked or misapplied. The interested party shall file the request for reconsideration within 5 days after the publication of the short supply determination in the Federal Register. If the request for reconsideration is granted, the Secretary will review and affirm, modify, or reverse the original determination and publish such decision in the Federal Register.

**§ 357.110 Record of review.**

(a) The Secretary will maintain in the Import Administration Central Records Unit an official record of each short supply review. The Secretary will include in the record all relevant factual information, written argument, or other material developed or obtained by the Secretary during the course of the proceeding. The record will include governmental memoranda pertaining to the proceeding, memoranda of *ex parte* meetings, determinations, notices published in the Federal Register. The official record will include both public and proprietary information.

(b) *Examination and copying of information.* In general, all public information in the official record will be available for inspection or copying at the Import Administration Central Records Unit, Room B–099, by any person during business hours. With respect to documents prepared by an officer or employee of the United States Government, facts (as distinguished from advice, recommendations, opinions and evaluations) contained in any such documents will be made available by summary or otherwise on the same basis as information contained in documents submitted by other persons.

(c) *Ex Parte meetings.* Written memoranda will be prepared as expeditiously as possible of any *ex parte* meeting between the Secretary and any interested party or other person providing factual information relating to the short supply determination. A memorandum of an *ex parte* meeting will include the date, time, and place of the meeting, the identity of all the persons present, and a non-proprietary summary of the matters discussed and/or facts submitted.

**§ 357.111 Public and proprietary information.**

(a) Any person who submits information in connection with a short supply review may designate that information, or any part thereof, as proprietary, thereby requesting that the Secretary treat that information as proprietary. The Secretary normally will not treat as proprietary any information not designated as proprietary by the submitter. The submitter must file four copies of a public version of the proprietary information, including any public summaries as substitutes for the portions for which the person has requested proprietary treatment. The submitter must conspicuously mark in the upper right corner of both versions, the words "proprietary document" or "public version of proprietary document", as appropriate. Each separate designation of information as proprietary shall be accompanied by:

(1) A full statement of the reason or reasons why the submitter believes that the information is entitled to proprietary treatment; and

(2) Either (i) A full public summary or approximated presentation of all proprietary information, incorporated in the public version of the document (generally data in numerical form relating to prices and costs, operating rates, and deliveries of individual firms shall be presented in figures ranged within 10 percent of the actual figure); or,

(ii) A statement that the information is not susceptible to such a summary or presentation, accompanied by a full statement of the reasons supporting this conclusion.

(b) *Proprietary treatment.* The Secretary normally will consider the following factual information to be business proprietary, if so designated by the submitter:

(1) Business or trade secrets concerning the nature of a product or production process, if unique or not known to the industry;

(2) Price information;

(3) Operating rates;

(4) The names or identifiers of particular customers, distributors, or suppliers;

(5) Normal and current order-to-delivery periods; and

(6) Any other specific business information which the submitter can reasonably demonstrate would be likely to cause substantial harm to the submitter's competitive position if released.

(c) *Confidentiality maintained.* Information that the Secretary designates as proprietary will not be disclosed to any person (other than officers or employees of the United States Government who are directly concerned with the short supply determination) without the consent of the submitter unless disclosure is ordered by a court of competent jurisdiction.

(d) *Public information.* The Secretary normally will consider the following to be public information:

(1) Factual information and written argument that is not designated business proprietary by the submitter;

(2) Exact tonnages sought or offered for each product included in a request, if applicable;

(3) Physical and mechanical properties of products offered as substitutes;

(4) Product specifications;

(5) End use(s) to which the product(s) will be put;

(6) Suppliers contacted, when they were contacted, and the reasons they cannot supply the product, and

(7) Offers by U.S. and foreign producers for the product that have been rejected.

(e) *Treatment of information where request for proprietary treatment is denied.* If the Secretary denies a request for proprietary treatment of information submitted in connection with a request for a short supply allowance, or determines that information claimed not susceptible to a non-proprietary summary is in fact capable of such summary, the Secretary promptly will notify the submitter of that determination. Unless the submitter thereafter agrees that the information (including any summarized or approximated presented thereof) may be treated as public information, or provides a summary of matters found to be capable of such summary, such information (including any summarized

approximated presentation thereof) will be returned to the submitter and not considered in the short supply determination.

Eric I. Garfinkel,

*Assistant Secretary for Import Administration.*

[FR Doc. 90-900 Filed 1-11-90; 8:45 am]

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# Reader Aids

Federal Register

Vol. 55, No. 9

Friday, January 12, 1990

## INFORMATION AND ASSISTANCE

**Federal Register**

| | |
|---|---|
| Index, finding aids & general information | 523-5227 |
| Public inspection desk | 523-5215 |
| Corrections to published documents | 523-5237 |
| Document drafting information | 523-5237 |
| Machine readable documents | 523-3447 |

**Code of Federal Regulations**

| | |
|---|---|
| Index, finding aids & general information | 523-5227 |
| Printing schedules | 523-3419 |

**Laws**

| | |
|---|---|
| Public Laws Update Service (numbers, dates, etc.) | 523-6641 |
| Additional information | 523-5230 |

**Presidential Documents**

| | |
|---|---|
| Executive orders and proclamations | 523-5230 |
| Public Papers of the Presidents | 523-5230 |
| Weekly Compilation of Presidential Documents | 523-5230 |

**The United States Government Manual**

| | |
|---|---|
| General information | 523-5230 |

**Other Services**

| | |
|---|---|
| Data base and machine readable specifications | 523-3408 |
| Guide to Record Retention Requirements | 523-3187 |
| Legal staff | 523-4534 |
| Library | 523-5240 |
| Privacy Act Compilation | 523-3187 |
| Public Laws Update Service (PLUS) | 523-6641 |
| TDD for the deaf | 523-5229 |

## FEDERAL REGISTER PAGES AND DATES, JANUARY

1-128.....2
129-242.....3
243-418.....4
418-590.....5
591-708.....8
709-838.....9
839-990.....10
991-1170.....11
1171-1352.....12

## CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

**3 CFR**
**Proclamations:**
6085.....591
6086.....593
6087.....709
6088.....991
**Executive Orders:**
12543 (See Notice of Jan. 4, 1990).....589
12544 (See Notice of Jan. 4, 1990).....589
12699.....835
**Administrative Orders:**
Notices:
Jan. 4, 1990.....589
Presidential Determinations:
No. 90-6 of Jan. 3, 1990.....595

**5 CFR**
841.....993
870.....993
871.....993
872.....993
873.....993
890.....993
1201.....548
1655.....978

**7 CFR**
1e.....106
301.....711, 712
801.....839
907.....1, 726, 839, 841, 1171
908.....841
910.....3, 728, 1173
955.....715
979.....723
981.....129
982.....724
1762.....130
1786.....1142
1942.....134
1980.....136
**Proposed Rules:**
1.....636
425.....295
929.....295
932.....737
948.....299
959.....437
1786.....1152

**8 CFR**
286.....729
**Proposed Rules:**
212.....438
214.....438
238.....438

**9 CFR**
78.....419
381.....145
**Proposed Rules:**
391.....439

**10 CFR**
2.....843
10.....4
19.....243
34.....843
430.....996

**11 CFR**
110.....1139

**12 CFR**
5.....996
32.....854
203.....695
571.....126, 696
**Proposed Rules:**
208.....582
225.....582
602.....440
1505.....820

**14 CFR**
21.....270
23.....270
39.....248-269, 597-607, 857-860, 998, 1006
71.....609, 610
73.....274, 610
75.....611
91.....412
95.....1008
97.....274, 612
1240.....613
**Proposed Rules:**
27.....988
29.....698, 988
39.....300-309, 877, 1043, 1046
71.....645
327.....1215

**16 CFR**
**Proposed Rules:**
401.....878
414.....879

**17 CFR**
274.....959
279.....959
**Proposed Rules:**
155.....1047

**18 CFR**
16.....4
37.....146
154.....1174
157.....1174
260.....1174
270.....20
284.....1174
385.....1174
388.....1174

**19 CFR**
357.....1348
**Proposed Rules:**
12.....738

**20 CFR**
404.....1012
410.....1012
416.....1012
422.....1012
625.....550

**21 CFR**
Ch. I.....276

440.....277, 278
444.....616
452.....279
522.....0000
524.....797
558.....22
801.....548

**Proposed Rules:**
179.....646
310.....797
333.....797
341.....310

**23 CFR**
1313.....1185

**24 CFR**
201.....420, 1312
203.....280, 1312
234.....1312
291.....1156
577.....1156
578.....1156

**Proposed Rules:**
50.....396
55.....396
58.....396
200.....396

**26 CFR**
1.....283, 729

**Proposed Rules:**
1.....310, 739, 1215

**27 CFR**
9.....285

**Proposed Rules:**
5.....1061

**28 CFR**
2.....288, 289, 862
545.....78

**29 CFR**
503.....106
1956.....1204
2610.....1206
2622.....1206
2644.....1208
2676.....1208

**30 CFR**
220.....1209
700.....78
702.....78
750.....78
870.....78
905.....78
910.....78
912.....78
921.....78
922.....78
925.....618
933.....78
937.....78
939.....78
941.....78
942.....78
947.....78

**Proposed Rules:**
243.....158
901.....647
917.....1216
935.....649
948.....34

**31 CFR**
103.....1021
351.....566
353.....575

**32 CFR**
40a.....23
199.....621
706.....152

**33 CFR**
100.....153
110.....154
165.....27, 734

**34 CFR**
319.....194

**Proposed Rules:**
302.....1217

**36 CFR**

**38 CFR**
4.....154

**Proposed Rules:**
1220.....740
1222.....740
1224.....740

**40 CFR**
52.....735, 1052
60.....28
61.....28, 78
228.....1024
350.....420
749.....222
761.....695
795.....627
799.....627

**Proposed Rules:**
52.....311
81.....35
141.....160
143.....160
372.....650

**41 CFR**
201-1.....29
201-2.....29
201-23.....29
201-24.....29

**42 CFR**
412.....290
413.....290

**43 CFR**

**Public Land Orders:**
6760.....695
6761.....862
6762.....863
6763.....1210

**44 CFR**
64.....155
67.....863

**Proposed Rules:**
67.....743, 1217, 1226

**46 CFR**
15.....1210
16.....634
54.....696

**Proposed Rules:**
580.....315
581.....315

**47 CFR**
73.....290, 291, 421, 869, 1035

**Proposed Rules:**
0.....315
1.....315
2.....315, 744
15.....879
68.....879
73.....322-327, 881-885, 1065, 1066
90.....328, 744
95.....315

**48 CFR**
52.....30
525.....421

**Proposed Rules:**
9.....416
33.....990
48.....416
205.....962
208.....962
209.....962
214.....962
215.....962
225.....962
246.....962
252.....962
522.....445
552.....445
Appendix T.....962

**49 CFR**
171.....422, 870
172.....870
173.....422, 870
175.....870
199.....797
594.....78
1312.....1035
1313.....156

**Proposed Rules:**
392.....37
567.....747
571.....446, 747, 760, 1226
572.....1139
585.....747
605.....334
1151.....1067

**50 CFR**
17.....425, 429
611.....291, 1036
642.....1212
650.....433
652.....1213
663.....30, 1036
672.....31, 1036
675.....31, 1036

**Proposed Rules:**
17.....761, 886, 1230
628.....652
651.....38
658.....447

## LIST OF PUBLIC LAWS

**Note:** The List of Public Laws for the first session of the 101st Congress has been completed and will be resumed when bills are enacted into public law during the second session of the 101st Congress, which convenes on January 23, 1990.

**Last List December 27, 1989**