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

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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: February 23, 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.

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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.

Rules and Regulations

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 831 and 842

Retirement; Alternative Forms of Annuity

AGENCY: Office of Personnel Management.

ACTION: Interim rule with request for comments.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim rules amending its rules on alternative forms of annuity and requesting comments on those rules. Amended rules are necessary to implement a new law that changes the manner of payment to certain retirees who elect an alternative form of annuity under section 8343a or 8420a of title 5, United States Code, and whose annuity entitlement commences after December 2, 1989, and before October 1, 1990.

DATES: Interim rule effective December 3, 1989; comments must be received on or before April 10, 1990.

ADDRESSES: Send comments to Reginald M. Jones, Jr., Assistant Director for Retirement and Insurance Policy, Retirement and Insurance Group, P.O. Box 57, Washington, DC 20044, or deliver to OPM, room 4351, 1900 E Street, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert Rosenblatt, (202) 632-4682, extension 207.

SUPPLEMENTARY INFORMATION: Section 2 of Public Law 101-227, enacted December 12, 1989 (and section 4005 of Pub. L. 101-239, enacted December 19, 1989, which contains duplicate language), changes the way in which the lump-sum credit is paid to certain retirees who elect the alternative form of annuity provided by section 8343a and 8420a of title 5, United States Code. These interim regulations implement the new provision.

Retirees under both the Civil Service Retirement System (CSRS) and the Federal Employees Retirement System (FERS) whose annuity entitlement begins after December 2, 1989, and before October 1, 1990, and who elect an alternative form of annuity will receive payment of their lump-sum credit in two installments. By law, the first installment, payable at the time of retirement, will be 50 percent of the retiree's lump-sum credit; the second installment, payable one year after the commencing date of annuity, will consist of the remaining 50 percent of the lump-sum credit, plus interest on that amount. The rate of interest payable on the 50-percent portion will be the variable interest rate determined annually by the Department of the Treasury (the rate in effect throughout calendar year 1990 is 8.75%).

Annuitants whose separation from service was involuntary, except for cause on charges of misconduct or delinquency, and those who are suffering from a life-threatening affliction or other critical medical condition as of the date annuity entitlement commences will receive payment of the lump-sum credit in a single installment, just as they did under section 6001 of Public Law 100-203. Under the new law, however, those individuals may choose instead to receive their lump-sum payment in two installments. Sections 831.2208(c)(2) and 842.708(c)(2) of these regulations implement that provision.

Waiver of Notice of Proposed Rulemaking

Under 5 U.S.C. 553(b)(3)(B) and (d)(3), I find that good cause exists for waiving the general notice of proposed rulemaking and for making these regulations effective in less than 30 days. Publication of proposed rulemaking would be impractical. The provisions being implemented were effective December 3, 1989. These regulations are needed immediately to administer the new provisions.

E.O. 12991, Federal Regulation

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

Regulatory Flexibility Act

I certify that within the scope of the Regulatory Flexibility Act, these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal employees and retirees.

List of Subjects in 5 CFR Part 831 and 842

Administrative practice and procedure, Air traffic controllers, Claims, Firefighters, Government employees, Law enforcement officers, Pensions, Retirement.

Office of Personnel Management.
Constance Berry Newman,
Director.

For the reasons set out in the preamble, title 5 of the Code of Federal Regulations is amended as set forth below.

PART 831—RETIREMENT

Subpart V—Alternative Forms of Annuities

1. The authority citation for subpart V of part 831 continues to read as follows:

Authority: 5 U.S.C. 8343a.

§ 831.2209 [Redesignated from § 831.2208]

2. In subpart V, § 831.2208 is redesignated as § 831.2209, and a new § 831.2208 is added to read as follows:

§ 831.2208 Partial deferred payment of the lump-sum credit if annuity commences after December 2, 1989, and before October 1, 1990.

(a) Except as provided in paragraph (c) of this section, if the annuity of an employee or Member commences after December 2, 1989, and before October 1, 1990, the lump-sum credit payable under § 831.2204 is payable to the individual, or his or her survivors, according to the following schedule:

(1) Fifty percent of the lump-sum credit is payable at the time of retirement, and

(2) Fifty percent is payable, with interest determined under section 8334(e)(3) of title 5, United States Code, one year after the time of retirement.

(b) If an employee or Member whose annuity commences after December 2, 1989, and before October 1, 1990, dies before the date of final adjudication, that individual is subject to § 831.2203 (f) or (g), but the lump-sum credit will be paid in accordance with the schedule in paragraph (a) of this section.

(c) (1) An annuitant is exempt from the deferred payment schedule under paragraph (a) of this section if the individual meets the conditions, and fulfills the requirements described in § 831.2207(c).

(2) An annuitant who is exempt from the deferred payment schedule may waive that exemption by notifying OPM, in writing, not later than the date he or she elects to receive the alternative form of annuity.

(d) A waiver under paragraph (c)(2) of this section cannot be revoked.

PART 842—FEDERAL EMPLOYEES RETIREMENT SYSTEM—BASIC ANNUITY

Subpart G—Alternative Forms of Annuities

3. The authority citation for subpart G of part 842 continues to read as follows:

Authority: 5 U.S.C. 8461; Section 6001, Pub. L. 100–203.

4. Section 842.708 is added to Subpart G to read as follows:

§ 842.708 Partial deferred payment of the lump-sum credit if annuity commences after December 2, 1989, and before October 1, 1990.

(a) Except as provided in paragraph (c) of this section, if the annuity of an employee or Member commences after December 2, 1989, and before October 1, 1990, the lump-sum credit payable under § 842.705 is payable to the individual, or his or her survivors, according to the following schedule:

(1) Fifty percent of the lump-sum credit is payable at the time of retirement, and

(2) Fifty percent is payable, with interest determined under section 8334(e)(3) of title 5, United States Code, one year after the time of retirement.

(b) If an employee or Member whose annuity commences after December 2, 1989, and before October 1, 1990, dies before the time limit prescribed in § 842.704(b)(2), that individual is subject to § 842.704 (c) or (d), but the lump-sum credit will be paid in accordance with the schedule in paragraph (a) of this section.

(c) (1) An annuitant is exempt from the deferred payment schedule under paragraph (a) of this section if the individual meets the conditions, and fulfills the requirements described in § 842.707(c).

(2) An annuitant who is exempt from the deferred payment schedule may waive the exemption by notifying OPM, in writing, not later than the date he or she elects to receive the alternative form of annuity.

(d) A waiver under paragraph (c)(2) of this section cannot be revoked.

[FR Doc. 90–3071 Filed 2–8–90; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Regulation 706]

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 February 9 through February 15, 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 706 (7 CFR part 907) is effective for the period from February 9 through February 15, 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 85,500 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 59 percent of the 1989–90 crop of 85,500 cars will be utilized in fresh domestic channels (50,700 cars), with the remainder being exported fresh (9 percent), processed (30 percent), or designated for other uses (2 percent). This compares with the 1988–

89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of that year's 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 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 smaller 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 February 6, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended, with eight members voting in favor, two opposing, and one abstaining, that 1,800,000 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 100,000 cartons more than estimated in the January 9, 1990, tentative shipping schedule. Of the 1,800,000 cartons, 1,566,000 are allotted for District 1 and 234,000 are allotted for District 2. Districts 3 and 4 are not regulated since approximately 85 percent of District 3's crop and 68 percent of District 4's crop to date have been utilized and handlers would not be able to utilize their allotments.

During the week ending on February 1, 1990, shipments of navel oranges to fresh domestic markets, including Canada, totaled 2,053,000 cartons compared with 1,812,000 cartons shipped during the week ending on February 2, 1989. Export shipments totaled 313,000 cartons compared with 322,000 cartons shipped during the week ending on February 2, 1989. Processing and other uses accounted for 672,000 cartons compared with 815,000 cartons shipped during the week ending on February 2, 1989.

Fresh domestic shipments to date this season total 23,131,000 cartons compared with 18,440,000 cartons shipped by this time last season. Export shipments total 3,691,000 cartons compared with 2,957,000 cartons shipped by this time last season. Processing and other use shipments total 6,092,000 cartons compared with 5,664,000 cartons shipped by this time last season.

For the week ending on February 1, 1990, regulated shipments of navel oranges to the fresh domestic market were 2,032,000 cartons on an adjusted allotment of 2,208,000 cartons which resulted in net overshipments of 4,000 cartons. Regulated shipments for the current week (February 2 through February 8, 1990) are estimated at 2,225,000 cartons on an adjusted allotment of 2,068,000 cartons. Thus, overshipments of 157,000 cartons could be carried over into the week ending on February 15, 1990.

The average f.o.b. shipping point price for the week ending on February 1, 1990, was $7.45 per carton based on a reported sales volume of 1,686,000 cartons compared with last week's average of $7.41 per carton on a reported sales volume of 1,607,000 cartons. The season average f.o.b. shipping point price to date is $7.70 per carton. The average f.o.b. shipping point price for the week ending on February 2, 1989, was $6.27 per carton; the season average f.o.b. shipping point price at this time last season was $7.97 per carton.

According to a January 11 crop report issued by the National Agricultural Statistics Service, the citrus production estimate is 18 percent lower than in December and 25 percent below last season. The report indicates that this significant reduction is due mostly to the severe freezing temperatures in the Florida and Texas citrus belts during December. Fruit droppage is increasing in all areas of Florida, and the Texas fresh market citrus harvest has ended. In addition, orange production is down 19 percent from a December 1, 1989, forecast and 24 percent below last season. This decline is due mostly to Florida's 29 percent decrease from December and 37 percent decline from last season. Both the Committee and the Department are continuing to monitor the effects of the Texas and Florida freezes on the California-Arizona navel orange industry. More information is expected to be available in a crop report that will be issued on February 9.

The Committee reports that overall demand for navel oranges has declined during the past week and the market has softened. Some Committee members attributed this to the high level of prorate that was set last week in conjunction with the midweek increase during the week ending on February 1. Other Committee members pointed to an overabundance of and declining prices for choice grade oranges in the market. Committee members and observers discussed different levels of allotment as well as open movement. However, only two Committee members favored open movement.

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 $4.59 and $4.84 per carton. This range is equivalent to 73 to 76 percent of the projected season average fresh on-tree parity equivalent price of $6.33 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 navel oranges that may be shipped during the period from February 9 through February 15, 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 February 6, 1990, and this action needs to be effective for the regulatory week which begins on February 9, 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

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

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 907.1006 is added to read as follows:

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

§ 907.1006 Navel Orange Regulation 706.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from February 9 through February 15, 1990, is established as follows:

(a) District 1: 1,566,000 cartons;
(b) District 2: 234,000 cartons;
(c) District 3: unlimited cartons;
(d) District 4: unlimited cartons.

Dated: February 7, 1990.

Robert C. Keeney,
Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–3257 Filed 2–8–90; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Regulation 704]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agriculture Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 704 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 325,000 cartons during the period from February 11, 1990, through February 17, 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 704 (7 CFR part 910) is effective for the period from February 11, 1990, through February 17, 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 February 6, 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 very 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

Lemons, Marketing agreements, and Reporting and recordkeeping requirements.

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 910.704 is added to read as follows:

§ 910.704 Lemon Regulation 704.

The quantity of lemons grown in California and Arizona which may be handled during the period from February 11, 1990, through February 17, 1990, is established at 325,000 cartons.

Dated: February 7, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-3256 Filed 2-8-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

12 CFR Part 563

[No. 90-292]

Securities Issued Through Subsidiaries; Clarification and Technical Amendment

Date: February 2, 1990.

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule; clarification and technical amendment.

SUMMARY: The Office of Thrift Supervision ("OTS" or "Office") is clarifying an amendment made by the interim final capital rule to the old 12 CFR 563.13-2—Securities issued through subsidiaries—(54 FR 46845 (Nov. 8, 1989)) that was inadvertently omitted from the transfer and recodification of the Office's regulations pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"). (54 FR 49411 (Nov. 30, 1989).)

EFFECTIVE DATE: February 9, 1990.

FOR FURTHER INFORMATION CONTACT: Mary J. Hoyle, Paralegal Specialist, (202) 906-7135; or Deborah Dakin, Regulatory Counsel (202) 906-6445, Regulations and Legislation Division, Chief Counsel's Office, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: On November 8, 1989 the Office adopted an interim final rule concerning the minimum regulatory capital requirements for savings associations as required by section 5(t) of the Home Owners' Loan Act of 1933, 12 U.S.C. 1464(t). This rule had an effective date of December 7, 1989 (54 FR 46845). One of the changes made by the interim final capital rule removed paragraphs (c) and (d) of 12 CFR 563.13-2—Securities issued through subsidiaries—and redesignated paragraph (e) as the new paragraph (c). On November 30, 1989 the Office published its transfer and recodification of its regulations pursuant to the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (54 FR 49411). At that time § 563.13-2 was redesignated as § 563.132. Also at that time the text of the regulations was republished in full for the convenience of the reader. Inadvertently the text of the old § 563.13-2 was reprinted as the text of the new § 563.132 without the changes made by the capital rule that were effective December 7, 1989. This clarification and technical amendment corrects this error.

Administrative Procedure Act

Since this rule is a clarification and technical amendment and contains no substantive changes, the Office promulgates this rule as a matter of agency organization and management. Therefore, for good cause shown under 5 U.S.C. 553(a)(2), this rule is exempt from the notice and comment requirements of the Administrative Procedures Act and the 30-day delay in the effective date.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12291

The Director of the Office of Thrift Supervision has determined that because this final rule is being issued as a matter of agency organization and management, the provisions of Executive Order 12291 do not apply. Consequently, a Regulatory Impact Analysis is not required.

List of Subjects in 12 CFR Part 563

Accounting, Advertising, Bank deposit insurance, Currency, Flood insurance, Investments, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the Director, Office of Thrift Supervision, hereby amends part 563, subchapter D, chapter V, title 12, Code of Federal Regulations as set forth below:

PART 563—[AMENDED]

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

1. The authority citation for part 563 continues to read as follows:

Authority: Sec. 2, 48 Stat. 128, as amended (12 U.S.C. 1462); sec. 3, as added by sec. 301, 103 Stat. 278 (12 U.S.C. 1462a); sec. 4, as added by sec.301, 103 Stat. 280 (12 U.S.C. 1463); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 10, as added by sec. 301, 103 Stat. 318 (12 U.S.C. 1467a); sec. 11, as added by sec. 301, 103 Stat. 342 (12 U.S.C. 1468); sec. 18, 64 Stat. 891, as amended by sec. 321, 103 Stat. 267 (12 U.S.C. 1828); sec. 1204, 101 Stat. 662 (12 U.S.C. 3806); sec. 202, 87 Stat 982, as amended (42 U.S.C. 4106).

§ 563.132 [Amended]

2. Section 563.132 is amended by removing paragraphs (c) and (d) and by redesignating paragraph (e) as the new paragraph (c).

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3087 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 271

[Docket No. RM80-53]

Maximum Lawful Prices and Inflation Adjustments Under the Natural Gas Policy Act

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; order of the Director, OPPR.

SUMMARY: Pursuant to the authority delegated by 18 CFR 375.307(c)(1), the Director of the Office of Pipeline and Producer Regulation revises and publishes the maximum lawful prices prescribed under Title I of the Natural Gas Policy Act (NGPA) for the months of February, March, April, 1990. Section 101(b)(6) of the NGPA requires that the Commission compute and publish the maximum lawful prices before the beginning of each month for which the figures apply.

EFFECTIVE DATE: February 1, 1990.

FOR FURTHER INFORMATION CONTACT: Garry L. Penix, (202) 357-8622.

Order of the Director, OPPR

Issued January 29, 1990.

Section 101(b)(6) of the Natural Gas Policy Act of 1978 (NGPA) requires that the Commission compute and make available maximum lawful prices and inflation adjustments prescribed in Title I of the NGPA before the beginning of any month for which such figures apply.

Pursuant to this requirement and § 375.307(c)(1) of the Commission's regulations, which delegates the publication of such prices and inflation adjustments to the Director of the Office of Pipeline and Producer Regulation, the maximum lawful prices for the months of February, March, April, 1990, are issued by the publication of the price tables for the applicable quarter. Pricing tables are found in § 271.101(a) of the Commission's regulations. Table I of § 271.101(a) specifies the maximum lawful prices for gas subject to NGPA sections 102, 103(b)(1), 105(b)(3), 106(b)(1)(B), 107(c)(5), 108 and 109. Table II of § 271.101(a) specifies the maximum lawful prices for sections 104 and 106(a) of the NGPA. Table III of § 271.102(c) contains the inflation adjustment factors. The maximum lawful prices and the inflation adjustment factors for the periods prior to January, 1990 are found in the tables in §§ 271.101 and 271.102.

List of Subjects in 18 CFR Part 271

Natural gas.

Kevin P. Madden,

Director, Office of Pipeline and Producer Regulation.

PART 271—[AMENDED]

1. The authority citation for part 271 is revised to read as follows:

Authority: Natural Gas Act, 15 U.S.C. 717-717w; Department of Energy Organization Act, 42 U.S.C. 7101-7352; E.O. 12009, 3 CFR 1978 Comp., p. 142; Natural Gas Policy Act of 1978, 15 U.S.C. 3301-3432.

§ 271.101 [Amended]

2. Section 271.101(a) is amended by adding the maximum lawful prices for February, March, April, 1990 in Tables I and II.

TABLE I.—NATURAL GAS CEILING PRICES

[Other Than NGPA sections 104 and 106(a)]

Subpart of part 271	NGPA section	Category of gas	Maximum Lawful Price per MMBtu for Deliveries in—		
			February 1990	March 1990	April 1990
B	102	New Natural Gas, Certain OCS Gas [1]	$5.587	$5.622	$5.657
C	103(b)(1)	New Onshore Production Wells [2]	3.526	3.537	3.548
E	105(b)(3)	Intrastate Existing Contracts	5.329	5.358	5.387
F	106(b)(1)(B)	Alternative Maximum Lawful Price for Certain Intrastate Rollover Gas [3]	2.017	2.023	2.029
G	107(c)(5)	Gas Produced from Tight Formations	7.052	7.074	7.096
H	108	Stripper Gas	5.984	6.021	6.058
I	109	Not Otherwise [4] Covered	2.918	2.927	2.936

[1] Commencing January 1, 1985, the price of natural gas finally determined to be new natural gas under section 102(c) was deregulated. (See part 272 of the Commission's regulations.)

[2] Commencing January 1, 1985, and July 1, 1987, the price of some natural gas finally determined to be natural gas produced from a new, onshore production well under section 103 was deregulated. (See part 272 of the Commission's regulations.) Thus, for all months succeeding June 1987 publication of a maximum lawful price per MMBtu under NGPA section 103(b)(2) is discontinued.

[3] Section 271.602(a) provides that for certain gas sold under an intrastate rollover contract the maximum lawful price is the higher of the price paid under the expired contract, adjusted for inflation or an alternative Maximum Lawful Price specified in this Table. This alternative Maximum Lawful Price for each month appears in this row of Table I. Commencing January 1, 1985, the price of some intrastate rollover gas was deregulated. (See part 272 of the Commission's regulations.)

[4] The maximum lawful price for tight formation gas is the lesser of the negotiated contract price or 200% of the price specified in subpart C of part 271. The maximum lawful price for tight formation gas applies on or after July 16, 1979. (See § 271.703 and § 271.704.)

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A) (SUBPART D, PART 271)

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—		
	February 1990	March 1990	April 1990
Post-1974 gas [2]: All producers	$2.918	$2.927	$2.936
1973-1974 Biennium gas:			
Small producer	2.463	2.470	2.477
Large producer	1.888	1.894	1.900
Interstate rollover gas: All producers	1.084	1.087	1.090

TABLE II.—NATURAL GAS CEILING PRICES: NGPA SECTIONS 104 AND 106(A) (SUBPART D, PART 271)—Continued

Category of natural gas and type of sale or contract	Maximum lawful price per MMBtu for deliveries made in—		
	February 1990	March 1990	April 1990
Replacement contract gas or recompletion gas:			
Small producer	1.387	1.391	1.395
Large producer	1.060	1.063	1.066
Flowing gas:			
Small producer	.700	.702	.704
Large producer	.588	.590	.592
Certain Permian Basin gas:			
Small producer	.825	.827	.830
Large producer	.729	.731	.733
Certain Rocky Mountain gas:			
Small producer	.825	.827	.830
Large producer	.700	.702	.704
Certain Appalachian Basin gas:			
North subarea contracts dated after 10-7-69	.666	.668	.670
Other contracts	.617	.619	.621
Minimum rate gas [1]: All producers	.362	.363	.364

[1] Prices for minimum rate gas are expressed in terms of dollars per Mcf, rather than MMBtu.
[2] This price may also be applicable to other categories of gas (see §§271.402 and 271.602).

§271.102 [Amended]

3. Section 271.102(c) is amended by adding the inflation adjustment for the months of February, March, April 1990 in Table III.

TABLE III.—INFLATION ADJUSTMENT

Month of delivery	Factor by which price in preceding month is multiplied
1990:	
February	1.00303
March	1.00303
April	1.00303

[FR Doc. 90-2410 Filed 2-8-90; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD5-90-002]

Drawbridge Operation Regulations; Spa Creek, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Maryland Department of Transportation, the Coast Guard is changing the regulations that govern the operation of the S181 drawbridge across Spa Creek at mile 0.4, in Annapolis, Maryland, by further restricting the number of bridge openings during the weekday evening rush hours, and by expanding the current seasonal restrictions for Saturdays and Sundays and holidays. This change will also impose additional opening restrictions during the summer weekday hours between the morning and evening rush hour periods. The morning rush hour restrictions will remain the same. The changes to this regulation are, to the extent practical and feasible, intended to provide for regularly scheduled drawbridge openings to help reduce motor vehicle traffic delays and congestion on the roads and highways linked by this drawbridge.

EFFECTIVE DATE: These regulations become effective on March 12, 1990.

FOR FURTHER INFORMATION CONTACT: Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004, (804) 398-6222.

SUPPLEMENTARY INFORMATION: On August 21, 1989, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** (54 FR 34530) concerning the bridge across Spa Creek in Annapolis, Maryland. Interested persons were given until October 5, 1989, to submit comments on the proposed rule. The Commander, Fifth Coast Guard District, also published the proposal as a Public Notice on September 11, 1989, which gave interested persons until September 29, 1989, to submit comments. Three comments were received.

Drafting Information

The drafters of these regulations are Linda L. Gilliam, project officer, and Captain M. K. Cain, project attorney.

Discussion of Rule and Comments

The Maryland Department of Transportation has requested that the drawbridge across Spa Creek at mile 0.4 in Annapolis, Maryland, be closed from April 1 through November 30, Monday through Friday, except holidays, from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 7:30 p.m., with on-demand openings at 6 p.m. and 7 p.m. for vessels waiting to pass through the bridge. Between the hours of 9 a.m. and 4:30 p.m., the draw would be opened on the hour and half-hour. From December 1 to March 31, the draw would be closed to vessel traffic from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays. From 9 a.m. to 4:30 p.m., and 6:30 p.m. to 7:30 a.m., the draw would open on demand. The Maryland Department of Transportation has also requested that bridge openings be limited to the hour and half-hour on Saturdays, Sundays and holidays, year-round. The rest of the time the draw would be required to open on demand. This request was made as a result of an increase in vessel traffic that has been causing excessive bridge openings, resulting in increased traffic congestion. The proposed rule was published in the **Federal Register** (54 FR 34530) on August 21, 1989, and the proposal was announced in a Public Notice dated September 11, 1989. Comments were solicited through October 5, 1989, and three comments were received. One commenter totally supported the proposed rule. Two comments from private citizens, both boat owners, objected to further restrictions of the Spa Creek drawbridge. Of these, one commenter opposed extending the weekday evening rush hour saying it was unnecessary since, in his opinion, highway traffic was reduced after 6:00 p.m. He also commented that the weekend restriction was an "overkill". The other commenter also objected to extending the weekday evening rush hours. The comments of the two opponents to the rule have been considered, and it is felt that the extended weekday evening rush hours should inconvenience boaters very little. Once the schedule is known, boaters may plan their transits accordingly, thus avoiding lengthy delays at the bridge. No commercial responses were received.

The Coast Guard believes that the evening rush hour restriction should be extended only from May 1 to October 31, and not from April 1 to November 30, as requested by the Department. Also extending the evening rush hour by 30 minutes from December 1 to March 31 will not be granted. With the exception of the above changes, the final rule is adopted as originally proposed.

Federal Assessment

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

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1976).

The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This conclusion is based on the fact that these regulations are not expected to have any effect on commercial navigation or on any businesses that depend on waterborne transportation for successful operations. Since the economic impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Regulation

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

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05:1(g); 33 CFR 117.43.

2. Section 117.571 is revised to read as follows:

§ 117.571 Spa Creek.

The S181 bridge, mile 4.0, at Annapolis, Maryland:

(a) From May 1 to October 31, Monday through Friday, except Federal and State holidays:

(1) The draw shall remain closed from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 7:30 p.m., except the draw shall open at 6:00 p.m. and 7:00 p.m. for any vessels waiting to pass.

(2) The draw shall open on the hour and the half-hour, from 9:00 a.m. to 4:30 p.m.

(3) The draw shall open on signal from 7:30 p.m. to 7:30 a.m.

(b) From November 1 to April 30, Monday through Friday, except Federal and State holidays:

(1) The draw shall remain closed from 7:30 a.m. to 9:00 a.m. and from 4:30 p.m. to 6:00 p.m.

(2) The draw shall open on signal from 9:00 a.m. to 4:30 p.m. and from 6:00 p.m. to 7:30 a.m.

(c) On Saturdays, Sundays, and holidays year-round, the draw shall open on the hour and half-hour for vessels waiting to pass.

(d) The draw shall always open on signal for public vessels of the United States, or local vessels used for public safety, tugs with tows, and vessels in distress.

Dated: January 30, 1990.

P.A. Welling,

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

[FR Doc. 90-3034 Filed 2-8-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-3722-7]

New Mexico: Final Authorization of Revisions to the State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of New Mexico has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Environmental Protection Agency (EPA) has reviewed the New Mexico application and has made a decision, subject to public review and comment, that the New Mexico hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA is approving the specified New Mexico hazardous waste program revisions unless adverse public comment shows the need for further review. The New Mexico application for program revision is available for public review and comment.

DATES: Final authorization for the New Mexico revision shall be effective April 10, 1990 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the New Mexico program revision application must be received by the close of business March 11, 1990.

ADDRESSES: Copies of the New Mexico program revision application which includes materials which EPA used in evaluating the revision are available from 8:30 a.m. to 4:00 p.m., Monday through Friday at the following addresses for inspection and copying: New Mexico Health and Environment Department, 1190 St. Francis Drive, Santa Fe, New Mexico 87504, Phone (505) 827-2850; U.S. EPA Region 6, Library, 12th Floor, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, Phone (214) 655-6444; and U.S. EPA Headquarters, Library, PM 211A, 401 M Street SW., Washington, DC 20460; Phone (202) 382-5926. Written comments, referring to Docket Number NM-89-1, should be sent to Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, Phone (214) 655-6760.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Prince, Grants and Authorization Section (6H-HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, Phone (214) 655-6760.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to the Federal program, consistent with the Federal or State programs applicable in other States, and provides adequate enforcement of compliance with the requirements of RCRA.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. These State program revisions are necessitated by changes to EPA's regulations.

B. New Mexico

The State of New Mexico initially received final authorization effective January 25, 1985 (50 FR 1515, published on January 11, 1985). On December 7, 1987, New Mexico submitted a program revision application for additional program approvals. That application was amended to include additional State program revisions on September 16, 1988. New Mexico is seeking approval of all of these program revisions in accordance with 40 CFR 271.21(b)(3), except that approval was not requested for revisions which are required as a result of the Hazardous and Solid Waste Amendments of 1984 (Pub. L. No. 98-616, November 8, 1984, hereinafter "HSWA").

EPA has reviewed the amended New Mexico application, and has made a decision that the New Mexico non-HSWA hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA is granting final authorization for the non-HSWA program modifications to New Mexico's program.

The public may submit written comments on EPA's decision to authorize the revisions in an immediate final rule until March 11, 1990. Copies of the New Mexico application for program revision which includes the materials which EPA used in evaluating the revision are available for inspection and copying at the locations indicated in the "ADDRESSESS" section of this notice.

Approval of the New Mexico program revision will become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the 30 day comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final rule or (2) a notice containing a response to comments which either affirms that the immediate final rule takes effect or reverses the decision.

The New Mexico program revision application is based on changes to State regulations which were intended to make them equivalent to the analogous Federal regulations. Although the State's regulation changes included some changes based on provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA), the State is not seeking HSWA authorization at this time. EPA is not authorizing the State's HSWA-type provisions with this notice. Additionally, EPA is not authorizing the State's radioactive mixed waste provisions since the State had not made the necessary statutory change prior to seeking authorization of these revisions. Consequently, EPA intends to grant final authorization to New Mexico for only the program modifications which are described below.

The following chart lists the State rules that have been changed and that are being recognized as equivalent to the analogous Federal rules.

Federal citation	State analog
1. Listing of Warfarin and Zinc Phosphide—changes to 40 CFR part 261, subpart D—as published in the **Federal Register** on May 10, 1984.	Hazardous Waste Management Regulations (HWMR)-5 (Revised 10/88), part II, § 201
2. Exclusion of Lime Stabilized Pickle Liquor Sludge—changes to 40 CFR part 261, subpart A—as published in the **Federal Register** on June 5, 1984.	HWMR-5, part II, § 201.
3. Exclusion of Household Waste as a Hazardous Waste—changes to 40 CFR part 261, subpart A—as published in the **Federal Register** on November 13, 1984.	HWMR-5, part II, § 201.
4. Applicability of Interim Status Standards to Owners and Operators of Treatment, Storage and Disposal Facilities—changes to 40 CFR part 265, subpart A—as published in the **Federal Register** on November 21, 1984.	HWMR-5, part VI, § 601.
5. Corrections to the Test Methods Manual—changes to 40 CFR part 260, subparts B and C *and* 270, subpart A—as published in the **Federal Register** on December 4, 1984.	HWMR-5, part I, § 101 and part IX, § 901.
6. Satellite Accumulation Rule—changes to 40 CFR part 262, subpart C—as published in the **Federal Register** on December 20, 1984.	HWMR-5, part III, § 302.
7 Redefinition of Solid Waste—changes to 40 CFR part 260, subpart B and C; 261, subparts A and D; 264, subparts A and O; 265, subparts, A, O, and P; and 266, subparts C, D, F, and G—as published in the **Federal Register** on January 4, 1985.	HWMR-5, part I, § 101; part V, § 501; part VI, § 601; and part VII, § 701.
8. Interim Status Standards for Landfills—changes to 40 CFR part 265, subpart K, M, and N—as published in the **Federal Register** on April 23, 1985.	HWMR-5, part VI, § 601.
9. Listing of Spent Pickle Liquor from Steel Finishing Operations—changes to 40 CFR part 261, subpart D—as published in the **Federal Register** on May 28, 1986, and September 22, 1986.	HWMR-5, part II, § 201.
10. Liability Coverage—Corporate Guarantee—changes in 40 CFR part 264, subpart H and 265, subpart H—as published in the **Federal Register** on July 11, 1986.	HWMR-5, part V, § 501 part VI, § 601.
11. Corrections to the Listing of Commercial Chemical Products and Appendix VIII constituents —changes to 40 CFR part 261, subpart D—as published in the **Federal Register** on August 6, 1986.	HWMR-5, part II, § 201.
12. Revisions to Manual SW-846; amended incorporation by reference—changes to 40 CFR part 260 and 270—as published in the **Federal Register** on March 16, 1987.	HWMR-5, part I, § 101; and part IX, § 901.
13. Closure, Post-Closure Care for Interim Status Surface Impoundments—changes to 40 CFR part 265, subpart K—as published in the **Federal Register** on March 19, 1987.	HWMR-5, part VI, § 601
14. Definition of Solid Waste Technical Correction—changes to 40 CFR part 261, subpart D and 266, subpart C—as published in the **Federal Register** on June 5, 1987.	HWMR-5, part II, § 201 and part VII, § 701.

The New Mexico provisions incorporating the Federal HSWA provisions concerning research, development, and demonstration permits have not been evaluated and are not a part of the authorized revisions, since New Mexico has not applied, nor is it required at this time to apply for authorization of these Federal HSWA requirements. Therefore, the following State rule is not part of the authorized State program.

Research, Development, and Demonstration Permits

New Mexico Environmental Improvement Division (EID)/Hazardous Waste Management Regulations (HWMR)-5, Part IX, Rule 901, October 30, 1988; R, D, and D permits (See 40 CFR 270.10(a) and 270.65, 1987). That portion of Rule 901 which includes provisions for R, D, and D permits is not being authorized at this time.

The following State rules were added by adoption of the HSWA provisions. Because the State has not applied for these HSWA authorities, these Federal requirements will not become part of the New Mexico authorized program until the State applies for and receives authorization for them. References to the New Mexico HWMR-5 are to the regulations as promulgated on October 30, 1988.

Additional non-RCRA Wastes

EID/HWMR-5 Part II (only the portion that would incorporate the following wastes): Dioxin wastes (See 50 FR 1978, January 14, 1985); TDI, DNT, and TDA wastes (See 50 FR 42936, October 23, 1985); Spent solvents (See 50 FR 53315, December 31, 1985); EDB wastes (See 51 FR 5330, February 13, 1986); Additional spent solvents (See 51 FR 6541, February 25, 1986); and EBDC (See 51 FR 37725, October 24, 1986).

The State of New Mexico is not authorized to operate on Indian lands.

C. Decision

I conclude that the New Mexico application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New Mexico is granted final authorization to operate its hazardous waste program as revised. New Mexico now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its revised program application and previously approved authorities. New Mexico also has primary enforcement responsibilities, and EPA will exercise its enforcement responsibilities in accordance with the Memorandum of Agreement between EPA and New Mexico.

D. Codification Part 272

EPA uses part 272 for codification of the decision to authorize the New Mexico program and for incorporation by reference of those provisions of the New Mexico statutes and regulations that EPA will enforce under subtitle C of RCRA. Therefore, EPA will amend part 272, subpart GG, under a separate notice.

Compliance With Executive Order 12291

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

Compliance Under the Regulatory Flexibility Act

Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization does not create any new requirements, but simply approves requirements that are already State law. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: Secs. 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926 and 6974(b).

Dated: July 13, 1989.

Robert E. Layton Jr.,

Regional Administrator.

[FR Doc. 90-3122 Filed 2-8-90; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 36

RIN 0905-AD00

Indian Health Service; Contract Health Services

AGENCY: Indian Health Service, Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This is a final rule clarifying the regulations governing receipt of contract health services from the Indian Health Service (IHS). Under this rule, IHS is specificially designated as payor of last resort for persons defined as eligible for IHS contract health services notwithstanding any State or local law to the contrary.

DATES: Effective February 9, 1990.

FOR FURTHER INFORMATION CONTACT: Richard J. McCloskey, Indian Health Service, Room 8A-23, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: 301-443-1116. (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: On June 8, 1989, a notice of proposed rulemaking (NPRM) was published in the **Federal Register** (54 FR 24654 et seq.) proposing changes to the regulations governing authorization of contract health services by the IHS to clarify that the IHS is the payor of last resort for persons defined as eligible for IHS contract health services notwithstanding any State or local law or regulation to the contrary. Interested persons were given until July 10, 1989, to submit written comments.

We have carefully analyzed the submissions by individuals, groups, Indian and non-Indian organizations, State and tribal governments, and members of Congress submitted to the Department during the comment period. A discussion of the comments and the Secretary's response follows:

A number of commentors opposing the rule took the position that the proposed rule violated the Federal trust responsibility to Indians by attempting to supersede State and local residuality requirements. Nevertheless, the courts have upheld the right of the IHS to issue such a regulation. See *McNabb* v. *Bowen*, 829 F.2d 787 (9th Cir. 1987) and memorandum decision in *State of Arizona* v. *U.S.*, No. 87-2525 9th Cir. Sept. 12, 1988—unpublished memorandum decision).

In *McNabb*, the Ninth Circuit Court of Appeals held that application of the existing rule (known as the alternate resource rule) to render the IHS financially residual to State and local health programs is consistent with both the trust doctrine and congressional intent. The court noted that Congress "did not view federal responsibility [for Native American health care] as *exclusive* and preemptive of state responsibility." *McNabb*, 829 F.2d at 792. Indeed, as the court acknowleged, Congress indicated that IHS should assist Indians in " 'gain[ing] access to those community health resources available to them as citizens.' " *Id.* (quoting House Report accompanying Indian Health Care Improvement Act). The residuality of IHS to other health care programs does not violate the trust doctrine because "it is not unreasonable to assume that states would shoulder part of the health care burden." *McNabb*, 829 F.2d at 793 n.5. In short, the *McNabb* court upheld the alternate resource rule, including its application to State and local programs, as the lawful exercise of "an agency's ability to create reasonable classifications and requirements in order to optimally distribute limited funds appropriated under the Snyder Act among eligible beneficiaries." *McNabb*, 829 F.2d at 790 (citing *Morton* v. *Ruiz*, 415 U.S. 199, 230–31 (1974)).

In *Arizona* v. *U.S.* the court found that State benefits were unavailable as an alternate resource because the wording in the Federal regulation did not specifically supersede the State law. However, as we noted in the proposed rule, the Ninth Circuit left the Federal Government free to adopt new regulatory language to clarify the direct conflict between the Federal regulation and State or local residuality rules.

It is also important to point out that this view of Federal responsibility is not simply a recent creation of the Federal Government for its convenience, but rather is a widely held and historically consistent doctrine—for example, the 1983 edition of the *American Civil Liberties Union Handbook on the Rights of Indians and Tribe's*, pg. 240, states in pertinent part:

> Indians are also eligible for the general services that are provided by State governments. Indians have been citizens of the United States and of the states in which they live since 1924 and they are therefore entitled to participate in State programs that are available to all citizens * * * Indians are fully entitled to receive services from State governments even though they are exempt from many forms of taxation.

One commentor objected to the statement in the proposed rule that "the Secretary has also determined that the rule has no significant impact on federalism under Executive Order No. 12612." While the Executive Order is intended to preclude arbitrary attempts to preempt State law it also provides for such preemption where there is "* * * evidence compelling the conclusion that the Congress intended preemption * * *." We believe the evidence is compelling.

Congress has repeatedly emphasized that Indians' access as citizens to State and local health programs must be taken into account in both appropriating and allocating Federal funds. In *McNabb*, for example, the court cited several passages in the legislative history of the Indian Health Care Improvement Act reflecting Congress' intent that IHS resources be residual to State and local health care programs. *McNabb*, 829 F.2d at 792–93. Congress again acknowledged this general intention when, in 1984, it attempted to exempt a Montana demonstration program from application of the alternate resource rule. *See* S.B. 2166 [98th Congress, 2d session]. The President vetoed the bill, noting that, by rendering the state program residual to IHS, the legislation unacceptably departed from existing legal principles governing the relationship between IHS and State health care programs. The President stated, in part:

> [A] provision that I find totally unacceptable would actually reduce access to health services for Indians. That provision would have the effect of making Indians residing in Montana ineligible for certain benefits of State and locally supported health programs until and unless availability of such benefits from the Indian Health Service has been exhausted. In my view, this provision for Indian citizens of Montana would set a precedent for potentially changing the fundamental relationship of Indian Health Service to State and local entities, as well as depriving eligible Indians of benefits that should be due them by virtue of their citizenship in the State. As a matter of both principle and precedent, I cannot accept this provision.

(Memorandum of Disapproval of S. 2166 by Ronald Reagan, dated Oct. 19, 1984)

Since the veto, Congress has at least twice reiterated its intention that State programs may not avoid responsibility for health care to Indians by insisting that such programs are residual to IHS. First, in 1987, Congress created the Indian Catastrophic Health Emergency Fund to cover "the Indian Health Service *portion* of the medical expenses of catastrophic illness." Pub. L. 99–591 (emphasis added). To prevent State health care programs from attempting to use this new fund as a basis for refusing responsibility for their share of Indian health care costs, Congress included a provision explicitly rendering the fund residual to those programs (Pub. L. 99–591).

In 1988, Congress again underscored its intention that IHS be residual to State health care programs when it created a new fund to assist IHS in eliminating Indian health care backlogs. The legislation apportions the fund according to relative "deficiency levels" among the Indian tribes. In calculating these deficiency levels, IHS must take into account State or local health care programs (Pub. L. 100–713, Sec. 202). Thus, Congress manifested its expectation that State and locally funded health care benefits would be available to Indians without regard to their eligibility for IHS services.

These manifestations of Congressional intent provide the required evidence "compelling the conclusion that the Congress intended to delegate to the department or agency the authority to issue regulations preempting State law." Executive Order 12612 4(b). Congress has unmistakenly indicated that State and local health care programs must be equally available to Indian and non-Indian citizens. In order to prevent States from thwarting this unambiguous Congressional intent by simply declaring their health care programs "unavailable" to citizens eligible for IHS services, the Department of Health and Human Services has the responsibility to clarify the regulation so that it will unambiguously preempt State laws to the contrary.

The critical point here is that Indians have long been afforded Federal benefits stemming from the special relationship of the Federal Government to the Indian tribes as well as to State welfare benefits stemming from their rights as State citizens. We have previously noted that the *McNabb* Court reaffirmed the fact that the Federal responsibility to provide health services for Indians is not exclusive and is consistent with Congressional intent. Thus, the IHS residual resource rule is designed to accommodate the Indians rights as State citizens with the need to conserve very limited IHS contract care funds for the benefit of the entire tribal service population.

One commentor noted that similar alternate resource provisions were contained in the eligibility regulations previously published, but placed on hold by the Congress, raising the question of whether it is appropriate to proceed to issue these regulations in final form until that ban is lifted. In our view, the Congressional moratorium on implementation of the new eligibility regulations was directed at the criteria governing who should be eligible for IHS services. This revision does not attempt to alter existing, or to propose new, eligibility criteria. It simply confirms longstanding Federal policy regarding responsibility for payment for otherwise eligible Indian people. Consequently, we do not view publication of this rule as being affected by the Congressional moratorium on the eligibility regulations.

Another commentor suggested that private facilities will not serve Indian people if they believe they will have difficulty getting paid. However, this rule should help avoid that problem by clearly establishing the relative responsibilities of the various government health care programs.

Another commentor noted that county medical care for the indigent is generally funded through county property taxes and Indian lands are for the most part, exempt from these taxes. It was asserted that the burden for medical care for indigent Indian people in counties which contain Indian reservations is unfair. The Ninth Circuit has already rejected this argument noting that: "* * * the inability to tax the Native Americans does not logically support an inference that a State or county lacks authority to provide equal benefits to all residents." *State of Arizona* v. *U.S., supra* at p. 2.

Additionally, IHS is already sharing the responsibility with States and counties of providing medical care to needy Indian citizens. The IHS provided $746.7 million in direct services in IHS facilities during fiscal year 1989. This represents in part, services to Indians who would also be eligible for State or county assistance. To this extent, IHS direct services relieve the States and local governments of the cost of medical care for needy Indians—costs which would otherwise be required to be picked up by those States and localities under their welfare laws.

Also, some States have recognized that State laws requiring local relief programs to be funded through local real estate taxes place a particular burden on those counties which contain large areas of Federal trust land, in this case Indian reservations. Thus, they have taken steps to relieve those counties through increased State contributions or other methodologies which have the effect of spreading the burden statewide.

It was suggested by one commentor that section 204 of the recent Indian Health Care Amendments of 1988 (The Act) is evidence that Congress did not intend to preempt the states in this area. Section 204 gives IHS the right to pursue collections from third parties to reimburse IHS facilities for services provided to certain individuals. In the past most private insurance contracts contained a clause which excluded payment of services for which the subscriber has no legal obligation to pay (i.e., subscriber was not financially liable).

It should be noted that in recognition of the problem Congress included the following language in the Appropriations Act for FY 1984 and subsequent years:

* * * Provided further, that with the exception of service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the IHS to implement such a policy.

This exclusion applied to services provided in IHS and IHS funded facilities to eligible Indians who also had private health insurance coverage. Section 204 was enacted to remedy the situation with regard to exclusionary clauses thus allowing IHS to bill for services provided in IHS facilities. The provision was not intended to address and has nothing to do with contract health care. In the contract health care situation we would not be *billing*. Our alternate resource rule precludes *paying* for services to the extent that Indians are eligible for alternate resources. Eligibility of Indian people for State programs is not affected by section 204. Moreover, it is clear from the other provisions of the [Act] already discussed that the commentor's view that IHS programs supplant State resources is not in accord with the approach to Indian health care Congress intended with respect to coordinating the use of all available resources including Federal, tribal, State, local and private.

Another commentor suggested that the rule was an attempt to limit the Federal responsibility to be an advocate on behalf of Indian people. Exactly the opposite is true. This rule is designed to preserve the Indians' rights as State citizens to equal access to all benefits provided to other State citizens. Moreover, the required use of alternate resources maximizes the total health care resources that are available to the Indian community from all resources. We believe that promulgation of this rule is in furtherance of that advocacy role and consistent with the trust responsibility.

We did not adopt the suggestion that separate definitions covering "to the extent that IHS or IHS funded facilities are available to provide the needed care"; "insufficient funds"; and "volume of CHS services" be included because they are adequately described in § 36.12(c). Moreover, we do not consider these matters to be an appropriate topic for regulations since they are primarily interpretive and administrative matters.

Finally, adoption of this rule will not, as suggested by one commentor, result in a shift of costs from the Federal Government to the States. This concern is unfounded. The alternate resource rule does not represent a change in IHS policy, nor save money for the Federal Government. The IHS spends its entire appropriation each year. The rule, however, allows the IHS to add its resources to those of the State and local governments to buy more services for Indians instead of supplanting those local resources.

IHS currently spends over $1 billion for Indian health services. This commitment represents a significant cost sharing with the States. For example, in fiscal year 1988, IHS expenditures in Arizona totaled $201 million. By refusing to allow non-Medicaid eligible, indigent Indians access to its services Arizona's action would result in the State not paying for $5.6 million in health care costs, which the Federal Government would not be able to cover within its fixed budget without reducing other benefits to Indians.

The IHS will not spend less for Indian health care because of this rule. However, if State and local governments may forgo their responsibility for their Indian citizens at IHS expense, then there would be a net decrease in benefits for Indian people.

In summary, after careful consideration of all comments received we have decided to promulgate the proposed rule as a final rule without change.

Some comments were received that went beyond the scope of the notice. They include suggestions:

That the IHS should pay for that part of the deductible or co-payment for which the eligible patient may be responsible for paying under the applicable State or local program as established for the general public.

That IHS should be made a Medicare type program (entitlement program).

Determination Concerning Impact of the Rule

This rule does not have cost implications for the economy of $100 million or more independent of the IHS appropriation, nor will it result in a major increase in cost for consumers, industries, or Government agencies, nor will it adversely affect competition. Therefore, the Secretary has determined that the rule is not a major rule under Executive Order 12291, and a regulation impact analysis is not required. Further, these regulations will not have a significant economic impact on a substantial number of small entities and, therefore, do not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980.

Executive Order 12612: Federalism

The rule has no significant impact on Federalism under Executive Order No. 12612 because the rule simply clarifies what has been longstanding Federal policy of more than 30 years.

The alternate resource rule has been contained in Departmental regulations since 1956. The rule has been implemented consistently and openly with notice to the States during this period. This clarification of the alternate resource rule is designed to maintain the status quo regarding what has been and continues to be Federal policy.

Paperwork Reduction Act

There are no new paperwork requirements subject to the Office of

Management and Budget approval under the Paperwork Reduction Act of 1980.

List of Subjects in 42 CFR Part 36

Alaska Natives, Indians, Health, Health facilities, Health service delivery areas, Contract health services.

Dated: December 19, 1989.

James O. Mason,

Assistant Secretary for Health.

Approved: January 29, 1990.

Louis W. Sullivan,

Secretary.

For the reasons set out in the preamble, the Department amends part 36 of title 42, Code of Federal Regulations, as follows:

PART 36—[AMENDED]

1. The authority citation for part 36 continues to read as follows:

Authority: Sec. 3, 68 Stat. 674; 42 U.S.C. 2003, 42 Stat. 208, sec. 1, 68 Stat. 674; 25 U.S.C. 13, 42 U.S.C. 2001 unless otherwise noted.

§ 36.10 [Amended]

2. The definition of "Alternate resources" at 42 CFR 36.10 is removed.

§ 36.12 [Amended]

3. 42 CFR 36.12(c) is revised to read as follows:

* * * * *

(c) Contract health services will not be authorized when and to the extent that Indian Health Service or Indian Health Service funded facilities are available to provide the needed care. When funds are insufficient to provide the volume of contract health services needed by the service population, the Indian Health Service shall determine service priorities on the basis of medical need.

* * * * *

4. Subpart G is added as follows:

Subpart G—Residual Status

§ 36.61 Payor of last resort.

(a) The Indian Health Service is the payor of last resort of persons defined as eligible for contract health services under these regulations, notwithstanding any State or local law or regulation to the contrary.

(b) Accordingly, the Indian Health Service will not be responsible for or authorize payment for contract health services to the extent that:

(1) The Indian is eligible for alternate resources, as defined in paragraph (c), or

(2) The Indian would be eligible for alternate resources if he or she were to apply for them, or

(3) The Indian would be eligible for alternate resources under State or local law or regulation but for the Indian's eligibility for contract health services, or other health services, from the Indian Health Service or Indian Health Service funded programs.

(c) "Alternate resources" means health care resources other than those of the Indian Health Service. Such resources include health care providers and institutions, and health care programs for the payment of health services including but not limited to programs under title XVIII and XIX of the Social Security Act (i.e., Medicare, Medicaid), State or local health care programs and private insurance.

[FR Doc. 90-3010 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-16-M

DEPARTMENT OF THE INTERIOR

43 CFR Part 22

RIN 1092-AA07

Statement of Policy Concerning Indemnification of Department of the Interior Employees

AGENCY: Department of the Interior.

ACTION: Final rule and statement of policy.

SUMMARY: Existing Department policy does not provide for the use of Department funds to indemnify employees who suffer adverse money judgments or personal damage claims as a result of official acts. This amendment to Department of the Interior regulations parallels recently adopted Small Business Administration and Department of Justice regulations in permitting indemnification in appropriate situations, as determined by the Secretary or his designee.

EFFECTIVE DATE: March 12, 1990.

FOR FURTHER INFORMATION CONTACT: Richard G. Robbins, Assistant Solicitor, National Capital Parks, Office of the Solicitor, Department of the Interior, Room 6560, Washington, DC 20240 (202) 343-4338.

SUPPLEMENTARY INFORMATION: The Department of the Interior does not indemnify Department employees who are sued in their individual capacity and who suffer an adverse judgment as a result of conduct taken within the scope of their employment, nor does it settle these claims with Department funds. Lawsuits against Federal employees in their personal capacity have proliferated since the Supreme Court's decision in *Bivens* v. *Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As reported by the Department of Justice, since 1971, over 12,000 claims have been filed against Federal employees; nearly 3,000 actions are now pending. A growing number of such suits have been filed against Department of the Interior officials. These suits attack Department of the Interior officials performing a wide variety of functions.

While the Department work force itself is well-disciplined, the risk of personal liability and the burden of defending a suit as a result of performing one's employment duties have a significant effect on Department operations. An adverse judgment against a Federal employee has detrimental consequences for both the individual and the government. The potential for being found personally liable and the uncertainty as to what actions may culminate in a lawsuit intimidates all employees, discouraging initiative and decisiveness. As Professor Kenneth Culp Davis has noted, "The public suffers whenever a government employee resolves doubts in order to protect his own pocketbook instead of resolving doubts in order to protect the public interest . . . . Courageous action of public employees is often essential, and it should not be discouraged by the threat of a lawsuit against the employees personally." K. Davis, *Constitutional Torts* 25, 26 (1984).

On a broader scale, this fear of personal liability affects government operation, decision-making, and policy determination.

The Department believes that lawsuits against Federal employees in their personal capacity seriously hinder the Department's effective functioning. A change in Department of the Interior policy to permit indemnification of its employees would help alleviate this problem and afford Department of the Interior employees the same protection now given to other Federal officials. As noted previously, both the Small Business Administration and the Department of Justice have recently published similar amendments allowing for idemnification of agency employees. 13 CFR part 114, 28 CFR part 50.

This change in Department of the Interior policy permits, but does not mandate, the Department to indemnify an employee who suffers an adverse judgment, verdict, or monetary award. The actions which give rise to the claim or judgment must fall within the individual's scope of employment, and indemnification should be in the interest of the Department as determined by the Secretary or his designee. In rare instances, where the Secretary deems it appropriate, an individual damage claim may be settled with Department funds prior to entry of judgment. Absent exceptional circumstances, however, the Department will not agree to indemnify an employee or settle a claim before entry of an adverse determination. This provision is designed to discourage claims brought against Department employees solely in order to pressure the Department into settlement. Denial of dispositive motions or delay in deciding such motions will ordinarily not lead to settlement before trial and judgment.

The policy relates to the Department of the Interior management and personnel. It is published in final form without the opportunity for public notice and comment because it is a statement of policy. See 5 U.S.C. 553(b)(A).

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

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.*

This rule does not constitute a major Federal action which significantly affects the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

This rule is not a policy that has takings implications under E.O. 12630.

List of Subjects in 43 CFR Part 22

Claims, Indemnification, Government Employees.

Accordingly, 43 CFR part 22 is amended as follows:

PART 22—ADMINISTRATIVE CLAIMS UNDER THE FEDERAL TORT CLAIMS ACT AND INDEMNIFICATION OF DEPARTMENT OF THE INTERIOR EMPLOYEES

1. The authority for part 22 is revised to read as follows:

Authority: 28 U.S.C. 2671-2680; 5 U.S.C. 301.

2. Part 22 is amended by revising the heading as set forth above, designating existing §§ 22.1 through 22.5 as subpart A; and adding subpart B, to read as follows:

Subpart A—Administrative Tort Claims.

* * * * *

Subpart B—Indemnification of Department of the Interior Employees

§ 22.6 Policy.

(a) The Department of the Interior may indemnify a Department employee, who is personally named as a defendant in any civil suit in state or federal court or an arbitration proceeding or other proceeding seeking damages against a Department employee personally, for any verdict, judgment, or other monetary award which is rendered against such employee, provided that the conduct giving rise to the verdict, judgment, or award was taken within the scope of his or her employment and that such indemnification is in the interest of the Department of the Interior as determined by the Secretary or his designee.

(b) The Department of the Interior may settle or compromise a personal damage claim against a Department employee by the payment of available funds, at any time, provided the alleged conduct giving rise to the personal damage claim was taken within the employee's scope of employment and that such settlement or compromise is in the interest of the Department of the Interior as determined by the Secretary or his designee.

(c) Absent exceptional circumstances as determined by the Secretary or his designee, the Department will not entertain a request either to agree to indemnify or to settle a personal damage claim before entry of an adverse verdict, judgment, or award.

(d) A Department employee may request indemnification to satisfy a verdict, judgment, or award entered against the employee. The employee shall submit a written request, with appropriate documentation including copies of the verdict, judgment, award, or settlement proposal, in a timely manner to the Solicitor, who shall make a recommended disposition of the request. Where appropriate, the Department shall seek the views of the Department of Justice. The Solicitor shall forward the request, the accompanying documentation, and the Solicitor's recommendation to the Secretary or his designee for decision.

(e) Any payment under this section either to idemnify a Department of the Interior employee or to settle a personal damage claim shall be contingent upon the availability of appropriated funds of the Department of the Interior.

Dated: February 1, 1990.

Lou Gallegos,

Assistant Secretary, Policy, Budget and Administration.

[FR Doc. 90-3042 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-17-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 2

RIN 0990-AA03

Testimony by Employees and the Production of Documents in Proceedings Where the United States Is Not a Party

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: This rule amends part 2 of title 45 of the Code of Federal Regulations, which generally provides that employees of the Department of Health and Human Services may not give testimony as part of their official duties in litigation where the United States or a federal agency is not a party, without the approval of the head of their agency or designee. The purpose of these amendments is to clarify 45 CFR part 2 so as to further its purposes of: (a) Maintaining strict impartiality with respect to private litigants, (b) minimizing disruption of official duties, and (c) providing for the orderly and efficient processing of all written requests for documents.

EFFECTIVE DATE: March 12, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra H. Shapiro at (202) 475-0150, Department of Health and Human Services, Associate General Counsel, Business and Administrative Law Division, Room 5362, Cohen Building, 330 Independence Ave., SW., Washington, DC 20201.

SUPPLEMENTARY INFORMATION: In 1987, the Department of Health and Human Services published regulations which addressed a growing problem, the increasing number of requests for the testimony of Department of Health and Human Services employees in litigation involving private parties exclusively. The regulation addressed this problem by generally prohibiting both voluntary appearances and compliance with subpoenas for testimony as part of an employee's official duties, except where the relevant agency head or designee determines that the appearance would promote the objectives of the Department of Health and Human Services. In addition, the regulation provides for the orderly handling of subpoenas for production of documents under the Freedom of Information Act (5 U.S.C. 552).

These amendments to that regulation are designed primarily to clarify it, rather than to effect substantive changes in it. The rule includes in the coverage of part 2 to title 45 of the Code of Federal Regulations requests for testimony from employees of, and information maintained by, the Social Security Administration, if the request is not covered by part 401 of title 20 of the Code of Federal Regulations. The rule also includes the Inspector General as one of the "agency heads" empowered to consider requests under part 2, and identifies the Assistant Secretary for Family Support as the agency head of the Family Support Administration. In addition, parallel to the Department's Freedom of Information Act regulations codified at part 5 of title 45 of the Code of Federal Regulations, the rule defines "employee" to include employees of Medicare intermediaries and carriers performing functions under agreements entered into under sections 1816 and 1842 of the Social Security Act, 42 U.S.C. 1395h, 1395u.

These amendments also exclude from the operation of part 2 criminal proceedings where the United States is a party, to conform with the rule's exclusion for all civil proceedings where the United States or a federal agency is a party. The amendments further exclude civil or criminal proceedings in state court brought on behalf of the Department of Health and Human Services in order to accommodate Office of Inspector General referrals of criminal violations to state prosecutors. The amendments also add an explicit exclusion from the rule's operation of matters covered in part 20 of title 21 of the Code of Federal Regulations (involving the Food and Drug Administration) and part 401 of title 20 of the Code of Federal Regulations (involving the Social Security Administration).

These amendments also correct the citation to the provision in the Department's Freedom of Information Act regulations, 45 CFR 5.43(e), concerning fees for certification of records.

Paperwork Reduction Act

This regulation is not subject to the Paperwork Reduction Act because it deals solely with internal rules governing Department of Health and Human Services personnel.

Cost/Regulatory Analysis

The Secretary has determined, in accordance with Executive Order 12291, that these amendments will not constitute a "major" rule and therefore are not subject to the regulatory impact and analysis requirements of the Order. Major rules are those which impose a cost on the economy of $100 million or more a year and have certain other economic impacts.

These amendments will not have a significant impact on small businesses; therefore, preparation of a regulatory flexibility analysis is not required.

List of Subjects in 45 CFR Part 2

Administrative practice and procedure, Freedom of Information, Government employees.

Accordingly, for the reasons set forth in the preamble, 45 CFR part 2 is amended as follows:

PART 2—[AMENDED]

1. 45 CFR 2.1 is amended, by revising (a) and (d)(1) and adding (d)(6) and (7) to read as follows:

§ 2.1 Scope, purpose, and applicability.

(a) This part sets forth rules to be followed when a Department of Health and Human Services employee, other than an employee of the Food and Drug Administration, is requested or subpoenaed to provide testimony, in a deposition, trial, or other similar proceeding, concerning information acquired in the course of performing official duties or because of the employee's official capacity. This part also sets forth procedures for the handling of subpoenas duces tecum and other requests for any document in the possession of the Department of Health and Human Services other than the Food and Drug Administration, and to requests for certification of copies of documents. Separate regulations, 21 CFR part 20 and 20 CFR part 401, govern the Food and Drug Administration and requests for certain information maintained by the Social Security Administration, and those regulations are not affected by this part.

* * * * *

(d) This part does not apply to:

(1) Any civil or criminal proceedings where the United States, the Department of Health and Human Services, and any agency thereof, or any other Federal agency is a party.

* * * * *

(6) Any matters covered in 21 CFR part 20, involving the Food and Drug Administration, and 20 CFR part 401, involving the Social Security Administration.

(7) Any civil or criminal proceedings in State court brought on behalf of the Department of Health and Human Services.

2. 45 CFR 2.2 is amended by revising (5), (6), and (7) of the definition for "agency head," and revising the definition for "employee" to read as follows:

§ 2.2 Definitions.

Agency head * * *

(5) Family Support Administration—Assistant Secretary for Family Support;

(6) Social Security Administration—Commissioner; and

(7) Office of the Inspector General—Inspector General.

Employee includes commissioned officers in the Public Health Service Commissioned Corps, as well as regular and special Department of Health and Human Services employees (except employees of the Food and Drug Administration), and any employees of health insurance intermediaries and carriers performing functions under agreements entered into pursuant to sections 1816 and 1842 of the Social Security Act, 42 U.S.C. 1395h, 1395u.

* * * * *

§ 2.6 [Amended]

3. 45 CFR 2.6 is amended by changing the reference in the second sentence from "45 CFR 5.43.(e)(5)" to "45 CFR 5.43(e)."

Dated: January 10, 1990.

Louis W. Sullivan,

Secretary.

[FR Doc. 90-3011 Filed 2-8-90; 8:45 am]

BILLING CODE 4150-04-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-336; RM-6800]

Television Broadcasting Service; Chico and Paradise, CA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants the petition filed by Sainte Limited, licensee of KBCP(TV) Channel 46, Paradise, California, seeking the exchange of UHF Channel *30 at Chico, California, for UHF Channel 46, and the modification of its license to specify operation on

Channel 30 at Paradise. With this action, the proceeding is terminated.

EFFECTIVE DATE: March 19, 1990.

FOR FURTHER INFORMATION CONTACT: Fawn E. Wilderson, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 89-336, adopted January 2, 1990 and released February 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Television broadcasting.

PART 73—[AMENDED]

The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments is amended under California by removing Channel 46 and adding Channel 30 at Paradise and by removing Channel *30 and adding Channel *46 at Chico.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-3006 Filed 2-8-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-325; RM-6719]

Radio Broadcasting Services; Caro, MI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes FM Channel 221A for Channel 285A at Caro, Michigan, in response to a petition filed by Prime Time Radio, Inc. We shall also modify the license of Station WIDL to specify operation on Channel 221A. Canadian concurrence has been obtained for this allotment at coordinates 43-28-51 and 83-20-31.

DATES: Effective March 19, 1990.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-325, adopted January 19, 1990, and released February 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Michigan is amended by removing Channel 285A and adding Channel 221A at Caro.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-3005 Filed 2-8-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 88-527; FCC 90-35]

Amendment of the Amateur Service Rules To Expand the 6 Meter Repeater Subband

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the amateur service rules by expanding the 6 meter repeater subband from 52-54 MHz to 51-54 MHz. The rule amendment is necessary to permit operation of additional repeaters to meet the increased demand for such operation. The effect of the rule amendment is to enable additional repeaters to be coordinated within a given geographic area.

EFFECTIVE DATE: April 9, 1990.

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

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, adopted January 22, 1990, and released February 1, 1990. The complete text of this Commission action, including the rule amendment, is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this Report and Order, including the rule amendment, may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Summary of Report and Order

1. The amateur service rules have been amended to expand the 6 meter repeater subband from 52-54 MHz to 51-54 MHz. The expansion will allow for operation of additional repeaters.

2. As a result of the expansion, voluntary band plans will need to be revised. Such revision will assure that weak-signal communications in the frequency segment 51.0-51.1 MHz (the "Pacific DX Window") will be adequately protected. Revision to voluntary band plans will also protect other amateur uses.

3. Non-repeater operations, in some areas, may need to be relocated to the 50-51 MHz frequency segment. The inconvenience involved in such relocation will be slight and not a sufficient reason to preclude the expansion.

4. Transceivers designed for the current two megahertz repeater segment may need to be modified in order to be suitable for operation in the three megahertz repeater segment. Any necessary modification, however, should be within the capability of an amateur operator.

5. The amended rule is set forth at the end of this document.

6. Pursuant to section 605 of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605, the Commission certifies that this rule will not have a significant economic impact on a substantial number of small entities, because these entities may not use the amateur radio services for commercial radiocommunications.

7. The rule adopted herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and found to contain no new or modified form, information collection and/or recordkeeping, labeling,

disclosure, or record retention requirements; and will not increase or decrease burden hours imposed on the public.

8. The amended rule is issued under the authority of 47 U.S.C. 154(i) and 303 (c) and (r).

9. List of Subjects in 47 CFR Part 97

Amateur Radio, Frequencies, Radio, Repeaters.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amended Rule

Part 97 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority citation: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. Section 97.205 (b) is revised to read as follows:

§ 97.205 Repeater station.

(a) * * *

(b) A repeater may receive and retransmit only on the 10 m and shorter wavelength frequency bands except the 28.0–29.5 MHz, 50.0–51.0 MHz, 144.0–144.5 MHz, 145.5–146.0 MHz, 220.0–220.5 MHz, 431.0–433.0 MHz and 435.0–438.0 MHz segments.

* * * * *

[FR Doc. 90-3007 Filed 2-8-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 650

[Docket No. 51222-6240]

Atlantic Sea Scallop Fishery

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

ACTION: Temporary adjustment of the meat count standard.

SUMMARY: NMFS issues this notice to implement a temporary adjustment of the meat count and shell height standards for the Atlantic sea scallop fishery pursuant to a recommendation by the New England Fishery Management Council. This action increases the average meat count standard to 33 meats per pound (MPP) (meats per 0.45 kg) with a corresponding shell height standard of 3 7/16 inches (87 mm).

EFFECTIVE DATES: February 6, 1990 through April 30, 1990.

FOR FURTHER INFORMATION CONTACT: Patricia A. Kurkul, Resource Policy Analyst, Plan Administration Branch, NMFS Northeast Regional Office, 508-281-9331.

SUPPLEMENTARY INFORMATION: Regulations at 50 CFR part 650 implementing the Fishery Management Plan for Atlantic Sea Scallops (FMP) provide authority to the Director, Northeast Region, NMFS (Regional Director), to adjust temporarily the meat count/shell height standards (standards) upon finding that specific criteria are met. These criteria, which appear at § 650.22(c) inlcude the finding that: (1) The objective of the FMP would be achieved more readily, or would be better served through an adjustment of the prevailing standards; (2) the recommended alteration in the standards would not reduce expected catch over the following year by more than 5 percent from that which would have been expected under the prevailing standard; (3) the recommended standards for meat count and shell height are consistent with each other; and (4) more than 50 percent of the harvestable sea scallop biomass is at sizes smaller than those consistent with the prevailing standards, and a temporary relaxation of the standards would not jeopardize future recruitment to the fishery.

The New England Fishery Management Council (Council), has recommended that the Regional Director implement a temporary adjustment to the sea scallop meat count standard from 30 to 35 MPP, plus a 10 percent tolerance. Adjustments of the meat count/shell height standards may remain in effect for up to 12 months. In accordance with the regulations, a public hearing was held on January 10, 1990, to receive comments on this recommendation. Although attendance at the public hearing was low, those in attendance expressed support for the recommendation.

After consideration of the full record, including: (1) Comment at the public hearing, (2) comment from the Council, (3) available resource and assessment information, and (4) available information on the fishery and the industry, the Regional Director has determined that the Council's recommended adjustment is not justifiable at this time. A standard of 35 MPP plus a 10 percent tolerance effectively equals 38.5 MPP. Raising the standard to this level would reduce yield per recruit and long-term benefits to this fishery. This is contrary to the objective of the FMP and, therefore, the first criterion. Sufficient information does exist, however, to suggest that there is a predominance of small scallops in the population and a scarcity of larger size scallops that may be jeopardizing the economic viability of the industry.

The Regional Director has weighed these factors and finds that a lesser relaxation of the standards, to 33 MPP (3 7/16 inches (89 mm) shell height), for a 3-month duration, would better serve the objective of the FMP.

This action meets criterion 2 because it is not expected to reduce catch over the following year by more than 5 percent. In addition, the meat count and shell height will remain consistent, thereby, conforming with criterion 3.

Criterion 4 states that more than 50 percent of the harvestable biomass must be at sizes smaller than the prevailing standard (30 MPP). Recent survey results show that 65 percent of the harvestable biomass consists of scallops smaller than 30 MPP. Thus, this portion of criterion 4 is met. Criterion 4 also states, however, that a temporary relaxation of the standards must not jeopardize future recruitment to the fishery. Because the sea scallop stock-recruitment relationship is not well understood, a definitive answer as to whether or not recruitment will be jeopardized is difficult. It is known, however, that sea scallops have their first significant spawning at age four. Age-four sea scallops range from approximately 30 to 50 MPP. The Regional Director recognizes that caution must be exercised when recommending a temporary adjustment to the meat count standard within this range. An adjustment to 35 MPP, with a 10 percent tolerance (38.5 MMP), as recommended by the Council, would allow a significant increase in fishing mortality on small scallops. Many of these scallops will not have had the opportunity to spawn prior to being harvested. Consequently, though it is difficult to determine conclusively that an adjustment of this magnitude would jeopardize future recruitment, it would impact on the reproductive potential of the spawning stock. An adjustment to 33 MPP is biologically more conservative than 35 MPP, and should protect the economic viability of the industry without jeopardizing future recruitment.

This temporary adjustment will be effective from February 6, 1990 through April 30, 1990. The meat count standard will be 33 MPP with a corresponding 3⅞ inch (87 mm) shell height standard. On May 1, 1990, the standards will revert to 30 MPP and 3½ inches (89 mm) shell height. This modified adjustment will allow the sea scallop fishery to remain economically viable while the preponderant small sea scallops, which grow rapidly, reach harvestable levels under the 30 MPP standard.

Other Matters

This action is taken under authority of 50 CFR part 650, and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 650

Fisheries, Reporting and recordkeeping requirements.

Dated: Feburary 5, 1990.

Richard H. Schaefer,

Director of Office of Fisheries, Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-3106 Filed 2-8-90; 1:05 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 55, No. 28
Friday, February 9, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[TB-90-003]

RIN 0581-AA19

Tobacco Inspection; Fees and Charges for Inspection and Grading of Imported Tobacco

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Tobacco Adjustment Act of 1983, as amended requires the Secretary of Agriculture to fix and collect fees and charges for the inspection and grading of all tobacco offered for importation into the United States, except cigar and oriental tobacco. This proposal would increase the fees charged to importers from 40 cents to 45 cents per hundred pounds. The increased fees are necessary in order to cover the Department's costs of providing services under the Act.

DATES: Comments are due on or before March 12, 1990.

ADDRESSES: Send comments to the Director, Tobacco Division, Agricultural Marketing Service (AMS), U.S. Department of Agriculture (USDA), Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456. Telephone (202) 447-2567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations governing the inspection of all imported tobacco, except cigar and oriental tobacco, to increase the fees for grading. The fee increase is necessary to cover the cost of providing the service, including administrative and supervisory costs. The authority for this proposed rule is contained in the Tobacco Adjustment Act of 1983, as amended (7 U.S.C. 511r).

Imported tobacco is inspected for grade and quality using the same standards applied to tobacco marketed through a warehouse in the United States. Fees are assessed to cover the cost of providing this grading service. The current fee of $.0040 per pound for grading imported tobacco was effective on October 1, 1989.

The Department proposes to increase the fee to $.0045 per pound. This fee was determined after an annual review and analysis was conducted of the financial status of the program. The major factors generating the need for additional funds are increases in salaries, personnel benefits, and overall administrative costs.

This proposed rule has been reviewed under USDA procedures established to implement Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be "nonmajor" because it does not meet any of the criteria established for major rules under the Executive Order.

Additionally, in conformance with the provisions of Public Law 96-354, the Regulatory Flexibility Act, full consideration has been given to the potential economic impact on small business. Few, if any, of the firms which would be affected by this proposed rule are small businesses. The Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This action would have no significant economic impact upon any entity, small or large, and would not substantially affect the normal movement of the commodity in the marketplace. Compliance with this revision would not impose substantial direct economic costs, recordkeeping, or personnel workload changes on small entities, and it would not alter the market share or competitive positions of small entities relative to large entities. Furthermore, the Department is required by law to fix and collect fees and charges to cover the Department's cost in operating the tobacco inspection program.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file them with the Director, Tobacco Division, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, not later than (30 days after publication).

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Advisory committee, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

Accordingly, the Department proposes to amend the regulations in 7 CFR part 29, subpart B, as follows:

PART 29—[AMENDED]

1. The authority citation for part 29, subpart B, continues to read as follows:

Authority: 7 U.S.C. 511m and 511r.

Subpart B—Regulations

2. Section 29.500 is amended by revising paragraph (a) to read as follows:

§ 29.500 Fees and charges for inspection and testing of imported tobacco.

(a) The fee for inspection of imported tobacco is $.0045 per pound, and shall be paid by the importer. This inspection fee applies to all tobacco imported into the United States except as provided in § 29.400. Fees for services rendered shall be remitted by check or draft in accordance with a statement issued by the Director, and shall be made payable to "Agricultural Marketing Service".

* * * * *

Dated: February 5, 1990.

Daniel Haley,
Administrator.

[FR Doc. 90-3107 Filed 2-8-90; 8:45 am]

BILLING CODE 3410-02-M

NUCLEAR REGULATORY COMMISSION

10 CFR Chapter I

Issuance of Quarterly Report on the Regulatory Agenda

AGENCY: Nuclear Regulatory Commission.

ACTION: Issuance of regulatory agenda.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued the NRC Regulatory Agenda for the fourth

quarter, October through December, of 1989. The agenda is issued to provide the public with information about NRC's rulemaking activities. Each issue of the agenda includes information for one quarter of the calendar year. The agenda briefly describes and gives the status for each rule that the NRC is considering, has proposed, or has published with an effective date. It also describes and gives the status of each petition for rulemaking that the NRC is considering.

ADDRESSES: A copy of this report, designated NRC Regulatory Agenda (NUREG-0936) Vol. 8, No. 4, is available for inspection, and copying for a fee, at the Nuclear Regulatory Commission's Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

In addition, the U.S. Government Printing Office (GPO) sells the NRC Regulatory Agenda. To purchase it, a customer may call (202) 275-2060 or (202) 275-2171 or write to the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082.

FOR FURTHER INFORMATION CONTACT: Michael T. Lesar, Chief, Rules Review Section, Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492-7758, toll-free number (800) 368-5642.

Dated at Bethesda, Maryland, this 5th day of February 1990.

For the Nuclear Regulatory Commission.

Donnie H. Grimsley,

Director, Division of Freedom of Information and Publications Services, Office of Administration.

[FR Doc. 90-3075 Filed 2-8-90; 8:45 am]

BILLING CODE 7590-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 325

RIN 3064-AB04

Capital Maintenance

AGENCY: Federal Deposit Insurance Corporation ("FDIC").

ACTION: Notice of proposed rule.

SUMMARY: Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") added a new section 5(t) to the Home Owners' Loan Act of 1933, 12 U.S.C. 1464(t) ("HOLA"), that requires the Director of the Office of Thrift Supervision ("OTS") to "prescribe and maintain uniformly applicable capital standards for savings associations." The OTS capital standards were published in the November 8, 1989 **Federal Register** (54 FR 46845) and became effective on December 7, 1989.

FIRREA also assigned authority to the FDIC for determining the extent to which insured savings associations can recognize purchased mortgage servicing rights for regulatory capital purposes. Therefore, pursuant to FIRREA and section 5(t)(4)(C) of the revised HOLA, the FDIC is proposing to adopt an amendment to its capital regulation, 12 CFR part 325.

This proposed part 325 revision would restrict the amount of purchased mortgage servicing rights that savings associations can recognize when calculating the amount of regulatory capital under the tangible capital standard issued by the OTS. The proposed amendments to part 325 would also place restrictions on the amount of purchased mortgage servicing rights that insured state nonmember banks can recognize in their regulatory capital calculations. In addition, these revisions, if adopted as proposed, effectively would require the OTS to prescribe limits that are at least as stringent as those for state nonmember banks on the amount of purchased mortgage servicing rights that savings associations can recognize under their leverage ratio and risk-based capital standards.

DATES: Comments on the proposal must be received by April 10, 1990.

ADDRESSES: All comments should be submitted to Hoyle L. Robinson, Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429 or delivered to room 6097 at the same address, between the hours of 9:00 a.m. and 5:00 p.m. on business days. Comments will be available for inspection and photocopying during normal business hours at this address.

FOR FURTHER INFORMATION CONTACT: Robert F. Miailovich, Assistant Director, Division of Supervision (202/898-6918), Stephen G. Pfeifer, Examination Specialist, Securities and Accounting Section (202/898-8904), or Claude A. Rollin, Senior Attorney, Legal Division (202/898-3985).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

No collections of information pursuant to section 3504(h) of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) are contained in this notice. Consequently, no information has been submitted to the Office of Management and Budget for review.

I. Background on Mortgage Servicing Rights

Mortgage servicing rights represent the right to service mortgage loans owned by others. In return for undertaking the contractual obligation to process and pass through principal and interest payments from borrowers to investors, maintain escrow accounts for the payment of taxes and insurance to the appropriate parties, and perform related servicing functions, the mortgage servicer receives a servicing fee. This fee is generally based on the remaining outstanding principal amount of the mortgages being serviced.

These servicing rights can be internally generated or purchased from others. Servicing rights are internally generated when, for example, mortgage loans originated by a financial institution are sold with the servicing retained by the seller. Internally generated mortgage servicing rights are not reflected as balance sheet assets. Rather, any income from these rights is recognized over time as earned and the related servicing costs are expensed as incurred.

However, servicing rights can also be purchased. Under this arrangement, a purchase price is paid by the acquirer of the servicing rights in return for the right to service the loans and receive the service fee income. In addition to the regular servicing fees, late charges and other ancillary income, such as income on escrow deposits, are considered when determining the gross revenue to be generated from the servicing operation. Estimated servicing costs, which can also include varying degrees of default or credit risk, are deducted from projected gross servicing revenue in order to arrive at the net servicing fee income (or net cash flow) that is expected to be generated from the servicing portfolio.

The purchase price paid for mortgage servicing rights generally is based on the present value of this expected future stream of net cash flows, computed by using a market discount rate that appropriately reflects the risks associated with the investment in the servicing rights, including credit risk, interest rate/prepayment risk, operational risk, and market risk. The purchase price paid for servicing rights is reflected on the balance sheet as an intangible asset and amortized as an expense in proportion to, and over the period of, estimated net servicing income.

II. FIRREA Provisions Affecting Mortgage Servicing Rights

The Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") was enacted into law on August 9, 1989. Section 301 of FIRREA added a new section 5(t) to the Home Owners' Loan Act of 1933, 12 U.S.C. 1464(t) ("HOLA"). In part, section 5(t) of HOLA, as amended, requires the Director of the Office of Thrift Supervision ("OTS") to "prescribe and maintain uniformly applicable capital standards for savings associations."

In general, FIRREA requires that the OTS capital standards be no less stringent than the capital standards applied by the Office of the Comptroller of the Currency ("OCC") to national banks. These capital standards were issued by the Director of OTS on November 6, published in the **Federal Register** on November 8 (54 FR 46845) and became effective on December 7, 1989.

FIRREA also assigned authority to the FDIC for determining the extent to which insured savings associations can recognize purchased mortgage servicing rights for regulatory capital purposes. In this regard, FIRREA revised HOLA by adding section 5(t)(4)(C)(ii), which provides that:

the Corporation [FDIC] shall prescribe a maximum percentage of the tangible capital requirement that savings associations may satisfy by including purchased mortgage servicing rights in calculating such captial.

FIRREA also added section 5(t)(4)(C)(i) to HOLA, which provides that:

The maximum amount of purchased mortgage servicing rights that may be included in calculating capital under the leverage limit and the risk-based capital requirement * * * may not exceed the amount that could be included if the savings association were an insured state nonmember bank.

Therefore, pursuant to the revised section 5(t)(4)(C) of HOLA, the FDIC is proposing to adopt amendments to its capital regulation that would restrict the amount of purchased mortgage servicing rights that savings associations can recognize when calculating the amount of regulatory capital under the tangible capital standard issued by the OTS. These restrictions are in addition to those already established by the OTS. In this regard, the OTS capital regulation (12 CFR part 567), as recently adopted, limits the amount of purchased mortgage servicing rights that can be recognized for purposes of calculating the tangible capital, leverage ratio and risk-based capital standards to the *lower* of (a) 90 percent of their fair market value to the extent determinable, (b) 90 percent of the original cost (i.e., the purchase price) of the rights or (c) 100 percent of the current remaining unamortized book value of the rights determined in accordance with generally accepted accounting principles. (See paragraphs 567.5(a)(2)(iii)(A) and 567.9(c)(1) of part 567.)

The OTS capital regulations indicate that the amount of purchased servicing rights in excess of this limit is to be deducted from both assets and core capital for purposes of calculating regulatory capital under the OTS leverage ratio and risk-based capital standards. In addition, the OTS capital regulations require purchased mortgage servicing rights to be treated in a similar manner for purposes of calculating the amount of regulatory capital under the tangible capital standard. Finally, when determining the amount of tangible capital, the OTS capital regulations also require a deduction for any mortgage servicing rights that exceed limits the FDIC may place on purchased mortgage servicing rights as a percentage of a thrift's tangible capital.

In this regard, the FDIC is proposing an amendment to its capital regulation to specifically limit the amount of purchased mortgage servicing rights that state nonmember banks can recognize for regulatory capital purposes to no more than 25 percent of core capital.[1] This revision, if adopted as proposed, would also effectively require the OTS to prescribe limits that are at least as stringent as those for state nonmember banks on the amount of purchased mortgage servicing rights that savings associations can recognize under their leverage and risk-based capital standards.

In addition, with respect to savings associations, the proposed amendment to part 325 would limit the remaining amount of purchased mortgage servicing rights after the above adjustments to no more than 50 percent[2] of the remaining amount of tangible capital.[3]

Purchased mortgage servicing rights existing on an institution's books as of August 9, 1989 would be grandfathered and phased out over a six-year transition period. However, an exemption from these restrictions on purchased mortgage servicing rights would be allowed if the mortgage servicing activities are conducted in a separately capitalized subsidiary that is solely engaged in mortgage banking activities, provided that the parent institution's investment in and extensions of credit to the subsidiary are deducted from assets and equity capital for purposes of calculating regulatory capital and the parent's transactions with the subsidiary are conducted on an arms-length basis. Section V of this preamble provides a more detailed discussion of the proposed amendments.

III. FDIC Regulatory Capital Treatment of Purchased Mortgage Service Rights

Purchased mortgage servicing rights are the only intangibles that the FDIC recognizes for bank regulatory capital purposes. This recognition is due in part to certain characteristics of mortgage servicing rights that are viewed more favorably than those of other intangible assets. These characteristics include:

(1) The separability of the intangible asset and the ability to sell it separate and apart from the bank or the bulk of the bank's assets;

(2) The certainty that a readily identifiable stream of cash flows

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[1] In calculating the core capital limitation, the disallowed portion of purchased mortgage servicing rights is deducted from assets and from core capital so that the remaining amount of purchased mortgage servicing rights does not exceed 25 percent of the remaining amount of core capital. Another way of calculating the allowable amount of purchased mortgage servicing rights is to deduct *all* purchased mortgage servicing rights from core capital and multiply the resulting number by 33⅓ percent (i.e., divide the resulting number by 3). For example, if core capital (before deducting any purchased mortgage servicing rights) is $100 million and if purchased mortgage servicing rights (before any deductions) amount to $70 million, the amount of allowable purchased mortgage servicing rights is $10 million [(100–70) × 33⅓%]. Thus, $60 million of the purchased mortgage servicing rights would be disallowed and deducted from assets and from core capital. As a result, the remaining amount of purchased mortgage servicing rights ($10 million) would not exceed 25 percent of the remaining amount of core capital ($40 million).

[2] Another way of calculating the tangible capital limitation is to deduct *all* purchased mortgage servicing rights from tangible capital. The resulting number (if a positive number) is the maximum allowable amount of purchased mortgage servicing rights. If the resulting number is a negative figure, the entire amount of purchased mortgage servicing rights is disallowed. For example, if tangible capital (before deducting any purchased mortgage servicing rights) is $75 million and if purchased mortgage servicing rights (before any deductions) amount to $70 million, the allowable amount of purchased mortgage servicing rights is $5 million. Thus, $65 million of the purchased mortgage servicing rights would be disallowed and deducted from assets and from tangible capital. As a result, the remaining amount of purchased mortgage servicing rights ($5 million) would not exceed 50 percent of the remaining amount of tangible capital ($10 million).

[3] Under the capital standards issued by the OTS, tangible capital is a subset of core capital. Core capital consists of tangible capital plus qualifying supervisory goodwill, which will be phased out of core capital over a transition period that expires at year-end 1994. After that date, core capital will equal tangible capital and the limitations on purchased mortgage servicing rights as a percent of core capital will become the operative constraint.

associated with the intangible asset can hold its value notwithstanding the future prospects of the bank; and

(3) The existence of a market of sufficient depth to provide liquidity for the intangible asset.

For these reasons, mortgage servicing rights, as a class of intangible assets, are generally recognized by the FDIC for bank regulatory capital purposes. However, the FDIC's risk-based capital framework (Appendix A to part 325), which directly applies to state nonmember banks, also provides that:

The deduction of part or all of the mortgage servicing rights may be required if the carrying amounts of these rights are excessive in relation to their market value or the level of the bank's capital accounts.

As the above statement indicates, the FDIC has reserved the right to deduct purchased mortgage servicing rights that are excessive in relation to capital—that is, rights whose exposure represents a concentration. However, the FDIC never specifically indicated what percentage of capital would be viewed as a concentration and generally has evaluated, on a case-by-case basis, the need to deduct purchased mortgage servicing rights for bank regulatory capital calculations.

In conjunction with FIRREA's mandate to the FDIC to prescribe limits on the amount of purchased mortgage servicing rights that savings associations can recognize for regulatory capital purposes, the FDIC also has reviewed its current policy with respect to state nonmember banks. In view of the trend among some state nonmenber banks to invest in purchased mortgage servicing rights in amounts that are large in relation to their capital accounts, and in light of the relative risks associated with investments in mortgage servicing rights, the FDIC has decided to propose limits on the amount of purchased mortgage servicing rights that may be recognized for regulatory capital purposes. These limits are described in detail in section V of this preamble.

IV. Risks Associated with Purchased Mortgage Servicing Rights

Although the three characteristics of mortgage servicing rights mentioned above (separability, identifiable cash flow stream, existence of a liquid market) are more favorable than for other intangible assets, the separability, identifiability and marketability aspects of servicing rights are by no means as favorable as that for other assets, including many mortgage-backed securities. Indeed, a number of risks associated with mortgage servicing rights, including credit risk, interest rate/prepayment risk, operational risk, and market risk, actually cause investments in purchased mortgage servicing rights to be much riskier than investments in many tangible assets.

This is evident by the required return on investments in mortgage servicing rights demanded by the marketplace, which presently appears to be 15 percent or more. This is the expected return on investment *after* all anticipated servicing costs and associated expenses, including estimated credit losses, have been deducted. This required rate of return is indicative of an investment that has risk characteristics closer to that of an equity security than that of a loan or debt security.

It has long been a prudent banking practice for financial institutions to limit potential exposures on bank loans and other investments in order to ensure that excessive concentrations in any one investment do not exist. In view of the risks associated with purchased mortgage servicing rights, which are described below in more detail, the FDIC has determined that limits on mortgage servicing rights as a percent of capital are prudent and warranted from a safety and soundness viewpoint. Under this arrangement, any purchased mortgage servicing rights in excess of these limits would be automatically deducted for regulatory capital purposes.

In effect, this proposed restriction on purchased mortgage servicing rights would implicitly ensure that insured deposits would not be used to any great extent to fund this relatively risky asset. Rather, any significant investment in purchased mortgage servicing rights would need to be funded primarily by owners' equity or other outside sources.

Such a limitation is consistent with the OCC's risk-based capital framework for national banks, which limits servicing rights and other qualifying intangibles to no more than 25 percent of core capital, and with the Federal Reserve's capital guidelines, which accord particularly close scrutiny to intangibles such as servicing rights that exceed 25 percent of tangible capital.

Although servicing rights do possess substantial risks, some believe that all purchased servicing should not be lumped together for concentration purposes, but rather that the mortgages underlying the servicing should be broken down by geographic area, product type (e.g., VA/FHA vs. conventional, fixed rate vs. adjustable rate, high mortgage coupon rates vs. low coupon rates) or based on some other criteria, such as the extent of credit or default risk. Under this process, each different type of mortgage servicing rights would be segmented and evaluated separately in determining whether any concentrations of capital exist.

However, the various risks to which servicing rights are exposed, when viewed in their totality, support the notion that purchased servicing rights, as a group, represent an investment involving a relatively narrow spread business that is subject to numerous risks and uncertainties. Therefore, the FDIC believes that the combination of all purchased servicing rights as a single exposure for concentration purposes is appropriate in view of the following credit, interest rate/prepayment, operational and market risks:

A. Credit Risk

Losses from mortgage servicing can arise from higher than anticipated foreclosures. In these situations, servicers may need to absorb many of the out-of-pocket foreclosure costs and carrying costs for the underlying mortgages during the foreclosure proceedings. In addition, the servicing may also involve recourse that requires the servicer to absorb part or all of the credit losses on the serviced mortgages in the event the foreclosure sales proceeds are less than the principal amount of the mortgage. For example, the maximum amount the Department of Veterans Affairs ("VA") guarantees on any VA-insured loan is limited to $36,000 and may, for example, effectively protect the servicer for only the top 30 percent or so of the principal amount of the underlying mortgage being serviced.

As a result, many servicers of VA-insured loans secured by residential properties located in economically depressed areas such as the Southwest have incurred significant credit losses recently on "VA-no bid" foreclosures. Although this potential credit risk on the underlying principal amount generally does not exist with regard to residential mortgage loans insured by the Federal Housing Administration ("FHA"), there are certain accrued interest payments, foreclosure costs and other carrying costs that servicers also need to absorb or write off in connection with FHA loan foreclosures. Further, if the servicer of FHA-insured loans in default does not conduct the foreclosure sales for the underlying properties, the FHA will pay the servicer only 85 percent of the value of such properties when they are assigned to the Department of Housing and Urban Development.

In addition, mortgage bankers that originate conventional loans for sale to the Federal National Mortgage Association ("FNMA") and others are increasingly retaining significant recourse for default or credit risk, in many cases as much as 100 percent recourse. Other servicers may also subsequently purchase this "recourse" servicing, and thereby assume significant credit risk in return for a relatively small expected servicing fee spread.

Although the extent of credit risk can vary drastically from one servicing portfolio to the next, unexpected foreclosures can have a significant impact on almost every type of portfolio. At a minimum, such foreclosures will result in additional out-of-pocket costs, carrying costs for payment advances that must be passed through to investors even if not received on the underlying mortgage loans, and the potential for sizable credit losses to the extent that the servicer is not entitled to reimbursement for the advances from the VA, FHA or other insurers.

In a very real sense, another form of credit risk also exists with respect to purchased mortgage servicing rights. That is, if credit risk is viewed as the possibility of not receiving the amount of future cash flow payments that were initially anticipated, purchased servicing is inherently more risky than most loans and debt securities. With purchased servicing, no margin of error or excess collateral protection exists. Therefore, if any of the cash flow projections for the servicing turn out to be too optimistic in view of subsequent results, some loss of cash flow will occur.

As opposed to servicing rights, many loans are secured by various forms of collateral that provide a margin of protection even if future results are less favorable than initially anticipated. This additional collateral protection is intended to ensure repayment in full of loan principal and interest. Although loans are also granted on an unsecured basis, these are generally advanced to borrowers with sufficient net worths and overall financial strength that allow the debtors to make the principal and interest payments on the underlying loans even if future results are not as positive as initially projected. This additional cushion or margin of protection against mistakes in judgment or against inaccurate projections does not exist with respect to purchased mortgage servicing rights.

B. Interest Rate/Prepayment Risk

When purchasing a servicing portfolio, the servicer essentially is buying an estimated stream of future cash flows. One major consideration in determining the value of the servicing is the estimated remaining lives of the underlying mortgage loans within the servicing portfolio—the longer the estimated remaining lives, the greater the dollar amount of servicing fee revenue that will be generated from the servicing portfolio.

However, since many mortgage instruments provide the borrower with the option to prepay mortgage loan at any time without penalty, significant prepayments may result when market interest rates decline. Under such a situation, the expected future cash flows that will be generated from the remaining servicing portfolio will also decline.

This is particularly true with respect to fixed-rate mortgages. However, it also applies to adjustable rate loans that, because of an inverted yield curve or due to initially low "teaser" rates, are now being repriced at rates that exceed the current long-term, fixed-rate mortgage rates. Higher than expected prepayments may significantly reduce the value of the servicing portfolio, a development that became strikingly evident during the massive refinancings in the spring of 1986.

In this regard, the prepayment/interest rate risk characteristics of purchased mortgage servicing rights are similar in some respects to interest-only mortgage strips in that neither investment involves any principal amount. Rather, the purchase prices paid for these investments are based on cash flows to be derived primarily from future interest payments on the underlying mortgage loans. To the extent the loans prepay, any future cash flows associated with those loans will also cease to exist.

Although it is argued that, in theory, servicing rights (or interest-only strips) are useful as hedges against long-term, fixed-rate, mortgage-backed securities, especially in the event interest rates rise, these mortgage servicing rights are far from a perfect hedge. In fact, many assumptions are necessary and a great deal of "basis risk" exists in estimating an appropriate "hedge ratio" to establish for the amount of debt securities to be hedged in relation to the amount of mortgage servicing rights. As a result, the projected high correlation between the hedge and the hedged instruments may differ markedly from actual future results due to the uncertainties associated with these assumptions.

Although prepayments on a servicing portfolio should slow as market interest rates rise, thereby generating greater than expected servicing revenue over a longer time frame, this larger dollar amount of expected cash flows would demand a higher market discount rate for purposes of determining the fair value (*i.e.*, the present value) of the servicing rights. That is, as interest rates rise, the benefit to servicing rights from slower prepayments can be partially or wholly offset by the higher discount factor that becomes necessary when determining the fair value of the rights. In fact, recent experience with some interest-only strips that were used as "hedges" by certain institutions against long-term, fixed-rate securities revealed situations where both the hedge and the underlying securities being hedged actually lost value at the same time.

Purchased mortgage servicing rights are subject to some of the same unfavorable interest rate/prepayment risk peculiarities that exist for other mortgage-related products. In this regard, if rates move down, servicing rights are adversely affected by the prepayments. If rates move up, any favorable impact from slower prepayments is offset at least in part by the higher market discount rates that are necessary when determining the fair value of the servicing. Due to this "negative convexity" phenomenon, the potential downside risk of interest rate declines in greater than the potential upside benefit from interest rate increases.

C. Operational Risk

Even if the servicing fee revenues are projected with a reasonable degree of accuracy, significant operational risks can exist which may impair the value of the servicing portfolio. For example, certain institutions in the past have projected that year-to-year increases in their servicing costs would be relatively nominal, when in fact such increases grew by double-digit percentages in a number of instances. Thus, based on the institution's subsequent servicing costs, the purchase price initially paid for the servicing was excessive.

In addition, some institutions developed servicing and cash flow problems due to higher than anticipated foreclosures and the associated servicing costs. As a result, difficulties were encountered in some cases in adequately administering the loans subject to foreclosure proceedings and in properly passing through to the investors the regularly scheduled principal and interest payments. In certain instances, the payments from the underlying mortgage borrowers were used by the servicer to meet current cash needs, including regular servicing expenses, rather than in meeting the payments due to the investors.

When situations arise where the servicer has defaulted on these or any other of its servicing responsibilities, which also may include the meeting of certain net worth tests, the Government National Mortgage Association ("GNMA"), the Federal Home Loan Mortgage Corporation ("FHLMC"), FNMA or other investors in the mortgage pools often have the contractual right to "pull" the servicing rights from the servicer of the mortgages without providing any immediate reimbursement. In addition, any subsequent reimbursement to the servicer for the value of the servicing rights might be delayed until after the servicing portfolio has been "cleaned up" and sold to a successor servicer. Further, this reimbursement probably would be only to the extent that the proceeds from the sale exceed the costs incurred by the government agency or other investor in getting the servicing portfolio in a condition available for sale.

Servicing has been pulled in the past from both banks and savings associations. In many of these instances, the operational problems associated with the servicing rights resulted in significant deterioration in the value of the servicing portfolio, especially in view of the forced nature of the disposition. Certain thrifts currently in conservatorship with the Resolution Trust Corporation ("RTC") also had servicing rights pulled without any immediate reimbursement.

In order to keep the servicing from being pulled, the RTC or the FDIC as receiver of the failed institution would probably need to commit to the timely payment of principal and interest payments to the investors in the mortgage pool, even if the servicing operation did not generate cash flow sufficient to make these payments. A commitment to provide the investor with collateral or a security interest in certain assets might also be a requirement. Making such commitments may place the RTC or the FDIC as receiver in a difficult position, especially if concerns exists as to the real market value of the servicing rights. In this regard, potential liabilities arising from unanticipated credit or operational risks associated with the servicing portfolio might even cause the servicing rights to have a negative, rather than a positive, market value.

D. Market Risk

Mortgage servicing rights can be sold and significant volumes are transferred each year. However, the liquidity and efficiency of the market for servicing rights is nowhere near that of the market for even many mortgage-backed securities. In fact, the due diligence review that is necessary to acquire a servicing portfolio and the underlying negotiations for the purchase or sale of a servicing portfolio may take several months. Indeed, recent RTC experience reveals it is difficult to sell servicing rights without providing the purchaser with a number of representations and warranties that effectively leave the seller holding many of the risks associated with the servicing portfolio.

With regard to valuation, the economic value of servicing portfolio to one servicer is not the same as the value to another servicer, since each servicer has its own economies of scale, infrastructure, and overhead costs. In addition, many assumptions regarding discount rates, prepayment speeds, late charges, foreclosure costs, credit losses and other servicing costs need to be factored into any calculation of value for the servicing rights.

If any of these assumptions differ from subsequent results, the purchaser of the servicing may have in effect significantly overpaid for the asset. In addition, mortgage servicing is a very narrow spread business—normal servicing fees average less than one-half of one percent (*i.e.*, less than 50 basis points) annually based on the dollar amount of the underlying mortgages being serviced. As mentioned above in the interest rate/prepayment risk discussion, the potential adverse impact on the market value of servicing when rates move down is generally greater than the potential favorable impact on servicing rights when the interest rates rise.

If projections are too optimistic and unfavorable performance results, the servicer has several alternative courses of action that might be undertaken to minimize these adverse results. For one, the servicer can try to become more efficient by taking on additional servicing (and additional potential losses) in an effort to "make it up on volume." For another, the servicer could reduce the size of its servicing operations, but this would probably lead to diseconomies of scale, since fewer loans would be serviced with the same fixed overhead costs and servicing capacity.

Yet another approach would be for the servicer to divest its servicing operations altogether; however, this may cause significant restructuring losses to be incurred in winding down the servicing operation and disposing of the existing infrastrucasture. As a result, mortgage servicing in and of itself represents a major commitment of resources which is not conducive to any ease of exit from the business.

V. Proposed Regulatory Capital Treatment for Purchased Mortgage Servicing Rights

In view of the credit, interest rate/prepayment, operational and market risks to which all purchased mortgage servicing rights are exposed, the FDIC believes it is appropriate to combine all of an institution's purchased mortgage servicing rights for purposes of determining whether a concentration of investment exists. For purposes of analyzing capital adequacy, the FDIC also believes it is appropriate to limit purchased mortgage servicing rights as a percent of capital. In essence, mortgage servicing rights, based on the return on investment demanded by the marketplace, have risk characteristics more analogous to equity securities than to loans or debt securities. Therefore, insured deposits should not be used to any great extent to fund purchased mortgage servicing rights. Rather, the funding of this relatively high risk activity should be provided primarily from owners' equity or other outside sources.

FIRREA limits the types of investments that savings associations can make with insured deposits. In general, the use of insured deposits to purchase junk bonds and equity securities or to make investments in subsidiaries engaged in activities impermissible for national banks will no longer be permitted. In a similar vein, serious reservations exist over whether the purchase of mortgage servicing rights is an appropriate use of insured deposits. Although FIRREA did not require the exclusion of purchased mortgage servicing rights from regulatory capital, it nonetheless provided the FDIC with the full discretion and authority to limit the amount of purchased mortgage servicing rights that savings associations can recognize when calculating tangible capital. FIRREA also instructed the OTS to ensure that the amount of purchased mortgage servicing rights recognized under a thrift's leverage ratio and risk-based capital calculations does not exceed the amount that could be included if the thrift were an insured state nonmember bank.

In view of this mandate, and in light of the risks associated with purchased mortgage servicing rights, the FDIC is proposing to limit the amount of these rights than can be included in the tangible capital of insured savings associations and in the core capital of insured state nonmember banks. These limitations, if adopted as proposed, also would effectively require the OTS to prescribe limits that are at least as stringent as those for state nonmember banks on the amount of purchased mortgage servicing rights that savings associations can recognize under their leverage ratio and risk-based capital standards.

The FDIC is proposing that purchased mortgage servicing rights be allowed as part of regulatory capital for state nonmember banks only up to a maximum of 25 percent of core capital. Any purchased mortgage servicing rights over this limit would be deducted from assets and from equity capital before calculating the leverage and risk-based capital ratios.

The FDIC is also proposing that, for purposes of the savings association tangible capital requirement, the remaining amount of purchased mortgage servicing rights, after making the above adjustments, shall be limited to no more than 50 percent of the remaining amount of tangible capital.[4]

In addition, several other restrictions, limitations and requirements would apply to mortgage servicing rights, some of which are already incorporated in the capital standards for thrifts that were recently issued by the Office of Thrift Supervision.

Purchased mortgage servicing rights existing or contracted for as of August 9, 1989 that exceed these limitations would be grandfathered and phased out over a transition period. Further, mortgage servicing activities conducted in a separately capitalized mortgage banking subsidiary would not need to be deducted for regulatory capital purposes, provided that the investments in, and extensions of credit to, the subsidiary are deducted from the parent institution's equity capital accounts when calculating the amount of regulatory capital.

Any extensions of credit and other transactions with the subsidiary would need to be conducted in a manner consistent with sections 23A and 23B of the Federal Reserve Act, 12 U.S.C. 371c. In this regard, section 301 of FIRREA added a new section 11(a) to HOLA, which provides that sections 23A and 23B of the Federal Reserve Act shall apply to savings associations in the same manner and to the same extent as if the savings association were a member bank. Similarly, section 18(j) of the Federal Deposit Insurance Act, 12 U.S.C. 1828(j), provides that sections 23A and 23B of the Federal Insurance Act shall apply, with certain limited exceptions, to every state nonmember bank in the same manner and to the same extent as if the state nonmember bank were a state member bank.

Disclosures would also need to be included in any contracts entered into by the subsidiary indicating that the subsidiary is not a depository institution but rather is an organization (separate and apart from its parent) whose obligations are not backed or guaranteed by any depository institution nor insured by the FDIC.

Provided below is a more detailed explanation of the proposed limitations on purchased mortgage servicing rights for thrifts and insured state nonmember banks.

Purchased mortgage servicing rights will be recognized for regulatory capital purposes under the FDIC's capital regulation only if the following conditions, limitations and restrictions are met:

(1) *Annual Evaluation.* Purchased mortgage servicing rights shall be subject to an independent market valuation at least annually. The annual independent market valuation of the carrying values shall include adjustments for any significant changes in original valuation assumptions, including unanticipated prepayments.

(2) *Quarterly Determination of Book Value.* Purchased mortgage servicing rights shall be carried at a book value that does not exceed the estimated future net servicing income of the rights. Management of the institution shall review the carrying value at least quarterly, maintain a written record of its review, and adjust the book value as necessary.

Although generally accepted accounting principles allow the evaluation of future net servicing income to be performed on either a discounted or an undiscounted basis, the discounted approach shall be used if purchased mortgage servicing rights exceed 25 percent of core capital.

Note: The definition of core capital for state nonmember banks is contained in the FDIC's risk-based capital guidelines (see appendix A to part 325).

(3) *Mortgage Servicing Rights Limitation.* For regulatory capital purposes (but not for financial statement purposes), the balance sheet asset for purchased mortgage servicing rights of a state nonmember bank will be reduced to an amount equal to the *lesser* of:

(a) 90 percent of the fair market value of the purchased mortgage servicing rights, determined in accordance with paragraph (1) above; or

(b) 90 percent of the original purchase price paid for the mortgage servicing rights; or

(c) 100 percent of the remaining unamortized book value of the servicing rights, determined in accordance with paragraph (2) above.

(4) *Core Capital Limitation.* After making the above adjustments to the amount of purchased mortgage servicing rights and core capital, the allowable amount of a state nonmember bank's purchased mortgage servicing rights will be limited to 25 percent of core capital.

(5) *Tangible Capital Limitation for Savings Associations.* For purposes of calculating the tangible capital requirement for savings associations under the capital regulation issued by the OTS (12 CFR part 567), purchased mortgage servicing rights in excess of the limits specified in paragraphs (3) and (4) above will be deducted from the association's equity capital. The remaining amount of purchased mortgage servicing rights recognized for regulatory capital purposes shall not exceed 50 percent of the remaining amount of tangible capital.

(6) *Grandfathering.* Any otherwise disallowed purchased mortgage servicing rights on the books of an institution as of August 9, 1989 and any disallowed purchased mortgage servicing rights for which the institution on or before that date had entered into a contract to purchase the servicing rights may be grandfathered and phased out over a transition period in accordance with the provisions set forth below. For regulatory capital purposes, the maximum allowable amount of grandfathered purchased mortgage servicing rights shall be equal to the *lesser* of:

(a) The remaining book value of the grandfathered mortgage servicing rights, determined in accordance with paragraph (2) above; or

(b) The following percentages of the amount of the grandfathered mortgage servicing rights that existed as of August 9, 1989:

	Percent[1]
Transition period (starting with the regulation's effective date):	
Less than 18 months	100
18 months or more but less than 2 years	90
2 years or more but less than 3 years	80
3 years or more but less than 4 years	60

[4] In certain instances, the tangible capital limitation for purchased mortgage servicing rights may be more restrictive than the core capital limitation, especially if the savings association has a significant amount of qualifying supervisory goodwill that is included in core capital but excluded from tangible capital. In these situations, the more restrictive limitation applies for purposes of calculating the savings association's tangible capital requirement.

	Percent[1]
4 years or more but less than 5 years	40
5 years or more but less than 6 years	20
6 years or more	0

[1] Percent of original amount of grandfathered mortgage servicing rights.

(7) *Exemption for Certain Mortgage Banking Subsidiaries.* Purchased mortgage servicing rights held by subsidiaries that are generally consolidated for regulatory capital purposes will *not* be subject to the deductions and limitations described above provided that:

(a) The subsidiary is a separately capitalized subsidiary that is solely engaged in mortgage banking activities;

(b) The parent institution's investments in, and extensions of credit to, the subsidiary are deducted from equity capital when calculating regulatory capital; and

(c) Extensions of credit and other transactions with the subsidiary are conducted in compliance with sections 23A and 23B of the Federal Reserve Act, 12 U.S.C. 371c.

(d) Any contracts entered into by the subsidiary shall include a written disclosure indicating that the subsidiary is not a bank or savings association, the subsidiary is an organization separate and apart from any bank or savings association, and the obligations of the subsidiary are not backed or guaranteed by any bank or savings association nor are they insured by the FDIC.

This exemption will not apply if the institution's primary federal regulator determines that the entity is not a separately capitalized mortgage banking subsidiary or if the subsidiary's transactions with its parent institution are not conducted on an arms-length basis.

Whenever this exemption applies, the assets and liabilities of the mortgage banking subsidiary need not be consolidated for purposes of determining compliance with the FDIC regulatory capital standards, provided that all investments in, and extensions of credit to, the subsidiary are deducted from equity capital when calculating regulatory capital.

VI. Issues for Specific Comment

The FDIC requests comment on all aspects of these proposed amendments to part 325. In particular, the FDIC requests comment on the following specific issues:

(1) This proposal focuses only on intangible assets in the form of purchased mortage servicing rights. It does not address certain tangible assets, such as excess service fee receivables, that possess at least some of the risks and characteristics of purchased mortgage servicing rights. Should explicit limits also be placed on the amount of excess service fee receivables and similar tangible assets that can be recognized for regulatory capital purposes?

(2) Are there alternative methods that will allow financial institutions to engage more fully in mortgage servicing activities but at the same time minimize the potential risks of these activities to the federal deposit insurance funds? For example:

(a) Are there viable methods of addressing these risks on a case-by-case basis without imposing across-the-board limits on purchased mortgage servicing rights?

(b) Should any restrictions for regulatory capital purposes be based solely on a "haircut" approach so that only a percentage of the mortgage servicing rights (*e.g.*, 10, 25 or 50 percent) is deducted for regulatory capital purposes?

(c) If limits are placed on mortgage servicing rights as a percent of capital, should those limits be higher or lower than the percentages included in this proposal?

(3) Does the grandfathering arrangement for mortgage servicing rights allow an appropriate time frame for meeting any additional capital requirements that might result from the proposed revision, or should the transition period be shorter or longer? Is August 9, 1989, the date on which FIRREA was enacted into law, an appropriate date to use in determining whether mortgage servicing rights should be grandfathered?

(4) Are appropriate criteria used for determining whether an exemption should be allowed for servicing rights held by a mortage banking subsidiary, or should some other criteria be used?

(5) Federal banking and thrift regulators have adopted risk-based capital standards that primarily focus on the credit risk associated with balance sheet assets and off-balance sheet activities. Can the risk-based capital standards be used as an effective mechanism for requiring adequate levels of capital support for mortgage servicing activities? If so, in addition to capturing the off-balance sheet credit risk for recourse servicing, can the risk-based framework effectively incorporate some additional capital charge for the unique interest rate-prepayment, operational and market risks associated with mortgage servicing rights?

(6) Assuming that higher capital levels were required for servicing rights that possess credit risk, how should "recourse" be defined for the purpose of distinguishing servicing rights that expose the servicer to this risk of loss? For example, should the recourse definition encompass VA-insured mortgages where the servicer must absorb some credit loss if the VA chooses to exercise its "no-bid" option on a defaulted loan?

(7) In addition to addressing the credit risk exposure generated by explicit recourse arrangements, are there certain measures that can be taken to elminate or minimize a servicer's ongoing liability relative to loan origination "representations and warranties"?

(8) Is it possible for the regulatory agencies or the mortgage banking industry to develop standards that will ensure realistic and reasonably consistent valuations for purchased mortgage servicing rights? If so, how can this be accomplished and how can it be enforced?

(9) What should constitute an "independent market valuation" for the purpose of this proposed rule? Is it possible for the industry to develop and abide by reasonable standards on this issues?

(10) Is the current coverage of the mortgage servicing activity by outside auditors adequate? If not, what changes are recommended?

(11) What specific changes, if any, are necessary to provide equitable treatment for institutions that service their own loans with those who purchase equivalent amounts and types of servicing? Would these changes impact the manner in which excess service fee receivables are treated for regulatory capital purposes?

(12) Are the accounting standards that apply to purchased mortgage servicing rights and excess service fee receivables appropriate? If not, what changes are recommended to ensure that the servicer's financial statements accurately represent its condition? For example, are there additional guidelines that should be employed relating to reserves, marking to market, or marking to the lower of cost or market?

(13) How can the concern about servicing rights being "pulled" in the event that the servicer defaults on its servicing responsibilities be mitigated?

(14) Can FHIMC, FNMA, and GNMA develop, implement and effectively enforce consistent standards for mortgage servicing? Are there additional standards that should be implemented to improve the reliability of mortgage servicing information?

(15) What information could these agencies or others disclose to improve

the discipline of the participants in the industry?

Regulatory Flexibility Act Statement

The Board of Directors of the FDIC hereby certifies that the proposed amendments to part 325, if promulgated, will not have a significant economic impact on a substantial number of small business entities within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). In light of this certification, the Regulatory Flexibility Act requirements (at 5 U.S.C. 603, 604) to prepare initial and final regulatory flexibility analyses do not apply.

List of Subjects in 12 CFR Part 325

Bank deposit insurance, Banks, banking, Capital adequacy, State nonmember banks, Savings and loan associations.

The Board of Directors of the Federal Deposit Insurance Corporation proposes to amend part 325 of title 12 of the Code of Federal Regulations as follows:

PART 325—[AMENDED]

1. The authority citation for part 325 is revised to read as follows:

Authority: 12 U.S.C. 1464(t), 1815(a), 1815(b), 1816, 1818(a), 1818(b), 1819(Tenth), 1828(c), 1828(d), 1828(i), 3907, 3909.

2. Section 325.1 is amended by adding the following sentence at the end of the section to read as follows:

§ 325.1 Scope.

* * * This part also prescribes the maximum amount of purchased mortgage servicing rights that insured savings associations may include in calculating their tangible capital requirements.

3. Section 325.2 is amended by adding the following sentence at the end of paragraph (f) to read as follows:

§ 325.2 Definitions.

* * * * *

(f)* * * For purposes for determining regulatory capital under this part, purchased mortgage servicing rights will be recognized only to the extent the rights meet the conditions, limitations and restrictions described in paragraph 325.5(g).

* * * * *

4. In § 325.5, a new paragraph (g) is added to read as follows:

§ 325.5 Miscellaneous.

* * * * *

(g) *Treatment of purchased mortgage servicing rights.* For purposes of determining regulatory capital under this part, purchased mortgage servicing rights will be deducted from assets and from equity capital to the extent that the rights do not meet the conditions, limitations and restrictions described in this section.

(1) *Annual evaluation.* Purchased mortgage servicing rights shall be subject to an independent market valuation at least annually. The annual independent market valuation of the carrying values shall include adjustments for any significant changes in original valuation assumptions, including unanticipated prepayments.

(2) *Quarterly determination of book value.* Purchased mortgage servicing rights shall be carried at a book value that does not exceed the estimated future net servicing income of the rights. Management shall review the carrying value at least quarterly, maintain a written record of its review, and adjust the book value as necessry. Although generally accepted accounting principles allow the evaluation of future net servicing income to be performed on either a discounted or an undiscounted basis, the discounted approach shall be used if purchased mortgage servicing rights exceed 25 percent of core capital. Core capital for state nonmember banks is defined in appendix A to this part.

(3) *Mortgage servicing rights limitation.* For purposes of calculating regulatory capital under this part (but not for financial statement purposes), the balance sheet asset for purchased mortgage servicing rights will be reduced to an amount equal to the *lesser* of:

(i) 90 percent of the fair market value of the purchased mortgage servicing rights, determined in accordance with paragraph (g)(1) of this section; or

(ii) 90 percent of the original purchase price paid for the mortgage servicing rights; or

(iii) 100 percent of the remaining unamortized book value of the servicing rights, determined in accordance with paragraph (g)(2) of this section.

(4) *Core capital limitation.* After making the above adjustments to the amount of purchased mortgage servicing rights and core capital, the allowable amount of purchased mortgage servicing rights will be limited to 25 percent of core capital.

(5) *Tangible capital limitation for savings associations.* For purposes of calculating the tangible capital requirement for insured savings assocaitions under 12 CFR part 567, purchased mortgage servicing rights in excess of the limits specified in paragraphs (g)(3) and (g)(4) of this section will be deducted from the association's tangible capital. The remaining amount of purchased mortgage servicing rights recognized for purposes of an insured savings association's tangible capital requirement shall not exceed 50 percent of the remaining amount of tangible capital. This tangible capital limitation is established pursuant to section 5(t)(4)(C) of the Home Owner's Loan Act of 1933, 12 U.S.C. 1464(t).

(6) *Grandfathering.* Any otherwise disallowed purchased mortgage servicing rights that were acquired on or before August 9, 1989 and any otherwise disallowed purchased mortgage servicing rights for which a contract to purchase the servicing rights existed on or before August 9, 1989 may be grandfathered and phased out over a transition period, in accordance with the provisions set forth in this paragraph. For purposes of calculating regulatory capital under this part, the maximum allowable amount of grandfathered purchased mortgage servicing rights shall be equal to the *lesser* of:

(i) The remaining book value of the grandfathered mortgage servicing rights, determined in accordance with paragraph (g)(2) of this section; or

(ii) The following percentages of the amount of the grandfathered mortgage servicing rights that existed as of August 9, 1989:

	Percent [1]
Transition period (starting with the regulation's effective date):	
Less than 18 months	100
18 months or more but less than 2 years	90
2 years or more but less than 3 years	80
3 years or more but less than 4 years	60
4 years or more but less than 5 years	40
5 years or more but less than 6 years	20
6 years or more	0

[1] Percent of original amount of grandfathered mortgage servicing rights.

(7) *Exemption for certain mortgage banking subsidiaries.* Purchased mortgage servicing rights held by subsidiaries that are generally consolidated for regulatory capital purposes will *not* be subject to the deductions and limitations described in this section provided that:

(i) The subsidiary is a separately capitalized subsidiary that is solely engaged in mortgage banking activities;

(ii) The parent institution's investments in, and extensions of credit to, the subsidiary are deducted from equity capital when calculating regulatory capital under this part; and

(iii) Extensions of credit and other transactions with the subsidiary are conducted in compliance with sections 23A and 23B of the Federal Reserve Act, 12 U.S.C. 371c.

(iv) Any contracts entered into by the subsidiary shall include a written disclosure indicating that the subsidiary is not a bank of savings association, the subsidiary is an organization separate and apart from any bank or savings association, and the obligations of the subsidiary are not backed or guaranteed by any bank or savings association nor are they insured by the FDIC.

This exemption will not apply if the institution's primary federal regulator determines that the entity is not a separtely capitalized mortgage banking subsidiary or if the subsidiary's transactions with its parent institution are not conducted on an arms-length basis. Whenever this exemption applies, the assets and liabilities of the mortgage banking subsidiary need not be consolidated for purposes of determining compliance with the capital standards under this part, provided that all investments in, and extensions of credit to, the subsidiary are deducted from equity capital when calculating regulatory capital under this part.

5. Appendix A to part 325 is amended by adding the following sentence at the end of section I(A)(1):

Appendix—Statement of Policy on Risk-Based Capital

* * * * *

I. * * *

A. * * *

1. * * * Mortgage servicing rights that do not meet the conditions, limitations and restrictions described in 12 CFR 325.5(g) will not be recognized for risk-based capital purposes.

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By order of the Board of Directors.

Dated at Washington, DC, this 30th day of January, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 90-2989 Filed 2-8-90; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 174, 175, 176, and 177

[Docket No. 89N-0138]

Packaging Materials for Use Under High Temperature Conditions in Microwave Ovens; Reopening of Period for Submission of Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking; reopening of period for submission of data.

SUMMARY: The Food and Drug Administration (FDA) is reopening the period for the submission of data in response to the advance notice of proposed rulemaking (ANPR) that the agency published in the **Federal Register** of September 8, 1989 (54 FR 37340), on packaging materials for use under high temperature conditions in microwave ovens. The former closing date for submission of data was December 7, 1989 (see 54 FR 37342). The new closing date is April 7, 1990. This notice responds to two comments that requested additional time to compile the data that FDA requested in the ANPR.

DATES: The closing date for the submission of data in this proceeding is April 7, 1990.

ADDRESSES: Data should be submitted to the Division of Food and Color Additives (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204.

FOR FURTHER INFORMATION CONTACT: Edward J. Machuga, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of September 8, 1989 (54 FR 37340), FDA published an ANPR on packaging materials used under high temperature conditions in microwave ovens. The agency listed in the ANPR the types of data that it will need to review the safety of materials used at high temperatures in heat susceptor packaging and for FDA to determine whether temperature limits will be needed in the regulations authorizing the use of these materials in contact with food. The agency requested that data and information responsive to the ANPR be submitted by December 7, 1989 (54 FR 37340 at 37342).

One of the comments responding to the ANPR stated that more time was needed to compile the information that was requested by the agency. The comment requested a 120-day extension of the date for the submission of data to April 7, 1990. An additional comment stated that it would probably require an additional 12 to 18 months to develop and make available to FDA the data requested in the ANPR. The comment urged the agency to delay promulgation of a notice of proposed rulemaking until the requested data had been received by FDA.

FDA agrees that additional time should be granted for the submission of data in response to the ANPR. The agency is, therefore, extending the closing date for the submission of data from December 7, 1989, to April 7, 1990. The agency concludes, however, that it is untenable to postpone the final date for submission of data for a longer period. Many materials are currently in use in packaging used at high temperatures and it is important to evaluate the safety of these uses as soon as possible. The ageney also believes that this extension will provide ample time for the submission of data. FDA first announced its concerns and data requirements on this subject at a public meeting held on September 22, 1988.

As announced in the ANPR, data should be submitted to the Division of Food and Color Additives (address above) as a letter, as a food additive master file, or as part of a food additive petition.

Dated: February 1, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-3069 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 56 and 57

RIN 1219-AA14

Electrical Standards for Metal and Nonmetal Mines

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Extension of comment period.

SUMMARY: The Mine Safety and Health Administration (MSHA) is extending the period for public comment regarding the Agency's electrical standards for metal and nonmetal mines.

DATES: Written comments must be received on or before June 15, 1990.

ADDRESSES: Send comments to the Office of Standards, Regulations, and Variances, MSHA, Room 631, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235-1910.

SUPPLEMENTARY INFORMATION: On December 4, 1989, MSHA published a proposed rule (54 FR 50158) revising the electrical standards for the metal and nonmetal mining industry. The comment period was scheduled to close on March

9, 1990. Due to several requests from the mining community, the Agency is extending the comment period to June 15, 1990. All interested parties are encouraged to submit comments prior to that date.

Dated: February 5, 1990.

William J. Tattersall,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 90-3113 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 906

Colorado Permanent Regulatory Program

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

ACTION: Proposed rule; reopening and extension of comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of additional explanatory information and revisions pertaining to a previously proposed amendment to the Colorado permanent regulatory program (hereinafter, the "Colorado program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information and revisions pertain to permit applications, ownership and control, permit rescission, permit conditions, coal exploration, archaeology and cultural resources, civil penalties, restriction on financial interests of State employees, diversions, siltation structures, impoundments, hydrology, inspection and enforcement, use of explosives, excess spoil, coal mine waste, backfilling and grading, previously mined areas, prime farmland, reclamation plans, fish and wildlife, alluvial valley floors, and administration. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards and clarify ambiguities within the State program.

This notice sets forth the times and locations that the Colorado program and proposed amendment to that program are available for public inspection, and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received by 4:00 p.m., m.s.t., February 26, 1990.

ADDRESSES: Written comments should be mailed or hand delivered to Mr. Robert H. Hagen at the address listed below.

Copies of the Colorado program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Albuquerque Field Office.

Mr. Robert H. Hagen, Director, Albuquerque Field Office, Office of Surface Mining Reclamation and Enforcement, 625 Silver Avenue SW., Suite 310, Albuquerque, NM 87102, Telephone: (505) 766-1486

Colorado Mined Land Reclamation Division, 423 Centennial Building, 1313 Sherman Street, Denver, CO 80203, Telephone: (303) 866-3567

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Hagen, Director, Albuquerque Field Office, at the address or telephone number listed in "**ADDRESSES.**"

SUPPLEMENTARY INFORMATION:

I. Background on the Colorado Program

On December 15, 1980, the Secretary of the Interior conditionally approved the Colorado program. General background information on the Colorado program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Colorado program, can be found in the December 15, 1980, **Federal Register** (45 FR 82211). Subsequent actions concerning Colorado's program and program amendments can be found at 30 CFR 906.15, 906.16, and 906.30.

II. Proposed Amendment

By letter dated July 18, 1989 (Administrative Record No. CO-457), Colorado submitted a proposed amendment to its permanent regulatory program pursuant to SMCRA. Colorado submitted the proposed amendment at its own initiative and in response to OSM's letters dated May 7, 1986, June 7, 1987, November 7, 1988, and May 11, 1989 (Administrative Record Nos. CO-282, CO-342, CO-418, and CO-441 respectively). These letters were issued in accordance with 30 CFR 732.17(c).

OSM published a notice in the August 10, 1989, **Federal Register** (54 FR 32828) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (Administrative Record No. CO-459). The public comment period ended September 11, 1989.

During its review of the amendment, OSM identified concerns relating to the following rules:

Previously Mined Areas—Rule 1.04
Impoundments—Rules 1.04, 4.05.6, and 4.05.9
Civil Penalties—Rules 1.04 and 5.04.7
Cultural Resources—Rule 2.02.3
Ownership and Control—Rule 2.07.6
Permit Rescission—Rule 2.11.2
Diversions—Rules 4.05.3 and 4.05.4
Siltation Structures—Rule 4.05.6
Hydrology—Rule 4.05.8
Explosives—Rule 4.08.5
Excess Spoil—Rules 4.09.1 and 4.09.2
Coal Mine Waste—Rule 4.11.5

OSM notified Colorado of the concerns by letter dated November 3, 1989 (Administrative Record No. CO-475). Colorado responded in a letter dated January 17, 1990, by submitting additional explanatory information and a revised amendment package (Administrative Record No. CO-477). Colorado withdrew its proposed rule relating to improvidently issued permits (Rule 2.11). Colorado also proposed to further amend and/or proposed new amendments at the following rules:

Administration—Rule 1.01
Previously Mined Areas—Rule 1.04
Alluvial Valley Floors—Rules 1.04 and 2.06.8
Siltation Structures—Rules 1.04 and 4.05.6
Impoundments—Rules 1.04, 4.05.6, and 4.05.9
Ownership and Control—Rules 1.04 and 5.03.2
Civil Penalties—Rules 1.04, 5.03.5, 5.04.7, and 5.04.8
Financial Interests—Rules 1.10.2 and 1.10.4
Cultural Resources—Rule 2.02.3
Coal Exploration—Rules 2.02.7 and 4.21.4
Permit Applications—Rules 2.03.4, 2.03.5, and 2.07.6
Hydrology—Rules 2.04.7 and 4.05.8
Reclamation Plans—Rule 2.05.3
Fish and Wildlife—Rule 2.05.6
Permit Conditions—Rule 2.07.7
Inspection and Enforcement—Rules 3.03.3 and 5.02.2
Diversions—Rules 4.05.3 and 4.05.4
Explosives—Rules 4.08.1, 4.08.4, and 4.08.5
Excess Spoil—Rules 4.09.1 and 4.09.2
Coal Mine Waste—Rule 4.11.5
Backfilling and Grading—Rules 4.14.1 and 4.23.2
Prime Farmland—Rule 4.25.1

III. Public Comment Procedures

OSM is reopening the comment period on the proposed Colorado program amendment to provide the public an opportunity to reconsider the adequacy of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Colorado program.

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Albuquerque Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

List of Subjects in 30 CFR Part 906

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: February 2, 1990.

Allen D. Klein,

Acting Assistant Director, Western Field Operations.

[FR Doc. 90-3108 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 433

[BPD-604-P]

RIN 0938-AD36

Medicaid Program; State Share of Financial Participation

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed rule.

SUMMARY: Currently States are allowed to use, under certain circumstances, public and private donations and all State taxes as sources of the State share of financial participation in Medicaid. Due to recent program experience indicating potential for use of these revenues to affect unfairly the Federal share of Medicaid expenditures, we are proposing to clarify the existing policy on the use of donated funds by requiring the offset of revenues received from donations from expenditures used to calculate the Federal share of Medicaid payments. We also are proposing a new policy providing for similar treatment of revenues derived from taxes applied uniquely to providers.

DATES: To be considered any comments must be mailed or delivered to the appropriate address, as provided below, and received by 5 p.m. on April 10, 1990.

ADDRESSES: Mail comments to the following address:

Health Care Financing Administration, Department of Health and Human Services, Attention: BPD-604-P, P.O. Box 26676, Baltimore, Maryland 21207

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Ave., SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland

In commenting, please refer to file code BPD-604-P. Comments received timely will be available for public inspection as they are received, beginning approximately three weeks after publication of this document, in Room 309-G of the Department's offices at 200 Independence Ave. SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone: 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Bernard Truffer, (301) 966-4576.

SUPPLEMENTARY INFORMATION:

I. Background

This regulation would clarify the existing policy on the use of donated funds as sources of the State share of financial participation in Medicaid and would establish a similar policy regarding the treatment of revenues derived from taxes. We continue to welcome bonafide contributions from disinterested parties.

A. Program Description

Federal grants to the States for the Medicaid program are authorized under title XIX of the Social Security Act (the Act) to provide medical assistance to certain persons with low income. These Medicaid programs are jointly financed by the Federal and State governments and administered by the States. State Medicaid agencies conduct their programs according to a Medicaid State plan approved by the Administrator of the Health Care Financing Administration (HCFA). To carry out the Medicaid program, the State agency pays providers for medical care and services provided to eligible Medicaid recipients.

The Federal government pays its share of Medicaid program expenses to the State on a quarterly basis according to a formula described in sections 1903 and 1905(b) of the Act. The State share of Medicaid program expenses is paid from "State funds", that is, those funds over which the State legislature has unrestricted power of appropriation.

B. Current Statute

Section 1902(a)(2) of the Act requires States to share in the cost of medical assistance expenditures, and permits both State and local governments to participate in the financing of the non-Federal portion of the Medicaid program. This section specifies the minimum percentage of the State's share of the non-Federal costs and requires that the State share be sufficient to assure that the lack of adequate funds from local government sources will not prevent the furnishing of services equal in amount, duration, scope, and quality throughout the State.

Section 1903 requires the Secretary to pay each State an amount equal to the Federal medical assistance percentage of the total amount expended as medical assistance under the State's plan. This amount is referred to as Federal financial participation (FFP).

C. Current Regulations

On November 12, 1985, we published in the **Federal Register** a final rule (50 FR 46652) that established regulations at 42 CFR 433.45 relating to sources of State financial participation. The major provision of that rule was that public and private donations could be used as a State's share of financial participation in the entire Medicaid program, instead of only for training expenditures, to which they had been limited by the previous regulation found at § 432.60.

Our intent in eliminating the prior restriction was to permit the States additional flexibility in administering their programs and to reduce the recordkeeping necessary to relate donated funds exclusively to training expenditures. We had not encountered any funding issues concerning the use of donations in the limited area of Medicaid training.

The current § 433.45 defines the conditions under which public funds and private donated funds may be used as the State's share in claiming FFP. We permit the use of public funds as the State share if the funds are:

• Appropriated directly to the State or local Medicaid agency;

• Transferred from other public agencies to the State or local agency and under its administrative control; or

• Certified by the contributing public agency as representing expenditures eligible for FFP.

We permit the use of private donations as the State share if the funds:

• Are transferred to the Medicaid agency and under its administrative control; and

• Do not revert to the donor's facility or use unless the donor is a non-profit organization, and the Medicaid agency, of its own volition, decides to use the donor's facility.

The regulations do not address the remedy that would be used if a donation which did not meet the conditions of the regulation were received from providers.

We have not issued regulations that specifically address the issue of the availability of FFP for taxes paid by providers. We have however, issued a State Medicaid Manual (SMM), part 2, Transmittal (HCFA Pub. 45–2, TN 51) that addresses the issue. Section 2493 of the SMM restricts the availability of FFP to those taxes that are applied to all types of businesses or other entities in the State. When a tax has been levied exclusively on providers of medical care or services, FFP is not available for expenditures used to reimburse providers for that tax. There are however, no regulations limiting the State's use of any tax revenue for its share in the costs of the Medicaid program.

D. Program Experience

The current regulation concerning donated funds (42 CFR 433.45) clearly precludes States from using as the State share of Medicaid expenditures, donations that are made by hospitals and that are to be returned to the hospitals in the form of Medicaid payments. A particular State, however, faced with a lack of funds necessary to pay hospital claims, attempted to use "donations" from hospitals as the State share of Medicaid payments, which would then permit the release of Federal funds.

As an example of the effect that this transaction had on funding, assume the hospital had unpaid claims of $100. The Federal share of those payments (assuming a 75/25 Federal/State matching) would be $75, and the State would be expected to use $25 of State funds as its share of the expenditure. Assume further that the hospital "donated" to the State the $25 to pay the State share. The State, after using the $25 to obtain the $75 Federal match, then paid the $100 claim to the hospital. In this example, the $100 payment resulted in a net expenditure of $75, which was totally comprised of Federal funds.

In this State, hospitals "donating" to the State were able to receive payment of claims, while those hospitals not "donating" funds obtained little or no payment. After investigation of this matter, HCFA concluded that this "donation" mechanism did not comport with the regulation, and disallowed the entire Federal payment. Although the regulation at 42 CFR 433.45 does not specifically address how disallowances would be made, we believed the disallowance of all Federal funds was consistent with that regulation.

The State appealed the disallowance to the Departmental Grant Appeals Board (GAB), which reviews funding disputes between HCFA and the States. After a hearing on the issue (GAB Decision Number 956, May 19, 1988), the GAB agreed with HCFA that the payments made by the hospitals could not be considered voluntary donations and could not, therefore, be considered as the source of State funds under 42 CFR 433.45. However, the GAB ruled that, rather than disallowing the entire amount of Federal funds used in payment to the hospitals, it would be more appropriate for HCFA to calculate Federal financial participation on the "net expenditure" made by the State, that is, the amount of the cash payment to the hospitals, reduced by the amount of funds received by the State from hospital donations. Thus, the amount of Federal participation in the State's payments should have been based on the cash expenditure, less the amount of the revenue received from the hospitals. In the example discussed above, the Federal share would then be 75 percent of $75 ($100 less $25) or $56.25.

The State appealed the GAB decision in the Federal District Court. On June 28, 1989, the District Court for the Southern District of West Virginia ruled in favor of the State and overturned HCFA's disallowance of funds. The basis for the Court's decision was that the current regulation on the use of donated funds authorizes the type of restricted donations made in this case. The Court also noted that previous GAB decisions on this issue rejected HCFA's interpretation of the regulation.

We are also aware of other States using or contemplating the use of "donations" to alter FFP, as follows:

• One State has submitted a State plan amendment that, if approved, would have allowed the State to use donated funds as the State share of financial participation in Medicaid. Certain hospitals in the State appeared to have agreed to donate up to $20 million to the Medicaid State agency in FY 1988. This donation appeared to be related to another State plan amendment that expanded the State's program under which additional payments are made to disproportionate share hospitals. The combined effect of these amendments seemed to be increased hospital reimbursement rates in exchange for donations from hospitals. We estimated that Federal expenditures increased by $48 million in FY 1988 as a result of both amendments. The State has, in effect, funded an expansion of its Medicaid program with 100 percent Federal monies, in violation of section 1903 of the Act. Following the GAB decision in the earlier case, HCFA had disallowed funds by reducing the State's nominal expenditures by the amount of the donations, in accordance with the procedure used by the GAB's earlier decision. However, upon appeal of the disallowance by the State, the GAB concluded (GAB Decision No. 1047, May 4, 1989) that, unlike the former case, this particular situation met the requirements of the regulation at 42 CFR 433.45 and the State was therefore eligible for FFP. In this particular case, the GAB seemed to conclude that the coercive nature of the former situation was absent, and reversed HCFA's disallowance.

• Additionally, a survey of our regional offices has determined that many other States are contemplating using donations as the State share of Medicaid financial participation. The specifics of the donation arrangements being considered vary widely, but one common characteristic of the proposals seems to be that donations are tied to specific program expansions that would benefit the donors. As noted earlier, the existing regulations generally preclude conditional donations or donations that benefit the donor.

Our experience with taxes is similar to that experienced with donated funds. Revenues derived from taxes can be shown to have an equivalent result to that of revenues received from donations. In either case, the State is using funds derived from providers as the source of State funds for Medical Assistance. As in the case of donated funds, the effect of tax revenues can be illustrated by an example. Assume a State pays $100 in Medicaid expenditures to a provider and assesses the provider a tax of $25. Assuming a Federal matching rate of 75 percent, the State would receive $25 in tax revenue to use as the State share and claim the $75 Federal match necessary to pay the $100 expenditure. The State's $100 payment results in a net expenditure of $75, which is totally comprised of Federal funds.

• A number of States have levied taxes on hospitals in order to establish a fund for making additional payments to hospitals. The result of these transactions is a reduction in the States' net expenditures, unfairly affecting the required State/Federal participation percentages.

• One State has created a fund for hospitals by levying a tax on the total revenue of hospitals in the State, intending to obtain FFP on the total amount of the tax and then distributing the fund to each hospital, based on the ratio of the hospital's Medicaid utilization to Statewide Medicaid utilization. Furthermore, each hospital would be reimbursed for the amount of payment each makes to the fund. The net result is that the State has affected unfairly the percentage of expenditures paid by the Federal government.

II. Provisions of this Proposed Regulation

A. Objectives

The Medicaid statute authorizes Federal matching for State expenditures for medical assistance. The fundamental premise of this regulation is that certain revenues received by States from providers of services effectively reduce the nominal expenditures made by the States as payments to those providers. We believe that Federal matching payments in these situations should not be based upon the nominal or cash expenditures made, but should be based on the "net" expenditure. This policy is designed to ensure that Federal matching payments are not unfairly affected by devices such as "donations" or provider-specific taxes. These devices would, without an offset mechanism, unfairly increase the Federal share of Medicaid payments, in relation to the appropriate State share determined by section 1903 of the Act.

The objectives of this proposed rule are to clarify the current policy concerning donations, to incorporate a provision in the regulations that permits HCFA to base FFP on the "net expenditures" made by a State (consistent with the earlier GAB decision (No. 956)), and to provide a new policy providing for similar treatment of tax revenues derived from taxes levied on providers.

This regulation would require the offset of nominal expenditures by the revenues received from provider donations and from taxes applied uniquely to providers. This offset is the vehicle we propose to use to ensure that Federal funding is not unfairly affected by donation and tax devices.

Current regulations prohibit States from using donations made by providers or those affiliated with providers as the State share of Medicaid expenditures. This regulation would continue the policy and provide that the revenues from all provider donations would be subtracted from nominal expenditures to determine net expenditures eligible for Federal matching. Providers are not routinely engaged in donating funds to State governments. Our view is that all provider donations have the same effect, that is, an effective reduction in State Medicaid expenditures Since this new regulation would revise the current regulation governing the use of donated funds, it would supersede the recent GAB decision (No. 1047). It would apply to all provider donations to States, not merely those shown to be "coercive".

Similarly, this regulation would also apply to revenues produced by State taxes that are uniquely applied to providers. These taxes, which might be described as coerced donations, have the same outcome of effectively reducing States' expenditures for Medicaid payments.

Finally, this regulation would apply to State payments of taxes. In some cases States have attempted to include taxes paid by the Medicaid agency in Medical Assistance expenditures. These taxes typically have been sales taxes paid by the Medicaid agency on behalf of Medicaid recipients who would have otherwise been liable for the tax if they were not Medicaid patients. In these cases, since the State's payment of the tax is exactly offset by the receipt of revenue, there is no basis for a claim for FFP.

This regulation would supersede the current State Medicaid Manual (SMM) instruction on taxes. This provision (section 2493) of the SMM states that FFP is unavailable for payments to providers for reimbursement of taxes applied uniquely to providers. This section also precludes FFP in tax payments made directly by the State. This proposed regulation would apply to the same types of taxes, but would, instead of precluding FFP, simply use the revenues derived from such taxes to offset nominal expenditures.

States would be permitted to reimburse providers for tax payments. In the case of inpatient hospital and long-term care facility payments, the State is, in fact, obligated to pay efficiently and economically operated facilities for the costs that must be incurred in furnishing services. In these situations, Medicaid payment rates must reflect all of the costs, including taxes, that providers must incur.

The purpose of this regulation is to state in clear and definite terms our policy regarding donations and taxes. We wish to avoid any further issues regarding these devices and to avoid consequent Federal disallowances. It is not our intent to limit State taxing authority, but simply to set forth the consequences of certain types of taxes with respect to FFP. In developing this regulation, we sought to satisfy several objectives, including the following:

1. Our intent is to assure that FFP is based on "net expeditures" and is not unfairly affected by donation and tax devices.

2. Consistent with our policy encouraging State flexibility in administering the Medicaid program, we do not want to dictate to States the permissible uses of particular dollars.

3. We would continue to discourage States from using tax or donation devices to evade their legal responsibility to set reasonable payment rates for health care providers.

4. We would treat taxes and donations comparably because both may be used in essentially similar ways by the State to reduce nominal expenditures.

B. Sections Affected

This rule proposes to revise § 433.45 in its entirety. It proposes that, for calculating FFP, nominal State expenditures be reduced by the amount of revenues received from donations or taxes applied specifically to providers.

A new § 433.45(a) would be added to describe the purpose of determining the level of State expenditures for FFP purposes. Under section 1903 of the Act, the amount of FFP is based on the State's expenditure for medical assistance. Funds transferred from Medicaid participating providers and suppliers to a State government effectively reduce the State's nominal expenditure for medical assistance. The transfers subject to this rule are donations or revenues from provider-specific taxes.

In a new § 433.45(b), we propose that for the purposes of this section, we would define "health care provider" to include any provider, supplier, practitioner or other entity (other than a Medicaid recipient) that received Medicaid payments and any individuals or organizations that are affiliated with or that have an interest in those entities. Examples of individuals or organizations that are affiliated with or that have an interest in providers include:

• A State or local provider association;

• A parent company, subsidiary, or parallel division of an incorporated provider;

• A major stockholder, officer, director, or employee of a provider;

• A partner or relative of a provider; or

• A major customer or supplier of a provider.

"Net expenditure" would be defined as the amount of a State's cash or nominal expenditures for Medicaid services, reduced by the revenues derived from donations from providers or individuals or organizations that are affiliated with or that have an interest in providers, or from taxes applied uniquely to providers or to individuals or organizations that are affiliated with or that have an interest in providers.

In § 433.45(c), we propose to add a general rule that when calculating State expenditures for providers who receive Medicaid payments for medical assistance, HCFA will subtract from State expenditures the amount of any donations or tax revenue generated by the providers. Similarly, direct tax payments made by States would be offset from expenditures before calculating FFP.

The fundamental premise underlying this proposal is that the Federal government is authorized under section 1903 of the Act to match only State expenditures for medical assistance. To the extent that State revenues are derived from provider donations, provider-specific taxes, or State tax payments, the State's actual expenditures are effectively reduced by the amount of that revenue. To determine the State's net expenditures, the nominal or cash expenditures for medical services must first be determined and then the donations and revenues received from provider-specific and State-paid taxes must be subtracted. However, we do not propose to offset revenues derived from taxes paid by providers when those taxes are of general applicability to all businesses in the State. In this case, general taxes would not be considered to have the same explicit effect on Medicaid expenditures.

In summary, although a State may not be precluded from using donations or taxes from health care providers as sources of funds, it would be required to offset the amount of the donation or tax against legitimate expenditures, unless the tax was paid pursuant to a law of general applicability. The offset would determine the net amount the State has expended on medical assistance, for the purpose of determining the level of FFP.

In § 433.45(d), we would stipulate that when a health care provider, or individuals or organizations that are affiliated with or that have an interest in the health care provider, make donations to the State, the revenue from the donated amount is offset and subtracted from the State's nominal expenditures. The offset would apply to funds donated or contributed by any individual or organization that performs (or seeks to perform) administrative functions or provides (or seeks to provide) services under the State plan. We believe this offset is necessary because of the enormous potential for conflict of interest that is posed by donations from those doing business with the State agency. Donations from health-care providers would be deducted from nominal expenditures because they have the unavoidable effect of reducing the State's expenditures. These providers do not typically make donations to State and local government agencies.

In § 433.45(e), we propose that revenues from taxes be offset from State expenditures when the amount of the tax depends on a factor that varies with the extent of services provided to Medicaid patients. Tax revenues are not offset when the tax has been levied on all businesses or entities in the State and does not uniquely affect health care providers or individuals or organizations that are affiliated with or that have an interest in providers.

In general, we would seek to offset only the Medicaid related portion of the tax, unless we determine that the tax disadvantages the Federal government by generating a disproportionate increase in FFP. Taxes that so disadvantage the Federal government can be identified through their effect on the Medicaid program.

For example, a State could impose a 5 percent tax on all hospitals' gross revenues and then raise Medicaid payments sufficiently to cover the entire cost of the tax to the average Medicaid-participating hospital. Such a tax effectively increases the Federal contribution with no commensurate increase in the State's contribution and with no cost to providers (since Medicaid payments were increased to cover the tax). Accordingly, the entire amount of those taxes (not just the Medicaid-related portion) would be offset in order to determine the net State expenditure for medical assistance.

If, on the other hand, the tax is not entirely related to Medicaid, then only that portion that is related to Medicaid would be considered an offsetting revenue. For example, if a tax is based on the number of patient days provided by the hospital, then the portion of the tax revenues offset from Medicaid expenditures would be limited to the portion of the revenue related to Medicaid patient days. Similarly, if the tax were levied based on each hospital's Medicaid patient days, then the tax would be allocated totally to Medicaid and would be offset completely.

Conversely, there are other types of taxes that should not be considered for offset because of their nature. In particular, if a tax is generally applicable to any business or entity in the State such as taxes on property, payroll, sales and net income, the tax revenue would not be considered to have been primarily designed to support the Medicaid program and we would not consider it to be, in effect, a reduction of the Medicaid expenditures made by the State. In addition, these generally applicable taxes typically support activities of general government (such as fire and police protection) which can be considered as payments for necessary overhead in the provision of medical services.

In § 433.45(f), we would state that revenues derived from taxes (for example, sales and excise taxes) imposed by a State on the State's Medicaid payments for services are deducted from nominal expenses in order to determine the level of FFP.

In § 433.45(g), we would propose that the general rule of offsetting any revenue generated by providers also apply to the following:

• The State government, or

• Any fund or instrumentality to which the State government has access.

C. Alternatives Considered

One alternative that we considered in developing this proposed rule was to revert to the rules in effect before November 12, 1985, that permitted donations only for training expenditures. We rejected this alternative because our recent program experience indicates that the States view donated funds in a new light and that the same effect on Medicaid expenditures exists whenever donations from providers are used as the State's share.

Another alternative we considered was to not offset those donations that could be shown to be unrelated to Medicaid. We rejected this alternative because we believe that all provider donations, without regard to the intent of the donating party, have the same effect on Medicaid expenditures.

As another alternative to this proposed policy, as it would apply to taxes, we considered applying the offset to all State taxes. While this alternative may involve a more literal reading of the statute, it would effectively offset even those tax revenues that in both design and application are not directly related to the Medicaid program.

III. Regulatory Impact Analysis

A. Requirements for Preparing Impact Analyses

Executive Order (E.O.) 12291 requires us to prepare and publish a regulatory impact analysis for any regulation that meets one of the E.O. criteria for a "major rule"; that is, a rule that would be likely to result in: An annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

E.O. 12612 requires us to prepare an analysis of any regulation, or other policy statement or action that is likely to: have substantial direct effects on the operations of State or local governments; limit State discretion in the administration of programs; or preempt State laws.

In addition, we generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a regulation would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all Medicaid providers of health care services as small entities, but States are not considered small entities.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital with fewer than 50 beds located outside a metropolitan statistical area.

To our knowledge, very few donation arrangements have been implemented. In addition, the current regulation already precludes the use of donations that revert to the donor's facility or use except in very limited circumstances. Thus, any anticipated outcomes of this regulation as they apply to donations would not have significant economic impact under E.O. 12291, E.O. 12612, the RFA, or section 1102(b) of the Act. Nevertheless, because the proposed rule presents the potential for loss of opportunity of increased revenue from State taxes, we are voluntarily providing an analysis of the effects that we believe may result from implementing the tax provisions of this proposed rule. This voluntary analysis fulfills the requirements under E.O. 12291, E.O. 12612, the RFA, and section 1102(b) of the Act.

B. Effects of Proposed Tax Provisions

The effect of this regulation on various State taxes may have an economic impact on States that currently employ provider-specific taxes and use the resulting revenues for their share of FFP. The proposed regulation would prohibit these tax revenues from being used in calculating the State's share of Medicaid expenditures by requiring that they be used as an offset against expenditures incurred by the State for Medicaid assistance. This proposal would affect States directly and providers indirectly.

1. Effects on States

As noted previously, we know of a number of States that have adopted taxes specifically to increase Medicaid payments. The amount of Federal funds that these taxes attract to a State depends upon that State's Federal medical assistance percentage, which is determined according to a formula described in sections 1903 and 1905(b) of the Act. Applying the regulation's proposed offset provision in the two States for which we currently have available data, we estimate those States' costs to increase as follows:

[Dollars in millions]

FY 1990	FY 1991	FY 1992	FY 1993	FY 1994
16.3	70	75	80	85

Based on these estimates, the proposed rule would not be considered a "major rule" under E.O. 12291. However, these estimates are based on data from only two States. We are unable to determine the extent to which tax revenues would be offset in other States. Any offsets would lead to State cost increases over and above these estimates.

2. Effects on Providers

We are aware of some States that have levied taxes on providers and have directly linked those taxes to increases in Medicaid hospital payment rates. Thus, it might be argued that this proposed regulation could preclude providers from an opportunity to receive increased payments for services furnished to Medicaid recipients. We concede that this might be true, but only to the extent that the State is unable to find alternative sources of State funds to finance these increases in payment rates.

C. Conclusion

In keeping with the requirements of E.O. 12612, we have determined that we are facing a problem of national scope and are therefore justified in requiring the offset of taxes received from health care providers. The proposed rule would in no way preclude States from raising their shares of Medicaid expenditures from other taxes.

IV. Information Collection Requirements

These proposed changes would not impose information collection requirements; consequently, they need not be reviewed by the Executive Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

V. Response to Comments

Because of the large number of items of correspondence we normally receive on a proposed rule, we are not able to acknowledge or respond to them individually. However, we will consider all comments that we receive by the date and time specified in the "DATES" section of this preamble, and, if we proceed with a final rule, we will respond to the comments in the preamble of that rule.

VI. List of Subjects

42 CFR Part 433

Administrative practice and procedure, Child support, Claims, Grant programs—health, Medicaid, Reporting and recordkeeping requirements.

We are proposing to amend 42 CFR part 433, subpart B as set forth below:

PART 433—STATE FISCAL ADMINISTRATION

Subpart B—General Administrative Requirements

1. The authority citation for part 433, subpart B continues to read as follows:

Authority: Secs. 1102, 1902(a)(4), 1902(a)(18), 1902(a)(25), 1903(a)(1), 1903(d)(2), 1903(d)(3), 1903(o), 1903(p), 1912 and 1917 of the Social Security Act (42 U.S.C. 1302, 1396a(a)(4), 1396a(a)(18), 1396a(a)(25), 1396b(a)(1), 1396b(d)(2), 1396b(d)(3), 1396b(o), 1396b(p), 1396k and 1396p), unless otherwise noted.

2. Section 433.45 is revised as follows:

§ 433.45 Determining the level of State expenditures for FFP purposes.

(a) *Purpose.* This section describes how a State's net expenditure for medical assistance is calculated in the presence of donations, tax revenues or other transfers to the State from those who receive Medicaid payments from the State.

(b) *Definitions.* As used in this section unless the context indicates otherwise:

(1) *"Health care provider"* includes any provider, supplier, practitioner or other entity (other than a Medicaid recipient) that receives Medicaid payments, and any individuals or organizations that are affiliated with or that have an interest in these entities. Examples of individuals or organizations that are affiliated with or that have an interest in providers include a State or local provider association, a parent company, subsidiary, or parallel division of an incorporated provider, a major stockholder, officer, director, or employee of a provider, a partner or relative of a provider, or a major customer or supplier of a provider.

(2) *"Net expenditure"* means the amount of a State's cash or nominal expenditures for Medicaid services, reduced by the revenues derived from donations from providers or from taxes applied uniquely to providers.

(c) *General rule.* When calculating State expenditures that are claimable for Federal matching as medical assistance, HCFA subtracts from nominal State expenditures the amount of any revenue to the State generated by health care providers when that revenue results from donations made to the State by the providers or results from taxes applied uniquely to providers. This procedure also applies to State revenues generated by taxes paid by the State that are imposed on payments for Medical Assistance.

(d) *Donations.* When a health care provider makes donations to the State, the revenue from the donated amount is offset and subtracted from the State's nominal expenditures.

(e) *Provider taxes.* Unless a tax has been levied on all businesses or entities in the State and does not uniquely affect health care providers, revenues from taxes are offset from State expenditures, as follows:

(1) If the imposition of a tax on health care providers results in higher aggregate Medicaid expenditures by the State without a commensurate increase in the State's contribution, the revenues from health care providers as a result of this tax are subtracted from the expenditures otherwise made by the State to determine the State's net expenditure.

(2) Unless paragraph (e)(1) of this section applies, the best estimate of the portion of the revenue that is Medicaid-related (based on the formula for computing the amount of the tax) is subtracted from gross Medicaid expenditures made by the State to determine the State's net expenditure. For example, if the tax is based on hospital patient revenues, the amount of tax receipts deriving from Medicaid revenues is offset. If Medicaid revenues are exempted from application of the tax, there is no offset. If the tax applies only to Medicaid revenues, the entire amount of the tax is offset.

(f) *State-paid taxes.* Revenues derived from taxes (for example, sales and excise taxes) imposed by a State on the State's Medicaid payments for services are deducted from nominal expenditures in order to determine the level of FFP.

(g) *Other transfers.* The general rule set forth in paragraph (c) of this section applies to any transfer of funds. These transfers are either from a health care provider or from a related organization to the State government or to any fund or instrumentality to which the State government has access.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: August 7, 1989.

Louis B. Hays,

Acting Administrator, Health Care Financing Administration.

Approved: October 26, 1989.

Louis W. Sullivan,

Secretary.

[FR Doc. 90-3077 Filed 2-8-90; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-19, RM-7117]

Radio Broadcasting Services; Yuma, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comment on a petition for rulemaking filed on behalf of UNO Broadcasting Corporation, licensee of KTTI (FM), Channel 236C2, Yuma, Arizona, seeking the substitution of FM Channel 236C for Channel 236C2 and modification of its license accordingly. Coordinates for this proposal are 32-40-22 and 114-20-13.

DATES: Comments must be filed on or before March 26, 1990, and reply comments on or before April 10, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: David Tillotson, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-19, adopted January 16, 1990 and released February 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch Room (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-3001 Filed 2-8-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-18, RM-7122]

Radio Broadcasting Services; Pine Bluff, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comment on a petition for rulemaking filed on behalf of Madison Hodges, permittee of Station KPBQ–FM, Channel 267A, Pine Bluff, Arkansas, seeking the substitution of FM Channel 267C3 for Channel 267A and modification of the permit accordingly. Coordinates for this proposal are 34–08–00 and 91–56–45.

DATES: Comments must be filed on or before March 26, 1990, and reply comments on or before April 10, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Leonard S. Joyce, Esq., Blair, Joyce & Silva, 1825 K Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–18, adopted January 16, 1990 and released February 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, *See* 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–3002 Filed 2–8–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90-20, RM-7124]

Radio Broadcasting Services; Marina, Salinas & Seaside, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on behalf of Model Associates, licensee of station, KBOQ (FM), Channel 224A Marina, California, seeking the substitution of Channel 224B1 for Channel 224A at Marina, and modification of the license accordingly. In order to accommodate its request, petitioner seeks the substitution of Channel 278A for Channel 280A at Salinas, California, and modification of the license for Station KRAY–FM accordingly, and the substitution of Channel 280A for Channel 278A at Seaside, California, a vacant allotment for which applications are pending. Reference coordinates utilized for Channel 224B1 at Marina are 36–33–09 and 121–47–17, for Channel 278A at Salinas, 36–38–01 and 121–30–23, and for Channel 280A at Seaside, 36–36–48 and 121–50–12.

DATES: Comments must be filed on or before March 26, 1990, and reply comments on or before April 10, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners' counsel, as follows: Alfred C. Cordon and Dennis J. Kelly, Esq., Cordon and Kelly, 2d Flr., 1920 N Street NW., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–20, adopted January 16, 1990 and released February 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–3003 Filed 2–8–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90-17, RM-7113]

Radio Broadcasting Services; Pacific Grove and Soledad, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on behalf of C.R. Pasquier Properties, Inc., licensee of Station KOCN(FM), Channel 285A, Pacific Grove, California, seeking the substitution of Channel 286B1 for Channel 285A at Pacific Grove, and modification of the license accordingly. In order to accommodate its request, petitioner seeks the substitution of Channel 292A for Channel 287A at Soledad, California, for which applications are pending. Coordinates used for Channel 286B1 at Pacific Grove are 36–30–38 and 121–43–57. Those used for Channel 292A at Soledad are 6–25–36 and 211–19–30.

DATES: Comments must be filed on or before March 26, 1990, and reply comments on or before April 10, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20544. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: C.R. Pasquier Properties, Inc., Attn: Roger P. Pasquier, President, P.O. Box KOCN, Pacific Grove, CA 93950

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–17, adopted January 16, 1990, and released February 2, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contracts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch Policy and Rules Division Mass Media Bureau.

[FR Doc. 90-3004 Filed 2–8–90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 28

[Docket No. 46769; Notice No. 90-3]

RIN 2105–AA29

Enforcement of Nondiscrimination on the Basis of Handicap in Department of Transportation Conducted Programs

AGENCY: Department of Transportation.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This proposed regulation provides for the enforcement of section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination on the basis of handicap, as it applies to programs or activities conducted by Federal Executive agencies, including the Department of Transportation, and is issued under the authority of that Act. 49 CFR part 27 carries out section 504 in the Department's financial assistance programs. This regulation sets forth standards for what constitutes discrimination on the basis of mental or physical handicap, provides a definition for individual with handicaps and qualified individual with handicaps, and establishes a complaint mechanism for resolving allegations of discrimination.

DATES: Comments should be received by June 11, 1990.

ADDRESSES: Comments should be addressed to Docket Clerk, Docket 46769 Department of Transportation, Room 4107, 400 7th Street, SW., Washington, DC 20590. Comments will be available for review by the public at this address from 9:00 a.m. through 5:30 p.m., Monday through Friday. Commenters wishing acknowledgement of their comments should include a stamped, self-addressed postcard with their comment. The Docket Clerk will date stamp and sign the card and return it to the commenter.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Office of Assistant General Counsel for Regulation and Enforcement, U.S. Department of Transportation, Room 10424, 400 7th Street, SW., Washington, DC 20590. 202/366–9306. Hearing impaired persons may contact Mr. Ashby by using TDD 202/755–7687. The NPRM has been taped for the use of visually impaired persons.

SUPPLEMENTARY INFORMATION: The purpose of this proposed rule is to provide for the enforcement of section 504 of the Rehibilitation Act of 1973, as amended (29 U.S.C. 794), as it applies to programs and activities conducted by the Department of Transportation. Section 504 states, in pertinent part, that

> No otherwise qualified individual with handicaps in the United States, * * * shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance *or under any program or activity conducted by any Executive agency or by the United States Postal Service. The head of each such agency shall promulgate such regulations as may be necessary to carry out the amendments to this section made by the Rehabilitation, Comprehensive Services, and Development Disabilities Act of 1978. Copies of any proposed regulation shall be submitted to appropriate authorizing committees of the Congress, and such regulation may take effect* no earlier than the thirtieth day after the date on which such regulation is so submitted to such committees.

(29 U.S.C. 794 (1978 amendment italicized).)

The substantive nondiscrimination obligations of the Department, as set forth in this proposed rule, are identical, for the most part, to those established by Federal regulations for programs or activities receiving Federal financial assistance. *See* 28 CFR part 41 (Department of Justice section 504 coordination regulation for federally assisted programs) and 49 CFR part 27 (Department of Transportation section 504 rule for financial assistance programs). This general parallelism is in accord with the intent expressed by supporters of the 1978 amendment in floor debate, including its sponsor, Rep. James M. Jeffords, that the Federal Government should have the same section 504 obligations as recipients of Federal financial assistance. 124 Cong. Rec. 13,901 (1978) (remarks of Rep. Jeffords); 124 Cong. Rec. E2668, E2670 (daily ed. May 17, 1978) *id.*; 124 Cong. Rec. 13,897 (remarks of Rep. Brademas); *id.* at 38,552 (remarks of Rep. Sarasin).

There are, however, some language differences between this proposed rule and the Federal Government's section 504 regulations for federally assisted programs. These changes are based on the Supreme Court's decision in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), and the subsequent circuit court decisions interpreting *Davis* and section 504. *See Dopico* v. *Goldschmidt*, 687 F.2d 644 (2d Cir. 1982); *American Public Transit Association* v. *Lewis*, 655 F.2d 1272 (D.C. Cir. 1981) *(APTA)' see also Rhode Island Handicapped Action Committee* v. *Rhode Island Public Transit Authority*, 718 F.2d 490 (1st Cir. 1983).

These language differences are also supported by the decision of the Supreme Court in *Alexander* v. *Choate*, 469 U.S. 287 (1985), where the Court held that the regulations for federally assisted programs did not require a recipient to modify its durational limitation on Medicaid coverage of inpatient hospital care for handicapped persons.

Clarifying its *Davis* decision, the Court explained that section 504 requires only "reasonable" modifications, *id.* at 300, and explicitly noted that "[t]he regulations implementing 504 [for federally assisted programs] are consistent with the view that *reasonable* adjustments in the nature of the benefit offered must at times be made to assure meaningful access." Id. at n.21 (emphasis added).

Incorporation of these changes, therefore, make this regulation implementing section 504 for federally conducted programs consistent with the Federal Government's regulations implementing section 504 for federally assisted programs as they have been interpreted by the Supreme Court. Many of these federally assisted program regulations were issued prior to the interpretations of section 504 by the Supreme Court in *Davis*, by lower courts interpreting *Davis*, and by the Supreme Court in *Alexander*; therefore their language does not reflect the interpretation of section 504 provided by the Supreme Court and by the various circuit courts. Of course, these federally assisted regulations must be interpreted to reflect the holdings of the Federal judiciary. Hence the Department believes that there are no significant differences between this proposed ruled for federally conducted programs and the Federal Government's interpretation of section 504 regulations for federally assisted programs.

This regulation has been reviewed by the Department of Justice. It is an adaptation of a prototype prepared by the Department of Justice under Executive Order 12250 (45 FR 72995, 3 CFR, 1980 Comp., p. 298). This regulation has also been reviewed by the Equal Opportunity Commission under Executive Order 12067 (43 28967, 3 CFR, 1978 Comp., p. 206).

This NPRM does not propose a major rule within the meaning of Executive Order 12291 (46 FR 13193, 3 CFR, 1981 Comp., p. 127) and therefore, a regulatory impact analysis has not been prepared. However, it is a significant proposed rule under the Department of Transportation's Regulatory Policies and Procedures. A regulatory evaluation is not needed under the Department's procedures. The rule imposes no requirements or costs on parties outside the Department. The primary cost on DOT that this rule would impose is the obligation to make appropriate modifications for the handicaps of employees and others. The rule itself prevents undue burdens resulting from this obligation. The regulatory review called for by the rule will impose only minimal administrative costs.

This regulation does not have any impact on small entities since it governs only the conducted programs of DOT. Therefore, under the Regulatory Flexibility Act (5 U.S.C. 601–612), we certify that the proposal would not have a significant economic impact on a substantial number of small entities.

Section-by-Section Analysis

Section 28.101 Purpose

Section 28.101 states the purpose of the proposed rule, which is to carry out section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies, including this Department, or the United States Postal Service.

Section 28.102 Application

The proposed regulation applies to all programs or activities conducted by the Department. Under this section, a federally conducted program or activity is, in simple terms, anything a Federal agency does. Aside from employment, there are two major categories of federally conducted programs, or activities covered by this regulation; those involving general public contact as part of ongoing agency operations and those directly administered by the agency for program beneficiaries and participants. Activities in the first category include communications with the public (telephone contacts, office walk-ins, or interviews) and the public's use of the agency's facilities. Activities in the second category include programs that provide Federal services or benefits. This regulation does not, however, apply to programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.

From time to time, the Maritime Administration (MARAD) assumes possession or title of vessels in connection with its security interest (e.g., after foreclosure of its vessel mortgage). These vessels would be of commercial character. They are not used by MARAD, but instead are sold to recoup a security interest. In such a situation, the federally conducted program is the provision of a loan, and the recoupment and resale of the vessel in default of the loan do not involve the operation of the vehicle. The situation is covered by this rule, and the Department cannot discriminate against a potential buyer on the basis of handicap; however, physical accessibility modifications to the ships would not be required.

Similarly, the FAA, in exercising its authority under the Aircraft Loan Guarantee Program (Act of September 7, 1957, as amended) has had to take possession of or title to certain commercial aircraft owned by airlines which have defaulted on their guaranteed loans. The FAA acquires these aircraft by virtue of its security interest in them, does not operate them for its own purposes, and its primary objective is to recoup amounts paid out under its guarantee by disposition of the aircraft. The "program" involved is the recoupment of the loan amount. This rule would apply to the program, and the FAA could not discriminate against a potential buyer on the basis of handicap, but the aircraft would not have to be made accessible.

Section 28.103 Definitions

"Assistant Attorney General." "Assistant Attorney General" refers to the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids." "Auxiliary aids" means services or devices that enable persons with impaired sensory, manual or speaking skills to have an equal opportunity to participate in and enjoy the benefits of the agency's programs or activities. The definition provides examples of commonly used auxiliary aids. Although auxiliary aids are required explicitly only by § 28.160(a)(1), they may also be necessary to meet other requirements of the regulation.

"Complete complaint." "Complete complaint" is defined to include all the information necessary to enable the Department to investigate the complaint. The definition is necessary because the 180 day period for the Department's investigation (see § 28.170(g)) begins when the Department receives a complete complaint.

"Department" or *"DOT"* means the U.S. Department of Transportation, including the Office of the Secretary and all operating administrations.

"Facility." The definition of "facility" is similar to that in the Department of Justice's section 504 coordination regulation for federally assisted programs, 28 CFR 41.3(f), except that the term "rolling stock or other conveyances" has been added and the phrase "or interest in such property" has been deleted because the term "facility," as used in this regulation, refers to structures and not to intangible property rights. It should, however, be noted that the regulation applies to all programs and activities conducted by the agency regardless of whether the facility in which they are conducted is owned, leased, or used on some other basis by the agency. The term "facility" is used in §§ 28.149, 28.150 and 28.170(f).

There are several specific facilities which, while covered by this definition, are not required to be made program accessible as provided in § 28.150. The preamble discussion of that section describes those facilities.

"Individual with handicaps." The definition of "individual with handicaps" is identical to the definition for "handicapped person" appearing in the DOJ section 504 coordination regulation for federally assisted programs (28 CFR 41.31). Although section 103(d) of the Rehabilitation Act Amendments of 1986 changed the statutory term "handicapped person" in section 504 to "individual with handicaps," the legislative history of this amendment indicates that no substantive change was intended. Thus, although the term has been changed in this regulation to be consistent with the statute as amended, the definition of the term is unchanged. In particular, although the term as revised refers to "handicaps" in the plural, it does not exclude persons who have only one handicap.

"Qualified individual with handicaps." The definition of "qualified individual with handicaps" is a revised version of the definition of "qualified handicapped person" appearing in the DOJ section 504 coordination regulation for federally assisted programs (28 CFR 41.32).

Paragraph (1) deals with two institutions of higher education operated by DOT operating administrations, the Coast Guard Academy and the U.S. Merchant Marine Academy (USMMA). Consistent with the missions of these schools, students must meet military physical qualification standards. In the case of the Coast Guard, the same basic standards apply to cadets as apply to members of the Coast Guard on active duty.

The situation of the USMMA is similar. MARAD operates the USMMA directly with appropriated funds as authorized by the Maritime Education and Training Act of 1980 (46 U.S.C. 1295–1295g), which declares that:

> (i) It is the policy of the United States that merchant marine vessels of the United States should be operated by highly trained and efficient citizens of the United States and that the United States Navy and the merchant marine of the United States should work closely together to promote the maximum integration of the total seapower forces of the United States. 46 U.S.C. 1295.

The Secretary of Navy, in cooperation with MARAD, is charged with assuring that the USMMA training includes:

> * * * programs for navaal science training in the operation of merchant marine vessels as a naval and military auxiliary and that naval officer training programs, for the training of future officers * * * be maintained * * * id.

Cadets at the USMMA receive their instructions as well as uniforms, textbooks, and certain transportation without tuition or other charge; they receive no pay or monetary compensation. In return, each USMMA cadet:

Shall as a condition of appointment to the Academy sign an agreement committing such individual * * *

> (D) To apply for an appointment as, to accept if tendered an appointment as, and to serve as commissioned officer in the United States Naval Reserve (including the Merchant Marine Reserve, United States Naval Reserve (USNR), the United States Coast Guard Reserve, or any other Reserve unit or an armed force of the United States * * * 46 U.S.C. 1295b(e).

Further, cadets serve 12 months at sea during their training in a variety of commercial vessels. Each must meet physical and other qualifying standards set by the Coast Guard and hold a valid Coast Guard merchant mariner's document.

Upon enrollment in the USMMA, each cadet is sworn as a member of the United States Naval Reserve and enters in an inactive training duty status with the title of midshipman, as well as a non-commissioned enlisted member of USNR.

Thus, all cadets must be eligible for appointment into and indeed are appointed in the armed forces reserves. To do otherwise would frustrate the intent of the legislation. The physical standards for the various reserves services are similar and the USMMA uses those of the USNR.

Because military physical standards must be applied to students at the two academies, paragraph (1) applies these standards, rather than the requirements of this regulation, in determining whether a person is a qualified individual with handicaps with respect to education services at the two academies.

Paragraph (2) deviates from existing regulations for federally assisted programs because of intervening court decisions. It defines "qualified individual with handicaps" with regard to any program under which a person is required to perform services or to achieve a level of accomplishment. In such programs a qualified individual with handicaps is one who can achieve the purpose of the program without modifications in the program that the Department can demonstrate would result in a fundamental alteration in its nature. This definition reflects the decision of the Supreme Court in *Davis*. In that case, the Court ruled that a hearing-impaired applicant was not a "qualified handicapped person" because her hearing impairment would prevent her from participating in the clinical training portion of the program. The Court found that, if the program were modified so as to enable the respondent to participate (by exempting her from the clinical training requirements), "she would not receive even a rough equivalent of the training a nursing program normally gives." *Id.* at 410. It also found that "the purpose of [the] program was to train persons who could serve the nursing profession in all customary ways," *Id.* at 413, and that the respondent would be unable, because of her hearing impairment, to perform some functions expected of a registered nurse. It therefore concluded that the school was not required by section 504 to make such modifications as would result in "a fundamental alteration in the nature of the program." *Id.* at 410.

We have incorporated the Court's language in the definition of "qualified individual with handicaps" in order to make clear that such a person must be able to participate in the program offered by the Department. The Department is required to make modifications in order to enable an applicant with handicaps to participate, but is not required to offer a program of a fundamentally different nature. The test is whether, with appropriate modifications, the applicant can achieve the purpose of the program offerd; not whether the applicant could benefit or obtain results from some other program that the Department does not offer. Although the revised definition allows exclusion of some individuals with handicaps from some programs, it requires that an individual with handicaps who is capable of achieving the purpose of the program must be accommodated, provided that the modifications do not fundamentally alter the nature of the program.

The Department has the burden of demonstrating that a proposed modification would constitute a fundamental alteration in the nature of its program or activity. Furthermore, in demonstrating that a modification would result in such an alteration, the Department must follow the procedures established in § 28.150(a) and § 28.160(d), which are discussed below, for demonstrating that an action would result in undue financial and administrative burdens. That is, the decision must be made by the Secretary or his or her designee in writing after consideration of all resources available for the program or activity and must be accompanied by an explanation of the reasons for the decision. If the Secretary determines that an action would result in a fundamental alteration, the Department must consider options that would enable the individual with handicaps to achieve the purpose of the program but would not result in such an alteration.

For programs or activities that do not fall under either of the first two paragraphs, paragraph (3) adopts the existing definition of "qualified handicapped person" as the definition of "qualified individual with handicaps" with respect to services (28 CFR 41.32(b)) in the DOJ coordination regulation for programs receiving Federal financial assistance. Under this definition, a qualified individual with handicaps is an individual with handicaps who meets the essential eligibility requirements for participation in the program or activity.

For programs governed by DOT safety regulations (e.g., FAA, Coast Guard, or FHWA rules establishing physical qualifications for airmen, merchant marine personnel, or truck and bus drivers), the Department proposes to interpret "essential eligibility requirements" as being the Department's regulatory standards. For example, an individual who cannot meet FAA physical standards for pilots does not meet the essential eligibility standards for obtaining a pilot's license.

Paragraph (4) of this definition explains that "qualified individual with handicaps" means "qualified handicapped person" as that term is defined for purposes of employment in the Equal Employment Opportunity Commission's regulation at 29 CFR 1613.702(f), which is made applicable to this part by § 28.140. Nothing in this part changes existing regulations applicable to employment.

"Section 504." This definition makes clear that, as used in this regulation, "section 504" applies only to programs or activities conducted by the agency and not to programs or activities to which it provides Federal financial assistance.

Section 28.110 Self-evaluation

The Department shall conduct a self-evaluation of its compliance with section 504 within one year of the effective date of this regulation. The self-evaluation requirement is present in the existing DOJ section 504 coordination regulation for programs or activities receiving Federal financial assistance. (28 CFR 41.5(b)(2)). DOT imposes a similar requirement on financial assistance recipients (49 CFR 27.11(c)). Experience has demonstrated the self-evaluation process to be a valuable means of establishing a working relationship with individuals with handicaps that promotes both effective and efficient implementation of section 504. DOT plans to develop a checklist of items to be covered by this self-evaluation. It is contemplated that this self-evaluation would include review of safety-related rules that may preclude persons with certain disqualifying disabilities from obtaining certificates or licenses, or otherwise being regarded as qualified, to perform certain activities (e.g., pilots' licenses from the FAA or truck driving licenses from the FHWA).

Section 28.111 Notice

Section 28.111 is a provision to ensure that information on the protections against discrimination afforded by section 504 and this regulation is available to all interested and affected persons.

Sections 28.112–28.129 [Reserved]

Section 28.130 General Prohibitions Against Discrimination

Section 28.130 is an adaptation of the corresponding section of the DOJ section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.51).

Paragraph (a) restates the nondiscrimination mandate of section 504. The remaining paragraphs in § 28.130 establish the general principles for analyzing whether any particular action of the agency violates this mandate. These principles serve as the analytical foundation for the remaining sections of the regulation. If the agency violates a provision in any of the subsequent sections, it will also violate one of the general prohibitions found in § 28.130. When there is no applicable subsequent provision, the general prohibitions stated in this section apply.

Paragraphs (b)(1) (i) and (ii) provide that the Department may not refuse to provide an individual with handicaps with an equal opportunity to participate in or benefit from its program simply because the person is handicapped.

Section 504 requires more than equal administrative treatment. It is not enough to admit persons in wheelchairs to a program if the facilities in which the program is conducted are inaccessible. Paragraph (b)(1)(iii), therefore, requires that the opportunity to participate or benefit afforded to an individual with handicaps be as effective as that afforded to others. The later sections on program accessibility (§§ 28.149–28.151) and communications (§ 28.160) are specific applications of this principle. The Department, however, may limit the opportunity of a qualified individual with handicaps to participate or benefit to the extent necessary to ensure the safety of that person or the safety of others.

Despite the mandate of paragraph (d) that the Department administer its programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps, paragraph (b)(1)(iv), in conjunction with paragraph (d), permits the Department to develop separate or different aids, benefits, or services when necessary to provide individuals with handicaps with an equal opportunity to participate in or benefit from the agency's programs or activities. Paragraph (b)(1)(iv) requires that different or separate aids, benefits, or services be provided only when necessary to ensure that the aids, benefits, or services are as effective as those provided to others. Even when separate or different aids, benefits, or services would be more effective, paragraph (b)(2) provides that a qualified individual with handicaps still has the right to choose to participate in the program that is not designed to accommodate individuals with handicaps.

Paragraph (b)(1)(v) prohibits the Department from denying a qualified individual with handicaps the opportunity to participate as a member of a planning or advisory board.

Paragraph (b)(1)(vi) prohibits the Department from otherwise limiting a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, or service.

Paragraph (b)(2) prohibits the Department from denying a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

Paragraph (b)(3) prohibits the Department from utilizing criteria or methods of administration that deny individuals with handicaps access to the Department's programs or activities. The phrase "criteria or methods of administration" refers to official written Departmental policies and the actual practices of the Department. This paragraph prohibits both blatantly exclusionary policies or practices and nonessential policies and practices that are neutral on their face, but deny individuals with handicaps an effective opportunity to participate.

Paragraph (b)(4) specifically applies the prohibition enunciated in

§ 28.130(b)(3) to the process of selecting sites for construction of new facilities or selecting existing facilities to be used by the Department. This section does not preclude the Department from selecting a given site for a building or facility solely because the terrain on or near the site may be difficult for individuals with handicaps to negotiate. For example, the FAA would not be precluded from putting a radar site on a remote mountain, FHWA or UMTA could occupy an office building in hilly portions of downtown San Francisco, or the Coast Guard could put an aid to navigation on a small, rocky, uninhabited island. The key to a determination of whether such a site selection is consistent with this regulation is whether there is a valid, nondiscriminatory reason for the selection.

Paragraph (b)(4) does not apply to construction of additonal buildings at an existing site.

Paragraph (b)(5) prohibits the agency from using criteria for the selection of procurement contractors that subject qualified individuals with handicaps to discrimination on the basis of handicap.

Paragraph (b)(6) prohibits the agency from discrimination against qualified individuals with handicaps on the basis of handicap in the granting of licenses or certification. A person is a "qualified individual with handicaps" with respect to licensing or certification, if he or she can meet the essential eligibility requirements for receiving the license or certification (*see* § 28.103).

In addition, the Department may not establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap. For example, the Department must comply with this requirement when establishing safety standards for the operations of licensees. In that case, the Department must ensure that standards that it promulgates do not discriminate against the employment of qualified individuals with handicaps in an impermissible manner. The Department, however, may limit the programs or activities of a licensee or certificate holder who is a qualified individual with handicaps, to the extent necessary to ensure the safety of that person or the safety of others.

Many of the Department's rules concerning licensing, certification, or qualification of individuals affect those individuals' employment opportunities. For example, an individual who wishes to work as an interstate truck driver cannot do so if he or she does not meet FHWA qualification standards. For safety rules having this impact on employment practices of parties other than DOT, the Department would apply, with respect to drug and alcohol abusers, the standard of 29 U.S.C. 706(7)(B). This standard provides that, with respect to employment matters under section 504, alcohol or drug abusers whose current use prevents them from performing the function of the job or would constitute a direct threat to the safety or property of others are not considered to be "individuals with handicaps." For example, persons who are disqualified because they violate provisions of DOT safety rules concerning alcohol and drug use would fall into this category.

Paragraph (b)(6) does not extend section 504 directly to the programs or activities of licensees or certified entities themselves. The programs or activities of Federal licensees or certified entities are not themselves federally conducted programs or activities nor are they programs or activities receiving Federal financial assistance merely by virtue of the Federal license or certification. However, as noted above, section 504 may affect the content of the rules established by the Department for the operation of the program or activity of the licensee or certified entity, and thereby indirectly affect limited aspects of their operations.

Paragraph (c) provides that programs conducted pursuant to Federal statute or Executive Order that are designed to benefit only individuals with handicaps or a given class of individuals with handicaps may be limited to those individuals with handicaps.

Paragraph (d), discussed above, provides that the agency must administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps, *i.e.*, in a setting that enables individuals with handicaps to interact with individuals without handicaps to the fullest extent possible.

Sections 28.131–28.139 [Reserved]

Section 28.140 Employment

Section 28.140 prohibits discrimination on the basis of handicap in employment by the Department. Courts have held that section 504, as amended in 1978, covers the employment practices of Executive agencies. *Gardner* v. *Morris*, 752 F.2d 1271, 1277 (8th Cir. 1985); *Smith* v. *United States Postal Service*, 742 F.2d 257, 259–260 (6th Cir. 1984); *Prewitt* v. *United States Postal Service*, 662 F.2d 292, 302–04 (5th Cir. 1981). *Contra McGuiness* v. *United States Postal Service*, 744 F.2d 1318, 1320–21 (7th Cir. 1984); *Boyd* v. *United States Postal Service*, 752 F.2d 410, 413–14 (9th Cir. 1985).

Courts uniformly have held that, in order to give effect to section 501 of the Rehabilitation Act, which covers Federal employment, the administrative procedures of section 501 must be followed in processing complaints of employment discrimination under section 504. *Smith*, 742 F.2d at 262; *Prewitt*, 662 F.2d at 304. Accordingly, § 28.140 (Employment) of this rule adopts the definitions, requirements and procedures of section 501 as established in regulations of the Equal Employment Opportunity Commission (EEOC) at 29 CFR part 1613. Responsibility for coordinating enforcement of Federal laws prohibiting discrimination in employment is assigned to the EEOC by Executive Order 12067 (3 CFR, 1978 Comp., p. 206). Under this authority, the EEOC establishes government-wide standards on nondiscrimination in employment on the basis of handicap. In addition to this section, § 28.170(b) specifies that the agency will use the existing EEOC procedures to resolve allegations of employment discrimination. Section 504 does not apply, however, to employment practices concerning military members of the Coast Guard. Congress has explicitly provided that the armed forces, including the Coast Guard, may enlist "qualified, effective, and able-bodied" persons (10 U.S.C. 505(a)). This authority includes the power to establish selection standards (See 14 U.S.C. 351(a) for the Coast Guard). The Coast Guard does not select persons who fail to meet its physical standards (33 CFR 4501–20(g)). Section 504 has not repealed, expressly or by implication, this well-established authority. By limiting the reach of section 504 to "Executive Departments" (as distinguished from "military departments"), Congress explicitly excluded military members of the Army, Navy, Air Force, and Marine Corps from section 504 coverage. The Coast Guard, because it resides in DOT (an Executive Department) in peacetime, was not explicitly excluded from coverage. There is no indication that Congress intended uniformed personnel who work on Coast Guard ships to be treated differently from those who work on Navy ships, however. The same policy considerations, relating to performance of military missions under often arduous conditions, apply to both cases.

This result is consistent with Court decisions that have held other civil rights statutes inapplicable to military personnel. *Johnson* v. *Alexander*, 572 F.2d 1219 (8th Cir. 1978), cert. denied 439 U.S.1135 (1978) (Title VII); *Simpson* v. *U.S.*, 467 F.Supp 1122 (S.D.N.Y. 1979) (Age Discrimination in Employment Act). These cases recognize, as a matter of established law, that differences between military and civilian employment militate against the application of civilian-oriented employment discrimination statutes to military personnel.

In considering employment matters under this section, it is alos important to keep in mind that special considerations apply to DOT positions having safety-related physical qualifications. These considerations are similar to those with respect to licensees and certificate holders discussed in the portion of the preamble concerning § 28.130.

Sections 28.141–28.148 [Reserved]

Section 28.149 Program Accessibility: Discrimination Prohibited

Section 28.149 states the general nondiscrimination principle underlying the program accessibility requirements of §§ 28.150 and 28.151.

Section 28.150 Program Accessibility: Existing Facilities

This regulation adopts the program accessibility concept found in the existing section 504 coordination regulation for programs or activities receiving Federal financial assistance (28 CFR 41.57) with certain modifications. Thus, § 28.150 requires that each Department program or activity, when viewed in its entirety, be readily accessible to and usable by individuals with handicaps. The regulation also makes clear that the Department is not required to make each of its existing facilities accessible (§ 28.150(a)(1)). However, § 28.150, unlike 28 CFR 41.57, places explicit limits on the Department's obligation to ensure program accessibility (§ 28.150(a)(3)).

Paragraph (a)(3) generally defines the scope of the Department's obligation to ensure program accessibility. This paragraph provides that in meeting the program accessibility requirement the Department is not required to take any action that would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens. A change that made the DOT program or activity unsafe would be viewed as making such a fundamental alteration. A similar limitation is provided in § 28.160(e). This provision is based on the Supreme Court's holding in *Southeastern Community College* v. *Davis*, 442 U.S. 397 (1979), that section 504 does not require modifications that result in a fundamental alteration in the nature of a program. The Court stated that section 504 does not require modifications that would result in "undue financial and administrative burdens." 442 U.S. at 412. Since *Davis*, circuit courts have applied this limitation on a showing that only one of the two "undue burdens" would be created as a result of the modification sought to be imposed under section 504. *See, e.g., Dopico* v. *Goldschmidt*, 687 F.2d 644 (2d Cir, 1982); *American Public Transit Association* v. *Lewis, (APTA)*, 655 F.2d 1272 (D.C. Cir., 1981).

Section 28.152(a)(3) and § 28.160(d) are also supported by the Supreme Court's decision in *Alexander* v. *Choate*, 469 U.S. 287 (1985). *Alexander* involved a challenge to the State of Tennessee's reduction of inpatient hospital care coverage under Medicaid from 20 to 14 days per year. Plaintiffs argued that this reduction violated section 504 because it had an adverse impact on handicapped persons. The Court assumed without deciding that section 504 reaches at least some conduct that has an unjustifiable disparate impact on handicapped people, but held that the reduction was not "the sort of disparate impact" discrimination that might be prohibited by section 504 or its implementing regulation. *id.* at 299.

Relying on *Davis*, the Court said that section 504 guarantees qualified handicapped persons "meaningful access to the benefits that the grantee offers," *Id.* at 301, and that "reasonable adjustments in the nature of the benefit being offered must at times be made to assure meaningful access." *Id.* at n.21 (emphasis added). However, section 504 does not require " 'changes,' 'adjustments' or 'modifications' to existing programs that would be 'substantial' * * * or that would constitute 'fundamental alteration[s] in the nature of a program' " *Id.* at n.20 (citations omitted). *Alexander* supports the position, based on *Davis* and the earlier, lower court decisions, that in some situations, certain accommodations for a handicapped person may so alter an agency's program or activity, or entail such extensive costs and administrative burdens that the refusal to undertake the accommodations is not discriminatory. Thus failure to include such as "undue burdens" provision could lead to judicial invalidation of the regulation or reversal of a particular enforcement action taken pursuant to the regulation.

This paragraph, however, does not establish as absolute defense; it does not relieve the Department of all obligations to individuals with handicaps. Although the Department is not required to take actions that would result in a fundamental alteration in the nature of a program or activity or result in undue financial and administrative burdens, it, nevertheless, must take any other steps necessary to ensure that individuals with handicaps receive the benefits and services of the federally conducted program or activity.

It is our view that, because DOT programs, facilities, and employment practices are substantially in compliance, total compliance with § 28.150(a) would in most cases not result in undue financial and administrative burdens on the Department. In determining whether financial and administrative burdens are undue, all resources available for use in the funding and operation of the conducted program or activity should be considered. The burden of proving that compliance with § 28.150(a) would fundamentally alter the nature of a program or activity or would result in undue financial and administrative burdens, would rest with the DOT element involved. The decision that compliance would result in such alteration or burdens must be made by the Secretary or his or her designee, and must be accompanied by a written statement of the reasons for reaching that conclusion. Any person who believes that he or she or any specific class of persons has been injured by the Secretary's decision or failure to make a decision may file a complaint under the compliance procedures established in § 28.170.

The Department has identified some of its programs in which a program accessibility requirement would necessarily involve a fundamental alteration in the nature of the program.

The Coast Guard owns a substantial number of vessels. These boats and ships are essentially military in nature, performing a variety of missions including assistance to navigation, search and rescue, icebreaking, law enforcement, and assistance to the Navy's national defense operations. Because of the nature of these vessels and their missions, applying accessibility requirements to them would involve a fundamental alteration of the programs involved.

The Maritime Administration (MARAD) also holds a number of vessels in the reserve fleet, held under 50 U.S.C. App. 1744, for the use of Federal departments or agencies in a time of national emergency. From the reserve fleet, a few vessels are made available to state merchant marine academies for training purposes. Vessels in the reserve fleet are available for military support. Since the reserve fleet is maintained for military support, coverage under this rule would involve a fundamental alteration in the program.

FAA also has flight inspection, logistics and research and development aircraft used to perform FAA's operational and R&D missions. These aircraft are used for specific goal oriented missions. The Department has determined that the "fundamental alteration" exception applies to these aircraft.

Coast Guard aircraft used in military operations (similar to the operations performed by Coast Guard vessels), like FAA aircraft used for operations and training, should not be subject to accessibility requirements under this rule, since this would result in a fundamental alteration of the program. This would also apply to other aircraft used for mission purposes. However, other aircraft owned and operated by the Department must be accessible.

Paragraph (b) sets forth a number of means by which program accessibility may be achieved, including redesign of equipment, reassignment of services to accessible buildings, and provisions of aides. In choosing among methods, the Department shall give priority consideration to those that will be consistent with provision of services in the most integrated setting appropriate to the needs of individuals with handicaps. Structural changes in existing facilities are required only when there is no other feasible way to make the Department's program accessible. (It should be noted that "structural changes" include all physical changes to a facility; the term does not refer only to changes to structural features, such as removal of or alterations to a load-bearing structural member.) The Department may comply with the program accessibility requirement by delivering services at alternate accessible sites or making home visits as appropriate.

Paragraphs (c) and (d) establish time periods for complying with the program accessibility requirement. As currently required for Federally assisted programs by 28 CFR 41.57(b), the Department must make any necessary structural changes in facilities as soon as practicable, but in no event later than three years after the effective date of this regulation. Where structural modifications are required, a transition plan shall be developed within six months of the effective date of this regulation. Aside from structural changes, all other necessary steps to achieve compliance shall be taken within sixty days.

The Department proposes that an extended time period for compliance be permitted when a major restructuring of an existing facility to accommodate technological changes is planned to occur within five years of the effective date of the regulation. The FAA is the DOT operating administration most strongly affected by this provision, in that it is beginning a massive upgrading of the National Airspace System.

The FAA plans substantial renovations of a number of airspace system facilities over the next several years. If FAA had to renovate the facilities within three years to comply with this part and then renovate them again two years later to make way for upgraded technology, there would be an undue burden on FAA. In order to avoid this class of undue burdens, while not permitting undue delay in accessibility-related renovation, this section would permit a five-year compliance period in these cases.

Section 28.151 Program Accessibility: New Construction and Alterations

Overlapping coverage exists with respect to new construction under section 504 and the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157). Section 28.151 provides that those buildings that are constructed or altered by, on behalf of, or for the use of the Department shall be designed, constructed, or altered to be readily accessible to and usable by individuals with handicaps in accordance with the GSA standard (41 CFR 101–19.600 to 101–19.607) except for Coast Guard military facilities, which are covered by 31 CFR part 56 (the DOD standard). We believe that it is appropriate to adopt the existing Uniform Federal Accessibility Standards for section 504 compliance, because new and altered buildings subject to this regulation are also subject to the Architectural Barriers Act and because adoption of these standards will avoid duplicative and possibly inconsistent standards.

Existing buildings leased by the Department after the effective date of this regulation are not required by the regulation to meet accessibility standards simply by virtue of being leased. They are subject, however, to the program accessibility standard for existing facilities in § 28.150. To the extent the buildings are newly constructed or altered, they must also meet the new construction and alteration requirements of § 28.151.

Federal practice under section 504 has always treated newly leased buildings as subject to the existing facility program accessibility standard. Unlike the construction of new buildings where architectural barriers can be avoided at little or no cost the application of new construction standards to an existing building being leased raises the same prospect of retrofitting buildings as the use of an existing Federal facility, and the Department believes the same program accessibility standard should apply to both owned and leased existing buildings.

In *Rose* v. *United States Postal Service*, 774 F. 2d 1355 (9th Cir. 1985), the Ninth Circuit held that the Architectural Barriers Act requires accessibility at the time of lease. The *Rose* Court did not address the issue of whether section 504 likewise requires accessibility as a condition of lease, and the case was remanded to the District Court for, among other things, consideration of that issue. The Department may provide more specific guidance on section 504 requirements for leased buildings after the litigation is completed.

Section 28.160 Communications

Section 28.160 requires the Department to take appropriate steps to provide effective communication with personnel of other Federal entities, applicants, participants, and members of the public. These steps shall include procedures for determining when auxiliary aids are necessary under § 28.160(a)(1) to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, the Department's program or activity. They shall also include an opportunity for individuals with handicaps to request the auxiliary aids of their choice. This expressed choice shall be given primary consideration by the Department (§ 28.160(a)(1)(i)). The Department shall honor the choice unless it can demonstrate that another effective means of communication exists or that use of the means chosen would not be required under § 28.160(d). That paragraph limits the obligation of the Department to ensure effective communication in accordance with *Davis* and the circuit court opinions interpreting it (*see supra* preamble discussion of § 28.150(a)(3)). Unless not required by § 28.160(d), the Department shall provide auxiliary aids at no cost to the individual with handicaps.

The discussion of § 28.150(a), Program accessibility: Existing facilities, regarding the determination of undue financial and administrative burdens also applies to this section and should be referred to for a complete understanding of the Department's obligation to comply with § 28.160. The Department's experience has been that the use of means to communicate effectively with disabled persons (*e.g.*, TDD devices, sign language interpreters, audio tapes) has not been burdensome.

In some circumstances, a notepad and written materials may be sufficient to permit effective communication with a hearing-impaired person. In many circumstances, however, they may not be, particularly when the information being communicated is complex or exchanged for a lengthy period of time (*e.g.*, a meeting) or where the hearing-impaired applicant or participant is not skilled in spoken or written language. Then, a sign language interpreter may be appropriate. For vision-impaired persons, effective communication might be achieved by several means, including readers and audio recordings. In general, the Department shall make clear to the public (1) the communications services it offers to afford individuals with handicaps an equal opportunity to participate in or benefit from its programs or activities, (2) the opportunity to request a particular mode of communication, and (3) the Department's preferences regarding auxiliary aids if it can demonstrate that several different modes are effective.

The Department shall ensure effective communication with vision-impaired and hearing-impaired persons involved in hearings conducted by the Department. Auxiliary aids must be afforded where necessary to ensure effective communication at the proceedings. If sign language interpreters are necessary, the Department may require that it be given reasonable notice prior to the proceeding of the need for an interpreter. Moreover, the Department need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature (§ 28.160(a)(1)(ii)). Similarly, the Department need not provide wheelchairs, eye glasses, or hearing aids to applicants or participants in its programs.

Paragraph (b) requires the Department to provide information to individuals with handicaps concerning accessible services, activities or facilities. Paragraph (c) requires the Department to provide signs at inaccessible facilities that direct users to locations with information about accessible facilities.

Section 28.170 Compliance Procedures

Paragraph (a) specifies that paragraphs (c) through (l) of this section establish the procedures for processing complaints other than employment complaints. Paragraph (b) provides that the Department will process employment complaints according to procedures established in existing regulations of the Equal Employment Opportunity Commission (EEOC) (29 CFR part 1613) pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

The Department may sometimes receive a complete complaint that concerns both employment and modifications or accessibility issues. Under this proposed rule, the EEOC handles employment complaints and the Department deals with modifications and accessibility matters. The Department seeks comment on the proposed procedure it should use for "mixed" complaints that involve elements of both.

The Department is required to accept and investigate all complete complaints (§ 28.170(d)). If it determines that it does not have jurisdiction over a complaint, it shall promptly notify the complainant and make reasonable efforts to refer the complaint to the appropriate entity of the Federal government (§ 28.170(e)).

Paragraph (d)(2) is intended to prevent duplication of effort in DOT administrative proceedings. DOT elements often make decisions under safety regulations concerning an individual's qualifications to perform a certain function or to get a license or certificate. For example, the FHWA determines whether individuals are qualified to drive commercial vehicles in interstate commerce. FAA determines whether individuals are qualified to receive pilots' licenses. In some cases, the Departmental element makes available a formal review or appeal mechanism through which an individual dissatisfied with a determination concerning his or her qualifications seek to change the determination. It would result in duplication of effort and the chance of potentially conflicting determinations if a proceeding under this section and such a review or appeal happened simultaneously. Therefore, if a review or appeal is available to a complainant, the Department will not act on a complaint under this section until the review or appeal before the Departmental element is concluded.

Paragraph (f) requires the Department to notify the Architectural and Transportation Barriers Compliance Board upon receipt of a complaint alleging that a building or facility subject to the Architectural Barriers Act was designed, constructed, or altered in a manner that does not provide ready access to and use by individuals with handicaps.

Paragraph (g) requires the Department to provide to the complainant, in writing, findings of fact and conclusions of law, the relief granted if noncompliance is found, and notice of the right to appeal (section 170(g)). The letter shall be mailed with "return receipt requested" in order to determine the beginning date for the 30 day appeal limitation. One appeal within the Department shall be provided under § 28.170(i). The appeal will not be heard by the same person who made the initial determination of compliance or noncompliance (§ 28.170(i)). For DOT, the Director, Departmental Office of Civil Rights will make the initial determination. This follows typical DOT practice in discrimination complaint matters, which centralizes the complaint function in the DOT Office of Civil Rights. As with other types of civil rights complaints, the Office of Civil Rights may refer individual complaints to the DOT element concerned for investigation and initial attempts at informal resolution. The Assistant Secretary for Policy and International Affairs (whose office coordinates many other section 504-related matters) will be the appeal official. He or she will consult with the General Counsel concerning appeals, as appropriate.

The Department seeks comment on whether any additional procedural steps to ensure fairness are needed or whether the proposed approach creates any "separation of functions" problems. The proposed procedure will differ somewhat from the procedures the Department uses in internal employment discrimination complaints or financial assistance program discrimination complaints, and we seek comments, generally, on whether the proposed procedure should be modified.

Paragraph (1) permits the Department to delegate its authority for investigating complaints to other Federal agencies. However, the statutory obligation of the Department to make a final determination of compliance or noncompliance may not be delegated.

List of Subjects in 49 CFR Part 28

Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Federal buildings and facilities, Government employees, Handicapped.

Issued this 2nd day of February 1990, at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

For the reasons set forth in the preamble, 49 CFR part 28 of the Code of

Federal Regulations is proposed to be added, to read as follows:

PART 28—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE DEPARTMENT OF TRANSPORTATION

Authority: 29 U.S.C. 794.

§ 28.101 Purpose.

The purpose of this part is to carry out section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies, including this Department, or the United States Postal Service. 49 CFR part 27 implements section 504 in the Department's financial assistance programs.

§ 28.102 Application.

This part applies to all programs or activities conducted by the Department except for programs and activities conducted outside the United States that do not involve individuals with handicaps in the United States.

§ 28.103 Definitions.

For purposes of this part, the term—

"Assistant Attorney General" means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

"Auxiliary aids" means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the Department. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telephones compatible with hearing aids, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

"Complete complaint" means a written statement that contains the complainant's name and address and describes the Department's alleged discriminatory actions in sufficient detail to inform the Department of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

"Department" or *"DOT"* means the U.S. Department of Transportation, including the Office of the Secretary and all operating administrations.

"Departmental Element" (or "DOT element") means any one of the following organizations within the Department.

(1) Office of the Secretary (OST)
(2) United States Coast Guard (USCG)
(3) Federal Aviation Administration (FAA)
(4) Federal Highway Administration (FHWA)
(5) Federal Railroad Administration (FRA)
(6) National Highway Traffic Safety Administration (NHTSA)
(7) Urban Mass Transportation Administration (UMTA)
(8) Research and Special Programs Administration (RSPA)
(9) Maritime Administration (MARAD)
(10) St. Lawrence Seaway Development Corporation (SLSDC)

"Facility" means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

"Individual with handicaps" means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) "Physical or mental impairment"—

(i) Includes any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; muscular; skeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine;

(ii) Includes any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; and

(iii) Includes, but is not limited to, such diseases or conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction, and alcoholism.

(2) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) "Has a record of such an impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) "Is regarded as having an impairment" means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the Department as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the Department as having such an impairment.

"Qualified individual with handicaps" means—

(1) With respect to education services provided by the U.S. Merchant Marine Academy or the U.S. Coast Guard Academy, a handicapped person who meets the essential eligibility requirements for participation in and receipt of such services, including the physical standards applicable to the U.S. Naval Reserve or the U.S. Coast Guard.

(2) With respect to any other Department program or activity under which a person is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the Department can demonstrate would result in a

fundamental alteration in its nature. The essential eligibility requirements include the ability to participate without endangering the safety of the individual or others.

(3) With respect to any other program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity and

(4) "Qualified handicapped person" as that term is defined for purposes of employment in 29 CFR 1613.702(f), which is made applicable to this part by § 28.140.

"*Section 504*" means section 504 of the Rehabilitation Act of 1973 (Pub. L. 93–112, 87 Stat. 394 (29 U.S.C. 794)), as amended by the Rehabilitation Act Amendments of 1974 (Pub. L. 93–516, 88 Stat. 1617), the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 (Pub. L. 95–602, 92 Stat. 2955); the Rehabilitation Act Amendments of 1986 (Pub. L. 99–506, 100 Stat. 1810); and the Civil Rights Restoration Act of 1987 (Pub. L. 100–259, 102 Stat. 28). As used in this part, section 504 applies only to programs or activities conducted by Executive agencies and not to federally assisted programs.

§§ 28.104–28.109 [Reserved]

§ 29.110 Self-evaluation.

(a) The Department shall, by one year of the effective date of this part, evaluate its current policies and practices, and effects thereof, that do not or may not meet the requirements of this part, and, to the extent modification of any such policies and practices is required, the Department shall proceed to make the necessary modifications.

(b) The Department shall provide an opportunity to interested persons, including individuals with handicaps, agency employees with handicaps, and organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The Department shall, until at least three years following completion of the evaluation required under paragraph (a) of this section, maintain on file and make available for public inspection—

(1) A description of areas examined, regulations and non-regulatory criteria reviewed, and any problems identified; and

(2) A description of any modifications made.

§ 28.111 Notice.

The Department shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the programs or activities conducted by the Department, and make such information available to them in such manner as the Department finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and this regulation.

§§ 28.112–28.129 [Reserved]

§ 28.130 General prohibition against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the Department.

(b)(1) The Department, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangement, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards; or

(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The Department may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The Department may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(4) The Department may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the Department; or

(ii) Defeat or substantially impair the accomplishment of the objective of a program or activity with respect to individuals with handicaps.

(5) The Department, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(6) The Department may not administer a licensing or certification program in a manner that subjects qualified individuals with handicaps to discrimination on the basis of handicap, nor may the Department establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the Department are not, themselves, covered by this part. The Department may limit the programs or activites of a licensee or certificate holder, who is a qualified individual with handicaps, to the extent necessary to ensure the safety of that person or the safety of others.

(c) The exclusion of individuals without handicaps from the benefits of a program limited by Federal statute or Executive Orders to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive Order to a different class of individuals with handicaps is not prohibited by this part.

(d) The Department shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 28.131–28.139 [Reserved]

§ 28.140 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subjected to discrimination in employment under any program or activity conducted by the Department. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (19 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities. The provisions of this section do not apply to military personnel of the U.S. Coast Guard.

§§ 28.141–28.148 [Reserved]

§ 28.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in § 28.150, no qualified individual with handicaps shall, because the Department's facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the Department.

§ 28.150 Program accessibility: Existing facilities.

(a) *General.* The Department shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps. This paragraph does not—

(1) Necessarily require the Department to make each of its existing facilities accessible to and usable by individuals with handicaps;

(2) [Reserved]

(3) Require the Department to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances were personnel of a DOT element believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the DOT element has the burden of proving that compliance with § 28.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the Secretary or his or her designee, after considering all resources available for use in the funding and operation of the program or activity, and must be accompanied by a written statment of the reasons for reaching that conclusion. If an action would result in such an alteration or such burdens, the Department shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that individuals with handicaps receive the benefits and services of the program or activity.

(b) *Methods.* The Department may comply with the requirements of this section through such means as redesign of equipment, reassignment of services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternate accessible sites, alteration of existing facilities and construction of new facilities, use of accessible rolling stock, or any other methods that result in making its programs or activities readily accessible to and usable by individuals with handicaps. The Department is not required to make structural changes in existing facilities where other methods are effective in achieving compliance with this section. The Department, in making alterations to existing buildings, shall meet accessibility requirements to the extent compelled by the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), and any regulations implementing it. In choosing among available methods for meeting the requirements of this section, the Department shall give priority to those methods that offer programs and activities to qualified individuals with handicaps in the most integrated setting appropriate.

(c) *Time period for compliance.* The Department shall comply with the obligations established under this section within sixty days of the effective date of this part except that where structural changes in facilities are undertaken, such changes shall be made within three years of the effective date of this part, but in any event as expeditiously as possible. Provided that, where major restructuring of fixed facilities to accommodate technological changes is planned to occur within five years from the effective date of this part, changes needed to comply with this section are not required to be made until the planned restructuring takes place. However, alternative means for participation by individuals with handicaps in DOT programs and activities in the most integrated setting possible during this interim waiting period shall be available.

(d) *Transition plan.* In the event that structural changes to facilities will be undertaken to achieve program accessibility, the Department shall develop, within six months of the effective date of this part, a transition plan setting forth the steps necessary to complete such changes. The agency shall provide an opportunity to interested persons, including individuals with handicaps, agency employees with handicaps, or organizations representing individuals with handicaps, to participate in the development of the transition plan by submitting comments (both oral and written). A copy of the transition plan shall be made available for public inspection. The plan shall, at a minimum—

(1) Identify physical obstacles in the Department's facilities that limit the accessibility of its programs or activities to individuals with handicaps;

(2) Describe in detail the methods that will be used to make the facilities accessible;

(3) Specify the schedule for taking the steps necessary to achieve compliance with this section and, if the time period of the transition plan is longer than one year, identify steps that will be taken during each year of the transition period; and

(4) Indicate the official responsible for implementation of the plan.

§ 28.151 Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, on behalf of, or for the use of the Department shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements and standards of the Architectural Barriers Act (42 U.S.C. 4151–4157), as established in 41 CFR 101–19.600–607, apply to buildings covered by this section, except for military facilities of the Coast Guard, which are covered by 32 CFR part 56.

§ 28.152–28.159 [Reserved]

§ 28.160 Communications.

(a) The Department shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The Department shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the Department.

(i) In determining what type of auxiliary aid is necessary, the Department shall give primary consideration to the requests of the individual with handicaps.

(ii) The Department need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature to applicants or participants in programs.

(2) Where the Department communicates with applicants and beneficiaries by telephone, telecommunications devices for deaf persons (TDDs) or equally effective telecommunication systems, shall be used to communicate with persons with impaired hearing.

(b) The Department shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The Department shall provide signs at each primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information as to the location of accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the Department to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where personnel of a DOT element believe that the proposed action would fundamentally alter the program or activity or would result in an undue financial and administrative burden, the DOT element has the burden of proving that compliance with § 28.160 would result in such alteration or burden. The decision that compliance would result in such alteration or burden must be made by the Secretary or his or her designee, after considering all resources available for use in the funding and operation of the program or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the Department shall take any other action that would not result in such an alteration or such a burden but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 28.161-28.169 [Reserved]

§ 28.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs or activities conducted by the Department;

(b) The Department shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) Responsibility for implementation and operation of this section shall be vested in the Director, Departmental Office of Civil Rights.

(d)(1) The Department shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The Department may extend this time period for good cause.

(2) If the subject matter of a complete complaint concerns a decision by a Departmental element, under a safety regulation, concerning an individual's qualifications to perform a function or to receive a certificate or license, and the complainant has available within the Departmental element a formal review or appeal mechanism concerning that decision, the Department shall not take action on the complaint until the Departmental element's review or appeal process has been completed.

(e) If the Department receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Government entity.

(f) The Department shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151-4157), is not readily accessible to and usable by individuals with handicaps.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the Department shall notify the complainant of the results of the investigation in a letter containing—

(1) Findings of fact and conclusions of law;

(2) A description of a remedy for each violation found; and

(3) A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the Department of the letter required by § 28.170(g). The Department may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the Assistant Secretary for Policy and International Affairs.

(j) The Department shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the Department determines that it needs additional information from the complainant, it shall have 60 days from the date it receives the additional information to make its determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The Department may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.

[FR Doc. 90-2950 Filed 2-8-90; 8:45 am]
BILLING CODE 4910-62-M

Notices

Federal Register
Vol. 55, No. 28
Friday, February 9, 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

Forest Service

Oil and Gas Leasing in the Manti-La Sal National Forest, Carbon, Emery, Sanpete, Utah, San Juan, Grand, Sevier, and Juab Counties, Utah; and Mesa and Montrose Counties, CO

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement for oil and gas leasing on lands administered by the Manti-La Sal National Forest. The EIS will be tiered to the Final Environmental Impact Statement for the Land and Resource Management Plan, Manti-La Sal National Forest, November 1986.

DATES: Comments concerning the scope of the analysis should be received in writing by March 12, 1990.

ADDRESSES: Send written comments to George Morris, Forest Supervisor, Manti-La Sal National Forest, 599 West Price River Drive, Price, Utah 84501.

FOR FURTHER INFORMATION CONTACT: Aaron Howe, Engineering/Minerals Staff Officer, or Carter Reed, Forest Geologist, (801) 637-2817.

SUPPLEMENTARY INFORMATION: The Forest Service will prepare an EIS for oil and gas leasing on lands administered by the Manti-La Sal National Forest. The need to prepare the EIS was prompted by enactment of the Federal Onshore Oil and Gas Leasing Reform Act of 1987 (FOOGLRA) on December 31, 1987. The current Forest Land and Resource Management Plan (FLRMP) and Final Environmental Impact Statement (FEIS) were completed in November 1986, prior to enactment of FOOGLRA, and do not address oil and gas leasing within the authorities and requirements of the new law. Prior to FOOGLRA the Forest Service provided non-binding, non-appealable recommendations to the Bureau of Land Management for implementation of the oil and gas leasing program under 43 CFR part 3100. FOOGLRA provides the Forest Service with authority to object or not object to BLM leasing on National Forest System lands and to prescribe lease stipulations needed in regard to management or protection of National Forest resources and uses.

The EIS will re-evaluate oil and gas related impacts and management prescriptions discussed in the FLRMP and FEIS based on reasonable foreseeable development scenarios. The EIS and leasing decisions will be appealable under Forest Service regulations 36 CFR part 217.

Issues to be addressed in the EIS will be determined through project scoping. For this purpose, the Forest is requesting written comments. The analysis involves only National Forest System lands administered by the Manti-La Sal National Forest. J.S. Tixier, Regional Forester, Intermountain Region is the responsible official and George A. Morris, Forest Supervisor, Manti-La Sal National Forest, will be responsible for preparation of the EIS. The Bureau of Land Management has been identified as a cooperating agency. The Forest anticipates release of the Draft EIS for public review in August, 1990.

The comment period on the draft EIS will be 45 days from the date the notice of availability appears in the **Federal Register**. It is very important that those interested in the proposed action participate at that time. To be the most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. *City of Angoon* v. *Hodel*, (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when they can be effectively considered in preparation of the final EIS.

Dated: February 2, 1990.

J.S. Tixier,

Regional Forester.

[FR Doc. 90-2973 Filed 2-8-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

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, March 20, 1990, 9:30 a.m., 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 and Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Discussion of ECCN's 1572—Recording Equipment and Media, 1356—Coding of Magnetic Tape, 1358—Equipment for Manufacturing of Magnetic Recording Media.
5. Discussion of Proposed Changes to Current Export Controls.
6. Status of Proposed Changes to Peripherals in 1565.

Executive Session

7. 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 or comments on ECCNs 1572, 1356, and 1358 by February 28, 1990 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 5, 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 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 call Ruth D. Fitts, 202-377-4959.

Dated: February 5, 1990.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 90-3120 Filed 2-7-90; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Docket 3-90]

Foreign-Trade Zone 84—Houston, TX; Application for Subzone; United General Supply Hand Tool Plant, Houston, TX

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Houston Authority, grantee of FTZ 84, requesting special-purpose subzone status for the hand tool manufacturing and distribution operation of United General Supply Company, Inc. (UGS), located in Houston, Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 USC 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 26, 1990.

UGS is a distributor of hand tools such as pliers, wrenches and screwdrivers, and manufactures hammers. Some 25 percent of the products are exported. Its Houston plant (15 employees; 68,000 sq. ft.) is located at 9320 Harwin Drive in southwest Houston.

Zone procedures would exempt UGS from Customs duty payments on reexported items. On domestic sales, the company would be able to defer duty payments until products leave the plant. (Customs duty reates: Hand tools 7.1% (average); hammers & hammer heads 6.2%). The applicant indicates that subzone status would help improve the company's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Paul Rimmer, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 San Felipe Street, Houston, TX 77057-3012; and, Colonel Brink P. Miller, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553-1229.

Comments concerning the proposed subzone are invited in writing from interested parties. They shall be addressed to the Board's Executive Secretary at the address below and postmarked on or before March 26, 1990.

A copy of the application is available for public inspection at each of following locations:

U.S. Department of Commerce, District Office, 2625 Federal Courthouse Building, 515 Rusk Street, Houston, TX 77002.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, room 2835, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

Dated: February 2, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90-2993 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-DS-M

[Docket 2-90]

Foreign-Trade Zone 157—Casper, Wyoming; Request to Remove Time Limit

The Natrona County International Airport Board of Trustees, Grantee of FTZ 157, has submitted a request to the Foreign-Trade Zones Board (the Board) to remove the 1-year time limit in the original grant of authority (Board Order 426, 54 FR 5532, 2/3/89) for its foreign-trade zone at the Natrona County International Airport, a Customs user fee airport. The time limit was imposed because of the issue of reimbursability at airports with user fee status. The grantee bases its request on Public Law 101-207 (signed on December 7, 1989), which it indicates resolves the reimbursability issue.

The request was formally filed on January 26, 1990. Comments concerning the request are invited in writing from interested parties until March 14, 1990. A copy of the request is available at the Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th and Pennsylvania Avenue, NW., room 2835, Washington, DC 20230.

Dated: January 31, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90-2994 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

BACKGROUND: Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with section 353.22 or 355.22 of the Commerce Regulations, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

OPPORTUNITY TO REQUEST A REVIEW: Not later than February 28, 1990, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February for the following periods:

	Period
Antidumping Duty Proceeding	
Austria: Railway Track Maintenance Equipment: (A-433-064)	02/01/89-01/31/90
Canada: Racing Plates: (A-122-050)	02/01/89-01/31/90
Japan: Birch 3-Ply Doorskins: (A-588-053)	02/01/89-01/31/90
Japan: Carbon Steel Butt-Weld Pipe Fittings: (A-588-602)	02/01/89-01/31/90
Japan: Melamine: (A-588-056)	02/01/89-01/31/90
The People's Republic of China: Natural Bristle Paint Brushes: (A-570-501)	02/01/89-01/31/90
Suspended Investigation	
Mexico: Unprocessed Float Glass: (C-201-015)	01/01/89-12/31/89
Mexico: Yarns of Polypropylene Fibers: (C-201-008)	01/01/89-12/31/89
Countervailing Duty Proceeding	
Peru: Cotton Sheeting and Sateen: (C-333-001)	01/01/89-12/31/89
Peru: Cotton Yarn: (C-333-002)	01/01/89-12/31/89
Saudi Arabia: Carbon Steel Wire Rod: (C-517-501)	01/01/89-12/31/89
Thailand: Malleable Iron Pipe Fittings: (C-549-803)	11/31/88-12/31/89

Seven copies of the request should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B-099, U.S. Department of Commerce, Washington, DC 20230.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Administrative Review," for requests received by February 28, 1990.

If the Department does not receive by February 28, 1990 a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse, for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute, but is published as a service to the international trading community.

Dated: January 31, 1990.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 90-2996 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-DS-M

Postponement of Preliminary Antidumping Duty Determination; Industrial Nitrocellulose From Yugoslavia (A-479-801)

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from the petitioner in this investigation to postpone the preliminary determination, as permitted in section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), (19 U.S.C. 1673b(c)(1)(A)). Based on this request, we are postponing our preliminary determination as to whether sales of industrial nitrocellulose from Yugoslavia have occurred at less than fair value until not later than April 17, 1990.

EFFECTIVE DATE: February 9, 1990.

FOR FURTHER INFORMATION CONTACT: Bradford Ward at (202) 377-5288 or Karmi Leiman at (202) 377-8498, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

SUPPLEMENTAL INFORMATION: On October 17, 1989, we published a notice of initiation (54 FR 42540) of an antidumping duty investigation to determine whether imports of industrial nitrocellulose from Yugoslavia are being, or are likely to be, sold in the United States at less than fair value. The notice stated that we would issue our preliminary determination by February 26, 1990.

On January 29, 1990, counsel for the petitioners requested that the Department postpone the preliminary determination until not later than 210 days after the date of filing of the petition, in accordance with section 733(c)(1)(A) of the Act. Accordingly, we are postponing the date of the preliminary determination until not later than April 17, 1990. The U.S. International Trade Commission is being advised of this postponement in accordance with section 733(f) of the Act.

This notice is published pursuant to section 733(c)(2) of the Act.

Dated: February 1, 1990.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-2995 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-DS-M

[Application No. 89-00016]

Export Trade Certificate of Review

ACTION: Notice of issuance of an Export Trade Certificate of Review.

SUMMARY: The Department of Commerce has issued an Export Trade Certificate of Review to the National Geothermal Association (NGA). This notice summarizes the conduct for which certification has been granted.

FOR FURTHER INFORMATION CONTACT: Douglas J. Aller, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 ("the Act") (Pub. L. 97-290) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. The regulations implementing title III are found at 15 CFR part 325 (50 FR 1804, January 11, 1985).

The Office of Export Trading Company Affairs is issuing this notice pursuant to 15 CFR 325.6(b), which requires the Department of Commerce to publish a summary of a Certificate in the **Federal Register**. Under section 305(a) of the Act and 15 CFR 325.11(a), any person aggrieved by the Secretary's determination may, within 30 days of the date of this notice, bring an action in any appropriate district court of the United States to set aside the determination on the ground that the determination is erroneous.

Description of Certified Conduct

Export Trade

Products

Equipment, instrumentation, and supplies for (1) exploration (including geological, geophysical, geochemical, and software); (2) drilling and completion; (3) reservoir assessment; (4) environmental monitoring; (5) production and power generation (including pumps, separators, and condensers; power generation systems; and miscellaneous equipment and supplies); (6) non-electric direct-use (including downhole pumps, heat exchangers, and miscellaneous equipment and software); (7) general and technical geothermal information and publications; and (8) all other product related to geothermal exploration, development, and production (including heavy duty transportation equipment and stress relief equipment and supplies).

Service

Engineering, design, and other services related to (1) exploration (including geophysical photography and remote sensing, geologic field studies, subsurface studies, geochemical and hydrological analysis and interpretation, aquifer assessment, thermal studies, magnetic surveys, gravity surveys and interpretations, seismic studies, electrical studies, and geodata synthesis and numerical simulations); (2) drilling and completion; (3) reservoir assessment (including geological and geophysical well-logging, reservoir engineering, and well testing); (4) field development (including environmental systems evaluation and monitoring and environmental problems mitigations) (5) project analysis for electric and non-electric direct-use projects; (6) engineering studies and design; (7) plant management and operations; (8) financing; and (9) servicing, training, and other services related to the sale, use, or maintenance of Products or to projects that substantially incorporate Products; and all other services related to geothermal exploration, development, and production.

Export Trade Facilitation Services (as They Relate to the Export of Products, Services, and Technology Rights)

Consulting; international market research, marketing, and trade promotion; trade show participation; trade missions and reverse trade missions; insurance; legal assistance; accounting assistance; service related to compliance with customs requirements; transportation; trade documentation and freight forwarding; communication and processing of sales leads and foreign orders; warehousing; foreign exchange; financing; taking title to goods; and liaison with foreign government and multinational agencies, trade associations, and banking institutions.

Technology Rights

Patents; trademarks; service marks; trade names; copyrights (including neighboring rights); trade secrets; know-how; semiconductor mask works; utility models (including pretty patents); industrial designs; and *sui generis* forms of computer software protection associated with Products, Services, or Export Trade Facilitation Services.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Members (in Addition to Applicant)

Air Drilling Services, Inc.; American Line Builders, Inc.; Barber-Nichols Engineering Co.; The Ben Holt Company, Bridwell Controls; Dames & Moore; Eastman Christensen and its controlling entity, Norton Company; EnergyLog Corporation; Foster Oilfield Equipment Company and its controlling entity, Masco Industries, Inc.; Geothermal Management Company, Inc.; Geothermal Power Company, Inc.; GeothermEx, Inc.; Grace Drilling Company; H & H Oil Tool Company, Inc.; Kern Steel Fabrication, Inc.; Loffland Brothers Company; Mesquite Group, Inc.; Ormat Energy Systems, Inc.; Oxbow Power Corporation; Petrorentas Internacionales, Inc.; Pruett Industries, Inc.; Technology Export Company and its controlling entity, Masco Industries, Inc.; Trans-Pacific Geothermal Corporation; University of Utah Research Institute; and Unocal Geothermal Division and its controlling entity, Unocal Corporation.

Export Trade Activities and Methods of Operation

To engage in Export Trade in the Export Markets, NGA and/or one or more of its Members may:

1. Engage in joint selling arrangements for the sale of Products and/or Services in Export Markets, such as joint marketing negotiation, offering, bidding and financing, and allocating sales resulting from such arrangements.

2. Establish export prices for sales of Products and/or Services by the Members in Export Markets.

3. Discuss and agree on interface specifications, engineering, and other technical Product and/or Service requirements of specific export customers or Export Markets.

4. Refuse to quote prices for, or to market or sell, Products and/or Services in Export Markets.

5. Solicit non-Member Suppliers (a) to sell their Products and/or Services or (b) to offer their Export Trade Facilitation Services, through the certified activities of NGA and/or its Members.

6. Coordinate the development of projects in Export Markets, such as exploration, scientific and/or technical assessment, transportation and/or delivery, installation, construction, ownership and transfer of ownership, operations, servicing, and establishing joint warranty, service, parts warehousing, and training centers, in which Products and/or Services will be exported.

7. Engage in joint promotional activities, such as advertising, demonstrations, field trips, and trade shows and trade missions, to develop existing or new Export Markets.

8. Establish and operate jointly owned subsidiaries or other joint venture entities owned exclusively by Members for the purposes of engaging in the Export Trade Activities and Methods of Operation herein other than the licensing of associated Technology Rights pursuant to paragraph 15.

9. Provide, arrange to have non-Member Suppliers to provide, and/or establish an entity owned jointly and exclusively by Members to provide Export Trade Facilitation Services as an exclusive or non-exclusive Export Intermediary for the Members.

a. In so doing, those who act as an exclusive Export Intermediary may agree not to represent any other Supplier for the sale of Products and/or Services in the relevant Export Market(s) either directly or through any other Export Intermediary.

b. NGA, any Member and/or any entity owned jointly and exclusively by Members acting as an exclusive Export Intermediary will supply its services on a non-discriminatory basis to those Members that are parties to the exclusive arrangement and which request such services, and shall not unreasonably refuse to supply such services.

10. Agree that any information obtained pursuant to this Certificate shall not be provided to any non-Member.

11. Act as a shippers' association to negotiate favorable transportation rates and other terms with individual ocean common carriers and individual conferences.

12. On a country-by-country basis for the Export Markets, jointly establish and/or negotiate with purchasers

regarding specifications for Products and/or Services.

13. Exchange and discuss the following types of information about Export Trade, Export Markets, Export Trade Activities and Methods of Operation, and the agreements related thereto:

a. Information (other than information about Technology Rights, costs, output, capacity, inventories, domestic prices, domestic sales, domestic orders, and terms of domestic marketing or sale of United States business plans, strategies or methods) that is already generally available to the trade or public;

b. Information about sales and marketing efforts, activities and opportunities for sales of Products and/or Services, prices and pricing, projected demands (quality and quantity), customary terms of sale, the types of Products and/or Services available from competitors, market strengths and economic and business conditions in Export Markets;

c. Information about export prices, quality and quantity, sources, available capacity to produce, and delivery dates of Products available from Members for export: *Provided, however,* That exchanges of information and discussions as to Product quantity, source, available capacity to produce, and delivery dates must be on a transaction-by-transaction basis and involve only those Members who are participating or have genuine interest in participating in each such transaction;

d. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by Members;

e. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

f. Information about expenses specific to exporting to Export Markets. Such expenses include transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, documentation, financing, customs, duties, and taxes;

g. Information about U.S. and foreign legislation, regulations, and executive actions, including U.S. federal and state programs, affecting the sales of Products and/or Services in Export Markets;

h. Information about the Members' export operations, such as sales and distribution networks established by the Members in Export Markets, and prior export sales by Members, such as export price information;

i. Subject to any and all restrictions, provisions, and limitations contained in subparagraphs 13(a) and 13(c) above, information necessary to the conduct of Export Trade, Export Trade Activities and Methods of Operation in the Export Markets; and

j. Information on the organization, governance, financial condition, and membership of NGA.

14. Forward to the appropriate Member requests for information received from a foreign government or its agent (such as private pre-shipment inspection firms) concerning that Member's domestic or export activities (such as prices and/or costs). If it elects to respond, such Member shall respond directly to the requesting foreign government or its agent.

15. Individually license Technology Rights in Export Markets to non-Members, and in all instances the terms of such licenses shall be determined solely by negotiations between the licensor Member and such non-Member(s) without coordination with NGA or any other Member. Such licenses may:

a. Convey exclusive or non-exclusive rights in Export Markets;

b. Impose restrictions as to the prices at which Products and/or Services incorporating or manufactured using licensed Technology Rights may be sold or leased in Export Markets;

c. Impose requirements as to pricing and other terms and conditions of sub-licenses in Export Markets;

d. Restrict licenses and sub-licenses as to fields of use, maximum sales, or operations in Export Markets;

e. Impose territorial restrictions relating to the Export Markets on foreign licensees and sub-licensees;

f. Require the assignment back or the exclusive or non-exclusive grantback to the licensor Member of rights in Export Markets to all improvements in the Technology Rights licensed, whether or not such improvements fall within the field of use authorized in such license;

g. Require package licensing of Technology Rights; and

h. Require the licensee to use, lease, or purchase products or services (such as Products and/or Services) as a condition of the license.

16. Refuse to provide Export Trade Facilitation Services or participation in the Export Trade, Export Trade Activities and Methods of Operation to non-Members.

17. Individually purchase Products and/or Services for export to the Export Markets.

18. Enter into agreements whereby one or more Members or an entity owned jointly and exclusively by Members will provide for transportation services to Members, such as the chartering and space chartering of vessels, the negotiation and utilization of through intermodal rates with common and contract carriers for inland freight transportation for export shipments to United States export terminal, port, or gateway.

19. Meet to engage in the Export Trade, Export Trade Activities and Methods of Operation certified herein.

A copy of the Certificate will be kept in the International Trade Administration's Freedom of Information Records Inspection Facility, room 4102, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC 20230.

Dated: February 6, 1990.

Douglas J. Aller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90-3121 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-DR-M

International Trade Administration

Applications for Duty-Free Entry of Scientific Instruments; Pennsylvania State University et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with §§ 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5:00 p.m. in Room 2841, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, DC.

Docket Number: 90-005. *Applicant:* Pennsylvania State University, 152 Davey Laboratory, University Park, PA 16802. *Instrument:* Stopped-Flow Spectrofluorimeter, Model SF.17MV. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* The instrument will be used for studies of the enzymatic reactions of dihydrofolate reductase. Experiments will involve rapid fluorescence measurements and computer assisted kinetic analysis of data for mechanistic evaluation of the above enzyme with respect to substrate and inhibitor binding and catalytic events. *Application Received by Commissioner of Customs:* January 16, 1990.

Docket Number: 90-006. *Applicant:* Research Foundation of State University of New York, P.O. Box 9, Albany, NY 12201. *Instrument:* Electron Microscope, Model EM 902. *Manufacturer:* Carl Zeiss, GmbH, West Germany. *Intended Use:* The instrument will be used for high resolution imaging of biological specimens including thin sectioned tissues, negative stained particulates (virus, macromolecular assemblies) and shadowed preparations of nucleic acids. Materials science applications will include energy filtered electron diffraction of crystalline material and polymer chemistry. In addition, the instrument will be used for educational purposes in the courses:

(1) Biology 614a/b—Theory and Techniques of Electron Microscopy,
(2) Biology 301—Cell Biology, and
(3) Biology 406—Animal Histology.

Application Received by Commissioner of Customs: January 16, 1990.

Docket Number: 90-007. *Applicant:* Lehigh University, Seeley G. Mudd Building #6, Bethlehem, PA 18015. *Instrument:* Mass Spectrometer, Model BIOION 20. *Manufacturer:* BIO-ION, Sweden. *Intended Use:* The instrument will be used for studies of coal extracts, products from coal direct liquefaction processes, coal derived polymers, heavy oils and residues. Experiments will involve developing mass spectroscopic techniques to measure the molecular weight distributions of mixtures of complex heavy fuel hydrocarbons and application of the developed technique to samples of scientific interest. In addition, the instrument will be used for teaching scientists to do research in the course Graduate Thesis Research. *Application Received by Commissioner of Customs:* January 17, 1990.

Docket Number: 90-008. *Applicant:* University of Miami, Department of Civil and Architectural Engineering, P.O. Box 248294, Coral Gables, FL 33124. *Instrument:* Digital Pressure Interface Hall Effect Transducer. *Manufacturer:* GDS Instruments, Ltd., United Kingdom. *Intended Use:* The instrument will be used in studies of soils, clays, silts, sands; investigating strength and deformation characteristics and failure mechanisms as a function of effective stresses, time and stress history of soil under static dynamic load. Experiments will be conducted to evaluate soil behavior under a variety of conditions and develop constitutive models of soil behavior. In addition, the instrument will be used to train students in the testing of soil behavior from an engineering standpoint. *Application Received by Commissioner of Customs:* January 17, 1990.

Docket Number: 90-010. *Applicant:* USDA, ARS, SPA, F & B Road, Route 5, Box 810, College Station, TX 77840. *Instrument:* Electron Microscope, Model H-7000. *Manufacturer:* Nissei Sangyo America, LTD., Japan. *Intended Use:* The instrument will be used for studies of biological material such as animal tissues, bacteria, virus particles, cells, and culture cell fragments. Of particular interest will be studies of red blood, salmonella and toxicity. *Application Received by Commissioner of Customs:* January 17, 1990.

Docket Number: 90-011. *Applicant:* Washington University, One Brookings Drive, St. Louis, MO 63130. *Instrument:* Piezoelectric Micromanipulator, Model PM20N. *Manufacturer:* Max Frankenberger Biophysikalische Technik, West Germany. *Intended Use:* The instrument will be used for studies of the brain of rats and lampreys to understand how the breathing rhythm arises in terms of the synaptic connections and membrane properties of respiratory-related brain cells. *Application Received by Commissioner of Customs:* January 19, 1990.

Frank W. Creel,
Director, Statutory Import Program Staff.
[FR Doc. 90-2997 Filed 2-8-90; 8:45 am]
BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications; Greenville, SC

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

February 5, 1990.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at $194,118 for the project performance of July 1, 1990 to June 30, 1991. The MBDC will operate in the Charleston, South Carolina, Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $165,000 in Federal Funds and a minimum of $29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geogrpahic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications March 16, 1990. Applications must be postmarked on or before March 16, 1990.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, Suite 505, Atlanta, Georgia 30309, 404/347-3438.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director of the Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: February 5, 1990.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

Note: A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street NE., Suite 505, Atlanta, Georgia, Friday, March 2, 1990, at 9:00 a.m.

[FR Doc. 90-3081 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-21-M

Business Development Center Applications: Greenville, SC

February 5, 1990.

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period, subject to available funds. The cost of performance for the first 12 months is estimated at $194,118 for the project performance of 07/1/90 to 06/30/91. The MBDC will operate in the Greenville, South Carolina Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $165,000 in Federal Funds and a minimum of $29,118 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, non-profit and for-profit organizations, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as an MBDC's satisfactory performance, the availability of funds, and Agency priorities.

Closing Date: The closing date for applications March 16, 1990. Applications must be postmarked on or before March 16, 1990.

ADDRESS: Atlanta Regional Office, Minority Business Development Agency, U.S. Department of Commerce, Suite 505, Atlanta, Georgia 30309, 404/347-3438.

FOR FURTHER INFORMATION CONTACT: Carlton L. Eccles, Regional Director of the Atlanta Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: February 5, 1990.

Carlton L. Eccles,

Regional Director, Atlanta Regional Office.

Note: A pre-application conference to assist all interested applicants will be held at the U.S. Department of Commerce, Minority Business Development Agency, 1371 Peachtree Street, NE, Suite 505, Atlanta, Georgia, Friday, March 2, 1990, at 9:00 a.m.

[FR Doc. 90-3082 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pacific Fishery Management Council's Limited Entry Amendment Drafting and Oversight Committees will hold a public meeting on February 20-21, 1990, at the Metro Building, room 145, 2000 Southwest First Avenue, Portland, OR. On February 20 the Committees will begin meeting at 9 a.m., and will adjourn on February 21 at 3:30 p.m. The Committees will continue a review of limited entry proposals and associated public comments, and identify areas within the proposals where more detail may be needed and where changes are appropriate. The Committee also will review an initial analysis of alternative landing requirements.

For more information contact Lawrance D. Six, Executive Director, Pacific Fishery Management Council, 2000 SW First Avenue, Portland, OR 97201; telephone: (503) 326-6352.

Dated: February 5, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-3036 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The South Atlantic Fishery Management Council and its Committees will hold public meetings on February 26 through March 1, 1990, at the Sheraton Savannah Resort and Country Club, 612 Wilmington Island Road, Savannah, GA, to discuss swordfish, snapper/grouper, red drum, king and Spanish mackerel, habitat, and other fishery management business. The Council's Advisory Panel Selection and Scientific and Statistical Committees also will meet during closed sessions (not open to the public), to discuss personnel matters.

A detailed agenda will be available to the public on or about February 13, 1990. For more information contact Carrie R. F. Knight, Public Information Officer, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Dated February 5, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-3037 Filed 2-8-90; 8:45 am]

BILLING CODE 3510-22-M

Travel and Tourism Administration

Travel and Tourism Advisory Board; Meeting

Pursuant to section 10 (a)(2) of the Federal Advisory Committee Act, 5 U.S.C. (App. 1976) notice is hereby given that the Travel and Tourism Advisory Board of the U.S. Department of Commerce will meet on March 2, 1990 at 2:00 p.m. at the Hotel Intercontinental-

Berlin, Budapester Strasse 2, 1000 Berlin 30, Federal Republic of Germany.

Established March 19, 1982, the Travel and Tourism Advisory Board consists of 15 members, representing the major segments of the travel and tourism industry and state tourism interests, and includes one member of a travel labor organization, a consumer advocate, an academician and a financial expert.

Members advise the Secretary of Commerce on matters pertinent to the Department's responsibilities to accomplish the purpose of the National Tourism Policy Act (Pub. L. 97–63), and provide guidance to the Assistant Secretary for Tourism Marketing in the preparation of annual marketing plans.

Agenda items are as follows:

I. Call to Order
II. Approval of Minutes
III. USTTA Annual Report to Congress
IV. EC 1992
V. Standard Industrial Classification (SIC) Codes
VI. Visa Waiver
VII. Public Affairs
VIII. Update on revision of National Tourism Policy Act
IX. Miscellaneous
X. Adjournment

A very limited number of seats will be available to observers from the public and the press. To assure adequate seating, individuals intending to attend should notify the Committee Control Officer in advance. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available, the presentation of oral statements is allowed.

Karen M. Cardran, Committee Control Officer, United States Travel and Tourism Administration, Room 1865, U.S. Department of Commerce, Washington, DC 20230 (telephone: 202–377–0140) will respond to public requests for information about the meeting.

Rockwell A. Schnabel,

Under Secretary of Commerce for Travel and Tourism.

[FR Doc. 90–2992 Filed 2–8–90; 8:45 am]

BILLING CODE 3510-11-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1990; Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1990 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: March 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 December 1, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (54 FR 48789) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

Comments on this proposed addition were received from a union organization on behalf of the employees of the former contractor for the services. The commenter expressed concern about the impact of adding this item to the Committee's program on those employees.

The Committee recognizes that some impacts of this nature are a necessary consequence of its operations, and carefully considers the overall impact of each of its actions. Workshops for the blind and other severely handicapped exist and are given preferential treatment in Federal procurement because the employment and training needs of such individuals are not being met by other sources. The concerns expressed in the comments about taking the jobs away from individuals who had held them for a long time were taken into account by the Committee in arriving at its decision to add this service to its Procurement List. The Committee has determined that the employment gains for persons with severe physical or mental disabilities, who have difficulty in finding and holding a job at any wage, outweigh the possible hardships on persons who do not have such disabilities.

Although an assessment of the impact on the previous contractor for this service is not required by Committee procedures, that firm advised the Committee that it did not object to the addition of the service to the Committee's program and that such action would not have a negative impact on its operations.

After consideration of the material presented to it concerning the capability of a qualified workship to provide the service at a fair market price and the impact of the addition on the current or most recent contractors, the Committee had determined that the service listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR subpart 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1990:

Janitorial/Custodial
Area A, Excluding Buildings 280 and 281,
Area C,
Wright Patterson AFB, Ohio

Beverly L. Milkman,

Executive Director.

[FR Doc. 90–3109 Filed 2–8–90; 8:45 am]

BILLING CODE 6820-33-M

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 a proposal to add to Procurement List 1990 a commodity to be produced and services to be provided by workshops for the blind or other severely handicapped.

Comments must be received on or before: March 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: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR Subpart 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 commodity and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity and services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

Commodity

Fiber Rope Assembly

4020-00-908-6416

Services

Administrative Services

Environmental Protection Agency, Region 1, John F. Kennedy Federal Building, Boston, Massachusetts

Janitorial/Custodial

Federal Building, U.S. Post Office and Courthouse, Monroe, Louisiana

Janitorial/Custodial

Forth Worth Federal Center, Forth Worth, Texas

Operation of Self Service Supply Store

Environmental Protection Agency, 401 M Street SW., Washington, DC.

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-3110 Filed 2-8-90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1990; Additions and Deletion

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to and Deletion 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: March 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 December 15 and 22, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (54 FR 51449 and 52841) of proposed additions to and deletion 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 and provide the services at a fair market price and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6. I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1990:

Commodities

Tray Marker

P.S. Item 01249A
P.S. Item 01249B
P.S. Item 01249C
P.S. Item 01249D
P.S. Item 01249E
P.S. Item 01249F
P.S. Item 01250A
P.S. Item 01250B
P.S. Item 01250C
P.S. Item 01250D
P.S. Item 01250E
P.S. Item 01250F

Services

Bus Service

Veterans Administration Medical Center, Outpatient Clinic, Tomah, Wisconsin

Commissary Shelf Stocking and Custodial

Kelly Air Force Base, Texas

Grounds Maintenance

Portland Air National Guard Base, Portland, Oregon

Grounds Maintenance

Naval Air Station, Corpus Christi, Texas

Deletion

After consideration of the relevant matter presented, the Committee has determined that the service listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR subpart 51-2.6.

Accordingly, the following service is hereby deleted from Procurement List 1990: Commissary Shelf Stocking, Naval Station, Roosevelt Roads, Puerto Rico.

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-3111 Filed 2-8-90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1990; Addition Correction

In notice document 90-2472, appearing on page 3634 in the issue of Friday, February 2, 1990, in the supplementary information please add the following: The announcement dated November 13, 1989 (54 FR 47259) through oversight did not restrict the scope of the proposal for 18 items of office furniture. It should have reflected that only GSA Zones 2 and 3 were under consideration for possible addition to the Procurement List. This notice covers the addition of the GSA requirements for Zones 2 and 3 only as originally intended.

After the listing for office furniture add the following: (Requirements for Zones 2 and 3 only).

Beverly L. Milkman,

Executive Director.

[FR Doc. 90-3112 Filed 2-8-90; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Contracting; Reporting Procedures on Defense Related Employment

AGENCY: Office of the Secretary, DoD.

ACTION: List of Major Defense Systems.

SUMMARY: This rule is the fiscal year 1990 list of major defense systems under 10 U.S.C. 2397b and 2397c. This part is published to assist present and former DoD employees, agency officials and defense contractors in complying with their obligations under these sections of the United States Code.

EFFECTIVE DATE: September 30, 1989.

FOR FURTHER INFORMATION CONTACT: Randi Elizabeth DuFresne, Standards of Conduct Office, Room 3C960, The Pentagon, Washington, DC 20301-1600, telephone (202) 697-5305.

Dated: February 5, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Major Defense Systems

Army

ADDS/EPLRS
Advanced Anti-Tank Weapon System—Medium (AAWS-M)
Advanced CBT Rifle Engineering Development
Advanced Field Artillery Tactical Data System
AH-64 Apache
AN/TTC-39
ATACMS (Tactical Missile Systems)
Bradley FVS (M2/M3)
Carrier, Command Post Light, Ft. M577A2
Carrier, Personnel, Ft. Arm, M113A3
Chaparral Missile
CH-47D Chinook
Copperhead CLGP
EH-60A QuickFix
FAAD C2 (Forward Area Air Defense Command & Control)
FAADS LOS-F-H ADATS
FAADS LOS Rear (Forward Area Air Defense, Line of Sight, Rear)
FAADS NON LOS FOG-M
FHTV (Heavy Tactical Vehicle)
FMTV (Medium Tactical Vehicle)
Hawk Missile
Hellfire (AGM-114A/B)
High Mobility Multi-Purpose Wheeled Vehicle (HMMWV)
Joint Tactical Fusion/All Source Analysis System (JTF/ASAS)
Lance (MGM-52C)
LHX (Light Helo)
Lightweight Multipurpose Weapon
M1/M1A1 Abrams Tank
M16 Rifle
M109A2/A3 155mm Self-Propelled Howitzer Improvement Program (SHIP)
Maneuver Control Syistem (MCS)
MLRS (Rocket System)
MLRS TGW
MSE Communication Systems
OH-58D (AHIP)
Patriot SAM System
RC-12K Reconnaissance Airplane System
SADARM Sub-Mun
SINCGARS
Stinger (FIM-92A/B)
TOW 2 (M22OE4)
UH-60A Blackhawk

Navy

Advanced Amphibious Assault (AAA)
AH-1W (Helicopter) Sea Cobra
AN/ALQ-165 Airborne Self-Protection Jammer (ASPJ)
AN/BQQ-5
AN/BSY-1 SSN 688
AN/BSY-2 SSN-21
AN/SLQ-32 (V1-V3)
AN/SQQ-89 ASW CS
AN/SQR-19 Towed Array Sonar (TACTAS)
AN/SQS-53C Sonar
AV-8B Harrier II
Bigeye Binary Chemical Bomb
C/MH-53E Stallion
CG-47 Aegis Cruiser
CVN-72/75 Carrier
C-2
DDG-51 Destroyer
EA-6B Prowler
E-2C Hawkeye
E-6A TACAMO
Extremely Low Frequency (ELF) Communications
F/A-18 Hornet
FDS (Fixed Distributor System)
FFG-7 Frigate
F-14D Tomcat
Harm (AGM-88A)
Harpoon (A/R/UGM-84)
Hawk Missile
Joint Services Imagery Processing System (JSIPS)
Laser Maverick Missile
LCAC (Landing Craft)
LHD-1 (Amphibious Assault)
Light Armored Vehicle (LAV-25)
Low Cost Anti-Radiation Seeker
LSD-41 Cargo Variant (CV)
LSD-41 Dock Landing
MCM-1 (Mine CM Ship)
MK-15 Phalanx Close-In Weapons System
MK 48 ADCAP Torpedo
MK 50 ALWT Torpedo
Mobile Target MK-39
Navy Standard Signal Processor AN/UYS-1
Navy Standard Signal Process AN/UYS-2
Phoenix (AIM-54C)
P-3C/G Orion
RAM (RIM-116A) Rolling Airframe Missile
Sea Lance (ASW SOW)
SH-2F (ASW Helo) Seasprite
SH-60B Lamps MK III
SH-60F CV Helo
Sidewinder AIM-9L, NV
Sparrow III (AIM-7)
SSN-21 Attack Submarine
SSN-688 Attack Submarine
STD Missile 2
Stratified Charge Rotary Engine (SCORE)
Surf Zone Mine Clearing (CATFAE)
S-3 Weapon System Improvement
S-3 Aircraft
Tactical Electronic Reconnaissance Processing and Evaluation Systems (TERPES)
T-AGOS Surv Ship
TAH (CONV) Hospital Ship
TAOC/MCE Operations Center
T-AO-187 Oiler
Tomahawk (BGM-108)
Torpedo MK-46
Trident II D5 Missile
Trident II Submarine
T-45TS Goshawk
UHF Follow-on Communications Satellite
Vertical Launch ASROC
V-22A Osprey

Air Force

ACM (Advanced Cruise Missile)
Airborne Warning and Control System (AWACS)
ALCM (AGM-86B)
AMRAAM (AIM-120A)
ATARS (TacAir Recon)
ATF (Advanced Tactical Fighter) AF
A-7
A-10 (Thunderbold II)
A-12 Advanced Tactical Aircraft
AC-13OU Gunship
Ballistic Missile Early Warning System (BMEWS)
B-1A (Strategic Bomber)
B-1B (Strategic Bomber)
B-2 (Advanced Technical Bomber)
CBU-87 CEM
CBU-89 TMD/GATOR
CIS (MK XV IFF)
CSRL Missile Launcher
C-5B Galaxy
C-17A Airlift Aircraft
C-130
C-135 KC-135 (Re-engining Mod)
C-141 (AFLC)
Delta II (MLV) (Space Boosters)
Distant Early Warning (DEW)/North Warning
Distant Early Warning (DEW) Radar Stations
DMSP (Def Met Sat)
DSCS III Space Segment
DSP (Def Spt Prog)
E-3A Sentry (AWACS)
EF-111A (TJS)
EF-111A TJS SIP T4D
F-4
F-15 Eagle
F-16 Fighting Falcon
GBU-15 Pwd (AGM-130)
GLCM (BGM-109G)
Ground Wave Energy Network (GWEN)
HH-53 Aircraft
Integrated Communication-Navigation-Identification-Avionics/Integrated Electronic Warfares Systems (ICNIA/INEWS)
I-S/A AMPE
Joint Tactical Communications Program (AN/TRC-170 TROPO)
JSTARS (E-8B)
JTIDS
KC-135R MOD
LANTIRN Infra-red
Maverick (IIR)
Microwave Landing System (MLS)
MilStar (Satellite Communications)

Minuteman III LGM–30
Modular Automatic Test Equipment (MATE)
MC–130H
Navstar
OTH–B (Over-the-Horizon Backscatter Radar)
Peacekeeper ICBM
Peacekeeper Rail Garrison
RAM (RIM–116A) Rolling Airframe Missile
SFW (w/SKEET)
Small Missile
Space Shuttle (IUS)
SRAM II XAGM–131A
TACIT Rainbow Missile
Titan IV (CELV)
TRI–TAC Communications System
TR–1 Reconnaissance System
WWMCCS (ADP Mod Program)

[FR Doc. 90–3017 Filed 2–8–90; 8:45 am]

BILLING CODE 3810–01–M

Department of the Air Force

Intent To Prepare Environmental Impact Statements, Myrtle Beach AFB, SC

The United States Air Force intends to study the closing of Myrtle Beach AFB, SC by 1993 as a result of force structure change. As part of that study process, the Air Force will prepare two Environmental Impact Statements (EISs) for use in decision-making regarding the proposed closure and final disposition/re-use of property at Myrtle Beach AFB.

The first environmental impact statement (EIS) will be prepared to assess the potential environmental impact of the possible closure of Myrtle Beach AFB, SC. The EIS will discuss the potential environmental impacts of withdrawing A–10A aircraft which will undergo force structure retirement and relocation. Active duty Air Force tenant units not inactivated would also be relocated. The EIS will also analyze the no action alternative to closing Myrtle Beach AFB, SC.

The other EIS will only be completed if there is a final decision to close the base. This EIS would cover the final disposition/re-use of excess property. All property would be disposed of in accordance with provisions of Public Law, federal property disposal regulations and Executive Order 12512.

The Air Force is planning to conduct a series of scoping meetings to determine the issues and concerns that should be addressed in the two EISs. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure the Air Force will have sufficient time to consider public inputs on issues to be included in the development of the first EIS, comments should be forwarded to the addressee listed below by March 15, 1990. However, the Air Force will accept comments to the addressee below at any time during the environmental impact analysis process.

For further information concerning the study of Myrtle Beach AFB for possible closure and the EIS activities, contact: Director of Environmental Planning, AFRCE–BMS/DEV, Norton AFB, San Bernardino, CA 92409–6448.

Gary D. Vest,

Deputy Assistant Secretary of the Air Force, (Environment, Safety and Occupational Health).

[FR Doc. 90–2832 Filed 2–8–90; 8:45 am]

BILLING CODE 3910–01–M

Intent To Prepare Environmental Impact Statements, Eaker AFB, AR

The United States Air Force intends to study the closing of Eaker AFB, AR, by the end of FY 93 as a result of force structure change. As part of that study process, the Air Force will prepare two Environmental Impact Statements (EISs) for use in decision-making regarding the proposed closure and final disposition/re-use of property at Eaker AFB.

The first environmental impact statement (EIS) will be prepared to assess the potential environmental impact of the possible closure of Eaker AFB. The EIS will discuss the potential environmental impacts of withdrawing B–52G bomber aircraft which will undergo force structure drawdown and KC–135 tanker aircraft which would be distributed to other locations. Active duty Air Force tenant units not inactivated would also be relocated. The EIS will also analyze the no action alternative to closing Eaker AFB, AR.

The other EIS will only be completed if there is a final decision to close the base. The EIS would cover the final disposition/re-use of excess property. All property would be disposed of in accordance with provisions of Public Law, federal property disposal regulations, and Executive Order 12512.

The Air Force is planning to conduct a series of scoping meetings to determine the issues and concerns that should be addressed in the two EISs. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure the Air Force will have sufficient time to consider public inputs on issued to be included in the development of the first EIS, comments should be forwarded to the addressee listed below by March 15, 1990. However, the Air Force will accept comments to the addressee below at any time during the environmental impact analysis process.

For further information concerning the study of Eaker AFB for possible closure and the EIS activities, contact: Director of Environmental Planning, AFRCE–BMS/DEV, Norton AFB, San Bernardino, CA 92409–6448.

Gary D. Vest,

Deputy Assistant Secretary of the Air Force, (Environment, Safety and Occupational Health).

[FR Doc. 90–2834 Filed 2–8–90; 8:45 am]

BILLING CODE 3910–01–M

Intent To Prepare Environmental Impact Statements; Los Angeles AFB, CA

The United States Air Force intends to study the closing of Los Angeles AFB, CA beginning in FY 1993. As part of that study process, the Air Force will prepare two Environmental Impact Statements (EISs) for use in decision-making regarding the proposed closure and final disposition/re-use of property at Los Angeles AFB.

The first environmental impact statement (EIS) will be prepared to assess the potential environmental impact of the possible closure of Los Angeles AFB. The EIS will discuss the potential environmental impacts of withdrawal of most of Headquarters Space Systems Divison (HQ SSD). Los Angeles AFB units not required to support the proposed relocated HQ SSD will be inactivated. The EIS will also analyze the no action alternative to closing Los Angeles AFB and a partial relocation of HQ SSD.

The other EIS will only be completed if there is a final decision to close the base. This EIS would cover the final disposition/re-use of excess property. All property would be disposed of in accordance with provisions of Public Law, federal property disposal regulations and Executive Order 12512.

The Air Force is planning to conduct a series of scoping meetings to determine the issues and concerns that should be addressed in the two EISs. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure the Air Force will have sufficient time to consider public inputs on issues to be included in the development of the first EIS, comments should be forwarded to the addressee listed below by March 15, 1990. However, the Air Force will accept comments to the addressee below at any time during the environmental impact analysis process.

For further information concerning the study of Los Angeles AFB for possible closure and the EIS activities, contact: Director of Environmental Planning, AFRCE-BMS/DEV, Norton AFB, San Bernardino, CA 92409-6448.

Gary D. Vest,

Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health).

[FR Doc. 90-2835 Filed 2-8-90; 8:45 am]

BILLING CODE 3910-01-M

Intent To Prepare Environmental Impact Statements; Relocation of Space Systems Division

The United States Air Force intends to study the relocation of Headquarters Space Systems Division (HQ SSD) and appropriate supporting units to Vandenberg AFB, CA by the start of FY 1993. As part of that study process, the Air Force will prepare an Environmental Impact Statement (EIS) for use in decision-making regarding the proposed relocation.

As alternatives, the EIS will also analyze the impacts of relocating HQ SSD and its support units to March AFB, CA, Falcon and Peterson AFBs, CO or Kirtland AFB. Additionally, the EIS will consider the environmental impacts associated with the relocation of only portions of HQ SSD to Vandenberg, March, Falcon, Peterson, or Kirtland AFBs. The EIS will also analyze the no action alternative to relocating HQ SSD and Los Angeles AFB supporting units.

The Air Force is planning to conduct a series of scoping meetings to determine the issues and concerns that should be addressed in the EIS. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure the Air Force will have sufficient time to consider public inputs on issues to be included in the development of the EIS, comments should be forwarded to the addressee listed below by March 15, 1990. However, the Air Force will accept comments to the addressee below at any time during the environmental impact analysis process.

For further information concerning relocation of Space Systems Division and the EIS activities, contact: Director of Environmental Planning, AFRCE-BMS/DEV, Norton AFB, San Bernardino, CA 92409-6448.

Gary D. Vest,

Deputy Assistant Secretary of the Air Force (Environment, Safety and Occupational Health).

[FR Doc. 90-2836 Filed 2-8-90; 8:45 am]

BILLING CODE 3910-01-M

Intent To Prepare Environmental Impact Statements; Bergstrom AFB, TX

The United States Air Force intends to study the closing of Bergstrom AFB, TX by the end of FY 1993 as a result of force structure change. As part of that study process, the Air Force will prepare two Environmental Impact Statements (EISs) for use in decision-making regarding the proposed closure and final disposition/re-use of property at Bergstrom AFB.

The first environmental impact statement (EIS) will be prepared to assess the potential environmental impact of the possible closure of Bergstrom AFB. The EIS will discuss the potential environmental impacts of withdrawing RF-4C reconnaissance aircraft and realigning them to other units. It will also discuss the relocation of Headquarters 12th Air Force with its associated units and the 4500th School Squadron (Detachment 2) to Davis-Monthan AFB, AZ, and the 712 Air Support Operations Squadron to a location to be determined. Active duty Air Force tenant units not inactivated would also be relocated. The EIS will also analyze the no action alternative to closing Bergstrom AFB. Air Reserve functions including Headquarters 10th Air Force and the 924th Tactical Fighter Group currently at Bergstrom will not be considered for relocation.

The re-use EIS will only be completed if there is a final decision to close the base. This EIS would cover the final disposition of excess property. All excess property would be disposed of in accordance with provisions of Public Law, federal property disposal regulations and Executive Order 12512.

The Air Force is planning to conduct a series of scoping meetings to determine the issues and concerns that should be addressed in the two EISs. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure the Air Force will have sufficient time to consider public inputs on issues to be included in the development of the first EIS, comments should be forwarded to the addressee listed below by March 15, 1990. However, the Air Force will accept environmental impact analysis process.

For further information concerning the study of Bergstrom AFB for possible closure and the EIS activities, contact: Director of Environmental Planning, AFRCE-BMS/DEV, Norton AFB, San Bernardino, CA 92409-6448.

Gary D. Vest,

Deputy Assistant Secretary of the Air Force, (Environment, Safety and Occupational Health).

[FR Doc. 90-2833 Filed 2-8-90; 8:45 am]

BILLING CODE 3910-01-M

Intent to Prepare Environmental Impact Statement for Relocation of the 37th Tactical Fighter Wing

The United States Air Force will prepare an Environmental Impact Statement (EIS) to access the potential environmental impact of relocating the 37th Tactical Fighter Wing (TFW) with its 46 F-117 and 8 T-38 aircraft to Holloman AFB, NM, beginning in 1992. The EIS will discuss the potential environmental impacts of the Tonopah Research Site supporting Red Flag operations.

The EIS will discuss the relocation of the 37th TFW as a means to reduce operations and costs associated with the Tonopah Research Site. The EIS will also analyze the no action alternative and moving the 37th TFW to Nellis AFB, NV.

The Air Force will conduct scoping meetings to determine the issues and concerns that should be addressed in the EIS. Notice of the time and place of the planned scoping meetings will be made available to public officials and announced in the news media in the areas where the meetings will be held.

To assure the Air Force will have sufficient time to consider public inputs on issues to be included in the development of the EIS, comments should be forwarded to the addressee listed below by March 15, 1990. However, the Air Force will accept comments to the addressee below at any time during the environmental impact analysis process.

For further information concerning relocation of the 37th TTW contact: Al

Chavis, Headquarters TAC/DEEV, Langley Air Force Base, VA 23665–5542.

Gary D. Vest,

Deputy Assistant Secretary of the Air Force, (Environment, Safety and Occupational Health).

[FR Doc. 90–2831 Filed 2–8–90; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Availability of a Draft Environmental Impact Statement for Base Realignment, Fort Dix, NJ, Including Forts Bliss, TX; Dix, NJ; Jackson, SC; Knox, KY; Lee, VA; and Leonard Wood, MO

AGENCY: Department of the Army, DOD.

SUMMARY: Fort Dix has been proposed for realignment to semiactive status. Entry level training functions would be transferred from Fort Dix to other Army installations located within the continental United States. Basic combat training at Fort Bliss would be transferred to Fort Jackson. The remaining installations at which training functions would be consolidated are Forts Knox, Lee, and Leonard Wood. This document considers only those realignment actions as recommended in the Report of the Defense Secretary's Commission and the effects of such actions.

No long-term adverse ecological or environmental health effects are expected at Fort Dix, Fort Bliss, or any of the receiving installations as a result of realignment. Significant adverse socioeconomic effects could be expected in the local communities associated with Fort Dix. Lesser negative economic effects would occur at Fort Bliss. Forts Leonard Wood and Jackson would experience basically positive socioeconomic impacts, while the positive impacts at Forts Knox and Lee would not be as great.

Scoping: Scoping meetings were held at Forts Dix, Jackson, and Knox. Public notices, requesting input and comments from the public concerning issues they believe should be addressed in the environmental impact statement, were issued in the regional areas within and surrounding each affected installation. Comments regarding this draft Environmental Impact Statement are welcome from the public. For a copy of the EIS and to provide written comments, it is requested that you contact Mr. Richard Muller, U.S. Army Corps of Engineers, Norfolk District, 803 Front Street, Norfolk, VA 23510–1096. Comments and suggestions should be received not later than March 26, 1990.

Dated: February 2, 1990.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 90–3008 Filed 2–8–90; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of Meeting: 26–27 February 1990.

Time: 0800–1700 each day.

Place: The Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) 1990 Summer Study on Reduction of Operation and Support Costs will hold a planning meeting to discuss and clarify any issues with respect to the purpose of the study, and will plan out the study activities required prior to the completion date of 30 September 1990. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695–0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 90–3196 Filed 2–8–90; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER90–171–000, et al.]

Central Hudson Gas & Electric Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

January 31, 1990.

Take notice that the following filings have been made with the Commission:

1. Central Hudson Gas & Electric Corporation

[Docket No. ER90–171–000]

Take notice that on January 22, 1990, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing a Notice of Cancellation of Central Hudson's FERC Rate Schedule No. 76.

Central Hudson states that the contract was cancelled on April 30, 1989 in accordance with its terms.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Southern California Edison Company

[Docket No. ER90–166–000]

Take notice that on January 19, 1990, Southern California Edison Company (Edison) tendered for filing a request for an extension of 1989 rates for the purchase of Replacement Capacity by the Cities of Anaheim, Azusa, Banning, Colton, Riverside, and Vernon, California (Cities) from Edison under the provisions of their Letter Agreements (Agreements).

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Arizona Public Service Company

[Docket No. ER90–173–000]

Take notice that on January 24, 1990, Arizona Public Service Company (APS) tendered for filing a Rate Schedule for Transmission Service between APS and the United States of America, Bureau of Indian Affairs on behalf of the San Carlos Irrigation Project (SCIP). This Rate Schedule, supersedes the currently effective Letter Agreement, and provides for firm transmission service to be provided by APS until a more comprehensive transmission agreement is executed.

The terms and conditions for this Rate schedule are similar to those contained in a number of agreements for similar service that the Commission has previously accepted.

APS requests an effective date of April 10, 1990, the date service terminates under the current Agreement.

Copies of this filing have been served upon SCIP and the Arizona Corporation Commission.

Comment date: February 15, 1990, in accordance with Standard Paragraph E end of this notice.

4. CEI—AMP Ohio Interconnection Agreement

[Docket No. ER90–97–000]

Take notice that on January 25, 1990, the Cleveland Electric Illuminating Company filed, on behalf of the above listed parties to the CEI—AMP-OHIO Agreement Amendment 1 to the Agreement between the Cleveland Electric Illuminating company and American Municipal Power—Ohio, Inc. The Agreement was filed with the Commission on December 13, 1989 in Docket No. ER90–97–000.

This Agreement provides for Short Term Power supplied by CEI. The parties have requested an effective date of October 1, 1989 for this schedule. Amendment 1 to the Agreement provides that CEI shall not charge less than 100% of the Out-of-Pocket cost for power supplied off its system. The parties have requested an effective date of October 1, 1989 for Amendment 1.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. National Electric Associates Limited Partnership

[Docket No. ER90-168-000]

Take notice that National Electric Associates Limited Partnership (NEA), on January 19, 1990, tendered for filing pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207 (1988), a petition for a disclaimer of jurisdiction under section 201 of the Federal Power Act, for waivers and blanket approvals under various regulations of the Commission, and an order accepting its Rate Schedule 1, to be effective 60 days and after January 19, 1990.

NEA intends to engage in electric power and energy transactions both as a broker and a marketer. In transactions where NEA does not take title to the electric power and/or energy, NEA will be limited to the role of a broker and charge a fee for its services. In transactions where NEA purchases power, including capacity and related services from electric utilities, qualifying facilities and independent power producers, and resells such power to other purchasers, NEA will be functioning as a marketer. In NEA's marketing transactions, NEA proposes to charge rates mutually agreed upon by the parties, subject to the rate being at or below the buyer's cost of alternative supply. All sales will be at arms-length, and no sales will be made to affiliated entities. NEA is not in the business of producing or transmitting electric power. NEA does not currently have or contemplate acquiring title to any electric power transmission or generation facilities.

Rate Schedule 1 provides for the sale of energy and capacity at agreed prices subject to a ceiling equal to the purchaser's alternative cost of electric power. Rate Schedule 1 also provides that no sales may be made to affiliates.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Georgia Power Company

[Docket No. ER89-618-000]

Take notice that on January 29, 1990, Georgia Power Company (Georgia Power) tendered for filing additional information in support of a Coordination Services Agreement (the Agreement) dated as of August 21, 1989, between Georgia Power and Oglethorpe Power Corporation (An Electric Membership Generation & Transmission Corporation) (OPC).

Georgia Power states that the Agreement has been executed to facilitate a power purchase by OPC from Big Rivers Corporation. Georgia Power seeks waiver of the Commission's notice requirements and seeks an effective date of August 21, 1989. The Agreement will terminate on May 31, 1992. The additional information allegedly justifies Georgia Power's scheduling fee of $15.00 per hour per transaction.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. Arizona Public Service Company

[Docket No. ER90-179-000]

Take notice that on January 29, 1990, Arizona Public Service Company (APS or Company) tendered for filing an Economy Energy Sales Agreement (the Agreement) between APS and Washington Water Power Company (WWP) executed on January 18, 1990.

APS requests that this Agreement become effective when accepted for filing as a rate schedule by the FERC.

This Agreement provides for the sale of economy energy by APS to WWP to be priced at one of the following rates: (a) Of bifurcated rate containing a ceiling adder based on the fixed costs associated with facilities likely to produce the required energy plus the actual variable costs incurred to produce the required energy; (b) a "split-the-savings" concept; or (c) a selling price based on 120 percent of the costs to produce such energy.

Copies of this filing are being served upon WWP, the Arizona Corporation Commission, the Washington Utilities and Transportation Commission and the Idaho Public Utilities Commission.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. Central Hudson Gas & Electric Corporation

[Docket No. ER90-169-000]

Take notice that on January 22, 1990, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing a Notice of Cancellation of Central Hudson's FERC Rate Schedule No. 67.

Central Hudson states that the contract was cancelled on August 31, 1984 in accordance with its terms.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

9. Northeast Utilities Service Company

[Docket No. ER90-178-000]

Take notice that on January 29, 1990, Northeast Utilities Service Company (NUSCO) acting as Agent for the Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) tendered for filing as a rate schedule an agreement (the Agreement) between the NU Companies and Connecticut Municipal Electric Energy Cooperative (CMEEC). The Agreement, dated as of December 1, 1985, provides for the sale by the NU Companies of system energy from their systems (system energy) or for the NU Companies to exchange system energy for an entitlement in capacity from CMEEC's system that may be available on a daily, weekly, or monthly basis (a transaction).

CMEEC will pay a capacity charge and an energy charge to the NU Companies for each transaction in an amount equal to the megawatt-hours of system energy delivered to CMEEC. The NU Companies will pay CMEEC for energy charges incurred when the transactions are as the result of exchanges.

NUSCO requests that the Commission waive its customary notice period and other filing requirements to the extent necessary to allow the Agreement to become effective on December 1, 1985.

The Agreement has been executed by the NU Companies and by CMEEC and copies have been mailed or delivered to each of them.

NUSCO further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: February 15, 1990, in accordance with Standard Paragraph E end of this notice.

10. Central Hudson Gas & Electric Corporation

[Docket No. ER90-170-000]

Take notice that on January 22, 1990, Central Hudson Gas & Electric Corporation (Central Hudson) tendered for filing a Notice of Cancellation of Central Hudson's FERC Rate Schedule No. 77.

Central Hudson states that the contract was cancelled on April 30, 1989 in accordance with its terms.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

11. Cajun Electric Power Cooperative, Inc. v. Louisiana Power & Light Company

[Docket No. EL90-12-000]

Take notice that on January 22, 1990, Cajun Electric Power Cooperative, Inc. (Cajun) tendered for filing a complaint against Louisiana Power and Light Company (LP&L) for a proportionate share of a fuel supplier judgment with interest. In its complaint Cajun states that it is entitled to a share of proceeds, plus appropriate interest, of the over $193,000,000 judgment received by LP&L from its fuel supplier, United Gas Pipe Line Company (United), related to the failure of United to deliver full contract quantities of natural gas to LP&L during the period 1971-1981. Cajun further states that the size of the share of the proceeds to which it is entitled should be determined on the basis of the ratio of the impact it suffered as compared to other affected customers of LP&L.

Comment date: March 2, 1990, in accordance with Standard Paragraph E at the end of this notice.

12. Allegheny Power Service Corporation

[Docket No. ER90-174-000]

Take notice that on January 26, 1990, Allegheny Power Service Corporation on behalf of Monongahela Power Company, the Potomac Edison Company, and West Penn Power Company (The APS Parties), filed an initial rate schedule in the form of a Standard Transmission Agreement providing for the APS Parties to transmit from Duquesne Light Company to Delmarva Power & Light Company (Delmarva) up to 100 Megawatts of power and energy in accordance with a Capacity Purchase Agreement between Delmarva and Duquesne Light Company. The APS Parties request an effective date of April 1, 1990 for the proposed Schedule.

Copies of the filing have been served upon the Public Service Commission of Delaware, the Maryland Public Service Commission, the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: February 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

13. Northeast Utilities Service Company

[Docket No. ER90-172-000]

Take notice that on January 23, 1990, Northeast Utilities Service Company (NUSCO) acting as Agent for the Connecticut Light and Power Company (CL&P), and Western Massachusetts Electric Company (WMECO, and together with CL&P, the NU Companies) tendered for filing as a rate schedule an agreement (the Agreement) between the NU Companies and Central Maine Power Company (CMP). The Agreement, dated as of August 1, 1988, provides for the sale by the NU Companies of system energy or for the NU Companies to exchange system energy for an entitlement in capacity from CMP's system that may be available on a daily or weekly basis. This Agreement shall supersede the System Power Sales Agreement between the parties dated July 23, 1981.

NUSCO requests that the Commission waive its customary notice period and allow the Agreement to become effective on August 1, 1988.

CMP has filed a Certificate of Concurrence in this docket.

The Agreement has been executed by the NU Companies and by CMP and copies have been mailed or delivered to each of them.

NUSCO further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: February 15, 1990, in accordance with Standard Paragrah E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3020 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01

[Docket Nos. ER90-180-000 et al.]

Pacific Gas & Electric Co. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

February 2, 1990.

Take notice that the following filings have been made with the Commission.

1. Pacific Gas & Electric Company

[Docket No. ER90-180-000]

Take notice that on January 30, 1990, Pacific Gas and Electric Company (PG&E) tendered for filing changes to a rate schedule covering services rendered by PG&E under the agreement entitled, "Interconnection Agreement between Pacific Gas and Electric Company and the City of Santa Clara" (Interconnection Agreement). The Interconnection Agreement was initially filed under FERC Docket No. ER84-6-000 and was assigned Rate Schedule FERC No. 85.

The Interconnection Agreement provides for a forecast of Contract Demand and Capacity Reserve as shown in its Exhibit A-1. Similarly, the Interconnection Agreement provides for firm transmission service between Points of Receipt and Points of Delivery as shown in its Exhibit A-4. The rate schedule change is in the form of revised Exhibits A-1 and A-4. The revisions to Exhibit A-1 include new forecasts for both contract Demand and Capacity Reserve for the years 1990 and 1991. The revisions to Exhibit A-4 for 1990 include:

1. The Calaveras Project (also know as the North Fork Stanislaus River Hydroelectric Project) has been added as another resource. Santa Clara owns a 35.86% share of this Project, which is co-owned by the Northern California Power Agency.

2. The maximum delivery to the City of Santa Clara (Santa Clara) has been increased to 172.1 MW.

3. Deliveries from Tesla have been deleted as of January 1, 1990.

Copies of this filing been served upon Santa Clara and the California Public Utilities Commission.

Comment date: February 16, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Northeast Utilities Service Company

[Docket No. ER90-175-000]

Take notice that on January 25, 1990, Northeast Utilities Service Company (NUSCO) as agent for the Connecticut Light and Power Company and Western Massachusetts Electric Company (collectively referred to as the "NU Companies") tendered for filing a proposed Amendment with respect to a Transmission Service Agreement, between NU Companies and United Illuminating Company (UI), dated November 17, 1989.

NUSCO states that this Amendment provides for additional service to UI for the transmission of purchases of electric system capacity and associated energy.

NUSCO requests that the Commission waive its filing requirements to the extent necessary to permit the rate schedule to become effective as of September 1, 1989.

NUSCO states that copies of the appropriate rate schedules have been mailed to UI.

NUSCO further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: Feburary 16, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Northeast Utilities Service Company

[Docket No. ER90-176-000]

Take notice that on January 25, 1990, Northeast Utilities Service Company (NUSCO) as agent for the Connecticut Light and Power Company and Western Massachusetts Electric Company (collectively referred to as the "NU Companies") tendered for filing a proposed rate schedule with respect to a Transmission Service Agent, between NU Companies and Public Service Company of New Hampshire (PSNH), dated November 30, 1988.

NUSCO states that this Amendment provides service to PSNH for the transmission of purchases of electric system capacity and associated energy.

NUSCO requests that the Commission waive its filing requirements to the extent necessary to permit the rate schedule to become effective as of December 1, 1988.

NUSCO states that copies of the appropriate rate schedules have been mailed to PSNH.

NUSCO further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: Feburary 16, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company

[Docket No. ER90-177-000]

Take notice that Portland General Electric Company (PGE) on January 25, 1990, tendered for filing a Letter Agreement between PGE and San Diego Gas & Electric (SDG&E) modifying the method for calculating PGE's administrative and general (A&G) costs contained in the PGE/SDG&E Long-Term Power Sale Agreement (LTPSA).

PGE states the reason for the proposed Letter Agreement is to allow it to calculate A&G costs based on its revised corporate structure.

PGE requests an effective date of January 1, 1989, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served upon SDG&E and the Oregon Public Utility Commission.

Comment date: Feburary 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3021 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ST90-0861-000 through ST90-1283-000]

Natural Gas Pipeline Company of America; Self-Implementing Transactions

February 5, 1990.

Take notice that the following transactions have been reported to the Commission as being implemented pursuant to part 284 of the Commission's Regulations, sections 311 and 312 of the Natural Gas Policy Act of 1978 (NGPA) and section 5 of the Outer Continental Shelf Lands Act.[1]

The "Recipient" column in the following table indicates the entity receiving or purchasing the natural gas in each transaction.

The "part 284 subpart" column in the following table indicates the type of transaction. A "B" indicates transportation by an interstate pipeline on behalf of an intrastate pipeline or a local distribution company pursuant to § 284.102 of the Commission's Regulations and section 311(a)(1) of the NGPA.

A "C" indicates transportation by an intrastate pipeline on behalf of an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.122 of the Commission's Regulations and section 311(a)(2) of the NGPA. In those cases where Commission approval of a transportation rate is sought pursuant to § 284.123(b)(2), the table lists the proposed rate and the expiration date of the 150-day period for staff action. Any person seeking to participate in the proceeding to approve a rate listed in the table should file a motion to intervene with the Secretary of the Commission on or before February 21, 1990.

A "D" indicates a sale by an intrastate pipeline to an interstate pipeline or a local distribution company served by an interstate pipeline pursuant to § 284.142 of the Commission's Regulations and section 311(b) of the NGPA. Any interested person may file a complaint concerning such sales pursuant to § 284.147(d) of the Commission's Regulations.

An "E" indicates an assignment by an intrastate pipeline to any interstate pipeline or local distribution company pursuant to § 284.163 of the Commission's regulations and section 312 of the NGPA.

A "G" indicates transportation by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.222 and a blanket certificate issued under § 284.221 of the Commission's Regulations.

A "G-S" indicates transportation by interstate pipelines on behalf of shippers other than interstate pipelines—pursuant to § 284.223 and a blanket certificate issued under § 284.221 of the Commission's regulations.

A "G-LT" or "G-LS" indicates transportation, sales or assignments by a local distribution company on behalf of or to an interstate pipeline or local distribution company pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

A "G-HT" or "G-HS" indicates transportation, sales or assignments by a Hinshaw Pipeline pursuant to a blanket certificate issued under § 284.224 of the Commission's Regulations.

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[1] Notice of a transaction does not constitute a determination that the terms and conditions of the proposed service will be approved or that the noticed filing is in compliance with the Commission's Regulations.

A "K" indicates transportation of natural gas on the Outer Continental Shelf by an interstate pipeline on behalf of another interstate pipeline pursuant to § 284.303 of the Commission's regulations.

A "K-S" indicates transportation of natural gas on the Outer Continental Shelf by an intrastate pipeline on behalf of shippers other than interstate pipelines—pursuant to § 284.303 of the Commission's Regulations.

Lois D. Cashell,

Secretary.

Docket No.	Transporter/seller	Recipient	Part 284 subpart	Date filed	Expiration Date [2]	Transportation rate (c/MMBTU)
ST90-0861	Natural Gas Pipeline Co. of America	PSI, Inc	G-S	12-01-89		
ST90-0862	Natural Gas Pipeline Co. of America	Sonat Marketing Co	G-S	12-01-89		
ST90-0863	Natural Gas Pipeline Co. of America	Richardson Products Co	G-S	12-01-89		
ST90-0864	Natural Gas Pipeline Co. of America	Transcontinental Gas Pipe Line Corp	G	12-01-89		
ST90-0865	Northern Natural Gas Co	Delhi Gas Pipeline Corp	B	12-01-89		
ST90-0866	Northern Natural Gas Co	Enron Gas Marketing, Inc	G-S	12-01-89		
ST90-0867	Northern Natural Gas Co	Minnegasco, Inc	B	12-01-89		
ST90-0868	Acadian Gas Pipeline System	Pontchartrain Natural Gas System	C	12-01-89		
ST90-0869	Kentucky West Virgina Gas Co	Equitable Gas Co	B	12-01-89		
ST90-0870	Kentucky West Virginia Gas Co	Equitable Gas Co	B	12-01-89		
ST90-0871	ONG Transmission Co	Northern Natural Gas Co	C	12-01-89	04-30-90	24.32
ST90-0872	Transok, Inc	Northern Natural Gas Co	C	12-01-89	04-30-90	518.00/ 10.42/ 27.44
ST90-0873	River Gas Co	Texas Eastern Transmission Corp	G-HT	12-01-89		
ST90-0874	Transcontinental Gas Pipe Line Corp	Ohio Valley Gas Corp	B	12-01-89		
ST90-0875	Transcontinental Gas Pipe Line Corp	City of Sugar Hill	B	12-01-89		
ST90-0876	Inland Gas Co., Inc. (The)	A.C. Lawrence Leather Co., Inc	G-S	12-01-89		
ST90-0877	Inland Gas Co., Inc. (The)	Cobra Oil and Gas Co., Inc	G-S	12-01-89		
ST90-0878	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-01-89		
ST90-0879	Northwest Pipeline Corp	ARCO Petroleum Products Co	G-S	12-01-89		
ST90-0880	Sea Robin Pipeline Co	Trans Marketing Houston, Inc	G-S	12-01-89		
ST90-0881	Tekas Corp	Northern Natural Gas Co	C	12-01-89	04-30-90	38.00
ST90-0882	Tekas Corp	Northern Natural Gas Co	C	12-01-89	04-30-90	38.00
ST90-0883	Williams Natural Gas Co	Texaco Gas Marketing, Inc	G-S	12-01-89		
ST90-0884	Williams Natural Gas Co	Gastrak Corp	G-S	12-01-89		
ST90-0885	Williams Natural Gas Co	Stone Container—Resources & Energy Div	G-S	12-01-89		
ST90-0886	Williams Natural Gas Co	Kansas Power and Light Co	G-S	12-01-89		
ST90-0887	Williams Natural Gas Co	Continental Natural Gas, Inc	G-S	12-01-89		
ST90-0888	Williams Natural Gas Co	Damson Gas Processing Corp	G-S	12-01-89		
ST90-0889	Tennessee Gas Pipeline Co	Wisconsin Gas Co., et al	B	12-01-89		
ST90-0890	Tennessee Gas Pipeline Co	Central Soya Company, Inc	G-S	12-01-89		
ST90-0891	Tennessee Gas Pipeline Co	Midwester Gas Transmission Co	G	12-01-89		
ST90-0892	Tennessee Gas Pipeline Co	Mississippi Fuel Co	B	12-01-89		
ST90-0893	Midwestern Gas Transmission Co	Northern Illinois Gas Co	B	12-01-89		
ST90-0894	United Gas Pipe Line Co	Total Minatome Corp	G-S	12-01-89		
ST90-0895	United Gas Pipe Line Co	Northwestern Mutual Life Insurance Co	G-S	12-01-89		
ST90-0896	United Gas Pipe Line Co	Laser Marketing Co	G-S	12-01-89		
ST90-0897	ANR Pipeline Co	Shell Gas Trading Co	G-S	12-01-89		
ST90-0898	ANR Pipeline Co	Xebec Gas Co	G-S	12-01-89		
ST90-0899	ANR Pipeline Co	Texline Gas Co	B	12-01-89		
ST90-0900	ANR Pipeline Co	American Central Gas Marketing Co	G-S	12-01-89		
ST90-0901	ANR Pipeline Co	PSI, Inc	G-S	12-01-89		
ST90-0902	ANR Pipeline Co	West Ohio Gas Co	B	12-01-89		
ST90-0903	ANR Pipeline Co	City of Grand Rapids Waste Water Treat. Plt	G-S	12-01-89		
ST90-0904	ANR Pipeline Co	Kaztek Energy Management, Inc	G-S	12-01-89		
ST90-0905	ANR Pipeline Co	Conoco, Inc	G-S	12-01-89		
ST90-0906	ANR Pipeline Co	Midwest Gas Co	B	12-01-89		
ST90-0907	ANR Pipeline Co	West Ohio Gas Co	B	12-01-89		
ST90-0908	ANR Pipeline Co	Northern Illinois Gas Co	B	12-01-89		
ST90-0909	ANR Pipeline Co	Peoples Gas Light & Coke Co	B	12-01-89		
ST90-0910	ANR Pipeline Co	City of Winfield	B	12-01-89		
ST90-0911	Western Transmission Corp	Northern Gas of Wyoming	B	12-04-89		
ST90-0912	Tennessee Gas Pipeline Co	Cincinnati Gas and Electric Co	B	12-04-89		
ST90-0913	K N Energy, Inc	Plains Petroleum Operating Co	G-S	12-04-89		
ST90-0914	K N Energy, Inc	Anadarko Trading Co	G-S	12-04-89		
ST90-0915	K N Energy, Inc	Coleman Powermate, Inc	G-S	12-04-89		
ST90-0916	Natural Gas Pipeline Co. of America	LTV Steel Co	G-S	12-04-89		
ST90-0917	Natural Gas Pipeline Co. of America	National Steel Co	G-S	12-04-89		
ST90-0918	Arkansas Western Gas Co	Arkla Energy Resources	G-LT	12-04-89		
ST90-0919	Columbia Gulf Transmission Co	Total Minatome Corp	G-S	12-04-89		
ST90-0920	Columbia Gulf Transmission Co	Meth Corp	G-S	12-04-89		
ST90-0921	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-04-89		
ST90-0922	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-04-89		
ST90-0923	K-M Mississippi, Inc	Transcontinental Gas Pipe Line Corp	C	12-04-89		
ST90-0924	Tennessee Gas Pipeline Co	Allied Signal, Inc	G-S	12-04-89		
ST90-0925	Midwestern Gas Transmission Co	Peoples Gas Light & Coke Co	B	12-04-89		
ST90-0926	Enogex, Inc	Natural Gas Pipeline Co. of America	C	12-04-89	05-03-90	29.00
ST90-0927	United Texas Transmission Co	Lone Star Gas Co	C	12-05-89		
ST90-0928	Texas Gas Transmission Corp	Equitable Resources Marketing Co	G-S	12-05-89		
ST90-0929	Texas Gas Transmission Corp	Centran Corp	G-S	12-05-89		

Docket No.	Transporter/seller	Recipient	Part 284 subpart	Date filed	Expiration Date [2]	Transportation rate (c/MMBTU)
ST90-0930	Valero Transmission, L.P	Trunkline Gas Co	C	12-05-89		
ST90-0931	Valero Transmission, L.P	Natural Gas Pipeline Co. of America	C	12-05-89		
ST90-0932	Transtexas Pipeline	Natural Gas Pipeline Co. of America	C	12-05-89		
ST90-0933	Natural Gas Pipeline Co. of America	Houston Pipe Line Co	B	12-05-89		
ST90-0934	Tennessee Gas Pipeline Co	Jaywell Energy Corp	G-S	12-05-89		
ST90-0935	Sea Robin Pipeline Co	Cornerstone Production Corp	G-S	12-05-89		
ST90-0936	Tennessee Gas Pipeline Co	Texas Eastern Transmission Corp	G	12-05-89		
ST90-0937	Midwestern Gas Transmission Co	Stellar Pipeline Co	B	12-05-89		
ST90-0938	Midwestern Gas Transmission Co	Texline Gas Co	B	12-05-89		
ST90-0939	Midwestern Gas Transmission Co	Northern Indiana Public Service Co	B	12-05-89		
ST90-0940	Trunkline Gas Co	Alabama Gas Corp., et al	B	12-05-89		
ST90-0941	Trunkline Gas Co	Alabama Gas Corp., et al	B	12-05-89		
ST90-0942	Columbia Gas Transmission Corp	Riley Natural Gas Co	G-S	12-05-89		
ST90-0943	Columbia Gas Transmission Corp	KV Oil & Gas, Inc	G-S	12-05-89		
ST90-0944	Columbia Gas Transmission Corp	Keystone Resources	G-S	12-05-89		
ST90-0945	Columbia Gas Transmission Corp	Eagle Gas Service, Inc	G-S	12-05-89		
ST90-0946	Columbia Gas Transmission Corp	Centran Corp	G-S	12-05-89		
ST90-0947	Columbia Gas Transmission Corp	Access Energy Corp	G-S	12-05-89		
ST90-0948	Columbia Gas Transmission Corp	Viking Resources Corp	G-S	12-05-89		
ST90-0949	BP Gas Transmission Co	ANR Pipeline Co., et al	C	12-06-89	05-05-90	13.70
ST90-0950	Natural Gas Pipeline Co. of America	Texas Industrial Energy Co	B	12-06-89		
ST90-0951	United Gas Pipe Line Co	Midcon Marketing Corp	G-S	12-06-89		
ST90-0952	Sea Robin Pipeline Co	Bridgeline Gas Distribution Co	B	12-06-89		
ST90-0953	Northwest Pipeline Corp	Kern River Gas Supply Corp	G-S	12-07-89		
ST90-0954	El Paso Natural Gas Co	Hunt Oil Co	G-S	12-07-89		
ST90-0955	ONG Transmission Co	Williams Natural Gas Co	C	12-07-89	05-06-90	24.32
ST90-0956	Delhi Gas Pipeline Corp	Texas Eastern Transmission Corp	C	12-07-89		
ST90-0957	Tennessee Gas Pipeline Co	Orange and Rockland Utilities, Inc	B	12-07-89		
ST90-0958	Texas Eastern Transmission Corp	Coastal Gas Marketing Co	G-S	12-06-89		
ST90-0959	Texas Eastern Transmission Corp	Enmark Gas Corp	B	12-06-89		
ST90-0960	Texas Eastern Transmission Corp	Coastal Gas Marketing Co	G-S	12-06-89		
ST90-0961	Phillips Gas Pipeline Co	Phillips Petroleum Co	B	12-07-89		
ST90-0962	Phillips Gas Pipeline Co	Marathon Oil Co	B	12-07-89		
ST90-0963	Phillips Gas Pipeline Co	Amerada Hess Corp	B	12-07-89		
ST90-0964	ANR Pipeline Co	Domtar Gypsum, Inc	G-S	12-07-89		
ST90-0965	ANR Pipeline Co	Consumers Power Co	B	12-07-89		
ST90-0966	ANR Pipeline Co	Texas Eastern Gas Services Co	G-S	12-07-89		
ST90-0967	ANR Pipeline Co	Kerr-McGee Corp	G-S	12-07-89		
ST90-0968	ANR Pipeline Co	Gas Energy Development	G-S	12-07-89		
ST90-0969	ANR Pipeline Co	Northwestern Mutual Life Insurance Co	G-S	12-07-89		
ST90-0970	Sipco Gas Transmission Corp	Natural Gas Pipeline Co. of America	C	12-08-89		
ST90-0971	Natural Gas Pipeline Co. of America	Texas Gas Gathering Co	G-S	12-08-89		
ST90-0972	Tennessee Gas Pipeline Co	Sipco Gas Transmission Corp	B	12-08-89		
ST90-0973	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-08-89		
ST90-0974	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-08-89		
ST90-0975	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-08-89		
ST90-0976	Panhandle Eastern Pipe Line Co	APX Corp	G-S	12-08-89		
ST90-0977	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-08-89		
ST90-0978	Trunkline Gas Co	Equitable Resources Marketing Co	G-S	12-08-89		
ST90-0979	Trunkline Gas Co	V.H.C. Gas System, L.P.	G-S	12-08-89		
ST90-0980	Trunkline Gas Co	PSI, Inc	G-S	12-08-89		
ST90-0981	Trunkline Gas Co	Conoco, Inc	G-S	12-08-89		
ST90-0982	Trunkline Gas Co	Conoco, Inc	G-S	12-08-89		
ST90-0983	Trunkline Gas Co	Texas Eastern Transmission Corp	G	12-08-89		
ST90-0984	Trunkline Gas Co	Mississippi River Transmission Corp	G	12-08-89		
ST90-0985	Trunkline Gas Co	Central Hudson Gas & Elect. Co., et al	B	12-08-89		
ST90-0986	Trunkline Gas Co	Access Energy Pipeline Corp	B	12-08-89		
ST90-0987	Trunkline Gas Co	LL & E Gas Marketing, Inc	G-S	12-08-89		
ST90-0988	Trunkline Gas Co	Sun Operating Limited Partnership	G-S	12-08-89		
ST90-0989	Trunkline Gas Co	Consumers Power Co	B	12-08-89		
ST90-0990	Trunkline Gas Co	NGC Intrastate Pipeline Co	B	12-08-89		
ST90-0991	Texas Gas Transmission Corp	Columbia Gas of Kentucky, Inc	B	12-11-89		
ST90-0992	Texas Gas Transmission Corp	Miami Valley Resources, Inc	G-S	12-11-89		
ST90-0993	Texas Gas Transmission Corp	TXG Gas Marketing Co	G-S	12-11-89		
ST90-0994	Texas Gas Transmission Corp	TXG Gas Marketing Co	G-S	12-11-89		
ST90-0995	United Gas Pipe Line Co	PSI, Inc	G-S	12-11-89		
ST90-0996	Questar Pipeline Co	Timberline Energy, Inc	G-S	12-11-89		
ST90-0997	Midwestern Gas Transmission Co	Northern Illinois Gas Co	B	12-11-89		
ST90-0998	Panhandle Eastern Pipe Line Co	Xebec Gas Co	G-S	12-11-89		
ST90-0999	Transcontinental Gas Pipe Line Corp	Transco Energy Marketing Co	G-S	12-11-89		
ST90-1000	Transcontinental Gas Pipe Line Corp	Coastal Gas Marketing Co	G-S	12-11-89		
ST90-1001	Columbia Gulf Transmission Co	Texas Eastern Transmission Corp	G	12-11-89		
ST90-1002	Columbia Gulf Transmission Co	Orange And Rockland Utilities, Inc	B	12-11-89		
ST90-1003	Columbia Gulf Transmission Co	Tejas Power Corp	G-S	12-11-89		
ST90-1004	Columbia Gulf Transmission Co	Enmark Gas Corp	G-S	12-11-89		
ST90-1005	Columbia Gulf Transmission Co	Orange and Rockland Utilities, Inc	B	12-11-89		
ST90-1006	Midwestern Gas Transmission Co	Texline Gas Co	B	12-12-89		
ST90-1007	United Gas Pipe Line Co	Texas Gas Transmission Corp	G	12-13-89		
ST90-1008	United Gas Pipe Line Co	Bishop Pipeline Corp	B	12-13-89		

Docket No.	Transporter/seller	Recipient	Part 284 subpart	Date filed	Expiration Date [2]	Transportation rate (c/MMBTU)
ST90-1009	United Gas Pipe Line Co	Victoria Gas Corp	G-S	12-13-89		
ST90-1010	Houston Pipe Line Co	Transwestern Pipeline Co	C	12-13-89		
ST90-1011	Houston Pipe Line Co	Tennessee Gas Pipeline Co	C	12-13-89		
ST90-1012	Houston Pipe Line Co	Texas Eastern Transmission Corp	C	12-13-89		
ST90-1013	Houston Pipe Line Co	Black Marlin Pipeline Co	C	12-13-89		
ST90-1014	Oasis Pipe Line Co	El Paso Natural Gas Co	C	12-13-89		
ST90-1015	Houston Pipe Line Co	United Gas Pipe Line Co	C	12-13-89		
ST90-1016	Houston Pipe Line Co	Amoco Gas Co	C	12-13-89		
ST90-1017	Oasis Pipe Line Co	El Paso Natural Gas Co	C	12-13-89		
ST90-1018	Oasis Pipe Line Co	Transwestern Pipeline Co	C	12-13-89		
ST90-1019	Tennessee Gas Pipeline Co	Pike Natural Gas Co	B	12-13-89		
ST90-1020	Midwestern Gas Transmission Co	Northern Illinois Gas Co	B	12-13-89		
ST90-1021	Midwestern Gas Transmission Co	Nothern Illinois Gas Co	B	12-13-89		
ST90-1022	Midwestern Gas Transmission Co	Sun Gas Transmission L.P	B	12-13-89		
ST90-1023	Columbia Gulf Transmission Co	Bridgeline Gas Distribution Co	B	12-13-89		
ST90-1024	Texas Eastern Transmission Corp	Mississippi Fuel Co	B	12-13-89		
ST90-1025	Northern Natural Gas Co	Enron Gas Marketing, Inc	G-S	12-13-89		
ST90-1026	El Paso Natural Gas Co	Tranam Energy Inc	G-S	12-13-89		
ST90-1027	ANR Pipeline Co	CMS Brokering Co	G-S	12-13-89		
ST90-1028	ANR Pipeline Co	Odeco Oil & Gas Co	G-S	12-13-89		
ST90-1029	ANR Pipeline Co	Ohio Valley Gas Corp	B	12-13-89		
ST90-1030	ANR Pipeline Co	Unifield Natural Gas Group, L.P	G-S	12-13-89		
ST90-1031	ANR Pipeline Co	Northwestern Mutual Life Insurance Co	B	12-14-89		
ST90-1032	Midwestern Gas Transmission Co	Southeastern Michigan Gas Co	B	12-14-89		
ST90-1033	El Paso Natural Gas Co	Trigen Resources Corp	G-S	12-14-89		
ST90-1034	Seagull Shoreline System	Tejas Power Corp	C	12-14-89	05-13-90	08.50
ST90-1035	Transcontinental Gas Pipe Line Corp	City of Monroe	B	12-14-89		
ST90-1036	Transcontinental Gas Pipe Line Corp	Arlington Gas Co	B	12-14-89		
ST90-1037	Transcontinental Gas Pipe Line Corp	Florida Gas Transmission Co	G	12-14-89		
ST90-1038	Trailblazer Pipeline Co	Texas Industrial Energy Co	B	12-14-89		
ST90-1039	Trailblazer Pipeline Co	Northern Illinois Gas Co	B	12-14-89		
ST90-1040	Trailblazer Pipeline Co	NGC Intrastate Pipeline Co	B	12-14-89		
ST90-1041	Northern Natural Gas Co	Cabot Gas Supply Corp	B	12-14-89		
ST90-1042	Northern Natural Gas Co	Cabot Gas Supply Corp	B	12-14-89		
ST90-1043	Northern Natural Gas Co	Enron Gas marketing, Inc	G-S	12-14-89		
ST90-1044	Black Marlin Pipeline Co	Channel Industries Gas Co	B	12-14-89		
ST90-1045	Black Marlin Pipeline Co	Amoco Gas Co	B	12-14-89		
ST90-1046	Northwest Pipeline Corp	Inland Empire Paper Co	G-S	12-14-89		
ST90-1047	United Gas Pipe Line Co	Kogas, Inc	G-S	12-14-89		
ST90-1048	Columbia Gas Transmission Corp	Kentucky Ohio Gas Co	B	12-14-89		
ST90-1049	Columbia Gas Transmission Corp	NGC Transportation, Inc	G-S	12-14-89		
ST90-1050	CNG Transmission Corp	Commonwealth Gas Co	B	12-14-89		
ST90-1051	CNG Transmission Corp	Commonwealth Gas Co	B	12-14-89		
ST90-1052	Texas Gas Transmission Corp	World Color Press	G-S	12-14-89		
ST90-1053	Texas Gas Transmission Corp	Total Minatome Corp	G-S	12-14-89		
ST90-1054	Texas Gas Transmission Corp	Seagull Marketing Services, Inc	G-S	12-14-89		
ST90-1055	Natural Gas Pipeline Co. of America	Acacia Gas Corp	G-S	12-15-89		
ST90-1056	Williams Natural Gas Co	Midcon Marketing Corp	G-S	12-15-89		
ST90-1057	Ong Transmission Co	Natural Gas Piperline Co. of America	C	12-15-89	05-14-90	24.32
ST90-1058	Corpus Christi Transmission Co	Corpus Christi Industrial Pipeline Co	C	12-15-89		
ST90-1059	El Paso Natural Gas Co	Phillips Petroleum Co	G-S	12-15-89		
ST90-1060	El Paso Natural Gas Co	NGC Transportation, Inc	G-S	12-15-89		
ST90-1061	El Paso Natural Gas Co	Cabot Energy markting Corp	G-S	12-15-89		
ST90-1062	El Paso Natural Gas Co	Cabot Energy Marketing Corp	G-S	12-15-89		
ST90-1063	El Paso Natural Gas Co	Shell Western E & P, Inc	G-S	12-15-89		
ST90-1064	Trunkline Gas Co	Coastal Gas Marketing Co	G-S	12-15-89		
ST90-1065	Trunkline Gas Co	TXG Gas Marketing Co	G-S	12-15-89		
ST90-1066	Trunkline Gas Co	Coastal Gas Marketing Co	G-S	12-15-89		
ST90-1067	Trunkline Gas Co	Texas Eastern Transmission Corp	G	12-15-89		
ST90-1068	Southern Natural Gas Co	Enron Gas Marketing, Inc	G-S	12-15-89		
ST90-1069	Southern Natural Gas Co	Amerada Hess Corp	G-S	12-15-89		
ST90-1070	Southern Natural Gas Co	Access Energy Corp	G-S	12-15-89		
ST90-1071	Southern Natural Gas Co	Enron Gas marketing, Inc	G-S	12-15-89		
ST90-1072	Southern Natural Gas Co	Houston Gas Exchange Corp	G-S	12-15-89		
ST90-1073	Southern Natural Gas Co	Midcon Marketing Corp	G-S	12-15-89		
ST90-1074	Southern Natural Gas Co	Ultramar Oil and Gas Ltd	G-S	12-15-89		
ST90-1075	Southern Natural Gas Co	Equitable Resources Marketing Co	G-S	12-15-89		
ST90-1076	Northern Natural Gas Co	Damson Oil Corp	G-S	12-15-89		
ST90-1077	El Paso Natural Gas Co	Enron Gas Marketing, Inc	G-S	12-18-89		
ST90-1078	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	B	12-18-89		
ST90-1079	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	B	12-18-89		
ST90-1080	Natural Gas Pipeline Co. of America	Iowa-Illinois Gas & Electric Co	B	12-18-89		
ST90-1081	Williston Basin Interstate P/L Co	Montana-Dakota Utilities Co	B	12-18-89		
ST90-1082	Williston Basin Interstate P/L Co	Cody Gas Co	B	12-18-89		
ST90-1083	Lone Star Gas Co	Lone Star Gas Co. of Texas	C	12-18-89		
ST90-1084	United Gas Pipe Line Co	Marathon Oil Co	G-S	12-18-89		
ST90-1085	Trunkline Gas Co	Amoco Production Co	G-S	12-18-89		
ST90-1086	Trunkline Gas Co	Transcontinental Gas Pipe Line Corp	G	12-18-89		
ST90-1087	Trunkline Gas Co	Access Energy Corp	G-S	12-18-89		

Docket No.	Transporter/seller	Recipient	Part 284 subpart	Date filed	Expiration Date [2]	Transportation rate (c/MMBTU)
ST90-1088	Trunkline Gas Co	Valero Transmission, L.P	B	12-18-89		
ST90-1089	Trunkline Gas Co	Transcontinental Gas Pipe Line Corp	G	12-18-89		
ST90-1090	Trunkline Gas Co	Golden Gas Energies, Inc	B	12-18-89		
ST90-1091	Trunkline Gas Co	Access Energy Pipeline Corp	B	12-18-89		
ST90-1092	Columbia Gas Transmission Corp	Envirogas, Inc	G-S	12-18-89		
ST90-1093	Columbia Gas Transmission Corp	Ramco Energy Corp	G-S	12-18-89		
ST90-1094	Columbia Gas Transmission Corp	NGC Transportation, Inc	G-S	12-18-89		
ST90-1095	Columbia Gas Transmission Corp	Industrial Energy Services Co	G-S	12-19-89		
ST90-1096	Northwest Pipeline Corp	Development Associates, Inc	G-S	12-19-89		
ST90-1097	Paiute Pipeline Co	Harrah's Club	G-S	12-19-89		
ST90-1098	United Texas Transmission Co	United Gas Pipe Line Co., et al	C	12-19-89		
ST90-1099	Transcontinental Gas Pipe Line Corp	National Fuel Gas Supply Corp	G	12-19-89		
ST90-1100	United Gas Pipe Line Co	Fina Oil and Chemical Co	G-S	12-19-89		
ST90-1101	United Gas Pipe Line Co	Midcon Marketing Corp	G-S	12-19-89		
ST90-1102	United Gas Pipe Line Co	PSI, Inc	G-S	12-19-89		
ST90-1103	United Gas Pipe Line Co	Houston Gas Exchange Corp	G-S	12-19-89		
ST90-1104	United Gas Pipe Line Co	Llano	B	12-19-89		
ST90-1105	United Gas Pipe Line Co	Amalgamated Pipeline Co	B	12-19-89		
ST90-1106	Panhandle Eastern Pipe Line Co	Nycotex Gas Transport	B	12-19-89		
ST90-1107	Panhandle Eastern Pipe Line Co	Kansas Power and Light Co	B	12-19-89		
ST90-1108	Panhandle Eastern Pipe Line Co	Gastrak Corp	G-S	12-19-89		
ST90-1109	Panhandle Eastern Pipe Line Co	Panda resources, Inc	G-S	12-19-89		
ST90-1110	Phillips Gas Pipeline Co	Phillips Natural Gas Co	B	12-20-89		
ST90-1111	Tennessee Gas Pipeline Co	Sipco Gas Transmission Corp	B	12-20-89		
ST90-1112	Natural Gas Pipeline Co. of America	City of Salem	B	12-20-89		
ST90-1113	Natural Gas Pipeline Co. of America	Cincinnati Gas and Electric Co	B	12-1420-89		
ST90-1114	Pacific Gas Transmission Co	Pacific Gas and Electric Co	B	12-20-89		
ST90-1115	Pacific Gas Transmission Co	CP National Corp	B	12-20-89		
ST90-1116	Pacific Gas Transmission Co	Pacific Gas and Electric Co	B	12-20-89		
ST90-1117	Texas Gas Transmission Corp	Coastal Gas Marketing Co	G-S	12-20-89		
ST90-1118	Texas Gas Transmission Corp	Falcon Seaboard Gas Co	G-S	12-20-89		
ST90-1119	Texas Gas Transmission Corp	Transco Energy Marketing Co	G-S	12-20-89		
ST90-1120	Texas Gas Transmission Corp	Access Energy Pipeline Corp	B	12-20-89		
ST90-1121	Texas Gas Transmission Corp	Equitable Resources Marketing Co	G-S	12-20-89		
ST90-1122	Northern Natural Gas Co	Centran Corp	G-S	12-21-89		
ST90-1123	K N Energy, Inc	NGP Pipeline Co	B	12-21-89		
ST90-1124	Colorado Internstate Co	Coastal Chemical, Inc	G-S	12-21-89		
ST90-1125	Colorado Internstate Co	Public Service Co. of Colorado	B	12-21-89		
ST90-1126	Colorado Internstate Co	Coastal States Gas Transmission Co	B	12-21-89		
ST90-1127	Colorado Internstate Co	Energy Pipeline Co	B	12-21-89		
ST90-1128	Colorado Internstate Co	Public Service Co. of Colorado	B2	12-21-89		
ST90-1129	Colorado Internstate Co	Trigen Resources Corp	G-S	12-21-89		
ST90-1130	Colorado Internstate Co	Amoco Production Co	G-S	12-21-89		
ST90-1131	Colorado Internstate Co	Raton Gas Transmission Co., Inc	G	12-21-89		
ST90-1132	Tennessee Gas Pipeline Co	Delta Natural Gas Co	B	12-21-89		
ST90-1133	Tennessee Gas Pipeline Co	Lone Star Gas Co. of Texas	B	12-21-89		
ST90-1134	Tennessee Gas Pipeline Co	Creole Gas Pipeline Corp	B	12-21-89		
ST90-1135	Tennessee Gas Pipeline Co	Texas Gas Transmission Corp	G	12-21-89		
ST90-1136	Midwestern Gas Transmission co	Northern Indiana Public Service Co	B	12-21-89		
ST90-1137	Tennessee Gas Pipeline Co	Associated Intrastate Pipeline Co	B	12-22-89		
ST90-1138	Natural Gas Pipeline Co. of America	Transco Energy Marketing Co	G-S	12-22-89		
ST90-1139	Natural Gas Pipeline Co. of America	Mitchell Marketing Co	G-S	12-22-89		
ST90-1140	Natural Gas Pipeline Co. of America	Minnegasco, Inc	B	12-22-89		
ST90-1141	Natural Gas Pipeline Co. of America	Wisconsin Southern Gas Co., Inc	B	12-22-89		
ST90-1142	Natural Gas Pipeline Co. of America	Minnegasco, Inc	B	12-22-89		
ST90-1143	Natural Gas Pipeline Co. of America	Conoco, Inc	G-S	12-22-89		
ST90-1144	Trunkline Gas Co	Bishop Pipeline Corp	B	12-22-89		
ST90-1145	Panhandle Eastern Pipeline Co	Williams Gas Marketing Co	G-S	12-22-89		
ST90-1146	Panhandle Eastern Pipeline Co	Access Energy Pipeline Corp	B	12-22-89		
ST90-1147	Panhandle Eastern Pipeline Co	Indiana Gas Co	B	12-22-89		
ST90-1148	Panhandle Eastern Pipeline Co	Enogex Service Corp	G-S	12-22-89		
ST90-1149	Panhandle Eastern Pipeline Co	Union Electric Co	G-S	12-22-89		
ST90-1150	Transcontinental Gas Pipe Line Corp	City of Liberty	B	12-22-89		
ST90-1151	Transcontinental Gas Pipe Line Corp	North East Randolph County Utility Board	B	12-22-89		
ST90-1152	Transcontinental Gas Pipe Line Corp	City of Wadley	B	12-22-89		
ST90-1153	Transcontinental Gas Pipe Line Corp	City of Butler	B	12-22-89		
ST90-1154	Transcontinental Gas Pipe Line Corp	City of Wadley	B	12-22-89		
ST90-1155	Transcontinental Gas Pipe Line Corp	City of Butler	B	12-22-89		
ST90-1156	Transcontinental Gas Pipe Line Corp	City of Liberty	B	12-22-89		
ST90-1157	Tennessee Gas Pipeline Co	Midwestern Gas Transmission Co	G	12-22-89		
ST90-1158	Tennessee Gas Pipeline Co	Enron Industrial Natural Gas Co	B	12-22-89		
ST90-1159	Tennessee Gas Pipeline Co	City of Dickson	B	12-22-89		
ST90-1160	Tennessee Gas Pipeline Co	Sam Houston Public Utility	B	12-22-89		
ST90-1161	Texas Gas Transmission Corp	Neches Gas Distribution Co	B	12-22-89		
ST90-1162	Texas Gas Transmission Corp	Neches Gas Distribution Co	B	12-22-89		
ST90-1163	Algonquin Gas Transmission Co	Bristol and Warren Gas Co	G-S	12-22-89		
ST90-1164	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-22-89		
ST90-1165	Algonquin Gas Transmission Co	Citizens Gas Supply Corp	G-S	12-89-89		
ST90-1166	Algonquin Gas Transmission Co	Distrigas of Massachusetts Corp	G-S	12-22-89		

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ST90-1167	Columbia Gas Transmission Corp	Catamount Natural Gas, Inc	G-S	12-22-89		
ST90-1168	United Texas Transmission Co	Natural Gas Pipeline Co. of America	C	12-22-89		
ST90-1169	Colorado Interstate Gas Co	Peoples Natural Gas Co	B	12-22-89		
ST90-1170	Delhi Gas Pipeline Corp	Transcontinental Gas Pipe Line Corp	C	12-22-89		
ST90-1171	Delhi Gas Pipeline Corp	Arkla Energy Resources	C	12-22-89		
ST90-1172	Delhi Gas Pipeline Corp	Panhandle Eastern Pipe Line Co	C	12-22-89		
ST90-1173	Delhi Gas Pipeline Corp	Transwestern Pipeline co	C	12-22-89		
ST90-1174	CNG Transmission Corp	Proctor & Gamble Paper Product	G-S	12-22-89		
ST90-1175	CNG Transmission Corp	National Gas and Oil Corp	B	12-22-89		
ST90-1176	CNG Transmission Corp	Piedmont Natural Gas Co	B	12-22-89		
ST90-1177	CNG Transmission Corp	NGC Transportation, Inc	G-S	12-22-89		
ST90-1178	Northern Natural Gas Co	Metropolitan Utils. Dist. of Omaha	B	12-22-89		
ST90-1179	Northern Natural Gas Co	Harlan Municipal Utilities	B	12-22-89		
ST90-1180	Northern Natural Gas Co	Hutchinson Utility Commission	B	12-22-89		
ST90-1181	Northern Natural Gas Co	Metroplitan Utils. Dist. of Omaha	B	12-22-89		
ST90-1182	Northern Natural Gas Co	Metroplitan Utils. Dist. of Omaha	B	12-22-89		
ST90-1183	Northern Natural Gas Co	City of Circle Pines	B	12-22-89		
ST90-1184	Northern Natural Gas Co	Texican Natural Gas Co	G-S	12-22-89		
ST90-1185	Northern Natural Gas Co	City of Duluth, Dept. of Water & Gas	B	12-22-89		
ST90-1186	Northern Natural Gas Co	City of Coon Rapids	B	12-22-89		
ST90-1187	Northern Natural Gas Co	Austin Utility Dept	B	12-22-89		
ST90-1188	Northern Natural Gas Co	Fremont Dept. of Utilities, Nat. Gas Div	B	12-22-89		
ST90-1189	Northern Natural Gas Co	Minnegasco, Inc	B	12-22-89		
ST90-1190	Northern Natural Gas Co	City of New Ulm	B	12-22-89		
ST90-1191	Tennessee Gas Pipeline Co	PSI, Inc	G-S	12-26-89		
ST90-1192	Tennessee Gas Pipeline Co	Cincinnati Gas and Electric Co	B	12-26-89		
ST90-1193	Tennessee Gas Pipeline Co	Northern Indiana Public Service Co	B	12-26-89		
ST90-1194	United Gas Pipe Line Co	Woodward Pipeline, Inc	B	12-26-89		
ST90-1195	United Gas Pipe Line Co	Monterey Pipeline Co	B	12-26-89		
ST90-1196	United Gas Pipe Line Co	Transamerican Gas Transmission Corp	B	12-26-89		
ST90-1197	United Gas Pipe Line Co	Sun Operating Limited Partnership	G-S	12-25-89		
ST90-1198	Columbia Gas Transmission Corp	Columbia Natural Resources, Inc	G-S	12-26-89		
ST90-1199	Arkla Energy Resources	Amagas Pipeline	B	12-26-89		
ST90-1200	ANR Pipeline Co	Ohio Gas Co	B	12-27-89		
ST90-1201	ANR Pipeline Co	Dekalb Energy Canada, Ltd	G-S	12-27-89		
ST90-1202	ANR Pipeline Co	Peoples Natural Gas Co	B	12-27-89		
ST90-1203	ANR Pipeline Co	Coastal Gas Marketing Co	G-S	12-27-89		
ST90-1204	United Gas Pipe Line Co	Trunkline Gas Co	G	12-27-89		
ST90-1205	ANR Pipeline Co	SNG Intrastate Pipeline, Inc	B	12-28-89		
ST90-1206	ANR Pipeline Co	Kaztek Energy Management, Inc	G-S	12-28-89		
ST90-1207	ANR Pipeline Co	Peoples Natural Gas Co	B	12-28-89		
ST90-1208	ANR Pipeline Co	Michigan Gas Utilities Co	B	12-28-89		
ST90-1209	ANR Pipeline Co	Lincoln Natural Gas Co	B	12-28-89		
ST90-1210	Midwestern Gas Transmission Co	South Central Intrastate Pipe Line Co	B	12-28-89		
ST90-1211	Tennessee Gas Pipeline Co	Valley Resources, Inc	B	12-28-89		
ST90-1212	K N Energy, Inc	Mgtc, Inc	B	12-28-89		
ST90-1213	K N Energy, Inc	Northern Illinois Gas Co	B	12-28-89		
ST90-1214	K N Energy, Inc	Northern Gas of Wyoming	B	12-28-89		
ST90-1215	Stingray Pipeline Co	Nicor Exploration Co	K-S	12-28-89		
ST90-1216	Stingray Pipeline Co	Elf Aquitaine, Inc	K-S	12-28-89		
ST90-1217	Stingray Pipeline Co	Bridgeline Gas Distribution Co	B	12-28-89		
ST90-1218	Stingray Pipeline Co	Peoples Natural Gas Co	B	12-28-89		
ST90-1219	Stingray Pipeline Co	Eastex Gas Transmission Co	B	12-28-89		
ST90-1220	Stingray Pipeline Co	Seagull Marketing Services, Inc	K-S	12-28-89		
ST90-1221	United Gas Pipe Line Co	Tejas Power Corp	G-S	12-28-89		
ST90-1222	United Gas Pipe Line co	Texaco Gas Marketing, Inc	G-S	12-28-89		
ST90-1223	Corpus Christi Transmission Co	Transcontinental Gas Pipe Line Corp	C	12-29-89		
ST90-1224	Natural Gas Pipeline Co. of America	American Central Gas Marketing Co	G-S	12-29-89		
ST90-1225	Trunkline Gas Co	Pan National Gas Sales, Inc	G-S	12-29-89		
ST90-1226	Trunkline Gas Co	Pan National Gas Sales, Inc	G-S	12-29-89		
ST90-1227	Panhandle Eastern Pipe Line Co	Clinton Gas Transmission, Inc	G-S	12-29-89		
ST90-1228	Transwestern Pipeline Co	Williams Gas Marketing Co	G-S	12-29-89		
ST90-1229	Transwestern Pipeline Co	Adobe Gas Maraketing Co	G-S	12-29-89		
ST90-1230	Valero Transmission, L.P.	Northern Natural Gas Co	C	12-29-89		
ST90-1231	Valero Transmission, L.P.	El Paso Natural Gas Co	C	12-29-89		
ST90-1232	Jelhi Gas Pipeline Corp	Panhandle Eastern Pipe Line Co	C	12-29-89		
ST90-1233	Delhi Gas Pipeline Corp	Texas Gas Transmission Corp	C	12-29-89		
ST90-1234	Texas Eastern Transmission Corp	Longhorn Pipeline Co	B	12-29-89		
ST90-1235	Texas Eastern Transmission Corp	Pentex Pipeline Co., Inc	B	12-29-89		
ST90-1236	Texas Eastern Transmission Corp	Boston Gas Co	B	12-29-89		
ST90-1237	Williston Basin Interstate P/L Co	Quivira Gas Co	B	12-29-89		
ST90-1238	Williston Basin Interstate P/L Co	Mgtc, Inc	B	12-29-89		
ST90-1239	Williston Basin Interstate P/L Co	Associated Intrastate Pipeline Co	B	12-29-89		
ST90-1240	Williston Basin Interstate P/L Co	Neches Gas Distribution Co	B	12-29-89		
ST90-1241	Williston Basin Interstate P/L Co	Quivira Gas Co	B	12-29-89		
ST90-1242	Williston Basin Interstate P/L Co	Montana-Dakota Utilities Co	B	12-29-89		
ST90-1243	Williston Basin Interstate P/L Co	Quivira Gas Co	B	12-29-89		
ST90-1244	Williston Basin Interstate P/L Co	Coastal States Gas Transmission Co	B	12-29-89		
ST90-1245	Northwest Pipeline Corp	Kimbark Oil & Gas Co	G-S	12-29-89		

Docket No.	Transporter/seller	Recipient	Part 284 subpart	Date filed	Expiration Date [2]	Transportation rate (c/MMBTU)
ST90-1246	Northwest Pipeline Corp	Blackwood 7 Nichols Co	G-S	12-29-89		
ST90-1247	Northwest Pipeline Corp	Jerome P. McHugh and Associates	G-S	12-29-89		
ST90-1248	Northwest Pipeline Corp	National Cooperative Refinery Assoc	G-S	12-29-89		
ST90-1249	Northwest Pipeline Corp	Ladd Petroleum Corp	G-S	12-29-89		
ST90-1250	Northwest Pipeline Corp	Union Oil Co. of CA	G-S	12-29-89		
ST90-1251	Northwest Pipeline Corp	Tiffany Gas Co	G-S	12-29-89		
ST90-1252	Arkla Energy Resources	Amerada Hess Corp	G-S	12-29-89		
ST90-1253	Arkla Energy Resources	Midcon Marketing Corp	GS	12-29-89		
ST90-1254	Arkla Energy Resources	Arkla Energy Resources (La Intra. Seg.)	B	12-29-89		
ST90-1255	Tennessee Gas Pipeline Co	Colony Natural Gas Co	G-S	12-29-89		
ST90-1256	Southern Natural Gas Co	Enrade Corp	G-S	12-29-89		
ST90-1257	Southern Natural Gas Co	Canton Municipal Utilities	B	12-29-89		
ST90-1258	Southern Natural Gas Co	Texican Natural Gas Co	G-S	12-29-89		
ST90-1259	United Gas Pipe Line Co	Entrade Corp	G-S	12-29-89		
ST90-1260	United Gas Pipe Line Co	Graham Energy Marketing Co	G-S	12-29-89		
ST90-1261	United Gas Pipe Line Co	Eagle Natural Gas Co	G-S	12-29-89		
ST90-1262	Sea Robin Pipeline Co	Baltimore Gas & Elect. Co., et al	B	12-29-89		
ST90-1263	Northern Natural Gas Co	City of Hibbing	B	12-29-89		
ST90-1264	Northern Natural Gas Co	Northern States Power Co. of Wisconsin	B	12-29-89		
ST90-1265	Northern Natural Gas Co	ANR Pipeline Co	G	12-29-89		
ST90-1266	Northern Natural Gas Co	Northern States Power Co	B	12-29-89		
ST90-1267	Northern Natural Gas Co	Iowa Electric Light & Power Co	B	12-29-89		
ST90-1268	Northern Natural Gas Co	Osage Municipal Utilities	B	12-29-89		
ST90-1269	Northern Natural Gas Co	Metropolitan Utils. Dist. of Omaha	B	12-29-89		
ST90-1270	Northern Natural Gas Co	Midwest Gas Co	B	12-29-89		
ST90-1271	Northern Natural Gas Co	City of Circle Pines	B	12-29-89		
ST90-1272	Northern Natural Gas Co	Western Gas Utilities, Inc	B	12-29-89		
ST90-1273	Northern Natural Gas Co	Western Gas Utilities, Inc	B	12-29-89		
ST90-1274	Northern Natural Gas Co	Owatonna Public Utilities	B	12-29-89		
ST90-1275	Northern Natural Gas Co	City of Cedar Falls	B	12-29-89		
ST90-1276	Northern Natural Gas Co	Peoples Natural Gas Co	B	12-29-89		
ST90-1277	Northern Natural Gas Co	Northern States Power Co. of Wisconsin	B	12-29-89		
ST90-1278	Northern Natural Gas Co	Western Gas Utilities	B	12-29-89		
ST90-1279	Northern Natural Gas Co	Peoples Natural Gas Co	B	12-29-89		
ST90-1280	Northern Natural Gas Co	City of Sioux Center	B	12-29-89		
ST90-1281	Southern Natural Gas Co	Bunge Corp	G-S	12-29-89		
ST90-1282	Southern Natural Gas Co	South Georgia Natural Gas Co	G	12-29-89		
ST90-1283	Southern Natural Gas Co	Southeastern Clay Co	G-S	12-29-89		

[1] Notice of transactions does not constitute a determination that filings comply with commission regulations in accordance with order No. 436 (final rule and notice requesting supplemental comments, 50 FR 43,372, 10/18/85).

[2] The intrastate pipeline has sought commission approval of its transportation rate pursuant to section 284.123(b)(2) of the commission's regulations (18 CFR 284.123(b)(2)). Such rates are deemed fair and equitable if the commission does not take action by the date indicated.

[FR Doc. 90-3023 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-652-000 et al.]

Transcontinental Gas Pipe Line Corporation, et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Transcontinental Gas Pipe Line Corporation

[Docket No. CP90-652-000]

January 31, 1990.

Take notice that on January 29, 1990, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP90-652-000 a request pursuant to §157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Transco Energy Marketing Company (Transco Energy), a marketer, under the blanket certificate issued in Docket No. CP88-328-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Transco states that pursuant to a service agreement dated November 15, 1989, under its Rate Schedule IT, it proposed to transport up to 120,000 dekatherms (dt) per day equivalent of natural gas for Transco Energy. Transco states that it would transport the gas from receipt points located offshore and onshore Louisiana, offshore and onshore Texas, and in Alabama, Georgia, Pennsylvania and New Jersey, and would deliver the gas at delivery points offshore and onshore Texas.

Transco advises that service under § 284.223(a) commenced December 1, 1989, as reported in Docket No. ST90-1442. Transco further advises that it would transport 100,000 dt on an average day and 36,500,000 dt annually.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. Mississippi River Transmission Corporation

[Docket No. CP90-628-000]

January 31, 1990.

Take notice that on January 25, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90-628-000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide transportation service for PPG Industries, Inc. (PPG), a shipper, pursuant to MRT's blanket certificate issued in Docket No. CP88-1121-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

MRT states that pursuant to a Transportation Service Agreement dated November 15, 1989, between MRT and PPG, it would transport up to 9,180 MMBtu of natural gas per day for PPG from receipt points located in the state of Texas, Louisiana, Arkansas and

Illinois to a delivery point located in the state of Missouri. MRT estimates that it would transport 4,470 MMBtu on an average day and 1,632,000 MMBtu on an annual basis.

MRT indicates that it commenced the transportation of natural gas for PPG on December 1, 1989, as reported in Docket No. ST90–1302–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations (18 CFR 284.223(a)).

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. Northwest Pipeline Corporation

[Docket No. CP90–634–000]

January 31, 1990.

Take notice that on January 25, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90–634–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Marathon Oil Company (Marathon), a producer of natural gas, under Northwest's blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to transport, on an interruptible basis, up to 60,000 MMBtu of natural gas equivalent per day for Marathon pursuant to a gas transportation ageement dated January 1, 1990, as amended April 5, 1989, between Northwest and Marathon. Northwest would receive the gas at any transportation receipt point on its system and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at any transportation delivery point on its system.

Northwest further states that the estimated average daily and annual quantities would be 1,600 MMBtu and 600,000 MMBtu, respectively. Service under § 284.223(a) commenced on December 7, 1989, as reported in Docket No. ST90–1430–000, it is stated.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

4. El Paso Natural Gas Company

[Docket No. CP90–595–000]

January 31, 1990.

Take notice that on January 22, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–595–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Phillips 66 Natural Gas Company (Phillips), a shipper, under El Paso's blanket certificate issued in Docket No. CP88–433–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso proposes to transport on a interruptible basis up to 140,131 MMBtu of natural gas on a peak day, 30,900 MMBtu on an average day and 11,278,500 MMBtu on an annual basis for Phillips. El Paso states that it would perform the transportation service for Phillips under El Paso's Rate Schedule T–1. El Paso indicates that it would received the gas at any point of interconnection existing from time to time on El Paso's facilities, except those requiring transportation by others to provide the subject service. El Paso states that it would deliver the gas to points of interconnection located in Texas and Oklahoma.

It is explained that the service commenced January 1, 1990, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–1404. El Paso indicates that no new facilities would be necessary to provide the subject service.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

5. Iowa-Illinois Gas and Electric Company

[Docket No. CP90–574–000]

January 31, 1990.

Take notice that on October 12, 1989, Iowa-Illinoi Gas and Electric Company (Iowa-Illinois), 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP90–574–000 a request for waiver of the filing requirements of § 206.7 of the Commission's Regulations, FERC Form 15, Interstate pipelines annual report of gas supply, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Iowa-Illinois states that it owns and operates one interstate pipeline extending from its Illinois distribution service area across the Mississippi River to its Iowa distribution service area. Iowa-Illinois further states that it has been granted a section 7(f) service area determination by the Commission. Iowa-Illinois avers that it operates as a local distribution company, makes no sales for resale, owns no new reserve additions and does not engage in exchange agreements. It is for these reasons that Iowa-Illinois believes it qualifies as a local distributor of natural gas and therefore requests waiver of the filing requirements.

Comment date: February 21, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

6. Natural Gas Pipeline Company of America

[Docket No. CP90–619–000]

January 31, 1990.

Take notice that on January 25, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois, 60148 filed in Docket No. CP90–619–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Transco Energy Marketing Company (Transco), a marketer of natural gas, under Natural's blanket certificate issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Natural proposes to transport on a interruptible basis up to 4,000 MMBtu of natural gas equivalent per day, plus any additional volumes accepted pursuant to the overrun provision of Natural's Rate Schedule ITS, on behalf of Transco pursuant to a gas transportation agreement dated October 16, 1989, between Natural and Transco. Natural would receive the gas at an existing point of receipt on its system in offshore Louisiana and redeliver equivalent volumes, less fuel and lost and unaccounted for volumes, at an existing delivery point in offshore Louisiana.

Natural further states that the estimated average daily and annual quantities would be 2,500 MMBtu and 912,500 MMBtu, respectively. Service under § 284.223(a) commenced on December 1, 1989, as reported in Docket No. ST90–1138–000, it is stated.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. Mississippi River Transmission Corporation

[Docket No. CP90-623-000]

January 31, 1990.

Take notice that on January 25, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed a request with the Commission in Docket No. CP90-623-000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas on behalf of Union Electric Company (UEC), a natural gas end-user, under the blanket certificate issued in Docket No. CP89-1121-000 pursuant to section 7 of the NGA, all as more fully set forth in the request which is open to public inspection.

MRT proposes an interruptible natural gas transportation service of up to 80,000 MMBtu equivalent on peak days, 1,096 MMBtu equivalent on average days, and 400,000 MMBtu equivalent annually for UEC. MRT would receive gas at various Arkansas, Illinois, Louisiana, Oklahoma, and Texas receipt points and deliver the gas for UEC's account at various Illinois and Missouri delivery points. MRT states it commenced transporting natural gas for UEC on December 4, 1989, under § 284.223(a) of the Regulations, as reported in Docket No. ST90-1130.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

8. ANR Pipeline Company

[Docket No. CP90-631-000]

January 31, 1990.

Take notice that on January 25, 1990, ANR Pipeline Company (ANR), 500 Renaissance Center Detroit, Michigan 48243, filed in Docket No. CP90-631-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under the blanket certificate issued in Docket No. CP88-532-000 pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request of file with the Commission and open to public inspection.

ANR proposes to transport natural gas on an interruptible basis for Dekalb Energy Canada Ltd. (Dekalb). ANR explains that service commenced December 1, 1989 under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90-1201-000. ANR further explains that the peak day quantity would be 380,100 dekatherms, the average daily quantity would be 380,100 dekatherms, and that the annual quantity would be 138,736,500 dekatherms. ANR explains that it would receive natural gas at existing points of receipt in the state of Kansas, Wisconsin. ANR states that it would deliver the gas to Dekalb at existing interconnections located in the state of Wisconsin.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

9. Alogonquin Gas Transmission Company

[Docket No. CP90-629-000]

January 31, 1990.

Take notice that on January 25, 1990, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135 filed in Docket No. CP90-629-000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas for Bristol and Warren Gas Company (Bristol and Warren), a local distribution company, under Algonquin's blanket certificate issued in Docket No. CP89-948-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Algonquin proposes to transport, on an interruptible basis, up to 650 MMBtu equivalent of natural gas on a peak day for Bristol and Warren, 650 MMBtu equivalent on an average day and 237,250 MMBtu equivalent on an annual basis. It is stated that Algonquin would receive the gas for Bristol and Warren's account at two existing points on Algonquin's system in Lambertville and Hanover, New Jersey, and would deliver equivalent volumes, less fuel used and unaccounted for line loss, to Bristol and Warren at one existing point on Algonquin's system in Warren, Providence County, Rhode Island. It is asserted that the transportation service would be effected using existing facilities and that no construction of additional facilities would be required. It is explained that the transportation service commenced November 29, 1989, under the self-implementing authorization of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90-1163.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. National Fuel Gas Supply Corp.

Penn-York Energy Corp.

[Docket Nos. CP88-194-000 and CP88-194-001]

Transcontinental Gas Pipe Line Corp.

[Docket Nos. CP89-7-000 and CP89-7-001]

PennEast Gas Services Co.

[Docket Nos. CP88-195-000, CP88-195-001 and CP88-195-002]

January 31, 1990.

Take notice that on January 22, 1989, National Fuel Gas Supply Corporation, 10 Lafayette Square, Buffalo, New York 14203 (National), filed a motion pursuant to Rule 212 of the Commission's Rules of Practice and Procedure, 18 CFR 385.212, for clarification of the Commission's order dated July 27, 1989 in *National Fuel Gas Supply Corporation et al.*, 48 FERC ¶61,121 (1989).

National states that in this order it was issued a certificate to construct new pipeline facilities and along with its affiliate, Penn-York Energy Corporation (Penn-York) to provide storage and transportation services to Transcontinental Gas Pipeline Corporation (Transco) for designated customers.

National states further that the new facilities authorized in CP88-194-001, and necessary to perform the contemplated storage service for Transco will not be completed and able to start receiving storage injection gas until July 1990. As a result National now seeks clarification from the Commission that the certificate issued in CP88-194-001 does authorize National to exercise interim receipt point flexibility from April 1990 until the authorized Leidy Pennsylvania receipt point with Transco is operational.

National states that the only existing facility interconnecting Transco with National is National's line YM-52, running from Ellisburg Pennsylvania to Transco facilities at Wharton, Pennsylvania just upstream of Leidy. National would use this existing connection with Transco prior to the completion of the authorized receipt point at Leidy.

Comment date: February 21, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

11. Mississippi River Transmission Corporation

[Docket No. CP90-621-000]

February 1, 1990.

Take notice that on January 25, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket

No. CP90-621-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas for Cerro Copper Products Company (Cerro) under the blanket certificate issued in Docket No. CP89-1121-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT states that it proposes to transport, on an interruptible basis, up to 4,590 MMBtu of natural gas per day for Cerro from receipt points located in Texas, Louisiana, Arkansas and Illinois to a delivery point located in Illinois.

MRT also states that the estimated average and annual quantities would be 2,290 and 836,000 MMBtu, respectively.

MRT further states it commenced this service on December 1, 1989, as reported in Docket No. CP90-1304-000.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

12. United Gas Pipe Line Company

[Docket No. CP90-653-000]

February 1, 1990.

Take notice that on January 29, 1990, United Gas Pipe Line Company (United), Post Office Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-653-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations of the Natural Gas Act (18 CFR 157.205 and 284.223) for authorization to provide an interruptible transportation service for Tejas Power Corporation (Tejas), a marketer, under the blanket certificate issued in Docket No. CP88-6-000, pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

United states that pursuant to a transportation service agreement dated October 1, 1988, as amended on November 21, 1989, it proposes to receive up to 50,000 Mcf per day at specified points located in Louisiana and redeliver equivalent volumes at other specified points located in Louisiana. United estimates that the peak day and average day volumes would be 50,000 million Btu and that the annual volumes would be 18,797,500 million Btu. It is indicated that on December 7, 1989, United initiated a 120-day transportation service for Tejas under § 284.223(a), as reported in Docket No. ST90-1221-000.

United further states that no facilities need be constructed to implement the service. United states that the agreement would continue on a month-to-month basis until terminated. United proposes to charge rates and abide by the terms and conditions of its Rate Schedule ITS.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

13. El Paso Natural Gas Company

[Docket No. CP90-645-000]

February 1, 1990.

Take notice that on January 26, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP90-645-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Marathon Oil Company (Marathon), under El Paso's blanket certificate issued in Docket No. CP88-433-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso requests authorization to transport, on an interruptible basis, up to a maximum of 10,300 MMBtu of natural gas per day for Marathon from any point of receipt located on El Paso's system to delivery points located in Pecos County, Texas. El Paso anticipates transporting an annual volume of 3,759,500 MMBtu.

El Paso states that the transportation of natural gas for Marathon commenced December 23, 1989, as reported in Docket No. ST90-1403-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to El Paso in Docket No. CP88-433-000.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

14. Williams Natural Gas Company

[Docket No. CP90-646-000]

February 1, 1990.

Take notice that on January 26, 1989, Williams Natural Gas Company (Williams), P.O. Box 3288, Tulsa, Oklahoma 74101 filed in Docket No. CP90-646-000 a request pursuant to §§ 157.205 an 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas under its blanket certificate issued in Docket No. CP86-631-000 pursuant to section 7 of the Natural Gas Act for Rangeline Corporation (Rangeline), all as more fully set forth in the request on file with the Commission and open to public inspection.

Williams proposes to transport natural gas for Rangeline, a marketer, on a firm basis, pursuant to a transportation agreement dated December 1, 1989. Williams explains that service commenced December 1, 1989, under § 284.223(a) of the Commission's Regulations, as reported in Docket No. ST90-1422-000. Williams further explains that the peak day quantity would be 165 Dth, the average day quantity would be 165 Dth and that the annual quantity would be 60,225 Dth. Williams explains that it would receive natural gas from the account of Rangeline at receipt points located in Oklahoma, Missouri and Kansas and would redeliver the gas at various delivery points in Kansas and Missouri.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

15. Mississippi River Transmission Corporation

[Docket No. CP90-624-000]

February 1, 1990.

Take notice that on January 25, 1990, Mississippi River Transmission (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed a request for authorization at Docket No. CP90-624-000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act to provide interruptible transportation service for General Chemical Corporation (General Chemical), a shipper and end user, under MRT's blanket certificate issued at Docket No. CP89-1121-000, all as more fully set forth in the request on file with the Commission and open for public inspection.

MRT requests authority to transport, on an interruptible basis, up to a maximum of 1,030 MMBtu of natural gas per day for General Chemical from receipt points located in the States of Texas, Louisiana, Arkansas and Illinois to a delivery point located in the State of Illinois. MRT states that it estimates it will transport 282 MMBtu on an average day and 103,000 MMBtu on an annual basis.

MRT further states that transportation of natural gas for General Chemical commenced on December 1, 1989, as reported at Docket No. ST90-1308-000, for a 120-day period pursuant to § 284.223(A) of the Commission's Regulations.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

16. Mississippi River Transmission Corportion

[Docket No. CP90-626-000]

February 1, 1990.

Take notice that on January 25, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed in Docket No. CP90-626-000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of GAF Chemical Corporation (GAF), an end user of natural gas, under MRT's blanket certificate issued in Docket No. CP89-1121-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

MRT requests authorization to transport, on an interruptible basis, up to a maximum of 2,550 MMBtu of natural gas per day for GAF from receipt points located in Texas, Louisiana, Arkansas and Illinois to a delivery point located in Iron County, Missouri. MRT anticipates transporting 2,012 MMBtu on an average day and an annual volume of 734,400 MMBtu.

MRT states that the transportation of natural gas for GAF commenced December 1, 1989, as reported in Docket No. ST90-1301-000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to MRT in Docket No. CP89-1121-000.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

17. Colorado Interstate Gas Company

[Docket No. CP90-651-000]

February 1, 1990.

Take notice that on January 29, 1990, Colorado Interstate Gas Company (CIG), Post Office Box 1087, Colorado Springs, Colorado, 80944, filed in docket No. CP90-651-000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) and the Natural Gas Policy Act (18 CFR 284.223) for authorization to transport natural gas for Trigen Resources Corporation (Trigen), a marketer of natural gas, under CIG's blanket certificate issued in Docket No. CP86-589, *et al.*, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

CIG proposes to transport, on an interruptible basis, up to 1,650 Mcf of natural gas per day for Trigen pursuant to a transportation agreement dated October 1, 1989, between CIG and Trigen. CIG would receive gas from various existing points of receipt on its system in Colorado, Kansas and Wyoming and redeliver equivalent volumes of gas, less fuel gas and lost and unaccounted-for gas, for the account of Trigen in Fremont County, Colorado.

CIG further states that the estimated average daily and annual quantities would be 1,000 Mcf and 365,000 Mcf, respectively. Service under § 284.223(a) commenced on October 1, 1989, as reported in Docket No. ST90-303-000, it is stated.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

18. Northwest Pipeline Corporation

[Docket No. CP90-658-000]

February 1, 1990.

Take notice that on January 29, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90-658-000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to provide an interruptible transportation service for Robert L. Bayless (Bayless), a producer, under the blanket certificate issued in Docket No. CP86-578-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Northwest states that pursuant to a transportation agreement dated October 27, 1989, as amended December 1, 1989, under its Rate Schedule TI-1, it proposes to transport up to 8,000 MMBtu per day equivalent of natural gas for Bayless. Northwest states that it would transport the gas from the Ignacio Plant receipt point and redeliver the gas to El Paso Natural Gas Company at the Ignacio delivery point in La Plata County, Colorado.

Northwest advises that service under § 284.223(a) commenced December 21, 1989, as reported in Docket No. ST90-1544 (filed January 22, 1990). Northwest further advises that it would transport 1,250 MMBtu on an average day and 450,000 MMBtu annually.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

19. United Gas Pipe Line Company

[Docket No. CP90-641-000]

February 1, 1990.

Take notice that on January 26, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed a request for authorization at Docket No. CP90-641-000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act to provide interruptible transportation service on behalf of MidCon Marketing Corporation (MidCon), a marketer of natural gas, under United's blanket certificate issued in Docket No. CP88-6-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

United states that under the interruptible gas transportation agreement, dated May 9, 1989, between United and MidCon, United proposes to transport a maximum daily quantity of 30,900 MMBtu. United further states that transportation service commenced December 1, 1989, as reported in Docket No. ST90-1101-000, pursuant to § 284.223(a) of the Commission's Regulations. It is also stated that gas would be received from various receipt points in the State of Louisiana and would be delivered to various delivery points in the State of Louisiana. United also states that the estimated daily and annual quantities would be 30,900 MMBtu and 11,278,500 MMBtu, respectively.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

20. Williams Natural Gas Company

[Docket No. CP90-655-000]

February 1, 1990.

Take notice that on January 29, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed a request for authorization at Docket No. CP90-655-000, pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 284.223) to provide transportation service for TexPar Energy, Inc. (TexPar), a marketer of natural gas, under WNG's blanket certificate issued in Docket No. CP86-631-000, all as more fully set forth in the request on file with the Commission and open to public inspection.

WNG requests authorization to transport, on an interruptible basis, up to a maximum of 10,000 Dth of natural gas per day for TexPar from various receipt points in Colorado, Kansas, Missouri, Oklahoma, Texas and Wyoming to various delivery points on WNG's pipeline system located in Kansas, Missouri. Oklahoma and Texas. WNG anticipates transporting 10,000 Dth of natural gas on an average day and 3,650,000 Dth on an annual basis.

WNG further states that the transportation of natural gas for TexPar commenced on December 1, 1989, as reported in Docket No. ST90–1429–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to WNG in Docket No. CP86–631–000. WNG proposes to continue this service in accordance with §§ 284.221 and 284.223 of the Commission's Regulations.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

21. Questar Pipeline Company

[Docket No. CP90–650–000]

February 1, 1990.

Take notice that on January 29, 1990, Questar Pipeline Company (Questar), 79 South State Street, Salt Lake City, Utah 84111, filed in Docket No. CP90–650–000 a request pursuant to § 157.205 of the Commission's Regulations (18 CFR 157.205) for authorization to transport natural gas on behalf of Timberline Energy, Inc. (Timberline), under Questar's blanket certificate issued in Docket No. CP88–650–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Questar proposes to transport, on an interruptible basis, up to 1,500 MMBtu equivalent on a peak day, 900 MMBtu equivalent on and average day and 328,500 MMBtu equivalent on an annual basis for Timberline. It is stated that Questar would receive the gas at existing points on Questar's system in Moffat County, Colorado, and Carbon County, Wyoming, and would deliver equivalent volumes at an existing interconnection with Northwest Pipeline Corporation in Uintah County, Utah, and at an existing interconnection with Colorado Interstate Gas Company in Sweetwater County, Wyoming. It is asserted that Questar would use existing facilities for the transportation service and no construction of additional facilities would be required. It is explained that the transportation service commenced November 15, 1989, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–996.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

22. Northwest Pipeline Corporation

[Docket No. CP90–599–000]

February 1, 1990.

Take notice that on January 22, 1989, Northwest Pipeline Corporation (Northwest), P.O. Box 8900, Salt Lake City, Utah 84108–0900, filed in Docket No. CP90–599–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to provide an interruptible transportation service for Brymore Energy, Inc. (Brymore), a marketer of natural gas, under its blanket certificate issued in Docket No. CP86–578–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest states that it would transport the subject gas for Brymore through its system from various receipt points on its system to delivery points located on its system.

Northwest further states that the maximum daily, average and annual quantities that it would transport for Brymore would be 20,000 MMBtu equivalent of natural gas, 800 MMBtu equivalent of natural gas and 300,000 MMBtu equivalent of natural gas, respectively.

Northwest indicates that in a filing made with the Commission on January 11, 1990, it reported in Docket No. ST90–1411–000 that transportation service for Murphy had begun on December 11, 1990 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

23. Williams Natural Gas Company

[Docket No. CP90–647–000]

February 1, 1990.

Take notice that on January 26, 1990, Williams Natural Gas Company (WNG), P.O. Box 3288, Tulsa, Oklahoma 74101, filed in Docket No. CP90–647–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport Natural gas for Ag Processing, Inc. (Ag Processing) under the blanket certificate issued in Docket No. CP86–631–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

WNG states that it proposes to transport, on a firm basis, up to 325 dth of natural gas per day for Ag Processing from various receipt points in Kansas and Oklahoma to various delivery points on WNG's pipeline system located in Missouri.

WNG also states that the estimated average day and annual quantities would be 325 and 118,625 dth, respectively.

WNG further states it commenced this service on December 1, 1989, as reported in Docket No. ST90–1420–000.

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

24. Natural Gas Pipeline Company of America

[Docket No. CP90–620–000]

February 1, 1990.

Take notice that on January 25, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90–620–000 a request pursuant to §§ 157.205 and 284.223(b) of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on an interruptible basis for Acacia Gas Corporation (Acacia), a marketer of natural gas, under its blanket certificate issued in Docket No. CP86–582–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Natural states that it proposes to transport natural gas for Acacia between a point of receipt in Texas, Oklahoma, Offshore Texas, Louisiana, Offshore Louisiana, Illinois, Kansas, Arkansas, and Iowa to the delivery points in Offshore Texas, Offshore Louisiana and Illinois.

Natural further states that the maximum daily, average and annual quantities that it would transport for Acacia would be 50,000 MMBtu equivalent of natural gas (plus any additional quantities accepted pursuant to the overrun provisions of Natural's Rate Schedule ITS), 15,000 MMBtu equivalent of natural gas and 5,475,000 MMBtu equivalent of natural gas, respectively.

Natural indicates that in a filing made with the Commission on December 15, 1989, it reported that transportation service for Acacia had begun on November 28, 1989 under the 120-day automatic authorization provisions of § 284.223(a).

Comment date: March 19, 1990, in accordance with Standard Paragraph G at the end of this notice.

25. Midwestern Gas Transmission Company

[Docket No. CP88-800-000]

February 1, 1990.

Take notice that on September 13, 1988, Midwestern Gas Transmission Company (Midwestern),[1] P.O. Box 2511, Houston, Texas 77252-2511, filed in Docket No. CP88-800-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity to transport natural gas on behalf of Western Gas Marketing USA Ltd. (WGML), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Midwestern requests authorization to transport on behalf of WGML, on an interruptible basis, up to 400,000 dt equivalent of natural gas per day. Midwestern, it is said, would receive such gas at the United States-Canadian border at Emerson, Manitoba, Minnesota, Genola, Minnesota, Cambridge, Minnesota and Marshfield, Wisconsin.

For this transportation service, Midwestern represents that it would charge WGML a transportation rate as set forth in Midwestern's rate schedule IT-2.

Midwestern avers that the transportation agreement would remain in force for a term of ten years from the date of initial deliveries.

Comment date: February 21, 1990, in accordance with Standard Paragraph F at the end of this notice.

26. Western Gas Marketing USA Ltd.

[Docket No. CI88-648-002]

February 1, 1990.

Take notice that on January 26, 1990, Western Gas Marketing USA Ltd. (Applicant) of Suite 2230, LB 127, 600 North Pearl Street, Plaza of the Americas, Dallas, Texas 75201, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its blanket limited-term certificate with pregranted abandonment previously issued by the Commission in Docket No. CI88-648-001 for a term expiring March 31, 1990, to include authorization to make sales for resale of imported gas and to provide for an unlimited term, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

[1] On April 6, 1989 in Docket No. CP88-679-000, 47 FERC ¶61017, the Commission authorized Viking Gas Transmission Company to acquire and operate Midwestern's northern system.

Comment date: February 22, 1990, in accordance with Standard Paragraph F at the end of this notice.

27. Enjet Natural Gas, Inc.

[Docket No. CI90-41-000]

February 1, 1990.

Take notice that on January 26, 1990, Enjet Natural Gas Inc. (Enjet) of 5373 West Alabama, Suite 502, Houston, Texas 77056, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited term blanket certificate with pregranted abandonment to authorize sales of natural gas for resale in interstate commerce including imported gas, liquified natural gas and gas purchased under pipeline discount sales programs, all as more set forth in the application which is on file with the Commission and open for public inspection.

Comment date: February 22, 1990 in accordance with Standard Paragraph F at the end of the notice.

28. Equitable Resources Marketing Company

[Docket No. CI89-361-001]

February 1, 1990.

Take notice that on January 23, 1990, Equitable Resources Marketing Company (Applicant) of Suite 2900, 330 Grant Street, Pittsburgh, Pennsylvania 15219, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission in Docket No. CI89-361-000 for a term expiring March 31, 1990, for an unlimited term and for authorization to resell gas sold to it under any existing or subsequently approved pipeline blanket certificate authorizing interruptible sales of surplus system supply, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: February 21, 1990, in accordance with Standard Paragraph J at the end of this notice.

29. Brymore Energy, Inc.

[Docket No. CI90-40-000]

February 1, 1990.

Take notice that on January 24, 1990, Brymore Energy, Inc. (Brymore) of Suite 1550, 333 11th Avenue, SW., Calgary, Alberta, Canada T2R 1L9, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for an unlimited term blanket certificate with pregranted abandonment to authorize sales of natural gas for resale in interstate commerce including imported gas, liquified natural gas and gas purchased under pipeline discount sales programs, all as more set forth in the application which is on file with the Commission and open for public inspection.

Comment date: February 21, 1990, in accordance with Standard Paragraph J at the end of this notice.

30. Hadson Gas Systems, Inc.

[Docket No. CI86-255-002]

February 1, 1990.

Take notice that on January 24, 1990, Hadson Gas Systems, Inc. (Hadson) of 1001 30th Street, NW., Suite 340, Washington, DC 20007, filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder to amend its blanket certificate with pregranted abandonment previously issued by the Commission in Docket No. CI86-255-001 to include sales of imported gas and gas purchased from pipelines under interruptible discount sales programs and to include certificate and pregranted abandonment authorization for producers that sell jurisdictional gas to Hadson for resale, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Comment date: February 21, 1990 in accordance with Standard Paragraph J at the end of the notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing, if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Standard Paragraph

J. Any person desiring to be heard or make any protest with reference to said filings should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, .214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's Rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3022 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP86-169-014, RP86-105-016, RP87-025-004]

ANR Pipeline Co.; Proposed Changes in FERC Gas Tariff

February 2, 1990.

Take notice that ANR Pipeline Company ("ANR") on January 26, 1990 tendered for filing as part of its FERC Gas Tariff those tariff sheets listed on Appendices A and B, attached to the filing.

A Commission Order issued on October 6, 1989 in the captioned dockets an "Order Approving Contested Offer of Settlement as Modified". ANR hereby submits tariff sheets as required by Article VIII of the Stipulation and Agreement filed as part of such Settlement, all as more fully set forth in the letter of transmittal to the instant filing.

ANR submits the tariff sheets in Appendices A and B with a requested effective date of February 1, 1990.

Any person desiring to protest said filing should file a protest with the Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Such protests must be filed by February 9, 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. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3024 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ90-3-22-000]

CNG Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 2, 1990.

Take notice that CNG Transmission Corporation ("CNG"), on January 30, 1990, pursuant to section 4 of the Natural Gas Act, part 154 of the Commission's regulations (18 CFR part 154) and section 12 of the General Terms and Conditions of CNG's tariff, filed the following revised tariff sheet to Original Volume No. 1 of its FERC Gas Tariff:

Seventeenth Revised Sheet No. 31

Alternate Seventeenth Revised sheet No. 31

The primary filing would decrease CNG's RQ and CD commodity rates by 9.02 cents per dekatherm, increase D-1 demand rates by 2.0 cents per dekatherm and increase D-2 demand rates by 0.11 cents per dekatherm from the rates shown on Substitute Sixteenth Revised Sheet No. 31. Other rates will change correspondingly. The filing, CNG's quarterly PGA, is tendered to become effective on March 1, 1990.

CNG requests a waiver of § 154.305(b)(1) of the regulations to permit it to flow through certain producer purchases on an "as-billed," demand-commodity basis. In the event that waiver is not granted, CNG requests that the alternate tariff sheet be accepted for filing and permitted to become effective.

Copies of the filing were served upon CNG's sales customers as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a protest or motion to intervene with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211). All motions or protests should be filed on or before February 9, 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. 90-3025 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-98-012, RP89-133-007]

Colorado Interstate Gas Co.; Correction to Filing

February 2, 1990.

Take notice that on January 26, 1990, Colorado Interstate Gas Company (CIG) filed Substitute Second Revised Sheet No. 61G6 and Fourth Revised Sheet No. 61G11 of its FERC Gas Tariff, Original Volume No. 1, to be effective February 1, 1990.

CIG states that on January 22, 1990, it filed its compliance filing pursuant to the Commission's order of December 21, 1989, and subsequently discovered the inadvertent deletion of the last two words from the text of Second Revised Sheet No. 61G6. CIG requests that this tariff sheet be replaced with Substitute Second Revised Sheet No. 61G6. CIG states that, at the direction of the Commission Staff, it is resubmitting Fourth Revised Sheet No. 61G11. CIG states that no changes have been made to this sheet.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before February 9, 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. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3026 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ90-3-24-001, RP90-10-001, TQ90-1-24-001, TQ90-2-24-002, TM90-2-24-003, TQ90-4-24-001]

Equitrans, Inc.; Proposed Change in FERC Gas Tariff

February 2, 1990.

Take notice that Equitrans, Inc. (Equitrans) on January 24, 1990 tendered for filing with the Federal Energy Regulatory Commission (Commission) the following tariff sheets to its FERC Gas Tariff, Original Volume No. 1:

Effective November 1, 1989:

Third Substitute Twelfth Revised Sheet No. 10
Third Substitute Eleventh Revised Sheet No. 14
Third Substitute Fifth Revised Sheet No. 34

Effective December 1, 1989:

Substitute Thirteenth Revised Sheet No. 10
Substitute Twelfth Revised Sheet No. 14
Substitute Sixth Revised Sheet No. 34

Effective December 8, 1989:

Substitute First Revised Thirteenth Revised Sheet No. 10
Substitute First Revised Twelfth Revised Sheet No. 14
Substitute First Revised Sixth Revised Sheet No. 34
Second Substitute First Revised Twelfth Revised Sheet No. 14

Effective January 1, 1990:

Substitute Alternate Substitute Fourteenth Revised Sheet No. 10
Substitute Alternate Substitute Thirteenth Revised Sheet No. 14

Effective January 9, 1990:

Second Substitute First Revised Substitute Fourteenth Revised Sheet No. 10
Second Substitute First Revised Substitute Thirteenth Revised Sheet No. 14
Substitute Second Revised Sixth Revised Sheet No. 34

In compliance with the January 8, 1990 Letter Order issued by the Commission in Docket No. TQ90-3-24-000 reflecting the removal of the proposed increase in D1 rates and proposed transportation charge contained in its out-of-cycle Purchased Gas Adjustment (PGA) filing dated December 4, 1989.

However, based upon consultation with the Commission Staff, Equitrans submits a request for approval of revised tariff sheets to become effective December 1, 1989 in order to comply with the Commission's Letter Order dated November 9, 1989, in Docket No. RP90-10-000 providing for PGA recovery of firm transportation charges paid to Texas Eastern Transmission Corporation under that pipeline's Rate Schedule FT-1. This revision also applies to subsequent out-of-cycle filings in Docket Nos. TQ90-1-24-000, TQ90-2-24-000, TQ90-2-24-001, and TQ90-4-24-000, and a scheduled Gas Research Institute filing in Docket No. TM90-2-24-001. The revised tariff sheets, submitted with a proposed effective date of December 1, 1989, include a one-time adjustment of $0.0250 per dekatherm (Dth) for commodity, $0.2951 per Dth for D1 in Rate Schedule PLS, and a one-time adjustment of $0.0557 per Dth for commodity in Rate Schedule GS-1. Equitrans proposes that the one-time adjustment remain in effect until the effective date of Equitrans' Section 4(e) rate filing in Docket No. RP90-70-000, which under a maximum statutory suspension period, will become effective July 1, 1990.

Equitrans states that a copy of its filing has been served upon its purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214 of the Commission's Rules of Practice and Procedures (18 CFR 385.211 and 385.214). All such motions for protests should be filed on or before February 9, 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. 90-3027 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. TQ90-3-24-002, RP90-10-002, TQ90-1-24-002, TQ90-2-24-003, TM90-2-24-004 and TQ90-4-24-002]

Equitrans, Inc.; Compliance Filing

February 5, 1990.

Take notice that on January 29, 1990, Equitrans, Inc. (Equitrans), filed Substitute Thirteenth Revised Sheet No 10 to its FERC Gas Tariff, Original Volume No. 1 with an effective date of December 1, 1989.

Equitrans states that the cumulative adjustment column (column 4) was misstated in its January 24, 1990, filing causing an error in the D1 rate. Equitrans requests that Substitute Thirteenth Revised Sheet No. 10 be accepted in lieu of the tariff sheet filed on January 24, 1990.

Equitrans states that pursuant to § 154.16 of the Commission's regulations, service of the filing has been made upon each of its jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before February 12, 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. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3028 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA90-1-37-000]

Northwest Pipeline Corp.; Proposed Change in Sales Rates Pursuant to Purchased Gas Cost Adjustment

February 5, 1990.

Take notice that on January 31, 1990, Northwest Pipeline Corporation ("Northwest") submitted for filing a proposed change in rates applicable to service rendered under rate schedules affected by and subject to Article 16, Purchased Gas Cost Adjustment Provision ("PGA"), of its FERC Gas Tariff, First Revised Volume No. 1. Such change in rates is for the purpose of (1) reflecting changes in Northwest's estimated cost of purchased gas; (2) reflecting the change in unrecovered purchased gas costs since Northwest's PGA filing dated January 31, 1989; and (3) eliminating the Account No. 191 surcharge for the one month period ending March 31, 1990.

Northwest hereby tenders the following tariff sheets to be a part of its FERC Gas Tariff:

First Revised Volume No. 1

Sixty-First Revised Sheet No. 10 (Effective March 1, 1990)
Sixty-Second Revised Sheet No. 10 (Effective April 1, 1990)

The current adjustment for which notice is given herein, aggregates to a decrease of 4.34¢ per MMBtu in the commodity rate for all rate schedules affected by and subject to the PGA. The proposed change in Northwest's commodity rates for the second quarter of 1990 would decrease sales revenues by approximately $407,830. The instant filing also provides for a small increase in the demand components of Northwest's gas sales rates to reflect changes to the estimates of Canadian demand rates and to reflect a revised Canadian exchange rate factor. Northwest proposes to refund through its surcharge $2,271,250, which is the total credit balance of Account No. 191 as of November 30, 1989, that is subject to the PGA surcharge. The aforementioned changes have been reflected on Sixty-Second Revised Sheet No. 10 which has a proposed April 1, 1990, effective date. Northwest has also tendered for filing and acceptance Sixty-First Revised Sheet No. 10 to become effective March 1, 1990. Sixty-First Revised Sheet No. 10 is filed to eliminate the PGA surcharge for the month of March 1990 in accordance with the transitional provisions of § 154.310 of the Commission's regulations.

A copy of this filing is being served on Northwest's jurisdictional customers and affected state commissions.

Any person desiring to be heard or protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 26, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,
Secretary.

[FR Doc. 90-3029 Filed 2-8-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA90-1-40-002]

Raton Gas Transmission Co.; Proposed Change in FERC Gas Tariff

February 5, 1990.

Take notice that Raton Gas Transmission Company (Raton) on January 30, 1990, filed Second Substitute Fourteenth Revised Sheet No. 4 to its FERC Gas Tariff, Original Volume No. 1.

Raton states that since it did not receive the Commission's December 14, 1989 letter order until December 26, 1989, it was unable to comply within the 15 days of the letter order as directed. Raton states that this tariff filing corrects the discrepancies noted in the December 14, 1989 letter order. Raton requests waiver of the timing requirements for the filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules on Practice and Procedure (18 CFR 385.214, 385.211 (1989)). All such protests should be filed on or before February 12, 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. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-3030 Filed 2-8-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TA90-1-7-000]

Southern Natural Gas Co.; Proposed Changes in FERC Gas Tariff

February 5, 1990.

Take notice that on January 31, 1990, Southern Natural Gas Company (Southern) tendered for filing the following revised sheets to its FERC Gas Tariff, Sixth Revised Volume No. 1:

Ninety-second Revised Sheet No. 4A
Eleventh Revised Sheet No. 4J

Southern states that the proposed tariff sheets and supporting information are being filed with a proposed effective date of April 1, 1990, pursuant to the Purchased Gas Adjustment clause of its FERC Gas Tariff and Section 154.305 of the Commission's Regulations.

The proposed tariff sheets reflect the following respective revisions to Southern's current adjustment and surcharge adjustment:

Current Adjustments

1. A 3.3¢ per Mcf reduction in the commodity component.
2. A 2.96¢ per Mcf increase in the D-2 demand component.
3. A 9.3¢ per Mcf reduction in the D-1 demand component for Zone 1, a 34.3¢ per Mcf reduction for Zone 2, and a 43.5¢ per Mcf reduction for Zone 3.

Surcharge Adjustments

1. A .783¢ per Mcf reduction in the commodity component.
2. A 9.5¢ per Mcf increase in the D-1 demand component.
3. A 2.47¢ per Mcf increase in the D-2 demand component.

Copies of Southern's filing were served upon all of Southern's jurisdictional purchasers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (§§ 385.214, 385.211). All such petitions of protests should be filed on or before February 26, 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-3031 Filed 2-8-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 89-80-NG]

Dome Petroleum Corp.; Order Granting Blanket Authorization To Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of an Order Granting Blanket Authorization To Import Natural Gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that is has issued an order granting Dome Petroleum Corp. (Dome) blanket authorization to import natural gas from Canada. The order issued in FE Docket No. 89-80-NG authorizes Dome to import up to 20 Bcf of natural gas from Canada using existing facilities over a two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avene SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 6, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-3142 Filed 2-8-90; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 89-47-NG]

Kamine/Besicorp South Glens Falls L.P.; Order Granting Long-Term Authorization To Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of an Order Granting Long-Term Authorization To Import Natural Gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order granting Kamine/Besicorp South Glens Falls L.P. (Kamine/Besicorp) long-term authorization to import natural gas from Canada. The order issued in FE Docket No. 89-47-NG authorizes Kamine/Besicorp to import up to 14,200 Mcf of natural gas per day, and a total of 104 Bcf of natural gas from Canada using existing facilities over a 20-year period commencing upon the commercial operation of Kamine/Besicorp's new 49.9 MW cogeneration plant to be constructed and operated in South Glens Falls, New York, or May 1, 1991, whichever is earlier.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 6, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-3143 Filed 2-8-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3722-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 22, 1990 through January 26, 1990 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 7, 1989 (54 FR 15006).

Draft EISs

ERP No. D-BLM-J6007-MT, Rating EC2, Bull Mountains Land Exchange, Federal Coal Lands for High Values Recreational and Wildlife Lands, Carbon County, MT.

Summary. EPA has environmental concerns with this document because it lacks a realistic evaluation of the impacts associated with the proposed land exchange. This is mainly due to the lack of a detailed environmental assessment and emphasis on positive economic impacts of mine development. EPA believes that the concerns would be addressed by including more detail of the alternative analysis in the final EIS.

ERP No. D-BLM-J61080-UT, Rating EC2, Dixie Resource Area, Resource Management Plan, Implementation, Washington County, UT.

Summary. EPA has environmental concerns with the Dixie Resource Management Plan. The final EIS should include detailed grazing strategies and more information on water quality and current watershed conditions. In addition, monitoring should be conducted to identify sources of elevated levels of heavy metals.

ERP No. DS-FHW-K40078-CA, Rating EC2, US 101 Bypass Construction, Mae Bridge to Humboldt and Del Norte County Line, Gravel Extraction for the Completion of Stage III of the Redwood National Park Bypass Project, Funding and section 10 and 404 Permits, Redwood National Park and Prairie Creek Redwoods State Park, Humboldt and Del Norte Counties, CA.

Summary. EPA expressed environmental concerns due to insufficient information to assess the proposed project's consistency with section 404 of the Clean Water Act, including an incomplete alternatives analysis, inadequate wetlands delineation, and potential significant impacts to wetlands and wildlife habitat. EPA asked that the final supplemental EIS provide more discussion on impacts and mitigation.

ERP No. D-FHW-K40173-CA, Rating EC2, CA-267 Bypass Construction, between I-80 and Truckee Area Bypass, Funding, Section 404 Permits, Nevada County, CA.

Summary. EPA expressed environmental concerns due to insufficient information to assess the proposed project's consistency with section 404 of the Clean Water Act, including alternatives, extent of jurisdictional wetlands and adequacy of mitigation the project may also adversely affect the Truckee River's water quality and fisheries without adoption of adequate mitigation.

ERP No. D-UAF-K11034-CA, Rating EC1, Mather Air Force Base (AFB) Closure, 323rd Flying Training Wing Relocation to Beale AFB, Implementation, Sacramento County, CA.

Summary. EPA expressed environmental concerns for potential impacts to the cleanup hazardous waste, hazardous waste management, the long-term protection of wetlands and other natural resource habitats, and to air quality. EPA requested that the Air

Force work closely with state and local agencies for the protection of natural resources and the cleanup of hazardous waste.

ERP No. D-UAF-K11035-CA, Rating EC2, Norton Air Force Base (AFB) Closure, 63rd Military Airlift Wing. Relocation to March AFB, Implementation, San Bernardino County, CA.

Summary. EPA expressed environmental concerns for potential impacts to the cleanup of hazardous waste, hazardous waste management, air quality, and the long-term protection of valuable natural resources and habitats at Norton Air Base. EPA requested that the Air Force work closely with state and local agencies for the protection of natural resources and the cleanup of hazardous waste.

Final EISs

ERP No. F-BLM-J02014-WY, Amoco Carbon Dioxide Projects, Construction and Operation, Plan Approval, Big Horn, Carbon, Fremont, Hot Springs, Lincoln, Natrona, Park, Washakie and Sweetwater Counties, WY.

Summary. EPA was pleased with the support that BLM is giving to the concern over the release of CO_2 from the Exxon LaBarage project and its implications for this project. EPA still has some questions about the disposal of sulfur from the project.

ERP No. F1-BLM-J70001-CO, Grand Junction Resource Area, Wilderness Study Areas (WSAs), Wilderness Designation or Non-designation, Demaree Canyon, Little Book Cliffs, Black Ridge Canyon, Palisage, Dominquez Canyon, Sewemup Mesa, Black Ridge Canyon West, Garfield, Mesa, Montrose and Delta Counties, CO and Grand County, UT.

Summary. EPA has no concerns on the proposed project.

ERP No. F-FHW-H40137-NB, Van Dorn Street Connection, NB-2/10th Street to US-77/West Bypass, Construction, Funding, City of Lincoln, Lancaster County, NB.

Summary. EPA's concerns were adequately addressed in this document to the extent possible given the general unavailability of secondary cumulative impact assessment methodologies.

ERP No. F-IBR-K31013-AZ, San Xavier Irrigation System Development Project, Design Approval, Construction and Operation, Funding, Tohono O'odham Nation, San Xavier District, AZ.

Summary. EPA asked that Bureau of Reclamation more fully assess potential project impacts to the Avara Valley Basin Sole Source Aquifer and to air quality. EPA suggested that preparation of a supplemental EIS to address these concerns be considered.

ERP No. F-USA -K10009-TT, Kwajalein Atoll Ongoing and Strategic Defense Initiative Activities, Test Range Facility Constuction and Support Services, Republic of the Marshall Islands.

Summary. EPA requested the development of a Memoranda of Understanding between EPA, the Department of Defense and the Marshall Islands Government to ensure that future Kwajalein activities will be in substantive compliance with U.S. environmental protection standards. EPA requested this in order to remedy past environmental compliance problems at Kwajalein.

Dated: February 6, 1990.

Armand Lepage,

Director, FALD, Office of Federal Activities.

[FR Doc. 90-3149 Filed 2-8-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3722-3]

Environmental Impact Statements; Availability

RESPONSIBLE AGENCY: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements Filed January 29, 1990 Through February 2, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900030, Draft, BLM, MT, Sleeping Giant and Sheep Creek Wilderness Study Areas (WSAs) Recommendations, Wilderness or Nonwilderness Designation, Lewis and Clark County, MT, Due: May 9, 1990, Contact: Brad Rixford (406) 494-5059.

EIS No. 900031, Final, FHW, IN, East Unit Access Road Construction, I-94 to US 12, US 12 Relocation, LaPorte/Porter County Line to US 12 Intersection near Sheridan Avenue, Funding, 404 Permit, Michigan City, Porter and LaPorte Counties, IN, Due: March 12, 1990, Contact: James E. Threlkeld (317) 226-7494.

EIS No. 900032, Final, CGD, NY, Davids Island Project, Marina and Residential Development, Bridge and Road Construction, CGD Bridge Permit, COE Section 404 Permit, City of Rochelle, Long Island Sound, Westchester County, NY, Due: March 14, 1990, Contact: Gary Kassof (212) 668-7994.

EIS No. 900033, Final, EPA, REG, Comfort Cooling Towers Chromium Emission Standards and Elimination of the use of Hexavalent Chromium, Due: March 12, 1990, Contact: Doug Bell (919) 541-5568.

EIS No. 900034, DSuppl, FHW, IL, Elgin-O'Hare Highway/FAP Route 426 Improvement, US 20/Lake Street and Lovell Road to the proposed West O'Hare Expressway near York Road and Thorndale Avenue, Terminus Change, Funding and Section 404 Permit, Cook and Dupage Counties, IL, Due: March 26, 1990, Contact: Jay W. Miller (217) 492-4600.

EIS No. 900035, Draft, BLM, CA, North County Class III Sanitary Landfill Project, Aspen Road, Blue Canyon and Gregory Canyon Sites, Construction and Operation, Section 404 Permit, North and San Diego Counties, CA, Due: March 26, 1990, Contact: Duane Winters (619) 323-4421.

EIS No. 900036, Final, COE, KY, IN, McAlpine Locks and Dams Navigation Improvement, Implementation, Ohio River, Jefferson and Oldham Counties, KY and Floyd and Clark Counties, IN, Due: March 12, 1990, Contact: David E. Peixotto (502) 582-5601.

EIS No. 900037, Draft, FHW, VA, US 58 and Midtown Tunnel Construction, Brambleton Avenue and Hampton Boulevard in Norfolk to US 58 and VA-164/Western Freeway in Portsmouth, Funding, COE Section 404 Permit and CGD Bridge Permit, Elizabeth River, VA, Due: March 26, 1990, Contact: James Tumlin (804) 771-2371.

EIS No. 900038, Draft, FHW, PA, PA-33 Extension, US 22 Interchange in Bethlehem Township to I-78 Interchange in Lower Saucon Township, Funding, Section 404 Permit, Northampton County, PA, Due: March 30, 1990, Contact: Manuel A. Marks (717) 782-2222.

EIS No. 900039, Final, BOP, IL, Pekin Federal Correctional Institution, Construction and Operation, Tazewell County, IL, Due: March 12, 1990, Contact: William J. Patrick (202) 272-6871.

EIS No. 900040, Draft, BOP, PA, Allenwood Federal Correctional Complex, Construction and Operation, Gregg Township, Lycoming and Union Counties, PA, Due: March 26, 1990, Contact: William J. Patrick (202) 272-6871.

EIS No. 900041, Draft, USA, TX, NJ, SC, KY, VA, MO, Fort Dix Army Base Realignment, Training and Doctrine Command Installations Transfer to other Installations including Forts Bliss, Jackson, Knox, Lee, and Leonard Wood, Implementation, TX, NJ, SC, KY, VA and MO, Due: March 26, 1990, Contact: Richard Muller (804) 441–7776.

EIS No. 900042, DSuppl, USA, PAC, TT, Johnston Atoll Chemical Agent Disposal System (JACADS) for Transportation, Storage and Destruction of European Stockpile of Chemical Munitions, Updated Information, Johnston Atoll, TT, Due: March 26, 1990, Contact: Ralph Carespia (301) 671–4910.

Amended Notices

EIS No. 890338, Draft, NPS, VA, George Washington Memorial Parkway, Potomac Greens Interchange Development, Construction Permit, Special Use Permit, Daingerfield Island, VA, Due: February 28, 1990, Contact: Jack Benjamin (202) 426–6715. Published FR 12–8–89—Review period extended.

EIS No. 900019, Final, FHW, CA, CA–125 Construction, Fletcher Parkway to CA–52, Funding, San Diego County, CA, Due: March 30, 1990, Contact: Susan Klekar (916) 551–1307. Published FR 2–2–90—Disregard the Final EIS Notice.

Dated: February 6, 1990.

Armand Lepage,

Director, FALD, Office of Federal Activities.

[FR Doc. 90–3148 Filed 2–8–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL-37229]

Identification and Characterization of Endpoints and Indicators of Ecosystem Research

AGENCY: U.S. Environmental Protection Agency.

ACTION: Announcement.

SUMMARY: The Office of Exploratory Research seeks research assistance applications on "Identification and Characterization of Endpoints and Indicators of Ecosystem Health." This Request for Applications (RFA) is limited to the freshwater and estuarine ecosystems. All applications submitted in response to this RFA must print or type the identifying announcement number (B10–01–90) in the upper right hand corner of the application face page (Standard Form 424).

SUPPLEMENTARY INFORMATION: .

I. Background

Ecosystems and their components organisms are continually exposed to stresses, both natural and anthropogenic. One task of EPA is to determine whether systems are sufficiently stressed by anthropogenic agents to cause damage. Problems to be addressed by scientists are the difficulty in detecting stress and to identify the causative stressors. These problems are particularly acute because of the interactive nature of stress, in which multiple anthropogenic factors act in an integrated manner with multiple natural stressors.

The following is presented as a conceptual basis for a research program to address these problems. Organisms exposed to stress undergo a predictable sequence of changes in response to stress. At low to moderate levels of stress, behavioral responses (avoidance), acclimation (physiological response) and compensation occur. Acclimation and compensation allow organisms to continue functioning while exposed to a stressor, but growth and allocation costs are incurred. At some level of stress, adaptation (genetic response) occurs. When the stress exceeds the ability of organisms to acclimate, or exceeds the ability of populations to adapt, damage occurs. Each of these processes produces measurable changes in ecosystems, populations, and organism states and processes. Detection of acclimation or compensation could serve as an early warning, which would trigger more intensive monitoring of a system. These changes may or may not result in degradation, but they may provide information about causal factors.

The development of new tools and criteria for detecting stress and determining the cause(s) would enhance the ability of EPA to assess the impacts of anthropogenic stress, and would play a particularly important role in early detection of ecosystem change due to stress.

II. Scope

The purpose of this Request for Applications (RFA) is to promote research on indentifying and evaluating biological endpoints and indicators of ecoystem health and stress response. An endpoint is defined as that component or characteristic of an ecological system that humans care about. It may be at a species level (e.g., endangers species, economically important species, nuisance species), a community level (e.g., species diversity or richness), at an ecosystem level (e.g., nutrient cycling, production). Changes in the state or trends of one or more ecological endpoints would constitute a change in the ecological system (which separately is evaluated with respect to the social importance or acceptability of the change).

An indicator, on the other hand, is a specific organism or measures (proteins, macromolecule) that characterizes that endpoint, either directly (e.g., the population level of an endpoint species) or indirectly (e.g., coliform count as an indicator of water contamination). Ecological research is needed to identify the types of endpoints that are appropriate for different ecosystems and the particular types of indicators most appropriate for characterizing endpoints. Of particular importance are those biological indicators and endpoints which can distinguish between anthropogenic and natural disturbances.

For the purposes of this RFA, the focus should be limited to biological indicators applicable to freshwater and estuarine ecosystems including water column and sediment organisms at all trophic levels including surface microlayers. Topics of interest include, but are not restricted to, identifying bioindicators of anthropogenic stresses, determining specificity and sensitivity of endpoint bioindicators, and developing approaches for using multiple bioindicators. Of interest also are macromolecule and microbial plasmids that may be used to characterize the state of an ecosystem.

III. Mechanism of Support

Assistance under this RFA will be provided by a research grant, administered through EPA's investigator-initiated research grants program. The applicant will be responsible for the planning, direction and execution of the proposed research. Support under this program is limited to non-profit organizations and educational institutions.

Approximately 1.0 million dollars will be available from fiscal 1990 funds and it is estimated that 4 to 6 projects will be supported for a period of two years each. This RFA is for a single competition with a deadline of April 17, 1990.

IV. The Application

Each application will consist of Application for Federal Assistance forms (Standard Forms 424 and 424A), separate sheets providing the budget breakdown for each year of the project, curriculum vitae for the principal investigator, abstract of the proposed project, and a project narrative. All certification (drug free work-place, etc.) forms must be signed and included with the application. Attachments, appendices of other materials included in addition to those identified above will not be forwarded to the reviewers. Application forms, instructions, and other pertinent information are contained in the Federal grant application kit obtainable from: Research Grants Staff (RD-675), U.S. Environmental Protection Agency, 401 M. Street, SW., Washington, DC 20460 or by calling on (202) 382-7445.

V. Special Instructions

1. The project narrative or proposal must not exceed 30 single sided 8-½ by 11 inch pages. Typeface must be standard 10-12 characters per inch.

2. CVs or resumes must not exceed 2 pages for each principal investigator and should focus on education, positions held and most recent or related publications.

3. Project period should not exceed two years.

4. Applications in response to this RFA must be identified by printing RFA BIO-01-90 in the upper right hand corner of the EPA assistance applications form. The absence of this identifier from an application absolves EPA of any responsibility if it is not reviewed along with the other applications responding to this RFA.

VI. Application Review

All applications in response to this solicitation will be reviewed at a single meeting of a scientific peer panel which will evaluate and rank each proposal according to its scientific merit as a basis for recommending Agency approval or disapproval. The panel will consider:

• Quality of research plan (including theoretical and/or experimental design, originality, and creativity),

• Qualifications of the research team,

• Availability and adequacy of facilities and equipment, and

• Appropriateness of the proposed budget.

VII. Application Submission

The original and eight copies of the application must be received no later than the close of business, April 17, 1990, to be considered. The applications must be sent to: Grants Operations Branch (PM-216F), Grants Administration Division, U.S. Environmental Protection Agency, 401 M. Street, SW., Washington, DC 20460.

VIII. Staff Contact

Questions relating to this solicitation may be directed to Clyde Bishop by telephone on (202) 382-7445.

Dated: February 3, 1990.

Roger S. Cortesi,

Director, Office of Exploratory Research.

[FR Doc. 90-3127 Filed 2-8-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3722-8]

Workshop Report on EPA Guidelines for Carcinogen Risk Assessment

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of availability of workshop report on EPA Guidelines for Carcinogen Risk Assessment.

SUMMARY: This notice announces the availability of a Workshop Report on Use of Human Evidence in Risk Assessment (EPA/625/3-90/017). The report is a compilation of the discussions and presentations given at the workshop.

ADDRESSES: To obtain a single copy of the report, interested parties should contact the ORD Publications Center, CERI-FRN, U.S. Environmental Protection Agency (EPA), 26 West Martin Luther King Drive, Cincinnati, OH 45268. Telephone: (513) 569-7562 or FTS: 684-7562. Please provide your name, mailing address, and the EPA document number (EPA/625/3-90/017). The document will be distributed from the Cincinnati office only.

INSPECTION AND COPIES: One copy of the Workshop report is available for public inspection and copying at the EPA Public Information Reference Unit (PIRU), EPA Headquarters Library, 401 M Street SW., Washington, DC 20460 between the hours of 8 a.m. and 4:30 p.m.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Thomas, Technical Liaison, Risk Assessment Forum, Telephone: (202) 475-6743 or FTS: 475-6743.

SUPPLEMENTARY INFORMATION: On June 26-27, 1989, EPA assembled epidemiologists and others to study and comment on the scientific foundation for possible changes in the human evidence sections of EPA's 1986 Carcinogen Risk Assessment Guidelines (51 FR 33992-34054, 24 September 1986). The workshop discussions focused on the possibilities of expanding and clarifying the guidelines by adding new language for (1) study design and interpretation, (2) quantification of human data, and (3) weight-of-evidence analyses for human data.

The workshop report highlights the major scientific issues discussed at the meeting. The report includes opening remarks by session speakers, "strawman" statements for guiding workshop discussions, summaries of the workshop discussions, and a list of workshop participants. The strawman statements are informal materials prepared exclusively for use at the workshop, rather than standard scientific papers. The summaries of the workgroup discussions are also informal statements.

The June workshop and its accompanying report occurred as part of EPA's ongoing review of its 1986 Guidelines for Carcinogen Risk Assessment. This review is designed to develop information to help EPA identify scientific issues relating to current use and possible revision of these guidelines. Other activities have included a request to the public for information on use of the guidelines (53 FR 32656, 26 August 1988), and a workshop on the use of data from animal studies in predicting human cancer risk (53 FR 49920, 12 December 1988). This workshop is also described in a recently published report (54 FR 16403, 24 April 1989).

Currently, EPA is analyzing the information collected above to make decisions about possible changes in the guidelines and, if appropriate, to develop a proposal for peer review and public comment. The information collected so far suggests several different outcomes, ranging from no changes at this time to substantial revision of some parts of the guidelines.

Any proposed changes would be submitted to individual scientists for preliminary peer review and then to the general public, other federal agencies, and EPA's Science Advisory Board for comment. All of these comments would be considered in developing final guidance.

Dated: February 5, 1990.

Erich Bretthauer,

Acting Assistant Administrator for Research and Development.

[FR Doc. 90-3123 Filed 2-8-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3722-6]

Science Advisory Board; Environmental Engineering Committee; Leachability Subcommittee; Open Meeting; February 26, 1990

Under Pub. L. 92-463, notice is hereby given that the Science Advisory Board's Leachability Subcommittee of the Environmental Engineering Committee (EEC), will meet Monday, February 26, 1990, at 9 a.m. and adjourn no later than 5 p.m. The meeting will be held at U.S. Environmental Protection Agency Headquarters, North Conference Room Number 3, Waterside Mall, 401 M Street SW., Washington, DC 20460.

The purpose of the meeting is to primarily determine the Agency's needs for leachability phenomena in regulatory decisionmaking. Also discussed will be needs of industry, environmental groups and other parties for the use of leachability phenomena and data. This is a follow-up meeting to a planning and scoping session that was held on the generic topic of leachability on December 15 and 16, 1989.

The Science Advisory Board meeting of February 26, 1990, is open to the public. Any member of the public wishing further information on the meeting or those who wish to submit written comments should contact Dr. K. Jack Kooyoomjian, Executive Secretary, Science Advisory Board (A101-F), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 382-2552 by February 20, 1990. Seating at the meeting will be on a first come basis.

Dated: February 2, 1990.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 90-3124 Filed 2-8-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3722-5]

Science Advisory Board; Environmental Engineering Committee; Open Meeting; February 27-28, 1990

Under Pub. L. 92-463, notice is hereby given that the Science Advisory Board's Environmental Engineering Committee (EEC), will meet February 27-28, 1990, in the One Washington Circle Hotel, Caucus Room, One Washington Circle NW., Washington, DC 20037. The meeting will begin at 9 a.m. on Tuesday and 8:30 a.m. on Wednesday and adjourn no later than 5 p.m. on Tuesday and Wednesday.

The purpose of the meeting is to review progress of the EEC's on-going studies of the following topics: the leachability initiative and municipal solid waste research-in-progress review. The EEC intends to re-examine its initial ranking of asbestos and the Agency's needs in this area. Upcoming initiatives will also be examined, such as global climate mitigation issues and engineering responsibilities and controls for global climate, examining the Agency's core research program, and examining a remedial clean-up in the Superfund Program. Planned future studies for fiscal year 1990 will be discussed. In particular, these will include upcoming additional reviews on the waste combustion ash research program and discussion of a leachability workshop. As time permits, other emerging issues will be discussed.

The meeting is open to the public. Any member of the public wishing further information on the meeting or those who wish to submit written comments should contact Dr. K. Jack Kooyoomjian, Executive Secretary, or Mrs. Marie Miller, Secretary, Science Advisory Board (A101-F), U.S. Environmental Protection Agency, Washington, DC 20460, at (202) 382-2552 by February 20, 1990. Seating at the meeting will be on a first come basis.

Dated: February 2, 1990.

Donald G. Barnes,

Director, Science Advisory Board.

[FR Doc. 90-3125 Filed 2-8-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-37222]

Science Advisory Board Research and Development Budget Review Subcommittee; Open Meeting; February 28, 1990

Under Public Law 92-463, notice is hereby given that a meeting of the Research and Development Budget Review Subcommittee of the Science Advisory Board will be held on February 27-28, 1990 in the Administrator's Conference Room (#1103), Environmental Protection Agency (EPA) Headquarters, Waterside Mall West Tower, 401 M Street, SW., Washington, DC 20460.

The meeting will start at 9:00 a.m. on February 27, and will adjourn no later than 5 p.m. February 28. The main purpose of this meeting is to review the Fiscal Year 1991 President's Budget for the EPA research and development program. The Subcommittee will meet in closed session on February 27 to receive briefings on the budget formulation process from Agency officials. The February 28 meeting, at which the Subcommittee will consider its finding and begin development of a report, is open to the public.

An Agenda for the meeting is available from Mary Winston, Staff Secretary, Science Advisory Board (A101F), U.S. Environmental Protection Agency, Washington, DC 20460, (202-382-2552). Documentation for the meeting is available from Ms. Joanne Rodman, Office of Research and Development (RD 674), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202-382-7468).

Members of the public desiring additional information should contact Mr. Samuel Rondberg, Designated Federal Official for the Subcommittee, by telephone at 202-382-2552 or by mail to the Science Advisory Board (A101F), 401 M Street SW., Washington, DC 20460 no later then c.o.b. February 20. 1990. Anyone wishing to make a presentation at the meeting should forward a written statement to Mr. Rondberg by the date noted above. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes.

Dated: February 5, 1990.

Donald Barnes,

Director, Science Advisory Board.

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 202-10789-003.

Title: Israel Westbound Conference Agreement.

Parties: Zim Israel Navigation Co., Ltd., Farrell Lines, Inc., Lykes Bros. Steamship Company, Inc.

Synopsis: The proposed amendment would expand the geographic scope of the Agreement to include cargo shipped from ports and points in the states of Hawaii and Alaska.

By Order of the Federal Maritime Commission.

Dated: February 5, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-3019 Filed 2-8-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

February 2, 1990.

Background

Notice is hereby given of final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulation on Controlling Paperwork Burdens on the Public).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Divsion of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3822)

OMB Desk Officer—Gary Waxman—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503 (202-395-7340)

Final approval under OMB delegated authority of the discontinuation of the following report:

Report title: Report of Proceeds from Outstanding Sales to Nonexempt Entities of Short-Term Loans Made Under Long-Term Lending Commitments.

Agency form number: FR 2916.

OMB Docket number: 7100-0087.

Frequency: Weekly.

Reporters: Financial institutions.

Annual reporting hours: 650.

Average hours per response: .25.

Estimated number of respondents: 50.

Small businesses are not affected.

General description of report: This report was required by law [12 U.S.C. 248(a), and section 3105(b)(2)]. The data were given confidential treatment under the Freedom of Information Act (5 U.S.C. 552(b)(4) and (b)(8)).

This weekly report collected daily data on the outstanding amount of funds received by originating depository institutions from the sales of short-term loans made under long-term lending commitments to nonexempt entities. (These transactions also were known as loan strips or strip participations.) These transactions will continue to be embedded in the Report of Deposits (FR 2900, FR 2910a, or FR 2910a, as applicable) of the originating institution. However, because the dollar volume of these transactions did not attain the level initially anticipated by the Board and had fallen to a negligible amount, the Federal Reserve Board approved to discontinue the FR 2916.

Board of Governors of the Federal Reserve System, February 2, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3061 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

Big Sioux Financial, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inpsection 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 28, 1990.

A. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Big Sioux Financial, Inc.*, Estelline, South Dakota; to engage *de novo* in income tax preparation pursuant to § 225.25(b)(21) of the Board's Regulation Y. These activities will be conducted in Hamlin County, the north half of Brookings County, and the south half of Deuel County of South Dakota.

Board of Governors of the Federal Reserve System, February 2, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3056 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

Liberty National Bancorp, Inc.; Louisville, Kentucky; Proposal To Underwrite and Deal in Certain Securities to a Limited Extent and Engage in Securities Transactions as a Riskless Principal

Liberty National Bancorp, Inc., Louisville, Kentucky ("Applicant"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) (the "Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for prior approval to engage through Banker's Investment Group, Inc. ("Company") in the following activities: (1) Underwriting and dealing, to a limited extent, in commercial paper (which will be of prime quality, short-term, sold in minimum denominations of $100,000, and exempt from registration requirements of the Securities Act of 1933), municipal revenue bonds (including industrial development bonds that are limited to "public ownership" industrial development bonds, where the issuer or the governmental unit on behalf of which the banks are issued is the sole owner of the financed facility), 1-4 family mortgage-related securities, and consumer receivable-related securities ("ineligible securities"); and (2) the purchase and sale of all types of securities on the order of investors as a "riskless principal". Company would conduct the proposed activities on a nationwide basis.

Company is currently authorized to engage in discount brokerage activities and to underwrite and deal in obligations that state member banks are permitted to underwrite and deal in under the Glass-Steagall.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with prior Board approval, engage directly or indirectly in any activities "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto."

Applicant has applied to underwrite and deal in ineligible securities substantially as set forth in the Board's Orders approving those activities for a number of bank holding companies. See, e.g., *Chemical New York Corporation, The Chase Manhattan Corporation, Bankers Trust New York Corporation, Citicorp, Manufacturers Hanover Corporation, and Security Pacific Corporation,* 73 Federal Reserve Bulletin 731 (1987); and *Citicorp, J.P. Morgan & Co. Incorporated, and Bankers Trust New York Corporation,* 73 Federal Reserve Bulletin 473 (1987).

The Board has also approved the purchase and sale of all types of securities on the order of investors as "riskless principal" under certain limitations. *See J.P. Morgan & Company Incorporated,* 76 Federal Reserve Bulletin 26 (1990); *Bankers Trust New York Corporation,* 75 Federal Reserve Bulletin 829 (1989). Applicant has agreed to comply with the limitations placed on those activities.

Applicant contends that approval of the application would not be barred by section 20 of the Glass-Steagall Act (12 U.S.C. 377), which prohibits the affiliation of a member bank with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities. Applicant contends that it would not be "engaged principally" in underwriting or dealing in bank-ineligible securities on the basis of its commitment not to engage in such activities in an amount exceeding 10 percent of Applicant's gross revenue in any rolling two-year period. See Board's Order dated September 21, 1989.

In publishing the proposal for comment, the Board does not take any position on issues raised by the proposal under the Act. Notice of the proposal is published solely in order to seek the views of interested persons on the issues presented by the application and does not represent a determination by the Board that the proposal meets or is likely to meet the standards of the Act.

Any views or requests for a hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551, not later than March 12, 1990. Any request for a hearing must, as required by § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)), be accompanied by 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, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

This application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of St. Louis.

Board of Governors of the Federal Reserve System, February 2, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3060 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

Main Street Banks 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 February 28, 1990.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President), 100 Marietta Street NW., Atlanta, Georgia 30303:

1. *Main Street Banks Incorporated,* Covington, Georgia; to acquire Main Street Savings Bank, F.S.B. (in organization), Conyers, Georgia, a federal stock savings bank and thereby engage directly or indirectly in certain nonbanking activities pursuant to § 225.25(b)(9) of the Board's Regulation Y. These activities will be conducted in Conyers, Georgia.

Board of Governors of the Federal Reserve System, February 2, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3057 Filed 2-8-90; 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 February 22, 1990.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 100 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Stanislaus Joseph St. Martin,* LaPlace, Louisiana; to acquire an additional 10.61 percent of the voting shares of LaPlace Bancshares, Inc., LaPlace, Louisiana, for a total of 25.02 percent, and thereby indirectly acquire Bank of LaPlace, LaPlace, Louisiana.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *E.A. Karandjeff,* Clayton, Missouri; to acquire an additional 3.13 percent of the voting shares of Central Banc System, Inc., Fairview Heights, Illinois, for a total of 23.95 percent, and thereby indirectly acquire Central Bank-Fairview, Heights, Fairview Heights, Illinois, and Farmers and Merchants Bank of Carlinville, Carlinville, Illinois.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice

President) 101 Market Street, San Francisco, California 94105:

1. *Bay Commercial Services Employee Stock Ownership Plan,* San Leandro, California; to acquire 15.15 percent of the voting shares of Bay Commercial Services, San Leandro, California, and thereby indirectly acquire Bay Bank of Commerce, San Leandro, California.

Board of Governors of the Federal Reserve System, February 2, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3058 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

Charles Haywood Murphy, Jr., et al.; 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 March 1, 1990.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Charles Haywood Murphy, Jr.,* El Dorado, Arkansas; to acquire an additional 1.26 percent (totalling 11.20 percent) of the voting shares of First Commercial Corporation, Little Rock, Arkansas, and thereby indirectly acquire First Commercial Bank, N.A., Little Rock, Arkansas; The First National Bank of Conway, Conway, Arkansas; The Security National Bank and Trust Company of Norman, Norman, Oklahoma; First National Bank of Russellville, Russellville, Arkansas; Benton State Bank, Benton, Arkansas; The Security Bank, Harrison, Arkansas; Morrilton Security Bank, N.A., Morrilton, Arkansas; and First Commercial Bank of Lonoke County, England, Arkansas.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *First National Bank in Grand Forks,* Grand Forks, North Dakota, as trustee; to acquire an additional 1.74 percent (totalling 15.36 percent) of the voting shares of First National Corporation, Grand Forks, North Dakota, and thereby indirectly acquire First National Bank in Grand Forks, Grand Forks, North Dakota; West Fargo State Bank, West Fargo, North Dakota; Northwood State Bank, Northwood, North Dakota; and First National Bank South, Grand Forks, North Dakota.

Board of Governors of the Federal Reserve System, February 5, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-3052 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

NBRC Co., 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 March 1, 1990.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *NBRC Company,* Rockwell City, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of National Bank of Rockwell City, Rockwell City, Iowa.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Mercantile Bancorp, Inc.,* Quincy, Illinois; to acquire 100 percent of the voting shares of State Bank of Augusta, Augusta, Illinois.

Board of Governors of the Federal Reserve System, February 5, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-3053 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

UNB Corp.; 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 28, 1990.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *UNB Corp.,* Canton, Ohio; to acquire 10 percent of the voting shares of The Navarre Deposit Bank Company, Navarre, Ohio.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *Prairie Bancorp, Inc.,* Manlius, Illinois; to acquire 93.19 percent of the voting shares of Tiskilwa State Bank Tiskilwa, Illinois.

C. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota:

1. *Bank of Montana System*, Great Falls, Montana; to acquire 100 percent of the voting shares of Big Sky Bancshares, Inc., Great Falls, Montana, and thereby indirectly acquire The Village Bank of Great Falls, Great Falls, Montana.

2. *Bank of Montana System Acquisition Corporation*, Great Falls, Montana; to become a bank holding company by acquiring 100 percent of the voting shares of Big Sky Bancshares, Inc., Great Falls, Montana, and thereby indirectly acquire The Village Bank of Great Falls, Great Falls, Montana.

3. *Northern Interstate Financial, Inc.*, Norway, Michigan; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Norway, Michigan.

D. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. *FirstPerryton Bancorp, Inc.*, Perryton, Texas; to acquire 98.5 percent of the voting shares of Citizens Bank & Trust Company, Pampa, Texas.

Board of Governors of the Federal Reserve System, February 2, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3059 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Clinical Laboratory Improvement Amendments of 1988 Delegation of Authority

Notice is hereby given that I have delegated to the Assistant Secretary for Health, with authority to redelegate, the authority vested in the Secretary under section 4(a) of the Clinical Laboratory Improvement Amendments of 1988, Public Law 100-578, as amended hereafter. This delegation excludes the authority to promulgate regulations and to submit reports to the Congress.

This delegation became effective upon the date of signature.

Effective Date: January 30, 1990.

Louis W. Sullivan,

Secretary.

[FR Doc. 90-3076 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-16-M

Alcohol, Drug Abuse, and Mental Health Administration

Clinical Training Grants for Faculty Development in Alcohol and other Drug Abuse

Institute: National Institute on Alcohol Abuse, and Alcoholism, National Institute on Drug Abuse, Office of Substance Abuse Prevention.

ACTION: Notice of Request for Applications.

Introduction

The National Institute on Alcohol Abuse and Alcoholism (NIAAA), the National Institute on Drug Abuse (NIDA), and the Office for Substance Abuse Prevention (OSAP) recognize the importance of training health professionals to effectively recognize, intervene, treat and/or refer alcohol and other drug abuse problems. It is especially important that those health professionals who exercise a leadership role in providing services in the primary health care and mental health care services systems develop expertise in early identification and intervention of alcohol and drug abuse problems. For this reason, the Institutes and OSAP support clinical training and curriculum development programs which address alcohol and drug abuse training needs.

NIAAA, NIDA, and OSAP seek to improve the scope and quality of alcohol and drug abuse clinical teaching in health professions schools through support of a program of faculty development in alcohol and drug abuse. This program is targeted to faculty in schools of medicine, osteopathy, nursing, and social work as well as university-affiliated departments of psychology. These professions are identified because they bear a major responsibility for provision of primary care and mental health services to patients with alcohol and drug abuse problems. Through this program of faculty training, we seek to develop a cadre of academically based faculty, who will guide the training of a broad range of health professionals who are entering the health services field.

As a first step in addressing health professions faculty training needs, NIAAA and NIDA have supported the development of curriculum models. These projects are designed to demonstrate methods of integrating alcohol and drug abuse instruction into medical and nursing clinical training programs. The model curricula are based upon discipline-specific knowledge and skill objectives, and address undergraduate, graduate, and faculty training needs.

These models address a broad range of instructional topics and can be adapted for use by other health professions. Information on these model curricula and other alcohol and drug abuse education resource materials which have been developed for use by health profesions educators, are available to interested individuals through the National Clearinghouse on Alcohol and Drug Information (NCADI). These publications are listed on the NCADI Publications Order Form, which is attached.

In fiscal year 1990, NIAAA, in consultation with NIDA and OSAP will make clinical training grant awards for "Faculty Development in Alcohol and other Drug Abuse." This is an updating of a Request for Applications (RFA) issued in FY 1989 entitled "Clinical Training Grants for Physician and Nursing Faculty Development in Alchol and Other Drug Abuse." The principal revision of this issuance is the addition of social work schools and psychology departments as eligible applicants. It is anticipated that up to $3.2 million will be available to support an estimated 18-20 projects. Each of these projects will provide support to 3-5 academically based faculty fellows within a single institution to develop their expertise in alcohol and drug abuse, and to implement alcohol and drug abuse teaching as part of the ongoing clinical curriculum of their specialty. These projects will include two phases of activity: faculty training and curriculum implementation efforts (years 1-3), and assessment of impact of training and curriculum activities (years 4 and 5).

The statutory authorities for anticipated awards are sections 303 and 508(b)(11) of the Public Health Service Act (42 U.S.C. 242a and 290aa-6(b)).

Purpose

The purpose of this award is to develop a cadre of academically based health professions faculty who will provide leadership within clinical specialties/departments in alcohol and other drug abuse clinical training. It is expected that faculty fellows will develop expertise in the early prevention, screening and assessment, case management and/or referral of patients with alcohol and drug abuse problems; and will incorporate alcohol and drug abuse instruction as part of their ongoing clinical training responsibilities within their departments. In addition, faculty fellows at the awardee institution will work together, under the supervision of a sponsor, to assess curriculum needs and implement curricula in alcohol and drug abuse in their departments. Through this program, faculty fellows will develop expertise in the following areas

• State-of-the-art prevention, screening and assessment, case management, and referral methods in alcohol and drug abuse;

• Current alcohol and drug abuse research methodologies and findings, and the application of these findings to clinical teaching and clinical practice;

• Application of state-of-the-art instructional materials and methodologies to clinical teaching;

• Implementing an alcohol and drug abuse curriculum as part of the ongoing clinical training of the faculty fellows' departments.

The Faculty Department Program is not intended to support the preparation of those faculty seeking careers exclusively in research. Information regarding NIAAA and NIDA programs of support for advanced training for careers in research may be obtained by contacting individuals listed on page 15.

Eligibility

NIAAA and NIDA are limiting potential applicants under this Request for Applications to schools of medicine, osteopathy, nursing, social work, and university-affiliated departments of psychology. This is because alcohol and drug abuse curriculum guidelines and materials, which were developed through the NIAAA/NIDA Curriculum Models Program, can be readily adapted for use by these health professions training programs. A major objective of the current program is to promote the implementation of these model curricula by medical, nursing, social work, and psychology/faculty. These health professions exercise a critical role in the prevention, early recognition, treatment and/or referral of patients with alcohol and other drug abuse problems.

Applications may be submitted by the following health professions schools and institutional units:

• An accredited school of medicine

• An accredited school of osteopathy

• An accredited college or university school of nursing offering graduate education

• School or department of social work offering accredited master's/doctoral programs

• A university-based department or school of psychology with appropriate accreditation for doctoral-level training in clinical and/or counseling psychology

Each eligible health profession listed above must submit a separate grant application. Different health professions units within a health training institution must submit separate grant applications. Joint applications across different health professions schools may not be submitted under this program.

Faculty fellow candidates must meet the following criteria:

• Be credentialed for clinical practice in his/her respective profession, and hold appropriate graduate degrees required to pursue tenure track positions in their teaching institutions;

• Be a U.S. citizen or permanent resident;

• Hold a current full-time academic appointment at the assistant professor level or higher or hold a current clinical instructor appointment at a minimum level of 50% effort devoted to academic responsibilities. At the clinical instructor level, candidates must demonstrate their commitment to pursuing an academic career in their profession. Within psychology, clinical instructor candidates must also demonstrate that they are currently holding tenure track positions.

Individuals currently or previously supported (i.e., through the provision of salary support) under NIAAA/NIDA faculty development programs (e.g., the Career Teacher or Curriculum Models Programs) are not eligible for support as faculty fellows. Such individuals are eligible for support as program directors.

Institutions are particularly encouraged to identify minority faculty candidates.

Special Application Characteristics

• Applications must be complete and contain all information needed for review. No addenda will be accepted later than the application receipt date unless specifically requested by the executive secretary of the review committee.

• The narrative section should be written in a manner that is self-explanatory to outside reviewers who are unfamiliar with prior related activities of the applicant. It should be succinct and well organized, must not exceed 20 single-spaced pages, and must contain all information necessary for reviewers to understand the project. Applications exceeding the 20-page limit (on the narrative section) will not be accepted for review. Appendices may be attached for technical or specialized materials, but may not be used merely to extend the narrative.

Description of Training Program: Application Narrative

The following outline should be used to prepare a description of the training program in the narrative portion of the application. This will replace the general instructions for completing Section 2.A–D (Research Plan) of the PHS 398 grant application form.

1. Program Plan

The applicant institution must describe the proposed faculty development program and include the following information:

• A conceptualization of the faculty development program, including program objectives and an assessment of faculty training needs. The applicant should provide a brief summary of the institution's existing alcohol and drug abuse curriculum.

• A review and critical assessment of the literature in two research areas related to alcohol and drug abuse, and a discussion of how they can be incorporated into clinical teaching.

• Identification of the alcohol and drug abuse research resources which will be utilized to ensure that faculty fellows incorporated state-of-the-art research as part of their clinical teaching and practice.

• Identification of a minimum of three and a maximum of five faculty candidates, each representing different clinical departments/specialties to participate in the training program. Within departments of psychology, candidates may represent three different subspecializations. A brief description of the proposed faculty candidates, their current role within their departments, and their manner of recruitment and selection for the program should be provided. The applicant should also provide assurance that each faculty fellow will allocate a 15%–20% level of effort each year throughout the training progam, and is in a position to serve as a clinical role model within his/her discipline/specialty.

• A concise description of the overall program, which incorporates the proposed plan and scheduling for all major program components, including (1) group instruction and network development; (2) individual faculty training; and (3) collaborative curriculum implementation and/or evaluation activities among the faculty fellows. Curriculum implementation activities should be sequenced as an integral part of the faculty fellows training plan, beginning in year 2 of the program. Group instructional activities should utilize learner centered approaches, and incorporate such methodologies as seminars, peer teaching, and collaborative projects; e.g., conducting curriculum needs assessment studies, developing curricula, and evaluating teaching technologies. The training plan should describe the local clinical teaching sites which will be utilized as an integral part of the faculty development program.

In addition, the applicant institution may wish to incorporate, as an optional component of the program plan, the sponsorship of ancillary educational programs; e.g. workshops, seminars, and theme sessions at professional meetings.

These programs may be developed in order to increase the alcohol and other drug abuse knowledge and skills of health professions faculty and practitioners or to disseminate innovative instructional and evaluation methodologies. Ancillary educational programs developed by the applicant institution may target one or more health professions and may be conducted for local, regional, or national audiences. Applicants are encouraged to develop programs that provide opportunity for continuing collaboration with faculty in their own institution and those in their geographic region. Educational programs proposed should be consistent with overall faculty development program goals. Support for ancillary educational programs may be requested for years 2 through 5 of the project period and may not exceed $15,000 per year.

2. Faculty Fellow Candidates

Faculty fellow candidates should presently hold a clincial faculty position, at least at the clincial instructor level. The applicant institution should provide a brief summary of the qualifications and expertise of their faculty fellow candidates. This summary should include, for each faculty fellow candidate, a description of his/her current clinical teaching responsibilities, clinical and/or research interests, and career development goals. In addition, the applicant institution should identify the methods utilized to recruit and select faculty fellow candidates.

3. Program Director

The overall supervision and sponsorship of the faculty fellows will be the responsibility of the program director. The program director must ensure that faculty fellows have access to needed resources and expertise within their departments, and establish appropriate linkages with research and treatment facilities as well as with other academic institutions. The applicant institution should provide a description of the role of the program director in overseeing the faculty development program, including the program director's role regarding the following: (1) Directing the group instruction component of the program; (2) overseeing individual faculty fellow training activities, including curriculum implementation efforts; (3) ensuring access to and appropriate utilization of research resource; and (4) implementing program evaluation. The program director should indicate a minimum of 10% level of effort per year to the faculty development component of the project (years 1–3). A biographical sketch should be submitted for the program director. The applicant must document that the program director has demonstrated leadership in alcohol and drug abuse clinical training, and expertise in the conduct and/or utilization of alcohol and drug abuse research. The application should include a statement of intent from the program director to participate in two grant-related meetings each year of the grant, to include one professional development meeting designed to enhance alcohol and drug abuse teaching within his/her profession, and one collaborative meeting of grant program directors and evaluators.

4. Applicant Institution

The application should provide a concise description of the applicant institution, including its current educational, service, and research programs, emphasizing those in alcohol and drug abuse. The availability of established faculty as potential academic role models for the faculty fellows at the applicant and other institutions should be described. Additional resources such as established clinical, academic, and/or research centers or unique clinical service programs directed to alcohol and drug abuse should be included. The head or chair of each targeted department should provide evidence of commitment to the faculty fellow candidate and to the candidate's plan for implementation of an alcohol and drug abuse curriculum. This should include assurances that sufficient time will be made available to the faculty candidate to undertake the training plan proposed. The dean of the sponsoring institution should also provide evidence of support for the faculty development program. Documentation should be provided regarding the continued commitment of the institution to the faculty fellows beyond the period of the grant award. Letters of support are to be submitted as appendices to the narrative.

5. Evaluation

Each application will include an evaluation component. The proposal should include an evaluation plan, comprised of the following: (1) An individual project process evaluation; and (2) an outcome evaluation of the impact of the training program on faculty trainees, on the clinical training programs of the trageted departments, and on the overall institution. Process evaluation should include a detailed description of the faculty trainees, targeted departments, educational settings, and interventions during each phase of the project. The outcome evaluation should address changes in alcohol and drug abuse knowledge, clinical skills, and perceptions of competence of faculty candidates and students receiving training during the curriculum implementation phase. In addition, particular emphasis in the outcome evaluation should be placed on the impact of the curriculum implementation phase on clinical practice behavior, i.e., changes in practices related to patient screening and assessment, health counseling, diagnosis, intervention, case management, and referral in existing clinical settings, including ambulatory care settings. Assessment of the impact of the curriculum implementation phase on clinical practice behavior should be conducted with an experimental or quasi experimental design. The applicant will identify an evaluation coordinator at a minimum of 10% level of effort to oversee evaluation activities throughout the 5-year grant period. The evaluation coordinator role should be described for each year of the project. The applicant should provide assurance that the evaluation coordinator will participate in one collaborative meeting of program directors and evaluators each year of the grant.

During years 4 and 5 of the proposed faculty development program, project activity will be limited to conduct of program evaluation. This is to allow the institution an adequate period of time to assess program impact following termination of faculty fellow support. The proposed budget for years 4 and 5 of the grant should reflect this change in program scope, and should not exceed $30,000 in total cost each year.

A national steering group, comprised of evaluation experts and representatives from the nine current grantees, has developed a "Resource Guide to Evaluation of the Faculty Development Program in Alcohol and Other Drug Abuse" which includes a model process evaluation format. The Resource Guide has been developed to assist grantees in the conduct of their evaluation efforts. This publication may be obtained from the National Clearinghouse for Alcohol and Drug Information (NCADI) using the NCADI Publications Order Form, which is attached. Information concerning these evaluation activities may also be obtained by contacting the current Faculty Development Program Directors (see attached list).

Description of Consultants/Collaborators

Applicants should attach a statement from each faculty fellow candidate describing his/her participation in the training program, as called for in section 2G of the PHS 398 grant application form. This statement should not exceed three pages in length and include the following elements:

- Discussion of candidate's interest in participating in the faculty development program and how this interest relates to his/her long term career goals.
- Assessment of individual training needs with respect to (1) alcohol and drug abuse knowledge and clinical skills, (2) instructional technologies and pedagogical skills, and (3) knowledge of current alcohol and drug abuse research methodologies and findings.
- Proposed professional development activities, for each year of the 3-year award, to include on- and off-site training experiences. Faculty training may include short-term training courses and experiences at other academic institutions. Use of local ambulatory care and/or alcohol/drug treatment facilities should be an integral part of the training plan. Expenses to support professional development activities (i.e., tuition, fees, travel, and per diem) and purchase of instructional materials must be detailed for each year of the training program.
- Proposed plan for implementing alcohol and drug abuse training within the fellow's department, including identification of existing curriculum needs and potential courses, sites for instruction, and targeted level of training. An appropriate balance of alcohol and drug abuse instructional content must be evident.
- Proposed contributions to be made by the faculty fellow to the alcohol and drug abuse field, i.e., clinical applications of research, replication of existing curriculum models, evaluation approaches and methodologies, etc.
- Statement of intent to participate in one off-site professional development meeting per year, designed to enhance alcohol and other drug abuse teaching within his/her profession.

The applicant should submit a biographical sketch for each of the proposed faculty fellow candidates.

Allowable Costs, Terms, and Conditions of Support

Grants funded under this RFA are awarded directly to the institution. The maximum period of support is 5 years. Plans for each year of the award, including detailed budgets, should be fully presented in the application and should reflect the change in program scope during years 4 and 5 of the project. Support beyond the first year is contingent upon the availability of funds and the receipt of an annual continuation application. A competing supplemental application may be submitted by existing grantees during an approved period of support in order to expand the scope of a project to include conduct of ancillary educational programs, as described in this RFA. During the first 3 years of the grant, a maximum of $10,000 per year of grant funds (exclusive of fringe benefits) may be used to support the salary of each faculty fellow and the program director. In addition to salary support, funds may be requested for tuition and travel expenses incurred for the training of fellows (including attendance at the NIAAA/NIDA-sponsored training meetings) and for instructional materials. Examples of other allowable direct cost expenses include limited amounts for administrative and technical services, consultants, equipment, supplies, and travel. The applicant should clearly identify those budget items which are allocated for ancillary educational programs. All budget items must be fully justified at the level requested. All grantee indirect costs will be reimbursed at 8 percent of total allowable direct costs or actual indirect costs, whichever is less.

Grants described in this RFA are awarded directly to eligible schools. Funds must be used only for those expenses which are directly related and necessary to carry out the project, and may be expended in conformance with DHHS cost principles, the Public Health Service Grants Policy Statement*, and conditions set forth in this document. Funds made available under this grant may not be used to supplant currently existing training or other support for such training.

As a condition of the award, the applicant will submit an annual continuation application which provides a summary of progress to date, plans for the next year, and an appraisal of each faculty fellow's progress. The applicant will provide information on specific areas of program activity, as requested by the Institute in supplemental instructions to the continuation application.

*Public Health Service Grants Policy Statement (Rev. January 1, 1987), GPO-017-020-00092-7, available for $4.50 from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Application Procedures

For questions of eligibility and for assistance in developing applications, prospective applicants should consult:

Frances Cotter, M.A., M.P.H., Chief, Health Professions Education Program, Division of Clinical and Prevention Research, NIAAA, 5600 Fishers Lane, Room 16C-10, Rockville, Maryland 20857, 301/443-1207.

Dorynne Czechowicz, M.D., Associate Director for Medical and Professional Affairs, Office of Policy and External Affairs, NIDA, 5600 Fishers Lane, Room 8A-54, Rockville, Maryland 20857, 301/443-4877.

Applications (PHS 398, Rev. 10/88) must be complete and contain all information needed for initial and National Advisory Council Review. The title of the RFA Clinical Training Grant for Faculty Development in Alcohol and Other Drug Abuse should be typed in item number 2 on the face page of the application form. No addenda will be accepted after the application receipt date, unless specifically requested by the executive secretary of the review committee. No site visits will be made.

Application kits (PHS 398) are available from:

Division of Clinical and Prevention Research, NIAAA, 5600 Fishers Lane, Room 16C-10, Rockville, Maryland 20857, 301/443-1207.

The original and four (4) copies of the application should be submitted by May 23, 1990, to:

Division of Research Grants, National Institutes of Health, Westwood Building, Room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892.

Due to the short time available for review, applicants are requested to send two (2) additional copies of the application by May 23, 1990, to:

Office of Scientific Affairs, NIAAA, NIAAA Clincial Training Grants, Attn: Dr. Mark Green, 5600 Fishers Lane, Room 16C-20, Rockville, Maryland 20857.

Review

Review Procedures

The Division of Research Grants, NIH, serves as a central point for receipt of applications under this announcement. Applications received under this announcement will be assigned to an Initial Review Group (IRG) in accordance with established PHS Referral Guidelines. The IRGs, consisting primarily of non-Federal scientific and technical experts, will review the applications for technical merit. Notification of the review recommendations will be sent to the applicant after the initial review. Applications will receive a second-level review by the National Advisory Council on Alcohol Abuse and Alcoholism whose review may be based on policy considerations as well as scientific merit. Only applications recommended for approval by the Council may be considered for funding.

Review Criteria

Each grant application will be evaluated on its own merits. The following basic criteria will be used:

• Institutional Environment and Support. The applicant institution must show evidence of:
—Commitment of the dean and department chairs to the career development of the potential faculty fellows
—Commitment to implement curriculum in alcohol and other drug abuse
—Existence of suitable and adequate research, and clinical and academic facilities/resources to address faculty fellow training needs
—Assurances that faculty fellows will have sufficient release time for grant-related activities

• Qualifications of Program Director:
—Suitability and quality of academic, clinical and/or research background and experience, and appropriateness as role model
—Ability to advise and assist fellows in effecting curriculum changes

• Qualifications and Potential of Faculty Fellow Candidates:
—Appropriate faculty status
—Ability to provide faculty leadership upon termination of grant
—Demonstrate commitment to integrating training in alcohol and other drug abuse into his/her department's ongoing clinical teaching program
—Compatibility among individual career goals, grant intent, and institutional goals
—Suitability and quality of academic, clinical, and/or research background and experience as related to the grant proposal
—Background and potential as clinical role model

• Quality of Program Plan:
—The objectives of the program and need for the faculty training are clearly delineated
—Appropriately addresses all major program components, including group instructional activities, individual faculty training plans and curriculum implementation activities, and the relationship of these components to program goals
—Demonstrates an understanding of the alcohol and drug abuse research literature, and the application of alcohol and drug research to clinical teaching
—Identifies appropriate research resources as an integral part of the proposed training program
—Proposes an appropriate balance of alcohol and drug abuse content as part of the fellows' training program
—A plan for conducting ancillary educational programs, if proposed, is clearly outline and has reasonable potential for accomplishment
—Reasonable potential for accomplishment of program goals

• Quality of Indiviudal Faculty Training Plans:
—Appropriately addresses candidates' individual training needs
—Reflects an appropriate balance of didactic and clinical training experiences, and incorporate alcohol and drug abuse treatment facilities as an integral component of training
—Plan for implementing alcohol and drug abuse instruction is clearly outlined and has reasonable potential for accomplishment

• Adequacy of proposed evaluation plan and capability of proposed evaluation coordinator

• Appropriateness of proposed budget and other resources identified to carry out project activities.

This announcement is not subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100.

Receipt and Review Schedule

Receipt of application	IRG review	Advisory council review	Start date
May 23, 1990.	July 1990.....	September 1990.	September 1990.

Applications received after the deadline specified above will be considered ineligible and will be returned to the applicant.

Award Criteria

The responsibility for award decisions on applications recommended for approval by the National Advisory Council on Alcohol Abuse and Alcoholism lies solely with authorized program staff. NIAAA and NIDA program staff will use the following criteria in making funding decisions on applications recommended for approval:

• Technical merit of the proposed project, as determined during the review process
• Appropriate balance across various health professions
• Geographic distribution
• Availabilty of funds

ADAMHA Support for Research Training

Information on ADAMHA program announcements directed exclusively to alcohol and other drug abuse research training can be obtained from the following sources:

NIAAA:

Richard Fuller, M.D., Director, Division of Clinical and Prevention Research, NIAAA, 5600 Fishers Lane, Room 16C–10, Rockville, Maryland 20857, (301) 443–1206.

Helen Chao, Ph.D., Deputy Director, Division of Basic Research, NIAAA, 5600 Fishers Lane, Room 14C–10, Rockville, Maryland 20857, 301/443–2530.

Mary Dufour, M.D., M.P.H., Chief, Epidemiology Branch, Division of Biometry and Epidemiology, NIAAA, 5600 Fishers Lane, Room 14C–26, Rockville, Maryland 20857, 301/443–4897.

NIDA:

Charles W. Sharp, Ph.D., Chair, Research Training Committee, Division of Preclinical Research, NIDA, 5600 Fishers Lane, Room 10A–31, Rockville, Maryland 20857, 301/443–6300.

John W. Spencer, Ph.D., Psychologist, Clinical-Behavioral Pharmacology Branch, Division of Clinical Research, NIDA, 5600 Fishers Lane, Room 10–46, Rockville, Maryland 20857, 301/443–1263.

Catherine S. Bolek, M.S., Associate Director, Special Populations Reserach Program, Office of Science, NIDA, 5600 Fishers Lane, Room 10–25, Rockville, Maryland 20857, 301/443–0441.

The Catalog of Federal Domestic Assistance number for this program is 13.274.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 90–3062 Filed 2–8–90; 8:45 am]

BILLING CODE 4160-20-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 19, 1990.

(For a copy of the package, call the FSA, Report Clearance Officer 202–252–5602.)

Title IV–F JOBS Expenditure Report, FSA 331—This form is used to issue quarterly state grant awards under the JOBS programs effective July 1, 1989. It also tracks matching rate provisions of sections 403(K) and 403(1) of the Social Security Act as amended. Respondents: state agencies; Number of Respondents: 55; Frequency of Response: Quarterly; Average Burden per Response: 1.75 hours; Estimated Annual Burden: 385 hours.

OMB Desk Clearance Officer: Justin Kopca.

Written comments and recommendations for the proposed information collection 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: February 1, 1990.

Sylvia E. Vela,

Deputy Associate Administrator for Management and Information Systems.

[FR Doc. 90–2820 Filed 2–8–90; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

Nominations for Representatives of Consumer and Industry Interests on Public Advisory Committees or Panels

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is requesting nominations for consumer and industry representatives to serve on certain public advisory committees or panels in the Center for Devices and Radiological Health. Nominations will be accepted for current vacancies and for those that will or may occur during the next 18 months. FDA has a special interest in ensuring that women, minority groups, the physically handicapped, and small businesses are adequately represented on advisory committees and, therefore, extends particular encouragement to nominations for appropriately qualified female, minority, physically-handicapped candidates, and nominations from small businesses that manufacture medical devices subject to the regulations.

DATES: Nominations should be received by April 10, 1990, for vacancies listed in this notice.

ADDRESSES: All nominations and curricula vitae for consumer representatives shall be submitted in writing to Catherine P. Beck (address below).

All nominations and curricula vitae, which includes a nominee's office address and telephone number, for industry representatives shall be submitted in writing to Kay Levin (address below).

FOR FURTHER INFORMATION CONTACT:

For Consumer Interests: Catherine P. Beck, Office of Consumer Affairs (HFE–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5006.

For Industry Interests: Kay Levin, Center for Devices and Radiological Health (HFZ–20), Food and Drug Administration, 12720 Twinbrook Pkwy., Rockville, MD 20857, 301–443–4016.

SUPPLEMENTARY INFORMATION: FDA is requesting nominations for members representing consumer and industry interests for the following vacancies listed below:

Committee or panel	Approximate date representative is needed	
	Consumer	Industry
1. Device Good Manufacturing Practice Advisory Committee	May 31, 1991	NV.
2. General Hospital and Personal Use Devices Panel	December 31, 1990	NV.
3. Immunology Devices Panel	February 28, 1991	NV.
4. Obstetrics-Gynecology Devices Panel	NV	January 31, 1991.
5. Orthopedic and Rehabilitation Devices Panel	August 31, 1991	NV.
6. Technical Electronic Product Radiation Safety Standards Committee	December 31, 1990*	December 31, 1990.

*Two vacancies—one must be from organized labor (American Federation of Labor and Congress of Industrial Organizations).
NV=No vacancy.

Functions

Medical Devices Panels

The functions of the medical devices panels are to (1) review and evaluate available data concerning the safety and effectiveness of devices currently in use, (2) advise the Commissioner of Food and Drugs regarding recommended classification of these devices into one of three regulatory categories, (3) recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category, (4) advise on any possible risks to health associated with the use of devices, (5) advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category, (6) review classification of devices to recommend changes in classification as appropriate, (7) recommend exemption to certain devices from the application of portions of the act, (8) advise on the necessity to ban a device, and (9) respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Device Good Manufacturing Practice Advisory Committee

The function of the Device Good Manufacturing Practice Advisory Committee is to review regulations for promulgation regarding good manufacturing practices governing the methods used in, and the facilities and controls used for, the manufacture, packing, storage, and installation of devices, and make recommendations regarding the feasibility and reasonableness of those proposed regulations. The committee also reviews and makes recommendations on proposed guidelines (e.g., Guideline on General Principles of Process

Validation) developed to assist the medical device industry in meeting the good manufacturing practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations.

Technical Electronic Product Radiation Safety Standards Committee

The function of the Technical Electronic Product Radiation Safety Standards Committee is to provide advice and consultation on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products. The committee may recommend electronic product radiation safety standards for consideration.

Consmer and Industry Representation

Medical Devices Panels

Section 513 of the Medical Device Amendments of 1976 (21 U.S.C. 360c) provides that each medical devices panel include as members one nonvoting representative of consumer interests and one nonvoting representative of interests of the device manufacturing industry.

Device Good Manufacturing Practice Advisory Committee

Section 520 of the Medical Device Amendments of 1976 (21 U.S.C. 360j) provides that the Device Good Manufacturing Practice Advisory Committee include as members two voting representatives of the general public and two voting representatives of interests of the device manufacturing industry.

Technical Electronic Product Radiation Safety Standards Committee

Section 358(f) of the Radiation Control for Health and Safety Act of 1968 (42 U.S.C. 263(f)) provides that the Technical Electronic Product Radiation Safety Standards Committee include five members from the affected industries and five members from the general public, of which at least one shall be a representative of organized labor.

Nomination Procedures

Consumer Representatives

Any interested persons may nominate one or more qualified persons as a member of a particular advisory committee or panel to represent consumer interests as identified in this notice. Self-nominations are also accepted. To be eligible for selection, the applicant's experience and/or education will be evaluated against Federal civil service criteria for the position to which the person will be appointed.

Nominations shall include a complete curriculum vitae of each nominee and shall state that the nominee is aware of the nomination, is willing to serve as a member, and appears to have no conflict of interest that would preclude membership. FDA will ask the potential candidates to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is between 3 and 4 years, depending on the appointment date.

Industry Representatives for Medical Devices Panels

Any organization in the medical device manufacturing industry (industry interests) wishing to participate in the selection of an apprpraite member of a particular devices panel may nominate one or more qualified persons to represent industry interests. Persons who nominate themselves as industrial representatives for the devices panels will not participate in the selection process. It is, therfore, recommended that all nominations be made by someone with an organization, trade association, or firm who is willing to participate in the selection process.

Nominees shall be fulltime employees of firms that manufacture medical devices, trade associations, or consulting firms that represent medical device manufacturers. Nominations shall include a complete curriculum vitae of each nominee. The nomination should state whether the nominee is interested only in a particular advisory committee or panel or in any advisory committee or panel. The term of office is between 3 and 4 years, depending on the appointment date.

Device Good Manufacturing Practice Advisory Committee and Technical Electronic Product Radiation Safety Standards Committee

Any interested person may nominate one or more qualified persons to represent industry interests on these committees as identified in this notice. Self-nominations are also accepted. Nominations shall include a complete curriculum vitae of each nominee. The term of office is between 3 and 4 years, depending on the appointment date.

Selection Procedures

Consumer Representatives

Selection of members representing consumer interests is conducted through procedures which include use of a consortium of consumer organizations which has the responsibility for screening, interviewing, and recommending candidates for the agency's or department's selection. Candidates should possess appropriate qualifications to understand and contribute to the committee's work.

Industry Representatives for Medical Devices Panels

Regarding nominations for members representing the interests of the device manufacturing industry on the medical devices panels, a letter will be sent to each person who has made a nomination, and to those organization indicating an interest in participating in the selection process, together with a complete list of all such organizations and the nominees. This letter will state that it is the responsibility of each nominator or organizations indicating an interest in participating in the selection process to consult with the others in selecting a single member representing industry interests for that particular committee within 60 days after receipt of the letter. If no individual is selected within 60 days, the agency will select the nonvoting member representing industry interests.

Device Good Manufacturing Practice Advisory Committee and Technical Electronic Product Radiation Safety Standards Committee

Regarding nominations for persons to represent industry interests on these committees, they shall be forwarded to the office of the Commissioner of Food and Drugs for final selection.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. I) and 21 CFR part 14, relating to advisory committees.

Dated: February 1, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-3064 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90F-0018]

Rohm and Haas Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Rohm and Haas Co. has filed a petition proposing that the food additive regulations be amended to provide for the expanded use of *n*-alkylglutarimide/acrylic copolymers as articles or components of articles intended for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP OB4189) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing that § 177.1060 *n-Alkylglutarimide/acrylic copolymers* (21 CFR 177.1060) be amended to provide for the additional use of *n*-alkylglutarimide/acrylic copolymers as articles or components of articles intended for use in contact with food also under the conditions of use A, B, and C described in Table 2 of § 176.170(c) (21 CFR 176.170(c)).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: January 29, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-3067 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 89E-0473]

Determination of Regulatory Review Period for Purposes of Patent Extension; Losec®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Losec® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

ADDRESSES: Written comments and petitions should be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY-20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1382.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98-417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100-670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: a testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product Losec®. Losec® (omeprazole) is indicated for the short-term treatment (4 to 8 weeks) of severe erosive esophagitis (grade 2 or above) which has been diagnosed by endoscopy. Subsequent to this approval, the Patent and Trademark Office (PTO) received a patent term restoration application for Losec® (U.S. Patent No. 3,255,431) from Aktiebolaget Astra, a corporation organized and existing under the laws of Sweden, and the PTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. FDA, in a letter dated November 22, 1989, advised the PTO that this human drug product had undergone a regulatory review period. The letter also stated that the active ingredient, omeprazole, represented the first permitted commercial marketing or use. Shortly thereafter, the PTO requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period of Losec® is 2,064 days. Of this time, 1,623 days occurred during the testing phase of the regulatory review period, while 441 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act became effective:* January 22, 1984. The applicant claims August 6, 1985, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 22, 1984, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with repect to the human drug product under section 505(b) of the Federal Food, Drug, and Cosmetic Act:* July 1, 1988. The applicant claims December 21, 1987, as the date the new drug application (NDA 19-810) was filed. However, FDA records indicate that the NDA application submitted on December 21, 1987, was incomplete. FDA refused this application and notified the applicant of this fact by letter dated February 10, 1988. The completed NDA was then submitted on July 1, 1988.

3. *The date the application was approved:* September 14, 1989. FDA has verified the applicant's claim that NDA 19-810 was approved on September 14, 1989.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 731 days of patent term extension.

Anyone with knowledge that nay of the dates as published is incorrect any, on or before April 10, 1990, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before August 8, 1990, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, Part 1, 89th Cong., 2d Sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 1, 1990.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 90–3065 Filed 2–8–90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90M–0029]

Chiron Ophthalmics, Inc.; Premarket Approval of Model P101B Series, Posterior Chamber Intraocular Lenses

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Chiron Ophthalmics, Inc., Irvine, CA, for premarket approval, under the Medical Device Amendments of 1976, of the Model P101B Series, Posterior Chamber Intraocular Lenses. The intraocular lenses are to be manufactured under an agreement with DGR, Inc., St. Petersburg, FL, which has authorized Chiron Ophthalmics, Inc., to incorporate information contained in its approved premarket approval application for the Model PA11 Series, Posterior Chamber Intraocular Lenses. FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of January 11, 1990, of the approval of the application.

DATES: Petitions for administrative review by March 12, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nancy C. Brogdon, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1212.

SUPPLEMENTARY INFORMATION: On December 13, 1989, Chiron Ophthalmics, Inc., Irvine, CA 92718–9925, submitted to CDRH an application for premarket approval of the Model P101B Series, Posterior Chamber Intraocular Lenses. The devices are indicated for primary implantation for the visual correction of aphakia in patients 60 years of age or older where a cataractous lens has been removed by extracapsular cataract extraction methods. The devices are available in a range of powers from 12 diopters (D) through 30 D in 0.5–D increments. The application includes authorization from DGR, Inc., St. Petersburg, FL 33716, to incorporate information contained in its approved premarket approval application for the Model PA11 Series, Posterior Chamber Intraocular Lenses.

On January 11, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Nancy C. Brogdon (HFZ–460), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before March 12, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: January 30, 1990.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 90–3066 Filed 2–8–90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 86N–0499]

Advisory List of Critical Devices—1988; Update; Correction

AGENCY: Food and Drug Administration.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a notice that updated its "Advisory List of Critical Devices—1988" that published in the **Federal Register** of March 17, 1988 (53 FR 8854). The update published in the **Federal Register** of October 27, 1989 (54 FR 43862). The update listed "*High permeability hemodialysis system*" under "§ 876.5820" instead of "§ 876.5860". This document corrects that error.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 89–25350, appearing at page 43862 in the **Federal Register** of Friday, October 27, 1989, the following corection is made:

On the same page, in the third column, the first complete paragraph, the eighth and ninth lines, "§ 876.5820 *High* *permeability hemodialysis system*" is corrected to read "§ 876.5860 *High permeability hemodialysis system*".

Dated: February 2, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-3068 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Final Funding Preference for Grants for Acquired Immunodeficiency Syndrome (AIDS) Regional Education and Training Centers Program

The Health Resources and Services Administration (HRSA), announces the final funding preference which will be used in awarding grants to continue the development of AIDS Regional Education and Training Centers (ETCs) as authorized by section 788A of the Public Health Service Act and also being implemented under section 301. These centers will provide training for health care personnel in the care of people with Acquired Immunodeficiency Syndrome (AIDS) and other conditions related to infection with the Human Immunodeficiency Virus (HIV).

Programmatic activity may be conducted under section 301. Grants may be awarded to public and nonprofit private entities. Activities will be devoted to the preparation of primary care providers who are workers in high HIV prevalence areas.

In addition, grants are awarded to accredited health professions schools and academic health science centers under section 788A to meet the cost of projects:

(1) To train the faculty of schools and graduate departments of medicine, nursing, osteopathic medicine, dentistry, public health, psychology, and allied health to teach health professions students to provide for the health care needs of individuals with acquired immune deficiency syndrome;

(2) with respect to improving clinical skills in the diagnosis, treatment, and prevention of such syndrome, to educate and train the health professionals and clincial staff of schools of medicine, osteopathic medicine, and dentistry; and

(3) to develop and disseminate curricula relating to the care and treatment of individuals with acquired immune deficiency syndrome.

The centers will operate in collaboration with health professions schools, community hospitals, health departments, and other organizations involved in the provision of care to people with HIV related conditions.

Review Criteria

Applications will be reviewed and rated according to the applicant's ability to meet the following review criteria:

1. The degree to which the project plan adequately provides for meeting the project specifications;
2. The potential effectiveness of the project in carrying out the purposes of the grant program;
3. The capability of the applicant to conduct the proposed activities in a cost efficient manner;
4. The soundness of the fiscal plan for assuring effective utilization of grant funds; and
5. The potential of the project to continue on a self-sustaining basis after the period of grant support.

Statutory Funding Preference

In making grant awards in Fiscal Year 1990, as required by section 788A, the Secretary shall give *preference* to projects which will:

(1) Train, or result in the training of, health professionals who will provide treatment for minority individuals with acquired immune deficiency syndrome and other individuals who are at high risk of contracting such syndrome; and

(2) Train, or result in the training of, minority health professionals and minority allied health professionals to provide treatment for individuals with acquired immune deficiency syndrome.

Established Non-Statutory Funding Preference

A funding preference established in FY 1989 will continue in FY 1990 to applicants proposing a center in a State where no federally funded ETC program office exists.

A proposed non-statutory funding preference was published in the **Federal Register** of December 15, 1989, (54 51499) for public comment. No comments were received during the 30-day comment period.

The funding preference as proposed will be retained as follows:

In making awards for FY 1990, an additional funding preference will be given to competing continuation applications that demonstrate: (1) an increased level of non-federal funding to support the project since previous grant funding, and (2) sustained or expanded levels of educational experiences to respond to the service needs of the targeted populations throughout the regions involved.

This program is listed at 13.145 in the *Catalog of Federal Domestic Assistance* and is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

Robert G. Harmon,

Administrator.

[FR Doc. 90-3063 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

Consensus Development Conference on Surgery for Epilepsy

Notice is hereby given of the NIH Consensus Development Conference on "Surgery for Epilepsy" sponsored by the National Institute of Neurological Disorders and Stroke and by the NIH Office of Medical Applications of Research. The conference will be held March 19-21, 1990, in the Masur Auditorium of the Warren Grant Magnuson Clinical Center (Building 10) at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland, 20892.

Approximately one percent of the U.S. population may suffer an epileptic seizure during their lives. Although many seizures are adequately controlled by antiepileptic drugs, there may be as many as 300,000 patients with seizure disorders whose recurrent episodes significantly impair their ability to fulfill their potential in life. This places a significant burden on patients' families as well. Surgery has been proposed as an alternative therapeutic approach when antiepileptic drugs fail. Although such surgery has been performed for many years, controlled clinical trials have not been undertaken, and there is important disagreement among investigators about many aspects of surgical evaluation and treatment.

In an effort to address these concerns and develop recommendations, this consensus conference will examine: (1) The available evidence regarding the number of patients who may be candidates for surgery, (2) the prognosis for patients whose conditions have not been controlled by currently available drug therapy, (3) the proper means of selecting patients for surgery and of localizing the site of seizure onset, (4) the appropriate use of complex and expensive diagnositc methodologies, and, (5) postsurgical prognosis and the need for controlled clinical trials.

Following a day-and-a-half of presentations and discussions, a Consensus Panel will weigh the scientific evidence and write a draft statement in response to the following questions:

• How should patients be selected?

• What evaluation is necessary to localize epileptic foci?

• What procedures are appropriate for specific epilepsies?

• How should outcome be assessed?

• Directions for future research—should a controlled trial be done? If so, for what seizure types?

On the final day of the meeting, following deliberation of new findings or evidence that might have been presented during the meeting, the panel will present its final consensus statement to the conference audience and invite comments and questions.

Information on the program may be obtained from: Conference Registrar, Prospect Associates, 1801 Rockville Pike, Suite 500, Rockville, Maryland 20852, (301) 468-6338.

Dated: February 2, 1990.

William F. Raub,

Acting Director, NIH.

[FR Doc. 90-3119 Filed 2-8-90; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following requests have been submitted to OMB since the list was last published on January 19, 1990.

(Call PHS Reports Clearance Officer on 202-245-2100 for copies of package)

1. HRSA Competing Training Grant Application-Revision—0915-0060—The Health Resources and Services Administration uses this information to determine the eligibility of applicants for awards, to calculate the amount of each award, and to judge the relative merit of applications. This submission adds approval for 5 new programs authorized for funding by the Omnibus Programs Extension Act of 1988. Respondents: Non-profit institutions.

	Number of respondents	Number of hours per response	Number of responses per respondent
Special Projects Grants for Public Health—Sec. 790A	24	56.25	3
Health Ed. Training Centers Grants Sec. 781(F)	10	56.25	1
Grants for Special Projects for Allied Health Sec. 796	250	56.25	1
Health Care Grants for Rural Areas Sec. 799A	500	56.25	1
Grants for Model Ed. Projects—Sec. 788(b)	100	56.25	1
Existing Approval	1964	56.25	1.1

Estimated Annual Burden, 207,228 hours.

2. NCHS Laboratory-Based Questionnaire Research—0920-0222—Questionnaires for one NCHS survey and research project will be developed using laboratory methods which combine the techniques of cognitive psychology and survey methodology to reduce measurement errors. Respondents: Individuals or households. Number of Respondents: 300; Number of Responses per Respondent: 1; Average Burden per Response: 1 hour; Estimated Annual Burden: 300 hours.

3. Precancerous Gastric Lesions: Study of their Determinants and Rates of Transition in a Population in China at High Risk of Stomach Cancer—NEW—The questionnaire, which will be administered to approximately 3000 adults as part of a gastric cancer screening program, is designed to compare risk factors for precancerous gastric lesions with risk factors identified in a recent stomach cancer case-control study in the same "high risk" areas of China. Respondents: Individuals or households.

	Number of respondents	Number of hours per response	Number of responses per respondent
Gastric Cancer Screening	1000	0.66	2.02
Physician Follow-up	15	0.33	3

Estimated annual burden, 1,351 hours.

4. Resources Database of the National AIDS Information Clearinghouse—NEW—The National AIDS Information Clearinghouse (NAIC), CDC, is a crucial member of the network of public and private organizations providing AIDS/HIV educational services. This data collection will enable NAIC to build a current, complete literary and service resource for AIDS/HIV. The data will also be used as the main information source for the National AIDS hotline. Respondents: State or local governments, businesses or other for-profit, Federal agencies or employees, non-profit institutions, small businesses or organizations; Number of Respondents: 22,567; Number of Responses per Respondent: 1; Average Burden per Response: .329 hours; Estimated Annual Burden: 7,429 hours.

5. NHLBI Growth and Health Study—0925-0294—The NHLBI Growth and Health Study is a 5-year prospective investigation of factors that may be associated with the development of obesity in young females. A few changes have been made in the questionnaires for years 4 & 5 because the girls are older and have different concepts and interests. Followup for the girls is better than anticipated (over 90% in Year 3). Respondents: Individuals or households; Number of Respondents: 3,425; Number of Responses per Respondent: 5.9; Average Burden per Response: .36 hours; Estimated Annual Burden: 7,432 hours.

OMB Desk Officer: Shannah Koss-McCallum.

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 3208, Washington, DC 20503.

Dated: February 2, 1990.

James M. Friedman,

Acting Deputy Assistant Secretary for Health (Planning and Evaluation).

[FR Doc. 90-2949 Filed 2-8-90; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-90-3013]

Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: 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, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). It is also requested that OMB complete its review within five (5) days.

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submission will be required; (7) an estimate of the total number 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: February 2, 1990.

Thomas Sherman,

Acting General Deputy Assistant Secretary for Publc and Indian Housing.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Notice of Funding Availability for 1990—Public Housing Resident Management Program.

Office: Public and Indian Housing.

Description of the Need for the Information and its Proposed Use: This new information collection is required in connection with the issuance of a Notice of Fund Availability which announces the availability of $2.3 million for the Public Housing Resident Management Program for Fiscal Year 1990. The Program will provide technical assistance funding to promote "formation and development of resident management entities."

Form Number: None.

Respondents: Non-Profit Organizations.

Frequency of Submission: One Time Only.

Reporting Burden:

	Number of respondents	×	Frequency of response	=	Hours per response	=	Burden hours
Application Development	150		1		16		2,400

Total Estimated Burden Hours: 2,400.

Status: New.

Contact: Patricia Arnaudo, HUD (202) 755-3611, John Allison, OMB, (202) 395-6880.

Date: February 2, 1990.

Supporting Statement for Information Collection

A. *Justification*

This information collection is required in connection with the issuance of a Notice of Funds Availability (NOFA) which announces the availability of $2.3 million for the Public Housing Resident Management Program for Fiscal Year 1990. The Program will provide technical assistance funding to promote "formation and development of resident management entities". The items in the NOFA that impose information collection requirements are as follows:

—Paragraphs 7 and 8 (entirety)—Application Development and Submission requires Resident Councils (RCs)/Resident Management Corporations (RMCs) to submit an application if they are interested in being considered for funding opportunities. RCs/RMCs who are interested in participating in the program will use an application kit—Request for Grant Application (RFGA) to apply for funding. The RFGA has been approved by OMB under control number 2535-0084, expiration date March 31, 1992.

A copy of the proposed NOFA is attached.

2. The information provided by the applicants will be reviewed and evaluated against the selection criteria contained in the NOFA for possible funding. The applicants will be notified of their selection/rejection. The information is necessary so that the applicants can apply and compete for funding opportunities.

3. We have not considered the use of improved technology since there is no other way to obtain the information except directly from the resident groups.

4. There will be no duplication of information.

5. There is no similar information already available which could be used or modified for this purpose.

6. We attempted to minimize the burden on the resident groups by using the RFGA application kit for application purposes which includes all of the necessary documents for application purposes and contains detailed instructions for completing the information.

7. The information will be collected on a one-time basis.

8. There are no special circumstances that require the collection to be conducted in a manner which is inconsistent with the guidelines in 5 CFR 1320.6.

9. There has been no outside consultation on this information collection.

10. No assurances of confidentiality is provided.

11. No sensitive questions are asked.

12. We do not estimate that there will be any additional cost to the Federal Government. The applications will be reviewed in accordance with HUD's existing review and monitoring requirements. Annual cost to the respondent is estimated to be minimal since the application submission may be prepared by the resident groups.

13. We estimate that the information requirements of the proposed NOFA will have the following reporting burdens.

Reference	No. of respondents	Freq. of response	Est. avg. response time (hours)	Est. annual burden (hours)
Paragraphs 7 and 8 (entirety)	150	1	16	2,400
Total Reporting Burden				2,400

14. There is no change in burden hours. The submission is totally attributable to a revision of a currently approved collection.

15. The collection of this information will not be published for statistical use.

[Note: This document is not being published for effect, but only as an aid to persons interested in this program.]

Department of Housing and Urban Development

Office of the Assistant Secretary for Public and Indian Housing

[Docket No. N-90- ; FR-2756]

Public Housing Resident Management Program Technical Assistance—Notice of Funding Availability for 1990

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of funds availability.

SUMMARY: HUD is announcing the availability of $2.3 million for Fiscal Year 1990 under the Public Housing Resident Management program. This program provides assistance to resident councils and resident management corporations to fund certain activities related to the resident management of public housing. Also, tenants of an Indian Housing Authority (IHA) may create a resident council or resident management corporation that may be eligible for funding under this program.

EFFECTIVE DATE:

FOR FURTHER INFORMATION CONTACT: Dorothy Walker, Office of Resident Initiatives, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-3611. (This is not a toll-free number.)

TO OBTAIN A COPY OF THE APPLICATION KIT: Application kits (Requests for Grant Application (RFGA)) may be obtained by contacting Annette Hancock, Office of Procurement and Contracts, Office of the Assistant Secretary for Administration, room 5256, 451 Seventh Street, SW., Washington, DC 20410. Telephone (202) 755-5585. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this notice have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number ______. The application Kit (RFGA) has been approved by OMB under control number 2535-0084, expiring 3/31/92. Public reporting burden for each of these collections of information is estimated to include the time for reviewing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Information on the estimated public reporting burden is provided under the Preamble heading, Other Matters. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Department of Housing and Urban Development, Rules Docket Clerk, 451 Seventh Street, SW., room 10276, Washington, DC 20410; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

OTHER INFORMATION: Resident Councils (RCs)/Resident Management Corporations (RMCs) that are selected to receive funding will be invited to participate in a national training workshop scheduled for late April 1990. Many resident organizations may not have the funds available to attend the workshop. This NOFA authorizes Public Housing Agencies which are in a position to do so, to advance travel funds to the grantees who are selected to receive funding to attend the workshop and to be reimbursed by the grantees upon execution of the Technical Assistance Grant (TAG). Each grantee may send up to three persons to attend the workshop. (The advance and the reimbursement should occur within the same PHA fiscal year.) All parties are reminded that expenditures for travel are subject to Federal regulations at 41 CFR Parts 301-304.

Statutory Background

Section 122 of the Housing and Community Development Act of 1987 (Pub. L. 100-42, February 5, 1988) amended the U.S. Housing Act of 1937 (1937 Act) by adding a new section 20 that states in part of its purpose the encouragement of "increased resident management of public housing projects [and the provision of funding] * * * to promote formation and development of resident management entities" (sec. 20(a).) Under section (20)(f)(1):

"The Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support."

Under section 20(f)(2), such financial assistance may not exceed $100,000 with respect to any public housing project, and subsection (f)(3) limits the assistance, to the extent funds are available under section 14 of the 1937 Act (Comprehensive Improvement Assistance Program), to $2.5 million in each of the fiscal years 1988 and 1989. In FY 1990, the Secretary is making available $2.3 million from the budget authority provided for assistance under the U.S. Housing Act.

On September 7, 1988, HUD published a final rule implementing section 20 of the 1937 Act. That rule sets forth, among other things, the policies, procedures, and requirements of public housing. See 53 FR 34676. In an "Overview" of the rule, HUD explained that

"Section 20 establishes a new program of resident management of public housing. Under the program, resident councils that represent residents of a public housing project or projects may approve the formation of a resident management corporation. A qualifying resident management corporation may enter into a management contract with the public housing agency (PHA) establishing the respective management rights and responsibilities of the PHA and the corporation with respect to the public housing project involved. The program provides PHAs and resident management corporations wide latitude in establishing their respective roles and relationships under the contract.

"Resident management corporations may retain any income that they generate in excess of estimated revenues for the project. Retained amounts may be used for purposes of improving the maintenance and operation of public housing projects, establishing business enterprises that employ public housing residents, or acquiring additional dwelling units for lower income families.

"The program contains special provisions governing HUD technical assistance to resident councils and resident management corporations; HUD waiver of certain non-statutory requirements for resident management corporations and the PHA; and the employment of public housing management specialists to help determine the feasibility of, and to help establish, resident management corporations, and to provide training and other duties in connection with the daily operations of the project."

Funding

To aid in the implementation of the rule, financial assistance is being made available to Resident Management Corporations (RMCs)/Resident Councils (RCs) that submit applications in response to this Notice that are approved for funding of technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support.

In FY 1988, technical assistance grants totalling $2.5 million were awarded to 27 Public Housing Agencies (PHAs)/RMCs/RCs to fund activities associated with resident management. In FY 1989, another $2.5million was awarded to 35 RMs/RCs for this purpose. For FY 1990, $2.3 million is available for this purpose (with the statutory limitation that not more than $100,000 may be approved with respect to any public housing project). Grant awards will be made via a Technical Assistance Grant (TAG) which will define the legal framework for the relationship between HUD and an RMC/RC for the proposed activities approved for funding. The TAG will contain all applicable requirements which must be complied with in the conduct of activities approved for funding, including administrative requirements such as progress reports, a final report, and a final audit. All necessary materials regarding the TAG will be furnished at a later date to applicants who are selected to receive funding.

Eligibility of RMCs/RCs Affiliated With Indian Housing Authorities (IHAs)

The Department will consider, on a case-by case basis, requests by RMCs/RCs affiliated with IHAs to participate under this NOFA, as specified below.

HUD regulations at 24 CFR part 964 exclude Indian Housing Authorities from the definition of Public Housing Agency (§ 964.7). This exclusion precludes participation by tenants of IHAs under Part 964 and this NOFA.

However, the Department will consider, on case-by-case basis, requests for waivers of the exclusion of IHAs from the definition of PHA (24 CFR 946.7). Requests for waivers must (1) be in writing, state good cause and conform with the regulatory criteria of 24 CFR Par 999; (2) be limited to instance involving IHAs; and (3) establish that the entity created by tenants of the IHA meets the definition and requirements of an RC or RMC under Part 964 and this NOFA.

Where waivers are granted, RMCs/RCs affiliated with IHAs shall be subject to the same requirements applicable to RMC/RCs affiliated with PHAs.

This Notice

This Notice contains definitions of a "Project", "Resident Council (RC)" "Resident Management Corporation (RMC)" that are drawn from 24 CFR part 964. Also detailed in this Notice are those activities that are eligible for funding, including expenditures related to the establishment of an RMC and costs associated with ensuring the viability and sound operation of an RMC. The Notice also gives examples of activities that are not eligible for funding. Theapplication process and the factors that HUD will use in evaluating all applications are spelled out in sections 7 and 8, respectively.

Section 9 describes the selection and approval procedures, along with the role that the Regional and Field Offices will play in the process, and section 10 states that an RMC must spend the funds received within two years of the award of the grant. Sections 11 and 12 indicate that HUD Headquarters will notify Congress and the PHAs, respectively, of action taken on an RMC's/RC's application. Section 13 advises that RMCs/RCs selected for funding will be issued additional instructions regarding program implementation.

Under previous NOFAs, an established RMC that had a management contract with a PHA was considered eligible for funding to train a newly formed or existing RMC within the same jurisdiction. This policy was not in accord with section 20(f)(1) of the United States Housing Act of 1937 and the implementing regulations at 24 CFR 964.45. Section 20(f)(1) provides that—

"To the extent budget authority is available for section 14, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing projects, and the securing of such support."

Consistent with section 29(f)(1) and § 964.45, the funding authorized under this program is to be provided to the RC/RMC which receives technical assistance (e.g., training, etc.) and not to the RMC which provides the technical assistance.

1. *Definitions.* In accordance with 24 CFR part 964, the following definitions apply:

a. *Project.* Includes any of the following that the meet the requirements of Part 964:

(i) One or more contiguous buildings.

(ii) An area of continguous row houses.

(iii) Scattered site buildings.

b. *Resident Council (RC).* An incorporated or unincorporated nonprofit organization or association that meets each of the following requirements:

(i) It must be representative of the tenants it purports to represent.

(ii) It may represent tenants in more than one project or in all of the projects of a PHA, but it must fairly represent tenants from each project that it represents.

(iii) It must adopt written procedures providing for the election of specific officers on a regular basis (but at least once every three years).

(iv) It must have a democratically elected governing board. The voting membership of the board must consist of tenants of the project or projects that the tenant organization or resident council represents.

c. *Resident Management.* The performance of one or more management activities for one or more projects by a resident management corporation under a management contract with the PHA.

d. *Resident Management Corporation (RMC).* The entity that proposes to enter into, or enters into, a management contract with a PHA that meets the requirements of subpart C of 24 CFR part 964. The corporation must have each of the following characteristics:

(i) It must be a nonprofit organization that is incorporated under the laws of the State in which it is located.

(ii) It may be established by more than one tenant organization or resident council, as long as each such organization or council (A) approves the establishment of the corporation and (B) has representation on the Board of Directors of the corporation.

(iii) It must have an elected Board of Directors.

(iv) Its by-laws must require the Board of Directors to include representatives of each tenant organization or resident council involved in establishing the corporation.

(v) Its voting members must be tenants of the project or projects it manages.

(vi) It must be approved by the resident council. If there is no council, a majority of the households of the projects must approve the establishment of such an organization to determine the feasibility of establishing a corporation to manage the project.

The RMC may serve as both the resident management corporation and the resident council, so long as the corporation meets the requirement of a resident council as defined in paragraph (b) of this section.

2. *Eligibility.* Only organizations that meet the definition of an RC/RMC set forth in paragraphs (b) and (d) of section (1) will be eligible for funding under this NOFA, as follows:

(a) RCs/RMCs selected for funding in FYs 1988 and 1989 that received less than the Statutory maximum of $100,000 per project may apply for an additional grant not to exceed the total statutory maximum; they may receive considerations for up to the additional amount based on the same evaluation factors applied to other applicants. No special consideration will be given. Projects which were awarded the maximum amount of $100,000 in FYs 1988 and 1989 are not eligible to apply.

(b) A resident council which represents more than one project may apply on behalf of some or all of the projects it represents. In such a case, an individual project represented by the council may not apply for technical assistance funding for the same activities that are included in the application submitted by the larger organization.

Note: HUD encourages the submission of joint applications from neighboring RCs/RMCs that have similar objectives for the program by jointly sharing basic training, and exploring such areas as feasibility of resident management, economic development, or homeownership.

3. *Training requirements for all Grantees.* Grantees are required to have training in the following areas:

a. HUD regulations and policies governing the operating of low-income public housing.

b. HUD regulations and requirements on the Public Housing Resident Management program.

c. Financial management, including budgetary and accounting principles and techniques.

d. Capacity building to develop the necessary skills to assume management responsibilities at the project.

Each grantee must ensure that this training is provided by the housing management specialist, the PHA, or other sources.

4. *Eligible Activities.*—Activities which may be funded and carried out by an eligible RC/RMC include any combination of, but are not limited to, the following:

a. Determining the feasibility of resident management by a housing management specialist for a specific project or projects.

b. Training of residents in skills directly related to the operations and management of a project(s) for potential employees of an RMC.

Note: By law, an RC must hire a qualified public housing management specialist who can provide needed training and other support to assist in developing an RMC's capabilities for resident management and who can perform related duties as may be agreed to in connection with the daily operations of a project.

c. Training of Board members in community organization, Board development, and leadership training.

d. Funds may be used to assist in the actual creation of an RMC, such as:

(i) Consulting and legal assistance to incorporate the RMC;

(ii) Preparing by-laws and drafting a corporate charter;

(iii) Developing performance standards and assessment procedures to measure the success of the RMC;

(iv) Assistance in acquiring fidelity bonding and insurance, but not the cost of the bonding and insurance; and

(v) Assessing potential management functions or tasks that the RMC might undertake.

e. Implementation of activities by an RMC capable of performing functions associated with the operation and maintenance of the public housing project. Examples of eligible activities, in addition to those cited in paragraphs (a) through (d) of this section, are—

(i) Designing and implementing financial management systems that include provisions for budgeting, accounting, and auditing;

(ii) Assistance in developing and negotiating management contracts and related contract monitoring and management procedures;

(iii) Designing and implementing a long-range planning system;

(iv) Designing and implementing: personnel policies; performance standards for measuring staff productivity; policies and procedures covering organizational structure, recordkeeping, maintenance, insurance, occupancy, and management information systems; and any other recognized functional responsibilities relating to property management in general and public housing management is particular;

(v) Identifying the social support needs of residents and securing of such support, e.g., health clinics, day care, security, etc., and

(vi) Assessing potential homeownership opportunities;

f. Development of economic initiatives to further increase the self-sufficiency of a resident management corporation and of residents. Such activities may include:

(i) Preparation of market studies, management plans, or plans for a proposed economic development activity;

(ii) Legal assistance in establishing a business entity; and

(iii) Development of co-op food stores, janitorial and maintenance service firms, etc.

g. Administrative costs necessary for the implementation of activities outlined in paragraphs (a) through (f) of this section are eligible costs and must clearly support activities related to the goal of resident management. Eligible items or activities include, but are not limited to, the following:

(i) Salaries and consulting fees related to the eligible activities above;

(ii) Telephone, telegraph, printing, and sundry and nondwelling equipment such as office supplies and furniture. In addition, a reasonable portion of funds may be applied to the acquisition of hardware equipment such as computers, copying machines, etc., unless purchase of such equipment can be made from the RMC's operating budget. An RMC must justify the need for such equipment. Also, an RMC must demonstrate its management capability based on previous management practices, and based on the level of management responsibilities.

(iii) Approved travel specifically related to activities for the development and implementation of resident management, including conference fees and related travel fees for individual RC/RMC staff or Board members.

5. *Ineligible Activities*. Ineligible items or activities include, but are not limited to, the following:

(a) Entertainment, including associated costs such as food and beverages;

(b) Purchase of land or buildings or any improvements to land or buildings;

(c) Activities not directly related to resident management, e.g., lead-based paint testing and abatement, operating capital for economic development activities; and

(d) Purchase of any vehicle (car, van, etc.) or any other property having a useful life or more than one year and an acquisition cost of $300 or more per item, other than hardware equipment described in paragraph 4(g)(ii), unless approved by HUD.

(e) Architectural and engineering fees;

(f) Payment of salaries for security, maintenance, or other RC/RMC staff; and

(g) Payment of fees for lobbying services.

6. *Actions Preceding Application Submission*. Consistent with this NOFA, HUD may direct a PHA to notify its existing RC(s)/RMC(s) of this funding opportunity. It is important that residents be advised that, even in the absence of an RC/RMC, the opportunity exists to establish an RC. If no RC, RMC exists for any of the projects, HUD may direct a PHA to post this notice in a prominent location with the PHA's main office as well as in each project office.

7. *Application Development and Submission*. An RC/RMC can obtain a copy of the Request for Grant Application (RFGA) from HUD. (The RFGA has OMB approval under control number 2535-0084, expiring 3/31/92.)

a. *Preparation*. The application must contain the following information:

(i) *Name and address of the RC/RMC*. A copy of the RC's/RMC's organizational documents, *i.e.*, charter, articles of incorporation (if incorporated), and by-laws. Name and phone number of contact person (in the event further information or clarification is needed during the application review process).

(ii) *Name, address and phone number* of the Public Housing Agency (PHA) responsible for the project(s) to which inquiries may be addressed concerning the application.

(iii) *A narrative statement of the proposed activities*, addressing the following issues, including a discussion of the Factors for Award contained in section 8 of this NOFA:

(A) *A discussion of the need for the project(s)* and overall objectives for resident management, and how the proposed activities will meet the needs of the RC/RMC.

(B) *Amount of funds requested*, and an explanation of how the funds will be used, if approved, to determine feasibility of resident management and to promote the formation and development or implementation and operation of resident management entities. Timeframes for completion of proposed activities must be included.

(C) *A discussion of the experience* of the RC/RMC or individual board members in community activities and actions taken in meeting the needs of the project residents.

(D) *A description of the project financial accounting procedures* that are available to ensure funds are properly spent, or plans to develop such procedures.

(E) *An explanation of how the proposed activities* will enhance the management effectiveness or the scope of functions managed by an RMC, if applicable, along with a description of staffing plans.

(F) *A description of other funding sources* the RC/RMC has received for activities related to resident management, and, if appropriate, how will funding being requested complement ongoing activities.

(G) *A discussion of the extent to which the State/local* government, PHA, community organizations, and the private sector support the activities outlined in the proposal, including support with respect to financial resources, technical assistance, and other support.

(i) *A description of the extent to which the residents* of a project support the proposed activities.

(j) *A discussion of how the proposal* specifically meets the factors listed in section 8 of this Notice.

(iv) *The name of the project(s) for which the funds* are proposed to be used, the number of units, a brief description of the subject occupancy type (family or elderly), the number of buildings, housing type (high-rise, low-rise, walk-up, etc), and the physical condition of the project (interior/exterior).

(v) *A budget* with supporting justification and documentation.

(vi) *The application* must be signed by an individual who is authorized to act for the RC/RMC and must include a resolution from the RC/RMC stating that it agrees to comply with the terms and conditions established under this program and under 24 CFR Part 964.

(vii) *Assurances* that the RMC/RC will comply with all applicable Federal laws, Executive Orders, regulations, and policies governing this program.

In addition to the above information, an RC/RMC may obtain a letter of support from the PHA indicating to what extent it supports the proposed activities. Also, an RC/RMC is encouraged to include an indication of support by project residents (e.g., Board resolution, copies of minutes, letters, etc.), the neighboring community, local public or private groups, including State and local government activities relating to resident management or economic development initiatives in support of resident management, and evidence of the extent of support committed to the program. HUD will give the maximum point value to applicants who obtain commitments of support such as financial assistance, technical assistance, or other tangible support. Copies of letters of support or other evidence of such support should be included with the application.

b. *Submission.* The RFGA must be submitted in an original plus one copy to HUD Headquarters, Office of Procurement and Contracts, room 5256, 451 7th Street SW., Washington, DC 20410. The deadline for application submission will be in the RFGA. The deadline will be in early March 1990. Additionally, one copy of the RFGA must be submitted to each of the appropriate HUD Regional and Field Offices. For purposes of determining timely receipt of the RFGA, the original submitted to Headquarters shall govern. Hand-delivered RFGA(s) must be in Headquarters by the deadline or will not be considered. Mailed applications will be accepted if postmarked on or before the deadline and mailed by registered, certified, or Post Office Express Mail. RFGAs delivered by private courier services such as Federal Express, DHL, Purolator, etc. will be considered hand-delivered and must be in the Headquarters Office by the date and time specified above. (Approved by the Office of Management and Budget under control number ______.

8. *Evaluation Factors* Each of the following rating factors will be considered by HUD in evaluating an application for funding: (An applicant can receive up to 100 points.)

(a) The probable effectiveness of the proposal in meeting the needs of the RC/RMC and accomplishing its overall objectives for resident management. (0–30 points)

(b) The amount of experience in community organization and the success of the RC/RMC in promoting tenant participation in meeting the social services and other needs of the project residents. In the case of newly formed organizations, the experience and success of individual Board members will be evaluated. (0–30 points)

(c) Evidence of support by residents of the project(s) for the activities being proposed (e.g., RC or RMC Board resolution). (0–15 points)

(d) Evidence that the RC/RMC has the support of the State/local/county government, community organizations, and private sector groups. (0–15 points)

(e) Capability of handling financial resources (demonstrated through previous experience, adequate financial control procedures, etc.) or an explanation of how such capability will be obtained. (0–10 points)

9. *Selection and Approval Procedures.* The procedures to be used will include the Regional and Field Offices concurrently reviewing and evaluating the applications in accordance with the evaluation factors contained in Section 8 of this NOFA, to provide a statement indicating the strengths or weaknesses for each evaluation factor. Additionally, the Regional Office and Field Office will submit separately to Headquarters their recommendations on all of the applications submitted for funding, addressing (A) the level of funding based on the type of activity being proposed by RCs/RMCs, (B) other pertinent information on the project(s) where activities are being proposed, and (C) a total score.

HUD Headquarters will also review, evaluate, and score each application based on the evaluation criteria in Section 8 of this Notice. HUD Headquarters will then rank all applications, factoring in the rating scores received from the Regional and Field Offices, and will fund applications in the order of their final ranking by Headquarters until the funds are exhausted. *No special set-asides or funding preferences will be used by HUD in making final funding decisions.* HUD will retain copies of the applications that are not selected for funding.

10. *Deadline for Using Funds.* An RC/RMC selected to participate in the program must expend all funds within two years from the date a technical assistance grant is executed.

11. *Congressional Notification and Transmittal of Approval or Disapproval Letters.* HUD Headquarters will be responsible for preparing the Congressional Notifications as well as the RC/RMC approval or disapproval letters.

12. *PHA Notification.* HUD Headquarters will send a notification to PHAs listing the applications received and the applications selected for funding.

13. *Implementation.* Additional instructions regarding program implementation will be issued to RCs/RMCs that are selected for funding.

Other Matters

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significance Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

The collection of information requirements contained in this Notice has been submitted to OMB for review under Section 3504(h) of the Paperwork Reduction Act of 1980 and has been assigned OMB control number ______. Section 6 of this Notice has been determined by the Department to contain collection of information requirements. Information of these requirements is provided as follows:

TABULATION OF ANNUAL REPORTING BURDEN—RFGA FOR FISCAL YEAR 1990 FUNDS FOR PUBLIC HOUSING RESIDENT MANAGEMENT TECHNICAL ASSISTANCE

Description of information collection	Section of NOFA affected	Number of respondents	Number of responses per response	Total annual responses	Hours per responses	Total hours
Application development and submission	Entirety	150	1	150	16	2400

Date: ______

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

[FR Doc. 90-3012 Filed 2-8-90; 8:45 am]

BILLING CODE 4210-33-M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-1917; FR-2606-N-58]

Underutilized and Unutilized Federal Buildings and Real Property Determined by HUD 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: February 9, 1990.

ADDRESSES: For further information, contact James Forsberg, Room 7228, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC (20410; telephone (202) 755–6300; TDD number for the hearing- and speech-impaired (202) 755–5965. (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 is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria, developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a Notice in the Federal Register identifying the properties determined as suitable.

The properties identified in this Notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the McKinney Act. Section 501(b) requires HUD to notify each Federal agency about any property of such agency that has been identified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholing agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, Room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this Notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's Federal Register Notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: HQ-DA, Attn: DAEN-ZCI-P-Robert Conte; Room 1E671 Pentagon, Washington, DC 20360-2600, (202) 693-4583.

Dated: February 2, 1990.

Paul Roitman Bardack,

Deputy Assistant Secretary for Program Policy Development and Evaluation.

Suitable Buildings (by State)

California

P-33 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010723
Status: Unutilized
Comment: 4132 sq. ft.; 1 floor; most recent use—storage

T-1771 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010738
Status: Unutilized
Comment: 2 story; possible asbestos, needs extensive repairs

T-1772 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010740
Status: Unutilized
Comment: 2 story; possible asbestos, needs extensive repairs

T-1773 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010742
Status: Unutilized
Comment: 2 story; possible asbestos, needs extensive repairs

T-1774 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010743
Status: Unutilized
Comment: 2 story; possible asbestos, needs extensive repairs

T-1775 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010745
Status: Unutilized
Comment: 2 story; possible asbestos, needs extensive repairs

T-88 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010768
Status: Unutilized
Base Closure
Comment: 1049 sq. ft.; 1 story; possible asbestos

Tennessee

Milan Army Ammunition Plant
Area Q—Housing Area Q-27
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010559
Status: Underutilized
Comment: two story; wood frame; temporarily empty due to personnel rotation

Milan Army Ammunition Plant
Area Q—Housing Area Q-3
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010603
Status: Underutilized
Comment: two story; wood frame; temporarily empty due to personnel rotation

Milan Army Ammunition Plant
Area Q—Housing Area Q-7
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010605
Status: Underutilized
Comment: two story; wood frame; temporarily empty due to personnel rotation

Milan Army Ammunition Plant
Area Q—Housing Area Q-8

Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010608
Status: Underutilized
Comment: two story; wood frame; temporarily empty due to personnel rotation

Milan Army Ammunition Plant
Area Q—Housing Area Q-12
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010609
Status: Underutilized
Comment: two story; wood frame; temporarily empty due to personnel rotation

Milan Army Ammunition Plant
Area Q—Housing Area Q-14
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010612
Status: Underutilized
Comment: two story; wood frame; temporarily empty due to personnel rotation

Unsuitable Buildings (by State)

California

P-12 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010722
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

T-809 Fort Ord
Co. Brigade Training Area
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010724
Status: Underutilized
Reason: Secured Area

T-1724 Fort Ord
1st Ave., 3rd St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010725
Status: Unutilized
Reason: Secured Area

T-1726 Fort Ord
3rd St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010726
Status: Unutilized
Reason: Secured Area

P-74 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010727
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

T-1727 Fort Ord
3rd St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010729
Status: Unutilized
Reason: Secured Area

T-1744 Fort Ord
3rd St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010731
Status: Unutilized
Reason: Secured Area

P-76 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010730
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

T-1746 Fort Ord
3rd St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010732
Status: Unutilized
Reason: Secured Area

T-1752 Fort Ord
2nd Ave. and 3rd St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010734
Status: Unutilized
Reason: Secured Area

P-77 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010733
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

P-78 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010735
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

T-1764 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010736
Status: Unutilized
Reason: Secured Area

P-79 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010737
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

P-80 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010739
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

P-81 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010741
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area

T-5 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010744
Status: Unutilized
Reason: Secured Area

T-1781 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010746
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental; Secured Area
Comment: friable asbestos

T-8 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010747
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-1782 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010748
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental
Comment: friable asbestos

T-9 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010749
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-1783 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010750
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental

Comment: friable asbestos

T-1784 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010752
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental
Comment: friable asbestos

T-1785 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010753
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental
Comment: friable asbestos

T-10 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010754
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-1786 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010755
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental
Comment: friable asbestos

T-22 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010756
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Other environmental
Comment: friable asbestos

T-1801 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010757
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

T-1806 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010759
Status: Unutilized
Reason: Other environmental; Secured area
Comment: contains friable asbestos

T-23 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010758
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-1807 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010760
Status: Unutilized
Reason: Other environmental; Secured area
Comment: contains friable asbestos

T-26 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010761
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-1963 Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010762
Status: Unutilized
Reason: Secured area

T-2056 Fort Ord
1st Ave, and 3rd St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010763
Status: Unutilized
Reason: Secured area

T-2106 Fort Ord
7th St. between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010764
Status: Unutilized
Reason: Secured area

T-27 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010765
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-2107 Fort Ord
7th St. between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010766
Status: Unutilized
Reason: Secured area

T-2108 Fort Ord
7th St. Between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010767
Status: Underutilized
Reason: Secured area

T-2109 Fort Ord
7th St. Between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010769
Status: Underutilized
Reason: Secured area

T-2112 Fort Ord
2nd Ave., 7th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010770
Status: Unutilized
Reason: Secured area

T-2113 Fort Ord
2nd Ave., 7th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010771
Status: Unutilized
Reason: Secured area

T-2114 Fort Ord
2nd Ave., 7th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010772
Status: Unutilized
Reason: Secured area

T-2115 Fort Ord
2nd Ave., 7th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010773
Status: Unutilized
Reason: Secured area

T-135 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010774
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

T-2126 Fort Ord
7th St. Between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010775
Status: Underutilized
Reason: Secured area

T-2132 Fort Ord
7th St., 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010777
Status: Underutilized
Reason: Secured area

T-551 Fort Ord
Training Area C near Blanco Rd.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010776
Status: Underutilized
Reason: Secured area

T-2134 Fort Ord
7th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey

Landholding Agency: Army
Property Number: 219010778
Status: Underutilized
Reason: Secured area

T-2146 Fort Ord
7th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010779
Status: Underutilized
Reason: Secured area

T-2149 Fort Ord
7th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010780
Status: Underutilized
Reason: Secured area

T-2147 Fort Ord
7th St.; 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010781
Status: Underutilized
Reason: Secured area

T-2148 Fort Ord
7th St. Between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010782
Status: Underutilized
Reason: Secured area

T-2150 Fort Ord
7th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010783
Status: Underutilized
Reason: Secured area

T-2151 Fort Ord
7th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010784
Status: Underutilized
Reason: Secured area

T-2153 Fort Ord
7th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010785
Status: Underutilized
Reason: Secured area

T-2154 Fort Ord
7th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010786
Status: Underutilized
Reason: Secured area

T-2231 Fort Ord
8th St. Between 1st and 2nd Avenues
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010787
Status: Underutilized
Reason: Secured area

T-2166 Fort Ord
8th St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010788
Status: Underutilized
Reason: Secured area

T-2285 Fort Ord
9th St. near 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010789
Status: Underutilized
Reason: Secured area

T-2311 Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010791
Status: Underutilized
Reason: Secured area

T-2167 Fort Ord
8th St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010790
Status: Underutilized
Reason: Secured area

T-2313 Fort Ord
9th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010792
Status: Underutilized
Reason: Secured area

T-2326 Fort Ord
9th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010793
Status: Underutilized
Reason: Secured area

T-2327 Fort Ord
9th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010794
Status: Underutilized
Reason: Secured area

T-2328 Fort Ord
9th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010795
Status: Underutilized
Reason: Secured area

T-2168 Fort Ord
8th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010796
Status: Underutilized
Reason: Secured area

T-2169 Fort Ord
8th St. & 2nd Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010797
Status: Underutilized
Reason: Secured area

T-2345 Fort Ord
9th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010798
Status: Underutilized
Reason: Secured area

T-2170 Fort Ord
8th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010799
Status: Underutilized
Reason: Secured area

T-2347 Fort Ord
1st Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010800
Status: Underutilized
Reason: Secured area

T-2348 Fort Ord
1st Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010801
Status: Underutilized
Reason: Secured area

T-2171 Fort Ord
8th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010802
Status: Underutilized
Reason: Secured area

T-2172 Fort Ord
8th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010803
Status: Underutilized
Reason: Secured area

T-2173 Fort Ord
8th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010804
Status: Underutilized
Reason: Secured area

T-2174 Fort Ord
8th St. & 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010805
Status: Underutilized
Reason: Secured area

T-2188 Fort Ord
8th St. Between 1st & 2nd
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010806
Status: Underutilized
Reason: Secured area

T-2349 Fort Ord

9th St. Between 1st and 2nd Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010807
Status: Underutilized
Reason: Within 2000 ft of flammable or explosive material

T-2189 Fort Ord
2nd Ave. & 8th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010808
Status: Underutilized
Reason: Secured area

T-2205 Fort Ord
8th St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010809
Status: Underutilized
Reason: Secured area

T-2206 Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010810
Status: Underutilized
Reason: Secured area

T-2207 Fort Ord
8th St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010811
Status: Underutilized
Reason: Secured area

T-2208 Fort Ord
8th St. & 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010812
Status: Underutilized
Reason: Secured area

T-2384 Fort Ord
Between 1st & 2nd Ave., Between 9th & 10th Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010813
Status: Underutilized
Reason: Secured area

T-2385 Fort Ord
Bet. 1st and 2nd Ave.—Between 9th and 10th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010814
Status: Underutilized
Reason: Secured area

T-2866 Fort Ord
13th St. Between 2nd & 3rd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010815
Status: Underutilized
Reason: Secured area

T-2388 Fort Ord
10th St. Between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010816
Status: Underutilized
Reason: Secured area

T-2389 Fort Ord
Bet. 1st and 2nd Ave.—Between 9th and 10th St.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010818
Status: Underutilized
Reason: Secured area

T-2881 Fort Ord
13th St. & Corps Pl.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010817
Status: Underutilized
Reason: Within 2,000 ft. of flammable or explosive material

T-2438 Fort Ord
11th St. and 1st Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010819
Status: Underutilized
Reason: Secured area

T-2884 Fort Ord
13th St. & Corps Pl.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010820
Status: Underutilized
Reason: Within 2,000 ft. of flammable or explosive material

T-2525 Fort Ord
9th St. and 3rd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010821
Status: Underutilized
Reason: Secured area

T-2526 Fort Ord
9th St. and 3rd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010823
Status: Underutilized
Reason: Secured area

T-2900 Fort Ord
13th St. & Corps Pl.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010822
Status: Underutilized
Reason: Within 2,000 ft. of flammable or explosive material

T-2547 Fort Ord
10th St. and 3rd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010824
Status: Underutilized
Reason: Secured area

T-2901 Fort Ord
13th St. & Corps Pl.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010825
Status: Underutilized
Reason: Within 2,000 ft. of flammable or explosive material

T-2549 Fort Ord
9th St. and 3rd Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010826
Status: Underutilized
Reason: Secured area

T-2707 Fort Ord
11th St. and 2nd Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010828
Status: Underutilized
Reason: Secured area

T-3039 Fort Ord
9th St. & 3rd Ave.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010827
Status: Underutilized
Reason: Secured area

T-2862(A) Fort Ord
13th St., Corps Pl.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010829
Status: Underutilized
Reason: Secured area

T-3050 Fort Ord
12th St. Near Shopette
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010830
Status: Underutilized
Reason: Secured area

T-3054 Fort Ord
12th St. Near Shopette
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219010831
Status: Underutilized
Reason: Secured area

New Jersey

Bldg. 209
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010639
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 210
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010640
Status: Excess

Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 210–E
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010641
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 210–F
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010642
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 223
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010643
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 238
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010644
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 241–E
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010645
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 252–A
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010646
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 256–D
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010647
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 268–A
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010648
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 271
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010649
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 271–A
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010650
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 271–C
Armament Research Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010651
Status: Excess
Reason: Within 2,000 ft. of flammable or explosive material; Secured area

Bldg. 271–D
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010652
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–E
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010653
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–F
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010654
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–G
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010655
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–H
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010656
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–J
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010657
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–L
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010658
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–K
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010659
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–M
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010660
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–N
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010661
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–O
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010662
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 295
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010663
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 296
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010664
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 406
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010665
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 445–E
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010666
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 445–G
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010667
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 448–B
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010668
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 448–D
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010669
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 452
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010670
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 452–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010671
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 454–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010672
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 456–B
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010673
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 457
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010674
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 462–E
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010675
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 497
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010676
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 509
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010677
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 509–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010678
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 510
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010679
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 514
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010680
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 519
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010681
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 519–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010682
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 527
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010683
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 533
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010684
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 534
Armament Research, Dev. & Eng. Center
Route 15 North

Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010685
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 535
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010686
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 537
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010687
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 537–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010688
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 539
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010689
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 540
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010690
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 550
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010691
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 550–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010692
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 553
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010693
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 555
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010694
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 562
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010695
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 563
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010696
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 432–H
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010697
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 813–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010698
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 813–C
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010699
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1435
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010700
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1436
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010701
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1437
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010702
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1511
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010703
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1517–A
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010704
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1519
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010705
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1520
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010706
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1615
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army

Property Number: 219010707
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1617
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010708
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 1618
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010709
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 271–S
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010710
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3012
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010711
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3038
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010712
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3039
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010713
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3041
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010714
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3045
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010715
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3047
Armament Research, Dev. and Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010716
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3054
Armament Research, Dev. and Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010717
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3055
Armament Research, Dev. and Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010718
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3058
Armament Research, Dev. and Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010719
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3162
Armament Research, Dev. and Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010720
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. 3178
Armament Research, Dev. and Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219010721
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Tennessee

Bldg. C–110 C line
Milan Army Ammunition Plant
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010501
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area D–106
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010502
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. C–9 line
Milan Army Ammunition Plant
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010503
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milian Army Ammunition Plant
MOD—Igloo Area D–203
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010504
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area D–305
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010506
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Bldg. F–13 F Line
Milan Army Ammunition Plant
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010505
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area D–306
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219001507
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area P–82
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010508
Status: Underutilized

Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area D-307
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010510
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area P-26
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010509
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area P-52
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010511
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area D-404
Milan, TN, Co: Carroll
Landholding Agency: Army
Property Number: 219010512
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured area

Milan Army Ammunition Plant
MOD—Igloo Area D-405
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010513
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-406
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010515
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-803
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010514
Status; Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-407
Milan, TN Co: Carroll
Landholding Agency: Army
Property Numbver: 219010516
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-805
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010517
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-408
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010518
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-409
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number 219010520
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-807
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010519
Status: Underutilized
Reason: Within 2000 ft of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-410
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010521
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-808
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010522
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-512
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010523
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-514
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010525
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-905
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010524
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-605
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010526
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-906
Milan, TN Co: Carroll
Landnolding Agency: Army
Property Number: 219010527
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-606
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010528
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-607
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010529
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-907
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010530
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-608
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010531
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-609
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010533
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-1002
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010532
Status: Underutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area A-503
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010534
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-1004
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010535
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area A-504
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010536
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

MOD—Igloo Area D-1005
Milan Army Ammunition Plant
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010537
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area A-803
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010538
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area A-2304
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010539
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area D-1102
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010540
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-103
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010541
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-110
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010542
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-201
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010543
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-205
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010544
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-206
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010546
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E-13 E Line
Milan Army Ammunition Plant
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010545
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-208
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010548
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-301
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010549
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-303
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010550
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-304
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010552
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E-5 E Line
Milan Army Ammunition Plant
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010551
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-305
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010553
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-306
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010555
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E-8 E Line
Milan Army Ammunition Plant
Landholding Agency: Army
Property Number: 219010554
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-307
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010556
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. E-46 E Line
Milan Army Ammunition Plant
Milan, TN, Co: Gibson
Landholding Agency: Army
Property Number: 219010557
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-402
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010558
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-404
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010561
Status: Underutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-406
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010562
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-407
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010563
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-408
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010564
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-409
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010565
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-503
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010566
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z-1
Milan, TN, Co: Gibson
Landholding Agency: Army
Property Number: 219010567
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-506
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010568
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-510
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010570
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-602
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010571
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z-5
Milan, TN, Co: Gibson
Landholding Agency: Army
Property Number: 219010569
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-606
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010572
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-607
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010574
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z-7
Milan, TN, Co: Gibson
Landholding Agency: Army
Property Number: 219010573
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-609
Milan, TN, Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010575
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-704
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010577
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z-9
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010576
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-706
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010578
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-803
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010579
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-804
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010580
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area B-902
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010581
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area C-405
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010582
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area C-503
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010583
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area C-604
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010584
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area C-2701
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010585
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area C-2901
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010586
Status: Underutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area E–1001
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010587
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area E–501
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010588
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area E–601
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010589
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area F–214
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010590
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area F–306
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010591
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area F–312
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010592
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area G–304
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010593
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area G–302
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010594
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area G–806
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010595
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Are G–905
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010597
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Are H–607
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010598
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z–191
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010596
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition
MOD—Igloo Area H–901
Milan, TN Co: Gibson/Carroll
Landholding Agency: Army
Property Number: 219010599
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z–192
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010600
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z–193
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010601
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Z Line Z–195
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010602
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. D–62 D Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010604
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. F–173 F Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010606
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
F Line Bldg. F–17
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010607
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. C–25 C Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010610
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. K–3 K Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010611
Status: Unutilized
Reason: Secured Area

Milan Army Ammunition Plant
Bldg. C–15 C Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010613
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. C–106 C Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010614
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. F–6 F Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010615
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Browning House
Milan, TN Co: Gibson
Location: West of Z Line; Hwy 90 & 85
Landholding Agency: Army
Property Number: 219010616
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. F–2 F Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010617
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. C–2 C Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010618
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. E–47
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010619
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. C–21 C Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010620
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. D–82 D Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010622
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. Z–188 Z Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010621
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Igloo Area L–6
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010623
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. E–48
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010624
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. K–4 K Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010625
Status: Unutilized
Reason: Secured Area

Milan Army Ammunition Plant
Bldg. E–3 E Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010626
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD—Area I—Bldg. I–10
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010627
Status: Unutilized
Reason: Secured Area

Milan Army Ammunition Plant
Bldg. F–10 F Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010629
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. C–72 C Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010628
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. F–5 F Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010630
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. C–62 C Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010631
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. F–1 F Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010632
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. F–41 E Line
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010633
Status: Unutilized
Reason: Within 2000 ft of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
Bldg. D–76 D Line
Milan, TN Co: Carroll
Landholding Agency: Army
Property Number: 219010634
Status: Unutilized
Reason: Within 2000 ft of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD Igloo Area P–60
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010635
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD Igloo Area G–1105
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010636
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Milan Army Ammunition Plant
MOD Igloo Area D–511
Milan, TN Co: Gibson
Landholding Agency: Army
Property Number: 219010637
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Virginia

Bldg. 4327–07 Warehouse
Radford Army Ammunition Plant
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010833
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4339–03
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010834
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secred Area
Comment: Latrine, detached structure

Bldgs. 4339–23
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010835
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 4339-02
Radford Army Ammunition Plant
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010837
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 3012, Nitrating House
Radford Army Ammunition Plant
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010836
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4339-10
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010838
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 4339-11
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010840
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 3015-00
Radford Army Ammunition Plant
Area Office
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010839
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4339-24
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010841
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 3507
Radford Army Ammunition Plant
Thermal Dehy
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010842
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4710-01
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010843
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 4710-02
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010845
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 3511-00
Radford Army Ammunition Plant
Blocker Press
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010844
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4710-05
Radford Army Ammunition Plant
Latrine
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010846
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached structure

Bldg. 3512-00
Radford Army Ammunition Plant
Block Press House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010847
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4343-00
Radford Army Ammunition Plant
Codmium Plating House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010848
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4901-00
Radford Army Ammunition Plant
Block Press House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010849
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4904-00
Radford Army Ammunition Plant
Premix House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010850
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4905-00
Radford Army Ammunition Plant
Control House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010852
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4909-01
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010853
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3553-00, A-1
Radford Army Ammunition Plant
Press Cutting House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010851
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4909-02
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010854

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4909–03
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010856
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3649–00
Radford Army Ammunition Plant
Premix House No. 3
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010855
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4909–04
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4909–05
Radford Army Ammunition Plant
Solvent Recovery House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010858
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4910–01
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010860
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4910–02
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010861
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3662–00
Radford Army Ammunition Plant
Screen Storehouse
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010859
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4910–03
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010862
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4910–04
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010864
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3670–00
Radford Army Ammunition Plant
Perchlorate Grind House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010863
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4910–05
Radford Army Ammunition Plant
Water Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010865
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3672–00
Radford Army Ammunition Plant
Perchlorate Grind House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010866
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4911–02
Radford Army Ammunition Plant
Air Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010868
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3675–00
Radford Army Ammunition Plant
Air Dry House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010867
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4912–05
Radford Army Ammunition Plant
Waste Powder and Solvent Storage
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010869
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3676–00
Radford Army Ammunition Plant
C–7 Mix House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010870
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4913–00
Radford Army Ammunition Plant
Large Grain Disassembly House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010871
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3680–00
Radford Army Ammunition Plant
C–8 Mix House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010873
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4933–00
Radford Army Ammunition Plant
Filter House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010874
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3688
Radford Army Ammunition Plant
Control House
Radford, VA Co: Montgomery
Location: State Highway 114
Landholding Agency: Army
Property Number: 219010875
Status: Unutilized

Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4935–00
Radford Army Ammunition Plant
Chilled Water Refrigeration
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010876
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4945–02
Radford Army Ammunition Plant
Coating House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010877
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3702–00
Radford Army Ammunition Plant
Chemical Grind House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010878
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 4952–00
Radford Army Ammunition Plant
Beaker Wrap House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010879
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3706–00
Radford Army Ammunition Plant
Pre-Mix Rest House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010880
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3723–00
Radford Army Ammunition Plant
Nibbling House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010881
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3742–00
Radford Army Ammunition Plant
Catch Tank House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010882
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3743–00
Radford Army Ammunition Plant
Weigh House No. 1
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010883
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5501–00
Radford Army Ammunition Plant
Finishing Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010884
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5502–00
Radford Army Ammunition Plant
Waste Water Treatment Plant
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010885
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7112–01
Radford Army Ammunition Plant
Increment House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010886
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 5500–00
Radford Army Ammunition Plant
Manufacturing Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010887
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7124–02
Radford Army Ammunition Plant
Nibbling House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010888
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7126–00
Radford Army Ammunition Plant
Halfway House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010889
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7160–00
Radford Army Ammunition Plant
Area Maintenance Office
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010890
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7223–01
Radford Army Ammunition Plant
Latrine and Utility House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010891
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Other Secured Area
Comment: Latrine, detached Structure

Bldg. 7800–00
Radford Army Ammunition Plant
Extruded Grain Finishing House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010892
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 7806–00
Radford Army Ammunition Plant
Latrine and Utility House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010893
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9203–00
Radford Army Ammunition Plant
Solvent Preparation Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010894
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9205
Radford Army Ammunition Plant
Green Line Complex
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010895

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9209
Radford Army Ammunition Plant
Traying Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010896
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9210
Radford Army Ammunition Plant
Traying Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010897
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9211
Radford Army Ammunition Plant
Traying Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010898
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9206
Radford Army Ammunition Plant
Green Line Complex
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010899
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9207
Radford Army Ammunition Plant
Green Line Complex
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010900
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9310–01
Radford Army Ammunition Plant
Rolled Power Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010901
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9311–01
Radford Army Ammunition Plant
Rolled Powder Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010902
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9361–06
Radford Army Ammunition Plant
Material Storage
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010903
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9500–00
Radford Army Ammunition Plant
Nitrating House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010904
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9503–00
Radford Army Ammunition Plant
Finishing House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010905
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9505–00
Radford Army Ammunition Plant
Finishing House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010906
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9510–00
Radford Army Ammunition Plant
Spent Acid Recovery
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010907
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9521–00
Radford Army Ammunition Plant
Personnel Rest House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010908
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9546–01
Radford Army Ammunition Plant
Soda Ash Mix House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010909
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9550–00
Radford Army Ammunition Plant
Storage Bldg.
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010910
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9556–00
Radford Army Ammunition Plant
Cooling Tower Control House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010911
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 9560
Radford Army Ammunition Plant
Carbon Treatment House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010912
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

Bldg. 3678–00
Radford Army Ammunition Plant
Air Dry House
Radford, VA Co: Montgomery Location: State Highway 114
Landholding Agency: Army
Property Number: 219010872
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area

[FR Doc. 90–2856 Filed 2–8–90, 8:45 am]
BILLING CODE 4210–29–M

Office of the Assistant Secretary for Administration

[Docket No. N–90–2080; FR–2718]

Privacy Act of 1974 Notice of a Matching Program; Matching Tenant Data in Assisted Housing Programs

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice of Matching Program—HUD/Public Housing Authorities and Subsidized Multifamily Projects.

SUMMARY: In accordance with the Privacy Act of 1974 and the Office of Management and Budget's Revised Supplemental Guidance for Conducting Matching Programs (47 FR 21656, May 19, 1982), on May 1, 1986 (51 FR 16227), the Department published a Notice of Matching Program—HUD/Public Housing Authorities and Subsidized Multifamily Projects. That notice stated that HUD's Office of Inspector General would conduct or directly supervise computer matches of tenant records at Public Housing Authorities and HUD-subsidized multifamily projects with various types of income data maintained by States and by the Office of Personnel Management, United States Department of Defense, and the United States Postal Service. This notice outlines significant changes to the Department's current matching program. New requirements and changes are incorporated based on amendments to the Privacy Act of 1974 embodied in the Computer Matching and Privacy Protection Act of 1988 as amended (Pub. L. 100–503), and the Office of Management and Budget's Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988 (see 54 FR 25818, dated June 19, 1989), which augments the Office of Management and Budget (OMB) Guidelines on the Administration of the Privacy Act of 1974, issued July 1, 1975, and supplemented on November 21, 1975, and Appendix I to OMB Circular No. A–130, published on December 24, 1985 (see 50 FR 52738). This notice also expands the coverage of the matching program to include the Enumeration Verification System (EVS) computer records from the Social Security Administration, Health and Human Services. This will be used to validate Social Security Numbers for all applicants, participants and household members six (6) years of age and over to identify noncompliance with this eligibility requirement. In addition, this notice adds to the HUD's Office of Inspector General's role "coordinating" with Public Housing Authorities to do the match. During 1990, the matching program will be performed with PHAs in the following States: Pennsylvania, Ohio, Alabama, New Jersey, Maryland, Missouri, Florida, and Massachusetts.

The matching program will be performed to detect unwarranted benefit payments under the National Housing Act, 12 U.S.C. 1701–1750g, the United States Housing Act of 1937, 42 U.S.C. 1437o, and section 101 of the Housing and Community Development Act of 1965, 12 U.S.C. 1701s. Such unwarranted benefits may be paid when family income is unreported or underreported, causing rental payments to be set unduly low, and housing subsidies to be set correspondingly too high. A report on the design of the matching program is set forth in the Supplementary Information Section.

EFFECTIVE DATE: Data exchange will begin in January 1990, and unless comments are received which will result in a contrary determination, will be accomplished by the end of June 1991.

FOR PRIVACY ACT INFORMATION CONTACT: Donna L. Eden, Departmental Privacy Act Officer, telephone number (202) 755–6050. (This is not a toll-free telephone number.)

FOR FURTHER INFORMATION FROM RECIPIENT AGENCY CONTACT: Ms. Jacqulyn Howard, Office of Inspector General, room 8254, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410, telephone (202) 426–6493. (This is not a toll-free telephone number.)

REPORTING: In accordance with Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, as amended, and Office of Management and Budget Bulletin 89–22, "Instructions on Reporting Computer Matching Programs to the Office of Management and Budget (OMB), Congress and the Public"; copies of this Notice and report, in duplicate, are being provided to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate and the Office of Management and Budget.

AUTHORITY: The matching program may be conducted under Section 4(a) of the Inspector General Act of 1978, Pub. L. 95–452, 5 U.S.C. App. 4(a), Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Pub. L. 100–628; and Section 165 of the Housing and Community Development Act of 1987, Pub. L. 100–242; and the National Housing Act, 12 U.S.C. 1701–1750g, the United States Housing Act of 1937, 42 U.S.C. 1437–1437o, and Section 101 of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.

The Inspector General Act authorizes the Inspector General of the Department of Housing and Urban Development to undertake programs to detect and prevent fraud and abuse in all HUD programs. The McKinney Amendments of 1988, authorizes the Department of Housing and Urban Development (HUD) to request wage and claim information from the State agency responsible for the administration of the State unemployment law in order to undertake computer matching in HUD's rental assistance programs. The Housing and Community Development Act of 1987 authorizes HUD to require applicants and participants (as well as members of their households 6 years of age and older) in HUD-administered programs involving rental assistance to disclose to HUD their Social Security Numbers as a condition of initial or continuing eligibility for participation.

PROGRAM DESCRIPTION: The matching program is intended to be a continuing program, carried out either at selected Public Housing Authorities and subsidized multifamily projects, and on a State-wide basis for all interested Public Housing Authorities within States selected. During the next year, the OIG plans to be performing computer matches of Public Housing Authorities in Pennsylvania, Ohio, Alabama, New Jersey, Maryland, Missouri, and Massachusetts.

RECORDS TO BE MATCHED: HUD's Office of Inspector General (OIG) will perform, supervise, or coordinate the performance of the computer matching using tenant social security numbers (SSNs) and additional identifiers such as surname or date of birth in tenant records: (1) In HUD's Multifamily Tenant Characteristics System (HUD–H–11) based on data submitted by PHAs and HUD subsidized multifamily project owners; or (2) from on-site tenant data as it is maintained by the PHAs or owners and management agents. HUD's OIG will also coordinate State-wide income computer matches for Public Housing Authorities (PHAs) using tenant social security numbers and additional identifiers such as surname or date of birth. Data will again come from either: (1) HUD's Multifamily Tenant Characteristics System; or (2) on-site tenant data maintained by PHAs. In either case, these tenant records will be matched against the States' machine-readable files of quarterly wage data and unemployment insurance benefit data to determine whether tenants have underreported income. State wage agencies or other Federal agencies may, in some instances, perform the actual matching in accordance with a written agreement with HUD and the PHA or project owner. Data on the unverified matches will either be provided to HUD's OIG for further follow-up work, as discussed below; or in the case of State-wide PHA income matches, data on the unverified matches will be provided to the individual PHA for further follow-up, as discussed below. In addition, tenant SSNs may be matched to the Office of Personnel Management's General Personnel Records [OPM/GOVT–1] amd Civil Service Retirement and Insurance Records System [OPM/Central-1]; the Department of Defense's Defense Manpower Data Center Base [S322.10.DLA-LZ]; the United States Postal Service's Finance Record-Payroll [USPS050.020]; and the Social Security Administration, Department of Health and Human Service's Enumeration Verification System, Master Files of Social Security Number Holder, HHS/SSA/OSR [09-60-0058] for the purpose of validating Social Security Numbers contained in tenant records. A match will also be done with the consolidated tape of SSNs. This will match SSNs within the State to disclose duplicate SSNs and duplicate benefits.

HUD's OIG will conduct follow-up work at the PHAs and multifamily projects on the selected computer matches. This work will include verification of income sources that were not reported to the PHA or subsidized multifamily project owner, interviews with individuals knowledgeable about the case(s), and preparation of case files for administrative remedy or prosecution as appropriate.

Records created from the computer matching program (cases matches and the follow-up data) will be included in the "Investigation Files, HUD-Dept-24" category. Routine uses of these files are described in 49 FR 10372 (March 20, 1984).

HUD, the PHA or owner, as appropriate, will take actions necessary to collect the amount of excess benefits paid on behalf of tenants. In addition, if requested by another Federal agency to provide information on tenants that have underreported income, HUD may supply data on verified cases in accordance with routine uses of HUD's investigative files HUD/Dept. 24.

In the case of PHA State-wide computer matches, the individual PHAs will conduct follow-up work at the PHA projects with the HUD-OIG coordinating the effort. This work will include: (1) Verification of income sources reported to the PHA or subsidized multifamily project owner, with employers by sending HUD prepared income confirmations to employers for cases where records indicate unreported or underreported income; (2) analyzing confirmed information; (3) calculating the unreported income and excessive housing assistance received by the family; (4) determining whether the individuals actually had or has access to such income for their own use; and (5) determining the period/periods when the individual actually had such income. The work will also include verifying discrepancies with SSNs. Upon completion, the PHA may refer cases to local law enforcement entities for possible investigation and prosecution either criminally or civilly. For cases not referred to local entities, the PHA will initiate administrative actions to resolve cases using guidelines in HUD regulations and handbooks. The PHA may not suspend, terminate, reduce, or make a final denial of any housing assistance to any individual as the result of information produced by this matching program: (1) Unless the individual has received notice from such agency containing a statement of its findings and informing the individual of the opportunity to contest such findings; and (2) until the subsequent expiration of the notice period provided in applicable handbooks or regulations of the program, or 30 days, whichever is later. Such opportunity to contest may be satisfied by notice, hearing and appeal rights found in the applicable handbooks and regulations of the program.

During the follow-up stages of these PHA State-wide computer matches, the PHAs will submit formal reports on the status and disposition of cases matches on a semiannual basis. These reports will be used by HUD for determining the cost effectiveness of the matching program and reporting computer matching results to the Congress.

Objectives to be met by the matching program: The matching program will be performed to identify tenants receiving excess housing assistance resulting from unreported or underreported family income. The various HUD assisted housing programs available through PHAs or subsidized multifamily projects require that, in order to be admitted, applicants must meet certain income, as well as other, eligibility requirements. In addition, tenants are required to report amount and sources of income on at least an annual basis. To the extent families do not report all their income as required, HUD and PHAs may initiate investigation, administrative, or legal actions against tenants suspected of false reporting or failing to report their incomes. A second objective is to identify tenants who have not disclosed their correct Social Security Numbers.

Period of the match: The matching program for HUD/PHAs and subsidized multifamily projects has been conducted on a recurring basis since August, 1984 (excluding the use of Department of Defense, United States Postal Service, and Social Security Administration data). HUD expanded the coverage of this recurring program to include the Department of Defense and United States Postal Service records beginning May 1986. HUD is expanding the coverage of this recurring program to include the described Social Security Administration, Health and Human Service's Enumeration Verification System for the purpose of validating Social Security Numbers contained in tenant records.

The computer matching agreements for the planned matches will terminate when the purpose of the computer matching program is accomplished or 18 months from the date the agreement is signed, whichever comes first. Should the purpose not be accomplished within 18 months, the agreement may be extended for one 12-month period, with the mutual agreement of all involved parties, if within three months of the expiration date, all Data Integrity Boards review the agreement and find that the program will be conducted without change, find a continued favorable examination of benefit/cost results, and all parties certify that the program has been conducted in compliance with the agreement. The agreement may be terminated, prior to accomplishment of the computer matching purpose or 18 months from the date the agreement is signed (whichever comes first), by the mutual agreement of all involved parties with 30 days written notice.

Issued at Washington, DC: February 2, 1990.

Claire E. Freeman,

Assistant Secretary for Administration.

[FR Doc. 90-3013 Filed 2-8-90; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[AA-760-00-4410-01-2410; 516 DM 6, Appendix 5]

National Environmental Policy Act; Revised Implementing Procedures

AGENCY: Department of the Interior.

ACTION: Extension of comment period on proposed revision instructions for the Bureau of Land Management (BLM).

SUMMARY: On November 17, 1989, the Office of Environmental Affairs ("Office"; formerly the Office of Environmental Project Review) in the Department of the Interior published in the Federal Register a notice announcing proposed revised procedures for implementing the National Environmental Policy Act (NEPA) within the BLM. The revisions proposed will delete a number of obsolete and potentially misleading references and will refine the agency's list of actions that are categorically excluded from preparation of an environmental document. A number of interested parties requested an extension of time to comment on the proposed revisions. Based on these requests, the Office decided to grant an extension of the comment period.

DATES: Comments on the proposed revised procedures for implementing NEPA within the BLM must be received by February 16, 1990.

ADDRESSES: Comments should be sent to Jonathan P. Deason, Director, Office of Environmental Affairs, Office of the Secretary, U.S. Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mary Josie Smith, Senior Environmental Review Officer, Office of Environmental Affairs, Office of the Secretary (202) 343-8661; or Christopher Muller, Division of Planning and Environmental Coordination, BLM (202) 653-8824.

Jonathan P. Deason,

Director, Office of Environmental Affairs, Office of the Secretary, U.S. Department of the Interior.

[FR Doc. 90-3146 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[AK-964-4230-15; F-21906-03]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Sec. 12(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611(c), will be issued to Doyon, Limited for approximately 6,233 acres. The lands involved are in the vicinity of Wiseman, Alaska.

Certain lands within:

T. 31 N., R. 13 W., Fairbanks Meridian, Alaska (Unsurveyed)

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the FAIRBANKS DAILY NEWS-MINER. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until March 12, 1990 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Mary M. Bone,

Supervisor Fairbanks Section, Branch of Doyon/Northwest Adjudication.

[FR Doc. 90-3080 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-JA-M

[Docket No. OR-935-00-4332-09; GPO-093; FES 90-4]

Availability of Oregon Wilderness Final Environmental Impact Statement (EIS) for Bureau of Land Management Lands in Oregon

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Availability of the Oregon Wilderness Final Environmental Impact Statement, Oregon.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, BLM has prepared a Final Environmental Impact Statement (FEIS) on widlerness suitability recommendations involving 85 Wilderness Study Areas (WSAs) located primarily in eastern Oregon.

The Proposed Action recommends 1,128,850 acres in 48 WSAs as suitable for wilderness designation and 1,529,547 acres as nonsuitable for wilderness designation. Six other alternatives are analyzed in the FEIS. These alternatives and the acres recommended suitable for wilderness are: All Wilderness (2,652,234 acres), Wilderness Emphasis (2,350,142 acres), Conflict Resolution Emphasis (1,242,478 acres) Ecosystem Diversity Emphasis (1,243,999 acres), Commodity Development Emphasis (381,413 acres), and No Wilderness/No Action (0 acres).

The BLM wilderness proposals will ultimately be forwarded by the Secretary of the Interior and the President to Congress. The final decision on wilderness designation rests with Congress.

In any case, no final decision on these proposals can be made by the Secretary during the 30 days following the filing of this EIS, in accordance with the Council of Environmental Quality Regulations, 40 CFR 1506.10(b)(2).

SUPPLEMENTARY INFORMATION: The FEIS contains four volumes. Volume I is the Statewide overview which analyzes the Statewide environmental consequences for each alternative. Volumes II, III, and IV provide a site-specific analysis for each of the 85 WSAs.

A limited number of copies of the FEIS may be obtained upon request to the contact person identified below. Copies are also available for inspection at the following locations:

Bureau of Land Management, Office of Public Affairs, Interior Bldg, 18th and C Streets, NW., Washington, DC 20240.

Oregon State Office, BLM 825 NE Multnomah St., Portland, OR.
Nevada State Office, BLM 850 Harvard Way, Reno, NV.
Idaho State Office, BLM, 3380 Americana Terrace, Boise, ID.
Burns District Office, BLM, HC74-121533 Hwy 20 West, Hines, OR.
Coos Bay District Office, BLM, 1300 Airport Lane, North Bend, OR.
Eugene District Office, BLM, 1255 Pearl St., Eugene, OR.
Medford District Office, BLM, 3040 Biddle Rd., Medford, OR.
Prineville District Office, BLM, 185 E. Fourth St., Prineville, OR.
Roseburg District Office, BLM, 777 NW Garden Valley Blvd, Roseburg, OR.
Salem District Office, BLM, 1717 Fabry Rd., S.E., Salem, OR.
Spokane District Office, BLM, 4217 Main Avenue, Spokane, WA.
Vale Distict Office, BLM, 100 Oregon St, Vale, OR.
Winnemucca District Office, BLM, 705 East 4th St., Winnemucca, NV.

FOR FURTHER INFORMATION CONTACT: Jerry Magee (935), EIS Team Leader, Bureau of Land Management, P.O. Box 2965, Portland, OR 97208. Telephone (503) 231-6256.

Dated: February 2, 1990.

Jonathan P. Deason,

Director, Office of Environmental Affairs.

[FR Doc. 90-3000 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-33-M

[WY-010-00-4320-10]

Worland District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting of the Worland District Grazing Advisory Board.

SUMMARY: This notice sets forth the schedule and agenda of a meeting of the Worland District Grazing Advisory Board.

DATES: March 28, 1990, 10:00 a.m.

ADDRESSES: Bureau of Land Management, Conference Room, 101 South 23rd Street, Worland, Wyoming.

FOR FURTHER INFORMATION CONTACT: Darrell Barnes, District Manager, Worland District Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401, (307) 347-9871.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:

1. Discussion of the Grazing Advisory Board Chapter
2. Election of a chairperson and a Vice Chairperson
3. Review of District policy for Annual Distribution and Use of 8100 funds.
4. Review of current Allotment Management Plan development.
5. Review of FY 1989-90 range projects and discussion and recommendations for proposed FY 1991-92 range improvement projects.
6. Review Range Program Updates for resources areas.
7. Review Draft Bureau Policy for Wild Horse Management.
8. Opportunity for the public to present information or make comments.

The meeting is open to the public, interested persons may make oral statements to the Board during the public comment period, or file written statements for the Board's consideration. Anyone wishing to make an oral statement should notify the District Manager, at the above address by March 20, 1990.

Darrell Barnes,

District Manager.

[FR Doc. 90-3015 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-22-M

[ID-943-90-4212-12; IDI-25401]

Order Providing for Opening of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening order.

SUMMARY: This order opens lands received in a State exchange to land, mining and mineral leasing laws.

EFFECTIVE DATE: March 12, 1990.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334-1735.

1. In an exchange made under the provisions of Section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been reconveyed to the United States:

Boise Meridian

T. 4 N., R. 24 E.,
Sec. 36.
T. 3 S., R. 27 E.,
Sec. 36.
T. 4 S., R. 27 E.,
Sec. 16;
Sec. 36.
T. 5 S., R. 27 E.,
Sec. 16.
T. 1 S., R. 28 E.,
Sec. 36.
T. 2 S., R. 28 E.,
Sec. 36.
T. 5 S., R. 28 E.,
Sec. 36.
T. 2 S., R. 29 E.,
Sec. 16;
Sec. 36.
T. 3 S., R. 29 E.,
Sec. 16.
T. 9 N., R. 29 E.,
Sec. 36.
T. 10 N., R. 29 E.,
Sec. 16.
T. 2 S., R. 30 E.,
Sec. 16;
Sec. 36.
T. 6 N., R. 30 E.,
Sec. 16.
T. 7 N., R. 30 E.,
Sec. 16, E½.
T. 8 N., R. 30 E.,
Sec. 16.
T. 9 N., R. 30 E.,
Sec. 36.
T. 8 N., R. 31 E.,
Sec. 16, lots 1 to 7, inclusive, NE¼, E½NW¼, NE¼SW¼ and N½SE¼.
T. 9 N., R. 31 E.,
Sec. 36, lots 1 to 4, inclusive, N½ and N½S½.
T. 1 N., R. 34 E.,
Sec. 36.
T. 2 N., R. 34 E.,
Sec. 16;
Sec. 36.
T. 1 N., R. 35 E.,
Sec. 36, E½, NE¼NW¼ and S½NW¼
T. 1 S., R. 35 E.,
Sec. 16, W½.
T. 2 N., R. 35 E.,
Sec. 16;
Sec. 36.
T. 1 N., R. 36 E.,
Sec. 16, N½, NE¼SW¼, N½SE¼ and SE¼SE¼.
T. 1 S., R. 36 E.,
Sec. 16, W½NE¼, NW¼ and S½.

The areas described aggregate 18,055.80 acres in Blaine, Butte, Power, Clark, Bingham and Bonneville Counties.

2. At 9:00 a.m. on March 12, 1990, the lands will be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on March 12, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9:00 a.m. on March 12, 1990, the lands will be opened to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: February 1, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-3040 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-90-4212-12; IDI-21395, I-21566]

Order Providing for Opening of Public Land; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening Order.

SUMMARY: This order opens lands received in two State exchanges to the land, mining and mineral leasing laws.

EFFECTIVE DATE: March 12, 1990.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334-1735.

1. In two exchanges made under the provisions of Section 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described lands have been reconveyed to the United States:

Boise Meridian, Idaho

IDI-21395

T. 5 S., R. 27 E.,
Sec. 36.
T. 6 S., R. 27 E.,
Sec. 16;
Sec. 36.
T. 7 S., R. 27 E.,
Sec. 16, N½, N½SW¼, E½SW¼SW¼, SE¼SW¼, SE¼;
Sec. 36.
T. 8 S., R. 27 E.,
Sec. 16.
T. 6 S., R. 28 E.,
Sec. 16;
Sec. 25, SE¼SW¼, W½NW¼SW¼SE¼, SW¼SW¼SE¼;
Sec. 36, W½NE¼NW¼NE¼, W½NW¼NE¼, W½SW¼NE¼, NW¼, N½NE¼SW¼, N½S½NE¼SW¼, S½SW¼NE¼SW¼, SW¼SE¼NE¼SW¼, W½SW¼,

NE¼NW¼SE¼SW¼, W½W½SE¼SW¼, NW¼NW¼SE¼.
T. 7 S., R. 28 E.,
Sec. 16.
T. 8 S., R. 28 E.,
Sec. 16.

The areas described aggregate 6,140.00 acres in Blaine and Power Counties.

(IDI-21566)

T. 3 N., R. 25 E.,
Sec. 36.
T. 2 N., R. 25 E.,
Sec. 16;
Sec. 36.
T. 2 N., R. 26 E.,
Sec. 16;
Sec. 36.
T. 1 N., R. 23 E.,
Sec. 36.
T. 1 N., R. 24 E.,
Sec. 16.
T. 1 N., R. 26 E.,
Sec. 36.
T. 1 N., R. 27 E.,
Sec. 16.
T. 1 S., R. 23 E.,
Sec. 16.
T. 1 S., R. 24 E.,
Sec. 16.
T. 1 S., R. 25 E.,
Sec. 36.
T. 1 S., R. 26 E.,
Sec. 36.
T. 1 S., R. 27 E.,
Sec. 16.
T. 2 S., R. 25 E.,
Sec. 16;
Sec. 36.
T. 2 S., R. 26 E.,
Sec. 36.
T. 2 S., R. 27 E.,
Sec. 16.
T. 3 S., R. 25 E.,
Sec. 36.
T. 3 S., R. 26 E.,
Sec. 36.
T. 3 S., R. 27 E.,
Sec. 16.
T. 4 S., R. 23 E.,
Sec. 36.
T. 4 S., R. 24 E.,
Sec. 16;
Sec. 36;
T. 4 S., R. 25 E.,
Sec 16, W½W½NW¼SW¼, S½SW¼, SE¼;
Sec. 36.
T. 4 S., R. 26 E.,
Sec. 36.
T. 5 S., R. 24 E.,
Sec. 16.
T. 5 S., R. 25 E.,
Sec. 16.

The areas described aggregate 18,170.00 acres in Minidoka, Butte and Blaine Counties.

2. At 9:00 a.m. on March 12, 1990, the lands will be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on March 12, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9:00 a.m. on March 12, 1990, the lands will be opened to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: February 1, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-3116 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-90-4212-13; IDI-23203]

Order Providing for Opening of Public Land, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening Order.

SUMMARY: This order opens lands received in a private exchange to the land, mining and mineral leasing laws.

EFFECTIVE DATE: March 12, 1990.

FOR FURTHER INFORMATION CONTACT: Larry R. Lievsay, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, (208) 334-1735.

1. In an exchange made under the provisions of Sections 206 of the Act of October 21, 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following described lands have been reconveyed to the United States:

Boise Meridian

T. 48 N., R. 2 W.,
Sec. 19, lots 2 and 3, N½NE¼, NE¼NW¼ and SE¼SW¼;
Sec. 20, W½SW¼;
Sec. 29, NW¼NW¼
Sec. 30, NE¼NE¼.
T. 48 N., R. 3 W.,
Sec. 23, E½NE¼ and NE¼SE¼;
Sec. 24, lots 2 to 5, inclusive, and NW¼SW¼.

The areas described aggregate 725.10 acres in Kootenai County.

2. At 9:00 a.m. on March 12, 1990, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9:00 a.m. on March 12, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 9:00 a.m. on March 12, 1990, the lands will be opened to location and entry under the United States mining laws and to applications and offers under the mineral leasing laws. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. Sec. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possession rights since Congress has provided for such determinations in local courts.

Dated: February 1, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-3117 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-GG-M

[CA-050-43-7122-10-U050; CA 24917]

Realty Action; Noncompetitive Sale of Public Land in Trinity County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Noncompetitive Sale of Public Land in Trinity County.

SUMMARY: The following public lands in Trinity County, California have been examined and found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 USC 1713), to Michael B. and Jane E. Miller Dean, at not less than the fair market value. This sale will resolve a long standing survey related inadvertent trespass situation. Once patented, parts of right-of-way CA 20421 held by Michael Dean, within patent area will merge and the right-of-way will be amended to exclude patented area. The land will not be offered for sale until at least 60 days after the date of this notice.

Mount Diablo Meridian

T. 32 N., R. 10 W.,

Sec. 10: S½SE¼NE¼SW¼SE¼,
N½NE¼SE¼SW¼SE¼
Containing 2.5 acres, more or less.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first. The lands are not needed for Federal purposes. The patent, when issued, would be subject to the following terms, conditions, and reservations:

This land is being offered by direct sale to Michael B. and Jane E. Miller Dean. An application and fee for mineral interest has been received and it has been determined that the subject parcel contains no known mineral values; therefore, mineral interests may be conveyed simultaneously.

EXCEPTING AND RESERVING TO THE UNITED STATES: 1. A right-of-way for ditches and canals constructed by the authority of the United States. Act of August 30, 1890 (43 USC 945).

ADDRESSES: Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002.

DATES: For a period of 45 days from the date of publication of this notice, interested persons may submit comments to the Area Manager, Redding Resource Area, at the above address.

FOR FURTHER INFORMATION CONTACT: Patty Cook, Realty Specialist, at the above address.

Dated: January 22, 1990.

Mark T. Morse,

Area Manager.

[FR Doc. 90-3041 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-40-M

[ID-942-00-4730-12]

Idaho: Filing of Plats of Survey; Idaho

The plats of survey of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10:00 A.M., February 2, 1990.

The plat representing the dependent resurvey of a portion of the subdivisional lines and the subdivision of certain sections, T. 7 S., R 21 E., Boise Meridian, Idaho, Group 702, was accepted January 25, 1990.

The supplemental plat representing the creation of lot 5 in section 21, T. 14, S., R. 43 E., Boise Meridian, Idaho, was accepted January 25, 1990.

This survey was executed and the supplemental plat prepared to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: February 2, 1990.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 90-3118 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-GG-M

Office of Surface Mining Reclamation and Enforcement

Intent To Prepare an Environmental Impact Statement on the Proposed Revision to the Permit To Mine Coal and the Proposed Approval of the Solid Waste Disposal Permit on Portions of the Centralia Coal Mine, Thurston County, WA

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

ACTION: Notice of intent to prepare an environmental impact statement and announcement of a period during which written comments regarding the scope of the environmental-impact-statement analysis will be received.

SUMMARY: Notice is hereby given that the Office of Surface Mining Reclamation and Enforcement (OSM) and the Thurston County Planning Department (Thurston County) intend to jointly prepare an environmental impact statement (EIS) on: (1) A proposed revision to the existing Federal permit to mine coal, necessary to change the approved postmining land use and eventually allow the termination of both the Federal permit to mine coal and the associated reclamation bond on portions of the Centralia Coal Mine, that Washington Irrigation and Development Company (WIDCO) intends to submit to OSM; and (2) the proposed approval of a Thurston County solid waste disposal permit application, necessary to allow the construction and operation of a regional solid waste landfill on those same portions of the Centralia Coal Mine, that WIDCO Waste Services (WWS) has sumitted to Thurston County. The EIS will evaluate the alternative actions of approval, disapproval, and no action that are available to OSM and Thurston County regarding both the WIDCO and WWS applications. It will also evaluate other alternative actions that OSM and Thurston County may develop on the basis of comments they may receive during the scoping process. The EIS will assist OSM and Thurston County in making a decision on the WIDCO and WWS applications. OSM and Thurston County request that other agencies and the public submit written comments or statements to them concerning the scope of the EIS analysis.

DATES: Written comments or statements concerning the scope of the EIS will be accepted through March 12, 1990, at the location given under "ADDRESSES."

ADDRESSES: Written comments or statement concerning the scope of the EIS should be mailed or hand-delivered to Raymond L. Lowrie, Assistant Director, Office of Surface Mining Reclamation and Enforcement, Western Field Operations, Brooks Towers, Second Floor, 1020 15th Street, Denver, Colorado 80202 (Attention: Floyd McMullen).

FOR FURTHER INFORMATION CONTACT: Floyd McMullen, Environmental Project Leader, (telephone: 303-844-3104 (commercial) or 564-3104 (FTS)), at the Denver, Colorado, location given under "ADDRESSES."

SUPPLEMENTARY INFORMATION: WIDCO Waste Services (WWS), with cooperation from the Washington Irrigation and Development Company (WIDCO), is proposing to construct and operate a regional solid waste landfill in a previously mined and backfilled portion of the Centralia Coal Mine, located in southeastern Thurston County, Washington. The Town of Bucoda, with a population of 535, is located one mile northwest of the proposed project site. Other communities in the vicinity include the Cities of Centralia and Chehalis and the Town of Tenino.

The proposed landfill would accept municipal solid waste from areas throughout western Washington over a 25- to 50-year period. The projected total capacity of the landfill would be approximately 50 million tons. It would eventually cover approximately 600 acreas of land, all of which will have been previously disturbed by coal removal operations. Design features for the landfill would include impermeable liners, a sub-surface drainage collection system, primary and secondary leachate collection systems with on-site leachate treatment, a methane collection system, a closure system, and a monitoring program. If all necessary permits and approvals are obtained on schedule, the proposed landfill would open for operation in late 1991.

OSM and Thurston County are preparing the EIS both to evaluate alternative actions available to the agencies concerning the landfill proposal and to identify and analyze the environmental impacts that would be associated with implementing each such action. The major alternative actions OSM and Thurston County have thus far identified for consideration are: (1) approval of both the revision to the Federal permit to mine coal and the application for a Thurston County solid waste disposal permit with such conditions, if any, as would assure compliance with requirements of the Surface Mining Control and Reclamation Act of 1977, the Thurston County Zoning Ordinances, the Thurston County Health Code, and other Federal and State laws; (2) disapproval of both the Federal permit revision and the County permit application; and (3) no action. OSM and Thurston County may develop other alternative actions on the basis of comments they may receive regarding the scope of the EIS analysis.

OSM and Thurston County are requesting that any interested party submit written comments or statements regarding the scope of the analysis. Comments/statements received by OSM and Thurston County will assist those agencies in gathering information and in defining the scope of issues and concerns to be evaluated in the EIS.

Dated: February 5, 1990.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

[FR Doc. 90-3083 Filed 2-8-90; 8:45 am]

BILLING CODE 4310-05-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of policy determination.

SUMMARY: The Commission has decided to release to the public certain data that underlie the index used to calculate the quarterly Rail Cost Adjustment Factor. The data to be released are: (1) Reweighting workpapers, (2) labor rebenchmarking workpapers, (3) blank Association of American Railroad (AAR) labor committee study forms, (4) ratified labor contracts with individual unions, (5) Railroad Retirement Board data, (6) blank materials and supplies study forms, (7) listings of the various study railroads, (8) weighting data for each index component, (9) industry aggregate fuel data and (10) the AAR computer programs used to forecast car hire data. Additionally, AAR is to identify the vendor of other computer programs used and describe its own modifications to those programs. The AAR is ordered to submit these data in the manner specified in the Commission's decision. All other underlying items are proprietary and cannot be released.

DATES: Effective March 10, 1990.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275-7354, Robert C. Hasek, (202) 275-0938, [TDD for hearing impaired (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD Services (202) 275-1721.]

This action will not significantly affect either the quality of the human environment or energy conservation. It will not have a significant impact on a substantial number of small entities.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Decided: February 1, 1990.

By the Commission, Chairman Gradison, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90-3115 Filed 2-8-90; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31598]

North Carolina and Virginia Railway, Inc.—Trackage Rights Exemption—Norfolk and Western Railway Co. and Southern Railway Co.; Exemption

The Norfolk and Western Railway Company (NW) and the Southern Railway Company (Southern) have agreed to grant the North Carolina and Virginia Railway, Inc. (NCV), 8.5 miles of overhead trackage rights over the following lines: (a) Southern's track between milepost NS-8.0 at the Yard Limits of Portlock Yard in the City of Chesapeake, VA, and milepost NS-2.3/milepost V-4.5 at the connection between the Edenton Line and the NW Main Lines in the City of Chesapeake, VA, a distance of 5.7 miles; (b) NW's track between milepost NS-2.3/milepost V-4.5 and milepost V-5.1/milepost N-3.4, at the entrance to Portlock Yard in the City of Chesapeake, VA, a distance of 0.6 miles; and (c) NW's track between milepost V-5.1/milepost N-3.4 and milepost N-5.6 adjacent to Portlock Yard in the City of Chesapeake, VA, a distance of 2.2 miles.[1]

The trackage rights will become effective on consummation of the lease transaction in the related petition for exemption in Finance Docket No. 31597, *North Carolina and Virginia Railway, Inc.—Lease and Operation Exemption—Southern Railway Company.*

The notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Comments must be filed with the Commission and served on: Frank J. Pergolizzi, Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: February 6, 1990.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

Noreta R. McGee,

Secretary.

[FR Doc. 90-3213 Filed 2-8-90; 8:45 am]

BILLING CODE 7035-01-M

[1] The trackage rights in this proceeding connect with lines that are the subject of a related proceeding, Finance Docket No. 31597, *North Carolina and Virginia Railway, Inc.—Lease and Operation Exemption—Southern Railway Company*, filed January 22, 1990. In that proceeding, North Carolina seeks an exemption under 49 U.S.C. 10505 from the provisions of 49 U.S.C. 11343, *et seq.*, to lease with an option to purchase and operate approximately 73.5 miles of rail line located: (1) Between milepost NS-8.0 at Chesapeake, VA, and milepost NS-74.0 at Edenton, NC; and (2) between milepost WK-0.0/milepost NS-46.7 at Elizabeth City, NC, and milepost WK-7.48 near Weeksville, NC.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Registration

By Notice dated August 3, 1989, and published in the Federal Register on August 15, 1989, (54 FR 33624), Applied Science Labs, Division of Alltech Associates Inc., 2701 Carolean Industrial Drive, P.O. Box 440, State College, PA 16801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
3,4-methylenedioxyamphetamine (MDA) (7400).	I
3,4-methylenedioxy-N-ethylamphetamine (7404).	I
3,4-methylenedioxymethamphetamine (MDMA) (7405).	I
Psilocybin (7437)	I
Psilocyn (7438)	I
Ethylamine analog of phencyclidine (7455).	I
Pyrrolidine analog of phencyclidine (7458).	I
Thiophene analog of phencyclidine (7470).	I
Dihydromorphine (9145)	I
Normorphine (9313)	I
cis-4-Methylaminorex (1590)	I
N-ethylamphetamine (1475)	I
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II
1-phenylcyclohexylamine (7460)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
1-piperidinocyclohexanecarbonitrile (PCC) (8603).	II
Codeine (9050)	II
Dihydrocodeine (9120)	II
Ecgonine (Benzoylecgonine) (9180)	II
Oxymorphone (9652)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, section 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer or the basic classes of controlled substances listed above is granted.

Dated: January 30, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90–3045 Filed 2–8–90; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration

By Notice dated October 12, 1989, and published in the Federal Register on October 24, 1989, (54 FR 43343), Cambridge Isotope Lab., 20 Commerce Way, Woburn, MA 01801, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Amphetamine, its salts, optical isomers, and salts of its optical isomers (1100).	II
Methamphetamine, its salts, isomers, and salts of its isomers (1105).	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Morphine (9300)	II

No comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, section 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above is granted.

Dated: January 30, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90–3046 Filed 2–8–90; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 88–16]

Jacob Gold, M.D.; Revocation of Registration

On February 2, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued an Order to Show Cause for Jacob Gold, M.D., (Respondent), of Houston, Texas. The Order to Show Cause proposed to revoke Dr. Gold's Certificate of Registration, AG0864719, and to deny any pending applications for renewal of that registration. The statutory predicate for the proposed action was that Respondent's registration would be inconsistent with the public interest. Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause. The matter was placed on the docket of Administrative Law Judge Francis L. Young and was subsequently heard in Houston, Texas on November 29, 1988. On September 7, 1989, the administrative law judge issued his opinion and recommended ruling, findings of fact, conclusions of law and decision.

The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

A DEA Investigator visited Respondent's medical office in an undercover capacity on five separate occasions at approximately one month intervals from January 15, 1987 through May 28, 1987. On January 15, 1987, the Investigator informed Respondent that he was a pharmacist, that he had taken Desoxyn from his own pharmacy's stock for his personal use and that he needed a prescription to cover it. The Investigator told Respondent that he worked two jobs and had been taking the Desoxyn to keep himself awake. Respondent took the Investigator's blood pressure but made no further physical examination. He took no medical history. He issued a prescription to the Investigator for 30 Desoxyn. This scene was repeated on four other occasions and on each occasion Respondent performed no medical examination, took no medical history and made no medical diagnosis of the Investigator. Yet, on each occasion, Respondent issued a prescription for Desoxyn, a Schedule II amphetamine-based product. The final undercover visit to Respondent's office was on May 28, 1987. Respondent advised the Investigator that he was out of triplicate prescription forms necessary for the issuance of a Schedule II prescription such as Desoxyn. The Investigator requested Fastin as a substitute. After the Respondent took the Investigator's blood pressure, he issued a Fastin prescription to the Investigator.

The Government produced expert medical testimony that the prescriptions issued to this Investigator by Respondent were not issued for any legitimate medical purpose. Respondent claimed that he was treating the Investigator for depression. However, there was no basis for this diagnosis. The experts testified that Desoxyn is not an appropriate medication for the treatment of depression.

Respondent also began to see another patient beginning in March 1977. This patient came to see Respondent regularly and Respondent prescribed medication from August 1977 until 1987. In 1979, Respondent began prescribing Desoxyn for this patient for depression and weight control. Respondent's medical record, however, contained no statement of the diagnosis for this patient and no plan of treatment for any condition or illness. Although this patient had a severe chemical and drug dependence problem, and also a lengthy psychiatric record, there was no mention of these problems in Respondent's patient records. Even before Respondent began to regularly supply this patient with Desoxyn, he knew that the patient was dependent and had been taking Desoxyn for a number of years. He also knew that this patient had been hospitalized for the treatment of depression. This patient frequently took the Desoxyn more often or in heavier dosages than recommended by Respondent, at times doubling or tripling the recommended intake. Respondent knew that the patient was doing this. When this occurred, the patient returned to see Respondent and received prescriptions for Fastin to carry him until such time as the Desoxyn would have run out had it been taken as prescribed.

Expert testimony established that the only proper treatment for the patient's condition was hospitalization to get him off the substance to which he was addicted while managing any accompanying withdrawal. Further, this patient was badly in need of psychiatric treatment. The patient was persuaded by another physician to see a psychiatrist who admitted him to a psychiatric hospital. On the second day of hospitalization, the patient was placed in the intensive care unit out of concern for his physical state while he was withdrawing from Desoxyn. Two experts both testified that no legitimate medical purpose was served by Respondent's prescribing of drugs for this patient from 1977 to 1988.

Between June 1983 and April 19, 1985, Respondent issued 2,767 prescriptions for Schedule II substances. Under Texas law, these were reported by the pharmacies filling them to the Texas Department of Public Safety. Of that number, 1,355 were for Desoxyn, providing 46,300 dosage units; 687 were for Biphetamine, providing 16,767 dosage units; and 283 were for Dexedrine, providing 10,708 dosage units. The Desoxyn prescriptions constituted 49% of all the Schedule II prescriptions written by Respondent during that period. Desoxyn, Biphetamine and Dexedrine are all amphetamine-based products. Of the 2,767 Schedule II prescriptions written by Respondent between June 1983 and April 19, 1985, 84% were for these amphetamine-based products. From January 21, 1986 to May 1986, Respondent wrote 441 Schedule II prescriptions of which 225 or 51% were for Desoxyn, providing 8,330 dosage units. He wrote 117 of them for biphetamine, providing 2,821 dosage units and 34 for Dexedrine, providing 1,046 dosage units. Of the total of 441 Schedule II prescriptions, 51% were for Desoxyn. Amphetamine-based products accounted for 85% of the prescriptions. On May 11, 1987, a subpena was served on Respondent by the Texas Board of Medical Examiners, alerting him that his practices were under scrutiny. From that day until the commencement of the hearing in this proceeding on November 29, 1988, Respondent wrote only two prescriptions for amphetamine-based drugs according to the pharmacy reports received by the Texas Department of Public Safety.

The administrative law judge found that Respondent cannot be trusted to prescribe these dangerous controlled substances in a responsible manner and recommended that Respondent's DEA registration be revoked. The Administrator concurs in this recommendation and adopts the administrative law judge's findings of fact and conclusion of law. It is apparent that Desoxyn was the drug of choice for Respondent. These prescriptions constituted violations of the Controlled Substances Act and the regulations thereunder. Far from being beneficial, they actually contributed to putting Respondent's patients' lives in jeopardy.

In determining whether it is in the public interest for Respondent to have a DEA registration, 21 U.S.C. 823(f) sets forth the factors to be considered. Two of the factors are compliance with applicable state, Federal or local laws relating to controlled substances and such other conduct which may threaten the public health and safety. In this case, there is no doubt that Respondent violated Federal laws relating to controlled substances and that his unbridled prescribing of Desoxyn and other amphetamines for no legitimate medical purpose is conduct which may threaten the public health and safety. In fact, Respondent's prescriptions threatened the life of one of his patients. The Administrator, therefore, finds that Respondent's continued possession of a DEA Certificate of Registration is not in the public interest.

Accordingly, having concluded that there is a lawful basis for the revocation of Respondent's registration and for the denial of any pending applications for the renewal of that registration, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that DEA Certificate of Registration AG0664719, previously issued to Jacob Gold, M.D., be, and it hereby is, revoked. The Administrator further orders that any pending applications for renewal of such registration be, and they hereby are, denied.

This order is effective March 12, 1990.

Dated: February 5, 1990.

John C. Lawn,

Administrator.

[FR Doc. 90-3044 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 89-1]

Chester James Hurd, M.D.; Grant of Application with Restrictions

On December 9, 1988, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Chester James Hurd, M.D. (Respondent), proposing to deny his application, dated August 3, 1988, for registration as a practitioner under 21 U.S.C. 823(f). The Order to Show Cause alleged that the registration of Respondent would be inconsistent with the public interest as that term is used in 21 U.S.C. 823(f).

By letter dated January 5, 1989, Respondent requested a hearing on the issues raised by the Order to Show Cause, and the matter was docketed before Administrative Law Judge Francis L. Young. Following prehearing procedures, a hearing was held in San Francisco, California on August 15 and 16, 1989. On September 7, 1989, Judge Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. The administrative law judge recommended that Respondent be issued a restricted registration in Schedules III, IV and V. On November 1, 1989, the administrative law judge transmitted the record of these proceedings to the Administrator. The Administrator has considered the record in its entirety and, pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon findings of fact and conclusions of law as hereinafter set forth.

The administrative law judge found that Respondent is a licensed physician in the State of California. He attended medical school at Irvine, California and graduated in 1964. After completing an internship, Respondent began practicing medicine in Los Angeles in 1965 and he continued practicing in the Los Angeles area until 1968. Between 1968 and 1973, Respondent was in Houston, Texas. In 1973, Respondent began an internal medicine residency in California. After several months he left that residency program and opened a medical practice in Lompoc, California. In 1974, Respondent moved to San Jose, California where he set up a sole medical practice. In 1976, the Drug Enforcement Administration conducted an investigation of Respondent's prescription writing activities. During the course of their investigation, a DEA Special Agent supervised several undercover operatives. On May 13, 1976, one of those operatives went to Respondent's medical office in San Jose where, without giving any medical reason or basis, requested a prescription for biphetamine and one for Quaalude. The undercover operative explained that she took biphetamine when she went to parties instead of drinking alcohol. Respondent conducted an examination, concluded that the operative was in good health, and then issued a prescription for 60 tablets of Ritalin 20 mg. and 40 tablets of Placidyl 500 mg.

On June 4, 1976, the undercover operative again returned to Respondent's medical office and explained that she needed something to get her down from the Ritalin. She further stated that she took Ritalin instead of liquor when she went to parties. Respondent issued two prescriptions, one for 40 tablets of Voranil 50 mg. and one for 40 tablets of Noludar 300 mg. The prescriptions were issued for no legitimate medical reason and outside the scope of professional conduct.

On June 25, 1976, the undercover operative again returned to Respondent's office in San Jose, California. Respondent issued two prescriptions for Ritalin 20 mg., each for 90 tablets, one dated June 25, 1976 and one dated July 27, 1976. There was no legitimate medical need for those prescriptions.

On October 22, 1976, the undercover operative went to Respondent's medical office in Milpitas, California. She explained that she needed a refill on her prescription. Respondent issued a prescription for 93 tablets of Ritalin 20 mg. and 60 tablets of Norpramin. During this office visit another undercover operative was present who explained that she was tired and needed something to pick her up. Respondent issued a prescription for 93 tablets of Ritalin 20 mg. and 60 tablets of Norpramin. All of those prescriptions were written without any legitimate medical purpose being present or shown.

During the course of the investigation, a DEA Special Agent received information from an anonymous caller that in order to see Respondent one had to call a telephone number and ask for "Pinky." On January 13, 1977, an undercover operative made a telephone call and was directed to go to a vacant lot in San Francisco, California. On January 13, 1977, a DEA Special Agent and an undercover operative went to the vacant lot which appeared to be a marshalling yard where individuals seeking illegal prescriptions gathered in their automobiles. An individual led the procession of cars to an office Respondent maintained in East Palo Alto, California. The people were ushered into Respondent's office where they had to pay a ten dollar office entry fee. They were divided into two groups, old patients and new patients. Respondent's wife then collected an additional twenty dollars from each patient. Respondent saw new patients in groups of three. He went through a pretense of a physical examination which consisted of passing a stethoscope under the patient's shirts and blouses before he issued prescriptions for controlled substances. For the old patients, Respondent simply asked the patients how they were and took their names and addresses before issuing their prescriptions.

The DEA Special Agent and the undercover operative returned to Respondent's East Palo Alto office on February 10, 1977 and March 1, 1977. On both occasions, the procedures were the same as on the prior occasion. After paying the ten dollar entry fee and the additional twenty dollar charge, the Agent and operative each received prescriptions for controlled substances.

On July 28, 1978, Respondent's East Palo Alto office and Milpitas office were searched pursuant to a search warrant. Among the documents found were many prescriptions already written out for Ritalin. Although the name of the patient was not yet written in, the prescriptions were otherwise ready for distribution. Surveilance of Respondent's office during the investigation revealed that he would see as many as 75 patients at the East Palo Alto location in a two-hour period on some days.

Respondent was indicted in the United States District Court for the Northern District of California on one count of conspiracy to distribute controlled substances and on sixteen counts of unlawfully prescribing or attempting to distribute Ritalin, a Schedule II controlled substance. He was convicted on all counts and was sentenced to serve two years and six months on each of the counts. Respondent served approximately sixteen months of confinement at the Federal prison at Lompoc, California after which he was released and placed on probation.

The administrative law judge found that while Respondent was imprisoned in Lompoc, he attempted to keep himself informed with respect to his medical profession. Upon his release from Lompoc, he began a supervised period of probation. His probation officer submitted a favorable letter on Respondent's behalf.

On April 25, 1984, the California Board of Medical Quality Assurance reinstated Respondent's certificate to practice medicine upon certain terms and conditions. Since Respondent had not practiced medicine for approximately five years, those terms and conditions included the requirement that Respondent undertake a clinical training program and pass an oral clincial examination prior to the reinstatement of his certificate. The Board reinstated Respondent's certificate, subject to the stated conditions, which included a five year probationary period, effective May 25, 1984.

One of the conditions imposed by the Board was that Respondent undergo an intensive clinical training program in the field of family practice. He did this in the form of a preceptorship under a highly qualified internist who closely watched and supervised Respondent's actions. During the ten-month period of the preceptorship, Respondent examined the internist's patients, diagnosed their condition and recommended an appropriate course of treatment. The internist found Respondent's actions, judgment and conduct to be professional and wholly proper.

On July 11, 1988, the Board of Medical Quality Assurance issued a decision which terminated Respondent's probationary period one year early. In their decision, the Board found that Respondent recognized the seriousness of his actions which led to the revocation of his license and that Respondent had expressed sincere remorse and shame over his actions. Accordingly, the Board fully restored Respondent's license to practice medicine.

The administrative law judge found that Respondent was guilty of outrageous unlawful conduct in 1976 and 1977. However, after observing and listening to the Respondent at the hearing and reviewing all the evidence, which included Respondent's successful completion of retraining and preceptorship programs, the administrative law judge concluded that Respondent can be entrusted with a DEA registration. The administrative law judge recommended that Respondent's application for registration in Schedules III, IV and V be granted subject to restrictions. The Administrator adopts the opinion and recommended decision of the administrative law judge in its entirely. The Administrator concludes that there is sufficient evidence in the record to conclude that Respondent, given the opportunity, will utilize a DEA registration in a responsible and professional manner.

The Administrator does impose the following restrictions upon the DEA registration in Schedules III, IV and V to be issued to Respondent:

1. Respondent shall keep a record of all controlled substances that he prescribes, administers, and/or dispenses in the course of any medical practice in which he might engage. The record must include the date, name of the patient, name and quantity of the controlled substance which was prescribed, administered or dispensed. Respondent shall send that record to the DEA San Francisco Field Division on a monthly basis for a period of three years.

2. Respondent must permit DEA personnel to conduct inspections at his place of business at any time during regular business hours for the purpose of evaluating his compliance with the Federal laws and regulations relating to controlled substances. Respondent must consent in writing that DEA personnel may enter his office or other place of practice without notice and without the presentation of any type of warrant.

Respondent's failure to comply with the foregoing terms, or his violation of any Federal or state law relating to controlled substances, shall constitute additional grounds for the revocation of his registration.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application for DEA registration submitted by Chester J. Hurd, M.D., on August 3, 1988, be granted in Schedules III, IV and V, subject to the restrictions enumerated above. The said registration shall be issued upon Respondent's execution of an agreement acknowledging and accepting the terms of this order.

Dated: February 5, 1990.

John C. Lawn,

Administrator.

[FR Doc. 90-3051 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to Section 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on September 27, 1989, Johnson Matthey, Inc. Custom Pharmaceuticals Department, 2002 Nolte Drive, West Deptford, NJ 08066, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Pethidine (meperidine) (9230)	II
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than March 12, 1990.

Dated: January 30, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-3047 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with § 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on December 7, 1989, Minn-Dak Growers Limited, Highway 81 North, P.O. Box 1276, Grand Forks, North Dakota 58206-1276, made application to the Drug Enforcement Administration to be registered as an importer of Marijuana (7360), a basic class of controlled substance in Schedule I. This application is exclusively for the importation of marijuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substance may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, Federal Register Representative (CCR), and must be filed no later than March 12, 1990.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e) and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e) and (f) are satisfied.

Dated: January 30, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-3050 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on December 11, 1989, M.D. Pharmaceutical, Inc., 3501 West Garry Avenue, Santa Ana, California 92704, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Diphenoxylate (9170)	II
Methylphenidate (1724)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than March 12, 1990.

Dated: January 30, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-3048 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 87-76]

Ralph J. Bertolino, d/b/a Ralph J. Bertolino Pharmacy; Revocation of Registration

On October 27, 1987, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ralph J. Bertolino d/b/a Ralph J. Bertolino Pharmacy (Respondent), 1500 S. 12th Street, Philadelphia, Pennsylvania 19147, proposing to revoke DEA Certificate of Registration AB2343503, and to deny any pending applications for renewal of that registration. The Order to Show Cause alleged that the pharmacy's continued registration with DEA was inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f).

Respondent, through counsel, requested a hearing in a letter dated November 20, 1987. The matter was docketed before Administrative Law Judge Mary Ellen Bittner. Following prehearing procedures, a hearing was held in Washington, DC, on April 6 and 7, 1988. On March 8, 1989, the administrative law judge issued her opinion and recommended ruling. On May 15, 1989, counsel for Respondent filed exceptions to the administrative law judge's opinion, and on June 5, 1989, Government counsel filed a response to Respondent's exceptions. On July 20, 1989, Judge Bittner transmitted a record of these proceedings, including the aforementioned exceptions and response, to the Administrator. The Administrator has considered the record in its entirety and pursuant to 21 CFR 1316.67, hereby issues his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

The Administrator finds that Ralph J. Bertolino, Sr., has been the owner and registered pharmacist at Ralph J. Bertolino Pharmacy since 1961. A 1985 DEA ARCOS report listed the pharmacy as the ninth highest purchaser of Preludin (phenmetrazine) in the State of Pennsylvania and the eleventh highest purchaser of Preludin in the United States. In 1986, the ARCOS report listed Respondent pharmacy as the tenth highest purchaser of Preludin in Pennsylvania and in the United States.

In response to a serious problem with the diversion of stimulants in the State of Pennsylvania, the Philadelphia Office of the DEA undertook a project called Operation Quaker State which involved reviewing all of the major handlers of stimulants in the State. On September 24, 1986, DEA Investigators conducted an accountability audit of the Schedule II stimulants at Respondent pharmacy for the period between May 1, 1985 and September 24, 1986. The audit revealed a shortage of 18,603 dosage units of Preludin. Further, review of the Schedule II prescription files during the audit period revealed that the pharmacy had filled 4,964 prescriptions, of which 3,801 were for stimulants. Of these, 3,233 prescriptions were for Preludin, a highly abused Schedule II controlled substance.

DEA Investigators reviewed the prescriptions for Preludin and found that 1,935 of the prescriptions had been issued by Dr. Bevilacqua, a physician who was under investigation by DEA at the time of the audit. On some days the pharmacy filled between 10 and 30 Preludin prescriptions issued by Dr. Bevilacqua. For example, the pharmacy filled 15 Preludin prescriptions issued by Dr. Bevilacqua on July 1, 1986; 12 prescriptions were filled on July 3, 1986; 12 prescriptions on July 18, 1986; and 25 prescriptions on July 29, 1986. At the administrative hearing, a DEA Investigator testified that according to court documentation and reports filed in connection with Dr. Bevilacqua's criminal case, his office opened at 4:30 or 5:30 a.m. with mobs of people waiting to enter. Individuals were paid by others to obtain prescriptions from Dr. Bevilacqua who provided everyone with a prescription for Preludin and also provided many with a prescription for Talwin. Individuals signed a list, sometimes using as many as ten different names in one day, and received a prescription in each of those names. In December 1987, after entering a guilty plea, Dr. Bevilacqua was convicted of illegally dispensing controlled substances. Mr. Bertolino testified that Dr. Bevilacqua's office was about ten blocks away from his pharmacy, that he had not seen Dr. Bevilacqua in thirty years, and that he was unaware of the true nature of Dr. Bevilacqua's practice until he read a newspaper account of Dr. Bevilacqua's having pled guilty to drug-related crimes. Mr. Bertolino also testified that except for the first or second prescription he received from Dr. Bevilacqua, he did not call to verify prescriptions. He explained that he knew Dr. Bevilacqua ran a diet clinic; therefore, Preludin prescriptions were not surprising.

With respect to the shortage of 18,603 dosage units of Preludin, Mr. Bertolino claimed that in January 1987, his son found a box in the pharmacy which contained bottles of Preludin that apparently had not been shown to the DEA Investigators at the time they conducted their audit. Although he did not actually count the number of bottles found, Mr. Bertolino assumed that the box contained either 180 or 190 bottles. To further substantiate his claim that the pharmacy was not short 18,603 Preludin tablets, Mr. Bertolino conducted an audit for the period between September 24, 1986 and July 17, 1987, which showed that the pharmacy dispensed approximately 107,400 dosage units of Preludin. Taking into account the inventory and purchase figures provided in the audit, the pharmacy could not have dispensed 107,400 dosage units of Preludin unless it had approximately 18,000 Preludin tablets in the pharmacy the day DEA conducted its audit.

DEA Investigators reviewed the Preludin prescriptions filled by the pharmacy between September 24, 1986, and July 17, 1987, the period covered by Mr. Bertolino's audit. Two thousand three hundred seventy-eight prescriptions were filled, totalling 107,407 dosage units of Preludin tablets. Of these, a Dr. Williams issued 1,179 prescriptions, accounting for 70,260 dosage units of the total Preludin dispensed. One thousand one hundred sixty-three prescriptions issued by Dr. Williams were for sixty dosage units of Preludin. For at least forty individuals, Dr. Williams issued these prescriptions more often than every sixty days, although the Physicians' Desk Reference (PDR) lists the maximum recommended dosage as one tablet per day.

Further, the Administrator finds that an analysis of the 2,378 prescriptions filled at the pharmacy between September 24, 1986 and July 17, 1987, revealed that Respondent filled prescriptions for Preludin for many individuals regularly over a period of months notwithstanding Preludin's labelling which warns that the product should not be taken for more than a few weeks. For example, Respondent dispensed 270 Preludin tablets to one individual in less than seven months pursuant to prescriptions issued by three different doctors; another individual obtained 210 dosage units of Preludin over an eight-and-a-half month period pursuant to prescriptions issued by four different doctors; another individual received 360 dosage units in a nine-month period pursuant to prescriptions issued by four different doctors; another individual obtained 390 dosage units of Preludin during a ten-month period.

The record reveals that other individuals also presented prescriptions for Preludin 75 mg. from more than one physician thereby obtaining more than the recommended 30 dosage units per month. For example, one individual had a prescription for thirty dosage units of Preludin from Dr. Karlin filled on September 25, 1986, and another prescription for the same amount from Dr. Bevilacqua filled the next day. Another individual had a prescription for sixty dosage units from Dr. Willard filled on October 1, 1986, a prescription for fifty dosage units from Dr. Johnson on November 3, 1986, and prescriptions from Dr. Willard again on December 3, 1986, January 5, 1987, March 2, 1987, April 15, 1987, and June 9, 1987, each time for sixty dosage units of Preludin.

Concerning the procedures and policies for filling a prescription at the pharmacy, Mr. Bertolino testified that he examines the prescription to see whether it has been altered, copied or changed and then checks the identification of the individual who presented the prescription. If he has no prior knowledge of wrongdoing by the physician, he will fill the prescription. If he detects something suspicious, he will call the doctor to verify that he issued it.

The administrative law judge recommended that Respondent's DEA Certificate of Registration be revoked. The Administrator adopts the opinion and recommended ruling of the administrative law judge.

In determining whether a registrant's continued registration is inconsistent with the public interest, the Administrator considers the following factors listed in 21 U.S.C. 823(f); and referred to in 21 U.S.C. 824(a)(4):

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing, or conducting research with respect to controlled substances.

(3) The applicant's conviction record under Federal or state laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

The Administrator is not required to make findings with respect to all of the factors listed above. The Administrator has the discretion to give each factor the weight he deems appropriate, depending upon the facts and circumstances in each case. See *David E. Trawick, D.D.S.*, Docket No. 86-69, 53 FR 5326 (1988); *England Pharmacy*, 52 FR 1674 (1987).

In this case, the second, fourth and fifth factors are relevant. The Administrator finds that the pattern of dispensing in this case is conduct which threatens the public health and safety. Respondent knew, or should have known, that the Preludin he dispensed was being obtained for other than legitimate medical purposes. The sheer quantity and frequency of prescriptions for Preludin, a highly abused Schedule II controlled substance, issued by Drs. Bevilacqua and Williams should have prompted Mr. Bertolino to question their legitimacy and ultimately decide not to fill them. When controlled substances are being dispensed pursuant to a prescription, the law and regulations place a corresponding responsibility on both the prescribing practitioner and the dispensing pharmacist. The applicable regulation, 21 CFR 1306.04 (a) provides, in part, that:

> A prescription for a controlled substance to be effective must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. An order purporting to be a prescription issued not in the usual course of professional treatment or in legitimate and authorized research is not a prescription within the meaning and intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such a purported prescription, as well as the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.

The language in 21 CFR 1306.04 and relevant caselaw could not be more explicit. A pharmacist has his own responsibility to ensure that controlled substances are not dispensed for non-medical reasons. See, *United States* v. *Hayes* 595 F.2d 258 (5th Cir. 1979) cert. denied, 444 U.S. 866 (1979); *United States* v. *Henry*, 727 F.2d 1373 (5th Cir. 1984) (reversed on other grounds). A pharmacist must exercise professional judgment when filling a prescription issued by a physician. In this case, Respondent failed to exercise any professional judgment before filling thousands of prescriptions for Preludin, a highly abused controlled substance, issued by Dr. Bevilacqua and Dr. Williams.

The statutory scheme plainly requires that pharmacists use common sense and professional judgment. When their suspicions are aroused as reasonable professionals, either by ambiguities in the prescriptions or, as in this case, the sheer volume of controlled substances prescribed by a few physicians or obtained by some patients from several physicians, pharmacists are called upon to obey the law and refuse to dispense. To fail to do so is either gross incompetence, gross negligence or criminal behavior. Respondent argues that he neither knew, nor had reason to know, that these physicians were issuing prescriptions for other than legitimate medical purposes. The Administrator rejects this argument. The sheer number of prescriptions issued, the number of dosage units prescribed, the duration and pattern of the alleged treatment, and the very nature of Preludin as a highly-abused drug, are all factors which should have prompted Respondent to question the prescriptions and refuse to fill them. However, according to Mr. Bertolino's testimony, none of these factors play a role in his decision to fill a prescription.

When prescriptions are clearly not issued for legitimate medical purposes, a pharmacist may not intentionally close his eyes and thereby avoid positive knowledge of the real purpose of the prescription, thereafter filling them with impunity. See *United States* v. *Kershman*, 555 F.2d 198 (8th Cir. 1977); *United States* v. *Hayes*, 595 F.2d 258 (5th Cir. 1979). In this case, Respondent simply closed his eyes to obvious abuse, ignoring the fact that his customers were purchasing far more medication than would be necessary for legitimate medical purposes.

In filling thousands of prescriptions for Preludin, Mr. Bertolino abdicated his responsibility as a pharmacist and as a registrant. A profession is a vocation or occupation requiring special and advanced education and skill. The practice of pharmacy, like the practice of medicine, is a profession. Society entrusts to persons in these professions the responsibility for control over a force which, when properly used, has great benefit for mankind, but when abused is a force for evil and human destruction. It follows that society cannot tolerate within these professions the presence of individuals who abdicate their professional responsibility and permit themselves to be used as a conduit by which controlled substances reach the illicit market and become that force of evil. See, *Vermont & 110th Medical Arts Pharmacy, et al.* v. *Board of Pharmacy*, 125 Cal. App. 3d 19 (1981). When such abdication of responsibility involves a DEA registrant, the public interest clearly requires that the registration be revoked. The registration of Ralph J. Betolino Pharmacy is contrary to the public interest and the Administrator concludes that it must be revoked.

In his exceptions to the administrative law judge's opinion and recommended ruling, Respondent raised ten points in urging that he be permitted to retain his registration. First, he argues that many of the scheduling orders and evidentiary rulings made by the Administrative law judge were unfair and incorrect. After careful review of the chronology of event, the Administrator finds no merit in Respondent's arguments. He had ample opportunity to prepare his defense and the administrative law judge's evidentiary rulings relating to timeliness and exclusion of proffered documents were proper and consistent with the Agency's established disclosure procedures and rules. Second, Respondent argues that the administrative law judge erroneously permitted the Government to refer to the Physicians' Desk Reference in Government Exhibit No. 4. The Administrator finds that the administrative law judge's ruling was correct for the reasons stated in her opinion and recommended ruling. Further, after careful review of the record in this case, the Administrator finds no merit in any of the arguments raised by Respondent in his exceptions to the adminstrative law judge's opinion and recommended ruling.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AB2343503, previously issued to Ralph J. Bertolino Pharmacy be, and hereby is, revoked. The Administrator further orders that any pending applications for renewal of said registration be, and they hereby are, denied.

This order is effective March 12, 1990.

Dated: February 5, 1990.

John C. Lawn,

Administrator.

[FR Doc. 90-3043 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Application

Pursuant to section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on August 28, 1989, Western FHER Laboratories, Inc., Carretera 132, KM.25.3, Ponce, PR 00732, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the Schedule II controlled substance phenmetrazine and its salts (1631).

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than March 12, 1990.

Dated: January 30, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-3049 Filed 2-8-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping Reporting/Requirements Under Review

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Extension

Occupational Safety and Health Administration.

Acrylonitrile Standard.

1218-0126.

On occasion.

Businesses or other for-profit: Small businesses or organization 26 respondents; 9,059 total hours; .08 hours per response; 0 form. The purpose of this standard and it's information collection requirements is to provide protection for employees from the adverse health effects associataed with occupational exposures to acrylonitrile (AN). Employers must establish and maintain a respiratory and a training program, including exposure monitoring and medical surveillance records. These records are used by employees, physicians, employers and the government to determine the effectiveness of the employers' compliance efforts.

	Proposed total burden hours
(a) Notification of regulated areas and emergencies:	
(1) Regulated areas	26
(2) Emergencies	104
(b) Exposure monitoring:	
(1) Exposure measurement	3,544
(2) Employee notification of exposure	709
(c) Compliance program	3
(d) Respirator program	1,665
(e) Emergency plans	0
(f) Notifying the laundry	3
(g) Medical surveillance:	
(1) Medical examinations	2,405
(2) Information provided to the phyisican	103
(3) Physician's written opinion	103
(h) Employee information and training:	
(1) Training program	125
(2) Access to information & training materials	2
(i) Signs and labels	0
(j) Recordkeeping:	
(1) Objective data records & retention	0
(2) Exposure monitoring, medical surveillance and records retention	258
(3) Records access	9
(4) Records transfer	0
Total Burden Hours	9,059

Employment and Training Administration.

Domestic Agricultural In-Season Wage Report.

1205–0017; ETA 232 and 232A.

Form No.	Affected public	Respondents	Frequency	Average time per response
ETA 232 & 232A	Employers	20,000	One-time	15 minutes
Narrative plan	State govt.	49	Six	12 hours ea.
8,528 total hours				

State employment agencies need prevailing wage rates in order to process employers' applications for intrastate and interstate workers. The rates cover agricultural and logging jobs. Migrant and local seasonal farmworkers are hired for these jobs.

Signed at Washington, DC this 6th day of February, 1990.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 90–3128 Filed 2–8–90; 8:45 am]

BILLING CODE 4510–26–M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determination 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.

Supersedeas Decisions to General Wage Determination Decisions

Volume II

Arkansas:
AR90-2 .... p. 6a, p. 6b.

The numbers of the decisions being superseded and their date of notice in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the number of the decisions being superseded.

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 II

Louisiana:
LA90-9 .... p. 420a, pp. 420b-420d.
Ohio:
OH90-35 .... p. 918c-918d
Texas:
TX90-59 .... p. 1156a, p. 1156b.
TX90-60 .... p. 1156c, p. 1156d.
TX90-61 .... p. 1156e, p. 1156f.

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

Alabama:
AL90-32 (Jan. 5, 1990) .... p. 62a, p. 62b.
District of Columbia:
DC90-1 (Jan. 5, 1990) .... p. 79, pp. 80, 84, 86.
Florida:
FL90-17 (Jan. 5, 1990) .... p. 143, p. 144.
FL90-18 (Jan. 5, 1990) .... p. 147, p. 148.
Kentucky:
KY90-6 (Jan. 5, 1990) .... p. 315, pp. 316-318
Virginia:
VA90-70 (Jan. 5, 1990) .... p. 1370a, 1370b.

Volume II

Arkansas:
AR90-2 (Jan. 5, 1990) .... p. 6a, p. 6b.
AR90-8 (Jan. 5, 1990) .... p. 15, p. 16.
Iowa:
IA90-1 (Jan. 5, 1990) .... p. 17, pp. 18, 19.
Illinois:
IL90-9 (Jan. 5, 1990) .... p. 143, pp. 145-149.
Louisiana:
LA90-9 (Jan. 5, 1990) .... p. 420a, p. 420b-420d.
Ohio:
OH90-1 (Jan. 5, 1990) .... p. 777, p. 778-p. 781.
Texas:
TX90-7 (Jan. 5, 1990) .... p. 1001, p. 1002- p. 1006.
TX90-18 (Jan. 5, 1990) .... p. 1029, p. 1031.
Wisconsin:
WI90-8 (Jan. 5, 1990) .... p. 1185, p. 1189-p. 1190.

Volume III

California:
CA90-1 (Jan. 5, 1990) .... p. 31, pp. 32-35.
Hawaii:
HI90-1 (Jan. 5, 1990) .... p. 137, pp. 138-140.
Montana:
MT90-1 (Jan. 5, 1990) .... p. 171, pp. 172-188b.
Washington:
WA90-1 (Jan. 5, 1990) .... p. 369, p. 373.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 2nd day of February 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90-2902 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

[TA-W-23, 131]

A-1 Bit & Tool Co. Service Center, Division of Homco International, Inc., LaFayette, LA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on September 13, 1989 applicable to all workers of A-1 Bit & Tool Company Service Center, Lafayette, Louisiana. The notice was published in the **Federal Register** on October 3, 1989 (54 FR 40755).

New information from the company indicates that the subject workers were paid by Homco International Inc., Houston, Texas. Accordingly, the certification is being amended to properly reflect this finding.

The amended notice applicable to TA-W-23,131 is hereby issued as follows:

"All workers of A-1 Bit and Tool Company Service Center, Lafayette, Louisiana, a Division of Homco International Inc., who became totally or partially separated from employment on or after June 26, 1988 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed at Washington, D.C. this 30th day of January 1990.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 90-3129 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-30-M

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 seciton 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 20, 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 March 12, 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 29th day of January 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/worker/firm)	Location	Date received	Date of petition	Petition number	Articles produced
Alpine Petroleum, Inc. (Workers)	Wichta, KS	1/29/90	1/16/90	23,900	Oil & Gas.
AT&T, Inc. (IBEW)	Hopewell Township, NJ	1/29/90	1/4/90	23,901	Experimental Equipment & Tools.
Campbell Plastics (IUE)	Schenectady, NY	1/29/90	1/18/90	23,902	Auto Body Side Moldings.
Clarendon Ceramics, Corp. (Workers)	Clarendon, PA	1/29/90	1/18/90	23,903	Bakeware & Dinner-ware.
Clarendon Ceramics, Corp. (Workers)	Warren, PA	1/29/90	1/18/90	23,904	Bakeware & Dinner-ware.
Dinner Bell Foods, (Workers)	Defiance, OH	1/29/90	1/19/90	23,905	Pork products.
Dinol International, Inc. (Workers)	Detroit, MI	1/29/90	1/17/90	23,906	Undercoating of Cars.
Gulfstream Aerospace Technologies (Workers)	Oklahoma City, OK	1/29/90	1/10/90	23,907	Aircraft Sub-assemblies.
ITT Eason Oil Co. (Workers)	Oklahoma City, OK	1/29/90	1/12/90	23,908	Oil & Gas.
Manville Sales (GMPPAW)	Berlin, NJ	1/22/90	1/10/90	23,909	Fiberglass.
Norwin Plating, Inc. (Workers)	Larimer, PA	1/29/90	1/16/90	23,910	Refinish Chrome Automobiles & Truck Bumpers.
Plastoid Corp. (Workers)	Hamburg, NJ	1/22/90	1/12/90	23,911	Cables & Wires.
Sherico Cedar Product (Workers)	Forks, Washington	1/29/90	1/11/90	23,912	Cedar Shakes & Shingles.
Smith & Nephew Perry (Workers)	Massillou, OH	1/29/90	1/4/90	23,913	Medical Gloves.
Smithkline Beckman Corp. (Workers)	Philadelphia PA	1/29/90	1/9/90	23,914	Pharmaceutical Drugs.
T.R.J. Corporation (Workers)	Ft. Worth, TX	1/29/90	1/18/90	23,915	Oil & Gas.
Texas Gulf, Inc. (Workers)	New Gulf, TX	1/29/90	1/16/90	23,916	Sulphur.
Triboro Electric Corp. (Company)	Hightstown, NJ	1/29/90	1/11/90	23,917	Electrical Wiring Devices.
Valentec Galion Inc. (CompanyP	Galion, OH	1/29/90	1/19/90	23,918	Shell Casing & Shells.
Vetco Gray (Workers)	Houston, TX	1/29/90	1/5/90	23,919	Oilfield Equip.
Whirlpool Corp. (AIWU)	Ft. Smith, AR	1/29/90	1/17/90	23,920	Refrigerators & Freezers.
Workwear Corp. (UGWA)	Joplin, MO	1/29/90	1/12/90	23,921	Work Apparel.
Ziff Communications Co. (Company)	Cherry Hill, NJ	[illegible]	[illegible]	[illegible]	[illegible]gazines.

[FR Doc. 90-3130 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,372 and TA-W-23,373]

BP Exploration, Inc.; Affirmative Determination Regarding Application for Reconsideration

By a letter dated November 30, 1989, the company requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers and former workers of BP Exploration's S.W. Freeway Office and San Felipe Office in Houston, Texas. The negative determination was issued on November 8, 1989 and published in the **Federal Register** on November 28, 1989 (54 FR 48953).

The company indicated that an error was made in reporting revenues for the first nine months of 1989 and that crude oil production accounted for a substantial portion of the revenues in the lower 48 States.

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 1st day of February 1990.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 90-3162 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,646]

Health-Tex, Inc., Cumberland, Rhode Island; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on November 27, 1989 in reponse to worker petition which was filed on November 27, 1989 by the Amalgamated Clothing & Textile Workers Union on behalf of workers at Health-Tex, Inc., Cumberland, Rhode Island.

An active certification covering the petitioning group of workers is currently in effect (TA-W-20,703). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC this 26th day of January 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-3131 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,366]

Schindler Elevator Corp.; Toledo, OH; Notice of Negative Determination on Reconsideration

On December 20, 1989, the Department issued an Affirmative Determination Regarding Application for Reconsideration for workers and former workers at Schindler Elevator Corporation, Toledo, Ohio. This notice was published in the Federal Register on December 28, 1989 (54 FR 53391).

Local #20 of the Teamsters Union claimed that Schindler Elevator is replacing its OH and EK machines for its geared elevator assemblies and its 153, 302, 402 and 601 machines for its gearless elevator assemblies with imported machines. These machines are the principal parts of the elevator assemblies.

The Toledo plant produced both geared and gearless elevator asemblies and their major components. The three major components for the geared and gearless elevator assemblies are the machines; controller and car components—platform, brackets, counter weights and safety components.

Findings on reconsideration show that less than 5 percent of the OH and EK machines for geared elevator assemblies produced at Toledo were replaced with imported machines in 1989. With respect to the machines for the gearless elevator assemblies (153, 302, 402 and 601), they were produced at Toledo. However, because of the acquisition of Westinghouse by Schindler and the integration of the Schindler/Westinghouse product line these machines for the gearless elevator assemblies will be outsourced from foreign sources.

The findings on reconsideration show that the imported geared and gearless machines do not account for a substantial portion of all the production at Toledo in 1989. The workers were not separately identifiable by product.

With respect to the union's claim concerning door operators, entrances and guide rails the Department found no import influence. No door operators, entrances or guide rails were produced at Toledo during the period applicable to the petition. Printed circuit boards continue to be produced domestically at another corporate plant in Ohio. The Dynatron motor was a purchased part and was not produced at Toledo during the period applicable to the petition.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers and former workers of Schindler Elevator Corporation, Toledo, Ohio.

Signed at Washington, DC, this 30th day of January 1990.

Robert O. Deslongchamps,

Director, Office of Legislative and Actuarial Services, UIS.

[FR Doc. 90-3132 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-30-M

[Employment Service Program Letter No. 4-90]

Targeted Jobs Tax Credit Program: Extension of Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Section 7103 of the Omnibus Budget Reconciliation Act of 1989, Public Law 101-239 (December 19, 1989), extended the Targeted Jobs Tax Credit Program through September 30, 1990; and modified the requirements for certification requests. See Internal Revenue Code of 1986, sec. 51. Employment Service Program Letter No. 4-90 to State employment security agencies, reprinted below, issued advice regarding the extension and modified requirements.

EFFECTIVE DATE: The Targeted Jobs Tax Credit Program extension was effective on December 19, 1989. The modified certification request requirements apply to individuals who begin work for the employer after December 31, 1989. Employment Service Program Letter No. 4-90 was issued on December 29, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. Edward M. Hogan, Chief, Employment Service Operations, United States Employment Service, Employment and Training Administration, Department of Labor, room N4470, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: 202-535-0190.

For general program information contact individual State employment security agencies, listed in most local telephone directories under the State Government.

Signed at Washington, DC, this 12 day of January, 1990.

Roberts T. Jones,

Assistant Secretary for Employment and Training.

Classification: TJTC.

Correspondence Symbol: TEE.

Date: December 29, 1989.

Expiration Date: December 31, 1990.

Directive: Employment Service Program Letter No. 4-90

To: All State Employment Security Agencies

From: Donald J. Kulick Office of Regional Management

Subject: Extension of the Targeted Jobs Tax Credit Program

1. *Purpose.* To transmit changes to the Targeted Jobs Tax Credit (TJTC) program as a result of the Omnibus Budget Reconciliation Act of 1989, (Pub. L. 101-239) signed by the President on December 19, 1989.

2. *References.* Internal Revenue Code of 1954, Section 51, as amended by: Tax Reduction and Simplification Act of 1977; Revenue Act of 1978; Technical Corrections Act of 1979; Economic Recovery Tax Act of 1981; Tax Equity and Fiscal Responsibility Act of 1982; Technical Corrections Act of 1982; Deficit Reduction Act of 1984; Tax Reform Act of 1986; Technical and Miscellaneous Revenue Act of 1988; Omnibus Budget Reconciliation Act of 1989; ET Handbook #377, 4th Edition, July 1988.

3. *Background and Information.* The Omnibus Budget Reconciliation Act of 1989 extended the TJTC program for nine months through September 30, 1990 (end of Fiscal Year 1990). Previous legislation authorized the program through December 31, 1989.

The Secretary of Labor through the Employment and Training Administration (ETA) and the Department of the Treasury through the Internal Revenue Service (IRS) share responsibilities for administration of the program. The ETA provides guidance and oversight to the State Employment Security Agencies (SESAs) for determining individual eligibility, TJTC certification to employers, verification audits, and reporting. The IRS processes tax credit claims, and provides guidance and responds to inquiries on the tax aspects of the program.

4. *Major Changes.* Under the new authorization employer requests for certification of individuals for TJTC eligibility must:

a. Specify potential basis for eligibility for at least one and not more than two target groups.

b. Certify that a good faith effort was made to determine that such individual is a target group member.

c. These changes apply to individuals who begin work for the employer after December 31, 1989. The changes do not apply if the individual applicant has a valid voucher as a target group member.

This information is being provided to the general public through a notice in the Federal Register and a News Release. Additionally, SESAs must immediately inform employers of the new provisions and revise TJTC documents and instructions, as appropriate.

The new law involves the employer in designating potential target group eligibility. To assure accuracy in the cross utilization of information by SESAs, employers, IRS, and ETA, SESAs should adopt, and notify employers to utilize, the target group sequence and codes (A through J) designated in section 51 (d) (1), internal Revenue Code, as follows:

(A) A Vocational Rehabilitation Referral,

(B) An Economically Disadvantaged Youth,

(C) An Economically Disadvantaged Vietnam-era Veteran,

(D) A Supplemental Security Income (SSI) Recipient,

(E) A General Assistance Recipient,

(F) A Youth Participating in a Cooperative Education Program,

(G) An Economically Disadvantaged Ex-Convict,

(H) An Eligible Work Incentive Employee (Includes WIN Demonstration Participants and AFDC Recipients),

(I) (No designation; inapplicable at this time)

(J) A Qualified Summer Youth.

5. **Transition.** It is recognized that some employers may have made hiring commitments and have made certification requests prior to December 31 with start to work dates after December 31, 1989. SESAs should inform those employers that they must follow up the request for certification with the additional required information, or those requests cannot be processed.

6. *"Good Faith" Clause.* Pub. L. 101-239 includes the employer requirement for TJTC to "certify that a good faith effort was made to determine that such individual is such a member."

However, SESAs should not preclude the certification if the one or two target groups designated are determined to be incorrect, but eligibility for a third target group is established by such means as interview and/or documentation. SESAs may find it necessary to provide appropriate information or guidance to specific employers to enable them to exercise judgment in designating potential target groups. If the SESA determines that an employer is not acting "in good faith", it should not certify. SESAs must recognize a need to accommodate the new legislated requirement for TJTC with existing EEO or other recruitment processes or limitations required of employers.

7. *Funding.* The FY 1990 Labor/Human Services Appropriation (Pub. L. 101-166, November 21, 1989), provided $25,000,000 for the TJTC program administration for FY 1990 through September 30, 1990. The total amount will be reduced to accommodate the Gramm-Rudman-Hollings sequestration and for postage requirements. Funding allocations are being provided with instructions in a separate directive to ETA Regional Offices.

8. *Reporting.* Reporting will continue as in the past. Authority is being requested from OMB to extend data collection authority for TJTC performance through March 31, 1991.

9. *Action Required.* SESA Administrators are requested to provide information to appropriate staff and to inform employers promptly of the new provisions and any additional procedures, forms or certification statements required for them to comply.

10. *Inquiries.* Direct all questions to Regional Office.

11. *Attachment.* Fact Sheet No. ET 89-13, (draft).

[Fact Sheet No. 89-13]

The Targeted Jobs Tax Credit Program

The Targeted Jobs Tax Credit (TJTC) program offers employers a credit against their tax liability for hiring individuals from nine target groups who have traditionally had difficulty obtaining and holding jobs:

(A) *Handicapped persons* referred to the employers from state vocational rehabilitation or Veterans Administration programs;

(B) *Youth aged 18 through 22* from economically disadvantaged families (the definition of "economically disadvantaged" varies with location);

(C) *Vietnam-era veterans* who are economically disadvantaged;

(D) *Recipients of Federal Supplemental Security Income* (SSI);

(E) *Recipients of state and local general assistance* payments for at least 30 days;

(F) *Youth aged 16 through 19* from economically disadvantaged families, who participate in a qualified cooperative education program;

(G) *Ex-offenders* who are economically disadvantaged and hired no later than five years after release from prison or date of conviction, whichever is more recent;

(H) *Recipients of Aid to Families with Dependent Children* (AFDC) who are eligible for AFDC on the hiring date and have received it for 90 days immediately prior to being hired;

(I) Not used.

(J) A Qualified Summer Youth.

For most target groups, employers may claim a credit of 40 percent of first year wages up to $6,000 per employee. Employers are allowed a maximum credit of $2,400 per employee for the first year of employment. For economically disadvantaged summer youth employees, employers may claim a credit for 40 percent of wages up to $3,000, for a maximum credit of $1,200.

An employer must request certification for the individual prior to or on the date the individual starts to work. (If the applicant has a voucher as evidence of eligibility determination, the employer has five days to request certification.) The employer must retain the employee for at leat 90 days or 120 hours (14 days or 20 hours for summer youth) to claim the credit for wages paid. If the applicant does not have a valid voucher, the employer must designate at least one and no more than two target groups potentially appropriate for the applicant, and certify that a good faith effort was made to determine the target group.

The credit applies only to employees hired into a business or trade. Maids, chauffeurs and other household employees do not qualify for the credit.

The TJTC program is administered at the federal level by the Employment and Training Administration, U.S. Department of Labor; Internal Revenue Service (IRS), U.S. Department of Treasury; and, the Office of Vocational and Adult Education, U.S. Department of Education.

Authorization: Internal Revenue Code of 1954, Section 51, as amended. Current legislation expires September 30, 1990.

For Further Information Contact: Local Employment Service (ES) offices (see state government listings in your telephone directory under such names as Employment Secretary Commission, Job Service or Employment Service).

Schools that offer vocational education programs.

Local IRS offices (see U.S. Government Listings in your telephone directory). Ask for IRS Publication 572 entitled "General Business Credits."

[FR Doc. 90-3133 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-90-3-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324, has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Lightfoot No. 1 Mine (I.D. No. 46-04332), its Lightfoot No. 2 Mine (I.D. No. 46-04955), its Harris No. 1 Mine (I.D. No. 46-01271), and its Harris No. 2 Mine (I.D. No. 46-01270) all located in Boone County, West 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 barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to clean out and plug oil and gas wells using specific techniques and procedures as outlined in the petition.

3. Prior to mining through the plugged oil or gas well, an approval of the specific procedures would be requested of the MSHA District Manager, and appropriate officials would be allowed to observe the process and all mining would be under the direct supervision of a certified official.

4. Methane monitors would be calibrated prior to the shift and tests would be made during mining approximately every 10 minutes; and

5. When the wellbore is intersected, all equipment would be deenergized and safety checks would be made before mining would continue in by the well a sufficient distance to permit adequate ventilation around the area of the wellbore.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided 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 March 12, 1990. Copies of the petition are available for inspection at that address.

Dated: February 2, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-3136 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-8-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Lithtfoot No. 1 Mine (I.D. No. 46-04332) located in Boone County, West 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 requirements that examinations be made on a weekly basis of seals, and of the return airway entries in their entirety.

2. Due to current roof conditions and roof falls, certain areas of the mine cannot be safely traveled.

3. As an alternate method, petitioner proposes to establish evaluation points to adequately measure the return airflow.

4. In support of this request, petitioner states that examinations at the evaluations points would be made every 24 hours by a certified person and the results would be recorded in an approved book.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided 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 March 12, 1990. Copies of the petition are available for inspection at that address.

Dated: February 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-3137 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-9-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.900 (low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Lightfoot No. 1 Mine (I.D. No. 46-04332) located in Boone County, West 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 low- and medium-voltage power circuits serving three-phase alternating current equipment are required to be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained. Such breakers are required to be equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

2. The use of undervoltage release breakers to meet the requirements for undervoltage protection requires an employee to travel to each belt drive to reset the breaker after a power outage or blink before the belts can be restarted and production can resume. When the breakers trip, there is a rush to reset the undervoltage release breakers and this sense of urgency could contribute to a set of circumstances which would place the safety of the employees in jeopardy. This condition also causes unusually heavy traffic on the track during the belt start-up period after an outage.

3. As an alternate method, petitioner proposes to use contactors instead of circuit breakers to obtain undervoltage protection. The petitioner outlines specific equipment and procedures in the petition.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided 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 March 12, 1990. Copies of the petition are available for inspection at that address.

Dated: February 2, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-3138 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-12-C]

Eastern Associated Coal Corp.; Petition for Modification of Application of Mandatory Safety Standard

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Lightfoot No. 1 Mine (I.D. No. 46-04332) located in Boone County, West 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 intake and return entries be examined in their entirety on a weekly basis.

2. Due to current roof conditions, portions of the tailgate entry cannot be safely traveled.

3. As an alternate method, petitioner proposes to establish evaluation points to monitor the return airflow, and to install a carbon monoxide sensor to monitor the intake airflow.

4. In support of this request, petitioner states that the evaluation points would be monitored and checked weekly, and the carbon monoxide sensor would be continuously monitored on the surface by a certified person. The results of each examination would be recorded in an approved book.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided 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 March 12, 1990. Copies of the petition are available for inspection at that address.

Dated: February 2, 1990.

Patrica W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-3139 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-15-C]

Shingara Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Shingara Coal Company, R.D. No. 3, Box 79-D, Sunbury, Pennsylvania 17801 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 5 Vein Slope Mine (I.D. No. 36-08090) located in Northumberland County, Pennsylvania. 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 cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Effective safety catches or other devices are not available for the conveyances used on the steeply pitching and undulating slopes with numerous curves and knuckles in the main haulage slopes of this anthracite mine.

3. If "makeshift" safety devices were installed they would activate on knuckles and curves when no emergency exists and cause a tumbling effect on the conveyance.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat, and to the hoisting rope above the main connecting device. The hoisting ropes would have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided 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 March 12, 1990. Copies of the petition are available for inspection at that address.

Dated: February 2, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-3140 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-90-13-C]

Stump Coal Company, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Stump Coal Company, Inc., HC 67, Box 1384, Phelps, Kentucky 41553 has filed a petition to modify the application of 30 CFR 75.1701 to its Mine No. 7 (I.D. No. 15-12359) 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 statement follows:

1. The petition concerns the requirement that whenever any working place approaches within 50 feet of surveyed abandoned areas or within 200 feet of another mine or any other abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, boreholes be drilled to a distance of at least 20 feet in advance of the working face of such working place and be continually maintained to a distance of at least 10 feet in advance of the advancing working face.

2. Petitioner plans to drive parallel to another mine for approximately 1300 feet with a 60 foot solid coal barrier between the mines.

3. As an alternate method, a preshift examination of the nearest entry of the adjacent mine will be made daily by a certified foreman as long as Petitioner is driving within 200 feet of the adjacent active mine.

4. At any given time that the adjacent area cannot be examined by a certified person, test holes will be drilled.

5. Methane in measurable amounts has never been detected in the mine.

6. Petitioner states that the proposed alternate method will not result in added danger but will reduce the coal dust and the added danger of drilling bore holes.

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 March 12, 1990. Copies of the petition are available for inspection at that address.

Dated: February 2, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-3141 Filed 2-8-90; 8:45 am]

BILLING CODE 4510-43-M

Office of Federal Contract Compliance Programs

Associated Grocers, Inc.

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of debarment, Associated Grocers, Inc.

SUMMARY: This notice advises of the debarment of Associated Grocers, Inc., as an eligible bidder on Government contracts and subcontracts. The debarment is effective immediately.

FOR FURTHER INFORMATION CONTACT: Leonard J. Biermann, Deputy Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., room N-3416, Washington, DC 20210 (202-523-9475).

SUPPLEMENTARY INFORMATION: On December 8, 1989, pursuant to 41 CFR 60-30.13, Administrative Law Judge Vittone entered an Amended Consent Order in which Associated Grocers, Inc., agreed to be declared ineligible to enter into any further Government contracts or subcontracts, or extension or other modifications of existing Government contracts or subcontracts, including federally-assisted construction contracts, until it demonstrates to the Director of OFCCP that it has established and will carry out employment policies and practices in compliance with Executive Order No. 11246, and the implementing regulations at 41 CFR chapter 60. A copy of the Amended Consent Order is attached.

The debarment from future Government contracts and subcontracts and from extensions or other modifications of existing contracts, is effective immediately and applies to

Associated Grocers, Inc., its successors, officers, agents, servants, employees, and attorneys, and to those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

Signed February 5, 1990, Washington, District of Columbia.

Cari M. Dominguez,

Director, OFCCP.

In the matter of Office of Federal Contract Compliance Programs (OFCCP), United States Department of Labor, Plaintiff, v. Associated Grocers, Inc., Defendant.

Amended Consent Order

[Case No. 84–OFC–18]

This Amended Consent Order, made and entered into between plaintiff United States Department of Labor and defendant, Associated Grocers, Inc., witnesseth:

Whereas, plaintiff United States Department of Labor (hereinafter "DOL") alleges that defendant Associated Grocers, Inc. (hereinafter "Associated Grocers") has violated its contractual obligations under Executive order 11246, as amended, and the Secretary of Labor's implementing regulations at 41 CFR chapter 60, as set out with particularity in the Administrative Complaint herein, including but not limited to the following violations:

(1) Defendant Associated Grocers failed to develop any written affirmative action compliance program for any of its establishments within 120 days of its receipt of Contract DAHC 43–82–4–1157 (dated October 13, 1981) in violation of sections 202 (4) and (5) and 203(a) of Executive Order 11246 and 41 CFR 60–1.4(a) (4) and (5), 60–1.40, 60–1.20 (d) and 60–2.1.

(2) Defendant did not have any written affirmative action compliance program at the time the Department of Labor conducted a compliance review of defendant in December 1982 and to this date does not have same.

Whereas, Associated Grocers, Inc., denies that it is or has been at any material time a Government contractor within the meaning of Executive Order 11246, as amended, and the Secretary of Labor's implementing regulations at 41 CFR chapter 60.

Whereas, both parties wish to resolve the instant matter without further administrative proceedings:

It is hereby agreed as follows:

1. Associated Grocers, Inc., its officers, divisions, subsidiaries, affiliates, purchasers, successors, assignees and/or transferees are hereby ineligible to enter into any further Government contracts or subcontracts, or extensions or other modifications of existing Government contracts or subcontracts, including federally-assisted construction contracts.

2. In order to be reinstated as an eligible bidder on Government contracts or subcontracts or to be reinstated as eligible for extensions or other modifications of existing Government contracts or subcontracts, defendant Associated Grocers or any of its divisions, subsidiaries, affiliates, purchasers, successors, assignees and/or transferees must request reinstatement in a letter directed to the Director of OFCCP and must show that it has established and will carry out employment policies and practices in compliance with Executive Order 11246, as amended, and the implementing regulations at 41 CFR chapter 60.

3. The attached "Joint Motion to Amend Consent Order" (Revised Attachment A) will be published by OFCCP in the **Federal Register** together with the entire text of this Amended Consent Order.

4. Associated Grocers will be listed on the Comptroller General's list of companies which have been declared ineligible to enter into any further Government contracts or subcontracts, or extensions or other modifications of existing Government contracts or subcontracts, with a notation that the company has been declared ineligible pursuant to this Amended Consent Order.

5. This Amended Consent Order shall not become final unless and until it has been signed by an Administrative Law Judge.

6. After it has been signed by an Administrative Law Judge, this Amended Consent Order shall be made a part of the record of the proceedings herein.

It is so ordered this 8th day of December, 1989.

John M. Vittone,

Administrative Law Judge, U.S. Department of Labor.

Agreed and Consented to: On Behalf of Associated Grocers, Inc.

Dated: December 5, 1985.

Paul D. Carey, Esq.,

Attorney for Defendant.

On Behalf of the Office of Federal Contract Compliance Programs.

Dated: November 12, 1985.

Francis X. Lilly,

Solicitor of Labor.

Daniel W. Teehan,

Regional Solicitor.

Robert A. Friel,

Associate Regional Solicitor.

Rochelle Kleinberg,

U.S. Department of Labor, Attorneys for Plaintiff.

Joint Motion to Amend Consent Order

[Case No. 84–OFC–18]

In the matter of Office of Federal Contract Compliance Programs (OFCCP), United States Department of Labor, Plaintiff, v. Associated Grocers, Inc., Defendant.

Comes now the plaintiff and defendant before this court and by a motion jointly made, move that this Court amend the Consent Order signed on May 4, 1984.

In support of the motion, the parties state that the motion is necessary to substitute "Attachment A" with the document attached to the Amended Consent Order as "Revised Attachment A" in order to conform to **Federal Register** procedural and stylistic requirements.

Respectfully submitted,

Francis X. Lilly,

Solicitor of Labor.

Daniel W. Teehan,

Regional Solicitor.

Robert A. Friel,

Associate Regional Solicitor.

Rochell Kleinberg,

Attorney.

Dated: November 12, 1985.

U.S. Department of Labor, Attorneys for Plaintiff.

Paul D. Carey, Esq.

Attorney for Defendant.

Dated: December 5, 1985.

Revised Attachment A

Department of Labor

Office of Federal Contract Compliance Programs

Associated Grocers, Inc.

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of debarment, Associated Grocers, Inc.

SUMMARY: This notice advises of the debarment of Associated Grocers, Inc., as an eligible bidder on Government contracts and subcontracts. The debarment is effective immediately.

FOR FURTHER INFORMATION CONTACT: Leonard J. Biermann, Deputy Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–3416, Washington, DC 20210, (202–523–9475).

SUPPLEMENTARY INFORMATION: On December 8, 1989, pursuant to 41 CFR 60–30.13, Administrative Law Judge Vittone entered an Amended Consent Order in which Associated Grocers, Inc., agreed to be declared ineligible to enter into any further Government contracts or subcontracts, or extension or other modifications of existing Government contracts or subcontracts, including federally-assisted construction contracts, until it demonstrates to the Director of OFCCP that it has established and will carry out employment policies and practices in compliance with Executive Order No. 11246, and the implementing regulations at 41 CFR chapter 60. A copy of the Amended Consent Order is attached.

The debarment from future Government contracts and subcontracts and from extensions or other modifications of existing contracts, is effective immediately and applies to Associated Grocers, Inc., its successors, officers, agents, servants, employees, and attorneys, and to those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

Signed , 1990, Washington, District of Columbia.

Cari M. Dominguez,

Director, OFCCP.

Service Sheet

CASE NAME: OFCCP vs. Associated Grocers Inc.,

CASE No.: 84–OFC–18

TITLE OF DOCUMENT: Consent Order

A copy of the above document was sent to the following:

Paul D. Corey, Esq., Bank of California Center, Seattle, WA 98174

Daniel Teehan, Reg. Sol., U.S. Department of Labor, P.O. Box 30617, Federal Building, 450 Golden Gate Avenue, San Francisco, CA 94102

Francis X. Lilly, Deputy Solicitor, U.S. Department of Labor, 200 Constitution Ave., NW., room S–2002, Washington, DC 20210

Robert A. Friel, Associate Regional Solicitor, U.S. Department of Labor, 8003 Federal Office Bldg., Seattle, WA 98174, Attn: Rochelle Kleinberg.

[FR Doc. 90–3134 Field 2–8–90; 8:45 am]

BILLING CODE 4510-27-M

Reinstatement of Wrangler and Red Kap Industries

AGENCY: Office of Federal Contract Compliance Programs, Labor.

ACTION: Notice of reinstatement, Wrangler, and Red Kap Industires.

SUMMARY: This notice advises that Wrangler and Red Kap Industries, have been reinstated as eligible bidders on Federal contracts and subcontracts and on federally-assisted construction contracts and subcontracts. For further information, contact Cari M. Dominguez, Director, Office of Federal Contract Compliance Programs, U.S. Department of Labor, 200 Constitution Avenue, NW., room C–3325, Washington, DC 20210 (202–523–9475).

SUPPLEMENTARY INFORMATION: Wrangler, Greensboro, North Carolina, and Red Kap Industries, Nashville, Tennessee, are, as of this date, reinstated as eligible bidders on Federal contracts and subcontracts and federally-assisted construction contracts and subcontracts.

Signed: February 2, 1990, Washington, DC.

Cari M. Dominguez,

Director.

[FR Doc. 90–3135 Filed 2–8–90; 8:45 am]

BILLING CODE 4510-27-M

NATIONAL ADVISORY COMMISSION ON LAW ENFORCEMENT

Public Hearing and Request for Comments on the Methods and Rates of Compensation of Federal Law Enforcement Officers as Well as Comparisons With Their Nonfederal Counterparts

AGENCY: National Advisory Commission on Law Enforcement.

ACTION: Notice of public hearing and request for comments.

The National Advisory Commission on Law Enforcement (NACLE) was created by the Anti-drug Abuse Act of 1988 (Pub. L. 100–690, Sec. 6160). The Commission was created to study "the methods and rates of compensation, including salary, overtime pay, retirement policies, and other benefits of law enforcement officers in all Federal agencies, as well as the methods and rates of compensation of State and local law enforcement officers in a representative number of areas where Federal law enforcement officers are assigned."

The Act specifies that the Commission may conduct a public hearing during the course of its deliberations. Representatives of the public, law enforcement agencies and organizations will have an opportunity to discuss their views on the Commission's draft report. Persons or organizations can present brief oral statements at the hearing and submit written statements for the record.

DATES: The public hearing will be held on February 20, 1990, starting at 9:00 a.m. (e.s.t.) in room 2237 of the Rayburn House Office Building, 1st Street and Independence Avenue Southwest Washington, DC. Persons or organization wishing to testify at the hearing should contact the Commission staff at the telephone number or address below by February 13, 1990. Commission staff will subsequently notify those desiring to testify of the time they will be scheduled to appear on February 20.

ADDRESS: Please call the commission staff at (202) 275–1777 to obtain a draft of the Commission's report. Those who would prefer to contact the Commission staff by mail can do so by writing to Drew Valentine, Staff Director, National Advisory Commission on Law Enforcement, Room 4130, 441 G Street NW., Washington, DC 20548.

FOR FURTHER INFORMATION CONTACT: Drew Valentine, Staff Director, or Patrick Mullen, Deputy Staff Director, at (202) 275–1777.

Charles A. Bowsher,

Chairman, National Advisory Commission on Law Enforcement.

[FR Doc. 90–3114 Filed 2–8–90; 8:45 am]

BILLING CODE 1610-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90–13]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the Federal Register notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested by March 12, 1990. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Mr. D.A. Gerstner, NASA Agency Clearance Officer, Code NTD, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700–0042), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 755–1430.

Reports

Title: Information Collection from the Public in Support of the NASA Acquisition Process.

OMB Number: 2700–0042.

Type of Request: Extention.

Frequency of Report: As required.

Type of Respondent: Individuals or households, state or local governments, businesses or other for-profit, non-profit institutions, small businesses or organizations.

Number of Respondents: 165,984.

Responses per Respondent: 2.

Annual Responses: 331,968.

Hours per Response: 32.

Annual Burden Hours: 10,623,000.

Abstract-Need/Uses: Information collection is required to evaluate bids and proposals from offerors in order to award contracts for required goods and services in support of NASA's mission. It also includes reporting requirements under NASA contracts.

Dated: February 2, 1990.

D.A. Gerstner,

Director, IRM Policy Division.

[FR Doc. 90-3144 Filed 2-8-90; 8:45 am]

BILLING CODE 7510-01-M

[Notice 90-12]

NASA Advisory Council (NAC), Space Systems and Technology Advisory Committee (SSTAC); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Ad Hoc Review Team on Technology Requirements for Human Performance on Long Space Missions.

DATES: March 12, 1990, 8:30 a.m. to 5 p.m., and March 13, 1990, 8:30 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, Ames Research Center, Building 100, Executive Conference Room, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Dr. James P. Jenkins, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2750.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee (SSTAC) was established to provide overall guidance to the Office fo Aeronautics and Space Technology (OAST) on space systems and technology programs. Special ad hoc review teams are formed to address specific topics. The Ad Hoc Review Team on Technology Requirements for Human Performance on Long Space Missions, chaired by Dr. Gerald P. Carr, is comprised of eight members. The meeting will be open to the public up to the seating capacity of the room (approximately 35 persons including the team members and other participants). It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the participants.

Type of Meeting: Open.

Agenda:

March 12, 1990
- 8:30 a.m.—Introduction.
- 8:45 a.m.—Discussion on Committee Purpose.
- 9 a.m.—Review of Human Performance Research.
- 1 p.m.—Continue Review and Facilities Tour.
- 5 p.m.—Adjourn.

March 13, 1990
- 8:30 a.m.—Review of Ames Research Center Research.
- 1 p.m.—Continue Review and Conclusions.
- 3 p.m.—Adjourn.

Dated: February 2, 1990.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 90-3145 Filed 2-8-90; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-112]

Environmental Assessment and Finding of No Significant Impact Regarding Termination of Facility License No. R-53 University of Oklahoma AGN 211P Nuclear Reactor

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an Order terminating Facility License No. R-53 for the University of Oklahoma (UO) AGN 211P Nuclear Reactor located in Norman, Oklahoma, in accordance with the application dated October 25, 1988, as supplemented on March 9 and August 28, 1989.

Environmental Assessment

Identification of Proposed Action: By application dated October 25, 1988, as supplemented, the UO requested authorization to decontaminate and dismantle its AGN 211P Nuclear Reactor Facility, to dispose of its component parts in accordance with the proposed dismantling plan, and to terminate Facility License No. R-53. Following an "Order Authorizing Dismantling of Facility and Disposition of Component Parts," dated June 5, 1989, the UO completed the dismantlement and submitted a final survey report on August 28, 1989. The NRC staff of Region IV conducted a survey of the facility on October 11, 1989. The survey is documented in a Regional Inspection Report, 50-112/89-02, November 27, 1989. Region IV, in a memorandum dated November 28, 1989, found that the data developed in the licensee's final survey report met Commission guidelines.

Need for Proposed Action: In order to release the facility for unrestricted access and use, Facility License No. R-53 must be terminated.

Environmental Impact of License Termination: The University of Oklahoma indicates that the residual contamination and dose exposures comply with the criteria of Regulatory Guide 1.86, Table 1, which establishes acceptable residual surface contamination levels, and the exposure limit, established by the NRC staff, of 5 micro R/hr above ground at one meter. These measurements have been verified by the NRC. The NRC finds that since these criteria have been met there is no significant impact on the environment and the facility can be released for unrestricted use.

Alternatives to the Proposed Action: Since the reactor and component parts have been dismantled and disposed of in accordance with NRC regulations and guidelines, there is no alternative to termination of Facility License No. R-53.

Agencies and Persons Consulted: None.

Finding of No Significant Impact

The NRC has determined not to prepare an Environmental Impact Statement for the proposed action. Based on the foregoing Environmental Assessment, the NRC has concluded that the issuance of the Order will not have a significant effect on the quality of the human environment.

For further details with respect to this proposed action, see the application for termination of Facility License No. R-53, dated October 25, 1988, as supplemented. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC 20555.

Dated at Rockville, Maryland, this 1st day of February 1990.

For the Nuclear Regulatory Commission.

Seymour H. Weiss,

Director, Non-Power Reactor, Decommissioning and Environmental Project Directorate Division of Reactor Projects—III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 90-3073 Filed 2-8-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 72-8, 50-317/318]

Baltimore Gas & Electric Co., Consideration of Issuance of a Materials License for the Storage of Spent Fuel and Notice of Opportunity for a Hearing

The Nuclear Regulatory Commission (the Commission) is considering an application dated December 21, 1989, for a materials license, under the provisions of 10 CFR part 72, from Baltimore Gas and Electric Company (the applicant or BG&E) to possess spent fuel and other radioactive materials associated with spent fuel storage in an independent spent fuel storage installation (ISFSI) located in Calvert County, Maryland. If granted, the license will authorize the applicant to store spent fuel in a dry storage concrete module system at the applicant's Calvert Cliffs Nuclear Power Plant site for Units 1 and 2 (Operating Licenses DPR-53 and 69). Pursuant to the provisions of 10 CFR part 72, the term of the license for the ISFSI would be twenty (20) years.

Prior to issuance of the requested license, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The issuance of the materials license will not be approved until the Commissioin has reviewed the proposal and has concluded that approval of the license will not be inimical to the common defense and security and will not constitute an unreasonable risk to the health and safety of the public. The NRC will complete an environmental evaluation, in accordance with 10 CFR part 51, to determine if the preparation of an environmental impact statement is warranted or if an environmental assessment and Findings of No Significant Impact are appropriate. This action will be the subject of a subsequent notice in the **Federal Register**.

Pursuant to 10 CFR 2.105 and 2.1107, by March 12, 1990, the licensee may file a request for a hearing; and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene with respect to the subject materials license in accordance with the provisions of 10 CFR 2.714. If a request for hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order. In the event that no request for hearing or petition for leave to intervene is filed by the above date, the Commission may, upon satisfactory completion of all evaluations, issue the materials license without further prior notice.

A petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order that may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend a petition, without requesting leave of the Board up to 15 days prior to the holding of the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the action under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfied these requirements with respect to at least one contention will not permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Richard E. Cunningham, Director, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to D.A. Brune, Esq., Baltimore Gas and Electric Company, P.O. Box 1475, Baltimore, Maryland 21203, General Counsel for the applicant.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

The Commission hereby provides notice that this proceeding concerns an application for a license falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any petitioner or any party to the proceeding, must use hybrid hearing procedures with respect to "any matter which the Commission determines to be in controversy among the parties." The hybrid procedures in section 134 provide for oral argument on matters in controversy, preceded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on only those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR Part 2, subpart K, "Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors," (published at 50 FR 41662, October 15, 1985). Under those rules, any party to the proceedig may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within ten (10) days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer may grant an untimely request for oral argument only upon a showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with the hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in an adjudicatory hearing. If no party to the proceeding requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G apply.

For further detail with respect to this action, see the application dated December 21, 1989, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and at the local public document room at the Calvert County Library, Fourth Street, Prince Frederick, Maryland, 20678. The Commission's license and Safety Evaluation Report, when issued, may be inspected at the above locations.

Dated at Rockville, Maryland, this 2nd day of February.

For the Nuclear Regulatory Commission.

Glen L. Sjoblom,

Acting Chief, Fuel Cycle Safety Branch Division of Industrial and Medical Nuclear Safety.

[FR Doc. 90-3074 Filed 2-8-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A, B, and C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: John Daley, (202) 632-0728.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on January 8, 1989 (54 FR 678). Individual authorities established or revoked under Schedule A, B, or C between December 1, 1989, and December 31, 1989, appear in a listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30 of each year.

Schedule A

The following exception was established:

Defense Nuclear Facilities Safety Board.

All positions on the staff. No new appointments may be made under this authority after December 26, 1991. Effective December 26, 1989.

Schedule B

No Schedule B's were established during the month of December.

Schedule C

Department of Agriculture

One Northeast Area Director to the Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service. Effective December 12, 1989.

One Confidential Assistant to the Administrator, Farmers Home Administration. Effective December 5, 1989.

One Staff Assistant to the Chief, Soil Conservation Service. Effective December 6, 1989.

One Confidential Assistant to the Manager, Federal Crop Insurance Corporation. Effective December 6, 1989.

One Confidential Assistant to the Administrator, Food and Nutrition Service. Effective December 6, 1989.

One Staff Assistant to the Administrator, Agricultural Stabilization and Conservation Service. Effective December 6, 1989.

One Private Secretary to the Under Secretary for Small Community and Rural Development. Effective December 7, 1989.

One Director, Programs and Planning, to the Director, Office of Public Affairs. Effective December 19, 1989.

One Staff Assistant to the Director, Public Liaison. Effective December 20, 1989.

One Private Secretary to the Deputy Assistant Secretary for Food and Consumer Services. Effective December 26, 1989.

Department of the Army

One Staff Assistant to the Assistant Secretary of the Army (Manpower and Reserve Affairs). Effective December 21, 1989.

One Staff Assistant to the Assistant Secretary of the Army (Manpower and Reserve Affairs). Effective December 6, 1989.

One Congressional Liaison Specialist to the Secretary of the Army. Effective December 6, 1989.

Department of Commerce

One Special Assistant to the Director, Office of Public Affairs, National Oceanic and Atmospheric Administration. Effective December 4, 1989.

One Confidential Assistant to the Director, Office of Public Affairs. Effective December 4, 1989.

One Congressional Affairs Specialist to the Director, Office of Legislative Affairs, National Oceanic and Atmospheric Administration. Effective December 4, 1989.

One Special Assistant to the Deputy Assistant Secretary for Economic Development. Effective December 4, 1989.

One Director, Office of Public Affairs, to the Under Secretary for Export Administration. Effective December 4, 1989.

One Confidential Assistant to the Director, Office of External Affairs. Effective December 4, 1989.

One Confidential Assistant Secretary for Congressional Affairs. Effective December 4, 1989.

One Special Assistant to the Deputy Assistant Secretary for Intergovernmental Affairs. Effective December 4, 1989.

One Special Assistant to the Director, Bureau of the Census. Effective December 20, 1989.

Department of Defense

One Speechwriter to the Assistant Secretary for Public Affairs. Effective December 6, 1989.

One Special Assistant to the Assistant Secretary for Public Affairs. Effective December 6, 1989.

One Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective December 6, 1989.

One Special Assistant (Operations) to the Assistant Secretary for Public Affairs. Effective December 6, 1989.

One Public Affairs Specialist to the Assistant Secretary for Public Affairs. Effective December 6, 1989.

One Speechwriter to the Assistant Secretary for Public Affairs. Effective December 6, 1989.

One Program Analyst to the Deputy Under Secretary, Industrial and International Programs. Effective December 14, 1989.

One Program Analyst to the Deputy Assistant Secretary of Defense. Industrial and International Programs. Effective December 15, 1989.

One Special Assistant to the Assistant Secretary of Defense, International and Security Policy. Effective December 15, 1989.

One Special Assistant to the Deputy Assistant Secretary of Defense, Trade Security Policy. Effective December 15, 1989.

One Program Analyst to the Deputy Assistant Secretary of Defense (Industrial and International Programs). Effective December 15, 1989.

One Spcial Assistant to the Assistant Secretary of Defense for International Security Affairs. Effective December 20, 1989.

One Special Assistant to the Deputy Under Secretary of Defense, (Security Policy). Effective December 21, 1989.

One Special Assistant to the Assistant Secretary of Defense, International Security Affairs. Effective December 21, 1989.

One Chauffeur to the Deputy Secretary of Defense. Effective December 27, 1989.

Department of Energy

Two Staff Assistants to the Special Assistant to the Secretary. Effective December 18, 1989.

One Staff Assistant to the Deputy General Counsel for Legal Services. Effective December 27, 1989.

One Staff Assistant to the Director, Office of Energy Research. Effective December 29, 1989.

One Deputy to the Director, Office of Minority Economic Impact. Effective December 29, 1989.

Department of Education

One Director, Center for International Education, to the Deputy Assistant Secretary for Higher Education Programs. Effective December 6, 1989.

One Confidential Assistant to the Director, Scheduling and Briefing. Effective December 27, 1989.

One Director, Division of Adult Education and Literacy, to the Assistant Secretary for Vocational and Adult Education. Effective December 27, 1989.

One Director, Intergovernmental Affairs, to the Deputy Under Secretary for Intergovernmental and Interagency Affairs. Effective December 27, 1989.

One Executive Assistant to the Assistant Secretary for Legislation. Effective December 27, 1989.

One Confidential Assistant to the Deputy Assistant Secretary for Student Financial Assistance Programs. Effective December 29, 1989.

One Confidential Assistant to the Director, Scheduling and Briefing. Effective December 29, 1989.

One Special Assistant to the Assistant Secretary for Elementary and Secondary Education. Effective December 29, 1989.

Environmental Protection Agency

One Special Assistant to the Associate Administrator for Administration and Resources Management. Effective December 6, 1989.

One special Assistant to the Associate Administrator for Communications and Public Affairs. Effective December 18, 1889.

One Director, Congressional Liaison Division, to the Associate Administrator for Congressional and Legislative Affairs. Effective December 19, 1989.

One Staff Assistant to the Director, External Relations and Education Division. Effective December 19, 1989.

One Special Assistant to the Assistant Administrator for Water. Effective December 19, 1989.

Federal Communications Commission

One Confidential Staff Assistant to the General Counsel. Effective December 8, 1989.

Federal Trade Commission

One Special Assistant to the Chairman. Effective December 7, 1989.

One Executive Secretary to the Chairman. Effective December 7, 1989.

General Services Administration

One Intergovernmental Relations Officer to the Associate Administrator for Congressional Affairs. Effective December 28, 1989.

Department of Health and Human Services

One Special Assistant to the Deputy Assistant Secretary for Population Affairs. Effective December 18, 1989.

Department of Interior

One Special Assistant to the Director, Bureau of Land Management. Effective December 4, 1989.

One Staff Assistant to the Director, Office of Surface Mining. Effective December 4, 1989.

One Special Assistant to the Director, Bureau of Mines. Effective December 6, 1989.

One Special Assistant to the Assistant Secretary, Policy, Budget and Administration. Effective December 12, 1989.

One Confidential Assistant to the Executive Assistant to the Secretary. Effective December 13, 1989.

One Special Assistant to the Director, Office of Surface Mining Reclamation and Enforcement. Effective December 22, 1989.

One Special Assistant to the Assistant Director, Fisheries. Effective December 22, 1989.

One Special Assistant to the Director, Office of Surface Mining. Effective December 22, 1989.

One Special Assistant to the Deputy Director. Effective December 22, 1989.

One Special Assistant to the Director, Office of Surface Mining. Effective December 22, 1989.

One Confidential Assistant to the Assistant to the Secretary and Director of Congressional and Legislative Affairs. Effective December 22, 1989.

One Special Assistant to the Assistant Secretary, Indian Affairs. Effective December 27, 1989.

International Trade Commission

One Confidential Assistant to the Commissioner. Effective December 15, 1989.

One Staff Assistant to the Commissioner. Effective December 20, 1989.

Department of Justice

One Staff Assistant to the Attorney General. Effective December 6, 1989.

One Special Assistant to the Chairman, Foreign Claims Settlement Commission. Effective December 6, 1989.

One Confidential Assistant to the Deputy Attorney General. Effective December 6, 1989.

One Confidential Assistant to the Assistant Attorney General, Antitrust Division. Effective December 12, 1989.

One Senior Liaison Officer to the Director, Office of Liaison Services. Effective December 12, 1989.

One Assistant Director, Asylum Policy and Review Unit, to the Director, Office of Policy Development. Effective December 12, 1989.

One Special Assistant to the Assistant Attorney General, Office of Justice Programs. Effective December 12, 1989.

One General Attorney to the Assistant Attorney General, Office of Justice Programs. Effective December 12, 1989.

One Special Assistant to the Director, Office of Policy Development. Effective December 13, 1989.

One Confidential Assistant to the Commissioner, Immigration and Naturalization Service. Effective December 13, 1989.

One Special Assistant to the Assistant Attorney General, Land and Natural Resources Division. Effective December 13, 1989.

One Special Assistant to the Deputy Assistant Attorney General, Office of Justice Programs. Effective December 13, 1989.

One Confidential Assistant to the Assistant to the Attorney General. Effective December 21, 1989.

One Confidential Assistant to the Assistant Attorney General, Office of Legal Counsel. Effective December 29, 1989.

Department of Labor

One Special Assistant to the Chief of Staff. Effective December 27, 1989.

One Special Assistant to the Director, Office of Federal Contract Compliance Pograms. Effective December 27, 1989.

One Special Assistant to the Assistant Secretary for Policy. Effective December 27, 1989.

National Aeronautics and Space Administration

One Public Affairs Specialist to the Deputy Associate Administrator for Communications. Effective December 22, 1989.

One Special Assistant to the Associate administrator, Office of External Relations. Effective December 28, 1989.

Department of Navy

One Staff Assistant to the Under Secretary of the Navy. Effective December 1, 1989.

One Staff Assistant to the Under Secretary of the Navy. Effective December 6, 1989.

National Endowment for the Arts

One Director, Office of Policy, Planning and Research, to the Chairman. Effective December 18, 1989.

Office of Management and Budget

One Special Assistant to the Associate Director for Congressional Affairs. Effective December 4, 1989.

Office of National Drug Control Policy

One Confidential Assistant to the Director. Effective December 7, 1989.

One Confidential Assistant to the Director of Public Affairs. Effective December 29, 1989.

One Confidential Assistant to the General Counsel. Effective December 29, 1989.

One Confidential Assistant/Receptionist to the Director. Effective December 29, 1989.

One Confidential Assistant to the Director of Congressional Relations. Effective December 29, 1989.

Office of Personnel Management

One Special Assistant to the Director. Effective December 4, 1989.

Small Business Administration

One Special Assistant to the Administrator. Effective December 6, 1989.

Department of State

One Special Assistant to the Assistant Secretary, Bureau of Politico-Military Affairs. Effective December 7, 1989.

One Secretary, Permanent U.S. International Organization Affairs Office, to the Office of the U.S. Ambassador to the United Nations. Effective December 7, 1989.

One Special Assistant to the Assistant Secretary for Management. Effective December 8, 1989.

One Director, Travel and Special Events, to the Deputy Assistant Secretary for Administration. Effective December 8, 1989.

One Foreign Affairs Officer to the Assistant Secretary, Bureau of International Organization Affairs. Effective December 15, 1989.

One Secretary (Steno) to the Ambassador-at-Large. Effective December 20, 1989.

One Secretary (Typing) to the Principal Deputy Assistant Secretary. Effective December 20, 1989.

One Secretary (Steno) to the Assistant Secretary, Humanitarian Affairs. Effective December 20, 1989.

Department of the Treasury

One Special Assistant to the Assistant Secretary for Management. Effective December 8, 1989.

One Director, Travel and Special Events, to the Deputy Assistant Secretary for Administration. Effective December 8, 1989.

One Special Assistant to the Director of the Mint. Effective December 29, 1989.

U.S. Information Agency

One Special Assistant to the Director, Office of Program Coordination and Development. Effective December 6, 1989.

One Special Assistant to the Associate Director, Bureau of Programs. Effective December 6, 1989.

One Special Assistant to the Associate Director, Bureau of Programs. Effective December 7, 1989.

Department of Veterans Affairs

One Special Assistant to the Deputy Assistant Secretary for Congressional Affairs. Effective December 29, 1989.

Authority: 5 U.S.C. 3301, 3303; E.O. 10555, 3 CFR 1954–1958 Comp., P. 218.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90-3070 Filed 2-8-90; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; San Bernardino County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in San Bernardino County, California.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Klekar, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812–1915. Telephone: 916/551–1307.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) on a proposal to improve Interstate 215 through the City of San Bernardino. The proposed improvement would consist of widening existing Interstate 215 and improving access and safety through interchange reconstruction between Interstate 10 and State Route 30, a distance of approximately six miles. The proposed project would provide for existing and projected traffic demand, as well as improve safety and access.

The proposal includes widening Interstate 215 from six to eight lanes between Interstate 10 and Route 259, and from four to six lanes between Route 259 and Route 30. Also included is improving interchange access to eliminate left on/off ramps, providing full-movement diamond interchanges, where possible, and eliminating existing redundant movement/ramps. Alternatives under consideration include: no action, and widening the existing roadway with interchange improvements (both minimum standard and full standard alternatives), with and without relocating the nearby AT&SF rail line. High Occupancy Vehicle (HOV) lanes will be considered. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have an interest in this proposal. A formal scoping meeting will be held, as well as a series of public meetings. The draft EIS will be available for public and agency review and comment prior to the public hearing. The public information will continue throughout the environmental process.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided previously in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued: February 2, 1990.

Ms. Susan Klekar,

District Engineer, Sacramento, California.

[FR Doc. 90–3039 Filed 2–8–90; 8:45 am]

BILLING CODE 4910–22–M

National Highway Traffic Safety Administration

Petition for Exemption from the Vehicle Theft Prevention Standard; American Honda Motor Co., Inc.

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

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants the petition by American Honda Motor Co., Inc. (Honda) for an exemption from the parts marking requirements of the vehicle theft prevention standard for the Acura NS–X (identification purposes) carline for Model Year 1991. The agency takes this action under section 605 of the Motor Vehicle Information and Cost Savings Act. The agency has determined that the antitheft device which the petitioner intends to install on this line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts marking requirements.

DATES: The exemption granted by this petition will become effective beginning with the 1991 Model Year.

SUPPLEMENTARY INFORMATION: On October 6, 1989, this agency received from Honda a petition for exemption from the theft prevention standard for the Model Year (MY) 1991 Acura NS–X carline pursuant to 49 CFR 543, *Exemption from Vehicle Theft Prevention Standard.* The agency reviewed the October 6, 1989, submission and concluded that it constituted a complete petition. Accordingly, October 6, 1989 is the date on which the statutory 120 day period for processing Honda's petition began.

In its petition, Honda included a detailed description and diagrams of the identity, design, and location of the components of the antitheft device for the Acura NS–X car line. The NS–X is a two-door sports car.

The antitheft device is a comprehensive security alarm system which includes an engine starter interrupt function and an alarm function. The antitheft device is activated by removing the key from the ignition and locking the driver or passenger door with the key. Honda stated that the NS–X is equipped with an automatic lock system as standard equipment. This system enables the locks on both the driver and passenger doors to be locked simultaneously by locking the driver's door with a key.

When the driver's door button is used to lock the door and arm the system, a security indicator light, located on the driver's door lining, enables one to visually check to see whether the system is armed. The indicator light starts flashing after the arming procedure is completed. The alarm is armed 15 seconds after the last door is locked. If still unlocked, the central locking system then locks the passenger door and arms the alarm.

The alarm monitors the doors, hood, trunk lid, battery terminals, engine starter circuit, and battery circuit. If the doors, hood or trunk lid are forced opened, battery terminal(s) removed and reconnected, or the engine starter circuit and battery circuit are bypassed by breaking the ignition switch, or the front hood, engine hood, or trunk lid opener located inside the vehicle are forced, the alarm will go off. When this happens, the horns will sound, headlights pop up and flash, and sidemarker lamps, position lamps, and tail lamps will flash for about two minutes. These audible and visual alarms will draw the attention of the people around the vehicle to the illegal efforts of the unauthorized person. After the activation of the alarm for about two minutes, the system is automatically rearmed and if any of the conditions described above occur, the alarm will activate again. The system is disarmed when either door is unlocked by using the key.

As already noted, the theft deterrent system of the NS–X has an engine starter interrupt feature. While the theft deterrent system is armed, the electric line which activates an engine starter motor is kept interrupted by the starter relay. As a result of this, the engine cannot be started by bypassing the engine starter and battery circuit or rotating the ignition switch by means other than the authentic key.

The theft deterrent functions reinforce one another, making theft of the vehicle more difficult. Even if an unauthorized person could enter the vehicle without activating the alarm, Honda states it is impossible to move the vehicle because the NS–X is equipped with a steering lock device. If the steering lock device is broken, the engine starter interrupt function is still in operation and makes it impossible to start the engine. If the starter circuit and the battery circuit are bypassed for starting the engine, the alarm is activated.

Honda also states that the system is designed to make attempts to defeat the system difficult. All the switches and wiring activating the system are inaccessible from outside of the vehicle to prevent tampering by an unauthorized person. The batter terminals are not accessible without opening the front hood (if it is opened, an alarm will activate). If the battery terminal(s) could be disconnected from under the vehicle, the alarm will activate when the disconnected terminal(s) is reconnected in order to start the engine. The NS–X has three horns. One of them is placed under the front hood compartment where it is more difficult to tamper with than the other two horns.

In order to ensure the reliability and durability of the system, Honda conducted the following tests, based on their own specified standards: Instant power source voltage cut test; power source voltage test; surge test; battery reversed connection test; electromagnetic wave test; high and low temperature test; temperature and humidity change test; temperature and humidity resistance test; vibration resistance test; drop test; thermal shock test; operation endurance test; static electricity test; noise resistance test; and walkie talkie test.

Honda stated that since the theft deterrent system of the NS–X is the first newly developed system as standard for Honda car lines, no theft record has been established and no objective date can be provided to determine that the system is likely to be as effective as compliance with the parts-marking requirements.

Honda made a comparison of the Acura NS–X system with those systems used on car lines which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements.

Honda states that the following carlines have similar NHTSA approved theft deterrent systems as the one proposed for the NS–X; Chrysler Conquest, Mazda RX–7, Nissan Maxima, and Toyota Cressida. In selecting these similar systems, the following criteria were considered by Honda: similar sensor switches that are incorporated in the theft deterrent system to activate the alarm; the kind of audio/visual alarm the system provides; and incorporation of a starter interrupt function.

Honda concludes that the NS–X theft deterrent system is not less effective than those systems in the above carlines for which NHTSA has granted exemptions from the parts-marking requirements.

Based on this substantial evidence, the agency believes that the antitheft device for the Honda Acura NS–X in Model Year 1991 is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard (49 CFR part 541).

The agency believes that the device will provide the types of performance listed in 49 CFR 543.6(a)(3): Promoting activation attracting attention to unauthorized entries; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that Honda has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Honda provided on its device. This information included a description of reliability and functional tests conducted by Honda for the antitheft system and its components. As was previously stated, Honda asserts that the function and design of the Honda antitheft device is similar to those of other devices, such as that on the Chrysler Conquest, Mazda RX–7, Nissan Maxima and Toyota Cressida that the agency previously has considered likely to be at least as effective as complying with part 541 would be.

If Honda decides not to use the exemption for the NS–X carline, it should formally notify the agency. If this is the case, these carlines must be marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and those replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs make it difficult at this early stage of the theft standard's implementation to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if Honda wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this Part and equipped with the antitheft device on which the line's exemption was based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

However, the agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change in the components or design of an antitheft device. The significance of many such changes could be *de minimus*. Therefore, NHTSA suggests that if Honda contemplated making any changes the effects of which might be characterized as *de minimus*, then the company should consult the agency before preparing and submitting a petition to modify.

Authority: 15 U.S.C. 2025, delegation of authority at 49 CFR 1.50.

Issued on: February 5, 1990.

Jerry Ralph Curry,

Administrator.

[FR Doc. 90–3033 Filed 2–8–90; 8:45 pm]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 698]

Dollar Limitation for Display and Retail Advertising Specialties

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: General notice.

SUMMARY: This notice sets forth the annually updated dollar limitations prescribed for alcohol beverage industry members under the "Tied House" provisions of the Federal Alcohol Administration Act.

DATES: This notice shall be effective retroactive to January 1, 1990.

ADDRESSES: Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Ave., NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: John Colozzi, Trade Affairs Branch, (202) 789–3085.

SUPPLEMENTARY INFORMATION: Based on data of the Bureau of Labor Statistics, the consumer price index was 4.6 percent higher in December 1989 than in December 1988. Therefore, effective

January 1, 1990, the dollar limitation for "Product Displays" (27 CFR 6.83(c)) is increased from $140.00 to $146.00 per brand. Similarly, the "Retailer Advertising Specialties" (27 CFR 6.85(b)) is increased from $69.00 to $72.00 per brand. Also, the "Participation in Retailer Association Activities" (27 CFR 6.100(e)) is increased from $140.00 to $146.00 per year.

Industry members who wish to furnish, give, rent, loan or sell product displays or retailer advertising specialties to retailers are subject to dollar limitations (27 CFR 6.83 and 6.85). Industry members making payments for advertisements in programs or brochures issued by retailer associations at a convention or trade show are also subject to dollar limitations (27 CFR 6.100). The dollar limitations are updated annually by use of a "cost adjustment factor" in accordance with 27 CFR 6.82. The cost adjustment factor is defined as a percentage equal to the change in the Bureau of Labor Statistics' consumer price index. Adjusted dollar limitations are established each January using the consumer price index for the preceding December.

Dated: February 1, 1990.

Daniel R. Black,

Acting Director.

[FR Doc. 90-3009 Filed 2-8-90; 8:45 am]

BILLING CODE 4810-31-M

Fiscal Service

[Dept. Circ. 570, 1989 Rev., Supp. No. 10]

Surety Companies Acceptable on Federal Bonds; CIGNA Insurance Company of the Midwest

A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 9304 to 9308, title 31, of the United States Code. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1989 Revision, on page 27806 to reflect this addition:

CIGNA Insurance Company of the Midwest. Business Address: 1600 Arch Street, Philadelphia, PA 19103. Underwriting limitation *b/*: *$2,142,000.* SURETY LICENSES *c/*: IN. INCORPORATED IN: Indiana

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR, part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

Copies of the Circular may be obtained from the Surety Bond Branch, Finance Division, Financial Management Service, Department of the Treasury, Washington, DC 20227, telephone (202) 287-3921.

Dated: January 30, 1990.

Mitchell A. Levine,

Assistant Commissioner, Comptroller, Financial Management Service.

[FR Doc. 90-2550 Filed 2-8-90; 8:45 am]

BILLING CODE 4810-35-M

Office of Thrift Supervision

Application for Accounting Principles and Procedures

February 2, 1990.

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: The public is advised that the Office of Thrift Supervision has submitted a new information collection entitled "Accounting Principles and Procedures" to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

The information collected enables the Office of Thrift Supervision to determine how many institutions and their service corporations are not reporting information on the basis of generally accepted accounting principles. We estimate that the paperwork burden imposed by this information collection is three hours per respondent.

DATES: Comments on the information collection request are welcome and should be received on or before February 20, 1990.

ADDRESSES: Comments regarding the paperwork-burden aspects of the request should be directed to:

Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Office of, Thrift Supervision.

The Office of Thrift Supervision would appreciate commenters sending copies of their comments to the information contact provided below.

Request for copies of the proposed information collection requests and supporting documentation are obtainable at the Office of Thrift Supervision address given below:

Director, Information Services Division, Communications Services, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Phone: 202-416-2751.

FOR FURTHER INFORMATION CONTACT: Robyn H. Dennis, (202) 331-4572, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

By The Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3090 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Application for Purchase of Branch Office(s)/Transfer of Savings Accounts Applications

Date: February 2, 1990.

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: The public is advised that the Office of Thrift Supervision ("OTS") has submitted for extension, without revision, an information collection entitled "Purchase of Branch Office(s)/Transfer of Savings Accounts Applications" to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

The information collected enables the OTS to determine and evaluate an institution's proposed transaction to purchase a branch office and/or transfer of savings accounts in light of the appropriate regulatory criteria. We estimate that the paperwork burden imposed by this information collection is 24 hours per respondent.

DATES: Comments on the information request are welcome and should be submitted February 20, 1990.

ADDRESSES: Comments regarding the paperwork-burden aspects of the request should be directed to:

Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Office of Thrift Supervision.

The Office of Thrift Supervision would appreciate commenters sending copies of their comments to the information contact provided below.

Request for copies of the proposed information collection request and supporting documentation are obtainable at the Office of Thrift Supervision address given below:

Director, Information Services Division, Communication Services, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Phone: 202-416-2751.

FOR FURTHER INFORMATION CONTACT: Kathleen O. Willard, (202) 906-6789, Office of Thrift Supervision, Corporate Activities Division, 1700 G Street, NW., Washington, DC 20552.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3089 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Application for Permissible Activities

Date: February 5, 1990.

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: The public is advised that the Office of Thrift Supervision has submitted a new information collection entitled "Permissible Activities," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

The information collected enables the Office of Thrift Supervision to determine if savings and loan holding companies should be given permission to engage in activities not permissible for bank holding companies. We estimate that the paperwork burden imposed by this information collection is three hours per respondent.

DATES: Comments on the information collection request are welcome and should be received on or before February 20, 1990.

ADDRESSES: Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Office of Thrift Supervision.

The Office of Thrift Supervision would appreciate commenters sending copies of their comments to the information contact provided below.

Request for copies of the proposed information collection requests and supporting documentation are obtainable at the Office of Thrift Supervision address given below: Director, Information Services Division, Communications Services, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552, Phone: 202-416-2751.

FOR FURTHER INFORMATION CONTACT: Bob Cline, (202) 331-4552, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

By The Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3085 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-1-M

Application for Salvage Power To Assist Service Corporation

Date: February 2, 1990

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: The public is advised that the Office of Thrift Supervision ("OTS") has submitted a request for a new information collection entitled "Application for Salvage Power to Assist Service Corporation," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

The informaion collected enables the OTS to comply with the requirements of section 563.38 of the Savings Association Regulations. The information will be used to determine whether the savings association, in the exercise of its salvage power, shall make any contribution, loan, guarantee of a loan made by any other person to its service corporation, or invest in its service corporation or assume any of its liabilities, if such contribution, loan, investment, guarantee, or assumption of liability, together with such guaranteed loans, direct loans, contributions, and equity risk investments by the savings association in its service corporations, would exceed the maximum investment otherwise permitted by law or regulation.

Each application shall establish in a written statement that the action the savings association proposes is for the protection of the savings association's investment and is consistent with safe, sound, and economical home financing. The application shall describe and discuss alternative solutions to the service corporation's financial problem including solutions which do not involve increased investment by the savings association, and contain such other information as the OTS may require. We estimate that it will take approximately 8 hours per respondent to complete the information collection.

DATES: Comments on the information collection request are welcome and should be received on or before February 26, 1990.

ADDRESSES: Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the OTS.

The OTS would appreciate commenters sending copies of their comments to the information contact provided below.

Request for copies of the proposed information collection requests and supporting documentation are obtainable at the OTS address given below: Director, Information Services Division, Communication Serives, Office of Thrift Supervision, 1700 G Street, NW., Washington, Dc 20552, Phone: 202-416-2751.

FOR FURTHER INFORMATION CONTACT: Kathleen O. Willard, (202) 906-6789, Office of Thrift Supervision, Corporate Activities Division, 1700 G Street, NW., Washington, DC 20552.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3088 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Application for Voluntary Dissolution

Date: February 5, 1990.

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: The public is advised that the Office of Thrift Supervision has submitted a new information collection entitled "Voluntary Dissolution," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. chapter 35).

The information collected enables the Office of Thrift Supervision to determine if it is in the public interest to allow a savings association to dissolve. We estimate that the paperwork burden imposed by the information collection is 200 hours per respondent.

DATES: Comments on the information collection request are welcome and should be received on or before February 20, 1990.

ADDRESSES: Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Office of Thrift Supervision.

The Office of Thrift Supervision would appreciate commenters sending copies of their comments to the information contact provided below.

Request for copies of the proposed information collection requests and supporting documentation are obtainable at the Office of Thrift Supervision Address given below:

Director, Information Services Division, Communications Services, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Phone: 202-416-2751.

FOR FURTHER INFORMATION CONTACT: Bob Cline (202) 331-4552, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

By The Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3084 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Merabank Federal Savings Bank, Phoenix, AZ.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for MeraBank Federal Savings Bank, Phoenix, Arizona ("Savings Bank") on January 31, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3103 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Pioneer Federal Savings Bank, Clearwater, FL; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (A) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Pioneer Federal Savings Bank, Clearwater, Florida ("Savings Bank") on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3104 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Bright Banc Savings Association; Dallas, TX; Replacement of Conservator with a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5 (d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Bright Banc Savings Association, Dallas, Texas ("Association") with the Resolution Trust Corporation as sole Receiver for the Association on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3096 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Clyde Federal Savings and Loan Assoc., North Riverside, IL.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Clyde Federal Savings and Loan Association, North Riverside, Illinois ("Association"), docket No. 3502 on February 2, 1990.

Dated February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3091 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Clyde Federal Savings Assoc., North Riverside, IL; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Clyde Federal Savings Association, North Riverside, Illinois ("Association"), on February 2, 1990.

Dated: February 5, 1990

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3092 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Federal Asset Disposition Association, A Federal Savings and Loan Association, Washington, DC; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(B) of the Home Owner's Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Federal Asset Disposition Association, A Federal Savings Association, Washington, DC. on February 5, 1990.

Dated: February 5, 1990

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3098 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Henderson Home Savings and Loan Assoc., F.A., Appointment of Conservator, Henderson, KY

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly apointed the Resolution Trust Corporation as sole Conservator for Henderson Home Savings and Loan Association, F.A., Henderson Kentucky ("Association"), on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3094 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Henderson Home Federal Savings and Loan Assoc., Appointment of Receiver, Henderson, KY.

Notice is hereby given that, pursuant to the authority contained in section 5(D)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust

Corporation as sole Receiver for Henderson Home Federal Savings and Loan Association, Henderson, Kentucky ("Association"), on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3093 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Merabank, a Federal Savings Bank, Phoenix, AZ.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of Section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by Section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for MeraBank, A Federal Savings Bank, Phoenix, Arizona ("Savings Bank") on January 31, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3099 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

MESA Federal Savings and Loan Assoc. of Colorado, Grand Junction, CO; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(F) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Mesa Federal Savings and Loan Association of Colorado, Grand Junction, Colorado ("Association") on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3100 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Peoples Savings Assoc., F.A., St. Joseph, MI; Replacement of Conservator With a Receiver

Notice is hereby given that pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for Peoples Savings Association, F.A., St. Joseph, Michigan ("Association") with the Resolution Trust Corporation as sole Receiver for the Association on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3097 Filed 2-8-90; 8:45 am]

BILLING CODE-6720

Sentinel Federal Savings and Loan Assoc.; Phoenix, AZ.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(B) and (H) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision, has duly appointed the Resolution Trust Corporation as sole Conservator for Sentinel Federal Savings and Loan Association, Phoenix, Arizona ("Association"), on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3095 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Sentinel Savings and Loan Assoc., Phoenix, AZ.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(C) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Sentinel Savings and Loan Association, Phoenix, Arizona ("Association"), on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3102 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Skokie Federal Savings and Loan Assoc., F.A., Skokie, IL; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(F) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Skokie Federal Savings and Loan Association, F.A., Skokie, Illinois ("Association") on February 2, 1990.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Executive Secretary.

[FR Doc. 90-3101 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

[Order No. AC-4; OTS No. 0012]

Harvest Savings Bank, F.S.B., Dubuque, IA; Revised Notice of Final Action; Approval of Conversion Application

February 2,1990.

Notice is hereby given that on January 23, 1990, the Chief Counsel, Office of the Thrift Supervision, acting pursuant to the authority delegated to him or his designee, approved the application of Harvest Savings Bank, F.S.B., Dubuque, Iowa, for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Secretariat, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, and District Director, Office of Thrift Supervision, Des Moines District Office, 907 Walnut Street, Des Moines, Iowa 50309.

By the Office of Thrift Supervision.

M. Danny Wall,

Director.

[FR Doc. 90-3105 Filed 2-8-90; 8:45 am]

BILLING CODE 6720-01-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 28
Friday, February 9, 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).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b (e)(2) and (e)(3)), of the change in the special meeting and amendment to the agenda of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board was held at the offices of the Farm Credit Administration in McLean, Virginia, on January 9, 1990 recessed and reconvened on January 26, 1990, and on February 2, 1990, from 8:35 a.m. until the Board concluded its business at 9:05 a.m.

FOR FURTHER INFORMATION CONTACT: Jeffrey P. Katz, Acting Secretary to the Farm Credit Administration Board, (703) 883-4003, TDD (703) 883-4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090.

SUPPLEMENTARY INFORMATION: The Board convened a special meeting on January 9, 1990, the agenda of which was published on January 8, 1990 at 55 FR 693. The Board recessed the meeting on January 9, 1990 subject to the call of the Chairman. On January 26, 1990 (55 FR 2922), the meeting was reconvened and again recessed subject to the call of the Chairman. This is public notice regarding the reconvening of the January 9, 1990 meeting on February 2, 1990 from 8:35 a.m. until 9:05 a.m. at which time the meeting was adjourned. Parts of the meeting were closed to the public pursuant to exemptions prescribed in 5 U.S.C. 552b(c)(9) as previously published. In addition, on February 2, 1990, by unaimous vote of the Board, the previously published agenda was amended to include the following item:

Open Session

- California Livestock PCA—Request for termination of System status.

Dated: February 7, 1990.

Jeffrey P. Katz,

Acting Secretary, Farm Credit Administration Board.

[FR Doc. 90-3266 Filed 2-7-90; 1:55 pm]

BILLING CODE 6705-01-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 the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2:00 p.m. on Tuesday, February 13, 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: Proposed amendment to the Corporation's rules and regulations in the form of a new Part 323, entitled "Appraisals", which would implement Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by identifying which transactions require an appraiser, setting forth minimum standards for performing appraisals, and distinguishing those appraisals requiring the services of a state-certified appraiser from those requiring a state-licensed appraiser.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

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: February 6, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 90-3190 Filed 2-6-90; 4:34 p.m.

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 3:00 p.m. on February 13, 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)(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.

Reports of the Office of the Inspector General:

Audit Report re:
Inventory Closing Procedures, Oklahoma City Consolidated Office (Memo dated December 22, 1989)

Audit Report re:
First Service Bank for Savings, Leominster, Massachusetts (5963) (Memo dated January 19, 1990)

Audit Report re:
The First National Bank and Trust Company of Oklahoma City, Oklahoma City, Oklahoma (2574) (Memo dated January 5, 1990)

Audit Report re:
Utica National Bank & Trust Company, Tulsa, Oklahoma (4034) (Memo dated December 22, 1989)

Audit Report re:
Consolidated Statement of Deficiency in Net Assets for Frontier Savings and Loan Association, FSLIC as Receiver, and Subsidiaries as of September 30, 1987 (Memo dated January 3, 1990)

Audit Report re:
Consolidated Financial Statements for Intercapital Savings Bank, FSLIC as Receiver, and Subsidiary for the Year Ended September 30, 1987 (Memo dated January 3, 1990)
Audit Report re:
Consolidated Financial Statements for Sunrise Savings and Loan Association, A Federal Savings and Loan Association, FSLIC as Receiver, and Subsidiaries for the Year Ended September 30, 1988 (Memo dated January 3, 1990)
Audit Report re:
Consolidated Statement of Deficiency in Net Assets for Presidio Savings and Loan Association, FSLIC as Receiver, and Subsidiaries as of September 30, 1987 (Memo dated January 3, 1990)
Audit Report re:
Consolidated Statement of Deficiency in Net Assets for Central Illinois Savings and Loan Association, FSLIC as Receiver, and Subsidiaries as of September 30, 1987 (Memo dated January 18, 1990)
Audit Report re:
Consolidated Financial Statements for Life Savings of America, A FSB, FSLIC as Receiver, and Subsidiaries for the Year Ended September 30, 1987 (Memo dated January 18, 1990)
Audit Report re:
Consolidated Statement of Deficiency in Net Assets for San Marino Savings and Loan Association, FSLIC as Receiver, and Subsidiaries as of September 30, 1987 (Memo dated January 3, 1990)
Audit Report re:
Consolidated Statement of Deficiency in Net Assets for Liberty Federal Savings and Loan Association and Subsidiaries as of September 30, 1988 (Memo dated January 8, 1990)
Audit Report re:
Financial Statements for Cleveland Community Savings Company, FSLIC as Receiver, for the Year Ended September 30, 1988 (Memo dated January 8, 1990)
Audit Report re:
Financial Statements for Economy Savings and Loan Association, FSLIC as Receiver, for the Year Ended September 30, 1988 (Memo dated January 8, 1990)
Audit Report re:
Financial Statements for Sierra Federal Savings and Loan Association, FSLIC as Receiver, for the Year Ended September 30, 1987 (Memo dated December 18, 1989)
Audit Report re:
Financial Statements for Homestead Savings and Loan Association, FSLIC as Receiver, and Subsidiaries as of September 30, 1988 (Memo dated December 18, 1989)
Audit Report re:
Financial Statements for East Tennessee Federal Savings and Loan Association, FSLIC as Receiver, for the Year Ended September 30, 1988 (Memo dated January 8, 1990)
Audit Report re:
Statement of Net Assets Payable to FSLIC-Corporate for Century Savings Association, FSLIC as Receiver, as of September 30, 1987 (Memo dated January 3, 1990)
Audit Report re:
Statement of Net Assets Payable to FSLIC-Corporate for Century Savings Association, FSLIC as Receiver, as of September 30, 1986 (Memo dated January 3, 1990)
Audit Report re:
Audit of Roosevelt Federal Savings and Loan Association, Case Number: C-183c (Memo dated January 2, 1990)
Audit Report re:
Audit of United Federal Savings Bank, Case Number: C-213c (Memo dated January 2, 1990)
Audit Report re:
Audit of Illinois/Service Federal Savings and Loan Association, Case Number: C-136c (Memo dated January 2, 1990)
Audit Report re:
Audit of The Long Island Savings Bank, FSB, Syosset, New York, Case Number: C-196c (Memo dated January 8, 1990)
Audit Report re:
Land of Lincoln Savings and Loan Association/First Calumet City Savings, Assistance Agreement, Case Number: C-101c (Memo dated January 18, 1990)
Audit Report re:
Land of Lincoln Savings and Loan Association/Financial Security Savings and Loan Association, Assistance Agreement, Case Number: C-112c (Memo dated January 18, 1990)
Audit Report re:
Anchor Savings Bank, FSB, Assistance Agreement, Case Number: C-197c (Memo dated January 18, 1990)
Audit Report re:
Anchor Savings Bank, FSB, Assistance Agreement, Case Number: C-113c (Memo dated January 18, 1990)
Audit Report re:
Anchor Savings Bank, FSB, Assistance Agreement, Case Number: C-267c (Memo dated January 18, 1990)
Audit Report re:
Audit of Travel Voucher Claims (Memo dated January 16, 1990)
Audit Report re:
Audit of Validity of Vendors in Corporate Vendor File (Memo dated January 18, 1990)

Memorandum re: Request for authority to expend funds for outside education and training services.

Discussion Agenda

Memorandum regarding the Corporation's assistance agreement with an insured bank.

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)).

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: February 6, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 90-3191 Filed 2-6-90; 4:34 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, February 14, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 6, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-3192 Filed 2-6-90; 5:02 p.m.]

BILLING CODE 6210-01-M

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

TIME AND DATE: 10:00 a.m., February 20, 1990.

PLACE: 5th Floor, Conference Room, 805 Fifteenth Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of last meeting.
2. Thrift Savings Plan activities report by the Executive Director.
3. Quarterly review of investment policy.

CONTACT PERSON FOR MORE INFORMATION: Tom Trabucco, Director, Office of External Affairs, (202) 523-5660.

Dated: February 5, 1990.

Francis X. Cavanaugh,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 90-3224 Filed 2-7-90; 8:45 am]

BILLING CODE 6760-01-M

RESOLUTION TRUST CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 10:05 a.m. on Monday, February 5, 1990, the Corporation's Board of Directors determined, on motion of Chairman L. William Seidman, seconded by Director C. C. Hope, Jr. (Appointive), concurred in by Director Robert L. Clarke, (Comptroller of the Currency) and Director M. Danny Wall (Director of the Office of Thrift Supervision), that Corporation business required the addition of the following item to the "*Summary Agenda*" for consideration at the meeting on less than seven days' notice to the public:

Item A: FADA Receivership

The Board further determined, by the same majority vote, that no earlier notice of these changes in the subject matter of the meeting was practicable.

Dated: February 6, 1990.

Resolution Trust Corporation.

William J. Tricarico.

Assistant Executive Secretary.

[FR Doc. 90-3225 Filed 2-7-90; 11:52 am]

BILLING CODE 6714-01-M

RESOLUTION TRUST CORPORATION

Notice of Agency Meeting

Pursuant to provisions of the "Government in the Sunshine Act" (5 U.S.C. 552B), Notice is hereby given that the Resolution Trust Corporation's Board of Directors will meet in open session at 2:30 p.m. on Tuesday, February 13, 1990, to consider the following matters:

Summary Agenda

No Cases.

Discussion Agenda

A. Memorandum and resolution re: Notice of Proposed Rulemaking on Real Estate Appraisals (implementing Title XI, FIRREA). The intent of this regulation is to provide assurance to affected federal entities that real estate appraisals used in connection with Federal responsibilities are performed in accordance with uniform standards by competent individuals whose professional conduct is subject to effective supervision.

The meeting will be held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. John M. Buckley, Jr., Executive Secretary of the Resolution Trust Corporation, at (202) 898-3604.

Dated: February 5, 1990.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 90-3226 Filed 2-7-90; 11:52 am]

BILLING CODE 6714-01-M

Corrections

Federal Register
Vol. 55, No. 28
Friday, February 9, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Parts 330 and 331

I2 RIN 3064-AB01

Deposit Insurance Coverage

Correction

In proposed rule document 89-29536 beginning on page 52399 in the issue of Thursday, December 21, 1989, make the following corrections:

1. On page 52399, in the third column, in the first incomplete paragraph, in the sixth line, insert "that" after "those".

2. On page 52400, in the third column, in the first complete paragraph, in the first line, "FCIC's" should read "FDIC's".

3. On the same page in the same column, in the second complete paragraph, in the fourth line, "mortgator" should read "mortgagor".

4. On page 52401, in the third column, in the first complete paragraph, in the 29th line, insert "the" before "present".

5. On page 52405, in the third column, in the second complete paragraph, in the 11th line, "an" should read "on".

6. On page 52406, in the first column, in the first complete paragraph, in the last line, insert ")" before "in".

7. On the same page in the same column, in the second complete paragraph, in the third line "appication of state of" should read "application of state or".

8. On the same page, in the third column, in the first incomplete paragraph, in the second line, "case" should read "cases".

9. On the same page in the same column in the same paragraph, in the 15th line, "mispresented" should read "misrepresented".

10. On the same page in the same column in the same paragraph, in the 21st line, "of" should read "for"

11. On page 52408, in the third column, in the first complete paragraph, in the 14th line, insert "insured" before "depository".

12. On page 52409, in the first column, in the first incomplete paragraph, in the 27th line, insert "of the Federal Estate Tax Regulations (26 CFR 20.2031-7" before ")".

13. On the same page, in the same column, in the first complete paragraph, in the tenth line, "trusted" should read "trusteed".

14. On the same page, in the third column, in the first complete paragraph, in the 23rd line, insert "current practice of aggregating IRA and Keogh deposits in some, but not all situations. The FDIC's" before "rationale".

15. On page 52410, in the first column, in the first incomplete paragraph, in the fifth line, insert "in the Trust Territory of the Pacific Islands in the list of public units" before "which".

16. On the same page in the same column in the same paragraph, in the seventh line, insert "and other public units located within the United States" before "."

§330.1 [Corrected]

17. On page 52411, in the second column, in § 330.1(d), in the 16th line, insert "depository institution, including records maintained by computer, which relate to the" before "insured".

§330.2 [Corrected]

18. On the same page, in the third column, in § 330.2, in the 28th line, "the" should read "a".

§ 330.3 [Corrected]

19. On page 52412, in the second column, in § 330.3(g)(2), in the third line, remove the word "of".

§ 330.7 [Corrected]

20. On page 52414, in the third column, in § 330.7(c)(3), in the 17th line, "capability" should read "capacity".

21. On the same page in the same column, in § 330.7(d), in the fifth line, insert "be" before "treated".

§ 330.13 [Corrected]

22. On page 52417, in the first column, in § 330.13(a), in the first line, "Account" should read "Accounts".

23. On page 52417, in the first column, in § 330.13(b), in the tenth line, insert "any" after "or".

§ 330.14 [Corrected]

24. On the the same page, in the second column, in § 330.14(b)(1), in the second line, "Qualification" should read "Qualifications".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

Federal Council on the Aging; Meeting

Correction

In notice document 90-2360 appearing on page 3489 in the issue of Thursday, February 1, 1990, make the following correction:

In the second column, after the Dated line, insert "**Ingrid Azvedo,** *Chairperson, Federal Council on the Aging.*"

BILLING CODE 1505-01-D

federal register

Friday
February 9, 1990

Part II

Department of Health and Human Services

Administration on Aging

Fiscal Year 1990 Discretionary Funds Program; Availability of Funds and Request for Applications; Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)

Administration on Aging

[Program Announcement No. AOA-90-1]

Fiscal Year 1990 Discretionary Funds Program; Availability of Funds and Request for Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications under the Administration on Aging's Discretionary Funds Program.

SUMMARY: The Administration on Aging (AoA) announces the beginning of its Discretionary Funds Program (DFP) for Fiscal Year 1990. Funding for AoA discretionary grants is authorized by Title IV of the Older Americans Act, Public Law 89-73, as amended. This program announcement consists of three parts. Part I provides background information, discusses the purpose of the AoA Discretionary Funds Program, and documents the statutory funding authority. Part II describes the programmatic priorities under which AoA is inviting applications to be considered for funding. Part III describes in detail the application process and provides guidance on how to prepare and submit an application.

All of the forms necessary to submit an application are published as part of this announcement following Part III. No separate application kit is necessary for submitting an application. If you have a copy of this announcement, you have all the information and forms required to prepare and submit an application.

Grants will be made under this announcement subject to the availability of funds for the support of these activities.

DATES: The closing date for receipt of applications under this announcement is April 25, 1990.

ADDRESSES: Application receipt point: Department of Health and Human Services, Grants and Contracts Management Division, Acquisition and Assistance Management Branch, 200 Independence Avenue, SW., Room 341F.2, Washington, DC 20201, Attn: AoA-90-1.

FOR FURTHER INFORMATION CONTACT: Department of Health and Human Services, Administration on Aging, Office of Program Development, 330 Independence Avenue, SW., Room 4661, Washington, DC 20201, telephone (202) 245-0441.

SUPPLEMENTARY INFORMATION

Part I—Preamble

A. Goals of the Administration on Aging (AoA)

Consistent with its responsibilities for carrying out the Older Americans Act, the Administration on Aging, under the leadership of the U.S. Commissioner on Aging-Designate, Dr. Joyce T. Berry, has recently published an Annual Statement of Goals for Fiscal Year 1990. These eight goals embrace a set of societal concerns and policy issues that will carry over through the 1990's and into the 21st century. The goals reflect and support the priorities of the Department of Health and Human Services established by the Secretary, Louis W. Sullivan, M.D.

Underlying these goals is a dual challenge to AoA and the nation-wide aging network to (1) serve the current generation of older Americans more effectively while (2) building a long range capacity to respond to the dramatic increases in the older population projected for the coming decades. AoA fully recognizes that the wide range of efforts encompassed by these eight goals constitutes only a part of the policy and program agenda this nation faces in seeking to assure the well-being of its older citizens. Nevertheless, within this context, the goals constitute a formidable yet realistic framework for the exercise of AoA's leadership role in working with others in the field of aging to improve the lives of older persons. The goals are presented below:

Annual Statement of Goals, Administration on Aging, Fiscal Year 1990

Older Americans Act—Goals for 1990 and Beyond

1. *Public/Private Partnerships*—Increase awareness within both the public and private sectors of the challenge of the changing demographics, and stimulate the expansion of services and resources for older persons by promoting public/private sector partnerships.

2. *Older Persons as a Resource*—Promote the recognition of older persons as a resource to themselves, to their community, and to the nation.

3. *Strengthening the Family and Generational Bonding*—Increase understanding of the societal implications of aging, with particular attention to the development and implementation of strategies for strengthening the family and the interdependence of generations.

4. *Prevention and Alternatives to Institutional Care*—Promote the recognition of the importance, and the development, of preventive, in-home and community-based supportive services as vital components of the continuum of care.

5. *Promotion and Enhancement of Effective Community Based Service Systems*—Promote and support the continued strengthening of comprehensive and coordinated community service systems to insure that such services are available, accessible, and acceptable to older persons.

6. *Targetting—Strategic Resource Allocation*—Develop and implement new strategies for more effectively targetting resources and programs on the needs of the most vulnerable older persons, with special emphasis on low-income minority elderly.

7. *Manpower Development*—Increase awareness of, and promote action to relieve, the critical manpower needs in the field of aging, with particular attention to the need for an adequate supply of trained personnel to care for older persons at home, in the community and in nursing homes.

8. *Preparing for the 21st Century—Challenges and Opportunities of an Aging Society*—Promote public information and technical assistance to targetted groups for better decisions which need to be made now to insure that public, voluntary and private sector organizations are responsive to the resources and needs presented by the increasing numbers of older persons during the first decades of the 21st century.

B. The AoA Discretionary Funds Program

The Discretionary Funds Program, as authorized by title IV of the Older Americans Act, constitutes the major research, demonstration, training, education, and development effort of the Administration on Aging. The principal mission of the title IV discretionary program is to assist in achieving for older persons the independence, dignity, and opportunities envisioned in the Older Americans Act and underscored by the AoA Goals for 1990 and Beyond.

Toward this end, AoA seeks to fund projects which:

• Analyze trends and anticipate social issues that will become paramount in the future;

• Improve the effectiveness and efficiency of programs for the elderly by testing new models, systems and approaches for providing and delivering services; and

• Provide training, technical assistance, and information that will increase our ability to serve older people effectively, skillfully, and compassionately.

C. Technical Assistance Workshops for Prospective Applicants

Workshops will be held in Washington, DC, and several other cities to provide guidance and technical assistance to prospective applicants. Please call the appropriate AoA contact person for the time and location of the technical assistance workshop you are interested in attending.

City	AoA contact person
Washington, DC	Franklin Ollivierre, (202) 245-0441.
Boston, MA	Judith Rackmill, (212) 264-2974.
New York, NY	Judith Rackmill, (212) 264-2974.
Philadelphia, PA	Paul E. Ertel, Jr., (215) 596-6891.
Atlanta, GA	Franklin Nicholson, (404) 331-5900.
Chicago, IL	Eli Lipschultz, (312) 353-6503.
Dallas, TX	John Diaz, (214) 767-2971.
Kansas City, MO	Richard Burnett, (816) 426-2955.
Denver, CO	JoAnn Pegues, (303) 844-2951.
San Francisco, CA	John McCarthy, (415) 556-6003.
Seattle, WA	Chisato Kawabori, (206) 442-5341.

D. Statutory Authority

The statutory authority under which grants and cooperative agreements will be awarded through the AoA Discretionary Funds Program is:

• Title IV of the Older Americans Act, as amended (42 U.S.C. 3001 *et seq.*).

Part II—Priority Areas

The AoA Goals for FY 1990 constitute the basic organizing framework for the FY 1990 Priority Areas described in this Discretionary Funds Program announcement. This part of the announcement lists the FY 1990 priority areas under the relevant AoA Goal, as appropriate. Following the listing, each priority area is described in detail.

Applications are expected to be directly and explicitly responsive to the expressed concerns of a particular priority area.

A. Eligible Applicants

As a general rule, any public or nonprofit agency, organization, or institution is eligible to apply under this Discretionary Funds Program announcement. Where there are exceptions to this rule, they are specified in the appropriate priority area description. Applications from individuals cannot be considered because they are ineligible to receive a grant award under the provisions of title IV of the Older Americans Act. For-profit organizations are not eligible applicants, but they may participate as subgrantees or subcontractors to eligible public or nonprofit agencies.

Any nonprofit organization applying under this Program announcement that is not a current DHHS grantee should include with its application Internal Revenue Service documentation of its nonprofit status. A nonprofit applicant cannot be funded without acceptable proof of its status.

B. Project Costs and Duration

Under each priority area, AoA has estimated the number of projects to be funded, and it has offered guidelines regarding both the duration of those projects and the anticipated Federal share of project costs. Because applications are reviewed on a competitive basis within priority areas, in general they are expected to be comparable in terms of cost and duration. Therefore, applicants are strongly urged to adhere to those guidelines.

C. Priority Areas Indexed By AoA Goal, As Appropriate

I. Public/Private Partnerships
- 1.1 Developing Public/Private Sector Partnerships to Enhance the Availability of Resources to Meet the Needs of Older People
- 1.2 Training and Technical Assistance to State and Area Agencies on Aging on Working Collaboratively With the Private Sector
- 1.3 Eldercare: The Network's Response to the Needs of Employed Caregivers

II. Older Persons as a Resource
- 2.1 Expanding the Use of Older Volunteers to Provide In-Home Services for the Frail Elderly: AoA/ACTION Collaboration

III. Strengthening the Family and Intergenerational Bonding
- 3.1 Intergenerational Model Projects
  - 3.1A Model Intergenerational Programs
  - 3.1B Intergenerational Volunteer Projects in Head Start Programs
- 3.2 Improving Access to Services by Minority Persons with Alzheimer's Disease and Their Family Caregivers
- 3.3 Collaborative Curriculum Development Projects Between State Education Departments and State Agencies on Aging

IV. Prevention and Alternatives to Institutional Care
- 4.1 Incentive Awards to Enhance Long Term Care Systems Development
- 4.2 Prototype Health Education and Health Promotion Projects
- 4.3 Developing AoA/ADD State and Local Planning Linkages to Improve Services to Older Persons With Developmental Disabilities

V. Promotion and Enhancement of Effective Community Based Service Systems
- 5.1 Supportive Services in Federally-Assisted Housing for the Elderly
- 5.2 Enhancement of Nutrition Services for Older Persons

VI. Targetting—Strategic Resource Allocation
- 6.1 Targetting Program Resources to Low Income Minority Elderly
- 6.2 Minority Management Traineeship Program
- 6.3 Improved Targetting to Native American Elders
- 6.4 Resource and Program Development to Enhance Targetting of Services to Low Income Minority Older Persons

VII. Manpower Development
- 7.1 Education and Training
  - 7.1A Education to Prepare for an Aging Society
  - 7.1B Faculty and Program Development
- 7.2 Training to Improve Information and Referral Systems

VIII. Preparing for the 21st Century: Issues and Opportunities of an Aging Society
- 8.1 Regional Small Grants Program

IX. Other
- 9.1 Field Initiated Research and Demonstration Projects
- 9.2 National Legal Assistance Support System Projects

Priority Area Descriptions

I. Public/Private Partnerships

1.1 Developing Public/Private Sector Partnerships to Enhance the Availability of Resources to Meet the Needs of Older People

The Administration on Aging is seeking proposals from State and Area Agencies on Aging for the expansion and generation of new resources to assist the elderly in their efforts to live independently and with dignity in their later years. The rapid growth of the aging population presents many opportunities and challenges for our Nation. While government programs continue to provide the type of support needed by the elderly, clearly we must also look for other resources to meet the present and future needs of America's elderly. State and Area Agencies on Aging must continue to increase the development of coalitions, partnerships and collaborative efforts with the private sector in order to address more effectively the needs of older persons.

Under this priority area, applications are solicited from State and Area

Agencies on Aging for projects to demonstrate successful strategies for working with the private sector. Applications should be designed to develop innovative programs to increase the availability of resources to meet the needs of older persons in such areas as health, housing, employment, and access to community-based supportive services.

Business and industry can play a major role in assuring that older people obtain the services they need in their homes and in the community. Corporations and other business organizations can enhance the resources available for those services. One example is corporate donations to support expanded meals (holidays and weekends) for homebound elderly.

In the area of employment, the National Network on Aging can serve as a valuable resource to the private sector. State and Area Agencies on Aging need to work collaboratively with business and industry to expand and support senior employment, job retraining, and job sharing opportunities. For example, State and Area Agencies on Aging can assist private sector employers to locate older workers through job skill/job match programs. State and Area Agencies on Aging also conduct health promotion activities and retirement seminars for employees and provide information on various support groups for retirees.

Applications proposing to replicate or expand existing public/private sector partnerships will receive consideration; however, preference will be given to applications which propose to develop innovative collaborative partnerships between public agencies and private sector organizations. The collaborative models to be developed and implemented under the proposed project should be discussed in terms of the types of services that will be provided under expanded or new programs, the contributions that will be made by the Network on Aging and the private sector organization, and the impact of the new program on the lives of older persons.

Applications must include a description of plans for measuring progress and success of the project. Applicants must provide evidence of State or Area Agency on Aging coordination with a business or business coalition in developing and implementing the project. The application must include a plan for disseminating project findings and evidence that the collaborative activities under the project will be on-going once the grant terminates. The project's final report must provide sufficient documentation and information on the implementation of public/private partnership development strategies, including problems and how they were resolved, so that the report will be useful to other State and Area Agencies on Aging desiring to replicate the collaborative model.

Expected outcomes include increased private resources for services to the elderly, better understanding by the private sector of the needs and issues facing the elderly, and development of best practice models of public/private sector partnerships.

Applicant eligibility under this priority area is restricted to State and Area Agencies on Aging. It is anticipated that the Federal share of project awards will range between $40,000 and $75,000. The Administration on Aging expects to fund up to 15 projects under this priority area with a project duration of approximately 17 months.

1.2 Training and Technical Assistance to State and Area Agencies on Aging on Working Collaboratively With the Private Sector

The purpose of this priority area is to solicit applications to develop training and technical assistance materials for State and Area Agencies on Aging on how to approach the private sector for the purposes of increasing financial support and involvement in the development of programs for the elderly. The training and technical assistance materials should provide approaches, techniques, and models for successful interaction between the Network on Aging and the private sector.

State and Area Agencies on Aging need information on how to approach private sector organizations for the purposes of increasing financial support and involvement of the private sector in developing programs for older persons in the areas of health, employment, housing, access to service systems, in-home services to homebound elderly and community-based supportive services which promote the independence and well-being of older Americans.

This priority area is focused on training and technical assistance which will provide State and Area Agencies on Aging with guidance on successful techniques (1) for approaching private sector organizations for the purpose of stimulating private sector involvement and financial support for the expansion or development of programs for older persons; (2) for overcoming barriers to such collaboration; (3) for developing model partnership agreements; and (4) any other techniques and strategies for developing partnerships with the private sector.

Applications must include a section describing how the applicant will assist in stimulating private sector involvement in the expansion of Senior Companion projects funded in Priority Area 2.1. Priority Area 2.1 focuses on the work of the Senior Companion Program and on realizing the potential for expanding its efforts through a combination of public and private sector resources. Under that priority area, AoA and ACTION will support a three-year program to demonstrate innovative approaches aimed at seeking private sector support which will increase the use of Senior Companions in providing in-home services to the homebound elderly. When the demonstration program terminates, it is anticipated that the projects will be self-sustaining, relying solely on private sector or support from other non-federal sources.

The training and technical assistance provided under this priority area (i.e., 1.2) will help State and Area Agencies on Aging to successfully approach private sector organizations in order to stimulate financial support and involvement in the development of programs for the elderly.

AoA expects to fund only one project under this priority area with a Federal share of approximately $250,000 and a project duration of approximately 17 months. The successful applicant must be able to document considerable expertise and experience in developing public/private partnerships and coalitions and be recognized and respected as an organization with a history of successful interaction between private sector and human services organizations. The applicant must also have substantial knowledge about aging issues and concerns.

1.3 Eldercare: The Network's Response to the Needs of Employed Caregivers

The purpose of this priority area is to determine the extent and types of assistance provided by State and Area Agencies on Aging and service providers to employed caregivers of older persons.

The significant increase in America's older population, particularly the "old old", means that there are more persons who require care/assistance with their activities of daily living. Research has shown that family members provide over 80 percent of the care required by older relatives. While caring for frail and vulnerable family members is an American tradition, patterns of caregiving have shifted. Economic and social changes have brought increased numbers of women (historically the primary caregivers) into the workforce.

Many employed caregivers, still in their 30s and 40s are simultaneously caring for elders and children. In addition, America is experiencing greater geographic dispersion of families and changes in the character of the nuclear family. Long distance caregiving is a common arrangement for many families. All of these factors have dramatically affected the caregiving burdens on families.

As the caregiving burden on families has become more prevalent, its impact is being felt in the workplace. Corporations are beginning to recognize that the stress resulting from the uncertainties and responsibilities of caring for an older relative or friend takes its toll in the workplace through lower morale, absenteeism, frequent distractions and decreased productivity. Research conducted by the University of Bridgeport found weight fluctuation, sleep loss and depression among caregivers. Some of the other effects that may be experienced by caregivers include increased stress-related health problems, increased expenses for caregiving, disrupted family relationships and possible loss of employment opportunities or career advancement.

In recent years, a number of corporations, universities and other organizations, some funded by AoA, have surveyed employed caregivers in an effort to determine the need for caregiving services and related benefits. The Network on Aging serves as a resource to respond to the needs of private sector organizations through information, referral, and counseling services for employees and by providing access to services to meet the needs of older persons for which employed caregivers have responsibility. The Network on Aging is responsible for providing services to older Americans and should also be responsive to the needs of employed caregivers in the private sector.

As a basis for policy and program development by State and Area Agencies on Aging, it is critical to have information which provides an overview about the extent and nature of services provided by the Network on Aging to help employed caregivers in the private or public sector. Such a study might include:

(1) Identification of:

State and Area Agencies on Aging and other not-for-profit agencies which have an agreement with corporations, other business organizations, or public agencies to provide services to employed caregivers of elderly relatives.

(2) Determination of:

(a) The types of agreement and the manner in which costs for the service are covered; and

(b) The types of services provided to (1) employed caregivers and (2) their elderly relatives.

AoA expects to fund only one application under this priority area with a Federal share of approximately $75,000 and a project duration of approximately 12 months.

II. Older Persons as a Resource

2.1 Expanding the Use of Older Volunteers to Provide In-Home Services for the Vulnerable Elderly: AoA/ACTION Collaboration

This priority area is aimed at recognizing older persons who represent a major resource as volunteers on behalf of other elderly persons who need assistance in their activities of daily living. The fastest growing segment of the aging population is the very old, those 80 years of age and older, who are subject to greater risks of impairment and disability. As the oldest segment of the population increases rapidly and traditional family caregiving resources become strained, the healthy elderly represent a much needed pool of volunteers to provide long term care services to the vulnerable elderly and their families.

Two Federal agencies share a mandate to promote volunteer activities on behalf of older persons, the Administration on Aging and ACTION. Older volunteers are critical to the success of the major Older Americans Act programs which, under Title III, provide nutrition and supportive services to older Americans through a network of State and Area Agencies on Aging and local service provider agencies. In making grants for demonstration projects under Title IV of the Older Americans Act, the Commissioner on Aging is required to give special consideration to projects designed to provide expanded, innovative volunteer opportunities to older individuals.

As the Federal domestic volunteer agency, ACTION provides a wide variety of volunteer opportunities for people of every background and economic circumstance. It also acts as a link between the public and private sectors in forming partnerships for solutions to local problems. ACTION supports three volunteer programs that directly involve and impact on the elderly, the Retired Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program.

The Senior Companion Program (SCP) serves as a valuable resource for mobilizing older volunteers to provide in-home services to the homebound elderly. SCP volunteers, themselves low-income persons aged 60 and over, provide personal care and companionship to homebound older persons to help them maintain the highest possible level of independent living. Established in 1973, the Senior Companion Program has organized a volunteer corps of almost 9,000 senior companions to serve in over 170 projects throughout the nation.

This priority area is focused on the work of the Senior Companion Program and on realizing the potential for expanding its efforts through a combination of public and private sector resources. ACTION and AoA have agreed to jointly support a three-year program to demonstrate innovative approaches aimed at seeking private sector support which will increase measurably the use of Senior Companions in providing in-home services to the homebound elderly. Federal support will be reduced in the second and third years of the projects with the expectation that sufficient private sector or support from other sources would be raised to make the demonstration components self-sustaining upon the completion of the demonstration program.

Project applications are invited from State Agencies on Aging which, in collaboration with appropriate Area Agencies on Aging and Senior Companion Projects, would designate two existing Senior Companion projects as demonstration sites. It is anticipated that each demonstration site will average five volunteers per year, or 15 volunteer service years per project for the three year demonstration period.

In carrying out this demonstration program, SCP projects must meet all ACTION requirements and regulations governing the operation of a Senior Companion project. In site selection, preference should be given to those projects which serve the vulnerable homebound elderly aged 80 and over. In making awards, consideration will be given to sites with respect to their geographic, urban, and rural distribution.

Applications must:

• Provide a detailed plan for the management and operation of the Senior Companion demonstration components, including documentation of approaches to be used in attracting private sector support in making the projects self-sufficient;

• Specify the results expected in terms of utilizing the resources of older volunteers to serve the homebound frail elderly;

• Provide a detailed description of the two (2) proposed Senior Companion demonstration components, with particular attention to the factors which weighed heavily in their selection; and

• Show the interrelated roles of the participating agencies in the proposed model Senior Companion projects, and provide evidence of their commitment to the success of the projects.

AoA and ACTION will cooperatively undertake an evaluation of the impact of this effort. Each grantee will be required to provide information to these agencies for this evaluation effort.

Up to twenty (20) grants to State Agencies on Aging in collaboration with appropriate Area Agencies on Aging will be made under this priority area. The principal share of the grants should be reserved for stipends and administrative costs of the Senior Companion projects, with a residual amount to compensate Aging Network agencies for their technical assistance activities. It is expected that State Agencies on Aging will work in cooperation with ACTION field offices in the provision of technical assistance to the participating projects in such areas as fund raising and home health care for the vulnerable elderly. The Federal share for each State is expected to approximate $57,000 for the first seventeen (17) months of the project and, subject to the availability of funds, $22,312 for the second budget period of nine (9) months and $9,937 for the third and final budget period, also nine (9) months in duration.

III. Strengthening the Family and Intergenerational Bonding

3.1 Collaborative Intergenerational Model Programs

The purpose of this priority area is to encourage public and private sector organizations to develop and stimulate replication of creative intergenerational programs. It has been demonstrated that intergenerational programs can provide a valuable service to all participants regardless of age. Although the success of intergenerational programming has been shown in a number of different settings, there continue to be numerous opportunities to test intergenerational concepts. In addition, we wish to expand the number of settings where intergenerational programs are viewed as a viable option for meeting the needs of older persons and children.

Two types of projects will be funded under this priority area. Priority Area 3.1A includes a range of collaborative intergenerational projects which may be conducted under a variety of auspices. Priority Area 3.1B focuses specifically on collaborative volunteer projects in Head Start Programs. It is a joint funding effort of AoA and the Administration for Children, Youth, and Families—Head Start. Eligible applicants in 3.1B are limited to Head Start grantees working in collaboration with aging organizations.

3.1A Model Intergenerational Programs

These projects should demonstrate innovative intergenerational models that serve these purposes: (1) Develop communication and understanding among generations; (2) dispel myths and stereotypes; (3) foster cooperation and discourage unfounded competition among the generations; (4) provide needed services and a supportive atmosphere for children; (5) provide needed services and a sense of self worth and dignity for older adults; and (6) expand community interest in intergenerational programs as an alternative service mode.

Some examples of community intergenerational programs that might be considered include, but are not limited to, the following: (1) Activities for latch-key children supervised by older persons; (2) involvement of older adults in child abuse and neglect prevention and/or treatment; (3) respite services by older persons for caregivers of disabled children; (4) where feasible, sound, and appropriate, surrogate grandparenting for selected youthful offenders who show promise of rehabilitation; (5) intergenerational day care, including services for older persons; and (6) public information programs which dispel negative stereotypes of aging and alleviate mistrust between generations.

Applications must document the innovative characteristics of the project in the field of intergenerational programming. The basic framework of the project should incorporate reciprocal benefits for both young and old participants. The involvement of the local Area Agency on Aging and either the public child welfare services agency or the local Head Start grantee should be documented in the application.

Since intergenerational programs are an important and effective vehicle for serving youth and older adults, it is expected that the application will include a plan which increases public awareness about the project and its benefits and encourages other local agencies/organizations to implement intergenerational programs as an adjunct to traditional support services. In conjunction with this, applicants should give attention to the development of materials which give visibility to the project and assist others with the design and implementation of intergenerational programs.

AoA expects to fund up to four projects in this area. The Federal share of project costs is expected to be approximately $75,000 for a project period of approximately 17 months.

3.1B Intergenerational Volunteer Projects in Head Start Programs

Head Start is a community based program serving economically disadvantaged preschool children and their families. The program has a rich tradition of using volunteers in the classroom, as transportation aides or chaperones for field trips, as cooks, bookkeepers, accountants, or as nurses, doctors, and dentists. In addition, volunteers help keep facilities in working order, support parents by helping to develop literacy or employment skills and provide extended day child care in the center. Also, bilingual volunteers are very helpful in befriending and coaching immigrant families.

Because of multiple problems, many Head Start families are at extreme risk and could use help in reorganizing their lives. Frequently, drawing on their own experiences and knowledge, older volunteers can be invaluable mentors for young parents. They can serve as models on how to nurture and care for children as well as help parents become organized and set goals.

Head Start has traditionally relied extensively on Head Start parents to be volunteers in the program. However, because many parents are already working and many more will be in education, training or employment as a result of the recent JOBs legislation, volunteers are needed from other sources. In addition, Head Start expects to expand its programs in communities creating the need for even more volunteers.

As a result, the focus of this priority area is to provide intergenerational volunteer opportunities for older Americans in program settings which link aging organizations and Head Start Agencies. Specifically, the purpose of this priority area is to develop approaches to recruitment, training and retention of older volunteers within Head Start programs. It is expected that applicants will use appropriate strategies and innovative technologies for the management of volunteers within Head Start which can be replicated at other program sites. There is a great potential for using retired professionals who can assist management and staff.

It is expected that grantees will demonstrate and document, in the most effective manner, a variety of successful approaches which could result, for example, in volunteer recruitment and training modules as well as administrative plans and processes. Project results should have wide applicability to the needs of culturally diverse Head Start programs of various sizes and locations.

Demonstration grantees are expected to address such areas as how to recruit older volunteers, characteristics to look for, types and need of transportation, length and types of training, number of hours and times of day generally suitable for older volunteers, appropriate roles and responsibilities, and how to recruit and involve older volunteers who share the home language and culture of Head Start families.

For the purpose of exchanging information and sharing experiences, project staff will be invited to participate in an annual meeting of those grantees funded under this priority area. These annual meetings will also provide an opportunity to participate in training certified by the Association for Volunteer Administration.

An eligible applicant under 3.1B must be a Head Start grantee who will work in collaboration with an aging organization under a subcontract. The collaborating aging organization is expected to assist in recruiting and training the older volunteers. The aging organization may be an Area Agency on Aging, a grantee under Title VI of the Older Americans Act, an aging service provider, or another appropriate aging organization. If the Area Agency is not the subcontracting aging organization, the application should provide evidence that the Area Agency on Aging has been closely involved in the planning and will be closely involved in the implementation of the project.

The Administration for Children, Youth, and Families—Head Start will provide approximately $35,000 per year in basic support for each project which includes training, dissemination, travel and per diem expenses for the annual meetings in Washington, DC. AoA will provide an approximate additional $20,000 per project each year which must be used to support subcontract activities of collaborating aging organizations. Approximately ten (10) projects are expected to be funded for project periods of approximately two years.

3.2 Improving Access to Services by Minority Persons With Alzheimer's Disease and Their Family Caregivers

The most recent estimates indicate that approximately four (4) million people over the age of 65 suffer from Alzheimer's Disease (AD), a devastating illness whose cause is, as yet, unknown. The AD victim suffers increasing deterioration of his or her physical and mental status over time and eventually becomes increasingly dependent on natural support systems, generally one or two family members, for daily care in all aspects of living. The burden of providing care for an increasingly dependent person while, at the same time, grieving for the 'loss' of that person as a result of the progressive erosion of the person's intellectual and physical capacities, is enormously stressful, draining the caregiver both physically and emotionally.

These caregivers must be helped in coping with their stress and problems in order to preserve and strengthen the family. To accomplish this there must be easy access to family-oriented services that are designed to support family members who are caring for the victims of AD. But access to services is only possible if families have accurate information about the nature of AD as well as being knowledgeable about services that are available to them.

Getting accurate information about the disease and about available services may be a problem for the general population, and the problem may be seriously compounded for minorities. Recent findings of a research project supported by the Office of Technology Assessment (OTA), seem to indicate that minority persons with AD and their family caregivers, in addition to being confronted with the same difficulties non-minority people have in obtaining needed information, also have to deal with problems related to cultural differences, socio-economic issues and, in some cases, language differences. In addition, disseminating appropriate information to those minorities who live in self-contained minority communities, as well as to those who do not, are also factors that require special attention. The outcomes of the OTA study further suggest that minorities have very special information needs, that these needs are not being met, and that the resulting lack of information is a serious barrier to service utilization by minority groups.

The OTA study referenced above is currently in print and is entitled: Methods of Locating and Arranging Services For Persons With Dementia. Although the complete document is not yet available to the public, copies of the section of the report relevant to this priority area can be obtained by contacting Ms. Katie Maslow, Office of Technology Assessment, United States Congress, Washington, DC 20510, telephone (202) 228–6688.

To help minority families cope with the stress and problems of AD caregiving and strengthen the minority family, the Administration on Aging (AoA) will support projects that demonstrate innovative and effective ways to meet the special information needs of minority persons with AD and their family caregivers. The proposed demonstration projects are expected to develop, test, and evaluate methods of communicating and disseminating information regarding Alzheimer's Disease to minority persons. Among the factors to be taken into account are the following:

- Customs, traditions, and cultural heritage, especially as these issues relate to perceptions of AD, the caregiving role, and attitudes regarding formal services;
- Socio-economic characteristics such as income (especially relevant to discussions regarding the funding of services and benefits), and educational background (relevant to the content and format of the information being provided); and
- Language differences which should be addressed by presenting information in the language of the intended audience, especially when discussing the nature of the disease, caregiving techniques, services for AD victims and their caregivers and sources of support.

In addition to developing model approaches to meeting the special information needs of minority persons with AD and their family caregivers, projects should also demonstrate and evaluate what information channels and dissemination techniques are appropriate for reaching the target audiences. Among the matters to be addressed are: the effectiveness of the minority community infrastructure in disseminating information to AD victims and their families, and; how best to target information about Alzheimer's Disease to minority persons and their families who do not live in self-contained minority communities.

Applicants should be well versed in the literature relevant to minorities, AD, and the very special information needs of minorities. AoA expects to fund up to three (3) demonstration projects under this priority area, with an approximate Federal share ranging from $125,000 to $150,000, and an estimated duration of up to 17 months.

3.3 Collaborative Curriculum Development Projects Between State Education Agencies and State Agencies on Aging

The goals of the public educational system are affected by the increasing age of the U.S. population. Each day school age children encounter an awareness of their aging environment through their family, neighborhood, radio and television programs, videos and movies, and, as they grow older, through reading newspapers, magazines and books. The educational system, through its instructional programs and other organized activities, provides the knowledge and skills which children and youth use to perceive, organize, evaluate, understand, and prepare for their own adult life and future old age. It is important that they develop a positive and proactive approach to the concept of aging and a respectful regard for the accomplishments of older persons. With this foundation, young adults will have a clearer view of the consequences of the decisions they will make in planning their personal lives, in selecting post-secondary education and training, in seeking employment opportunities, and in making contributions to their community and society.

The Administration on Aging (AoA) is interested in receiving proposals from State Education Agencies, working in close collaboration with State Agencies on Aging, to introduce concepts and knowledge of aging and older persons into elementary and secondary school programs. Activities proposed may include development of new instructional units, revision or modification of existing curricula, use of older persons as instructional aides, development of media presentations, assemblies, or other interactive instructional approaches. Preference will be given to projects with the potential for statewide curriculum changes. The educational objectives of any application should emphasize the diversity of the elderly in the United States and the impact of our aging population on social, economic, health, and environmental aspects of our society.

Applications are especially desired which build upon other tested educational innovations and approaches or can be integrated with other on-going research and demonstrations. Funds may be used to support teacher preparation and inservice education activities, but not as a project's major focus or emphasis. Low priority will be given to applications for the development or conduct of occupational training or vocational guidance.

Applications must demonstrate knowledge or awareness of existing elementary and secondary education programs with aging content, e. g., through bibliographic searches of the Education Resources Information Center (ERIC) Clearinghouses and The Foundation Center, as well as the aging information clearinghouses described in this announcement.

AoA intends to award up to three project grants with a Federal share of approximately $100,000 per project and a project duration of approximately 17 months. Eligible applicants under this priority area are limited to State Education Agencies. Applications must provide evidence that the State Agency on Aging has been closely involved in the planning of the application and will be closely involved in the development and implementation of the proposed project.

IV. Prevention and Alternatives to Institutional Care

4.1 Incentive Awards for State Long Term Care Systems Development

During the past decade, States have begun to restructure their long term care (LTC) programs and services. As the focus of care has shifted away from the institutional setting, State and Area Agencies on Aging are taking the initiative to develop and expand community-based long term care systems. The goal of these coordinated State-wide delivery systems is to improve access to a broad array of individualized community services for older persons so that older persons can maintain their independence and remain in their homes and communities as long as possible. These reforms are especially critical to meeting the needs of frail, chronically ill, and functionally impaired older persons.

State and Area Agencies on Aging have increasingly assumed a leadership role in cooperating and coordinating with other State and local agencies, Area Agencies on Aging, and community level organizations to facilitate the management of a broad range of quality local delivery services. These may include State-level management of home and community oriented services, strengthening linkages between institutional and network organizations, and improving quality assurance standards for agencies and long term care workers.

The purpose of this priority area is to assist States in the process of developing a structure and a plan of action for collaborative efforts with other State agencies in planning and implementing specific improvements in their LTC system. Applications must provide specific detail about the current state of development of such systems and must set forth an appropriate plan to advance that system.

State Agencies on Aging are encouraged to work with representatives from the Governor's Office, other State and local elected officials, State health and welfare agencies, other State agencies which administer relevant programs, such as Medicaid, Social Services Block Grant Programs, State funded Social Services, LTC programs, volunteers and the private sector. Funded projects should also work in collaboration with local Area Agencies on Aging and build on some of the work done by other States (information on such experience is available from the AoA supported National Aging Resource Centers on Long Term Care).

The outcome of this process should be the development or enhancement of State-wide planning efforts which result in expansion of in-home services for older persons, especially low-income minorities, frail elderly, rural elderly, older persons over age 80, and older women living alone.

State Agencies on Aging will be funded under this priority area only if they present a strong plan for close collaborative relationships with other appropriate agencies and Area Agencies on Aging as they design and implement specific improvements in their State's LTC system. Evidence of this partnership must be presented in the application including letters of commitment from these agencies. A letter from the Governor of the State committing the State to support this effort must be included with the application.

The State's plan should focus on such critical elements which comprise an efficient and flexible community-based LTC system. These elements may include but are not limited to:

- Development of preadmission screening criteria;
- Design of comprehensive assessment, planning and management for home and community-based services;
- Establishment of formal linkages between acute, primary and institutional systems and the aging network.
- Improvement of licensure and certification mechanisms for agencies and personnel providing home health, personal care, homemaker services and adult day care;
- State-wide availability of efficient, low-cost home health, personal/homemaker, adult day care services.

It is anticipated that the planning process will lead to:

• Concrete and measurable changes in selected States which will reflect a more responsive system of services in communities across the State.

• Greater awareness by States about the current status of LTC systems development and specific ways to coordinate with a diverse group of agencies and organizations, as well as finance and design systems responsive to the needs of older persons.

• Model programs which can be replicated by other State agencies.

Eligibility for this priority area is limited to State Agencies on Aging. Applications must clearly demonstrate the collaborative nature of the proposed effort. Funded projects are expected to work cooperatively with one or more National Aging Resource Centers on Long Term Care, which will provide technical assistance in the areas of design, data set development and evaluation to the grantee.

It is expected that up to 15 projects will be funded for an approximate two year period with an approximate annual Federal share of $75,000 per project per year.

4.2 Prototype Health Education and Promotion Programs

AoA efforts focused on assisting older people to prevent disease and promote healthy life styles will be continued during Fiscal Year 1990. The Secretary of Health and Human Services includes health promotion among his key priorities. Demographic trends continue to indicate a steady growth in the age 65 and over population. Today, there are 29.8 million older Americans. In just ten years, that number is expected to increase by 5 million persons and 13 percent of our population will be age 65 or over. Accompanying this increase in numbers will be a need for information about health promotion and disease prevention among older people.

Without the availability of better information about healthy life styles, chronic conditions and diseases that afflict the elderly will continue to place increasingly heavy demands upon our health care delivery system. The American Medical Association has calculated that 55 percent of all disease and disability can be attributed to life style. Many of the health problems experienced by the elderly reflect past life styles and/or are compounded by present life styles. Recognizing these factors and their negative implications for the improved health status of older people, our need for expanded, flexible health promotion programs continues to be justified.

The U.S. Public Health Service (PHS) and AoA have been involved in a five year collaborative effort. Outlined in a Memorandum of Understanding (MOU), this joint effort, known as the AoA/PHS National Health Promotion Initiative, has been a prime vehicle for demonstrating programs that promote preventive health care through education. Through it, over 85 percent of the States are now involved in State and local level partnerships among health care professionals and older people. As a result, older people are acquiring knowledge that can effectively prevent disease and/or control chronic conditions.

In response to the 1987 Amendments to the Older Americans Act, AoA has been involved in encouraging the development of prototype health education and health promotion programs for States. Section 422(a)(2), which was enacted with these amendments, authorizes AoA to support the design and development of prototype health education and promotion programs for older people. These efforts complement AoA/PHS activities supported under the AoA Discretionary Grants Program and are advancing efforts in the area of disease prevention and health promotion. In addition, the 1988 U.S. Surgeon General's Workshop on Health Promotion and Aging identified several areas for potential AoA action.

This priority area implements section 422(a)2 of the Older Americans Act. It addresses the priorities of DHHS Secretary Louis W. Sullivan, M.D., which include an emphasis on health promotion, especially for the low income and minority. It also responds to the priorities of the MOU and the recommendations of the Surgeon General's Workshop.

The purpose of this priority area is to solicit applications which propose efforts by institutions of higher education (with the capacities specified below), in collaboration with State Agencies on Aging, together with Area Agencies on Aging and appropriate public and private agencies. Efforts must result in the design and development of prototype health education and promotion programs which may be adopted by States and Area Agencies on Aging. Applications submitted under this priority area must propose collaborative projects to develop models for subsequent replication by States and are expected to conduct nationwide dissemination of their results and products.

Projects in this priority area must be designed to result in effective educational strategies for (1) identifying and recognizing the symptoms of and/or preventing disability and disease; (2) recognizing the early warning signs of disease and chronic conditions; and (3) identifying solutions for problem behaviors that contribute to unhealthy life styles. Projects should be designed to (a) encourage older people to recognize the importance of assuming an active role in the management of their own health care and in identifying and seeking appropriate medical care when it is indicated and/or (b) train health and social service professionals to assist older adults and their families in the area of health promotion.

Applicants should focus on one or more of the following topical areas:

(1) *Hearing Impairment:* Applicants should develop programs designed to educate older people, their families and caregivers about hearing impairment. Proposals should propose activities which focus on educating older persons and their families about identifying the symptoms of hearing impairment and seeking appropriate evaluation and diagnosis. Programs should provide information to older persons and their families about strategies and/or technologies available to relieve hearing impairments. Special consideration will be given to proposals that focus on minority, disadvantaged and/or low income older people.

(2) *Diabetes:* Applicants should develop programs which promote early intervention strategies for delaying the development of, identifying the onset of, or coping with diabetes or complications due to the disease. Often, older people who have been provided with adequate information, can avoid problems such as blindness or the amputation of limbs. Programs in this area should be based on strategies that (1) foster positive adaptation to the disease, *e.g.* proper use of medications; and (2) encourage behaviors, such as adherence to proper diet, that prevent complications due to diabetes. Appropriate use of the range of existing formal and informal services available to professionals, older people and their families is encouraged.

Projects may be designed to educate older people or professional and supportive services personnel, including caregivers. Strategies should be directed towards motivating older people to make positive behavioral adjustments to their cooking and eating habits. Strategies must be based on behavioral objectives which are clearly related to the intended results. Special consideration will be given to proposals that focus on older people of Black, Hispanic, Pacific/Asian, or American

Indian ancestry and disadvantaged or low income older people.

(3) *Depression:* Applicants should develop programs which are accessible and acceptable to older persons and that promote preventive and early intervention strategies for identifying depression with attention to drug induced symptoms and physical causes. Programs should be based on strategies that foster positive adaptation to illness and other late life crises as well as the appropriate use of the range of existing formal services and informal caregiver services. Applications should demonstrate evidence that the proposed project staff have experience and training in the identification and treatment of depression. Programs should be designed to educate older people and their families about the symptoms, nature and progression of depression as a condition experienced by older people and pose a range of alternative behaviors designed to alleviate it. Special considerations will be given projects that focus on older women and or/surviving spouses.

Projects may be national or statewide in scope. Proposed activities must be the development and testing of prototype or model health education and health promotion programs which are appropriate for subsequent adoption and replication by the applicant's resident State or by other States. Projects must involve collaboration with the State Agency(ies) on Aging and existing State health promotion and aging coalitions as well as appropriate national, statewide aging and/or professional organizations and health care agencies. Applications should identify all organizations that will collaborate on the project and include a description of the nature and scope of that collaboration. In addition, the application should include letters from the collaborating organizations specifying their role in and commitment to the proposed project.

Applicants should be aware that AoA has funded a National Aging Resource Center on Health Promotion and Wellness at the American Association for Retired Persons. Projects funded under this priority area will be expected to work cooperatively with the Center and to coordinate their activities in areas of mutual interest.

Eligible applicants under this priority area are limited to public or private institutions of higher education with graduate programs that have capability in any of the following areas: public health; medical science; psychology; pharmacology; nursing; social work; health education; nutrition; or gerontology. Schools of public health are especially encouraged to submit applications under this priority area and will be given special consideration. Awards will be made after consultation with the appropriate State Agency(ies) on Aging to assure that the proposed project is compatible with their health promotion and education program strategies. AoA plans to fund up to four projects under this priority area. The Federal share of project costs is expected to average $100,000 per project and for a duration of approximately 17 months.

4.3 Developing Administration on Aging (AoA)/Administration on Developmental Disabilities (ADD) State and Local Planning Linkages to Improve Services to Older Persons With Developmental Disabilities

Today, greater numbers of older persons with developmental disabilities are aging in place with their families. As a result, the ability of their older parents to continue as caregivers is under strain. AoA/ADD State and local planning linkages are needed in order to facilitate the effective coordination and delivery of services to these individuals. There is a critical need to increase the understanding among program administrators about the program authorities, budgets, policies, organizational structures, functions, priorities, mandates, and target populations of the Older Americans Act and the Developmental Disabilities Assistance and Bill of Rights Act.

The purpose of this priority area is to support the joint efforts of the AoA and ADD Networks to develop State and local planning linkages to improve services to older persons with developmental disabilities and to the older parents of adults with developmental disabilities.

Applications are solicited from State Agencies on Aging or Developmental Disabilities State Planning Councils for a joint project to develop collaborative models which demonstrate and document successful strategies for coordinating programs and services for older persons with developmental disabilities and the older parents of adults with developmental disabilities. These models should be discussed in terms of the (1) efforts of the AoA and ADD Networks to develop State and local planning linkages; (2) barriers to collaboration and coordination and methods used to overcome barriers; (3) linkages with other relevant agencies who share concerns in the area of aging and developmental disabilities; and (4) examples of successful integration of older persons with developmental disabilities into Older Americans Act Programs. These models should be documented and described in a manner that would allow replication by other States.

Applications should describe projects which document how AoA and ADD Network staff will develop and implement collaborative models which demonstrate effective coordination strategies to improve services to older persons with developmental disabilities and the successful integration of these individuals into Older Americans Act Programs. How these models will assist in determining, planning, and providing the services needed by older parents of adults with developmental disabilities should also be described.

Applications must:

- Provide a description of the key tasks to be undertaken to implement the project as well as how the State Agency on Aging, the Area Agency on Aging, and the Developmental Disabilities State Planning Council will be involved;
- Provide a description of the "how-to" materials to be developed under the project and discuss how these materials should help the AoA and ADD Networks to work collaboratively to plan, coordinate, and improve the delivery of services to older persons who are developmentally disabled and integrate these individuals into Older Americans Act Programs. The materials should describe how the two networks identified and met the service needs of older persons with developmental disabilities and older parents of adults with developmental disabilities;
- Include a plan for dissemination of project findings and letters from all agencies involved in the project which clearly state their commitment to the collaborative efforts of the two lead agencies in carrying out the project;
- Provide evidence that the model(s) produced under the project will be on-going once the grant terminates and describe how the effectiveness of the project will be assessed; and
- Provide an assurance that, if funded, the project's final report will include sufficient documentation and information on the implementation of the models, including problems and how they were resolved, so that the report would be useful to other States desiring to replicate the model.

Collaborative models and "how-to" materials developed under projects funded under this priority area are expected to have the following outcomes:

(1) Promote a better understanding of programs serving elderly and disabled persons and increase best practice and

other information sharing/exchange between the AoA and ADD Networks;

(2) Provide information about the abilities and unmet needs of older persons who are developmentally disabled and promote collaboration and linkages between national organizations and Federal, State, and local agencies serving such individuals; and

(3) Provide examples of replicable models for use by other States in developing State and local planning linkages to improve services to older persons with developmental disabilities and to the older parents of adults with developmental disabilities.

Only State Agencies on Aging or Developmental Disabilities State Planning Councils are eligible to apply under this priority area. In every case, the State Agency on Aging and the Developmental Disabilities State Planning Council must be partners in the project. State Agencies on Aging must involve the Area Agencies on Aging in developing planning linkages at the local level.

AoA and ADD are combining discretionary resources to jointly fund up to three projects under this priority area with a Federal share of approximately $100,000 per project for a project duration of approximately 17 months.

V. Promotion and Enhancement of Effective Community Based Service Systems

5.1 Supportive Services in Federally-Assisted Housing for the Elderly

The current national debate on affordable and appropriate housing for all Americans has refocused our awareness on the need to provide housing for the elderly. As part of that debate, Secretary Jack F. Kemp of the Department of Housing and Urban Development testified before Congress that housing works best when it is linked with community-based supportive services. In particular, he noted the importance to older people of being able to age in place in their homes and neighborhoods.

There is a comparable need in rural areas for supportive services in congregate housing; the Farmers Home Administration (FmHA) has, since the early 1980's, emphasized close coordination between FmHA-supported congregate housing facilities and community based services programs. In a time of scarce resources, Federal, State, and local governments are directing more effort to people who are economically disadvantaged and otherwise vulnerable. This priority area focuses on the issue of the vulnerable elderly who are aging in place in federally-assisted housing.

About 1.76 million households headed by a person aged 62 or over are estimated to live in Federally-assisted housing, located in a variety of urban, suburban, and rural settings. This number is likely to grow as the share of the elderly in the total population increases with the aging of the baby boom generation. The need for providing supportive services to this group increases with age as functional limitations appear. A range of supportive services such as for personal care for dressing, bathing or with household tasks like cooking and cleaning, will become increasingly important if costly institutionalization is to be avoided and independence maintained.

A study released in 1988 of 100 large public housing authorities, representing about 200,000 households headed by an older person, revealed numerous unmet service needs we need to address. Fifteen to twenty-five percent were reported suffering from social isolation, mobility impairment, depression, and memory impairment. Ten percent suffered from alcoholism. One quarter to one third needed help with transportation, shopping, meal preparation, and proper maintenance of their units.

A recent study of almost 2,000 HUD Section 202 facilities indicated that the average age of residents in facilities occupied before 1983, rose from 72 years to 75 years in 1985. Among the oldest occupied Section 202 facilities, the average age was 77 in 1988, with 35 percent of those residents over the age of 80. Fifteen percent of residents in the oldest facilities were reported by managers to be frail compared with 10 percent in the newer facilities.

This evidence suggests that residents of Federally-assisted housing for the elderly may be increasingly at risk of institutionalization if their service needs are not met. Models are needed at the State and community levels of practical strategies not only for gaining wider recognition of the nature and scope of this growing problem, but more importantly to ensure that the required supportive services are provided to older persons in congregate housing. This priority area is designed to stimulate exemplary approaches to achieving that result—increased supportive services to the residents of federally-supported housing for older persons.

Applications should focus on comprehensive State-wide efforts that link a consortium of relevant public and private sector agencies and organizations: State Agencies on Aging; appropriate Area Agencies on Aging; State and local housing authorities, builders, and developers; health and social service providers; civic, fraternal, and religious groups; State and local government leaders; and the public at large.

Project activities should include, but are not limited to:

• Development of statewide agreements between State Agencies on Aging and State housing, health and social services and finance agencies which result in increased supportive services to the elderly;

• Development of community plans between local housing authorities, health and social service agencies and local government to address the service needs of the elderly in Federally-assisted housing.

• Public education on the issues involved in aging in place in Federally-assisted housing facilities and the need for supportive services;

• Technical assistance to the housing network and building managers on ways to increase the availability of supportive services, working with the elderly and their families, accessing community resources, and methods to acquire information about elderly residents on a regular basis and assessing their service needs;

Expected outcomes of projects funded under this priority area include closer linkages between the aging and housing networks; community housing plans to address supportive service needs of the elderly; and greater understanding among key groups, including the public, about the needs of the vulnerable elderly in Federally-assisted housing.

AoA expects that applicants under this priority area will be State Agencies on Aging or other State agencies and organizations capable of organizing a State-wide campaign to promote the expansion of supportive services to the elderly in Federally-assisted housing. AoA expects to fund up to ten projects with an approximate Federal share of up to $100,000 per year for approximately two years.

5.2 Enhancement of Nutrition Services for Older Persons

The Nutrition Program for the Elderly under title III of the Older Americans Act has been a successful effort on the part of the Federal, State, local governments and voluntary agencies to meet the nutritional, health, and social needs of older persons. Throughout the country, millions of older persons receive at least one hot meal five days a week. While information is available regarding such matters as the numbers of persons served and the costs of providing the meal, more thought and attention need to be given to ways of improving the program.

Applications are solicited which identify, describe, and disseminate innovative approaches to improving the Nutrition Program for the Elderly. In particular, the applicant should focus on one or more of the following areas:

(1) Outreach to individuals in greatest economic or social need, with particular attention to low income minority elderly;

(2) Innovative strategies to improve nutrition services to the frail and homebound elderly;

(3) Creative approaches to increasing private sector resources to expand services to meet the nutritional needs of older persons;

(4) Innovative approaches to improve site selection, meal preparation, service delivery, and the overall operation of the nutrition program for the elderly.

Eligibility to apply under this priority area is restricted to national organizations with a demonstrated and thorough knowledge of national aging nutrition programs and an established track record in the field. AoA expects to fund one (1) demonstration project under this priority area with an approximate Federal share ranging from $50,000 to $100,000 per year and an estimated project duration of 12 months.

VI. Targetting—Strategic Resource Allocation

6.1 Targetting Program Resources to Low Income Minority Elderly

The Older Americans Act assigns a high priority to the development and provision of services to those older individuals who are in greatest economic or social need, with particular attention to low-income minority older persons. In its recent review of policy goals, the Administration on Aging underscored that mandate of the Act by resolving to develop and implement new and more effective strategies for targetting resources and programs on the needs of the most vulnerable older persons, with special emphasis on low-income minority elderly. In a similar manner, State and Area Agencies on Aging have encouraged and supported initiatives to increase the level of participation in Older Americans Act programs by the vulnerable elderly. These approaches include: hiring more minority staff; training staff to improve sensitivity to and effectiveness with the minority elderly; developing culturally and linguistically appropriate materials; placing service delivery sites in locations where they are more accessible to the target population; encouraging contracts and grants with minority firms and organizations for the provision of services; carefully monitoring the content and execution of area and service plans to assure a substantial effort and achievement in this area; revising the intra-state funding formulas; and a number of other useful approaches. However, there is concern over the progress of these targetting efforts and a growing commitment to finding better ways to improve the level of services to low income minority elderly.

The issue of access by low-income minority elderly to needed benefits and services extends beyond Older Americans Act programs to include such entitlement programs as Supplementary Security Income (SSI), Medicaid, and Food Stamps. Recently, the Social Security Administration (SSA), the Health Care Financing Administration (HCFA), and the Administration on Aging (AoA) approved a Memorandum of Understanding under which the three agencies agreed to coordinate their program activities to better respond to the needs and concerns of older persons and to ensure special help for the most vulnerable. Key objectives of the SSA–HCFA–AoA collaboration include:

• Increased public awareness of the SSI and Medicaid entitlement programs and the nutrition and supportive services programs of AoA, and;

• Increased participation in the SSI and Medicaid entitlement programs, the nutrition and supportive services programs of AoA, and other programs which promote the independence of older persons, through special outreach efforts focused on "hard-to-reach" individuals such as low-income minority older persons.

We have identified a number of barriers that prevent potentially eligible older individuals from participating in one or more of the following programs: SSI; Medicaid; Food Stamps; and the Older Americans Act Nutrition and Supportive Services Programs. Such barriers include but are not limited to (not in priority order):

• English language literacy;

• Homelessness often coupled with mental illness or drug addiction// alcoholism;

• Limited exposure to traditional communications media;

• Perceived welfare stigma of the program;

• Distrust or fear of the government bureaucracy;

• Disabilities which limit mobility and connection with social services organizations;

• Concern that eligibility will preclude future work attempts;

• Reluctance to accept/admit disability as a permanent condition; and

• Fear/stigma associated with Acquired Immunodeficiency Syndrome (AIDS) and AIDS-Related Complex (ARC).

Applications should demonstrate how the proposed projects will fit into a comprehensive strategy to increase awareness of, and participation in, SSA, HCFA, AoA and other comparable programs by the low-income minority elderly, and how these projects will have a continuing, significant impact on the problems being addressed. Applications should describe, in detail, its proposed outreach methods, its approach to identifying potentially eligible individuals and to providing hands-on assistance to such individuals, and its strategy for linking the State and local counterpart agencies to SSA, HCFA, and AoA in the proposed demonstration project.

Applications should contain realistic methods for evaluating the impact of the project such as the number of inquiries and the number of successful claims that result. Whenever possible, projects should replicate, build on, test or use best practice materials developed from known successful projects developed in other locations. The AoA-supported National Resource Center on Minority Aging Populations is a possible resource for providing information on best practice materials and for conducting literature searches.

Eligibility to apply under this priority area is restricted to national minority aging organizations which provide special representation and outreach services for the minority elderly. Successful applicants will be expected to coordinate their activities, where appropriate, with other national, State, and local organizations, associations, and agencies. AoA expects to fund up to (5) demonstration projects under this priority area with an approximate Federal share of up to $150,000 per year and an estimated project duration of up to 24 months.

The Social Security Administration is planning to announce a program in the Spring of 1990 under its authority to fund grants and cooperative agreements for demonstration projects which increase outreach efforts to needy aged, blind, and disabled individuals who are potentially eligible for SSI benefits. SSA expects to fund between fifteen (15) and twenty (20) such projects. Projects funded under SSA' s announcement and under this announcement will be closely coordinated by SSA, AoA, and HCFA.

6.2 Minority Management Traineeship Program

AoA is interested in funding special training projects to increase the number of qualified minorities in key management/administrative positions in State and Area Agencies and other agencies and organizations which impact on the elderly. Applications are solicited from State Agencies on Aging, Area Agencies on Aging where the proposal has the endorsement of their State Agency on Aging, educational institutions, Indian Tribal Organizations funded under Title VI of the Older Americans Act, and other appropriate aging related organizations to participate in the Minority Management Traineeship Program. The objective of this program is to increase the professional credentials of minority trainees to help these individuals make the transition from a staff level position to a managerial/administrative position.

The program is designed to assist highly motivated minority professionals, preferably with advanced degrees or persons with a bachelor's degree and several years of significant prior aging program experience to work in settings where they can serve as trainees in a managerial or administrative position. It is hoped that training experience will result in either the permanent placement of the individual as a manager, supervisor or administrator in the host organization providing the training experience or will equip participants in the program to be hired in comparable positions in other agencies or institutions upon completion of the training experience. Trainees selection should be based upon a strong commitment to work in the field of aging.

Applicants should seek commitments from host agencies who are willing to provide a varied work experience with ample opportunity for the trainee(s) to assume a managerial role.

Placement in State and Area Agencies on Aging is strongly encouraged. Trainees should be given on-the-job instruction, support, counseling, and feedback about work performance. The grantee organization under this priority area must be in a position to provide administrative support to trainees and host institutions, on site monitoring of the work experience on a periodic basis and assistance in the placement of trainees once the training experience is completed.

Applications should contain information about the host agencies, procedures for selecting and recruiting trainees, a description of the traineeship itself and information about training and supervision associated with the traineeship. Applicants must include a plan for assuring placement of trainees in a management or administrative position in an organization which serves older persons upon completion of the training program.

Stipends provided under this priority area are expected to be commensurate with the cost of living in a particular geographic area and the qualifications and experience of a particular trainee. Applicants should endeavor to obtain other financial support for the trainee program. Host agency cost sharing is strongly encouraged.

AoA expects to fund up to five projects under this priority area with a Federal share of approximately $200,000 per project, and an estimated project duration of 17 months.

6.3 Improved Targetting to Native American Elders

The Administration on Aging is committed to a strong policy and effective strategy of targetting resources and programs to the most vulnerable older persons, with special emphasis on low-income minority elderly. This priority area is a continuation of AoA's commitment to enhance targetting, and to support the development and national replication of service delivery models that implement new and more effective strategies for coordinating Federal, State, private, and local resources.

As a group, Indian elders are a significant and important target of the aging network's efforts to expand and improve programs and services. Among low-income minorities, older Indians are identified in a specific manner by the Older Americans Act. If there is a significant population of older Indians residing in the planning and service area, the Act directs Area Agencies on Aging to conduct outreach activities to identify elderly Indians in the area, and inform such older Indians of the availability of assistance under title III of the Act.

In developing the 1987 amendments to the Older Americans Act, the Congress found that older Indians are a rapidly increasing population; suffer from high unemployment; live in poverty at a rate estimated to be as high as 61 percent; have a life expectancy between 3 and 4 years less than the general population; lack sufficient nursing homes, other long-term care facilities, and other health care facilities; frequently live in substandard and over-crowded housing; receive less than adequate health care; are served under title VI of the Act at a rate of less than 19 percent of the total national Indian elderly population living on Indian reservations and; are served under title III of the Act at a rate of less than 1 percent of the total participants under that title.

In accordance with these findings, Congress amended the Act in 1987 to remove the prohibition that precluded older Indians who are eligible to participate in title VI from also receiving services funded by title III of the Act. In response to the findings of Congress and the eligibility changes in the Act, State and Area Agencies on Aging have sought and supported initiatives to increase the level of participation of older Indians in Older Americans Act programs, as well as improve the coordination and use of resources between Area Agencies and Tribal organizations. However, there is still a concern about progress in this area, and a lack of viable national models on how best to coordinate Federal, State, private and local resources to increase the participation and improve the level of services to older Indians.

Applications should demonstrate how the proposed projects will develop new strategies to improve coordination of Federal resources, including titles III and VI of the Older Americans Act; State and Tribal resources, including third party contributions for match purposes; private resources, including joint grant applications and; local resources, including fund raising. The applications should demonstrate how the strategy will be developed, implemented, and packaged for dissemination to Area Agencies on Aging and Tribal organizations nationally.

As appropriate, projects should demonstrate how the strategy will provide coordination with the State Agency on Aging to provide information on the availability and requirements of State funded programs, as well as Federal programs administered by the State. Whenever possible projects should solicit information from the AoA-supported National Resource Centers and other appropriate sources about other possible Federal and private resources. Applications that do not include written assurances of mutual coordination and commitment to the purposes of the project from the participating Area Agency on Aging or Tribal organization that will be involved in the project, will not be considered for funding.

Eligibility to apply under this priority area is restricted to Area Agencies on Aging in collaboration with title VI funded Tribal organizations. AoA expects to fund up to (3) model demonstration projects under this priority area with a Federal share of approximately $75,000 per project and an estimated duration of approximately 17 months.

6.4 Resource and Program Development to Enhance Targetting of Services to Low Income Minority Older Persons

In view of the growing number of older persons and limited public resources, the Administration on Aging seeks to encourage innovative approaches which respond to the service needs of our rapidly growing older population through the generation of other than Federal and State resources. We are concerned especially about the availability of resources that can be targetted to provide adequate and appropriate services to homebound low-income minority older persons.

The purpose of this priority area is to invite applications which will generate resources from other than Federal and State sources to provide in-home services for low-income minority older persons. Applications must demonstrate how additional resources will be generated through: (1) Obtaining resources from the private sector; and (2) providing supportive services, such as in-home, adult day care, and related services, to those older persons who are capable of assuming part or all of the expenses related to such services. (Nutrition services may not be included as part of this demonstration effort.)

Applications must demonstrate the ability to identify older persons in need of supportive services. To meet their needs, the applicant must elicit resources from older persons who are capable of financing all or part of the services. In addition to the resources generated by older persons, the applicant must seek private sector resources to support the cost of the services. The objective of this effort is to provide services to the elderly identified who can share in the cost of the services, and to target the excess of resources obtained from the demonstration effort on the in-home needs of the frail low-income minority elderly.

Applications must demonstrate the source and level of private sector resources which have been obtained, or will be obtained over the course of the project. Applications also must describe the methods which will be used to obtain appropriate levels of financial participation from older persons who are capable of assuming part or all of the expenses of the services. Additionally, applications must describe the manner in which the proposed project will undertake special efforts, through market surveys or other means, to identify low-income minority older persons in the service area; and demonstrate how a portion of total revenues will be used to serve low-income minority older persons. Applicants must inform older persons with whom the project comes in contact of the nature of services available under title III.

Applications must demonstrate that all title IV funds which may be received will be used solely to increase other than Federal and State resources and to foster program development. Title IV funds may not be used for the actual delivery of services to older persons.

Eligibility for this priority area is limited to State Agencies on Aging working in collaboration with one or more Area Agencies on Aging. Applications must contain assurances that all activities under the proposed grant will be conducted in compliance with any relevant policies or procedures established by the State Agency on Aging, unless the State Agency on Aging specifies the exceptions it is making to such policies and procedures.

AoA expects to fund up to six (6) projects in this area. The Federal share of project costs is expected to be approximately $75,000 for a project period of approximately 17 months.

VII. Manpower Development

7.1 Education and Training

Since 1966, the Administration on Aging (AoA) has supported discretionary projects to improve the quality of service to older persons and help meet critical shortages of adequately trained personnel for programs in the field of aging. As called for in the 1987 amendments to the Older American Act under title IV, part A, section 410, AoA has awarded grants and contracts to (1) identify both short and long range manpower needs in the field of aging; (2) provide a broad range of educational and training opportunities to meet those needs; (3) attract a greater number of qualified personnel into the field of aging; (4) help upgrade personnel training programs to make them more responsive to the need in the field of aging; (5) establish and support multidisciplinary centers of gerontology which, among other purposes, improve, enhance and expand existing training programs. AoA is also mandated under section 411(a)(3) to support projects which provide education and information about aging to the public.

Since 1987, AoA has included in its annual discretionary program announcement, priorities which have addressed the above-mentioned areas specified by the Amendments. Through the selective use of title IV funds, it has supported during this period, projects which have looked at manpower needs, the educational programs of Historically Black Colleges and Universities, the placement of minority graduates in administrative positions in organizations of the Aging Network, and the examination of aging content in the credentialing of service professional groups. Title IV projects have increased the role of community service and health promotion in schools of geriatric dentistry, and expanded the continuing education materials and programs for persons providing services to older persons.

This year's education and training announcement provides continuing support for the development of educational programs in aging with special emphasis on development of programs in minority institutions and initiates support for a new priority: to educate selective segments of the public on the roles which they might take to help prepare others address the impact of aging on our social institutions and individual lifestyles.

7.1A Education to Prepare for an Aging Society

Knowledge about aging and aging in relation to society, which began as an interest area for a few dedicated scholars only fifty years ago, has expanded into a full-time pursuit by a cadre of researchers, educators, professional, and paraprofessional practitioners. Twenty-five years ago, with passage of the Older Americans Act, the Federal government gave recognition and support to the education and training of persons to work with and on behalf of older persons. With this assistance, and the assistance of other Federal agencies, gerontology and geriatrics have emerged as recognized fields of knowledge, complete with professional membership societies and associations; with dedicated periodicals and magazines; with databases, instructional videotapes, textbooks, manuals, and other instructional materials.

To a great extent, the growth and maturity of these fields has paralleled the growth and maturity of the United States and world populations. At the same time, knowledge of aging has become critical for planning and implementing social programs and interventions as society adjusts to the needs of an aging world. The field of aging is ready to go beyond the development of a small group of dedicated cadre to expanding the knowledge and skills of all adults in preparing themselves and assisting their friends, neighbors and family in maximizing the quality of living during their older years.

The Older Americans Act recognizes this need for a society which is educated about aging. Section 411(a)(3) of the Act authorizes the Commissioner on Aging to support education about aging for the public. Accordingly, AoA is interested in receiving applications which propose to develop programs of public education for individuals and groups whose members hold responsible leadership positions or roles in social, economic, political, or other sectors of society. Such target audiences include, but are not limited to, executives of business and labor organizations, elected officials, media professionals, leaders of professional and religious organizations, and key officials of colleges and universities.

Projects proposed under this priority area may utilize a variety of approaches suitable to reach their audiences. These may include formal courses, the development and national dissemination of videotape(s) which present positive images of older persons to select audiences, special conferences, symposia or workshops as part of other meetings, and development and publication in professional and trade journals of educational materials. Projects should be aimed at reaching audiences of the highest possible levels. In reaching these audiences, projects should utilize experts with the stature and knowledge necessary to reach executives and other leaders in those segments of society addressed by the project. Experts utilized by the projects may be either from within the grantee institution or outside that institution. Collaborative projects are encouraged between educational institutions and other organizations which have either special expertise or access to target audiences.

Educational programs should include the trends in the aging population, their probable impact on American society in the year 2000 and beyond, and the roles which institutions can play in order to have a positive impact on the lives of older Americans. This education should guide the audiences through self examination of their own aging and in public examination of the impact an aging society has on the institutions and workforce of the sector of society in which they have dedicated their professional and personal involvement. Applications should provide specifics on the educational process by which new audiences are to be reached and the practical, short-term goals which can be achieved by reaching influential groups of persons who work in public and private sectors relatively unaware of aging issues.

Applicant eligibility is limited to institutions of higher education and national aging organizations. Applicants are strongly encouraged to develop collaborative projects with other appropriate organizations which bring complementary skills and resources to the project. The Federal share of project costs are expected to be approximately $150,000 for approximately 17 months. A total of up to four project grants may be awarded.

7.1B Faculty and Program Development

Results of studies and reports funded by AoA and others indicate a critical need for faculty development in the fields of gerontology and geriatrics. These studies highlight the need for faculty with expertise in aging in all health and human services professional schools in order to teach their students about the aging process. Faculty should also be able to assume leadership roles in training personnel to participate in community based service systems for older persons. The formal preparation, research interests, and departmental teaching orientation of new and tenured faculty strongly influence the course offerings of academic institutions.

These same studies also point to the need for faculty and institutional development in minority institutions in order to increase the numbers of minorities prepared for employment in the field of aging. AoA is also interested in capitalizing upon the experience of established gerontological programs to work with and increase the capacity of other programs.

Many institutions of higher education with predominantly minority enrollments, including the Historically Black Colleges and Universities (HBCUs), could benefit from assistance in developing and upgrading gerontological training programs. Assistance is needed in the areas of (1) program and faculty development; and (2) student support.

AoA solicits applications from institutions of higher education for projects to conduct program development efforts to establish and/or upgrade gerontological training programs. This priority area places special emphasis upon, but is not limited to, projects in institutions of higher education with predominantly minority enrollments, including the Historically Black Colleges and Universities (HBCUs).

Programs may use a variety of approaches including formal coursework for faculty, curriculum replication where one institution works with three to five other institutions which are interested in developing programs, a team approach in working together, or a mentoring approach. In addition, applications are invited for the initiation of nationwide or region-wide faculty exchange programs between developing gerontology programs at HBCUs, other predominantly minority institutions, and comprehensive, established gerontology programs. This exchange program is designed to afford faculty at minority and non-minority institutions opportunities to transfer knowledge, experience, and information in their areas of expertise.

Projects funded under this priority area may include faculty and student stipends as necessary to promote the development of their programs, especially those at minority institutions. All stipends are expected to be set at a level commensurate with the experience and qualifications of the individual supported.

Applications should include the following:

(1) Written assurances from each of the institutions involved in the collaborative effort regarding the types of activities planned and how they will be carried out.

(2) Written commitment and plans from faculty participants and an appropriate official from the institutions to develop and/or enhance teaching of aging concepts within one year of program completion.

AoA plans to fund up to five projects under this priority area with a Federal share approximating $75,000 per project and an estimated project duration of 17 months. Applicants are encouraged to develop close linkages with State Agencies on Aging as well as other relevant professional organizations.

7.2 Information and Referral Training for State and Area Agencies on Aging

Applications are requested from State Agencies on Aging in conjunction with Area Agencies on Aging to provide training for those who provide information and referral services to older persons.

The Older Americans Act requires under section 307(a)(9) that:

> The [State] plan shall provide for establishing and maintaining information and referral services in sufficient numbers to assure that all older individuals in the State who are not furnished adequate information and referral services under section 306(a)(4)

will have reasonably convenient access to such services.

In order to assist the State Agencies on Aging to meet this requirement, AoA funded the National Association of State Unitson Aging (NASUA) to review the current status of I&R Services. In its draft report, NASUA found that, in many cases, "Inadequate or inappropriate training and technical assistance (is) provided (to) I&R staff."

To help to meet this need, AoA will fund a national organization with capability in both training and Information and Referral to provide I&R training through the State and Area Agencies on Aging. The purpose of training is to go beyond simple training but should be planned and implemented in conjunction with the State and Area Agencies on Aging in such a way as to result in improved I&R systems.

The project should arrange with the State Agencies on Aging to assign a contact person to work with the grantee in planning and developing a national program. Early in the project period the grantee should hold a training meeting with all of these contact people to discuss future activities. The project should be considered a cooperative undertaking between the grantee and the State Agencies on Aging. All travel expenses should be paid by the grantee.

Projects are encouraged which:

(1) Serve as a resource to State and Area Agencies on Aging throughout the project and provide telephone assistance and a limited amount of on-site assistance to State Agencies on Aging;

(2) Make special efforts to share peer experience as a training technique;

(3) Encourage State Agencies on Aging to make use of the training sessions to develop greater coordination among I&R Services within each community and throughout the State;

(4) Encourage the professionalization of I&R Services;

(5) Are based upon established standards for the provision of I&R Services;

(6) Stress outreach to especially needy populations;

(7) Provide standardized procedures for assisting individual clients;

(8) Include separate materials on qualitative monitoring and client-centered evaluation;

(9) Focus on preparation of persons providing direct I&R services to older people or their relatives, friends or caregivers or supervising such workers; and

(10) Will provide training for providers through the State and Area Agencies on Aging.

Applicants are expected to draw upon existing training curricula and materials to develop these training programs.

AoA expects to fund one project under this priority area, with an approximate total Federal share of $300,000 per year for an estimated duration of up to 24 months.

VIII. Preparing for the 21st Century: Issues and Opportunities of an Aging Society

8.1 Regional Small Grants Program

As we approach the Silver Anniversary of the Older Americans Act we must take the time to reflect on the achievements of our Nation which have enhanced the quality of life for Older Americans. Today older people are healthier, better educated, and have higher incomes than at any other time in our history.

With the anticipated increase in the older population which will occur early in the next century, critical decisions must be made now to assure that resources and services will be in place to meet the needs of older people in the 21st Century. Individuals, families, communities, and public and private agencies and organizations must prepare appropriately for the demographic changes, the different characteristics of the elderly, and the social and economic changes projected for that time. Such preparation must recognize and respond to the fact that older people are significant contributors to their communities as well as, when necessary, recipients of services.

The purpose of this priority area is to foster public and private sector efforts in each designated Region of the Department of Health and Human Services to prepare for the projected changes in the number and characteristics of America's aging population in the 1990s and the 21st Century.

Applications must address important aging issues related to one or more of the Older Americans Act Goals for 1990 and Beyond (See section I of this announcement). Applications are especially encouraged which propose innovative approaches to communicating and disseminating information concerning the future housing, health, employment, and transportation needs of older persons in the 21st Century.

The ten Regional Offices of the Administration on Aging shall award and administer grants funded under this Priority Area. It is anticipated that each HHS Regional Office shall make one award in the amount of approximately $30,000 with a project duration of 12 months or less.

Applications must be submitted to the HHS Regional Office, Office of Fiscal Operations, responsible for the Region in which the applicant is located. For this purpose, a list of appropriate Regional Office addresses is provided at the end of this Announcement.

IX. Other

9.1 Field Initiated Research and Demonstration Projects

Under the Older Americans Act, as amended, the Commissioner on Aging is authorized to support research and demonstration projects aimed at developing an information and knowledge base useful for the purpose of formulating public policy on behalf of elderly people. These projects can, among other purposes, establish data bases which contain salient information about the elderly population or segments of that population and examine effective models of planning and practice that will improve or enhance services to older people.

The purpose of this priority area is to provide support for field initiated research and demonstration projects on subjects that are not directly addressed elsewhere in this Announcement. AoA recognizes that there are many creative ideas and innovative approaches in the field of aging which warrant further research and development. These new ideas and approaches have the potential for making significant contributions to policy, planning, and improving services to the elderly. Field initiated projects must address important aging issues which have national interest and implications and which affect significant numbers of the aging population or especially vulnerable sub-groups.

In particular, the proposed projects must be responsive to one or more of the AoA Goals set forth in part I of this Announcement. Applicants should also underscore the significance of the proposed project in terms of how the knowledge to be gained could be put to practical use, its policy and program implications, its topical relevance to AoA Goal(s), and its expected short-term and/or long-term benefits to older persons.

Examples of important and timely topics that could be considered include:

• *Older Worker Employment Issues*—Consistent with the AoA Goal regarding Older Persons as a Resource, applicants could propose research, demonstration, training and the dissemination of information which fosters improved employment opportunities for older persons. These activities could focus on the reduction of institutional barriers which limit opportunities for older workers to remain in or reenter the workforce, encourage employers to hire, train and retain olderworkers, etc.

• *Improved Understanding of Entitlement Programs*—Consistent with the AoA Goal regarding Targetting—Strategic Resource Allocation, applicants could propose innovative approaches to increasing public awareness of, and participation in, entitlement programs by elderly persons. Projects could demonstrate methods to increase participation in SSI and Medicaid entitlement programs, nutrition and supportive services programs of AoA, and other programs which promote the well-being of older persons through special outreach efforts which focus on "hard to reach" individuals such as low-income minorities, non-English speaking, persons living in rural areas, the homeless and others.

• *Older Women's Issues*—Consistent with several AoA Goals, the emphasis here might be analytical and evaluative research concerning health and health care, re-entry into the work force, caregiving, and widowhood.

• *Protection of Low Income and Minority Older Persons Who are at Risk Due to Physical or Mental Incapability*—Consistent with several AoA Goals, applicants could propose to develop and demonstrate replicable service models that improve the quality of representative payee appointments and services to Social Security beneficiaries and Supplementary Security Income recipients who are in custodial situations and/or are being paid through third parties. Proposed model projects should focus on low income and minority older persons.

AoA expects to fund up to five (5) projects under this priority area. The Federal share of project costs per year is expected to range from about $50,000 to $150,000 depending upon the scale of the proposed research or demonstration project. Similarly, the duration of the proposed project could range from six (6) months to two (2) years depending upon its objectives, scope, and methodology.

9.2 National Legal Assistance Support System Projects

The Administration on Aging (AoA) expects to make discretionary project awards aimed at providing a national system of legal assistance support activities to State and Area Agencies on Aging, for providing, developing and supporting legal assistance for older people. For several years, AoA has supported the development and strengthening of various elements of such a system. These and related efforts have enhanced the capability of State and Area Agencies on Aging and legal services providers to plan for and provide needed legal assistance.

AoA will continue to support national technical assistance to State and Area Agencies on Aging. For the next two years, AoA will direct its title IV legal assistance grant resources in two complementary directions. First, strengthen the State and Area Agency role in the national system and, in particular, the leadership capacity of State and Area Agencies on Aging to:

• Develop responsive State-wide systems of legal assistance which support effective community based systems and help to prevent or provide alternatives to Institutional care;

• Link these systems with the broader array of services and service systems needed to promote the independence and dignity of older people; and

• Assist Area Agencies on Aging in the integration of legal assistance programs for older people with existing community based service delivery systems.

Second, through manpower development, improve the quality and accessibility of the legal assistance provided to older people by:

• Providing training to State and Area Agencies on Aging, legal assistance providers, and other staff providing assistance to older people; and

• Providing substantive assistance including case consultation and systems development and implementation assistance to those providing legal assistance to older people.

Section 424 of the Older Americans Act specifies four component activities of a national legal assistance support system. Each activity is a valuable resource in developing systems of legal assistance for older people, and improving the quality and accessibility of such services, as part of the overall system of services for older people. AoA expects that the projects funded under this priority area will encompass at least these four components:

(1) *Case consultations.* Appropriate case consultation will be made available to those providing legal assistance under title III of the Older Americans. Based upon experience in providing direct consultation, grantees should provide such follow-up activities as: Documenting the resolution of those cases and issues which have precedent-setting implications, and making that documentation and analysis available to State Agencies on Aging nationwide;

(2) *Training.* AoA expects the applicant to propose a strategy for meeting the training and technical assistance needs of legal assistance providers and other appropriate persons, as identified by State Agencies on Aging. That strategy should describe the training and technical assistance to be provided; the intended target audience; the materials/curricula which will be utilized and made available to State Agencies for the replication of such training and any follow-up activities to assist those who have been trained;

(3) *Provision of substantive legal advice and assistance.* AoA expects the applicant to provide substantive information in areas where legal assistance can facilitate access or assist older people to maintain their independence. The applicant should analyze the substantive issue area, explain its importance to older people and identify a suitable format (policy paper, newsletter, *etc.*) and dissemination plan. The substantive areas could include, but are not limited to, such important areas as: Medicare and Medicaid; protective services, guardianship and alternatives; health care decision making; legal issues involving housing such as tenants rights, consumer contracts and potential uses of home equity; and

(4) *Assistance in the design, implementation, and administration of legal assistance delivery systems to local providers of legal assistance for older individuals.* The applicant should show how it will assist State and Area Agencies on Aging to work toward the development of a system for providing legal assistance to older persons throughout the State. Areas for assistance could include the identification of alternative approaches to meeting legal needs, and the design of and assistance in implementing strategies for supporting Area Agencies on Aging in their work with local providers. The applicant is expected to show how regular ongoing assistance and consultation in systems issues will be provided in such areas as: targetting, access, evaluation, selection of providers, priority setting, use of pro bono resources, use of volunteers, and relationships with other parts of the services system.

For each of the activities it proposes to undertake, the applicant should:

• Present the current state of knowledge and experience and document what it perceives to be serious gaps in information and practice.

• Specify the nature and scope of efforts needed to close those gaps, and how those efforts will advance the rights of older persons;

• Indicate its plan for achieving national coverage of the assistance to be provided; and

• Provide detailed descriptions of specific products or outcomes proposed for development or modification.

As provided by section 424(c), eligibility is limited to national, nonprofit legal assistance organizations experienced in providing support, on a nationwide basis, to legal assistance programs.

AoA expects to fund up to six (6) projects under this priority area. The Federal share of project costs is expected to range from about $75,000 to $200,000 depending upon the scope of the component parts of the national legal assistance support system proposed by an approved applicant. Projects may not exceed 24 months. Approval of a request for continuation beyond the initial 12-month budget period will depend upon a determination of the grantee's performance as satisfactory during the initial budget period. In part, such determination will be based upon assessments of the grantee's performance by State and Area Agencies on Aging.

Part III. Information and Guidelines for the Application Process and Review

This part contains general information for potential applicants and basic guidelines for submitting applications in response to this announcement. Application forms are provided along with detailed instructions for developing and assembling the application package for submittal. General guidelines on applicant eligibility are provided in part I. Specific eligibility guidelines are provided in part II under certain priority areas.

A. General Information

1. Review Process and Considerations for Funding

Within the limits of available Federal funds, the Administration on Aging (AoA) makes financial assistance awards consistent with the purposes of the statutory authorities governing the AoA Discretionary Funds Program and this announcement. The following steps are involved in the review process.

a. *Notification:* All applicants will automatically be notified of the receipt of their application and informed of the identification number assigned to it.

b. *Screening:* To insure that minimum standards of equity and fairness have been met, applications which do not meet the screening criteria listed in Section D below, will not be reviewed and will receive no further consideration for funding.

c. *Expert review:* Applications that conform to the requirements of this program announcement will be reviewed and scored competitively against the evaluation criteria specified in section H, below, by qualified persons from outside the Federal Government and knowledgeable non-AoA Federal Government officials. These expert reviewers' scores and judgments are a major factor in making award decisions.

d. *Other comments:* AoA solicits comments from: other Federal Departments, Federal Regional Office staff, interested foundations, national organizations, specialists, experts, and State Agencies on Aging. These comments are considered by the Commissioner on Aging in making funding decisions.

e. *Other considerations:* In making the funding award decisions, AoA will pay particular attention to applications which focus on or feature: (1) Ethnic and/or racial minority populations and (2) a programmatic focus on those in greatest economic and social need.

Final decisions will also reflect the equitable distribution of assistance among: geographical areas of the nation, rural and urban areas, and ethnic populations. The Commissioner on Aging also guards against wasteful duplication of effort in making funding decisions.

f. *Other funding sources:* AoA reserves the option of discussing applications with, or referring them to, other Federal or non-Federal funding sources when this is determined to be in the best interest of the Federal Government or the applicant.

g. *Decisionmaking process:* After the panel review sessions, applicants may be contacted by AoA staff to furnish additional information. Applicants who are contacted should not assume that funding is guaranteed. An award is official only upon receipt of the Financial Assistance Award (Form DCGM 3-785).

h. *Timeframe:* Applicants should be aware that the time interval between the deadline for submission of applications and the award of a grant may be as long as six months. This time is required to review and process grant applications.

2. Notification Under Executive Order 12372

This is not a covered program under Executive Order 12372.

B. Deadline for Submission of Applications

The closing date for submission of applications under this program announcement is April 25, 1990. Applications must be either sent or hand-delivered to the address specified in section D, below.

Hand-delivered applications are accepted during the normal working hours of 9 a.m. to 5:30 p.m., Monday through Friday. An application will be considered as meeting the deadline if it is either:

1. Received at the mailing address on or before the deadline date; or

2. Sent before midnight of the deadline date as evidenced by either (1) a U.S. Postal Service receipt or postmark or (2) a receipt from a commercial carrier. The application must also be received in time to be considered under the competitive independent review mandated by chapter 1-62 of the DHHS Grants Administration Manual. Applicants are strongly advised to obtain proof that the application was sent by the deadline date. If there is a question as to when an application was sent, applicants will be asked to provide proof that they have met the deadline date. Private metered postmarks are not acceptable as proof of a timely submittal.

Applications which do not meet the above deadline are considered late applications. The Acquisition and Assistance Management Branch will notify each late applicant that its application will not be considered in the current competition.

AoA may extend the deadline for all applicants because of acts of God, such as floods, hurricanes or earthquakes, when there is widespread disruption of the mail or when AoA determines an extension to be in the best interest of the government. However, if AoA does not extend the deadline for all applicants, it may not waive or extend the deadline for any applicant(s).

C. Grantee Share of the Project

Under the Discretionary Funds Program, AoA does not make grant awards for the entire project cost. Successful applicants must, at a minimum, contribute one (1) dollar, secured from non-Federal sources, for every three (3) dollars received in Federal funding. The grantee share amounts to 25% of the entire project cost.

The one exception to this cost sharing formula is for applications originating from American Samoa, Guam, the Virgin Islands or the Northern Mariana Islands. Applicants from these territories are covered by section 510(d) of Public Law 95-134, which requires the Department to waive "any requirement for local matching funds under $200,000" for these territories.

The non-Federal share of total project costs for each budget period may be in the form of grantee-incurred direct or indirect costs, third party in-kind contributions, and/or grant related income. AoA encourages applications where the matching requirement will be met in cash (as opposed to in-kind contributions) from non-Federal funding sources.

If the required non-Federal share is not met by a funded project, AoA will disallow any unmatched Federal dollars. Therefore, applicants should be sure of any amount proposed as match before including these funds in their budgets.

D. Application Screening Requirements

All applications will be screened to determine completeness and conformity to the requirements of this announcement. These screening requirements are intended to assure a level playing field for all applicants. Applications which fail to meet one or more of the criteria described below will not be reviewed and will receive no further consideration for funding. Complete, conforming applications will be reviewed and scored competitively.

In order for an application to be reviewed, it must meet the following screening requirements:

1. The application must not exceed forty-five (45) pages, exclusive of certain required forms and assurances which are listed below. The pages must be double-spaced, not single or space-and-a-half. The following documents are excluded from the 45 page limitation: Standard Forms (SF) 424, 424A (including up to a four page budget justification) and 424B; proof of non-profit status; and indirect cost agreements. Within the forty-five (45) page limitation, the following guidelines are suggested:

—Summary description (one page);
—Narrative (approximately thirty pages);
—Capability statement (three to four pages, including a one page organization chart);
—Up to 3 individual vitae (each about two pages in length) and;
—Letters of commitment and cooperation.

2. Applications must be postmarked by midnight Eastern Time, April 25, 1990, or hand-delivered by 5:30 p.m. on April 25, 1990 to the following address:

Department of Health and Human Services, Grants and Contracts Management Division, Acquisition and Assistance Management Branch, 200 Independence Avenue, SW., Room 341F.2, Washington, DC 20201, Attn: AoA-90-1

3. Applicants must meet any eligibility requirements specific to the priority area under which they are applying.

Note: Under no circumstances will applications that do not meet these screening requirements be assigned to reviewers.

E. Funding Limitations on Indirect Costs

1. Training projects awarded to institutions of higher education, hospitals, and other non-profit institutions, are limited to a Federal reimbursement of indirect costs of eight (8) percent of the total allowable direct costs or, where a current agreement exists, the organization's negotiated indirect cost rate, whichever is lower. See Section J-2, Item 6j.

2. For all other applicants, indirect costs generally may be requested only if the applicant has a negotiated indirect cost rate with the Department's Division of Cost Allocation or with another Federal agency.

F. Evaluation Criteria

Applications which pass the screening will be evaluated by an independent review panel of at least three individuals. These reviewers will be primarily experts from outside the Federal government. Based on the specific programmatic considerations set forth in the individual priority area under which an application has been submitted, the reviewers will comment on and score the applications, focusing their comments and scoring decisions on the criteria below.

1. Objectives and Need for Assistance: 20 points

a. Does the application pinpoint relevant economic, social, financial, institutional or other problems requiring a solution?

b. Is the need for the proposed project clearly demonstrated and supported by documentation? Are the needs of low income and minority elderly included and discussed?

c. Are the principal and subordinate objectives of the project clearly stated, justified, and related to the problem area and stated need?

d. Does the application include any relevant data based on planning studies in providing a thorough discussion of the current state of knowledge relevant to the proposed project?

2. Results or Benefits Expected: 20 points

a. Are the expected project benefits and/or results clearly identified, realistic, and consistent with the objectives of the project? Are important anticipated contributions to policy, practice, theory and/or research clearly indicated?

b. Does the application clearly indicate how the expected results will be of direct and tangible benefit to older people? Does the application describe how its products will be disseminated to and utilized by appropriate, well-chosen audiences?

3. Approach: 35 points

a. Does the application provide a sound and workable plan of action pertaining to the scope of the project and detail how the proposed work will be accomplished?

b. Are persuasive reasons offered for taking the proposed approach as opposed to others? Does the application clearly explain the methodology for determining if the results and benefits identified are being achieved?

c. Does the proposed work/task schedule offer a logical and realistic projection of accomplishments to be achieved? Is a time-line chart or its equivalent employed to list project activities in chronological order and show the target dates for the projected accomplishments?

d. Has the application clearly identified the kinds of data to be collected and analyzed, and discussed the criteria to be used in evaluating the success of the project?

e. Has the application identified and secured the commitment of each of the key cooperating organizations, groups, and individuals who will work on the project and provided an adequate description of the nature of their effort or contribution?

4. Level of Effort: 25 points

a. Are the project management, staff resources and time commitments adequate to carry-out the proposal effectively and efficiently? Is the staff chart consistent with the project plan expressed in the Approach section of the Program Narrative?

b. Are the key staff well qualified for this project? Are consultants and advisors used appropriately? If volunteers will be used, is there adequate supervision and support from project staff?

c. Does the budget justification adequately describe the resources necessary to conduct the project? Is the budget reasonable in terms of the intended results?

d. Are the authors of the proposal, their relationship with the applicant agency and their intended role in the project, if any, identified?

G. The Components of an Application

To expedite the processing of applications, we request that you arrange the components of your application in the following order:

1. A copy of the Check List of Application Requirements (See section K, below) with all the completed items checked.

2. An original and two copies of the application, including:

• SF 424, Application for Federal Assistance; SF 424A, Budget (and accompanying budget justification): and SF 424B (Assurances). *Note:* The original copy of the application must have an original signature in item 18d on the SF 424.

• Proof of nonprofit status, as necessary:

• A copy of the applicant's indirect cost agreement, as necessary;

• Project summary description;

• Program narrative;

• Organizational capability statement and vitae;

• Letters of Commitment and Cooperation.

Each copy should be stapled securely (front and back if necessary) in the upper left corner. Pages should be sequentially numbered. In order to facilitate handling, please do not use covers, binders or tabs. Do not include extraneous materials such as agency promotion brochures, slides, tapes, film clips, etc. It is not feasible to use such items in the review process, and they will be discarded if included.

H. Communications With AoA

Do not include a self-addressed, stamped acknowledgment card. All applicants will automatically be notified of the receipt of their application and informed of the identification number assigned to it. This number and the priority area should be referred to in all subsequent communication with AoA concerning the application. If acknowledgment is not received within seven weeks after the deadline date, please notify the Acquisition and Assistance Management Branch by telephone at (202) 245-9016.

After an identification number is assigned and the applicant has been notified of the number, applications are filed numerically by identification number for quick retrieval. It will not be possible for AoA staff to provide a timely response to inquiries about a specific application unless the identification number and the priority area are given.

Applicants are advised that, prior to reaching a decision, AoA will not release information relative to an application other than that it has been received and that it is being reviewed. Unnecessary inquiries delay the process. Once a decision is reached, the applicant will be notified as soon as possible of the acceptance or rejection of the application.

I. Background Information and Guidance for Preparing the Application

1. *Current projects and previous project results.* In the Program Narrative of the application (see Section J below) applicants are expected to demonstrate familiarity with recent and ongoing activity related to their proposal. To insure that information about AoA supported discretionary grant projects is conveniently available, AoA has disseminated this information widely. Source materials include:

a. For *current AoA projects:* A compendium of recently funded title IV discretionary projects for FY 1988 and FY 1989 may be obtained by writing:

Discretionary Project Compendium, Office of Program Development, Administration on Aging, 330 Independence Avenue, SW., Washington, DC 20201

The information from the compendium is also included in AgeLine (see below).

b. *For completed project information:* Copies of all AoA discretionary grant final reports and printed materials are sent to: Project SHARE, an abstract clearinghouse on human services issues; The National Technical Information Service (NTIS), an abstract clearinghouse and document source for Federally sponsored reports; AgeLine, a bibliographic database service sponsored by the AARP; and the U.S. Government Printing Office Library Program, a catalog and microfiche service for 1400 depository libraries located throughout the United States.

Information concerning access to the bibliographic and document referral services provided by these clearinghouses can be obtained through most public and academic libraries. For direct information use the following addresses and telephone numbers:

Project SHARE, P.O. Box 2309, Rockville, MD 20852, (301) 231-9539

National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, (703) 487-4600

AgeLine Database, BRS Customer Services, 1200 Route 7, Latham, NY 12110, (800) 345-4277

Acquisition Unit, Library Programs Service, U.S. Government Printing Office, North Capitol and H Streets, NW., Washington, DC 20401, (202) 275-1070

2. Dissemination and Utilization

The purposes and expectations associated with title IV discretionary projects extend well beyond the immediate confines of a particular project's local impact. Projects should have a ripple effect in the field of aging in terms of replicating their design, utilizing their results, and applying their benefits to a widening circle of older persons. This section suggests certain principles of dissemination which should be considered in developing your application:

• The most widely utilized projects make dissemination and utilization a central aspect of the project not a peripheral one;

• Dissemination starts at the beginning of a project not upon completion of the final report;

• Potential users should be involved in planning the project if possible;

• Products developed should be prepared with the needs of potential users in mind;

• Dissemination is a networking process;

• At a minimum, dissemination includes getting your final products into the hands of appropriate users and making presentations at conferences; and

• Coordination with other related projects may increase the chances of your products being used.

J. Completing the Application

In completing the application, please recognize that the set of standardized forms and instructions prescribed by OMB is not perfectly adaptable to the particulars of AoA's Discretionary Funds Program. Wherever possible, we have attempted to iron out discrepancies. If you encounter a problem, please call (202) 245-0441 for assistance.

Forms SF 424, SF 424A, and SF 424B have been reprinted as part of this **Federal Register** announcement for your convenience in preparing the application. Single-sided copies of all required forms must be used for submitting your application. You should reproduce single-sided copies from the reprinted form and type your application on the copies. Please do not use forms directly from the **Federal Register** announcement as they are printed on both sides of the page.

To assist applicants in completing Forms SF 424 and SF 424A correctly, samples of these forms have been provided as part of this announcement. These samples are to be used as a guide only. Please submit your application on the blank copies. When specific information is not required under this program, N/A (not applicable) has been preprinted on the form.

Please prepare your application in accordance with the following instructions:

1. *SF 424, Cover Page:* Complete only the items specified in the following instructions:

Top left of page. In the box provided, enter the number of the priority area under which the application is being submitted.

Item 1. Preprinted on the form.

Item 2. Date of application submittal.

Item 3. Not applicable.

Item 4. Leave blank.

Item 5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.

Item 6. Enter the employer identification number (EIN) of the applicant organization as assigned by the Internal Revenue Service. Please include the suffix to the EIN, if known.

Item 7. Enter the appropriate letter in the space provided.

Item 8. Preprinted on form.

Item 9. Preprinted on form.

Item 10. Preprinted on form.

Item 11. The title should describe concisely the nature of the project. It should not exceed 10 to 12 words and 120 characters including spaces and punctuation. It should not repeat the title of the priority area or the name of the applicant institution.

Item 12. Leave blank.

Item 13. Enter the desired start date for the project, beginning on or after August 1, 1990 and the desired end date for the project. Projects are generally 12 to 36 months in duration. Check the description of the priority area under which you are applying for the expected project duration.

Item 14. List the applicant's Congressional district and any District(s) affected by the program or project.

Item 15. All budget information entered in these items should cover: (1) the total project period if that period is 17 months or less or (2) the first twelve months if the proposed project period exceeds 17 months.

The applicant should show the Federal grant support requested under sub-item 15a. Sub-items 15b–15e are considered cost-sharing or "matching funds". The value of third party in-kind contributions should be entered in sub-items 15c–15e, as applicable. It is important that the dollar amounts entered in sub-items 15b–15e total at least 25 percent of the total project cost (total project cost is equal to the requested Federal funds plus funds from non-Federal sources).

Check: Does all information entered in Items 15a to 15f cover (1) the total project period if that period is 17 months or less or (2) the first twelve months if the proposed project period exceeds 17 months?

Item 16. Preprinted on form.

Item 17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.

Item 18. To be signed by an authorized representative of the applicant organization. A document attesting to that sign-off authority must be on file in the applicant's office.

2. *SF 424A—Budget information.* This form is designed so that application can be made for funds from one or more grant programs. Sections A, B, and C should include the Federal as well as non-Federal funding for the proposed project covering (1) the total project period of 17 months or less or (2) the first year if the proposed project exceeds 17 months.

Section A—Budget Summary

This section includes a summary of the budget. On line 5, enter total Federal Costs in column (e) and total Non-Federal Costs (including third party in-kind contributions but not program income) in column (f). Enter the total of columns (e) and (f) in column (g).

Section B—Budget Categories

Under column (5) enter the total requirements for funds (both Federal and non-Federal) by object class category.

A separate budget justification should be included to fully explain and justify major items, as indicated below. The budget justification should not exceed three typed pages and should immediately follow SF 424 A.

Line 6a—Personnel: Enter the total costs of salaries and wages of applicant/grantee staff. Do not include the costs of consultants, which should be included under 6h., Other.

Justification: Identify the principal investigator or project director, if known. Specify the percentage of time and titles of the organization's staff who will be working on the project as part of the budget justification.

Line 6b—Fringe benefits: Enter the total costs of fringe benefits unless treated as part of an approved indirect cost rate.

Justification: Provide a break-down of amounts and percentages that comprise fringe benefit costs, such as health insurance, FICA, retirement insurance, etc.

Line 6c—Travel: Enter total costs of out-of-town travel (travel requiring per diem) for staff of the project. Do not enter costs for consultant's travel or local transportation.

Justification: Include the total number of trips, destinations, length of stay, transportation costs and subsistence allowances.

Line 6d—Equipment: Enter the total costs of all equipment to be acquired by the project. For State and local governments, including Federally recognized Indian Tribes, "equipment" is non-expendable tangible personal property having a useful life of more than two years and an acquisition cost of $5,000 or more per unit. For all other grantees, the threshold for equipment is $500 or more per unit. The higher threshold for State and local governments took effect October 1, 1988 through the implementation of 45 CFR Part 92, Uniform Administrative Requirements for State and Local Governments.

Justification: Equipment to be purchased with federal funds must be justified as necessary for the conduct of the project. The equipment or a reasonable facsimile must not be available to the applicant organization or its sub-grantees. The justification also must contain plans for future use or disposal of the equipment after the project ends.

Line 6e—Supplies: Enter the total costs of all tangible expendable personal property (supplies) other than those included on line 6d.

Line 6f—Contractual: Enter the total costs of all contracts, including (1) procurement contracts (except those which belong on other lines such as equipment, supplies, etc.) and, (2) contracts with secondary recipient organizations including delegate agencies. Also include any contracts with organizations for the provision of technical assistance. Do not include payments to individuals on this line. If the name of contractor, scope of work, and estimated total are not available or have not been negotiated, include in Line 6h, "Other."

Justification: Attach a list of contractors indicating the name of the organization, the purpose of the contract and the estimated dollar amount. Whenever the applicant/grantee intends to delegate part or all of the program to another agency, the applicant/grantee must provide a completed copy of this section (Section B, Budget Categories) for each delegate agency (contractor) by agency title, along with the supporting information. The total cost of all such agencies will be part of the amount shown on Line 6f. Provide back-up documentation identifying the name of contractor, purpose of contract and major cost elements.

Line 6g—Construction: Leave blank since new construction is not allowable and Federal funds are rarely used for either renovation or repair.

Line 6h—Other: Enter the total of all other costs. Such costs, where applicable, may include, but are not limited to, insurance, medical and dental costs, noncontractual fees and travel paid directly to individual consultants, local transportation (all travel which does not require per diem is considered local travel), space and equipment rentals, printing and publication, computer use, training costs, including tuition and stipends, training service costs including wage payments to individuals and supportive service payments, and staff development costs.

Line 6i—Total direct charges: Show the totals of Lines 6a through 6h.

Line 6j—Indirect charges: Enter the total amount of indirect charges (costs). If no indirect costs are requested enter "none." This line should be used only when the applicant (except local governments) has a current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency.

Applicants other than State and local governments are requested to enclose a copy of this agreement. Local and State governments should enter the amount of indirect costs determined in accordance with HHS requirements. When an indirect cost rate is requested, these costs are included in the indirect cost pool and should not be also charged as direct costs to the grant.

In the case of training grants to other than State or local governments (as defined in 45 CFR part 74), Federal reimbursement of indirect costs will be limited to the lesser of the negotiated (or actual) indirect cost rate or 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations. As part of the justification, applications subject to this limitation should specify that the Federal reimbursement will be limited to 8%.

For training grant applications, the entry under line 6j should be the total indirect costs being charged to the project. The Federal share of indirect costs is calculated as shown above. The applicant's share is calculated as follows:

(a) Calculate total project indirect costs (a*) by applying the applicant's approved indirect cost rate to the total project (Federal and non-Federal) direct costs.

(b) Calculate the Federal share of indirect costs (b*) at 8 percent of the amount allowed for total project (Federal and non-Federal) direct costs exclusive of any equipment charges, rental of space, tuition and fees, post-doctoral training allowances, contractual items, and alterations and renovations.

(c) Subtract b* from a*. The remainder is what the applicant can claim as part of its matching cost contribution.

Line 6k—Total: Enter the total amounts of Lines 6i and 6j.

Line 7—Program income: Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Describe the nature, source, and anticipated use of income in the Program Narrative.

Section C—Non-Federal Resources

Line 12—Totals: Enter amounts of non-Federal resources that will be used on the grant. If third-party in-kind contributions are included, provide a brief explanation in the budget justification section.

Section D—Forecasted Cash Needs

Not applicable.

Section E—Budget Estimate of Federal Funds Needed for Balance of the Project

This section should only be completed if the total project period exceeds 17 months.

Line 20—Totals: Enter the estimated required Federal funds for the period covering months 13 through 24 under column "(b) First." If appropriate, enter the Federal funds needed for months 25 through 36 under "(c) Second."

Section F—Other Budget Information

Line 21—Direct Charges: Not applicable.

Line 22—Indirect Charges: Enter the type of indirect rate (provisional, predetermined, final or fixed) to be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect costs.

Line 23—Remarks: Provide any other explanations or comments deemed necessary.

3. *SF 424B—Assurances.* SF 424B, Assurances—Non-Construction Programs, contains assurances required of applicants under the Discretionary Funds Program of the Administration on Aging. Two other assurances are required of the applicant, namely that it has not been debarred and that it will comply with the Drug-Free Workplace Act of 1988. Please note that a duly authorized representative of the applicant organization must certify that the applicant is in compliance with these assurances.

With the possible exception of an Assurance of Protection of Human Subjects, no other assurances are required. For research projects in which human subjects may be at risk, an Assurance of Protection of Human Subjects may be needed. If there is a question regarding the applicability of this assurance, contact the Office of Research Risks of the National Institutes of Health at (301) 496–7041.

4. *Project summary description.* Clearly mark this separate page with the applicant name as shown in SF 424, item 5 and the priority area as shown in the upper left hand corner of SF 424. Please limit the summary description to a maximum of 1,200 characters, including words, spaces and punctuation.

The description should be specific and concise. It should describe the objectives of the project, the approaches to be used and the outcomes expected. At the end of the summary, list major products that will result from the proposed project (such as manuals, data collection instruments, training packages, audio-visuals, software packages). The project summary description, together with the information on the SF 424, becomes the project "abstract " which is entered into AoA's computer data base. The project description provides the reviewer with an introduction to the substantive parts of the application. Therefore, care should be taken to produce a summary which accurately and concisely reflects the proposal.

5. *Program Narrative.* The Program Narrative is the most important part of the application. It should be clear, concise, and specific to the priority area under which the application is being submitted. In describing your proposed project under the narrative format prescribed below, make certain that you respond fully to the evaluation criteria set forth in Section F above.

Please have the narrative typed on a single-side of 8½" x 11" plain white paper with 1" margins on both sides. All pages of the narrative (including charts, tables, maps, exhibits, etc.) should be sequentially numbered, beginning with "Objectives and need for assistance" as page number one. (Applicants should not submit reproductions of larger size paper, reduced to meet the size requirement).

The narrative should conclude by identifying the author(s) of the proposal, their relationship with the applicant, and the role they will play, if any, should the project be funded.

6. *Organizational Capability Statement.* A brief organizational capability statement should be included. The statement should describe how the applicant agency (or the particular division of a larger agency which will have responsibility for this project) is organized, the nature and scope of its work and/or the research capabilities it possesses. This description should cover capabilities of the applicant not included in the program narrative. It may include descriptions of any current or previous relevant experience or describe the competence of the project team and its demonstrated ability to produce a final product that is readily comprehensible and usable. An organization chart showing the relationship of the project to the current organization should be included.

K. Checklist for a Complete Application

The checklist below should be typed on 8½" x 11" plain white paper, completed and included in your application package. It is for use in ensuring proper preparation of your application.

Checklist

I have checked my application package to ensure that it includes or is in accord with the following:

—One original application plus two copies, each stapled securely (no folders or binders) with the SF 424 as the first page of each copy of the application;
—SF 424; SF 424A—Budget Information (and accompanying Budget Justification); and SF 424B—Assurances;
—SF 424 has been completed according to the instructions, signed and dated by an authorized official (item 18);
—The number of the Priority Area under which the application is submitted has been identified in the box provided at the top left of the SF 424;
—As necessary, a copy of the current indirect cost rate agreement approved by the Department of Health and Human Services or another Federal agency;
—Proof of nonprofit status, as necessary;
—Summary description;
—Program Narrative;
—Organizational capability statement;
—No more than 3 vitae for key personnel;
—Letters of Commitment and Cooperation, as appropriate.

L. Points to Remember

1. There is a forty-five (45) page limitation for the substantive parts of the application. Before submitting your application, please check that you have adhered to this requirement which is spelled out in section D.

2. You are required to send an original and two copies of an application.

3. Designate a priority area in the box provided at the top left hand corner of the SF 424.

4. The summary description of 1,200 characters or less should accurately reflect the nature and scope of the proposed project.

5. To make certain that you have met the minimum required match (see section C above), remember that you must match $1 for every $3 requested in Federal funding to reach 25% of the total project cost (the Federal share plus your cost share). For example, if your request for Federal funds is $150,000, then the required minimum match or cost sharing is $50,000. The total project cost is $200,000, of which your $50,000 share is 25%.

6. Indirect costs of training grants may not exceed 8%.

7. In following the required format for preparing the program narrative, make certain that you have responded fully to the four (4) evaluative criteria which will be used by reviewers to evaluate and score all applications.

8. Do not include letters which endorse the project in general and perfunctory terms. In contrast, letters which describe and verify tangible commitments to the project, *e.g.*, funds, staff, space, should be included.

9. If duplicate applications are submitted under different priority areas, AoA reserves the right to select the single priority area under which it will be reviewed.

10. If more than one application is submitted, each should be submitted under separate cover.

11. Before submitting the application, have someone other than the author(s): (1) apply the screening requirements to make sure you are in compliance; and (2) carry out a trial run review based upon the evaluative criteria. Take the opportunity to consider all recommended changes and then make whatever changes you deem appropriate.

12. Applications must be sent by midnight Eastern Time, or hand delivered (by 5:30 p.m.), no later than April 25, 1990 to:

Department of Health and Human Services, Grants and Contracts Management Division, Acquisition and Assistance Management Branch, 200 Independence Avenue, SW., Room 341F.2, Washington, DC 20201, Attn: AoA-90-1

Dated: February 2, 1990.

Joyce T. Berry,

U.S. Commissioner on Aging—Designate, Administration on Aging.

BILLING CODE 4130-01-M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☒ Non-Construction; Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE N/A	State Application Identifier N/A
	4. DATE RECEIVED BY FEDERAL AGENCY N/A	Federal Identifier N/A

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
Address (give city, county, state, and zip code)	Name and telephone number of the person to be contacted on matters involving this application (give area code)

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) ______

8. TYPE OF APPLICATION: ☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify)

9. NAME OF FEDERAL AGENCY: Administration on Aging

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 13-668

TITLE: Discretionary Funds Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): N/A

13. PROPOSED PROJECT: Start Date / Ending Date

14. CONGRESSIONAL DISTRICTS OF: a. Applicant / b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE ______

b. NO ☒ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

OMB Approval No. 0348-0044

BUDGET INFORMATION — Non-Construction Programs

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. N.A.	N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
2. N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
3. N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
4. N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
5. TOTALS		$ N.A.	$ N.A.	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
a. Personnel	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$
b. Fringe Benefits	N.A.	N.A.	N.A.	N.A.	
c. Travel	N.A.	N.A.	N.A.	N.A.	
d. Equipment	N.A.	N.A.	N.A.	N.A.	
e. Supplies	N.A.	N.A.	N.A.	N.A.	
f. Contractual	N.A.	N.A.	N.A.	N.A.	
g. Construction	N.A.	N.A.	N.A.	N.A.	N.A.
h. Other	N.A.	N.A.	N.A.	N.A.	
i. Total Direct Charges (sum of 6a - 6h)	N.A.	N.A.	N.A.	N.A.	
j. Indirect Charges	N.A.	N.A.	N.A.	N.A.	
k. TOTALS (sum of 6i and 6j)	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$
7. Program Income	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
9. N.A.	N.A.	N.A.	N.A.	N.A.
10. N.A.	N.A.	N.A.	N.A.	N.A.
11. N.A.	N.A.	N.A.	N.A.	N.A.
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

		Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
14. NonFederal	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
15. TOTAL (sum of lines 13 and 14)	N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
17. N.A.	N.A.	N.A.	N.A.	N.A.
18. N.A.	N.A.	N.A.	N.A.	N.A.
19. N.A.	N.A.	N.A.	N.A.	N.A.
20. TOTALS (sum of lines 16-19)	$	$ N.A.	$ N.A.	$ N.A.

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges: N.A.	22. Indirect Charges:
23. Remarks	

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OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

5.3

2. DATE SUBMITTED 04/01/90

Applicant Identifier

1. TYPE OF SUBMISSION:
Application
☐ Construction
☒ Non-Construction
Preapplication
☐ Construction
☐ Non-Construction

3. DATE RECEIVED BY STATE N/A

State Application Identifier N/A

4. DATE RECEIVED BY FEDERAL AGENCY N/A

Federal Identifier N/A

5. APPLICANT INFORMATION

Legal Name: Department of Human Services

Organizational Unit: Division of Aging

Address (*give city, county, state, and zip code*):
1234 Smith Street
Jonesville, Iowa 54321

Name and telephone number of the person to be contacted on matters involving this application (*give area code*)
Jane Doe
(234) 567-8912

6. EMPLOYER IDENTIFICATION NUMBER (EIN): 98-7654321

7. TYPE OF APPLICANT: (*enter appropriate letter in box*) C

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): ____________

8. TYPE OF APPLICATION:
☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐
A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (*specify*):

9. NAME OF FEDERAL AGENCY:
Administration on Aging

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 13-668

TITLE: Discretionary Funds Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
Improve Services to the Aging

12. AREAS AFFECTED BY PROJECT (*cities, counties, states, etc.*):
N/A

SAMPLE

13. PROPOSED PROJECT:

Start Date	Ending Date
09/01/90	01/31/92

14. CONGRESSIONAL DISTRICTS OF:
a. Applicant 3
b. Project 3,4

15. ESTIMATED FUNDING:

a. Federal	$ 120,000	.00
b. Applicant	$ 40,000	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$ 160,000	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?
a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:
DATE ____________
b. NO. ☒ PROGRAM IS NOT COVERED BY E.O. 12372
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative: Richard Roe
b. Title: Director
c. Telephone number: (666) 555-4444
d. Signature of Authorized Representative
e. Date Signed: 03/30/90

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds: Federal (c)	Estimated Unobligated Funds: Non-Federal (d)	New or Revised Budget: Federal (e)	New or Revised Budget: Non-Federal (f)	New or Revised Budget: Total (g)
1. N.A.	N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
2. N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
3. N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
4. N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
5. TOTALS	13.668	$ N.A.	$ N.A.	$ 120,000	$ 40,000	$ 160,000

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ 95,000
b. Fringe Benefits	N.A.	N.A.	N.A.	N.A.	16,250
c. Travel	N.A.	N.A.	N.A.	N.A.	2,000
d. Equipment	N.A.	N.A.	N.A.	N.A.	3,000
e. Supplies	N.A.	N.A.	N.A.	N.A.	2,250
f. Contractual	N.A.	N.A.	N.A.	N.A.	5,000
g. Construction	N.A.	N.A.	N.A.	N.A.	N.A.
h. Other	N.A.	N.A.	N.A.	N.A.	17,500
i. Total Direct Charges (sum of 6a - 6h)	N.A.	N.A.	N.A.	N.A.	141,000
j. Indirect Charges	N.A.	N.A.	N.A.	N.A.	19,000
k. TOTALS (sum of 6i and 6j)	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ 160,000
7. Program Income	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$

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SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
9. N.A.	N.A.	N.A.	N.A.	N.A.
10. N.A.	N.A.	N.A.	N.A.	N.A.
11. N.A.	N.A.	N.A.	N.A.	N.A.
12. TOTALS (sum of lines 8 and 11)	$ 40,000	$	$	$ 40,000

SECTION D - FORECASTED CASH NEEDS						
		Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
14. NonFederal	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
15. TOTAL (sum of lines 13 and 14)	N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
	FUTURE FUNDING PERIODS (Years)			
(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth
16. N.A.	$ N.A.	$ N.A.	$ N.A.	$ N.A.
17. N.A.	N.A.	N.A.	N.A.	N.A.
18. N.A.	N.A.	N.A.	N.A.	N.A.
19 N.A.	N.A.	N.A.	N.A.	N.A.
20. TOTALS (sum of lines 16-19)	$ -0-	$ N.A.	$ N.A.	$ N.A.

SECTION F - OTHER BUDGET INFORMATION (Attach additional Sheets if Necessary)	
21. Direct Charges: N.A.	22. Indirect Charges:
23. Remarks	

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OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10 Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE

APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

BILLING CODE 4130-01-C

Priority Area 8.1—Regional Small Grants Program

Applications submitted under priority area 8.1—Regional Small Grants Program should be addressed as follows:

HHS Region I—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont

To: Mr. St. Clair Phillips, Director, Office of Fiscal Operations, HHS/OHDS, JFK Federal Building, Room 2000, Boston, Massachusetts 02203

HHS Region II—New York, New Jersey, Puerto Rico and Virgin Islands

To: Mr. Nicholas Cordasco, Director, Office of Fiscal Operations, HHS/OHDS, Federal Building, 26 Federal Plaza, New York, New York 10270

HHS Region III—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia

To: Mr. Robert Sullivan, Director, Office of Fiscal Operations HHS/OHDS, P.O. Box 13716, Philadelphia, Pennsylvania 19101

HHS Region IV—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

To: Mr. Alan P. Weimer, Director, Office of Fiscal Operations, HDS/HHS, Room 903, 101 Marietta Tower Building, Atlanta, Georgia 30323

HHS Region V—Indiana, Illinois, Michigan, Minnesota, Ohio, and Wisconsin

To: Mr. Russell Armstrong, Director, Office of Fiscal Operations, HHS/OHDS, 105 West Adams—21st Floor, Chicago, Illinois 60603

HHS Region VI—Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

To: Mr. Russell Crocker, Acting Director, Office of Fiscal Operations, HHS/OHDS, 1200 Main Tower Building, Dallas, Texas 75202

HHS Region VII—Iowa, Kansas, Missouri, and Nebraska

To: Mr. William P. Howard, Director, Office of Fiscal Operations, Room 384, 601 E. 12th Street, Kansas City, Missouri 64106

HHS Region VIII—Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming

To: Mr. Mas Yoshimura, Office of Fiscal Operations, HHS/OHDS, FOB 9th Floor, 1961 Stout Street, Denver, Colorado 80294

HHS Region IX—Arizona, California, Hawaii, Nevada, Pacific Jurisdictions

To: Mr. James Nordin, Office of Fiscal Operations, HHS/OHDS, Room 450, 50 United Nations Plaza, San Francisco, California 94102

HHS Region X—Alaska, Idaho, Oregon, and Washington

To: Mr. Gary Griffith, Director, Office of Fiscal Operations, HHS/OHDS, Blanchard Plaza, 2201 Sixth Avenue, Seattle, Washington 98121

[FR Doc. 90-2825 Filed 2-8-90; 8:45 am]

BILLING CODE 4130-01-M

Friday
February 9, 1990

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

Design Standards for Airplane Jacking and Tie-Down Provisions; Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

RIN 2120-AD38

[Docket No. 26129; Notice No. 90-3]

Design Standards for Airplane Jacking and Tie-Down Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes new design standards for airplane jacking and tie-down provisions for transport category airplanes. This proposal is needed to provide manufacturers of transport category airplanes with design standards for jacking conditions, and is intended to provide protection of the airplane primary structure during wind gust conditions during jacking operations and while tied down.

DATES: Comments must be received on or before August 8, 1990.

ADDRESSES: Comments on this proposal may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-10), Docket No. 26129, 800 Independence Avenue SW., Washington, DC 20591, or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked: Docket No. 26129. Comments may be inspected in Room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Iven Connally, Airframe and Propulsion Branch (ANM-112), Transport Airplane Directorate, Aircraft Certification Service, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168; telephone (206) 431-2120.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify the regulatory docket or notice number and submit comments, in triplicate, to the Rules Docket address specified above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on this proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket, both before and after the closing date for comments, for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26129." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future rulemaking documents should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

Damage to the primary structure of transport category airplanes has occurred during, or as a result of, jacking operations. Airplane jacking is achieved by either lifting on the airframe or on the landing gear. This is a normal and frequent maintenance operation. In some instances, the airplane has either slipped off the jacks or been blown off during gusty wind conditions. One transport category airplane was damaged beyond economical repair when it was blown off the jacks in 1971. A military counterpart of a transport category airplane was completely destroyed by fire after it slipped off a wing jack. There have also been a number of landing gear failures that have been attributed to scratches or gouges incurred during jacking.

Transport category airplanes, particularly the larger airplanes, seldom need to be tied down for protection from high winds. Nevertheless, the use of inadequately designed tie-down provisions could damage primary structure.

Essentially all manufacturers of transport category airplanes do provide information and instructions concerning jacking operations in addition to providing for appropriate jacking points on the airplane. However, currently there is no requirement in the airworthiness standards for transport category airplanes for consideration of jacking or tie-down loads. In the absence of specific standards, some manufacturers of transport category airplanes have used the jacking and tie-down criteria of military specifications MIL-A-8862 (ASG), MIL-A-008862A (USAF), and MIL-A-008865A (USAF) for designing the airframe and landing gear of commercial transport category airplanes. Others, primarily the manufacturers of smaller transport category airplanes, have requested design criteria for jacking and tie-down loads.

While the FAA is not aware of any existing airplanes that are improperly ge designed with respect to jacking and tie-down provisions, it is conceivable that an improperly designed airplane may be certificated in the absence of specific regulatory requirements. Structural damage at the jacking or tie-down points could pose an immediate hazard while the airplane is on the ground, as evidenced by the military airplane that was destroyed by fire. Even if an airplane does not fall off the jacks, there is the possibility that damage to primary structure could occur from the static loads applied at improperly designed jacking points. In addition, there is a much greater hazard in that the damage could remain undetected and lead to a catastrophic structural failure during a subsequent flight. Undetected damage from improperly designed tie-down provisions poses a similar hazard.

Part 25 would therefore be amended to require transport category airplanes to have suitable provisions for jacking. In essence, the current military standards would be adopted to provide protection of the airplane primary structure from loads imposed during probable jacking conditions. This proposed regulation would be consistent with current industry practice.

Although there is no proposal to require tie-down provisions, part 25 would be amended, in essence, to adopt the current military standards to provide protection of the airplane primary structure in the event such provisions are provided. This, too, would be consistent with current industry practice.

Regulatory Evaluation

Benefits

Although several instances of damage to the primary structure of transport category airplanes are known to have occurred in jacking incidents, the FAA was unable to document the specific causes of these high-cost mishaps. Nevertheless, the agency believes that the risk of jacking and tie-down accidents will be reduced by implementing the consistent standards contained in this proposal. The proposed requirements would not only reduce possible damage to primary structure, but would reduce personal injuries as well. Therefore, the agency believes that substantial but unquantifiable benefits will result from reducing the risk of such incidents.

Costs

In the absence of regulatory standards for jacking and tie-down provisions on transport category airplanes, the FAA is not aware of any manufacturers who have not used military specifications or other comparable criteria for designing the airframe and landing gear. It is not unusual for a manufacturer of a commercial transport category airplane to use military standards to ensure safety and reliability where there are no FAA regulatory requirements. Since all large airplanes must be jacked occasionally, reasonable and prudent manufacturers have had little choice but to allow this course. Because this proposal merely adopts the same standards the industry has largely followed in the absence of a rule, it results in no significant compliance costs and would afford an unquantifiable amount of savings from reductions in damage to primary structures resulting from jacking or tie-down, as well as in personal injuries. Therefore, the FAA considers that the benefits exceed the cost.

Regulatory Flexibility Determination

Under the criteria of the Regulatory Flexibility Act of 1980 (RFA), the FAA has determined that the proposed rule would not have a substantial economic impact on a substantial number of small entities.

Since the act applies to U.S. entities, only U.S. manufacturers of transport category airplanes would be affected. In the United States, there are two manufacturers that specialize in commercial transport category airplanes, The Boeing Company, and the McDonnell Douglas Corporation. In addition, there are a number of others that specialize in the manufacture of other transport category airplanes, such as those designed for executive transportation. These are Cessna Aircraft Corporation, Gates Lear Jet Corporation, Beech Aircraft Corporation, and Gulfstream American Corporation.

The FAA size threshold for a determination of a small entity for U.S. airplane manufacturers is 75 employees; any U.S. airplane manufacturer with more than 75 employees is considered not to be a small entity. Because none of the transport category airplane manufacturers is a small entity, there would be no impact on any small entity as the result of the implementation of this proposal.

International Trade Impact Assessment

The proposed rule is not expected to have an adverse impact either on the trade opportunities of U.S. manufacturers of transport category airplanes doing business abroad or on foreign airplane manufacturers doing business in the United States. Since the certification rules are applicable to both foreign and domestic manufacturers selling airplanes in the United States, there would be no competitive trade advantage to either.

Federalism Implications

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

Conclusion

Because the proposed airplane jacking and tie-down provisions are not expected to result in a substantial economic cost, the FAA has determined that this proposed regulation is not considered to be major under Executive Order 12291. Additionally, as this document involves an issue that has not prompted a great deal of public concern, it is not considered significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since there are no small entities affected by this rulemaking, it is certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, would not have a significant economic impact, positive or negative, on a substantial number of small entities. A copy of the initial regulatory evaluation prepared for this project may be examined in the public docket or obtained from the person identified under the caption, "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 25

Aircraft, Air transportation, Aviation safety, Jacking, Safety, Tie-downs, Tires.

The Proposed Amendment

Accordingly, the Federal Aviation Administration (FAA) proposes to amend part 25 of the Federal Aviation Regulations (FAR), 14 CFR part 25, as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97–449; January 12, 1983); and 49 CFR 1.47(a).

2. By adding a new § 25.513 to read as follows:

§ 25.513 Jacking and tie-down provisions.

(a) *General.* The airplane must be designed to withstand the limit load conditions resulting from the static ground load conditions of paragraphs (b) and (c) of this section at the most critical combinations of airplane weight and center of gravity.

(b) *Jacking.* The airplane structure must have provisions for jacking and must withstand the following limit loads when the airplane is supported on jacks:

(1) For jacking by the landing gear at maximum design weight, a vertical load of 1.35 times the vertical static reaction at each jacking point acting singly and in combination with a horizontal load of 0.40 times the vertical static reaction applied in any direction.

(2) For jacking by other airplane structure of maximum approved jacking weight, a vertical load of 2.0 times the vertical static reaction at each jacking point acting singly and in combination with a horizontal load of 0.50 times the vertical static reaction applied in any direction.

(c) *Tie-down.* If tie-down points are provided, the main tie-down points and surrounding structure must withstand the limit loads resulting from a 70-knot horizontal wind applied in the most critical direction.

Issued in Washington, DC, on January 25, 1990.

Thomas E. McSweeney,
Acting Director, Aircraft Certification Service.

[FR Doc. 90-3032 Filed 2-8-90; 8:45 am]
BILLING CODE 4910-13-M

federal register

Friday
February 9, 1990

Part IV

Department of the Interior

Minerals Management Service

Outer Continental Shelf-Central Gulf of Mexico Oiland Gas Lease Sale; Notices

4310-MR

UNITED STATES
DEPARTMENT OF THE INTERIOR
MINERALS MANAGEMENT SERVICE

Outer Continental Shelf
Central Gulf of Mexico
Oil and Gas Lease Sale 123

1. Authority. This Notice is published pursuant to the Outer Continental Shelf Lands Act (OCSLA) (43 U.S.C. 1331-1356, (1982)), as amended by the OCSLA Amendments of 1985 (100 Stat. 147), and the regulations issued thereunder (30 CFR Part 256).

2. Filing of Bids. Sealed bids will be received by the Regional Director (RD), Gulf of Mexico Region, Minerals Management Service (MMS), 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394. Bids may be delivered in person to that address during normal business hours (8 a.m. to 4 p.m., Central Standard Time (c.s.t.)) until the Bid Submission Deadline at 10 a.m., Tuesday, March 20, 1990. All times cited in this Notice refer to c.s.t. Bids will not be accepted the day of Bid Opening, Wednesday, March 21, 1990. Bids received by the RD later than the time and date specified above will be returned unopened to the bidders. Bids may not be modified unless written modification is received by the RD prior to 10 a.m., Tuesday, March 20, 1990. Bids may not be withdrawn unless written withdrawal is received by the RD prior to 8:30 a.m., Wednesday, March 21, 1990. Bid Opening Time will be 9 a.m., Wednesday, March 21, 1990, at Le Meridien Hotel, 614 Canal Street, New Orleans, Louisiana. All bids must be submitted and will be considered in accordance with applicable regulations including 30 CFR Part 256. The list of restricted joint bidders which applies to this sale appeared in the Federal Register at 54 FR 43142, published on October 20, 1989.

3. Method of Bidding. A separate bid in a sealed envelope labeled "Sealed Bid for Oil and Gas Lease Sale 123 (map number, map name, and block number(s)), not to be opened until 9 a.m., Wednesday, March 21, 1990," must be submitted for each block or prescribed bidding unit bid upon. The company qualification number should also appear on the envelope. For example, a label would read as follows: "Sealed Bid for Oil and Gas Lease Sale 123, NG 16-1, Atwater Valley, Block 701, not to be opened until 9 a.m., Wednesday, March 21, 1990, Overthrust Inc. #1093." For those blocks which must be bid upon as a bidding unit (see paragraph 12), it is recommended that all numbers of blocks comprising the bidding unit appear on the sealed envelope. A suggested bid form appears in 30 CFR Part 256, Appendix A. In addition, the total amount bid must be in whole dollar amounts (no cents). Bidders must submit with each bid one-fifth of the cash bonus, in cash or by cashier's check, bank draft, or certified check, payable to the order of the U.S. Department of the Interior--Minerals Management Service. The company qualification number should also appear on the check or draft together with bid block identification. No bid for less than all of the unleased portions of a block or bidding unit, as referenced in paragraph 12, will be considered. Bidders are advised to use the description "All the Unleased Federal Portions" for those blocks having only aliquot portions currently available for leasing.

All documents must be executed in conformance with signatory authorizations on file. Partnerships also need to submit or have on file in the Gulf of Mexico regional office a list of signatories authorized to bind the partnership. Bidders submitting joint bids must state on the bid form the proportionate interest of each participating bidder in percent to a maximum of five decimal places after the decimal point; e.g., 33.33333 percent. Other documents may be required of bidders under 30 CFR 256.46. Bidders are warned against violation of 18 U.S.C. 1860, prohibiting unlawful combination or intimidation of bidders.

4. Bidding Systems. All bids submitted at this sale must provide for a cash bonus in the amount of $25 or more per acre or fraction thereof. All leases awarded will provide for a yearly rental payment of $3 per acre or fraction thereof. All leases will provide for a minimum royalty of $3 per acre or fraction thereof. The bidding systems to be employed for this sale apply to blocks or bidding units as shown on Map 2 (see paragraph 12). The following bidding systems will be used:

(a) Bonus Bidding with a 12 1/2-Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 12 1/2 percent.

(b) Bonus Bidding with a 16 2/3-Percent Royalty. Bids on the blocks and bidding units offered under this system must be submitted on a cash bonus basis with a fixed royalty of 16 2/3 percent.

5. Equal Opportunity. Each bidder must have submitted by the Bid Submission Deadline stated in paragraph 2, the certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375 of October 13, 1967, on the Compliance Report Certification Form, Form MMS-2033 (June 1985), and the Affirmative Action Representation Form, Form MMS-2032 (June 1985). See paragraph 14(e).

6. Bid Opening. Bid opening will begin at the Bid Opening Time stated in paragraph 2. The opening of the bids is for the sole purpose of publicly announcing bids received, and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight on the day of Bid Opening, that bid will be returned unopened to the bidder as soon thereafter as possible.

7. Deposit of Payment. Any cash, cashier's checks, certified checks, or bank drafts submitted with a bid may be deposited by the Government in an interest-bearing account in the U.S. Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bid on behalf of the United States.

8. Withdrawal of Blocks. The United States reserves the right to withdraw any block from this sale prior to issuance of a written acceptance of a bid for the block.

9. Acceptance, Rejection, or Return of Bids. The United States reserves the right to reject any and all bids. In any case, no bid will be accepted, and no lease for any block or bidding unit will be awarded to any bidder, unless:

(a) the bidder has complied with all requirements of this Notice and applicable regulations;

(b) the bid is the highest valid bid; and

(c) the amount of the bid has been determined to be adequate by the authorized officer.

No bonus bid will be considered for acceptance unless it provides for a cash bonus of $25 or more per acre or fraction thereof. Any bid submitted which does not conform to the requirements of this Notice, the OCSLA, as amended, and other applicable regulations may be returned to the person submitting that bid by the RD and not considered for acceptance.

10. Successful Bidders. Each person who has submitted a bid accepted by the authorized officer will be required to execute copies of the lease, pay the balance of the cash bonus bid together with the first year's annual rental, as specified below, and satisfy the bonding requirements of 30 CFR 256, Subpart I. Successful bidders are required to submit the balance of the bonus and the first year's annual rental payment, for each lease issued, by electronic funds transfer in accordance with the requirements of 30 CFR 218.155.

11. Leasing Maps and Official Protraction Diagrams. Blocks or bidding units offered for lease may be located on the following

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Leasing Maps or Official Protraction Diagrams which may be purchased from the Gulf of Mexico regional office (see paragraph 14(a)):

(a) Outer Continental Shelf (OCS) Leasing Maps--Louisiana Nos. 1 through 12. This is a set of 29 maps which sells for $32. (Revised and New Maps were issued 06/01/88 for all areas except the Sabine Pass Area which was issued 03/07/77.)

(b) Outer Continental Shelf Official Protraction Diagrams:

NH 15-12	Ewing Bank	(revised December 2, 1976).
NH 16-4	Mobile	(revised November 8, 1988).
NH 16-7	Viosca Knoll	(revised December 2, 1976).
NH 16-10	Mississippi Canyon	(revised December 2, 1976).
NG 15-3	Green Canyon	(revised December 2, 1976).
NG 15-6	Walker Ridge	(revised December 2, 1976).
NG 15-9	(No Name)	(revised April 27, 1989).
NG 16-1	Atwater Valley	(revised November 10, 1983).
NG 16-4	Lund	(revised August 22, 1986).
NG 16-7	(No Name)	(revised April 27, 1989).

These sell for $2 each.

12. Description of the Areas Offered for Bids.

(a) Acreages of blocks are shown on Leasing Maps and Official Protraction Diagrams. Some of these blocks, however, may be partially leased or transected by administrative lines such as the Federal/State jurisdictional line. In these cases, the following supplemental documents to this Notice are available from the Gulf of Mexico regional office (see paragraph 14(a)).

(1) Central Gulf of Mexico Lease Sale 123 - Final. Unleased Split Blocks.

(2) Central Gulf of Mexico Lease Sale 123 - Final. Unleased Acreage of Blocks with Aliquots Under Lease.

(b) References to Maps 1, 2, and 3 in this Notice refer to the following maps which are available on request from the Gulf of Mexico regional office.

Map 1 entitled "Central Gulf of Mexico Lease Sale 123 Final. Stipulations, Lease Terms, and Warning Areas."

Map 2 entitled "Central Gulf of Mexico Lease Sale 123 Final. Bidding Systems and Bidding Units," refers largely to Royalty Rates and Bidding Units.

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Map 3 entitled "Central Gulf of Mexico Lease Sale 123 Final. Detailed Maps of Biologically Sensitive Areas," pertains to areas referenced in Stipulation No. 2.

(c) In several instances, two or more blocks have been joined together into bidding units totaling less than 5,760 acres. Any bid submitted for a bidding unit having two or more blocks must be for all of the unleased Federal acreage within all of the blocks in that bidding unit. The list of those bidding units with their total acreages appears on Map 2.

(d) The areas offered for leasing include all those blocks shown on the OCS Leasing Maps and Official Protraction Diagrams listed in paragraph 11, except for those blocks or partial blocks described on pages 7 through 20 of this Notice.

(e) The proposed Notice for this sale, issued in October 1989, listed all Federal acreage under lease at that time. Subsequent lease expirations and relinquishments by lessees, however, have resulted in the availability of a number of such previously leased blocks for bidding in this sale. For the convenience of potential bidders, these newly available blocks are listed on page 6 of this Notice.

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January 9, 1990

Sale 123 Update List

The following blocks have become available for leasing since publication of the proposed Notice of Sale 123. This list is being furnished for your convenience.

West Cameron, South Addition

581
608
614

East Cameron

50
129

East Cameron, South Addition

273
373

South Marsh Island, South

171
189
190

Vermilion

48

Eugene Island

29
79
80

Ship Shoal

11
52
59

Ship Shoal, South

237
336

South Timbalier, South

314

Main Pass, South East Addition

181
182
198

Mobile

873

Viosca Knoll

995

Ewing Bank

913
945
977
978
989

Mississippi Canyon

317
360
361
665
709
710

Green Canyon

5
7
49
75
76

6

January 9, 1990

(1) Descriptions of blocks listed represent all Federal acreage leased unless otherwise noted.

Sabine Pass	West Cameron (continued)	West Cameron (continued)	West Cameron (continued)	West Cameron (continued)	West Cameron, West Addition (continued)
3	62	139	202	272	315
9	64	141	203	277	317
10	65	142	204	279	318
11	66	143	205	280	319
12	67	144	206	283	320
13	68 (S½)	145	208	285	328
15	71	146	209	286	329
	72	149	210		331
	73	150	212		332
	76	152	214		333
	77	153	215		342
West Cameron	81	165	216	**West**	343
	90	166	218	**Cameron,**	345
17	91	167	221	**West**	346
18 (SW¼)	92	168	222	**Addition**	352
20	94	169	223		359
21 (SW¼SW¼)	95	170	224	154	360
22	96	171	225	155	362
26	98	172	226	157	363
33	100	173	227	161	364
34	101	174	228	163	365
35	102	175	229	164	366
39	103	176	230	287	367
40	105	177	231	288	368
41 (W½)	106	178	236	289	369
42	107	180	237	290	370
43	109	181	238	291	379
44 (NW¼NW¼;	110	182	240	292	382
Portion	111	186	241	293	391
seaward	112	187	244	294	395
of 8g Line)	113	188	247	295	396
45	115	189	248	296	397
47	116	192	249	300	398
48	117	193	251	301	399
49	118	194	252	302	401
53	129	195	253	303	402
55	130	196	254	304	405
56 (N½)	131	197	262	306	407
57	132	198	263	311	408
58	133	199	264	312	409
60	134	200	265	313	412
61	137	201	266	314	413

7

West Cameron, West Addition (continued)	West Cameron, S. Addition (continued)	West Cameron, S. Addition (continued)	West Cameron, S. Addition (continued)	East Cameron (continued)	East Cameron (continued)
414	489	565	641	43	109
415	490	566	642	44	110
418	491	569	643	45	111
419	493	570	644	46	113
420	494	571	645	47	115
421	498	572	646	48	117
426	499	573	648	49	118
427	502	574	650	51	119
428	504	575	652	53	120
430	507	576	653	55	121
431	509	577	654	56	122
432	510	580	661	57	123
433	516	583		58	126
436	518	584		60	128
437	522	585		61	133
438	523	586		62	134
443	524	587		63	136
	530	589		64	137
	531	590		65	138
	532	593		66	139
	533	594		67	140
	534	595	**East**	70	143
	535	597	**Cameron**	71	144
West Cameron,	536	599		72	148
S. Addition	537	601	2	73	149
	538	604	9	78	151
445	539	605	11 (Portion	80	160
446	540	606	landward	81	161
447	541	607	of 8g line)	82	166
452	542	609	13	83	167
453	543	610	14 (Portion	84	169
454	544	612	landward	85	170
455	547	613	of 8g line)	86	172
456	548	616	16	87	178
457	549	617	17	88	179
458	551	618	22	89	182
459	552	619	23	90	185
461	553	620	24	91	187
463	554	622	26	94	188
468	555	623	29	95	189
472	556	628	30	97	192
473	557	629	32	98	193
477	559	630	33	99	194
478	560	633	36	101	195 (S½)
479	561	634	38	102	197
480	562	637	40	104	198
485	563	638	41	106	199
487	564	639	42	107	200

8

East Cameron (continued)

202
204 (N½N½)
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E. Cameron, S. Addition

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East Cameron, S. Addition (continued)

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East Cameron, S. Addition (continued)

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Vermilion

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Vermilion

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35
36 (E½NE¼)
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47
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54
55
56
57 (N½)
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Vermilion (continued)

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103
104 (SE¼; N½; E½SW¼; E½W½SW¼)
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Vermilion (continued)

159
160
161
162
163
164 - (N½; W½SW¼; W½E½SW¼; SE¼SE¼SW¼; N½NE¼SE¼)
165
167
169
170
171
172
175
176
179 - (W½SE¼NE¼; W½NE¼; W½; W½SE¼; W½NE¼SE¼; SE¼NE¼SE¼; SE¼SE¼)
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206
207
214
215
216
217 (SW¼; W½W½SE¼)

Vermilion (continued)

218 - (E½NW¼SE¼; NE¼SW¼SE¼; E½SE¼)
219
221
223
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Vermilion, S. Addition

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Vermilion, S. Addition (continued)

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Vermilion, S. Addition (continued)

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S. Marsh Island, N. Addition

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218
219
220 - (Landward of lease 0310 stip. line)
221 - (Landward of lease 0310 stip. line)
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223
224
225
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227
228
229
230 - (Landward of lease 0310 stip. line)
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S. Marsh Island, N. Addition (continued)

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S. Marsh Island

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S. Marsh Island (continued)

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S. Marsh Island, S. Addition

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S. Marsh Island, S. Addition (continued)	S. Marsh Island, S. Addition (continued)	Eugene Island (continued)	Eugene Island (continued)	Eugene Island (continued)	Eugene Island (continued)
94	160	27	107	188	247
95	161	28	108	189	248
96	165	30	109	190	251
98	166	31	110	191	252
99	167	32	111	192	253
102	168	33	113A	193	254 (S½)
104	169	38	116 (E½)	195	255
106	173	39	117	196	256
107	174	40	118	198	257
108	175	41	119	199	258
109	176	42	120	202	259
110	178	43	125	203	260 (SE½)
111	179	44	126	204	261
112	180	45	128	205	262
113	181	46	128A	206	265
114	183	47	129	207	266
115	185	48	129A	208	
116	186	49	133	210	
117	187	51	135	211	
118	192	52	136	212	
121	193	53	142	214 -	
123	196	55	147	(W½W½E½; W½)	
125	198	57	148	215	
127	199	58	149	216	**Eugene Island, S. Addition**
128	200	62	152	217	
130	201	63	155	218	
131	202	64	158	219	
132	205	70	159	221	267
135		71	163	223	269
136		72	164	224	270
137		74	165	225	271
138		75	170	227	272
139		76	171	229	273
141		77	172	230	274
142		83	173	231	275
143		84	174	232	276
144	**Eugene Island**	86	175	234	277
146		87	176	235	278
147		88	178	237	279
148	9	89	179	238	281
149	10	90	180	239	282
151	18	93 (E½)	181	240	284
153	19	94	182	241	285
154	22	95	183	242	286
155	23	97	184	243	287
156	24	99	185	244	290
158	25	100	186	245	291
159	26	105	187	246	292

11

Eugene Island, S. Addition (continued)	Eugene Island, S. Addition (continued)	Ship Shoal	Ship Shoal (continued)	Ship Shoal (continued)	Ship Shoal (continued)
293	348	12	90	160	217
294	349	13	91	163	218
295	350	14 (S½S½)	92	164	219
296	351	15	93	165	220
297	352	16	94	166	221
298	353	25-	97	167	222
300	354	(Seaward of	98	168	223
301	355	Zone 2)	99	169	224
302	356	26	100	170	225
303	357	27	101	171	226
304	358	28	104	172	228
305	359	29	105	174	229
306	360	30	107	175	230
307	361	31	108	176	232
308	362	32	109	177	233
309	363	33	110	178	
310	364	34	111	179	
312	365	36	112	180	
313	366	37	113	181	
314	367	38	114	182	
315	368	49	115	183	
316	370	50	117	184	
317	371	51	118	186	
319	372	55	119	188	
320	373	57	120	189	**Ship Shoal, S. Addition**
322	374	58	123	190	
323	375	62-	127	191	
324	376	(Landward	128	192	238
325	378	of 8g Line)	129	193	239
326	380	63	130	194	240
327	381	64 (W½)	132	196	241
328	382	65	133	198	242
329	383	66	134	199	243
330	384	67	135	201	246
331	385	68	136	202	247
332	393	69	139	203	248
333	394	71 (W½)	143	204	249
334	395	72	145	205	250
335	396	73	146	206	251
336		76	147	207	252
337		77	149	208	253
338		78	150	209	255
339		79	153	210	258
341		80	154	211	259
342		84	155	212	261
343		86	156	214	263
346		87 (N½)	157	215	266
347		89	158	216	267

12

Ship Shoal, S. Addition (continued)	Ship Shoal, S. Addition (continued)	S. Timbalier (continued)	S. Timbalier (continued)	S. Timbalier, S. Addition	S. Timbalier, S. Addition (continued)
268	344	58	145	211	276
269	345	59	146	212	277
270	346	62	147	213	278
271	348	63	148	214	279
274	350	66	149	216	281
275	351	67	151	217	282
276	352	68	152	218	284
277	353	70	156	219	286
278	354	72	158	220	287
279	355	75	160	221	288
280	356	76	161	222	289
281	357	77	162	224	290
286	360	79	163	225	291
287	361	80	164	226	292
289	362	82	165	228	293
290	364	83	166	231	294
291	365	84	167	232	295
293	366	85	169	233	296
295	368	86	170	234	299
296		87	171	235	300
298		88	172	236	301
299		97	173	237	302
300		98	175	239	303
301	**South**	99	176	240	304
302	**Timbalier**	100	177	245	305
305		102	184	246	306
308	21	103	185	247	307
310	22	106	186	248	310
311	23	107	187	250	311
313	24	109	188 (NW¼)	251	312
314	26	110	189	252	313
315	27 (N½;	111	190	254	315
316	N½SW¼)	112	192	255	316
317	28	123	194	257	317
322	30	124	195	261	318
323	34	128	196	262	319
325	35	129	197	263	320
329	36	130	198	264	
330	37	131	199	265	
331	38	132	200	266	
332	47	133	201	268	
333	48	134	202	269	**South Pelto**
334	50	135	203	270	
337	51	136	204	271	1
340	52	137	205	272	2
341	53	138	206	273	6
342	54	143	209	274	8
343	55	144		275	9

13

South Pelto (continued)	Grand Isle (continued)	Grand Isle, S. Addition (continued)	West Delta (continued)	West Delta (continued)	South Pass
10	37	94	42	105	6
11	38	95	43	106	17 (Seaward
12	39	96	44	107	of the 4th
13	40	99	45	109	Supp.Decree
15	41	100	46		to 1ft.swd.
16	42	101	47		of 3rd -
17	43	102	48		Supp.
18	44	103	49		Decree)
19 (W½)	46	104	50		27
20	47	106	57		28
21	48	109	58		31
23	49	110	60	**West Delta,**	32
25	51	115	61	**S. Addition**	33
	52	116	62		34
	53 (W½)		63	111	35
	54		67 (S½)	112	37
	55		68 (S½)	113	38
	58		69	116	42
Bay Marchand	59		70	117	43
	62		71	118	44
2	63		72	119	45
3	65	**West Delta**	73	120	46
4	67	-	74	121	47
5	68	16	75	122	48
	70	17	76	124	49
	72	18	78	128	50
	73	19	79	130	51
	75	20	80	131	52 (Portion
	76	21 -	85	132	swd. of 8g
Grand Isle	79	(S½N½S½;	86	133	Line)
	81	S½S½)	87	134	54
15	82	22 (E½)	88	137	55
16	83	23	89	138	56 (Seaward
17	85	24	90	139	of line
18		26	91	140	3mi.swd.of
19		27	92	141	3rd Supp.
20		28	93	143	Decree)
21		29	94	145	57
22		30	95	147	58
23		31	96	152	59
24		32	97		60
25	**Grand Isle,**	33	98		61
26	**South**	34 (N½)	99		
29	**Addition**	35	100		
30		36	101		
32	85	38	102		
33	90	40	103		
34	93	41	104		

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South Pass, South & East Addition

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66 (Seaward of 1965 Decree Line)
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Main Pass

6
7- (N½; N½S½, in Zone 2)
18 (S½)
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37

Main Pass (continued)

38
39
40
41
42
43
44 (SE¼NE¼; NE¼SE¼)
56
57
58 (N½)
59
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77
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93- (Seaward of the 8g Line)
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Main Pass (continued)

106 - (N½NE¼; N½S½NE¼; SE¼SE¼NE¼; N½NW¼; N½S½NW¼; E½E½SE¼)
107 - (NE¼NE¼NE¼; S½NE¼NE¼; SE¼NE¼; SE¼NW¼NE¼; E½SW¼NE¼; E½SE¼; E½W½SE¼)
108
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126
127 (N½)
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Main Pass (continued)

151
152 (Seaward of 1965 Decree Line)
153

Main Pass, South & East Addition

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Main Pass, South & East Addition (continued)

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Main Pass, South & East Addition (continued)

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Breton Sound

39
41
42
53- (W½ Portion Seaward of 75 Decree Line)
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Chandeleur

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12
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17
18 (Portion Seaward of 8g Line)
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Chandeleur (continued)

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Chandeleur, E. Addition

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Mobile

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Mobile (continued)

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911 (N½)
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Mobile (continued)

999
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1001
1002
1003

Viosca Knoll

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Viosca Knoll (continued)

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Viosca Knoll (continued)

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Viosca Knoll (continued)

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Ewing Bank

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783
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16

Ewing Bank (continued)	Mississippi Canyon	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Mississippi Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)
832	20	163	323	431	531	632	738	845	953	45	134
867	21	167	324	436	532	633	739	846	955	48	136
868	24	168	325	437	533	634	751	847	956	50	137
870	25	173	328	441	536	635	752	848	969	51	140
871	26	191	329	443	538	636	753	849	971	52	141
875	27	192	330	444	539	637	755	850	972	53	142
876	28	193	331	445	545	638	756	851	973	54	143
903	29	194	335	447	546	639	757	852	976	55	145
904	30	195	338	448	547	642	758	853	978	56	147
905	34	201	339	449	550	643	760	854	979	60	150
906	35	205	340	450	551	647	762	865	980	64	153
914	39	208	346	451	553	656	763	868	981	65	154
915	40	209	348	459	554	657	764	875	982	66	158
916	63	211	353	460	555	664	768	876	983	71	159
922	64	212	354	461	561	666	769	881	984	72	160
923	68	217	355	474	562	673	772	884	985	73	161
944	69	235	356	475	563	674	773	888	986	78	162
946	70	236	357	476	564	675	774	889	999	79	163
947	72	237	358	480	565	676	775	890	1000	80	165
948	78	238	362	481	566	677	776	891	1007	82	166
949	79	243	364	485	568	678	777	892	1008	89	167
950	84	252	365	486	576	679	778	893		90	168
958	85	253	371	487	579	680	785	894		92	170
959	108	255	372	488	580	681	786	895		93	172
961	109	256	378	489	582	682	787	896		94	173
966	113	257	382	492	583	686	788	897		95	183
967	115	265	383	493	589	687	796	898	**Green Canyon**	96	184
976	116	267	384	494	590	688	797	899		97	185
987	117	268	385	495	591	692	798	908	6	98	186
988	118	279	386	498	592	694	799	909	9	100	195
990	119	280	392	499	593	695	801	911	10	104	196
991	123	281	397	501	594	698	802	912	18	105	197
993	127	282	398	502	595	708	803	925	19	106	198
995	128	286	399	503	596	711	804	926	20	107	202
996	129	287	400	504	597	713	806	928	21	108	203
998	147	291	401	505	600	714	807	931	22	109	204
999	148	292	402	506	601	717	808	932	26	110	205
1000	149	296	405	507	603	718	809	933	27	115	206
1002	150	299	407	508	605	719	810	934	28	116	207
1004	151	300	411	509	606	720	830	935	29	117	208
1005	152	302	412	517	607	721	831	936	30	118	209
1006	153	305	415	518	608	724	832	937	31	119	210
1009	154	309	416	519	612	725	838	938	33	120	211
1010	157	311	426	520	613	728	840	939	34	121	213
1011	159	312	427	521	620	730	841	940	35	122	214
	160	320	428	522	621	731	842	941	36	123	215
	161	321	429	524	622	732	843	942	40	126	216
	162	322	430	530	631	734	844	952	41	133	217

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Green Canyon (continued)	Green Canyon (continued	Green Canyon (continued)	Green Canyon (continued)	Green Canyon (continued)	Atwater Valley (continued)	Atwater Valley (continued)	Atwater Valley (continued)	Atwater Valley (Continued)
224	304	466	629	853	84	253	389	623
225	305	467	630	854	85	254	390	666
227	311	470	631	863	89	256	391	667
228	312	471	632	864	91	257	397	
232	313	472	644	870	92	258	401	
233	320	473	645	871	93	261	405	
234	325	474	646	872	98	266	406	
236	326	475	647	873	99	267	407	
237	329	497	648	907	100	276	408	Walker Ridge
240	330	505	649	908	101	277	413	
241	333	506	650	915	103	284	414	120
242	334	508	651	955	104	289	415	121
243	338	509	662	958	105	290	425	164
244	339	510	663	999	106	291	426	205
245	340	513	679	1001	118	299	427	206
246	342	514	680		119	300	428	207
247	355	515	681		121	310	429	249
248	369	516	682		122	311	430	250
249	372	517	689		123	327	431	251
250	373	518	690		127	332	433	425
251	377	519	691	Atwater Valley	128	333	434	426
252	379	520	692		133	334	435	469
253	383	543	693		134	335	444	470
254	384	544	699	3	135	336	445	678
255	385	545	700	5	136	339	446	723
256	386	546	707	7	137	340	450	724
257	393	552	723	8	141	341	451	766
258	398	554	724	11	142	343	452	767
260	403	556	725	12	143	344	453	768
261	404	557	726	13	145	345	455	811
268	415	558	734	15	146	346	456	
271	416	559	735	16	162	353	457	
272	417	562	736	17	163	362	458	
280	421	563	737	18	165	363	471	
281	422	564	742	19	177	370	472	
282	428	567	743	47	178	371	478	
285	429	568	764	50	179	375	479	
286	430	587	765	51	181	376	480	
287	431	588	766	52	182	377	488	
288	446	589	767	55	189	378	489	
290	448	590	778	56	190	379	490	
294	454	600	808	57	209	380	496	
295	459	601	810	58	210	381	573	
296	460	602	825	59	217	382	574	
297	461	603	826	60	225	383	575	
298	462	604	850	61	226	384	617	
299	463	605	851	62	233	387	618	
301	465	606	852	79	234	388	622	

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(ii) Although currently unleased and shown on the OCS Official Protraction Diagram, Mobile NH 16-4, as revised November 8, 1988, no bids will be accepted at this sale on the following blocks:

Mobile -- Blocks 765 through 767
Blocks 809 through 811
Block 826
Blocks 853 through 855
Blocks 897 through 899

13. Lease Terms and Stipulations.

(a) Leases resulting from this sale will have initial terms as shown on Map 1 and will be on Form MMS-2005 (March 1986). Copies of the lease form are available from the Gulf of Mexico regional office (see paragraph 14(a)).

(b) The applicability of the stipulations which follow is as shown on Map 1 and Map 3 and as supplemented by references in this Notice.

Stipulation No. 1--Protection of Archaeological Resources.

(This stipulation will apply to all blocks offered for lease in this sale.)

(a) "Archaeological resource" means any prehistoric or historic district, site, building, structure, or object (including shipwrecks); such term includes artifacts, records, and remains which are related to such a district, site, building, structure, or object. (16 U.S.C. 470w(5), National Historic Preservation Act, as amended.) "Operations" means any drilling, mining, or construction or placement of any structure for exploration, development, or production of the lease.

(b) If the Regional Director (RD) believes an archaeological resource may exist in the lease area, the RD will notify the lessee in writing. The lessee shall then comply with subparagraphs (1) through (3).

(1) Prior to commencing any operations, the lessee shall prepare a report, as specified by the RD, to determine the potential existence of any archaeological resource that may be affected by operations. The report, prepared by an archaeologist and a geophysicist, shall be based on an assessment of data from remote-sensing surveys and of other pertinent archaeological and environmental information. The lessee shall submit this report to the RD for review.

(2) If the evidence suggests that an archaeological resource may be present, the lessee shall either:

(i) Locate the site of any operation so as not to adversely affect the area where the archaeological resource may be; or

(ii) Establish to the satisfaction of the RD that an archaeological resource does not exist or will not be adversely affected by operations. This shall be done by further archaeological investigation, conducted by an archaeologist and a geophysicist, using survey equipment and techniques deemed necessary by the RD. A report on the investigation shall be submitted to the RD for review.

(3) If the RD determines that an archaeological resource is likely to be present in the lease area and may be adversely affected by operations, the RD will notify the lessee immediately. The lessee shall take no action that may adversely affect the archaeological resource until the RD has told the lessee how to protect it.

(c) If the lessee discovers any archaeological resource while conducting operations on the lease area, the lessee shall report the discovery immediately to the RD. The lessee shall make every reasonable effort to preserve the archaeological resource until the RD has told the lessee how to protect it.

Stipulation No. 2--Topographic Features.

(This stipulation will be included in leases located in the areas so indicated on Maps 1 and 3 described in paragraph 12.)

The banks which cause this stipulation to be applied to blocks of the Central Gulf are:

Bank Name	No Activity Zone Defined by Isobath (meters)	Bank Name	No Activity Zone Defined by Isobath (meters)
McGrail Bank	85	Jakkula Bank	85
Bouma Bank	85	Sweet Bank/1	85
Rezak Bank	85	Bright Bank	85
Sidner Bank	85	Geyer Bank/3	85
Rankin Bank	85	MacNeil Bank/3	82
Sackett Bank/2	85	Alderdice Bank	80
Ewing Bank	85	Fishnet Bank/2	76
Diaphus Bank/2	85	29 Fathom Bank	64
Parker Bank	85	Sonnier Bank	55

1/Only paragraph (a) of the stipulation applies.
2/Only paragraphs (a) and (b) apply.
3/Western Gulf of Mexico bank with a portion of its "3-Mile Zone" in the Central Gulf of Mexico.

(a) No activity including structures, drilling rigs, pipelines, or anchoring will be allowed within the listed isobath ("No Activity Zone" as shown on Map 3) of the banks as listed above.

(b) Operations within the area shown as "1,000-Meter Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance but no more than 10 meters from the bottom.

(c) Operations within the area shown as "1-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids to the bottom through a downpipe that terminates an appropriate distance but no more than 10 meters from the bottom. (Where there is a "1-Mile Zone" designated, the "1,000-Meter Zone" in paragraph (b) is not designated.)

(d) Operations within the area shown as "3-Mile Zone" on Map 3 shall be restricted by shunting all drill cuttings and drilling fluids from development operations to the bottom through a downpipe that terminates an appropriate distance but no more than 10 meters from the bottom.

Stipulation No. 3--Live Bottoms.

(To be included only on leases in the following blocks: Main Pass Area, South and East Addition, Blocks 219-226, 244-266, 276-288; Viosca Knoll, Blocks 521, 522, 564, 565, 566, 609, 610, 654, 692-698.)

For the purpose of this stipulation, "live bottom areas" are defined as seagrass communities; or those areas which contain biological assemblages consisting of such sessile invertebrates as sea fans, sea whips, hydroids, anemones, ascidians, sponges, bryozoans, or corals living upon and attached to naturally occurring hard or rocky formations with rough, broken, or smooth topography; or areas whose lithotope favors the accumulation of turtles, fishes, and other fauna.

Prior to any drilling activities or the construction or placement of any structure for exploration or development on this lease, including, but not limited to, anchoring, well drilling, and pipeline and platform placement, the lessee will submit to the Regional Director (RD) a live bottom survey report containing a bathymetry map prepared utilizing remote sensing techniques. The bathymetry map shall be prepared for the purpose of determining the presence or absence of live bottoms which could be impacted by the proposed activity. This map shall encompass such an area of the seafloor where surface disturbing activities, including anchoring, may occur.

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If it is determined that the live bottoms might be adversely impacted by the proposed activity, the RD will require the lessee to undertake any measure deemed economically, environmentally, and technically feasible to protect the pinnacle area. These measures may include, but are not limited to, the following:

(a) the relocation of operations; and

(b) the monitoring to assess the impact of the activity on the live bottoms.

Stipulation No. 4--Military Areas.

(This stipulation will be included in leases located within the Warning Areas and Eglin Water Test Areas 1 and 3, as shown on Map 1 described in paragraph 12.)

(a) Hold and Save Harmless

Whether compensation for such damage or injury might be due under a theory of strict or absolute liability or otherwise, the lessee assumes all risks of damage or injury to persons or property, which occur in, on, or above the Outer Continental Shelf (OCS) to any persons or to any property of any person or persons who are agents, employees, or invitees of the lessee, its agents, or independent contractors or subcontractors doing business with the lessee in connection with any activities being performed by the lessee in, on, or above the OCS, if such injury or damage to such person or property occurs by reason of the activities of any agency of the U.S. Government, its contractors or subcontractors, or any of their officers, agents or employees, being conducted as a part of, or in connection with, the programs and activities of the command headquarters listed in the following table.

Notwithstanding any limitation of the lessee's liability in section 14 of the lease, the lessee assumes this risk whether such injury or damage is caused in whole or in part by any act or omission, regardless of negligence or fault, of the United States, its contractors or subcontractors, or any of its officers, agents, or employees. The lessee further agrees to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the lessee, or to indemnify and save harmless the United States against all claims for loss, damage, or injury sustained by the agents, employees, or invitees of the lessee, its agents, or any independent contractors or subcontractors doing business with the lessee in connection with the programs and activities of the aforementioned military installation, whether the same be caused in whole or in part by the negligence or fault of the United States, its contractors or subcontractors, or any of its officers, agents, or employees and whether such claims might

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be sustained under a theory of strict or absolute liability or otherwise.

(b) Electromagnetic Emissions

The lessee agrees to control its own electromagnetic emissions and those of its agents, employees, invitees, and independent contractors or subcontractors emanating from individual designated defense warning areas in accordance with requirements specified by the commander of the command headquarters listed in the following table to the degree necessary to prevent damage to, or unacceptable interference with, Department of Defense flight, testing, or operational activities conducted within individual designated warning areas. Necessary monitoring control, and coordination with the lessee, its agents, employees, invitees, and independent contractors or subcontractors, will be effected by the commander of the appropriate onshore military installation conducting operations in the particular warning area; provided, however, that control of such electromagnetic emissions shall in no instance prohibit all manner of electromagnetic communication during any period of time between a lessee, its agents, employees, invitees, and independent contractors or subcontractors and onshore facilities.

(c) Operational

The lessee when operating, or causing to be operated on its behalf, boat or aircraft traffic in the individual designated warning areas shall enter into an agreement with the commander of the individual command headquarters listed in the following table upon utilizing an individual designated warning area prior to commencing such traffic. Such an agreement will provide for positive control of boats and aircraft operating in the warning areas at all times.

Warning Areas' Command Headquarters

Warning Areas	Command Headquarters
W-155 (For Agreement)	Chief, Naval Air Training Naval Air Station ATTN: Lieutenant Commander Armitage or Major Danuser Corpus Christi, Texas 78419-5100 Telephone: (512) 939-3927/3902
W-155 (For Operational Control)	Fleet Area Control & Surveillance Facility (FACSFAC) Naval Air Station ATTN: Chief Munn Pensacola, Florida 32508 Telephone: (904) 452-2735/4671
W-92	Naval Air Station Air Operations Department Air Traffic Division/Code 52 ATTN: Chief Skerret New Orleans, Louisiana 70146-5000 Telephone: (504) 393-3100/3208/3106
W-453	159th Tactical Fighter Group (ANG) NAS NOLA ATTN: Colonel Jack Boh or Captain Eric McDonald New Orleans, Louisiana 70143 Telephone: (504) 393-3376/3377
Eglin Water Test Areas 1 and 3	Commander Armament Division 3246th Test Wing/CA ATTN: Aubrey Freeman Eglin AFB, Florida 32542 Telephone: (904) 882-3614

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14. Information to Lessees.

(a) Supplemental Documents. For copies of the various documents identified as available from the Gulf of Mexico regional office, prospective bidders should contact the Public Information Unit, Minerals Management Service, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394, either in writing or by telephone at (504) 736-2519. For additional information, contact the Regional Supervisor for Leasing and Environment at that address or by telephone at (504) 736-2759.

(b) Navigation Safety. Operations on some of the blocks offered for lease may be restricted by designation of fairways, precautionary zones, anchorages, safety zones, or traffic separation schemes established by the U.S. Coast Guard pursuant to the Ports and Waterways Safety Act (33 U.S.C. 1221 et seq.), as amended. Corps of Engineers permits are required for construction of any artificial islands, installations, and other devices permanently or temporarily attached to the seabed located on the OCS in accordance with section 4(e) of the OCS Lands Act, as amended.

(c) Offshore Pipelines. Bidders are advised that the Department of the Interior and the Department of Transportation have entered into a Memorandum of Understanding, dated May 6, 1976, concerning the design, installation, operation, and maintenance of offshore pipelines. Bidders should consult both Departments for regulations applicable to offshore pipelines.

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(d) 8-Year Leases. Bidders are advised that any lease issued for a term of 8 years will be cancelled after 5 years, following notice pursuant to the OCS Lands Act, as amended, if within the initial 5-year period of the lease, the drilling of an exploratory well has not been initiated, or if initiated, the well has not been drilled in conformance with the approved exploration plan criteria, or if there is not a suspension of operations in effect. See 30 CFR 256.37.

(e) Affirmative Action. Revision of Department of Labor regulations on affirmative action requirements for Government contractors (including lessees) has been deferred pending review of those regulations (see Federal Register of August 25, 1981, at 46 FR 42865 and 42968). Should changes become effective at any time before the issuance of leases resulting from this sale, section 18 of the lease form (Form MMS-2005, March 1986) would be deleted from leases resulting from this sale. In addition, existing stocks of the affirmative action forms described in paragraph 5 of this Notice contain language that would be superseded by the revised regulations at 41 CFR 60-1.5(a)(1) and 60-1.7(a)(1). Submission of Form MMS-2032 (June 1985) and Form MMS-2033 (June 1985) will not invalidate an otherwise acceptable bid, and the revised regulations' requirements will be deemed to be part of the existing affirmative action forms.

(f) Ordnance Disposal Areas. Bidders are cautioned as to the existence of two inactive ordnance disposal areas in the Mississippi Canyon area, shown on Map 1, described in paragraph 12 of this Notice. These areas were used to dispose of ordnance of unknown composition and quantity. Water depths range from approximately 750 to 1,525 meters. Bottom sediments in both areas are generally soft, consisting of silty clays. Exploration and development activities in these areas require precautions commensurate with the potential hazards.

The U.S. Air Force has released an indeterminable amount of unexploded ordnance throughout Eglin Water Test Areas 1 and 3. The exact location of the unexploded ordnance is unknown, and lessees are advised that all lease blocks included in this sale within these water test areas should be considered potentially hazardous to drilling and platform and pipeline placement.

(g) Proposed Naval Barge-Mounted Operation. Bidders are advised that the U.S. Navy has published in the Federal Register on November 24, 1989, at 54 FR 48674, a Notice of Intent to Prepare an Environmental Impact Statement for Proposed Operation of Electromagnetic Pulse Radiation Environment Simulator for Ships (Empress II) in the Gulf of Mexico offshore Alabama and Mississippi. Bidders should refer to that Notice for alternative sites under consideration for this barge-mounted operation. For further information, contact Commander, Naval Sea Systems Command (ATTN: LT Jay Rose, Code PMS-423), Washington, D.C. 20382-5101.

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(h) Communications Towers. The Department of Defense is proposing to install four military communications towers in the Mobile/Viosca Knoll area. This project, if carried out, may impose certain restrictions on oil and gas activities in that area since no activity could take place within 500 feet of a tower site, and unobstructed lines of sight would have to be maintained between towers. The four towers are tentatively planned for placement within Mobile Blocks 819 and 990, Viosca Knoll Block 106, and Chandeleur Area, East Addition, Block 39. Information regarding this project may be obtained from Mr. Fred Sterns, Director for Installations and Facilities, Department of the Navy, Washington, D.C. 20360-5000.

15. New Regulatory Provisions. Bidders are advised of new MMS operating regulations, "Oil and Gas and Sulphur Operations in the Outer Continental Shelf, 30 CFR Parts 250 and 256," which were published April 1, 1988, in the Federal Register at 53 FR 10595. These regulations have now been published as of July 1, 1989, in the Mineral Resources Volume "30 CFR Parts 200 to 699." Any leases issued as a result of this sale will be subject to the new regulations.

Barry Williamson
Director, Minerals Management Service

Barry Williamson

Approved:

Assistant Secretary - Land and Minerals Management

David O'Neal

2-5-90
Date

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Billing Code: 4310-MR

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Outer Continental Shelf
Central Gulf of Mexico

Notice of Leasing Systems, Sale 123

Section 8(a)(8) (43 U.S.C. 1337(a)(8)) of the Outer Continental Shelf Lands Act (OCSLA) requires that, at least 30 days before any lease sale, a Notice be submitted to the Congress and published in the Federal Register:

1. identifying the bidding systems to be used and the reasons for such use; and

2. designating the tracts to be offered under each bidding system and the reasons for such designation.

This Notice is published pursuant to these requirements.

1. Bidding systems to be used. In the Outer Continental Shelf (OCS) Sale 123, blocks will be offered under the following two bidding systems as authorized by section 8(a)(1) (43 U.S.C. 1337(a)(1)): (a) bonus bidding with a fixed 16 2/3-percent royalty on all unleased blocks in less than 400 meters of water; and (b) bonus bidding with a fixed 12 1/2-percent royalty on all remaining unleased blocks.

a. Bonus Bidding with a 16 2/3-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. This system has been used extensively since the passage of the OCSLA in 1953 and imposes greater risks on the lessee than systems with higher contingency payments but may yield more rewards if a commercial field is discovered. The relatively high front-end bonus payments may encourage rapid exploration.

b. Bonus Bidding with a 12 1/2-Percent Royalty. This system is authorized by section (8)(a)(1)(A) of the OCSLA. It has been chosen for certain deeper water blocks proposed for the Central Gulf of Mexico (Sale 123) because these blocks are expected to require substantially higher exploration, development, and production costs, as well as longer times before initial production, in comparison to shallow water blocks. Department of the Interior analyses indicate that the minimum economically developable discovery on a block in such high-cost areas under a 12 1/2-percent royalty system would be less than for the same blocks under a 16 2/3-percent royalty system. As a result, more blocks may be explored and developed. In addition, the lower royalty rate system is expected to encourage more rapid production and higher economic profits. It is not anticipated, however, that the larger cash bonus bid associated with a lower royalty rate will significantly reduce competition, since the higher costs for exploration and development are the primary constraints to competition.

2. Designation of Blocks. The selection of blocks to be offered under the two systems was based on the following factors:

a. Lease terms on adjacent, previously leased blocks were considered to enhance orderly development of each field.

b. Blocks in deep water were selected for the 12 1/2-percent royalty system based on the favorable performance of this system in these high-cost areas as evidenced in our analyses.

The specific blocks to be offered under each system are shown on Map 2 entitled "Central Gulf of Mexico Lease Sale 123, Final Bidding Systems and Bidding Units." This map is available from the Minerals Management Service, Gulf of Mexico Region, 1201 Elmwood Park Boulevard, New Orleans, Louisiana 70123-2394.

Barry Williamson

Director, Minerals Management Service

Barry Williamson

Approved:

Assistant Secretary - Land and Minerals Management

David O'Neal

February 5, 1990
Date

[FR Doc. 90-2973 Filed 2-8-90; 8:45 am]

BILLING CODE 3410-11-C

federal register

Friday
February 9, 1990

Part V

Federal Reserve System

12 CFR Parts 208, and 225

Appraisal Standards for Federally Related Transactions; Notice of Proposed Rulemaking

FEDERAL RESERVE SYSTEM

12 CFR Parts 208 and 225

[Regulation H, Regulation Y; Docket No. R-0658]

Appraisal Standards for Federally Related Transactions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Notice of proposed rulemaking.

SUMMARY: Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA")[1] requires the Board to propose regulations regarding the performance and utilization of appraisals by state member banks and bank holding companies. Title XI and these implementing regulations are intended to protect federal financial and public policy interests in real estate-related financial transactions requiring the services of an appraiser. This proposed regulation, and similar regulations proposed by the other financial institutions regulatory agencies [2] and the Resolution Trust Corporation, provide the affected federal entities with added assurance that real estate appraisals used in connection with federal responsibilities and requirements are performed in accordance with uniform standards by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision. Toward this end, the proposed regulation identifies which transactions require an appraiser, sets forth minimum standards for performing appraisals, and distinguishes those appraisals requiring the services of a State certified appraiser from those requiring a State licensed appraiser.

DATES: Comments must be submitted on or before April 10, 1990.

ADDRESSES: Comments, which should refer to Docket No. R-0658, may be mailed to the Board of Governors of the Federal Reserve System, 20th and Constitution Avenue, NW., Washington, DC 20551, to the attention of Mr. William W. Wiles, Secretary; or delivered to room B-2223, Eccles Building, between 8:45 a.m. and 5:15 p.m. Comments may be inspected in room B-1122 between 9:00 a.m. and 5:00 p.m., except as provided in § 261.8 of the Board's Rules Regarding Availability of Information, 12 CFR 261.8.

FOR FURTHER INFORMATION CONTACT: Roger Cole, Assistant Director (202/452-2618), Rhoger H. Pugh, Manager (202/728-5883), or Stanley B. Rediger, Senior Financial Analyst (202/452-2629), Division of Banking Supervision and Regulation, Board of Governors; or Michael J. O'Rourke, Senior Attorney (202/452-3288) or Mark J. Tenhundfeld, Attorney (202/452-3612), Legal Division, Board of Governors. For the hearing impaired *only*, Telecommunication Device for the Deaf (TDD), Earnestine Hill or Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION:

A. *Background.* Title XI of FIRREA requires the Board to establish standards for performing appraisals in connection with federally related transactions within the Board's jurisdiction. In addition, title XI requires the Board to identify those circumstances that require a State certified appraiser from those that require a State certified or licensed appraisers. In response to this legislative mandate, the Board is proposing this regulation which is designed to address problems perceived by Congress and the Board.

Section 1121 of FIRREA defines a "federally related transaction" as a real estate-related financial transaction which, *inter alia*, requires the services of an appraiser. The Board is proposing to require State certified or licensed appraisers to be used for all real estate-related financial transactions except those transactions in which (i) a lien is placed on real property solely through an abundance of caution or (ii) the transaction value (as defined in the proposed regulation) is less than or equal to $15,000. The Board, acting pursuant to section 1112 of FIRREA, also is proposing to require State certified appraisers to be used for all appraisals except non-complex 1-to-4 family residential property appraisals rendered in connection with a federally related transaction having a transaction value below a specified amount.

In addition, the Board is proposing standards, pursuant to section 1110 of FIRREA, for the performance of appraisals in connection with federally related transactions within the Board's jurisdiction. These standards would require that all such appraisals be written and that they conform to the Uniform Standards of Professional Appraisal Practice ("USPAP") promulgated by the Appraisal Foundation[3] and the additional standards set forth in this proposal.

This proposed regulation is intended to supplement the Board's appraisal guidelines[4] currently in effect. These guidelines will remain in effect, subject to amendment.

The Board proposes this regulation to improve the safety and soundness of all financial institutions covered by title XI within the Board's jurisdiction. The soundness of real estate loans and investments made by financial institutions covered by title XI depends upon the adequacy of the underwriting or analysis used to support these transactions. A real estate appraisal is one of several essential components of the lending process. Accordingly, through the integration of existing guidance on real estate appraisals with the additional requirements imposed by title XI, this proposal is intended to provide the affected entities with a reasonable degree of assurance that real estate appraisals used in connection with federally related transactions will be reliable.

Public comment is solicited on all aspects of the proposed rule. In addition, public comment is specifically requested on the following:

(1) The definitions used in this proposal, in particular the definitions of "complex 1-to-4 family residential property appraisal" and "transaction value;"

(2) The amount and appropriateness of the *de minimis* provision below which a State certified or licensed appraiser is not required;

(3) The criteria that determine when a State certified appraiser is required and when a State licensed appraiser is required; and

(4) The additional appraisal standards set forth in the proposed regulation.

B. *Section-by-section analysis.* Section 225.61—Authority, purpose, and scope. This section identifies title XI of FIRREA as the authority under which this regulation is promulgated. Further, it identifies those institutions, including the Board and institutions primarily or exclusively regulated by the Board ("regulated institutions"), which must comply with the regulation. State member banks, bank holding companies, and nonbank subsidiaries of bank

[1] Pub. L. No. 101-73, 103 Stat. 183 (1989).

[2] The Federal Deposit Insurance Corporation ("FDIC"), the Office of the Comptroller of the Currency ("OCC"), the Office of Thrift Supervision ("OTS"), and the National Credit Union Administration.

[3] The Appraisal Foundation was established by several professional appraisal organization as a not-for-profit corporation under the laws of Illinois in order to enhance the quality of professional appraisals.

[4] *See Guidelines for Real Estate Appraisal Policies and Review Procedures*, distributed by the various divisions of bank supervision at the FDIC, the OCC, and the Board.

holding companies are specifically covered.

Section 225.62—Definitions. Except where noted below, the definitions set forth in title XI shall apply to the terms used in this regulation.

—"Appraisal." This definition currently is used by nineteen federal agencies.[5] The Board believes that this widespread use and acceptance will produce consistent appraisals.

—"Complex 1-to-4 family residential property appraisal." Section 1113 of FIRREA allows the use of a State licensed appraiser for, among other federally related transactions, 1-to-4 family residential property appraisals, "unless the size and complexity requires a State certified appraiser." The definition of "complex 1-to-4 family residential property appraisal" provides guidance on factors that will determine if the services of a State certified or licensed appraiser are required. This list is illustrative only.

—"Market value." This definition is commonly used in connection with mortgage lending by a number of government agencies and others. The definition contemplates the consummation of a sale as of a specified date and the passing of title from seller to buyer under open and competitive market conditions requisite to a fair sale. It is designed to provide an accurate and reliable measure of the economic potential of property involved in federally related transactions. Moreover, the Board believes that widespread acceptance and use of this definition will provide consistency to appraisals.

In applying this definition of market value, adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs that are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party financial institution that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar-for-dollar cost of the financing or concession, but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.[6]

—"Real estate-related financial transaction." This definition is the same as that set forth in section 1121(5) of FIRREA, except that "and" is replaced with "or" throughout so as to clarify the intent of Congress that the safeguards of title XI apply as broadly as possible.[7]

—"State certified appraiser." This classification applies to appraisers who are recognized by the States as being more knowledgeable of and experienced in appraisals than are licensed appraisers. Section 1116 of FIRREA contemplates that each state or territory will adopt standards and procedures, consistent with the purposes of title XI, for obtaining the designation of "State certified appraiser." To be consistent with title XI, each state's standards and procedures must require its certified appraisers to meet, at a minimum, the criteria for certification issued by the Appraisal Foundation. Moreover, no state or territory may certify an appraiser under title XI unless that individual passes an examination, administered by the state or territory, that is consistent with the equivalent to the Uniform State Certification Examination issued or endorsed by the Appraisal Foundation. The proposed rule does not prevent a state from establishing additional certification criteria.

Under FIRREA, the Board is authorized to establish certification criteria in addition to those adopted by a given state. Additionally, the Appraisal Subcommittee of the Federal Financial Institutions Examination Council may issue a written finding that the certification criteria of a state or territory are inadequate for specified reasons. Thus, an individual may be a "State certified appraiser" only if (a) the individual complies with all state-imposed criteria and additional criteria, if any, imposed by the Board, and (b) the appraiser certifications and licenses of a state have not been rejected by the Appraisal Subcommittee. As of July 1, 1991, appraisals for federally related transactions must be performed by State certified or licensed appraisers, unless this deadline is extended by the Appraisal Subcommittee for a given state pursuant to provisions of title XI.

—"State licensed appraiser." Each state may elect to adopt licensing criteria that are less rigorous than certification criteria. However, licensing criteria must be adequate to protect federal financial and public policy interests. For example, simply "grandfathering" all existing appraisers generally would not be acceptable. Rather, the states and territories are to design criteria that will ensure that licensed appraisers will have the experience and training sufficient to perform 1-to-4 family residential property appraisals that are below the dollar thresholds set forth in this proposed regulation and that are not "complex 1-to-4 family residential property appraisals" as this term is defined in this proposal.

As with State certified appraiser criteria, the Board is authorized to impose additional licensing requirements. Moreover, the Appraisal Subcommittee is charged with monitoring state appraiser certifying and licensing agencies, and may reject state certifications and licenses if a state's appraisal policies, practices, or procedures are found to be inconsistent with title XI or this proposed regulation.

—"Tier 1 capital." This term is applied in determining circumstances when a State certified appraiser is required. The calculation of Tier 1 capital is set forth in appendices to the Board's Regulation H (for state member banks) and Regulation Y (for bank holding companies).

—"Tract development." A tract development may be units in a subdivision, condominium project, timeshare project, or any similar project meant to be sold as individual units over a period of time.

—"Transaction value." This definition is intended to clarify certain circumstances under which appraisals must be performed by a State certified appraiser. For example, a State certified appraiser is required when, among other instances, a 1- to 4-family residential property appraisal is performed in connection with a federally related transaction having a transaction value greater than $1,000,000 or 10 percent of a regulated institution's Tier 1 capital, whichever is less.

Section 225.63—Transaction requiring State certified or licensed appraiser.

(a) *Appraiser not required.* Section 1121(4) of FIRREA defines a federally related transaction as a real estate-related financial transaction that, among other things, requires the services of an

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[5] *See* 49 CFR part 24, "Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs," 54 **Federal Register** 8,913 (1989).

[6] This paragraph regarding comparables is taken from the standard definition of "market value" used by the Federal Home Loan Mortgage Corporation ("FHLMC"), the Federal National Mortgage Association ("FNMA"), and OTS, among others. By including this paragraph in the preamble rather than the regulation, the Board does not intend to suggest any change in the interpretation or application of the definition of "market value" as this term currently is used.

[7] *See, e.g.,* Report of the House Banking, Finance and Urban Affairs, H.R. Rept. 101-54, part 1, 101st Cong., 1st Sess. (the "House Banking Committee Report") 480, 481 (1989).

appraiser. The Board recognizes that not all real estate-related financial transactions will require an appraiser. For instance, and appraisal would not be needed where a lien on real property has been taken as collateral solely through an abundance of caution and where the terms as a consequence have not been made more favorable than they would have been in the absence of the lien. In addition, the Board proposes not to require a State certified or licensed appraiser for real estate-related financial transactions having a transaction value less than or equal to $15,000. However, the Board does not intend for the *de minimis* exception to discourage any regulated institution from obtaining an appraisal of property even though not otherwise required by law to do so.

(b) *Transactions requiring State certified appraiser.* The legislative history evidences a clear intent that State certified appraisers be used for most appraisals performed in connection with federally related transactions.[8] The proposed regulation accomplishes this goal by requiring State certified appraisers for all federally related transactions that do not involve 1- to 4-family residential property. Moreover, a State certified appraiser is to be used even for appraisals of 1- to 4-family residential properties in three circumstances: first, for federally related transactions entered into by the Board, if the transaction value exceeds $1,000,000; second, for federally related transactions entered into by regulated institutions, if the transaction value exceeds $1,000,000 or 10 percent of Tier 1 capital, whichever is less; and third, for federally related transactions that involve a "complex 1- to 4-family residential property appraisal" as this term is defind.

(c) *Transactions requiring either a State certified or licensed appraiser.* Any federally related transaction that does not require the services of a State certified appraiser must be performed by, at a minimum, a State licensed appraiser. State licensed appraisers may perform appraisals rendered in connection with federally related transactions involving only 1- to 4-family residential properties, and only if the transaction value is below the threshold set forth above and the transaction does not involve a "complex 1- to 4-family residential property appraisal."

Section 225.64—Appraisal standards.

(a) *Minimum standards.* Section 1110 of FIRREA instructs the Board to prescribe appropriate standards for the performance of appraisals made in connection with federally related transactions within its jurisdiction. Further, section 1110 mandates that the standards require, at a minimum, that appraisals be written and that they conform to the generally accepted appraisal standards promulgated by the Appraisal Foundation. The Board is empowered to require compliance with additional appraisal standards if it makes a written determination that such additional standards are required in order to properly carry out its statutory responsibilities. Section 225.63 of the proposed regulation incorporates the minimum standards set forth in the statute, while listing additional criteria that shall apply to all appraisals performed in connection with federally related transactions.

In enacting title XI of FIRREA, Congress was responding to perceived problems in the appraisal industry. These problems were identified by the House Committee on Government Operations during a series of hearings,[9] and have been cited repeatedly in the legislative history of title XI.[10] The Board is proposing to adopt the following standards to further the legislative intent in addressing these problems. These standards are designed to contribute to safe and sound banking practices by requiring reliable appraisal reports. Appraisals performed in connection with federally related transactions are to comply with these standards by August 9, 1990.

—(1) *Compliance with USPAP; departure provision.* This standard incorporates the current standards in the USPAP, and clarifies that the Departure Provisions [11] in the USPAP is inapplicable to appraisals conducted in connection with federally related transactions within the Board's jurisdiction. The Board believes that the Departure Provision allows appraisal services to be performed which produce something different form an "appraisal" as contemplated by title XI of FIRREA. For instance, in accordance with the Departure Provisions and consistent with current USPAP requirements, a letter opinion might be produced that could be silent about trends of rents, vacancies, or overbuilding. Explanatory comments in the USPAP regarding the Departure Provision in the USPAP cite examples of when the departure provision might apply; [12] however, for purposes of the proposed regulation, such services are not appraisals as this term is used in title XI. The Board believes that the Departure Provision in the USPAP allows for the omission of data that should be included in all appraisals rendered in connection with federally related transactions and, therefore, has proposed that the Departure Provision shall not apply to such appraisals.

Changes in the USPAP will apply to federally related transactions unless the Board has stated in writing that the changes shall not apply to federally related transactions within its primary or exclusive jurisdiction.

—(2) *Disclosure of competency.* An appraiser is required to have the appropriate knowledge and experience that will be required to complete an assignment competently. If such knowledge and experience is initially lacking, the appraiser must disclose in the appraisal both this fact and the steps taken to comply with the Competency Provision in the USPAP.

—(3) *Market value.* This standard requires an appraisal to document an appraiser's opinion of a property's "market value" as this term is defined. The definition of "market value" was developed by FNMA and FHLMC with the input of many professional appraisal organizations. Without such a standard, a lender might select a definition of value that allows the vlaue of real property to be increased by favorable financing, going concern value, or special value to a specific user. This standard proposes to provide to interested parties the information necessary to determine the value of a property.

—(4) *Written appraisals; forms.* This standard sets forth the legislative mandate that all appraisals be written. Moreover, it requires an appraisal to be sufficiently descriptive to enable a reviewer to readily ascertain the estimated value reported and the rationale for that estimate. The appraisal may be in a narrative format

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[8] *See, e.g.,* House Banking Committee Report at 481.

[9] House Comm. on Government Operations, *Impact of Appraisal Problems on Real Estate Lending, Mortgage Insurance, and Investment in the Secondary Market,* H.R. 99–891, 99th Cong., 2d Sess. (1986).

[10] *See, e.g.,* 135 Cong. Rec. S4004 (daily ed. April 17, 1989) (statement of Sen. Dodd); H.R. Rep. No. 100–1001, 100th Cong. 2d Sess. pt. 1, at 19, 21–26; 133 Cong. Rec. H10709 (daily ed. Nov. 20, 1987) (statement of Cong. Barnard); 132 Cong. Rec. H3452 (daily ed. June 6, 1986) (statement of Cong. Barnard).

[11] The Departure Provision enables appraisers to "perform an assignment that calls for something less than or different from the work that would otherwise be required by the [USPAP]." USPAP at IV.

[12] These examples include introducing into evidence during a judicial proceeding a one page summary that incorporates by reference an appraiser's file or preparing a brief update of a previously prepared appraisal.

or on a form chosen by an appraiser, but the appraisal must comply with all other provisions of the regulation. A form not initially designed for use in connection with federally related transactions may be used provided that it is modified as necessary to comply with the requirements of Title XI and this proposed regulation. Regardless of the format selected, the appraisal must be readily understood by a third party and must reflect the complexity of the property that is appraised. This will enable the reader of the appraisal to independently determine its adequacy based upon the characteristics of the collateral appraised.

—(5) *Sales history*. This standard is designed to enable a reviewer to compare an appraiser's opinion of a property's market value with recent sales prices. In addition to giving the reviewer a basis by which to evaluate the accuracy of the subject property appraisal, it also will assist the reviewer in identifying recent trends in market prices. For instance, a sales history may identify a single sale or a series of sales at artificially inflated prices.

Sales histories are required for one year for 1-to-4 family residential property and for three years for all other types of property. A more demanding reporting standard for nonresidential property is appropriate because larger loan amounts are generally granted, and hence larger risk to the regulated institution incurred, when the loan security is not a 1-to-4 family dwelling.

—(6) *Rents and vacancies*. An appraisal should disclose current income produced by a property if the property will continue to be used to generate income after a transaction is consummated. This information is essential for an accurate picture of the market value of an income-producing property. Appraisal values should be predicted upon current rents and current vacancies for property utilized in such a manner. That is, appraisals should be based upon income that can realistically be earned under current market and economic conditions (in light of rents being earned on comparable properties), rather than upon estimated or projected income that cannot be supported by current market conditions. If an appraiser reports a high current vacancy, this condition may require a lender to impose special conditions on the loan.

—(7) *Marketing period*. This standard requires an appraiser to employ a marketing period that is reasonable in light of a given property's characteristics and market conditions, and to disclose the assumptions used. An appraiser's opinion of market value will depend in part on the appraiser's estimate of how long a given piece of property will remain for sale. For instance, an appraisal using a long marketing period is likely to produce a higher market value than would an appraisal using a shorter marketing period. This information will better enable the reader of the appraisal to assess its accuracy.

—(8) *Trend analysis*. An appraisal should inform the reader of any market trends, regardless of whether the trend reflects rising or declining values. Such trends might include, for example, increasing vacancy rates, greater use of rent concessions, or declining sales prices. Identification of negative trends is particularly important so that a regulated institution may avoid extending credit on the basis of insufficient collateral. Market trends may be indicated in market activity on the subject property, such as listings, options, or sales agreements; accordingly, such activity should be disclosed.

—(9) *Deductions and discounts*. This standard is designed to avoid having appraisals prepared using unrealistic assumptions. For federally related transactions, the subject property must always be valued in its "as is" condition as of the date of valuation. Further, appropriate deductions or discounts are to be made from an estimated retail or stabilized value to arrive at the market value as of the date of valuation identified in the appraisal. Unsold units or unleased space poses a significant risk to an owner, buyer, or lender. For this reason, the impact of such risks must be reflected in the market value estimate.

—(10) *Prohibited influences*. All appraisals are to be performed without pressure from someone who desires a specific value. Accordingly, every appraisal rendered in connection with a federally related transaction shall include a statement to the effect that employment of the appraiser was not conditioned upon the appraisal producing a specific value or a value within a given range. Similarly, future employment prospects should not be dependent upon an appraisal producing a specified value. Employment and compensation should not be based on whether a loan application is approved, as this, too, would exert pressure on an appraiser to render whatever appraisal is necessary for the loan to be approved.

—(11) *Self-contained appraisals*. This standard requires an appraisal to contain all information necessary to enable a reader of an appraisal to understand the appraiser's opinion. The appraisal should not incorporate by reference a document that is not readily available to the reader. Studies prepared by a third party should be verified to the extent his or her assumptions or conclusions are used. In addition, the appraiser's acceptance or rejection of a third party study and its impact on value should be fully explained. The appraisal itself should enable the reader to understand the conclusion without having to refer to numerous other documents. Moreover, the conclusion must be reasonable in light of the information set forth in the appraisal. These requirements will force an appraiser to obtain adequate data before issuing an opinion of value.

—(12) *Legal description*. A legal description of the property is to be included in an appraisal so as to avoid confusion that may arise from less precise identification. This requirement enables a reader to compare the legal description in the appraisal to the legal description in the loan documents. The legal description is to be provided in addition to, and not in lieu of, the description required in the USPAP.

—(13) *Personal property, fixtures, and intangible items*. An appraisal is to include a separate assessment of personal property, fixtures, or intangible items that are attached to or located on real property if the personal property, fixture, or intangible item affects the market value of the real property. Furniture and fixtures should have separate valuations because their economic life is shorter than real property improvements and may require special lending or investment considerations. If the personal property, fixture, or intangible item is not a part of the transaction, then this fact should be stated and the impact on market value should be disclosed. Favorable loan financing or any business interest or other intangible item should be valued separately within the appraisal. These requirements will help provide a reader with a more complete understanding of the market value of the real property as it will be at the time the transaction is entered into.

—(14) *Use of recognized appraisal approaches*. At the request of clients, some appraisers have not prepared cost estimates of value, estimates of value based on the capitalization of income, or value estimates based on direct sales comparisons. This standard requires an appraiser to employ each of these recognized approaches to market value and explain how each approach was used. However, if one or more approaches cannot be used, an appraiser is to explain the elimination of any approach. This requirement is intended to produce appraisals made only after the three major approaches to market value have been considered and reconciled, thereby improving the accuracy of the appraisal. Disclosure of the fact that an approach was not used will assist the reader in evaluating the adequacy of the appraisal.

(b) *Unavailability of information.* The Board realizes that some information required by the USPAP or this regulation to be in an appraisal may, on occasion, be unavailable. For example, historic rents will not exist for a building under construction at the time of appraisal. However, an appraisal should inform the reader of any material information that is unavailable and why such information could not be obtained, so as to assist the reader in reviewing the appraisal.

(c) *Additional standards.* The standards required by this regulation are the minimum standards to be met by every appraisal made in connection with a federally related transaction. However, the Board and regulated institutions may employ additional standards if circumstances so warrant.

Section 225.65—Appraiser independence. An appraiser's goal should be to produce an objective opinion about the market value of a property. This objectivity may be compromised if the appraiser is involved in the transaction, such as deciding whether to extend credit to be secured by such property. Similarly, a direct or indirect interest in the property appraised may undermine the accuracy of the appraisal. A direct interest would arise, for example, by owning all or part of property being appraised. An indirect interest would arise if, for example, an appraiser owns property adjacent to the parcel being appraised. This indirect interest would extend to any property whose value is likely to be affected by an appraisal, if the appraisal is the proximate cause for the effect. Moreover, the interest may be nonpecuniary, such as a desire to help an associate obtain a loan.

To further the goal of appraiser independence, the Board proposes to require that fee appraisers (that is, appraisers not permanently employed by a given regulated institution) be hired by a regulated institution or its agent rather than the borrower. In order to avoid potential conflicts of interest, staff appraisers (appraisers that are permanently employed by a regulated institution) should not be supervised, controlled, or influenced by loan underwriters, loan officers, or collection officers.

The Board recognizes that in certain cases it may be necessary for loan officers and directors to perform appraisals. Such cases would depend on a bank's particular circumstances; an example would be a small rural bank where the only qualified individual to perform appraisals is a loan officer, and separating this person from the loan and collection departments is impossible. In such situtations, the Board recommends that this individual perform appraisal work on loans in which he or she is not otherwise involved. In cases where loan officers or directors perform appraisals, regulated institutions are expected to ensure that the appraisers are qualified and that appraisal reports are adequate.[13] Directors and offiercers should abstain from any vote and/or approval involving assets on which they had performed an appraisal. In all, sufficient safeguards should be in place to permit appraisers to exercise independent judgment, thereby ensuring the validity of the appraisal process.

Section 225.66—Professional association membership; competency.

(a) *Membership in appraisal organizations.* The legislative history of title XI evidences an intent to prohibit discrimination against appraisers solely by virtue of membership or lack of membership in a particular appraisal organization.[14] Accordingly, this regulation prohibits any entity covered by Title XI from basing decisions regarding the employment of appraisers solely on membership or lack of membership in an appraisal organization. An institution should review the qualifications of appraisers rather than the qualifications of appraisal organizations to insure that a qualified individual is being employed. Membership in an organization may be considered; however, it may not be the sole determining factor in accepting or rejecting an appraiser.

(b) *Competency.* Not all appraisers are competent to perform every type of appraisal that will be needed in connection with federally related transactions. For instance, an appraiser who is experienced in appraising shopping centers may not possess sufficient expertise to appraise a golf course. A financial institution should look beyond an individual's title to determine if he or she has the experience and training needed to perform the appraisal. This provision is not intended to prohibit, in every circumstance, an individual from appraising a type of property with which he or she is not familiar. However, in such instances, an appraiser may perform the appraisal only in accordance with the Competency Provision in the USPAP. In addition, an individual who is not a State certified or licensed appraiser may assist in the preparation of an appraisal if he or she is directly supervised by a licensed or certified appraiser (as appropriate), and the appraisal is approved and signed by a certified or licensed appraiser.

Section 225.67—Enforcement. Section 1120 of FIRREA vests the Board with the authority to bring an action for civil money penalties against a regulated institution within the agency's primary jurisdiction. The proposed regulation makes clear that additional enforcement remedies available to the Board under section 8 of the Federal Deposit Insurance Act also apply. These can include civil money penalties and cease and desist orders, as well as orders of removal and prohibitions against institutions and institution-affiliated parties. FIRREA specifically provides that "Institution-affiliated parties" includes, but is not limited to, appraisers.[15]

Differences Between the Agencies. The federal financial institutions regulatory agencies and the RTC have attempted to develop uniform regulations regarding the appraisal requirements for federally related transactions. However, the agencies and the RTC have proposed different approaches on the following points:

(1) *De minimis* test. The Board proposes not to require a State certified or licensed appraiser for real estate-related financial transactions having a transaction value less than or equal to $15,000.

(2) Tier 1 capital. The Board proposes to adopt the definition of Tier 1 capital as set forth in appendices to the Board's Regulation H (for state member banks) and Regulation Y (for bank holding companies).

(3) Bridge banks operating under 12 U.S.C. 1821(n) and depository institutions operated by the FDIC or the RTC as receiver, liquidator, or conservator are not addressed in the Board's proposal.

Regulatory Flexibility Act Analysis

Title XI of FIRREA requires the Board to establish standards for performing appraisals in connection with federally related transactions within the Board's jurisdiction. In addition, title XI requires the Board to distinguish those transactions that require State certified

[13] It should be noted that directors and officers who perform appraisals in connection with federally related transactions must be licensed or certified, as appropriate.

[14] *See, e.g.,* House Banking Committee Report at 484; *see also* H.R. Conf. Rep. No. 101-222, 101st Cong., 1st Sess., at 457 (1989).

[15] *See* FIRREA, section 204(f)(6) and 901(b)(1).

appraisers from those that require State certified or licensed appraisers. This proposed regulation is in response to this legislative mandate.

Title XI provides no exemption for small business entities. However, the Board has attempted to alleviate the economic impact on small businesses, including small regulated institutions, by not requiring a State certified or licensed appraiser for transactions in which (i) the transaction value is below the *de minimis* cutoff established in the regulation, or (ii) a lien on real estate is taken as collateral solely as an abundance of caution.

The Board invites comments on the costs and benefits of the proposed regulation with regard to the operation of depository institutions, the provision of real estate credit, the impact on loan losses, and the cost of appraisals.

The Board anticipates that the proposed regulation may increase, to some degree, costs for borrowers and member banks and bank holding companies of all sizes. However, increased costs should be mitigated by savings resulting from decreased loan losses. The cost increase may stem from at least two aspects of the rule. First, since member banks and bank holding companies are required to use certified or licensed appraisers, the cost of an appraisal may rise somewhat. Some borrowers may resist the increased appraisal cost and decide not to take out a loan secured by real estate. On the other hand, some banking organizations may elect to absorb all or a portion of any increased appraisal cost, thereby reducing lending profits. Second, the proposed regulation includes certain items that go beyond the Federal Reserve's existing appraisal guidelines. Those items could add to appraisal costs.

The Board also expects the proposed regulation to decrease costs to member banks and bank holding companies of all sizes. Such banking organizations will have better information about the value of the real estate involved in federally related transactions and can better ensure that each loan is collateralized adequately. As a result, the events of default should be reduced, with a correspondent reduction in loan losses. In addition, for those organization that already have strong appraisal policies or procedures that exceed minimum supervisory standards, the marginal costs of the proposed regulation should be limited. On balance, the Board believes that adoption of this proposal would not have a significant adverse economic impact on a substantial number of small business entities, in accordance with the spirit and purposes of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

List of Subjects

12 CFR Part 208

Agricultural loan losses, Applications, Appraisals, Banks, Banking, Branches, Capital adequacy, Federal Reserve System, Flood insurance, Publication of reports of condition, Reporting and recordkeeping requirements, Securities, State member banks.

12 CFR Part 225

Administrative practice and procedure, Appraisals, Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

For the reasons set forth in this notice, the Board proposes to amend 12 CFR parts 208 and 225 as follows:

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

1. The authority citation for part 208 is revised to read as follows:

Authority: Sections 9, 11(a), 11(c), 19, 21, 25, and 25(a) of the Federal Reserve Act, as amended (12 U.S.C. 321–338, 248(a), 248(c), 461, 481–486, 601, and 611, respectively); sections 4 and 13(j) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1814 and 1823(j), respectively); section 7(a) of the International Lending Supervision Act of 1978 (12 U.S.C. 3105); sections 907–910 of the International Banking Act of 1983 (12 U.S.C. 3906–3909); sections 2, 12(b), 12(g), 12(i), 15B(c)(5), 17, 17A, and 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78b, 78l(b), 78l(g), 78l(i), 78o–4(c)(5), 78q, 78q–1, and 78w, respectively); section 5155 of the Revised Statutes (12 U.S.C. 36) as amended by the McFadden Act of 1927; and sections 1101–1122 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 and 3331–3351).

2. Section 208.18 is added to read as follows:

§ 208.18 Appraisal standards for federally related transactions.

The standards applicable to appraisals rendered in connection with federally related transactions entered into by member banks are set forth in subpart G of the Board's Regulation Y, 12 CFR part 225.

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority citation for Part 225 is revised to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1843(c)(8), 1844(b), 3106, 3108, 3907, and 3909; and sections 1101–1122 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 and 3331–3351).

2. Subpart G, consisting of §§ 225.61 through 225.67, is added immediately following Subpart F to read as follows:

Subpart G—Appraisal Standards for Federally Related Transactions

Subpart G—Appraisal Standards for Federally Related Transactions

§ 225.61 Authority, purpose, and scope.

(a) *Authority.* This subpart is issued by the Board of Governors of the Federal Reserve System (the "Board") under title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA") (Pub. L. No. 101–73, 103 Stat. 183 (1989)).

(b) *Purpose and scope.* (1) Title XI provides protection for federal financial and public policy interests in real estate related transactions by requiring real estate appraisals used in connection with federally related transactions to be performed in writing, in accordance with uniform standards, by appraisers whose competency has been demonstrated and whose professional conduct is subject to effective supervision. This subpart implements the requirements of title XI, and applies to all federally related transactions entered into by the Board or by institutions primarily or exclusively regulated by the Board ("regulated institutions").

(2) This subpart:

(i) Identifies which real estate-related financial transactions require the services of an appraiser;

(ii) Prescribes which categories of federally related transactions shall be appraised by a State certified appraiser and which by a State licensed appraiser; and

(iii) Prescribes minimum standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of the Board.

§ 225.62 Definitions.

(a) "Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date(s), supported by the presentation and analysis of relevant market information.

(b) "Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

(c) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council ("FFIEC").

(d) "Complex 1-to-4 family residential property appraisal" means one in which the property to be appraised is atypical of its market. For example, atypical factors may include:

(1) Age of improvements;

(2) Architectural style;

(3) Size of improvements;

(4) Size of lot;

(5) Neighborhood land use;

(6) Potential environmental hazard liability;

(7) Leasehold interests;

(8) Limited readily available comparable sales data; or

(9) Other unusual factors.

(e) "Federally related transaction" means any real estate-related financial transaction that:

(1) The Board or any regulated institution engages in or contracts for; and

(2) Requires the services of an appraiser.

(f) "Market value" means the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

(1) Buyer and seller are typically motivated;

(2) Both parties are well informed or well advised, and acting in what they consider their best interests;

(3) A reasonable time is allowed for exposure in the open market;

(4) Payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and

(5) The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(g) "Real estate-related financial transaction" means any transaction involving:

(1) The sale, lease, purchase, investment in or exchange of real property, including interests in real property, or the financing thereof; or

(2) The refinancing of real property or interests in real property; or

(3) The use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

(h) "State certified appraiser" means any individual who has satisfied the requirements for State certification in a State or territory whose criteria for certification as a real estate appraiser currently meets the minimum criteria for certification issued by the Appraiser Qualifications Board of the Appraisal Foundation. No individual shall be a State certified appraiser unless such individual has achieved a passing grade upon a suitable examination administered by a State or territory that is consistent with and equivalent to the Uniform State Certification Examination issued or endorsed by the Appraiser Qualification Board of the Appraisal Foundation. In addition, the Appraisal Subcommittee must not have issued a finding that the State's policies, practices, or procedures are inconsistent with title XI of FIRREA. The Board may, from time to time, impose additional qualification criteria for certified appraisers performing appraisals in connection with federally related transactions within the Board's jurisdiction.

(i) "State licensed appraiser" means any individual who has satisfied the requirements for State licensing in a State or territory where the licensing procedures are consistent with Title XI of FIRREA and where the Appraisal Subcommittee has not issued a finding that the State's appraisal policies, practices, or procedures are inconsitent with title XI. The Board may, from time to time, impose additional qualification criteria for licensed appraisers performing appraisals in connection with federally related transactions within the Board's jurisdiction.

(j) "Tier 1 capital" means such capital for year-end 1992, as set forth in appendix A to part 208 of the Board's Regulation H for state-chartered banks that are members of the Federal Reserve System and in appendix A to part 225 of the Board's Regulation Y for bank holding companies. Tier 1 capital shall be calculated as of the date of the regulated institution's latest call report.

(k) "Tract development" means a project of five units or more that is constructed as a single development.

(l) "Transaction value" means:

(1) For loans or other extensions of credit, the amount of the loan or extension of credit; and

(2) For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property involved.

§ 225.63 Transactions requiring State certified or licensed appraiser.

(a) *Appraiser not required.* An appraisal performed by a State certified or licensed appraiser is not required for:

(1) Any real estate-related financial transaction in which the transaction value is $15,000 or less; or

(2) Any real estate-related financial transaction in which a lien on real property has been taken as collateral solely through an abundance of caution and where the terms of the transaction as a consequence have not been made more favorable than they would have been in the absence of a lien.

(b) *Transactions requiring State certified appraiser.*

(1) All federally related transactions, other than those involving appraisals of 1- to 4-family residential properties, shall require an appraisal performed by a State certified appraiser.

(2) All appraisals of 1- to 4-family residential properties made in connection with federally related transactions shall require a State certified appraiser if:

(i) For federally related transactions entered into by the Board, the transaction value exceeds $1,000,000; or

(ii) For federally related transactions entered into by regulated institutions, the transaction value exceeds:

(A) 10 percent of the regulated institution's Tier 1 capital; or

(B) $1,000,000, whichever is less.

(3) All complex 1- to 4-family residential property appraisals rendered in connection with federally related transactions shall require a State certified appraiser. The regulated institution shall determine whether the property is complex and shall make available, if requested by the Board, appropriate evidence to support the determination.

(c) *Transactions requiring either a State certified or licensed appraiser.* All appraisals for federally related transactions not requiring the services of a State certified appraiser shall be performed by either a State certified appraiser or a State licensed appraiser.

§ 225.64 Appraisal standards.

(a) *Minimum standards.* For federally related transactions, all appraisals as defined in § 225.62(a) of this subpart shall, at a minimum:

(1) Conform to the current Uniform Standards of Professional Appraisal Practice ("USPAP") as adopted by the

Appraisal Foundation,[16] except that the Departure Provision of the USPAP shall not apply to federally related transactions;

(2) If appropriate, disclose any steps taken to comply with the Competency Provision of the USPAP;

(3) Be based upon the conditions specified in the definition of market value as set forth in § 225.62(f) of this subpart;

(4) Be written and presented in a narrative format, or on forms that satisfy all the requirements of this section, be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate, and provide detail and depth of analysis that reflects the complexity of the real estate appraised;

(5) Analyze and report in reasonable detail any prior sales of the property being appraised that occurred within the following time periods:

(i) For 1- to 4-family residential property, one year preceding the date when the appraisal was prepared; and

(ii) For all other property, three years preceding the date when the appraisal was prepared;

(6) Analyze and report data on current rents and current vacancies for the property if it is and will continue to be income-producing;

(7) Analyze and report a reasonable marketing period for the subject property;

(8) Analyze and report on current market conditions and trends that will affect projected income or the absorption period to the extent they affect the value of the subject property;

(9) Analyze and report appropriate deductions and discounts for:

(i) Any proposed construction;

(ii) Any completed properties that are partially leased or are leased at other than market rents as of the date of the appraisal; or

(iii) Any tract developments with unsold units;

(10) Include in the certification required by the USPAP an additional statement that the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or approval of a loan;

(11) Contain sufficient supporting documentation with all pertinent information reported so that the appraiser's logic, reasoning, judgment, and analysis in arriving at a final conclusion indicate to the reader the reasonableness of the market value reported;

(12) Include a legal description of the real estate being appraised in addition to the description required by the USPAP;

(13) Identify and separately value any personal property, fixtures, or intangible items that are not real property but are included in the appraisal, and discuss the impact of their inclusion or exclusion on the estimate of market value; and

(14) Follow a reasonable valuation method that addresses the direct sales comparison, income, and cost approaches to market value, and reconciles those approaches; if one or more approach cannot be used, explain the elimination of each approach not used.

(b) *Unavailability of information.* If information required or deemed pertinent to the completion of an appraisal is unavailable, that fact shall be disclosed and explained in the appraisal report.

(c) *Additional standards.* Nothing contained herein shall prevent a regulated institution from requiring additional appraisal standards if deemed appropriate.

§ 225.65 Appraiser independence.

(a) *Staff appraisers.* If an appraisal is prepared by a staff appraiser, that appraiser must:

(i) Be independent of the lending, investment, or collection functions and not involved, except as an appraiser, in the federally related transaction; and

(ii) Have no direct or indirect interest, financial or otherwise, in the property.

If the only qualified persons available to perform an appraisal are involved in the lending, investment, or collection functions of the regulated institution, the regulated institution shall take appropriate steps to insure that the appraisers exercise independent judgment and that the appraisal is adequate. Such steps include, but are not limited to, prohibiting an individual from performing an appraisal in connection with federally related transactions in which the appraiser is otherwise involved and prohibiting directors and officers from participating in any vote or approval involving assets on which they had performed an appraisal.

(b) *Fee appraisers.* If an appraisal is prepared by a fee appraiser, the appraiser shall be employed directly by the regulated institution or its agent, and have no direct or indirect interest, financial or otherwise, in the property or transaction.

§ 225.66 Professional association membership; competency.

(a) *Membership in appraisal organizations.* A State certified appraiser or a State licensed appraiser may not be excluded from consideration for an assignment for a federally related transaction solely by virtue of membership or lack of membership in any particular appraisal organization.

(b) *Competency.* All staff and fee appraisers performing appraisals in connection with federally related transactions must be State certified or licensed, as appropriate. However, a State certified or licensed appraiser may not be considered competent solely by virtue of being certified or licensed. Any determination of competency shall be based upon the individual's experience and educational background as they relate to the particular appraisal assignment for which he or she is being considered.

§ 225.67 Enforcement.

Institutions and institution-affiliated parties, including staff appraisers and fee appraisers, may be subject to removal and/or prohibition orders, cease and desist orders, and the imposition of civil money penalties pursuant to Section 8 of the Federal Deposit Insurance Act, 12 U.S.C. 1818, as amended.

Board of Governors of the Federal Reserve System, February 5, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3054 Filed 2-8-90; 8:45 am]

BILLING CODE 6210-01-M

[16] Amendments to the USPAP made after the effective date of a final rule shall apply to federally related transactions unless disapproved in writing by the Board.

Friday
February 9, 1990

Part VI

Federal Communications Commission

47 CFR Part 65

Prescription of Interim Rate of Return and Revised Pleading Dates for Rate of Return Represcription Proceedings; Final Rule and Proposed Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[Common Carrier Docket No. 87-463; FCC 89-362]

Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for AT&T Communications and Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Final rule; prescription of interim rate of return.

SUMMARY: This action prescribes an interim rate of return for the interstate services of local exchange carriers. The interim rate of return of 12% will remain in effect until the completion of a represcription proceeding conducted using the procedures contained in part 65 of the Commission's Rules, 47 CFR 65.1 *et seq.*

DATES: The interim rate of return is effective January 1, 1990.

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

FOR FURTHER INFORMATION CONTACT: Jane Jackson, telephone (202) 632-7500.

SUPPLEMENTARY INFORMATION:

Background

Notice of Proposed Rulemaking, In the Matter of Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for Local Exchange Carriers, CC. Docket No. 87-463. Adopted: October 8, 1987. Released: October 13, 1987. 52 FR 3921 (October 21, 1987).

Public Notice, DA 89-1204, released September 21, 1989. 54 FR 40136 (September 29, 1989).

Summary of Order

This is a summary of the Commission's *Order* in *In the Matters of Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for AT&T Communications and Local Exchange Carriers, CC Docket No. 87-463, and Represcribing the Authorized Rates of Return for Interstate Services of Local Exchange Carriers, CC Docket No. 89-624,* adopted December 21, 1989, released December 29, 1989.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision will be published in the *FCC Record* and may also be purchased from the Commission's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

1. By this Order we continue on an interim basis the effectiveness of the current prescription of a 12% overall rate of return for the interstate services of local exchange carriers until such time as the Commission shall have completed a rate of return represcription proceeding pursuant to part 65 of its rules. We also establish the pleading cycle for the represcription proceeding, and direct the Common Carrier Bureau to issue as soon as possible a Notice requesting such additional information as will be needed to create a full record in that proceeding.

2. The legal standards governing the determination of rates of return are well established: a regulated company must be allowed a return that is sufficient to attract new capital to the business, and that is comparable to the return that would be expected for an unregulated enterprise having the same degree of risk.[1] The return must not be so low as to produce rates that are confiscatory in the constitutional sense [2] nor so high as to produce excessive rates for consumers.[3] Ratemaking under the "just and reasonable" standard thus involves balancing investor and consumer interests [4] and then selecting an appropriate rate of return that is within a broad "zone of reasonableness" [5] established by the judicial standards.

3. Ratemaking is prospective. It is not an exact science. It involves both quantitative and qualitative judgments and predictions of the future. Courts have repeatedly observed that "neither law nor economics has yet devised generally accepted standards for the evaluation of ratemaking orders," [6] and that rate of return decisions are policy determinations in which agencies must exercise their judgment and expertise.[7] A regulatory agency is allowed wide latitude to choose methods and procedures for determining rates of return, and to make pragmatic adjustments called for by particular circumstances.[8]

4. The Commission adopted part 65 to establish a workable framework within which it could exercise its judgment and expertise to represcribe rates of return on a regular, biennial schedule. The fact that the established schedule was not met, and an anticipated part 65 proceeding was not begun in time to complete a full-scale represcription proceeding this year, does not excuse this Commission from its statutory responsibilities. The Communications Act requires that rates be just and reasonable. We therefore reject the LEC contention that we are without authority to prescribe an interim rate of return in this proceeding. If the current rate of return is outside the zone of reasonableness, then rates targeted to that rate of return will be unlawful; we cannot cite adherence to procedural rules of our own making as a reason to perpetuate such a situation.[9]

5. On the other hand, we find merit in the concern of parties that the brevity of this proceeding might not have provided sufficient opportunity for exploration of all relevant issues. Although a great deal of data has been submitted, and parties have cooperated by making additional submissions when rquested to do so by the staff, the truncated schedule did not allow complete analysis of the data. This is particularly true with respect to the large amount of potentially significant material and expert opinion that was submitted in the reply comments. Therefore, unless we find that the 12% prescription is outside the broad zone of reasonableness, the public interest will best be served by continuing the current prescription in effect until we have carried out a represcription proceeding using the procedures contained in part 65.[10]

6. The record before us is mixed. Consumer Coalition presents cost of equity estimates, one of which uses the methodology we relied most heavily upon in the last represcription

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[1] *Bluefield Water Works* v. *PSC*, 262 U.S. 679 (1923); *FPC* v. *Hope Natural Gas Co.*, 320 U.S. 591 (1944).

[2] *E.g., FPC* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 585 (1942); see also *Duquesne Light Co.* v. *Barasch*, 109 S.Ct. 609, 615–618 (1989).

[3] See *Farmers Union Central Exchange, Inc.* v. *FERC*, 734 F.2d 1486, 1504–1511 (1984).

[4] *Hope* at 603. The Supreme Court has equated the low end of the statutory standard requiring "just and reasonable rates" with the Constitutional prohibition on confiscatory rates. *FPC* v. *Natural Gas Pipeline Co.*, 315 U.S. at 586.

[5] *FPC* v. *Natural Gas Pipeline Co.*, 315 U.S. 575, 585 (1942); *Permian Basin Area Rate Cases*, 390 U.S. 747, 767 (1968).

[6] *Permian Basin Area Rate Cases*, 390 U.S. at 790, *quoted in U.S.* v. *FCC*, 707 F.2d 610, 618 (D.C. Cir. 1983).

[7] *U.S.* v. *FCC*, 707 F.2d at 618 *and cases cited therein.*

[8] *Id.*

[9] *Cf. Jersey Central Power and Light Co.* v. *FERC*, 810 F.2d 1168, 1186 (D.C. Cir. 1987) (*en banc*).

[10] In accordance with this decision, we waive, for purposes of this interim prescription, those portions of part 65 that require more extensive proceedings prior to a prescription.

proceeding, which, if accepted, would indicate that capital costs have decreased since 1986. The LECs offer a number of estimates which, if accepted, would support the conclusion that there has been an increase in capital costs. Each group strenuously attacks the methodologies and assumptions of the other. We find that it would be premature to resolve these methodological issues based on the record of this abbreviated proceeding, since any findings we might make with respect to methodologies could affect our future prescription proceedings.

7. Parties also adopt diametrically opposed stances on such important issues as the impact of competition and of the need for improvements to the telecommunications infrastructure. LECs see alarming levels of competitive risk, while Consumer Coalition portrays assertions with respect to bypass as unfounded; but their pleadings taken together do not provide us with a sound basis upon which to determine whether business risk due to competition has increased or decreased since the last rate of return prescription was made.[11] Similarly, the competing assertions concerning whether investment in new plant is a source of increased risk do not provide the kind of factual record needed to determine what regulatory action might be necessary to promote infrastructure improvements.

8. Even where data are undisputed, the parties offer differing interpretations. The State cost of capital information shows that many states currently allow earnings of 12% or more on intrastate telephone service, but that those states which have made new determinations in the last two years have made lower prescriptions.[12] The LECs contend that these state determinations should be ignored as irrelevant. Interest rates are very close to the levels which prevailed at the time of the 1986 prescription. The LECs interpret the interest rate information as supporting at least the retention of the 12% rate of return; Consumer Coalition claims that the 12% prescription did not fully reflect the 1984–86 decrease in interest rates, and that it is now time to recognize the long-term nature of that decrease by making a corresponding reduction in the allowed rate of return.

9. In the past, the Commission has been reluctant to alter the rate of return based on a change in the cost of equity component on less than a full record. This is in contrast to our practice of adjusting the rate of return based on changes in the more objectively ascertainable cost of embedded debt or debt-equity structure.[13] We have followed this cautious approach in the past when AT&T has requested an increase in the rate of return and have declined to adjust the rate of return on the basis of changes in the cost of equity without a full record.[14] We conclude that a consistent approach is appropriate in this case. We are very reluctant to adjust the LECs' rate of return based on allegations of change in the cost of equity, on less than a full record, particularly where the rate of return is effective on an interim basis only, and may be adjusted when the full proceeding is complete.

10. We find that, while this truncated proceeding has not produced a sufficient record to allow us to decide, as a policy matter, the precise point within the zone of reasonableness at which, for the long term, we would achieve the best possible balance of shareholder and ratepayer interests, the record is sufficient to allow us to determine whether 12% is within that zone of reasonableness. While interest rates cannot be used to calculate just and reasonable rates of return in any simple fashion,[15] they do serve as indicators of trends in equity capital costs. The fact that interest rates have been relatively stable over the last three years, for example, indicates to us that the prescribed rate of return which has been in effect for these three years is still within the zone of reasonableness. We find corroboration for this conclusion in the fact that numerous states continue to allow rates of return of around 12%.

11. Accordingly, we find that the current 12% rate of return prescribed for the interstate services of local exchange carriers remains within the zone of reasonableness, and that it would be just and reasonable to retain that rate of return as an interim matter, pending completion of a full represcription proceeding. This interim rate of return prescription will remain in effect until completion of the represcription proceeding. We fully expect that we will prescribe a new rate of return well before the end of 1990. Our provision of interim relief here is designed to remedy a short-term problem only.

12. Accordingly, *It is ordered*, That pursuant to sections 1, 4(i), 4(j), and 201–205 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), and 201–205, that the interim rate of return for the interstate access services of the local exchange carriers is prescribed to be at an annual rate of 12.0 percent.

13. *It is further ordered*, That this Order is effective upon adoption.

List of Subjects in 47 CFR Part 65

Communications common carriers, Rate of return.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-3078 Filed 2-8-90; 8:45 am]

BILLING CODE 6712-01-M

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[11] We know that risk due to uneconomic bypass has dramatically decreased since 1986. However, we cannot determine at this time, based on the record before us, whether the decreased risk of uneconomic bypass has been counterbalanced by an increase in other forms of competition.

[12] The most pronounced trend in the state cost of capital data, though, is the trend towards incentive regulation. Twice as many states have adopted some variation on incentive regulation in the past two years as have made traditional rate of return prescriptions.

[13] See, *e.g., American Telephone and Telegraph Co. Charges for Interstate Telephone Service*, 51 FCC 2d (1975), *recon. denied*, 53 FCC 2d 1073 (1975); 57 FCC 2d 960 (1976). In the instant proceeding, the showings of the carriers demonstrate that there has been virtually no change in the embedded cost of debt of the RHCs, and only a small change in the average capital structure of the RHCs. Consumer Coalition and GSA argue that the Commission should impute a layer of preferred stock into the average RHC capital structure. Consumer Coalition Comments at 15–16; GSA Reply, Appendix. Imputation of a hypothetical capital structure would clearly be inappropriate in an interim proceeding.

[14] See *id. See also American Telephone and Telegraph Company and the Bell System Operating Telephone Companies, Charges for Interstate Service*, 78 FCC 2d 661, 666–670 (1980).

[15] See *Authorized Rates of Return*, 51 FR 32920, ¶¶ 34–35.

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 65

[Common Carrier Docket No. 89-624; FCC 89-362]

Represcribing the Authorized Rate of Return for the Interstate Services of Local Exchange Carriers

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; establishment of revised pleading dates for rate of return represcription proceeding.

SUMMARY: The action initiates a proceeding to represcribe the authorized rate of return for interstate services of local exchange carriers. Initial rate of return submissions are due on February 16, 1990. The represcription proceeding will be conducted in a new docket, Common Carrier Docket No. 89-624. The action waives the requirements of § 65.400 of the Commission's Rules, 47 CFR 65.400, for purposes of the represcription proceeding in CC Docket 89-624. The action directs the Common Carrier Bureau to issue an order requesting such information, in addition to the information required by part 65, as will be necessary to create a full and fair record in CC Docket No. 89-624.

DATES: Initial carrier rate of return submissions in Docket No. 89-624 are due February 16, 1990. Responsive submissions are due March 23, 1990. Carrier rebuttal submissions are due April 13, 1990. Proposed findings and conclusions are due June 8, 1990. Reply findings and conclusions are due June 22, 1990.

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

FOR FURTHER INFORMATION CONTACT: Jane Jackson, Telephone (202) 632-7500.

SUPPLEMENTARY INFORMATION:

Background

Notice of Proposed Rulemaking, In the Matter of Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for Local Exchange Carriers, CC. Docket No. 87-463. Adopted: October 8, 1987. Released: October 13, 1987. 52 FR 3921 (October 21, 1987).

Public Notice, DA 89-1204, released September 21, 1989. 54 FR 40136 (September 29, 1989).

Summary of Order

This is a summary of the Commission's *Order* in *In the Matters of Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for AT&T Communications and Local Exchange Carriers, CC Docket No. 87-463, and Represcribing the Authorized Rates of Return for Interstate Services of Local Exchange Carriers, CC Docket No. 89-624,* adopted December 21, 1989, released December 29, 1989. This summary covers only the portion of this order that addressed matters related to CC Docket No. 89-624.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision will be published in the *FCC Record* and may also be purchased from the Commission's copy contractor, International Transcription Services (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

1. By this Order we continue on an interim basis the effectiveness of the current prescription of a 12% overall rate of return for the interstate services of local exchange carriers until such time as the Commission shall have completed a rate of return represcription proceeding pursuant to part 65 of its Rules. We also establish the pleading cycle for the represcription proceeding, and direct the Common Carrier Bureau to issue as soon as possible a notice requesting such additional information as will be needed to create a full record in that proceeding.

2. In order to establish a new prescription as soon as possible that is based upon an adequate record and provides all interested parties with the greatest possible opportunity to present their arguments, we are initiating a full represcription proceeding at this time. This proceeding will be conducted pursuant to the existing part 65 represcription rules. We are, however, modifying those procedures to require that the carriers file the initial submission on February 16, 1990, instead of January 3, 1990; the remainder of the procedural schedule established in § 65.102 of our rules will be adjusted accordingly. We are waiving the requirement that carriers provide the comparable firms information described in § 65.400 of the rules. Past experience has demonstrated that such information would not be useful.[1] We also authorize the Bureau to require submission of some additional information.[2]

3. We recognize that such a proceeding will not reflect some of the refinements that are under consideration in the CC Docket 87-463 rulemaking proceeding. Although we may yet determine that some of those refinements may be desirable for any future represcription proceedings, none of the changes proposed in the notice, apart from the possible development of a new preferred comparable firms methodology, would have a material impact on the end result. We will permit interested persons to present suggested comparable firms methodologies in this represcription proceeding and will give appropriate weight to the results any such methodologies produce.

4. We reject suggestions that any flaws in the existing part 65 methods or procedures that we will use are so fundamental that it would be inappropriate to conduct a represcription proceeding before we complete the CC Docket 87-463 rulemaking. When we began that rulemaking, it was with the explicit recognition that, while some refinements might be desirable, the part 65 procedures had worked quite well.[3] When extending the present prescription for a third year in 1988, the Commission observed: "We would conduct a represcription in spite of * * * [the pendency of the CC Docket 87-463 rulemaking] if we had reason to believe that delaying a represcription would substantially prejudice the interests of consumers." [4] We believe completion of a full represcription by the fall of 1990 will serve the public interest and that a further delay for the sole purpose of considering the possible refinements described in the notice of proposed rulemaking in CC Docket 87-463 would not serve the public interest. We are therefore initiating a full represcription proceeding now.

5. Under § 1.1206(b)(6) of our rules, rate of return proceedings are non-restricted. Members of the public are advised that, in non-restricted proceedings, *ex parte* presentations are permitted except during the "Sunshine Agenda" period. See generally § 1.1206 of the Commission's Rules. The Sunshine Agenda period is the period of time which commences with the release

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[1] *Refinement of Procedures and Methodologies for Represcribing Interstate Rates of Return for AT&T Communications and Local Exchange Carriers,* CC Docket 87-463, Notice of Proposed Rulemaking, 2 FCC Rcd 6491, 6493 (1987).

[2] Section 65.102(a) states that the Chief, Common Carrier Bureau, "may require from carriers providing interstate services, and from other participants submitting rate of return submissions, data or studies that are reasonably calculated to lead to a full and fair record." 47 CFR 65.102(a).

[3] 2 FCC Rcd 6491, 6496.

[4] *Deferral Order,* 3 FCC Rcd at 1698.

of a public notice that a matter has been placed on the Sunshine Agenda and terminates when this Commission (1) releases the text of a decision or Order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever comes first. See § 1.1202(f) of the Commission's Rules. During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by this Commission or Commission staff for the clarification or adduction of evidence or the resolution of issues in the proceeding. See § 1.1203 of the Commission's Rules.

6. In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1) if written, is not served on the parties to the proceeding; or (2) if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. See § 1.1202(b) of the Commission's Rules. Any person who submits a written *ex parte* presentation must provide on the same day it is submitted a copy of that presentation to the Commission's Secretary for inclusion in the public record. Any person who makes an oral *ex parte* presentation that presents data or arguments not already reflected in the person's previously-filed written comments, memoranda, or filings in this proceeding must provide on the day of the oral presentation a written memorandum to the Secretary (with a copy to the Commissioner or staff member involved) which summarizes the data and states on its face that the Secretary has been served, and also states by docket number the proceeding to which it relates. See § 1.1206 of the Commission's rules.

7. *It is ordered*, That the filing date for initial rate of return submissions in CC Docket No. 89-624 shall be February 16, 1990.

8. *It is further ordered*, That the requirements of § 65.400 of the Commission's rules, 47 CFR 65.400, are waived for purposes of the proceedings in CC Docket No. 89-624.

9. *It is further ordered*, That this Order is effective upon adoption.

List of Subjects in 47 CFR Part 65

Communications common carriers, rate of return.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-3079 Filed 2-8-90; 8:45 am]

BILLING CODE 6712-01-M

federal register

Friday
February 9, 1990

Part VII

The President

Presidential Determination No. 90-7—Application of Export-Import Bank Restrictions in Connection With Iraq

Presidential Determination No. 90-9—Narcotics Control Certification for Panama

Federal Register
Vol. 55, No. 28
Friday, February 9, 1990

Presidential Documents

Title 3—

The President

Presidential Determination No. 90–7 of January 17, 1990

Application of Export-Import Bank Restrictions in Connection With Iraq

Memorandum for the Secretary of State

By virtue of the authority vested in me by Section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (P.L. 101–167), I hereby determine that, with respect to Iraq, application of the prohibition contained in that section to the Export-Import Bank or its agents is not in the national interest of the United States.

You are directed to report this Determination to the Congress and to have it published in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, January 17, 1990.

[FR Doc. 90–3357
Filed 2-8-90; 11:23 am]
Billing code 3195–01–M

Presidential Documents

Presidential Determination No. 90–9 of January 26, 1990

Narcotics Control Certification for Panama

Memorandum for the Secretary of State

By virtue of the authority vested in me by Section 481(h)(6) of the Foreign Assistance Act of 1961, as amended (the FAA) (22 U.S.C. 2291(h)(6)), and Sections 802(b)(4) and 803 of the Trade Act of 1974, as amended (the Trade Act) (19 U.S.C. 2492(b)(4) and 2493), I hereby determine and certify that Panama has fully cooperated with the United States, or taken adequate steps on its own, to control narcotics production, trafficking, and money laundering, as defined in Section 481(h)(2) of the FAA and Section 802(b) of the Trade Act, and that Panama does not have a government involved in the trade of illicit narcotics.

In making this determination, I have considered the factors set forth in Section 481(h)(3) of the FAA and Section 802(b)(2) of the Trade Act.

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

Gy Bush

THE WHITE HOUSE,
Washington, January 26, 1990.

[FR Doc. 90–3358
Filed 2–8–90; 11:24 am]
Billing code 3195–01–M

Reader Aids

Federal Register

Vol. 55, No. 28

Friday, February 9, 1990

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Last List: January 19, 1990.

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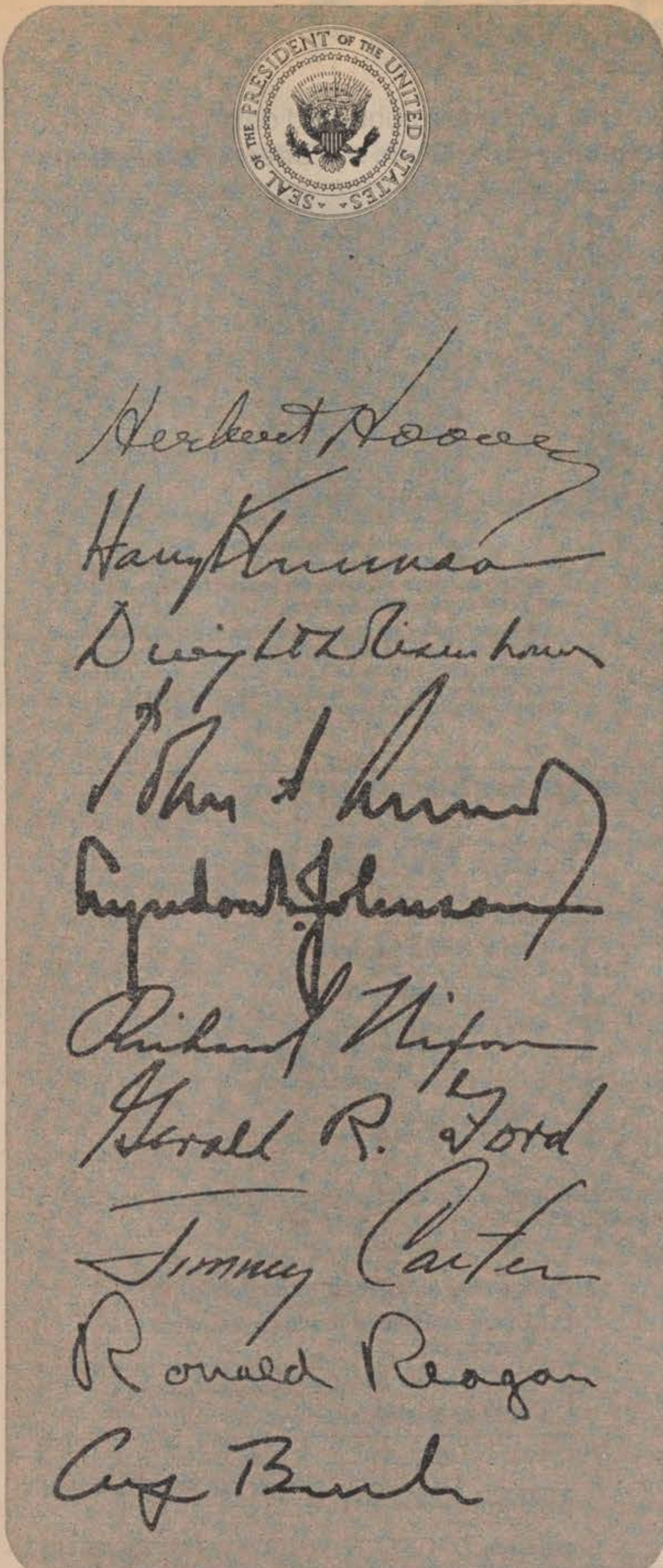

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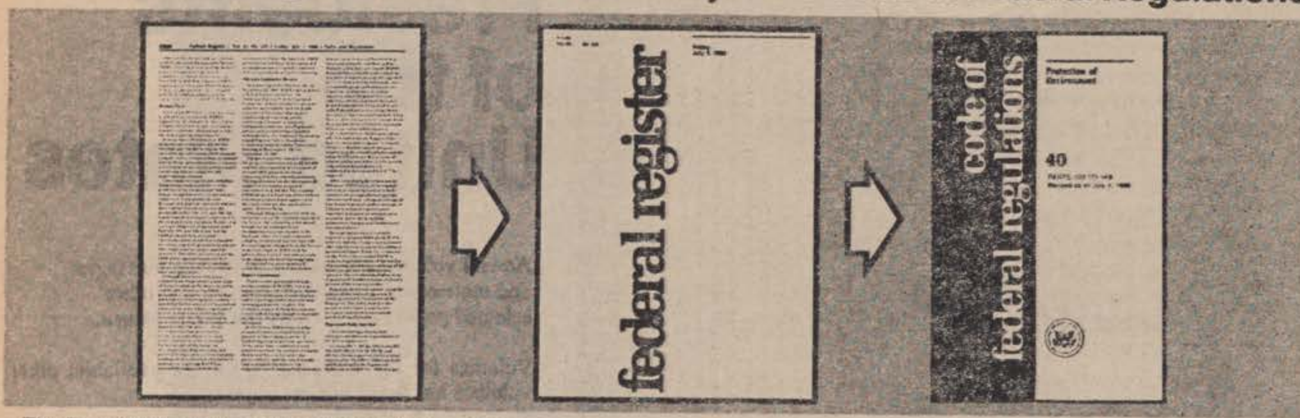

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