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Government

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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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 318

[Docket No. 89-224]

Hot Water Dip Treatments for Mangoes

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are amending the Plant Protection and Quarantine regulations by: (1) Allowing a hot water dip treatment for additional varieties of mangoes from certain areas where *Anastrepha* species of fruit flies exist; (2) allowing a hot water dip treatment for mangoes from certain areas where the Mediterranean fruit fly exists; and (3) lowering slightly the required temperature of the hot water dip for "Francis"-type mangoes. These treatments will be included in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference in the regulations at 7 CFR 300.1. This action is necessary to ensure that mangoes treated in accordance with the Plant Protection and Quarantine Treatment Manual (as revised by this rule) that are moved from Mexico, Central America north of and including Costa Rica, Puerto Rico and the Virgin Islands into or through Guam, Hawaii, and the continental United States do not pose a risk of spreading *Anastrepha* or

Ceratitidis capitata (Wied.) species of fruit flies.

EFFECTIVE DATE: February 15, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James F. Fons, Senior Staff Officer, Port Operations, PPQ, APHIS, USDA, Room 635, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8646.

SUPPLEMENTARY INFORMATION:

Background

Chapter III of title 7, Code of Federal Regulations (regulations), contains the regulations of Plant Protection and Quarantine (PPQ) of the Animal and Plant Health Inspection Service. Part 300.1 of the regulations incorporates by reference the Plant Protection and Quarantine Treatment Manual (PPQ Treatment Manual). The PPQ Treatment Manual contains procedures and schedules for treating various regulated articles so that these articles may move into or within the United States without presenting a plant pest risk.

Prior to the publication of this document, the PPQ Treatment Manual listed a hot water dip as the only approved treatment for mangoes. However, this hot water dip was approved only against *Anastrepha* species of fruit flies and only for certain varieties of mangoes. Specifically, a hot water dip was approved for: (1) All varieties of mangoes from Mexico, except from the State of Chiapas, where the Mediterranean fruit fly, *Ceratitidis capitata*, exists; and (2) the "Francis" and "Carrot" varieties of mangoes from Haiti. Approval was based on research that showed a hot water dip to be an effective treatment against *Anastrepha* spp. of fruit flies in these varieties of mangoes.

We published in the Federal Register on September 29, 1989 (54 FR 40116-40118, Docket No. 89-132) a document proposing to (1) Allow a hot water dip treatment for additional varieties of mangoes from certain areas where *Anastrepha* species of fruit flies exist; (2) allow a hot water dip treatment for

mangoes from certain areas where the Mediterranean fruit fly (Medfly) exists; (3) lower slightly the required temperature of the hot water dip for "Francis"-type mangoes; and (4) allow mangoes treated in accordance with the Plant Protection and Quarantine Treatment Manual (as revised by the proposal) to be moved from Puerto Rico and the Virgin Islands into or through Guam, Hawaii, and the continental United States.

Continuing research has shown that a hot water dip treatment is effective against *Anastrepha* spp. of fruit flies in additional varieties of mangoes, and that it is effective against the Mediterranean fruit fly. There are several versions of the hot water dip treatment; however, the only difference among them is the length of time the fruit must be submerged under water, since smaller and flatter fruit require less time than larger fruit. Data also has been acquired showing that the hot water dip for the "Francis" and "Carrot" varieties of mangoes is effective at water temperatures slightly lower than the temperatures now required, that is, at temperatures between 46.1 °C and 45.4 °C, rather than between 46.4 °C and 45.6 °C.

Based on this information, we proposed to revise the PPQ Treatment Manual, which is incorporated by reference in the regulations at 7 CFR 300.1. We proposed the following treatment schedules for mangoes:

Hot Water Dip Treatment for Mangoes

All mangoes must be at a temperature of 21.1 °C or higher before treatment begins. The mangoes must be submerged 4 inches below the surface of water that is heated to 46.1 °C. The water temperature must be kept at 46.1 °C, except that it may fall as low as 45.4 °C for no more than 10 minutes in any treatment lasting 65 or 75 minutes, and for no more than 15 minutes in any treatment lasting 90 minutes. The water temperature must not be allowed to fall below 45.4 °C at any time during the treatment.

Type of mango		Submersion time (minutes)
"Francis" and similarly shaped mangoes (elongate, flattened types, including the "Carrot" variety) from the West Indies, including Puerto Rico and the U.S. Virgin Islands.	Size 10 or smaller (no more than 570 g each).....	75
	Size 13 or smaller (no more than 400 g each).....	65

Type of mango		Submersion time (minutes)
Other varieties of mangoes from the West Indies, including Puerto Rico and the U.S. Virgin Islands.	Size 8 or smaller (no more than 700 g each).....	90
	Size 12 or smaller (no more than 500 g each).....	75
All varieties of mangoes from Mexico, and from Central America north of and including Costa Rica.	Size 8 or smaller (no more than 700 g each).....	90
	Size 12 or smaller (no more than 500 g each).....	75

Also, based on the rationale explained above for the proposed revision to the PPQ Treatment Manual, we proposed to revise subpart 318.58 of the regulations to allow mangoes to be moved from Puerto Rico and the Virgin Islands of the United States into or through Guam, Hawaii, and the continental United States if the mangoes have been treated as prescribed in the PPQ Treatment Manual. Formerly, this subpart prohibited the interstate movement of mangoes from Puerto Rico and the Virgin Islands of the United States to other areas of the United States.

The proposed rule requested the submission of written comments on or before October 30, 1989. In response to a request from the California Department of Food and Agriculture, we reopened and extended the comment period until December 20, 1989, in a document published in the *Federal Register* on November 20, 1989 (54 FR 47991).

We received 41 comments on the proposed rule, from growers and packers, importers, agricultural associations, and State agriculture agencies. Two comments from the California Department of Food and Agriculture (CDFA) questioned whether the research on which the proposed rule was based fully supported the particular treatment procedures contained in the proposal. The other 39 comments supported the rule as proposed.

We are adopting the provisions of the proposed rule, for the reasons set forth in the proposal and in this supplementary information section. The issues raised by the CDFA comments and our responses to them are discussed below.

Comments and Responses

Comment: What species are referred to when the proposal refers to "*Anastrepha* spp.?" What is the distribution of these species in the areas from which treated mangoes would be allowed entry? Are there any other pests of quarantine concern which may infest mangoes from these areas?

Response: *Anastrepha* species refers to all species of *Anastrepha* presently known to occur in the geographic areas specified in the proposal. In the Caribbean, Mexico, and Central

America, *A. obliqua* is the predominant *Anastrepha* species found to infest mangoes. *A. fraterculus* is found in Central America, and *A. suspensa* and *A. ludens* is found in Mexico, Central America, and the Caribbean. *A. serpentina* is only occasionally found in mangoes in Mexico and Central America. *A. distincta* is rarely found in mangoes. The bulk of the research cited was done on *A. obliqua*, which is not only the dominant *Anastrepha* pest of mangoes but is also the most heat tolerant species.

The treatments are specific for the insect species noted above. The principal non-fruit fly insect pest known to be present in these areas is the mango seed weevil, present in Barbados, Dominica, Martinique, and St. Lucia. Mangoes from these areas are not permitted entry.

Comment: The scientific data cited in support of the proposed rule showed that the proposed hot water dip treatments (HWDT) were efficacious on certain mixes of mango varieties infested with *Anastrepha suspensa* or *A. serpentina*. However, the extension of these observations to all varieties of mango and all *Anastrepha* species may represent as overextrapolation of the data.

Response: We consider the data developed in the cited studies to be applicable to all varieties of mango to which they were applied in developing the proposal, for the following reasons.

The proposed treatments apply to two types of mangoes, flat and elongate varieties such as "Francis" and rounder varieties such as "Tommy Atkins." However, as demonstrated by the cited studies, the maximum weight, pulp thickness, and shape of the mango to be treated is more important in determining an effective treatment than the varietal designation. This principle was extended from the data in the studies to develop rational groupings for mangoes in the proposed treatment schedules. That is why the treatment groups mangoes based on shape (flat, elongated mangoes are in one group and other shapes are in another) and why treatment time varies with mango weight (lighter mangoes with lesser pulp depth require shorter treatment times than heavier, thicker-pulp mangoes).

The *Anastrepha* species *A. ludens*, *A. suspensa*, *A. serpentina*, and *A. obliqua* are the only *Anastrepha* species presently known to infest mangoes in the geographic areas designated in the proposal. The cited studies show the treatments to be effective against these species. Other *Anastrepha* species are present in the areas, but are not known pests of mangoes. Also, based on experience gained during several years of hot water treatments in Haiti, other species, should they be present, are not expected to be more resistant to hot water treatment than the three species specifically tested.

Comment: The proposal to slightly lower the required water temperatures required for HWDT for Francis and Carrot varieties (from 45.6–46.4°C to 45.4–46.1°C), while perhaps insignificant, is not supported by scientific data cited in the proposal. In the studies cited, Francis and Carrot varieties were treated at temperatures between 46.1–46.7°C.

Response: We believe that the cited studies strongly support a conclusion that treatment effectiveness is a function of both temperature and treatment time, and that a variation of 0.3°C does not imply reduced effectiveness for treatments. The proposed treatments are 6 to 10 minutes longer than the minimum period indicated by the study data, and in practice treatment temperatures are maintained approximately 0.5°C above the minimum required temperature. The proposed treatments standardize temperatures that have varied slightly for inconsequential reasons that do not affect efficacy (e.g., conversions between Fahrenheit and Celsius scales) in various studies and previous treatment schedules.

Comment: The studies cited in support of the proposal used HWDTs conducted when the fruit flies infesting the mangoes were in the larval stage. However, studies by Sharp and Chew (1987) found that eggs of *A. suspensa* were more resistant than mature larvae to submersion in hot water. Shouldn't tests of HWDTs therefore include a sufficient number of fruit flies in the egg stage?

Response: In some species the egg stage is marginally more resistant to heat than the larval stages. However, the proposed treatments are based on the total caloric exposure of the insect during treatment. We have calculated that both eggs and larvae would receive a total caloric exposure sufficient to kill them. In all instances the eggs are exposed to higher internal temperatures than larvae, since eggs are smaller and are found nearer to the surface of the fruit than larvae, because the larvae tend to bore into the fleshy interior areas of the fruit.

This is a substantive rule which relieves restrictions, and, pursuant to the provisions of 5 U.S.C. 553, may be made effective less than 30 days after publication in the *Federal Register*. Immediate implementation of this rule is necessary to provide relief to those persons who are adversely affected by restrictions we no longer find warranted. The shipping season for mangoes affected by this rule begins in mid-February. Making this rule effective immediately will allow interested producers and others in the marketing chain to benefit during this year's shipping season. Therefore, the Administrator of the Animal and Plant Health Inspection Service has determined that this rule should be effective upon publication.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than \$100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not cause a significant adverse effect 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.

In accordance with 5 U.S.C. 603, we performed an Initial Regulatory Flexibility Analysis regarding the impact of the proposed rule on small entities, and summarized the results of this analysis in the proposed rule. In the proposal, we encouraged the submission of written comments on our Initial Regulatory Flexibility Analysis. Several commenters sent in data in support of

that analysis. Our Final Regulatory Flexibility Analysis is summarized below.

This rule will (1) allow a hot water dip treatment for additional varieties of mangoes from certain areas where *Anastrepha* spp. fruit flies exist; (2) allow a hot water dip treatment for mangoes from certain areas where the Mediterranean fruit fly exists; and (3) lower slightly the required temperature of the hot water dip for "Francis"-type mangoes. These treatments will be included in the Plant Protection and Quarantine Treatment Manual, which is incorporated by reference in the regulations at 7 CFR 300.1. This rule provides the first approved treatment for some varieties of mangoes, and for mangoes from certain parts of the West Indies, Central America, and Mexico, since 1987, when, as a result of action taken by the Environmental Protection Agency (EPA), ethylene dibromide (EDB) fumigation was disallowed as a treatment for mangoes moved into the United States. We are also allowing mangoes treated in accordance with the Plant Protection and Quarantine Treatment Manual (as revised by this rule) to be moved from Puerto Rico and the Virgin Islands into or through Guam, Hawaii, and the continental United States. Mangoes from Puerto Rico and the Virgin Islands have not been allowed to be moved interstate into or through Guam, Hawaii, or the continental United States since 1985, when the EPA cancelled the registration of EDB as a post-harvest fumigant in the United States for mangoes and other fruits and vegetables.

In accordance with the Federal Plant Pest Act and the Plant Quarantine Act, the Secretary of Agriculture is authorized to promulgate regulations concerning the importation or interstate movement of fruits and other plant products to prevent the spread of injurious plant pests.

This rule will affect domestic mango producers. Mangoes are a minor agricultural crop in the United States, which has few areas with suitable growing conditions for the fruit. In the continental United States, mango production is limited to about 2,300 acres on approximately 270 farms in Florida, all small entities. Most of these small entities do not produce mangoes at their major crop. Production of mangoes in Florida between 1985 and 1988 ranged from 30,250,000 pounds in 1987 to 19,250,000 pounds in 1988.

By comparison, imports of mangoes into the United States during that same time period ranged from 66,073,940

pounds in 1985 to 43,171,269 pounds in 1988, consistently accounting for more than two-thirds of the mangoes marketed in the continental United States.

Mangoes imported into the United States come primarily from Mexico (85 to 95 percent during 1985-1988), with Haiti providing most of the others. In 1987, the last year that mangoes treated with ethylene dibromide could be imported into the United States from Mexico, Central America, and the West Indies, countries other than Mexico and Haiti provided only about 2.2 percent of those mangoes. In 1985 and 1986, they provided between 1 and 2 percent. We anticipate that a resumption of mango imports from these countries will not result in a significant increase in the amount of mangoes imported into the United States.

In Puerto Rico, 16,623,000 pounds of mangoes were produced on approximately 2500 farms in 1987; however, as noted, no mangoes from Puerto Rico have been eligible for interstate movement into or through Guam, Hawaii, or the continental United States since 1985. Estimates from the Commonwealth of Puerto Rico indicate that about 9,000,000 pounds of mangoes, or over 50 percent of Puerto Rico's total mango production, will be available annually for shipment to the continental United States. Significant economic benefit may accrue to approximately 12 major growers and an undetermined number of small entities in Puerto Rico as a result. We do not anticipate that these shipments will result in a decreased demand for Florida mangoes, which have a well-established market.

This rule will not result in any significant increase in reporting, recordkeeping, or compliance requirements.

There do not appear to be any viable alternatives to this rule.

Paperwork Reduction Act

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

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases, Plant pests.

7 CFR Part 318

Agricultural commodities, Fruit, Plant diseases, Plant Pests, Plants (agricultural), Puerto Rico, Quarantine. Transportation, Virgin Islands.

Accordingly, title 7, chapter III, of the Code of Federal Regulations is amended as follows:

PART 300—INCORPORATION BY REFERENCE

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

Authority: 7 U.S.C. 150ee, 161.

2. In § 300.1, paragraph (a) is revised to read as follows:

§ 300.1 Materials incorporated by reference.

(a) The Plant Protection and Quarantine Treatment Manual, which was reprinted May 1985, and includes all revisions through February 1990, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

3. The authority citation for part 318 continues to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff, 161, 162, 164a, 167; 7 CFR 2.17, 2.51, and 371.2(c).

4. In § 318.58-2, paragraph (b)(1) is amended by adding an item to the list of fruits and vegetables, in alphabetical order, to read as follows:

§ 318.58-2 Regulated articles.

* * * * *

(b)(1) * * *

Mangoes (*Mangifera* spp.), no larger than size 8 (no more than 700 g each), when treated as prescribed in the Plant Protection and Quarantine Treatment Manual.

* * * * *

Done in Washington, DC, this 12th day of February 1990.

Larry B. Slagle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-3586 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-34-M

Federal Crop Insurance Corporation**7 CFR Part 401**

[Docket No. 7840S]

General Crop Insurance Regulations; Plum Endorsement

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice of extension of sales closing date.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) herewith gives notice of its determination with respect to the acceptance of applications for crop insurance under the provisions of the Plum Endorsement (7 CFR 401.146), effective for the 1990 crop year only. This action is necessary in order to accommodate those producers who will be filing applications for this first-time crop insurance program. The intended effect of this notice is to advise all interested parties of FCIC's intention to accept applications for such crop insurance protection to a later date than that which will be applicable in future years.

EFFECTIVE DATE: February 16, 1990.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

SUPPLEMENTARY INFORMATION: On Thursday, February 8, 1990, FCIC published a final rule in the *Federal Register* at 55 FR 4395, to provide the provisions for insuring plums (7 CFR 401.146, Plum Endorsement), effective for the 1990 and succeeding crop years.

Under normal procedure, and in subsequent crop years, the final date for accepting applications for plum crop insurance is January 31; however, since this is a first-time crop insurance program for plums, and since producers would not have been able to take advantage of this offer if the normal sales closing date had been observed, FCIC has determined that applications for such crop insurance will be accepted until the close of business on March 2, 1990.

FCIC will conduct pre-acceptance inspections of each orchard to be insured prior to approving the insurance coverage.

Further, and in accordance with the authority of the Manager, FCIC, to extend the sales closing date for submitting applications contained in 7 CFR 401.8, if adverse conditions develop during the period of extension, FCIC will

immediately discontinue acceptance of applications.

Accordingly, pursuant to the authority contained in 7 CFR 401.8, FCIC herewith gives notice that applications for crop insurance on plums under the provisions of 7 CFR 401.146, will be accepted until the close of business on March 2, 1990, effective for the 1990 crop year only.

Authority: 7 U.S.C. 1506, 1516

Done in Washington, DC, on February 9, 1990.

David W. Gabriel,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 90-3658 Filed 2-15-90; 8:45 am]

BILLING CODE 3410-08-M

Rural Electrification Administration**7 CFR Part 1751****Loan Processing Procedures; Telephone Program**

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: The Rural Electrification Administration (REA) hereby amends 7 CFR chapter XVII by adding part 1751, Loan Processing Procedures. This new part consolidates, revises, and clarifies the policies, requirements, and procedures presently contained in various REA publications, including REA Bulletin 320-4, "Preloan Procedures for Telephone Loan Applicants," pertaining to the methodology to be used by REA in reviewing and approving loans and releases of loan funds.

The above Bulletin also contains certain other policies, requirements, and procedures that will be incorporated into other CFR parts. This Bulletin will then be rescinded.

Part 1751 sets forth the provisions and requirements of the RE Act and the REA administrative policies, requirements, and procedures concerning loan budgets, feasibility studies, characteristics letters, loan recommendations, and releases of funds. The primary objectives of the final rule are to update, consolidate, clarify, and simplify REA policies and procedures; to lessen the paperwork burden on borrowers; and to decrease processing time by REA.

All borrowers applying for or receiving loans or releases of loan funds will be affected by this rule.

EFFECTIVE DATE: February 15, 1990.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Chief, Loans and Management Branch,

Telecommunications Staff Division, Rural Electrification Administration, room 2250, South Building, U.S. Department of Agriculture, Washington, DC 20250, telephone number (202) 382-9550. The Final Regulatory Impact Analysis describing the options considered in developing this rule is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: This rule is issued in conformity with Executive Order 12291, Federal Regulation. This action will not (1) have an annual effect on the economy of \$100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Therefore, this rule has been determined to be "not major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. (1976)) and, therefore, does not require an environmental impact statement or an environmental assessment.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507), the reporting and recordkeeping provisions that are included in this rule have been approved by the Office of Management and Budget (OMB). The OMB approval number for these requirements is 0572-0085.

Public reporting burden for this collection of information is estimated to average 16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information needed. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0572-0085), Washington, DC 20503.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.851, Rural Telephone Loans and

Loan Guarantees, and 10.852, Rural Telephone Bank Loans. For the reasons set forth in the final rule related Notice to 7 CFR part 3015, subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background

Currently, the policies and requirements concerning loan budgets, feasibility studies, characteristics letters, loan recommendations, and releases of funds are contained in numerous REA publications. Many of these are outdated and contain conflicting information. It is necessary to consolidate the information and make it available to the public by publishing it in the Federal Register.

This final rule is intended to inform the public of the procedures REA will follow in processing a loan for the purpose of furnishing or improving telephone service in rural areas.

7 CFR part 1751 supersedes any sections of REA Bulletins with which it is in conflict.

Comments

In the Proposed Rule published October 18, 1988, 53 FR 40734 (October 18, 1988), the Rural Electrification Administration invited interested parties to file comments on or before November 17, 1988.

Comments were received from:
East Missouri Telephone Company
Missouri Telephone Company
National Association of Regulatory Utility Commissioners
National Rural Telecom Association
National Telephone Cooperative Association
Organization for the Protection and Advancement of Small Telephone Companies
Rural Telephone Finance Cooperative
Rural Telephone Service Company
Telephone and Data Systems
United States Telephone Association

The comments received address the following issues and sections of the Rule:

Specific Time Frames:

Several respondents requested that REA set specific time frames for its actions in the following sections: 1751.10(b), 1751.10(c), 1751.11, 1751.30(a), 1751.40(a), 1751.51(a), 1751.51(b) and 1751.52.

Response. REA will inform the borrowers of its decisions in a timely manner. However, due to the different conditions and characteristics of each

loan, it is not possible to set specific time frames for these decisions that would be appropriate for all cases.

Referenced forms. Several respondents requested that all referenced forms be published with the rule.

Response. Since many forms are referenced in more than one regulation, it would be too costly to revise several regulations each time a form is changed. Required forms are available from REA upon request. See § 1751.3.

7 CFR part 1758. Several respondents objected to the references made to 7 CFR part 1758 because this rule has not been published in final.

Response. REA anticipates 7 CFR part 1758, Loan Security Documents, to be published in the near future. This regulation contains information on the loan security documents the borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage. References made to this regulation refer to the standard loan documents used by REA. All borrowers have copies of these documents and interested parties can obtain copies.

Section 1751.1 General Statement

References made in this section to "repayment period" and "interest rate" when determining the characteristics of a loan have been deleted. Repayment period is covered in 7 CFR part 1745, General Policies, Types of Loans, and Loan Requirements and interest rates are covered in 7 CFR part 1610, Loan Policies.

Section 1751.2(d) Definitions—Feasibility Study

Several respondents noted that the definition of "feasibility study" in 7 CFR part 1751 is different from 7 CFR part 1745.

Response. The definition has been changed to correspond to 7 CFR part 1745.

Section 1751.2(m) Definitions—Times Interest Earned Ratio (TIER)

Several respondents objected to the definition of TIER.

Response. TIER is not used in this rule. Therefore the definition has been deleted.

Section 1751.10 Review of Completed Loan Application

One respondent requested that language be added to this section regarding the REA general field representative's duties pertaining to loan applications.

Response. This information is covered in 7 CFR part 1749, Preloan Procedures and Requirements.

Section 1751.10(c) Review of Completed Loan Application

Several respondents expressed concern with the last sentence in this section, which states that the borrower and REA should be in mutual agreement on all major changes and that major changes should be subject to further negotiation and resolution.

Response. It is clearly stated in this section that REA intends to work with the borrower.

Section 1751.20(a) Telephone Loan Budget

Several respondents requested that the words "and nonloan funds" be eliminated, stating that REA should be concerned only with the items it is financing.

Response. Nonloan funds referenced here are funds the borrower has designated for use for the project being financed, or nonloan funds required by other regulations. These funds must be included as part of the complete budget.

Section 1751.20(a)(1) Telephone Loan Budget

Several respondents noted that any RTB loan requires the purchase of Class B stock of the Bank, not just concurrent REA and RTB loans.

Response. Language has been added to clarify this.

Section 1751.20(a)(2)(i) Telephone Loan Budget

Several respondents requested that this section be deleted, stating that the Act provides for financing the operation of telephone facilities and includes no hardship provision relating to specific loan purposes.

Response. It has been a long-standing policy of REA to provide financing for the operation of telephone facilities only in cases of financial hardship. Since the vast majority of borrowers do not need financing for operations, this limitation will help to ensure that funds are available for those organizations with the greatest need.

Several respondents requested the words "as determined by the Administrator" be eliminated and requested that specific criteria of "hardship" be provided.

Response. Due to the varying factors that may contribute to financial hardship, it is impossible to list all circumstances that could result in cases of financial hardship. The Administrator must have discretion to make this determination on a case-by-case basis.

Section 1751.20(a)(2)(ii) Telephone Loan Budget

Several respondents objected to limiting contingencies to 3 percent.

Response. There is no specific provision in the Act for contingency funding. Limiting contingencies to 3 percent of the total amount of loan funds should be sufficient to cover any unforeseen costs.

Contingencies are included in the loan where the amount for a particular purpose may fluctuate. REA has never included in this amount the amount needed, if any, for the purchase of Rural Telephone Bank (RTB) Class B stock. Therefore, reference to RTB Class B stock has been deleted from this section.

Section 1751.20(b) Telephone Loan Budget

One respondent objected to the proposed budget being reduced by the value of materials and supplies on hand or acquired that can be used in the proposed construction.

Response. This reduction is made based on information provided by the borrower when the borrower wishes to use available materials for the proposed construction rather than financing additional materials and supplies that are not needed.

Several respondents requested that borrowers be able to use non-REA equivalents to the referenced forms in this section.

Response. Language has been added to this section to allow for the use of equivalent forms.

Several respondents objected to the language "and on other pertinent information" when preparing cost estimates, and requested that REA specify any other bases for cost estimates that are not included in the Loan Design.

Response. Due to the varying characteristics of each loan, it is impossible for REA to specify in advance all relevant factors that need to be considered when preparing cost estimates.

Section 1751.20(c) Telephone Loan Budget

Several respondents objected to the provision that any required equity funds shall be used to reduce a loan, and requested that this section be deleted.

Response. Other existing, proposed or future regulations may contain requirements for equity funds (7 CFR 1745.18, for example). Section 1751.20(c) is intended in part to explain how REA processes a loan and merely states the actions REA will take when such funds are required.

Several respondents commented that "funds available in reserves related to other loans fall outside the scope of the current application" and should not be considered when evaluating a new loan.

Response. These reserves are applied based on information from the borrower when the borrower indicates that they are no longer needed for prior loan purposes.

Section 1751.20(d) Telephone Loan Budget

Several respondents requested that this section be deleted because borrowers should be able to rely on the use of loan funds for their intended purposes.

Response. This section applies only to funds determined, pursuant to § 1751.20(c), to be unneeded for the original loan purposes and does not prevent borrowers from using loan funds for their intended purposes. If the funds in reserves have been made available for the purposes of the proposed loan they are no longer needed for prior loan purposes and will be available only for new purposes.

Section 1751.20(e) Telephone Loan Budget

Several respondents requested that the reference to equity funds be deleted.

Response. This section has been revised to clarify how existing reserves and interim financing funds are treated in the loan budget.

One respondent requested that this section be deleted because "reserves" and "nonloan funds" are items that should not be considered in evaluating the current application.

Response. The exclusion from the budget of nonloan funds not yet reimbursed is necessary in order for the borrower to be reimbursed. As to reserves, this section applies to funds determined, pursuant to § 1751.20(c), to be unneeded for the original loan purposes and to be applied to new loan purposes.

Section 1751.20(c) and (d) Telephone Loan Budget

Several respondents requested that REA provide specific instances when required equity funds and funds available in reserves may or may not be used to reduce the amount of a new loan; they also requested that REA provide instances when it may or may not deny further advances of reserves no longer needed for prior loan purposes.

Response. Due to the varying characteristics of each loan, it is impossible for REA to specify in

advance all relevant factors that need to be considered when preparing a telephone loan budget.

*Section 1751.20 (c), (d), and (e)
Telephone Loan Budget*

One respondent requested that these sections be revised to make subject to the borrower's approval, because they appear to give REA unilateral authority to rescind loans.

Response. These sections do not cover rescissions, but explain how the proposed loan budget will be developed in those instances where equity funds, prior loan reserves, and interim financing are involved. The rescission process is covered in 7 CFR part 1745.

Section 1751.21(a) Cost allocation for Rural and Nonrural Areas

Several respondents objected to including "incidental" in the test for allocating between rural and nonrural areas.

Response. This test reflects REA's interpretation of the Act as it has been consistently applied since the inception of the program. Pursuant to this interpretation REA has included loan funds to finance facilities in non-rural areas only when the primary purpose of the loan is to furnish or improve service in rural areas, and REA determines that the financing of urban facilities is necessary and incidental to the accomplishment of this primary purpose. This determination has and can be made only on a case-by-case basis. A discussion of the legal principles underlying this interpretation of the Act, as well as its application in specific cases, is set forth in a series of opinions of the Office of General Counsel, Department of Agriculture.

Section 1751.21(b) Cost allocation for Rural and Nonrural Areas

Several respondents objected to REA reserving to itself the authority to determine, on a case-by-case basis, what procedures to use in allocating costs when none of the methods outlined in § 1751.21(a) can be applied.

Response. Due to the varying characteristics of each loan, it is impossible to foresee all relevant criteria that need to be considered when allocating costs. If it is determined by REA that costs cannot be adequately allocated using the methods outlined in § 1751.21(a), REA will allocate costs using a methodology best suited to the situation.

Section 1751.30(a) Description of Feasibility Study

Several respondents objected to the word "normally", stating that if "REA

intends to use a projection period other than five years, it should state all other periods and instances in which they will be used."

Response. Due to the varying characteristics of each loan, it is impossible to specify in advance all circumstances that might result in a projection period other than five years. The word "normally" allows flexibility to use a different projection period for cases that merit such action.

Section 1751.30(b) Description of Feasibility Study

Several respondents requested that the following sentence be added to the end of this section: "Any adjustments to estimates shall be acceptable to the borrower applicant or no adjustment shall be made."

Response. It is the Administrator's responsibility to ensure loan feasibility and security. The Administrator must have discretion to make adjustments to the feasibility study if they are needed to accurately assess feasibility or to ensure security. Borrowers will be notified of any significant adjustments through the characteristics letter. If a borrower disagrees with any adjustments, it may respond at that time.

Section 1751.30(c)(2) Description of Feasibility Study

Several respondents commented that REA should provide examples of "special or new characteristics" and requested that the phrase "or other considerations deemed necessary by the Administrator" be deleted. Two respondents requested that the entire section be deleted.

Response. Due to the varying characteristics of a loan, it is impossible to specify in advance all relevant factors that would result in adjustments to the feasibility study. The Administrator needs discretion to determine if any special or new characteristics could endanger financial feasibility.

Section 1751.30(e) Description of Feasibility Study

Several respondents commented that REA should define or provide standards for adequacy of borrower's operating experience.

Response. This section is intended to state the methods used in instances where borrower operating data are insufficient or non-existent. Examples of this include, but are not limited to, a newly formed company with no previous operating experience, a company that has old, obsolete, or non-functioning plant that is being replaced,

or the joint operation of electric and telephone facilities.

Several respondents objected to the possible substitution of "regional standards" where a borrower's operating experience is not adequate and requested that only "state standards" be used or the borrower applicant be allowed to provide the necessary feasibility estimates. They also stated that allowing a 20 percent variance gives REA too much discretion in feasibility calculations.

Response. As a lending agency, REA must be able to determine that the loan is feasible and security is adequate. Limiting REA to the use of only state standards could result in less reliable estimates. Using state and regional standards allows flexibility to develop a best estimate of operating experience. REA has included the 20 percent variance from state and regional standards due to the varying factors that must be considered when estimating a borrower's operating experience.

Section 1751.30(g) Description of Feasibility Study

Several respondents requested that REA state what actions it will take after the comparison study is prepared.

Response. The purpose of the comparison study is to determine whether the system is feasible without a special-project subscriber and that security for the loan is adequate. If the system would not be feasible without this subscriber, REA may impose certain conditions that would enable the government to maintain adequate security. If the study shows that the system is feasible without the special-project revenue and expense, no additional action is necessary.

Section 1751.50(a)(3) Loan Approval Requirements

Several respondents commented that REA includes no criteria for what constitutes "adequate records." Two respondents proposed replacing this section with the following: "Borrower's accounting records must meet state regulatory commission requirements or otherwise conform to Generally Accepted Accounting Principles adjusted for industry practice."

Response. Language has been added to this section to clarify REA's position.

Section 1751.50(a)(4) Loan Approval Requirements

Several respondents, stating that REA should not engage in ratemaking decisions, requested that this section be deleted or amended.

Response. This section recognizes that REA must consider whether local service rates will yield adequate revenues to support the proposed loan. If REA determines that an increase in revenues is necessary to support the loan, the borrower can be required to seek said increases as a condition of the loan.

Section 1751.50(a)(5) Loan Approval Requirements

Several respondents objected to the words "REA policy."

Response. The section has been revised to clarify the requirements.

Section 1751.50(a)(5) Loan Approval Requirements

One respondent commented that this section "is not flexible with respect to the possible financial structure of a pending acquisition or an initial REA loan to an applicant with outstanding debt." This respondent requested clarification of REA's position on sharing of mortgages or mortgage provisions with an existing lender.

Response. REA's position concerning sharing of mortgage or mortgage provisions with existing lenders is covered in 7 CFR part 1747, Lien Accommodation and Subordination Policy. A reference to 7 CFR part 1747 has been added to this section.

Section 1751.60(a) Prerequisites to the Advance of Funds

Several respondents, stating that REA failed to list specific prerequisites, requested that this section be deleted.

Response. Due to the varying characteristics of each loan, it is impossible to specify in advance all relevant factors that need to be considered when establishing the prerequisites to the advance of loan funds. Borrowers will be notified of these prerequisites in the characteristics letter.

Several respondents objected to the word "generally", stating that REA does not provide examples of when such prerequisites would not be applied.

Response. The word "generally" allows flexibility for those cases that, in the opinion of REA, would not require certain prerequisites. Due to the varying circumstances involved with each loan, it is impossible to specify in advance all cases that would merit omission of certain prerequisites.

Section 1751.60 (b) and (d) Prerequisites to the Advance of Funds

Several respondents requested that the reference to "equity or other nonloan funds" in § 1751.60(b) be deleted, stating that REA does not have the authority to

direct how a borrower should use these funds. One respondent stated that § 1751.60(d) was unclear because it seems to be in conflict with law covering the use of general funds.

Response. Other existing, proposed or future regulations may contain requirements for equity or nonloan funds (7 CFR 1745.18, for example). Sections 1751.60 (a) and (d) are intended in part to explain how REA processes a loan and merely state the actions REA will take when such funds are required. The second sentence in § 1751.60(b), which is the definition of "release of funds," has been moved to the definition section of this rule.

Section 1751.60(e) Prerequisites to the Advance of Funds

One respondent commented that this section appears to be in conflict with § 1751.50(a)(5) and requested clarification.

Response. The requirements of § 1751.50(a)(5) are to be met prior to the release of funds. Section 1751.60(e) refers to indebtedness to be discharged with loan funds prior to the advance of additional funds.

Section 1751.61 Amounts Spent for Preloan Activities

Several respondents requested that the reference to "equity or general funds" be deleted.

Response. See the response to the comment on § 1751.60 (b) and (d).

Several respondents requested that examples be given of what is considered "reasonable" and "acceptable" regarding preloan expenditures.

Response. This section has been reworded to clarify REA's position.

List of Subjects in 7 CFR Part 1751

Loan programs—communications, Telecommunications, Telephone.

Therefore, REA amends 7 CFR chapter XVII by adding the following new part 1751:

PART 1751—LOAN PROCESSING PROCEDURES—TELEPHONE PROGRAM

Subpart A—General

Sec.

1751.1 General statement.

1751.2 Definitions.

1751.3 Availability of Forms.

1751.4–1751.9 [Reserved]

Subpart B—Review of Application

1751.10 Review of completed loan application.

1751.11 Approval of loan design.

1751.12–1751.19 [Reserved]

Subpart C—Estimate of Total Project Costs

1751.20 Telephone loan budget.

1751.21 Cost allocation for rural and nonrural areas.

1751.22–1751.29 [Reserved]

Subpart D—Feasibility Study

1751.30 Description of feasibility study.

1751.31–1751.39 [Reserved]

Subpart E—Characteristics Letter

1751.40 Description of characteristics letter.

1751.41–1751.49 [Reserved]

Subpart F—Loan Approval

1751.50 Loan approval requirements.

1751.51 Approval.

1751.52 Loan documents.

1751.53–1751.59 [Reserved]

Subpart G—Release of Funds

1751.60 Prerequisites to the release and advance of funds.

1751.61 Amounts spent for preloan activities.

1751.62–1751.69 [Reserved]

Authority: 7 U.S.C. 901 et seq., 7 U.S.C. 1921 et seq.

Subpart A—General

§ 1751.1 General statement.

(a) This part sets forth the policies, procedures, and requirements of REA during the period from the receipt of a completed loan application until the advance of funds. This part sets forth the factors REA considers in determining the characteristics of a loan, such as the amount of the loan, and conditions to the advance of funds. Involved in this determination are:

A loan budget, feasibility study, characteristics letter, loan recommendation, and release of funds. This CFR part supersedes all REA Bulletins that are in conflict with it.

(b) See 7 CFR part 1745 on general loan policies, 7 CFR part 1749 for details on submitting a loan application, and 7 CFR part 1754 on the advance of funds.

§ 1751.2 Definitions.

As used in this part:

(a) *Acquisition* means the purchase of another telephone system, lines, or facilities whether by acquiring telephone plant in service or majority stock interest of one or more organizations.

(b) *Administrator* means the Administrator of REA.

(c) *Advance of funds* means the transferring of funds by REA to the borrower's construction fund.

(d) *Borrower* means any organization which has an outstanding loan made or guaranteed by REA, or which is seeking such financing.

(e) *Characteristics letter* means the letter informing the borrower of the

characteristics of the proposed loan before the loan is recommended.

(f) *Feasibility study* means the pro forma financial analysis performed by REA to determine the economic feasibility of a loan.

(g) *Interim financing* means funding for a project the borrower desires to be financed by an REA loan but for which no REA loan funds have been made available.

(h) *Loan* means any loan made or guaranteed by REA.

(i) *Project* means the improvements and telephone facilities financed by a particular REA loan.

(j) *RE Act* means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 et seq.).

(k) *Release of funds* means determination by REA that a borrower has complied with all of the conditions prerequisite to the advances as set forth in the loan contract to the extent deemed necessary by REA for approval of the use of loan funds and any required equity or other nonloan funds.

(l) *Reserves* means loan or nonloan funds that have not been encumbered. Funds are encumbered when they have been set aside for by REA for a particular loan purpose.

(m) *Rural area* means any area of the United States, its territories and insular possessions (including any area within the Federated States of Micronesia, the Marshall Islands, and the Republic of Palau) not included within the boundaries of any incorporated or unincorporated city, village or borough having a population exceeding 1,500. The population figure is obtained from the most recent data available such as from the Bureau of the Census and Rand McNally and Company. For purposes of the "rural area" definition, the character of an area is determined as of the time the initial loan for the system is made.

(n) *Special project* means facilities involving investment in excess of \$100,000 for any single subscriber.

(o) *Telephone service* means any communication service for the transmission of voice, sounds, signals, pictures, writing, or signs of all kinds through the use of electricity between the transmitting and receiving apparatus, and includes all telephone lines, facilities, or systems used to render such service. It does not mean

(1) message telegram service,
(2) community antenna television system services or facilities other than those intended exclusively for educational purposes, or

(3) radio broadcasting services or facilities within the meaning of section 3(o) of the Communications Act of 1934, as amended.

§ 1751.3 Availability of forms.

Single copies of REA forms and publications cited in this part are available from Administrative Services Division, Rural Electrification Administration, United States Department of Agriculture, Washington, DC 20250. These REA forms and publications may be reproduced.

§§ 1751.4-1751.9 [Reserved]

Subpart B—Review of Application

§ 1751.10 Review of completed loan application.

(a) The completed loan application consists of:

- (1) A completed REA Form 490, "Application for Telephone Loan or Loan Guarantee;"
- (2) A completed certification Form AD-1047, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions," (see appendix A to 7 CFR part 3017);
- (3) A market survey called the Area Coverage Survey (ACS);
- (4) The plan and associated costs for the proposed construction, called the Loan Design (LD); and
- (5) Various supplementary information.

See 7 CFR part 1749 for additional information.

(b) REA shall review the completed loan application, particularly noting subscriber data, grades of service, extended area service (EAS), connecting company commitments, commercial facilities, system and exchange boundaries, and proposed acquisitions. REA shall review the LD to determine that the system design is acceptable to REA, that the design is technically correct, that the cost estimates are reasonable, and that the design provides for area coverage service. REA shall also review the population and incorporation status of all communities served or to be served by the borrower to determine if any nonrural areas are served and if municipal franchises are required. Any REA lending for nonrural areas must be in accordance with 7 CFR part 1745. REA shall also check the "List of Parties Excluded from Federal Procurement of Nonprocurement Programs", compiled, maintained and distributed by General Services Administration, to determine whether the borrower is debarred, suspended, ineligible, or voluntarily excluded (see 7 CFR 3017.505).

(c) REA will notify the borrower if REA recommends major changes in subscriber projections, design, cost estimates, or other significant matters.

REA will not continue loan processing until REA and the borrower agree on all major changes.

§ 1751.11 Approval of loan design.

REA shall notify the borrower when the preloan data concerning the system design and costs and subscriber protections have been approved. If found acceptable, REA will approve the LD with any required changes. A copy of the approved LD, with any significant changes, as determined by REA, will be returned to the borrower.

§§ 1751.12-1751.19 [Reserved]

Subpart C—Estimate of Total Project Costs

§ 1751.20 Telephone loan budget.

(a) REA shall prepare a "Telephone Loan Budget" (REA Form 493) showing all costs for the proposed project and the amount of loan and nonloan funds to be used. The budget shall show, as applicable, amounts for central offices, outside plant and station equipment, right-of-way procurement, land, buildings, removal costs, special projects, engineering, vehicles and work equipment, office equipment, operating funds, refinancing with loan funds, debt retirement with nonloan funds, acquisitions, and contingencies. The amounts budgeted, exclusive of prior loan reserves, generally shall be rounded to the nearest \$1,000.

(1) If the loan is to be made by the Rural Telephone Bank (RTB) or concurrently with RTB, the budget shall include the amount required for the purchase of RTB Class B stock. This is 5 percent of the amount to be borrowed from RTB for all purposes other than the purchase of RTB Class B stock. The borrower may elect to use nonloan funds for all or part of this requirement.

(2) The amount of funds included in any loan shall be limited for certain items:

(i) Operating funds for working capital or current operating deficiencies shall be included only in cases of financial hardship as determined by the Administrator.

(ii) Contingencies shall not exceed 3 percent of the total amount of loan funds to be used for construction, engineering, operating equipment and operating funds.

(b) REA shall prepare the cost estimates based on the data in REA Form 494, "Loan Design Summary," and REA Form 495, "Construction Cost Estimates," or their equivalents, and other parts of the LD submitted by the borrower, and on other pertinent information. See 7 CFR part 1749. The

amounts included in the proposed budget shall be the estimated costs, less the value of materials and supplies on hand or acquired that can be used in the proposed construction. The cost estimates in the LD may be adjusted by REA in consultation with the borrower. See § 1751.10(c).

(c) Generally, the new loan shall be reduced by any required equity funds and funds available in reserves no longer needed for prior loan purposes to determine the proposed loan requirement.

(d) When amounts are available in reserves no longer needed for prior loan purposes, REA may, at its option, deny further advances of these funds if they will be used to finance projects in the proposed loan.

(e) The budget shall also show, if applicable, the reserves for each budget item as of the date of the latest REA Form 481, "Financial Requirement Statement," submitted by the borrower. To ensure that sufficient funds are included in the budget to finance all proposed construction, REA includes in the budget any funds deposited by the borrower for approved interim financing.

§ 1751.21 Cost allocation for rural and nonrural areas.

(a) Pursuant to the requirements in 7 CFR part 1745, if loan funds are proposed for facilities to serve subscribers in nonrural areas, REA shall allocate costs between rural and nonrural areas. This allocation will be used to determine whether the use of loan funds in nonrural areas is necessary and incidental to furnishing and improving telephone service in rural areas. Cost estimates shall be provided by the borrower in the LD. See 7 CFR part 1749. REA will use the following method to review the cost breakdowns and to determine their appropriateness:

(1) The costs of facilities associated directly with particular subscribers shall be allocated to those subscribers.

(2) The costs of facilities that serve both rural and nonrural subscribers shall be allocated based on the relative number of rural and nonrural subscribers receiving service from those facilities.

(3) When a borrower's exchange that includes a nonrural community will have an extended area of service (EAS) with other exchanges of the borrower, the breakdown of subscribers and funds in the allocation for rural and nonrural areas included in the proposed loan shall show the number of rural and nonrural subscribers and the costs to serve each group, as determined per paragraphs (a)(1) and (a)(2) of this

section, in the subject exchange and in all exchanges connected by EAS.

(b) If REA determines that costs cannot be adequately allocated using the procedures in paragraphs (a)(1) through (a)(3) of this section, REA shall, on a case by case basis, allocate costs between the rural and nonrural subscribers using whatever methodology it deems reasonable. All allocations in paragraphs (a) and (b) of this section shall be documented.

§§ 1751.22-1751.29 [Reserved]

Subpart D—Feasibility Study

§ 1751.30 Description of feasibility study

(a) In connection with each loan REA shall prepare a feasibility study that includes sections on consolidated loan estimates, operating statistics, projected telecommunications plant, projected retirement computations, and projected revenue and expense estimates, including detailed estimates of depreciation and amortization expense, scheduled debt service payments, local service revenues, and toll and access-charge revenues. Normally, projections will be for a 5-year period and used to determine the ability of the borrower to repay its loans in accordance with the terms thereof.

(b) REA makes loans only to rural telephone systems that are financially feasible. REA shall consider the factors discussed in paragraphs (c) through (g) of this section in determining feasibility.

(c) The revenue and expense estimates for the feasibility study generally will be based on the borrower's operating experience provided that:

(1) Adjustments are made for any nonrecurring revenues and expenses that are not representative of the borrower's past operations and would thus make the borrower's experience data inappropriate for the forecast; and

(2) Adjustments are made for any special or new characteristics or other considerations deemed necessary by the Administrator.

(d) The financial and statistical data are derived from REA Form 479, "Financial and Statistical Report for Telephone Borrowers," or for initial loans the data may be obtained from the borrower's financial statements and other reports.

(e) When the borrower's operating experience is not adequate, the estimates in the feasibility study normally will be developed from state and regional standards based on the experience of REA telephone borrowers. These standards are included in the Borrower's Statistical Profile (BSP), which is revised annually by REA. If the

borrower's operating experience is not the basis for one or more per-subscriber estimates used in the feasibility study, the estimates generally may not vary from the standard by more than 20 percent to reflect the particular characteristics of the loan applicant. Any variation from the standard shall be documented.

(f) In cases where these per-subscriber standards do not represent a reasonable forecast of a particular borrower's operations (for example, when a variation greater than 20 percent is necessary), estimates based upon a special analysis of the borrower's projected operations shall be used. The special analysis will accompany the feasibility study.

(g) When it is reasonably expected that a subscriber, classified as a special project, may discontinue service, a second feasibility study will be prepared, for comparison purposes, omitting revenues and expenses from this subscriber.

§§ 1751.31-1751.39 [Reserved]

Subpart E—Characteristics Letter

§ 1751.40 Description of characteristics letter.

(a) After all of the studies and exhibits for the proposed loan have been prepared, but before the loan is recommended, REA shall inform the borrower, in writing, of the characteristics of the proposed loan. The purpose of the characteristics letter is to inform the borrower and obtain its concurrence, before further consideration by REA of loan approval and the preparation of legal documents relating to the loan, in such matters as the amount of the proposed loan, its purposes, rate of interest, local service rates required for feasibility, loan security requirements, and other prerequisites to the advance of loan funds. The letter, whether or not concurred in by the borrower, does not commit REA to approve the loan on these or any other terms.

(b) The Forecast of Revenues and Expenses and a copy of REA Form 493, "Telephone Loan Budget," shall be enclosed with the characteristics letter. This copy of the budget shall be subject to change by REA with the borrower's agreement.

§§ 1751.14-1751.49 [Reserved]

Subpart F—Loan Approval

§ 1751.50 Loan approval requirements.

(a) In addition to requirements set forth in 7 CFR part 1745, 7 CFR part 1749

and other applicable parts of 7 CFR chapter XVII, the following are certain additional requirements that must be met before REA will approve a loan:

(1) If the borrower had 100 or more employees as of the prior December 31, it must submit the current annual Employer Information Report EEO-1, Standard Form 100, as required by the Department of Labor; see 29 CFR 1602.7 through 1602.14.

(2) The borrower must be in compliance with regulations on nondiscrimination. See 7 CFR part 1790 (or REA Bulletin 320-19).

(3) For subsequent loans, REA must determine whether the borrower's accounting records are adequate. If the records are not adequate, as determined by REA based on Generally Accepted Accounting Principles or other accounting conventions as deemed necessary by REA, a provision will be included in the loan contract requiring the borrower to improve its records to an adequate level.

(4) As determined by REA, the local service rates used as the basis for loan feasibility must be appropriate to the area.

(5) The borrower must not have any receivables, loans, guarantees, investments, or other obligations that are contrary to the mortgage provisions or any REA regulations including, but not limited to, 7 CFR part 1758 (or REA Bulletins 320-4, 320-22, 321-2, 322-2, 323-1, or 326-1). If the borrower has any of these items, the loan contract shall contain a provision requiring that they be eliminated prior to the release of funds. See 7 CFR part 1747 for conditions under which REA will provide a shared first lien and/or a lien accommodation for non-REA lenders.

(6) REA must make a determination on flood insurance requirements. In accordance with the National Flood Insurance Act of 1968, as amended by the Flood Disaster Protection Act of 1973, as amended (the "Flood Insurance Act"), REA shall not approve financial assistance for the acquisition, construction, repair or improvement of any building or any machinery, equipment, fixtures or furnishings contained or to be contained in any such building located in an area which has been identified by the Director of the Federal Emergency Management Agency (the "Director of FEMA") pursuant to the Flood Insurance Act as an area having special flood hazards unless:

(i) Flood insurance has been made available, pursuant to the Flood Insurance Act, in the area in which the acquisition, construction, repair or improvement is proposed to occur; and

(ii) The borrower has obtained flood insurance coverage with respect to such building, machinery, equipment, fixtures or furnishings as may be required pursuant to the Flood Insurance Act.

Accordingly, a finding shall be made on whether loan funds will be used to finance buildings, machinery, fixtures or furnishings located in an identified special flood hazard area. If loan funds are to be used in such a special flood hazard area, a provision will be included in the loan contract restricting the release of funds until all the requirements of the Flood Insurance Act have been satisfied.

(7) All environmental requirements must be met (see 7 CFR part 1794).

(8) The borrower must have submitted an assurance that the borrower will comply with the acquisition policies of the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended, and implementing regulations (see 49 CFR part 24.4).

§ 1751.51 Approval.

(a) A loan is approved when the Administrator, or whoever is delegated authority, signs the administrative findings and the letter to the borrower announcing the loan.

(b) If the loan is not approved, REA shall notify the borrower, in writing, of the reasons.

§ 1751.52 Loan documents.

Following approval of the loan, REA shall forward the necessary loan documents to the borrower for execution, delivery, recording, and filing, as directed by REA. See 7 CFR part 1758 for details (or REA Bulletins 320-4, 320-22, 321-2, 322-2, 323-1, or 326-1).

§§ 1751.53-1751.59 [Reserved]

Subpart G—Release of Funds

§ 1751.60 Prerequisites to the release and advance of funds.

(a) Standard prerequisites to the advance of funds, generally applied to all loans, are set forth in Article II of the form of loan contract attached as appendix A to 7 CFR part 1758.

Additional prerequisites may be added on a case by case basis to the loan contract.

(b) Before any loan funds can be advanced, REA must approve a release of funds.

(c) REA approves the release of funds only after it determines that all prerequisites to the advance of loan funds have been met or funds should be advanced even though certain loan contract prerequisites remain unsatisfied.

(d) Following release approval, loan funds and related nonloan funds may be advanced in accordance with 7 CFR part 1754.

(e) The borrower may be required to discharge indebtedness and/or to close acquisitions before advances are made for construction purposes. In such cases, the borrower shall submit evidence that these actions have been completed. If the evidence is satisfactory to REA, REA shall allow the remaining loan funds to be advanced in accordance with 7 CFR part 1754.

(Approved by the Office of Management and Budget under control number 0572-0085)

§ 1751.61 Amounts spent for preloan activities.

If the borrower desires to credit amounts spent for preloan activities against any equity or general funds required by the loan contract, it shall submit an itemized statement of such expenditures to the Area Office. These expenditures will be accounted for on REA Form 503, "Release of Telephone Loan Funds," if REA determines that the amounts spent are reasonable based on normal industry practice and that the procedures set forth in 7 CFR part 1749, subpart D, have been complied with. Statements of preloan expenditures will be verified as to accuracy by loan fund audits.

(Approved by the Office of Management and Budget under control number 0572-0085)

§§ 1751.62-1751.69 [Reserved]

Dated: February 8, 1990.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 90-3587 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 203

[Regulation C; Docket No. R-0681]

Order Terminating Exemptions for Connecticut, Massachusetts, and New Jersey

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order terminating state exemptions.

SUMMARY: Certain financial institutions in Connecticut, Massachusetts, and New Jersey have previously been exempted from the Home Mortgage Disclosure Act because the Board determined that they were subject to substantially similar mortgage disclosure requirements under

state law. Recent amendments to the act and to the Board's implementing rule, Regulation C, have produced discrepancies between the federal provisions and current state laws such that the state laws are no longer substantially similar to the federal statute and regulation, as amended. The Board is formally terminating the exemptions as of January 1, 1990, the date the amended federal act and regulation took effect.

EFFECTIVE DATE: January 1, 1990.

Applications that are received prior to March 1, 1990, by a previously exempt institution, data on race or national origin and sex are to be reported if the institution has this information; institutions need not contact applicants again in order to obtain the data.

FOR FURTHER INFORMATION CONTACT:

Thomas J. Noto or W. Kurt Schumacher, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452-2412 or (202) 452-3667; for the hearing impaired only, contact Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf, at (202) 452-3544.

SUPPLEMENTARY INFORMATION:

(1) Introduction

The Board's Regulation C (12 CFR part 203) implements the Home Mortgage Disclosure Act of 1975 (HMDA) (12 U.S.C. 2801 *et seq.*). Prior to amendments that took effect January 1, 1990, the regulation required depository institutions, mortgage banking subsidiaries of holding companies, and savings and loan service corporations with more than \$10 million in assets and with offices in metropolitan statistical areas to disclose annually their originations and purchases of home mortgage and home improvement loans. Institutions compiled data about loans, itemizing this information by census tract (or by county, in some instances) and also by type of loan. The institutions disclosed this information to the public by March 31 following the calendar year for which the data were compiled. Copies were sent to the institutions' federal supervisory agencies for aggregation on an MSA-wide basis by the Federal Financial Institutions Examination Council.

The Financial Institutions Reform, Recovery and Enforcement Act (FIRREA), which was signed into law on August 9, 1989, made major revisions to HMDA. (FIRREA, Pub. L. No. 101-73, 103 Stat. 183 (1989).) The Board amended Regulation C to implement the provisions of section 1211 of FIRREA,

publishing the revised regulation in final form in the Federal Register on December 15, 1989 (54 FR 51356). First, the coverage of HMDA and of Regulation C was expanded to include mortgage lenders that are not affiliated with depository institutions or holding companies. Second, the FIRREA amendments require reporting of data regarding loan applications; previously, institutions reported only data regarding loans originated or purchased. Third, the amendments require most covered lenders to report the race or national origin, sex, and income of mortgage applicants and borrowers (depository institutions with assets of \$30 million or less are exempt from this particular requirement). Fourth, the FIRREA amendments require that lenders identify the class of purchaser for mortgage loans that they sell. Fifth, the amendments permit lenders to explain the basis for lending decisions to their supervisory agency. Finally, the revised Regulation C provides for a "register" form of reporting. Lenders will record certain data for each application that they receive (whether granted, denied, or withdrawn) and for each home purchase or home improvement loan that they originate or purchase, and will submit the registers to their supervisory agency at the close of the calendar year. Thus, covered institutions will no longer be required to cross-tabulate loan data, as was the case under Federal law previously.

Under HMDA and Regulation C, the Board may grant exemptions to state-chartered or state-licensed financial institutions subject to state mortgage disclosure laws that are substantially similar to the Federal law and that contain adequate provision for enforcement. Exemptions are subject to termination if the Board determines that the state laws no longer meet these two conditions.

Based on the act and regulation in effect prior to the 1989 amendments, exemptions were previously granted for state-chartered financial institutions subject to the state mortgage disclosure laws of Connecticut, Massachusetts, and New Jersey. Following the adoption of the revised Regulation C, the Board published a notice of intent to terminate these state exemptions on December 15, 1989 (54 FR 51404), for a 30-day comment period.

Two comments were received. A state banking official from Connecticut noted that the state intends to amend its version of the Home Mortgage Disclosure Act and implementing regulation to make them substantially similar to Federal law, and requested either a continuance of the Connecticut

exemption or its reinstatement upon the adoption of the requisite changes. The other comment, submitted by an industry group, did not take issue with the Board's position that substantial similarity no longer exists between the Federal and state laws, but suggested that the revocation should not take effect on January 1, 1990, as proposed, but at a later date. In addition, officials from Massachusetts and New Jersey informally advised the Board of plans to change their laws to parallel the federal requirements.

The Board has determined that substantial similarity between the federal and state laws no longer exists. Thus, it is terminating the exemptions as of January 1, 1990, the effective date of the changes to HMDA and Regulation C. State-chartered institutions previously exempted from HMDA and Regulation C by virtue of the disclosure laws of Connecticut, Massachusetts, and New Jersey must comply with the data collection requirements of the federal law as of that date. Accordingly, these institutions must maintain loan/application registers showing the required information on the loans they originate or purchase, and for applications they receive, beginning January 1, 1990, except that for applications received by these institutions prior to March 1, 1990, data on race or national origin and sex are to be reported if the institution has this information; institutions are not required to contact applicants again in order to obtain the data.

The loan/application registers are to be submitted to institutions' Federal supervisory agencies by March 1, 1991. If a state subsequently adopts new requirements that are substantially similar to the federal law, and those requirements are made effective as of January 1, 1990, the Board may grant a reinstatement of the exemption. If an exemption is reinstated, covered institutions would submit data about their mortgage lending only to the state supervisory agency, instead of having to send separate reports to federal and state regulators.

To meet the "substantially similar" test, it will be necessary for the state law to cover applications as well as loans granted and purchased; to require reporting of information on the location of the properties to which the covered loans or applications relate, and on the race or national origin, sex, and income of applicants and borrowers; to provide disclosure of the type of purchaser for loans sold by an institution; and to call for a register form of reporting.

The termination of these state exemptions in no way affects the mortgage disclosures required for loans made or purchased in calendar year 1989. Institutions previously exempt must submit reports on these loans to their state supervisory agency in keeping with state law requirements.

(2) Order of Termination. The Board granted exemptions from the federal Home Mortgage Disclosure Act to state-chartered financial institutions in Connecticut, Massachusetts, and New Jersey in 1978, 1976, and 1978, respectively, based on the existence of substantially similar requirements imposed by state law and on the states' provisions for their enforcement. These exemptions were renewed in 1982 following changes in the federal act and regulation and corresponding changes in the state law.

Because the federal law was amended in 1989, and no comparable changes in the state laws have followed to date, the substantial similarity required for an exemption no longer exists between the federal and state laws. The Board is therefore terminating the exemptions for Connecticut, Massachusetts, and New Jersey. State-chartered financial institutions in these states that were previously exempted from the federal law shall comply with the federal Home Mortgage Disclosure Act and Regulation C beginning January 1, 1990, the date the amendments to HMDA and Regulation C became effective. In the case of applications received by these institutions prior to March 1, 1990, data on race or national origin and sex are to be reported if the institution has this information; institutions are not required to contact applicants again in order to obtain that data.

By order of the Board of Governors of the Federal Reserve System, February 9, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-3542 Filed 2-14-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 5

Delegations of Authority and Organization; Investigational New Drugs

AGENCY: Food and Drug Administration, NNS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations for delegations of authority relating to charges for investigational new drugs for human use in a clinical investigation under an investigational new drug application (IND). It provides for the Center for Drug Evaluation and Research (CDER) and the Center for Biologics Evaluation and Research (CBER), under 21 CFR 312.7(d)(1), to approve a charge for and withdraw approval to charge for investigational drugs in a clinical trial under an IND. This action is being taken to codify in 21 CFR part 5 delegations that were originally described in the IND rewrite proposal and reproposal, and reflect current procedure in the two centers.

EFFECTIVE DATE: February 15, 1990.

FOR FURTHER INFORMATION CONTACT: Ellen Rawlings, Office of Management and Operations (HFA-340), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: Under this delegation of authority, designated officials of CDER and CBER will be authorized to permit a sponsor or investigator to charge for an investigational drug in a clinical trial under an IND when charging is necessary in order for a sponsor or investigator to undertake or continue the clinical trial, when the conditions set forth in § 312.7(d)(1) are met. Therefore, the agency is adding new § 5.72 as set forth below.

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis.

List of Subjects in 21 CFR Part 5

Authority delegations (Government agencies), Imports, Organization and functions (Government agencies).

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 5 is amended as follows:

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

1. The authority citation for 21 CFR part 5 continues to read as follows:

Authority: 5 U.S.C. 504, 522, App. 2; 7 U.S.C. 2271; 15 U.S.C. 638, 1261-1282, 3701-3711a; secs. 2-12 of the Fair Packaging and Labeling Act (15 U.S.C. 1451-1461); 21 U.S.C. 41-50, 61-63, 141-149, 476f, 679(b), 801-886, 1031-1309; secs. 201-902 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-392); 35 U.S.C. 156; secs. 301, 302, 303, 307, 310, 311, 351, 352,

354-360F, 361, 362, 1701-1706, 2101 of the Public Health Service Act (42 U.S.C. 241, 242, 242a, 242l, 242n, 243, 262, 263, 263b-263n, 264, 265, 300u-300u-5, 300aa-1); 42 U.S.C. 1395y, 3246b, 4332, 4831(a), 10007-1008; E.O. 11490, 11921, and 12591.

2. New § 5.72 is added to Subpart B to read as follows:

§ 5.72 Authority to approve and to withdraw approval of a charge for investigational new drugs.

The following officials, for drugs under their jurisdiction, are authorized to perform all the functions of the Commissioner of Food and Drugs to approve a charge and to withdraw approval to charge for investigational drugs in a clinical trial under an investigational new drug application under § 312.7(d)(1) of this chapter:

(a) The Director and Deputy Director, Center for Drug Evaluation and Research (CDER).

(b) The Director and Deputy Director, Center for Biologics Evaluation and Research (CBER).

Dated: February 5, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90-3501 Filed 2-14-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds: Lasalocid; Correction

AGENCY: Food and Drug Administration.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that amended the animal drug relations to reflect approval of Hoffmann-LaRoche, Inc.'s supplemental new animal drug application 96-298. The supplement provided for the use of a 20-percent lasalocid liquid Type A medicated article in making Type B and Type C medicated feeds for cattle and sheep (July 13, 1989; 54 FR 29544; corrected February 2, 1990; 55 FR 3685). In providing for use to make Type B and Type C cattle and sheep feeds, the document inadvertently omitted use for pasture cattle, in combination with melengestrol acetate, and for coccidiosis control as in 21 CFR 558.311(e)(1) (xi), (xii), and (xiii). This document corrects that omission.

EFFECTIVE DATE: July 13, 1989.

FOR FURTHER INFORMATION CONTACT: John R. Markus, Center for Veterinary Medicine (HFV-142), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2871.

§ 558.311 [Corrected]

In FR Doc. 89-16358, appearing at page 29544 in the *Federal Register* of Thursday, July 13, 1989, the following correction is made: On the same page, in the 3d column, in § 558.311 *Lasalocid*, in paragraph (b)(6), 4th line, "(e)(1) (vi), (vii) and (ix)" is corrected to read "(e)(1)(vi), (e)(1)(vii), (e)(1)(ix), (e)(1)(xi), (e)(1)(xii), and (e)(1)(xiii)".

Dated: January 18, 1990.

Robert C. Livingston,

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

[FR Doc. 90-3502 Filed 2-14-90; 8:45 am]

BILLING CODE 4160-01-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2619

Valuation of Plan Benefits in Single-Employer Plans; Amendment Adopting Additional PBGC Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This amendment to the regulation on Valuation of Plan Benefits in Single-Employer Plans contains the interest rates and factors for the period beginning March 1, 1990. The use of these interest rates and factors to value benefits is mandatory for some terminating single-employer pension plans and optional for others. The Pension Benefit Guaranty Corporation adjusts the interest rates and factors periodically to reflect changes in financial and annuity markets. This amendment adopts the rates and factors applicable to plans that terminate on or after March 1, 1990 and will remain in effect until the PBGC issues new interest rates and factors.

EFFECTIVE DATE: March 1, 1990.

FOR FURTHER INFORMATION CONTACT: J. Ronald Goldstein, Attorney, Office of the General Counsel, Code 22500, Pension Benefit Guaranty Corporation, 2020 K Street NW., Washington, DC 20006, 202-778-8850 (202-778-8859 for TTY and TDD only). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: The Pension Benefit Guaranty Corporation's ("PBGC's") regulation on Valuation of Plan Benefits in a Single-Employer Plans (29 CFR part 2619) sets forth the methods for valuing plan benefits of terminating single-employer plans covered under title IV of the Employee Retirement Income Security Act of 1974,

as amended ("ERISA"). The recent amendments to title IV made by the Pension Protection Act ("PPA"), a part of the Omnibus Budget Reconciliation Act of 1987, increase the amount of plan benefits for which an employer is responsible upon plan termination. These new termination rules apply to plan terminations with respect to which the 60-day advance notice to affected parties (the notice of intent to terminate) is issued after December 17, 1987. (For more detail, see the PBGC's Notice of Revised Termination Rules, 53 FR 1905 (January 22, 1988).) However, the PPA does not change the title IV valuation rules.

Under amended ERISA section 4041(c), all plans wishing to terminate in a distress termination must value guaranteed benefits and "benefit liabilities", i.e., all benefits provided under the plan as of the plan termination date, using the formulas set forth in part 2619. Plans terminating in a standard termination may, for purposes of the notice given to the PBGC, use these formulas to value benefit liabilities, although this is not required. (Such plans may value benefit liabilities that are payable as annuities on the basis of a qualifying bid obtained from an insurer.)

Plans that terminate on or after January 1, 1986 (the effective date of the Single-Employer Pension Plan Amendments Act of 1986) and issued notices of intent to terminate prior to December 18, 1987, or against which the PBGC instituted involuntary termination proceedings before that date, shall continue to be responsible for benefit commitments under the plan and to value guaranteed benefits and/or benefit commitments.

Appendix B in part 2619 sets forth the interest rates and factors that are to be used in the formulas contained in the regulation. Because these rates and factors are intended to reflect current conditions in the financial and annuity markets, it is necessary to update the rates and factors periodically.

The rates and factors currently in use have been in effect since December 1, 1989 (54 FR 47513 (November 15, 1989)). This amendment adds to Appendix B a new set of interest rates and factors for valuing benefits in plans that terminate on or after March 1, 1990, which set reflects an increase of $\frac{1}{4}$ percent in the immediate interest rate to $7\frac{1}{2}$ percent.

Generally, the interest rates and factors will be in effect for at least one month. However, any published rates and factors will remain in effect until such time as the PBGC publishes

another amendment changing them. Any change in the rates normally will be published in the *Federal Register* by the 15th of the month preceding the effective date of the new rates or as close to that date as circumstances permit.

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new interest rates and factors promptly so that the rates can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation of benefits in plans that will terminate on or after March 1, 1990, and because no adjustment by ongoing plans is required by this amendment, the PBGC finds that good cause exists for making the rates set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this is not a "major rule" under the criteria set forth in Executive Order 12291, because it will not result in an annual effect on the economy of \$100 million or more, a major increase in costs for consumers or individual industries, or significant adverse effects on competition, employment, investment, productivity, or innovation.

List of Subjects in 29 CFR Part 2619

Employee benefit plans, Pension insurance, and Pensions.

In consideration of the foregoing, part 2619 of Chapter XXVI, Title 29, Code of Federal Regulations, is hereby amended as follows:

PART 2619—[AMENDED]

1. The authority citation for part 2619 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362, as amended by secs. 9312-13, Pub. L. 100-203, 101 Stat. 1330.

2. Rate Set 82 of Appendix B is revised and Rate Set 83 of Appendix B is added to read as follows. The introductory text is republished for the convenience of the reader and remains unchanged.

Appendix B—Interest Rates and Quantities Used to Value Immediate and Deferred Annuities

In the table that follows, the immediate annuity rate is used to value immediate annuities, to compute the quantity "Cy" for deferred annuities and to value both portions of a refund annuity. An interest rate of 5% shall be used to value death benefits other than the decreasing term insurance portion of a refund annuity. For deferred annuities, k_1 , k_2 , k_3 , n_1 , and n_2 are defined in § 2619.45.

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities					
	On or after	& Before		k_1	k_2	k_3	n_1	n_2	
82	12-1-89	3-1-90	7.25	1.0650	1.0525	1.0400	7		8
83	3-1-90		7.50	1.0675	1.0550	1.0400	7		8

James B. Lockhart III,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 90-3577 Filed 2-14-90; 8:45 am]

BILLING CODE 7708-01-M

29 CFR Part 2676

Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal; Interest Rates

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: This is an amendment to the Pension Benefit Guaranty Corporation's regulation on Valuation of Plan Benefits and Plan Assets Following Mass Withdrawal (29 CFR part 2676). The regulation prescribes rules for valuing benefits and certain assets of multiemployer plans under sections 4219(c)(1)(D) and 4281(b) of the Employee Retirement Income Security Act of 1974. Section 2676.15(c) of the regulation contains a table setting forth, for each calendar month, a series of interest rates to be used in any valuation performed as of a valuation date within that calendar month. On or about the fifteenth of each month, the PBGC publishes a new entry in the table for the following month, whether or not

the rates are changing. This amendment adds to the table the rate series for the month of March 1990.

EFFECTIVE DATE: March 1, 1990.

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

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

The PBGC has also determined that this amendment is not a "major rule" within the meaning of Executive Order

12291 because it will not have an annual effect on the economy of \$100 million or more; or create a major increase in costs or prices for consumers, individual industries, or geographic regions; or have significant adverse effects on competition, employment, investment, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 29 CFR Part 2676

Employee benefit plans and Pensions.

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

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

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

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

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

§ 2676.15 Interest.

* * * * *

(c) Interest rates.

For valuation dates occurring in the month:	The values for i_k are:														
	i_1	i_2	i_3	i_4	i_5	i_6	i_7	i_8	i_9	i_{10}	i_{11}	i_{12}	i_{13}	i_{14}	i_{15}
March 1990....	.08875	.08625	.08375	.08	.07625	.07125	.07125	.07125	.07125	.07125	.065	.065	.065	.065	.05875

Issued at Washington, DC, on this 12th day of February 1990.

James B. Lockhart III,
Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 90-3578 Filed 2-15-90; 8:45 am]

BILLING CODE 7708-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3720-4]

Approval and Promulgation of Implementation Plans; Massachusetts; Sulfur-in-Fuel Revision for Three Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving State Implementation Plan revisions submitted by the Commonwealth of Massachusetts which raise the sulfur-in-fuel limitations for three sources in Massachusetts from 0.55 pounds per million Btu heat release potential (approximately equivalent to 1% sulfur content fuel oil) to 1.21 pounds per million Btu heat release potential (approximately equivalent to 2.2% sulfur content fuel oil) while imposing maximum fuel-use limitations at each

source. This action approves higher sulfur-in-fuel and fuel-use limitations at each source under the federally approved State Implementation Plan.

EFFECTIVE DATE: March 19, 1990.

ADDRESSES: Copies of the submittal are available for public inspection at room 2311, JFK Federal Building, Boston, MA 02203; and the Division of Air Quality Control of the Massachusetts Department of Environmental Quality Engineering, 1 Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Susan Kulstad, (617) 565-3225, FTS: 835-3225.

SUPPLEMENTARY INFORMATION: On July 11, 1986, EPA published a Notice of Proposed Rulemaking for regulatory changes to the Massachusetts State Implementation Plan (SIP). These revisions would allow an increase in the sulfur-in-fuel limits from 0.55 pounds per million Btu heat release potential (lbs/mmBtu), approximately equivalent to 1% sulfur (S) content fuel oil, to 1.21 lbs/mmBtu, approximately equivalent to 2.2% S content fuel oil, at the following three sources, under the accompanying maximum fuel use limitations:

1. American Fiber and Finishing Company (formerly known as Kendall Company), Colrain, at firing rates up to 580 gallons per hour;
2. Erving Paper Company, Erving, at firing rates up to 647 gallons per hour;
3. Westfield River Paper Company, Russell, at firing rates up to 490 gallons per hour.

Background

On January 3, 1979, the Massachusetts Department of Environmental Quality Engineering (DEQE) approved amendments to 310 CMR 7.05(1) of the "Regulations for the Control of Air Pollution in the Pioneer Valley Air Pollution Control District" that allowed eligible sources to increase their sulfur-in-fuel limits from 0.55 lbs/mmBtu to 1.21 lbs/mmBtu. DEQE submitted these amendments to EPA as a SIP revision and included a list of specific sources for which DEQE was proposing the relaxation of sulfur-in-oil limits from 1% to 2.2%. As part of EPA's notice of proposed rulemaking (NPR) on June 27, 1979 (44 FR 37513), EPA proposed to deny permission to relax sulfur-in-fuel limits at Kendall Company (American), Erving Paper Company (Erving), and Westfield River Paper Company (Westfield) due to violations of the National Ambient Air Quality Standards (NAAQS) for SO₂ predicted by EPA's VALLEY model in the complex terrain surrounding each source. EPA indicated in the NPR that it would "consider

additional data or documentation, such as monitoring data that refutes model predictions" that might be submitted in support of the disapproved sources. In EPA's final rulemaking notice of October 2, 1979 (44 FR 56694), EPA withheld final action on these three sources pending the resolution of the issues involved concerning the modeled violations and the results of monitoring programs which were being established.

Under the provisions of Massachusetts Regulation 310 CMR 7.05(1)(e)(3) (the "equivalent emission regulation"), DEQE and EPA agreed to allow the sources to burn 2.2% S oil with operations restricted to no more than 45% of full load at all times. This restriction ensured that allowable emissions did not exceed those already approved in the SIP. The sources were required to have the monitoring networks in place prior to this switch to 2.2% S oil.

DEQE has demonstrated that there will be no violations of the National Ambient Air Quality Standards for sulfur dioxide (SO₂) when the three above-mentioned sources are burning 2.2% sulfur oil under maximum fuel-use limitations. The rationale for EPA's action is explained in the Notice of Proposed Rulemaking and will not be restated here.

Response to Comments

After publication of the Notice of Proposed Rulemaking, EPA received comments from the Natural Resources Defense Council (NRDC) dated September 12, 1986 and October 15, 1986. NRDC's comments concerned:

- (1) Whether or not American, Erving, or Westfield has been evaluated for potential downwash effects; and
- (2) Whether EPA's proposed approval of these revisions was based on a block or running average interpretation of the short-term SO₂ NAAQS.

At the time EPA agreed to the original modeling protocols for these sources, EPA had no guideline model that allowed for the consideration of potential building wake effects. Since the simple terrain model demonstration in the river valleys was never at issue in the subsequent complex terrain modeling and monitoring activities that took place, building downwash had not been evaluated. As a result of NRDC's comments, DEQE submitted information to EPA indicating that: building cavity effects would not be a problem at any of the three sources, building wake effects would not be a problem at American or Erving; but that building wake effects would be expected at Westfield. Consequently, guideline modeling using the ISCST model demonstrated that the

originally proposed fuel use limitation of 652 gallons per hour could lead to predicted violations of the 24-hour NAAQS for SO₂ under some conditions, but that the limitation we are finally ruling on of 490 gallons per hour will ensure that the NAAQS will be met.

EPA's review of the monitoring data submitted as technical support for these revisions made use of a block averaging interpretation of the short term (24-hour and 3-hour) SO₂ NAAQS. The block averaging interpretation was and still is a proper interpretation of the NAAQS. Nonetheless, an examination, for informational purposes, of the monitoring data submitted indicates that the short-term NAAQS would be met for the fuel use limitations which are being approved whether a block or running average interpretation is utilized.

Change in Emissions

As discussed above, these sources have been burning higher sulfur fuel oil for five years with operation restricted to no more than 45% of full load at all times. Discussion with DEQE indicates that while the 45% limit may be exceeded at times, the average load of these small plants is not likely to vary in the foreseeable future. Thus no actual increases in SO₂ emissions are expected. The increases in allowable SO₂ emissions at American, Erving, and Westfield are approximately 310, 350, and 260 tons per year respectively.

EPA has reviewed the Massachusetts submittal (more fully discussed in the Notice of Proposed Rulemaking) and, with the additional restriction at Westfield due to building downwash effects, finds it acceptable. A more detailed evaluation of changes made in response to comments received on our proposal is contained in EPA's technical support document, dated December 11, 1987, available at the locations listed in the Addresses section above.

The modeling techniques used in the demonstration supporting this revision are based on modeling guidance in place at the time the analysis was performed, i.e., the EPA "Guideline on Air Quality Models" (1978). Since that time, revisions to modeling guidance have been promulgated by EPA, 51 FR 32176, September 9, 1986 and 53 FR 592, January 6, 1988. Because the modeling analysis was underway prior to promulgation of the revised guidance, EPA accepts the analysis.

Final Action

EPA is approving revisions to the Massachusetts SIP for SO₂ that will revise sulfur-in-fuel limits for American Fiber and Finishing Company (formerly

known as Kendall Company), Erving Paper Company, and Westfield River Paper Company from 0.55 lbs/mmBtu to 1.21 lbs/mmBtu while imposing maximum hourly fuel use limitations for each source. EPA is approving permit conditions contained in three approval letters dated October 14, 1987 from the DEQE to: (1) Erving Paper Company, with accompanying agreement signed by the company on November 6, 1987; (2) Westfield River Paper Company, with accompanying agreement signed by the company in November, 1987; and (3) American Fiber and Finishing Company, with accompanying agreement signed by the company on November 16, 1987, to ensure that the 2.2% sulfur-by-weight limitation is met and including hourly fuel use restrictions in each of these three permits. The Massachusetts agency submitted these permit conditions to EPA for approval and incorporation into the SIP as part of this revision.

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

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by April 16, 1990. This action may not be challenged later in proceedings to enforce its requirements (see 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Sulfur oxides.

Note: Incorporation by reference of the State Implementation Plan for the Commonwealth of Massachusetts was approved by the Director of the Federal Register on July 1, 1982.

Dated: November 7, 1989.

William K. Reilly,
Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart W—Massachusetts

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

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

2. Section 52.1120 is amended by adding paragraph (c)(77) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(77) Revisions to federally approved regulation 310 CMR 7.05(1) submitted on July 18, 1984, April 17, 1985, March 16, 1987, and November 25, 1987 by the Department of Environmental Quality Engineering approving sulfur-in-fuel limitations for the following sources: American Fiber and Finishing Company (formerly known as Kendall Company), Colrain; Erving Paper Company, Erving; and Westfield River Paper Company, Russell.

(i) Incorporation by reference. (A) Letters dated October 14, 1987 for the American Fiber and Finishing Company, Erving Paper Company, and Westfield River Paper Company facilities from Stephen F. Joyce, Deputy Regional Environmental Engineer, Department of Environmental Quality Engineering.

(B) Statements of agreement signed November 6, 1987 by Schuyler D. Bush, Vice President of Erving Paper Company; 1987 by Francis J. Fitzpatrick, President of Westfield River Paper Company; and November 16, 1987 by Robert Young, Vice President of American Fiber and Finishing Company.

§ 52.1167 [Amended]

3. In § 52.1167, the table is amended by adding a citation to the entry "310 CMR 7.05(1)(e)" to read as follows:

TABLE 52.1167—EPA APPROVED REGULATIONS

State citation	Title/ subject	Date submitted by State	Date approved by EPA	Federal Register citation	52.1120(c)	Comments/unapproved sections
310 CMR 7.05(1)(e) * * *		07/18/84, 04/17/85, 03/16/87, 11/25/87	2/15/90	[FR citation from published date.]	77	Approves the burning of 2.2% and imposes fuel use limits at American Fiber and Finishing Co., Erving Paper Co., and Westfield River Paper Co.

[FR Doc. 90-3474 Filed 2-14-90; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations; Alabama et al.

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are determined for the communities listed below.

The base (100-year) flood elevations are the basis for the floodplain management measures that the

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base (100-year) flood elevations, for the community. This date may be obtained by contacting the office where the maps are available for inspection indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of flood elevations for each community listed. Proposed base flood elevations or proposed modified base flood elevations have been published in the Federal Register for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67. An opportunity for the community or individuals to appeal proposed determination to or through the community for a period of ninety (90) days has been provided.

The Agency has developed criteria for floodplain management in flood-prone areas in accordance with 44 CFR part 60.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies for reasons set out in the proposed rule that the final flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Flood plains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base (100-year) flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. No appeal was made during the ninety-day period and the proposed base flood elevations have not been changed.

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
ALABAMA	
Jackson County (unincorporated areas) (FEMA docket No. 6966)	
<i>Little Point Creek:</i>	
About 1200 feet downstream of Old Highway 63.....	*590
Just downstream of State Highway 63.....	*591
<i>Yellow Branch:</i>	
About 1.4 miles downstream of Lee Highway.....	*607
About 0.63 mile upstream of Norfolk Southern Railway.....	*608
<i>Tennessee River:</i>	
At downstream county boundary.....	*587
At state boundary.....	*613
<i>Dry Creek:</i>	
About 0.8 mile downstream of County Highway 33.....	*608
About 1 mile upstream of County Highway 33.....	*616
<i>Crow Creek:</i>	
At mouth.....	*605
About 1.5 miles upstream of CSX railroad.....	*611
<i>Bengis Creek:</i>	
About 3200 feet upstream CSX railroad.....	*617
About 4900 feet upstream of corporate limits.....	*620

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Bengis Creek Tributary:	
About 600 feet upstream of Old Mt. Camel Road.....	*613
Just downstream of Carroll Street.....	*619
Maps available for inspection at the County Commission Office, County Courthouse, Scottsboro, Alabama.	
Lamar County (unincorporated areas) (FEMA docket No. 6966)	
<i>Yellow Creek:</i>	
About 1.8 miles downstream of State Highway 17.....	*269
About 1.7 miles upstream of Columbus Avenue East.....	*293
<i>Tributary No. 1:</i>	
At mouth.....	*273
About 0.9 mile upstream of State Highway 18.....	*316
<i>Luxapallia Creek:</i>	
Just upstream of confluence of Brushy Creek.....	*247
About 2500 feet upstream of confluence of Rushing Creek.....	*267
Maps available for inspection at the County Courthouse, Vernon, Alabama.	
Monroe County (unincorporated areas) (FEMA docket No. 6966)	
<i>Alabama River:</i>	
About 0.85 mile upstream of confluence of Shomo Creek.....	*35
About 8.41 miles upstream of confluence of Big Flat Creek.....	*62
Maps available for inspection at the County Courthouse, Monroeville, Alabama.	
Pickens County (unincorporated areas) (FEMA docket No. 6966)	
<i>Tombigbee River:</i>	
At southern county boundary.....	*131
About 2000 feet upstream of western county boundary.....	*156
<i>Lubbub Creek:</i>	
About 5.2 miles downstream of Burlington Northern railroad.....	*135
Just downstream of County Highway 24.....	*158
Maps available for inspection at the County Courthouse, Carrollton, Alabama.	
Woodville (town), Jackson County (FEMA docket No. 6966)	
<i>Little Point Creek:</i>	
About 1200 feet downstream of Old Highway 63.....	*589
Just downstream of State Highway 63.....	*591
<i>Yellow Branch:</i>	
At mouth.....	*591
About 2750 feet upstream of Norfolk Southern Railway.....	*608
Maps available for inspection at the Town Hall, Woodville, Alabama.	
CALIFORNIA	
San Ramon (city), Contra Costa County (FEMA docket No. 6966)	
<i>South San Ramon Creek:</i>	
Just upstream of Alameda Boulevard.....	*358
Just upstream of Pine Valley Road.....	*373
Approximately 1,750 feet upstream of PG&E Road.....	*388
Approximately 150 feet upstream of Montevideo Road.....	*407
Approximately 950 feet upstream of Montevideo Road.....	*408
<i>South San Ramon Creek (overbank flooding):</i>	
At confluence with South San Ramon Creek.....	*363
Approximately 100 feet upstream of Thunderbird Place.....	*369
Approximately 150 feet upstream of Pebble Place.....	*373
Just upstream of Pine Valley Road.....	*377

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Approximately 500 feet upstream of PG&E Road.....	*382
Maps are available for review at the Public Works Department, 2228 Camino Ramon, San Ramon, California.	
CONNECTICUT	
Bethlehem (town), Litchfield County (FEMA docket No. 6966)	
<i>Weekapeemee River:</i>	
At downstream corporate limits.....	*449
Approximately 0.4 mile upstream of Double Hill Road.....	*601
<i>East Spring Brook:</i>	
At downstream corporate limits.....	*483
Approximately 0.9 mile upstream of the first crossing of Nonewaug Road.....	*565
<i>Nonewaug River:</i>	
At downstream corporate limits.....	*483
At upstream corporate limits.....	*640
Maps available for inspection at the Town Clerk's Office, Town Hall, Bethlehem, Connecticut.	
New Canaan (town), Fairfield County (FEMA docket No. 6966)	
<i>Rippowam River:</i>	
Approximately 800 feet downstream of Cascade Road.....	*226
Approximately 0.63 mile upstream of State Route 124 (Pinney Road).....	*436
<i>Laurel Brook:</i>	
Approximately 250 feet upstream of confluence with Rippowam River.....	*245
Upstream side of Laurel Road bridge.....	*276
<i>Noroton River:</i>	
At downstream corporate limits.....	*119
Upstream side of State Route 29 (West Road).....	*391
<i>Silvermine River:</i>	
Approximately 800 feet downstream of dam located downstream of Sawmill Lane.....	*123
Approximately 1,000 feet upstream of Valley Road bridge.....	*280
<i>Five Mile River:</i>	
Approximately 700 feet downstream of State Route 15.....	*141
Approximately 0.8 mile upstream of Country Club Road.....	*405
<i>Parting Brook:</i>	
Approximately 450 feet downstream of downstream corporate limits.....	*246
Approximately 0.7 mile upstream of Thayer Road.....	*393
Maps available for inspection at the Town Office, 77 Main Street, New Canaan, Connecticut.	
Wallingford (town), New Haven County (FEMA docket No. 6966)	
<i>Hanover Street Brook:</i>	
At confluence with Quinnipiac River.....	*60
At approximately 430 feet upstream of the upstream end of long culvert at Brownstone Road.....	*151
<i>Quinnipiac River:</i>	
Approximately 0.51 mile downstream of Toettes Road.....	*22
At upstream corporate limits.....	*70
<i>Mansion Road Brook:</i>	
At confluence with Quinnipiac River.....	*28
At approximately .25 mile upstream of Jones Road.....	*115
Maps available for inspection at the Building Officials Office, 45 South Main Street, Wallingford, Connecticut.	
Wilton (town), Fairfield County (FEMA docket No. 6966)	
<i>Silvermine River:</i>	
At downstream corporate limits.....	*122
Approximately 200 feet upstream of the upstream corporate limits.....	*185

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
FLORIDA					
Parting Brook:		Dublin (City), Laurens County (FEMA docket No. 6966)		LOUISIANA	
At confluence with Silvermine River.....	*181	<i>Oconee River</i>		Beauregard Parish (Unincorporated Areas) (FEMA docket No. 6956)	
Approximately .7 mile upstream of Thayer Pond Road.....	*393	About 1.8 miles downstream of East Jackson Street.....	*177	<i>Cowpen Creek:</i>	
Maps available for inspection at the Planning Office, Town Hall, 238 Danbury Street, Wilton, Connecticut.		At confluence of Hunger and Hardship Creek.....	*182	Approximately 125 feet downstream of Graybow Road.....	*175
		<i>Hunger and Hardship Creek:</i>		Approximately 1 mile upstream of Weldon Road.....	*197
		At mouth.....	*182	<i>Palmetto Creek:</i>	
		Just upstream of Springdale Road.....	*211	Approximately 250 feet downstream of U.S. Routes 171 and 190.....	*130
		<i>Ford Branch:</i>		Approximately 150 feet downstream of U.S. Route 190.....	*180
		At mouth.....	*203	Maps available for inspection at the Courthouse Square, Police Jury Office, DeRidder, Louisiana.	
		About 0.6 mile upstream of Shamrock Drive.....	*215		
		<i>Long Branch:</i>		MAINE	
		About 1.0 mile downstream of Glenwood Avenue.....	*177	Belfast (City), Waldo County (FEMA docket No. 6951)	
		About 0.6 mile upstream of Industrial Boulevard.....	*221	<i>Penobscot Bay:</i>	
Maps available for inspection at the City Hall, Edgewater, Florida.		Houston County (unincorporated Areas) (FEMA docket No. 6965)		U.S. Route 1 at southern corporate limits.....	*10
Oak Hill (City), Volusia County (FEMA docket No. 6920)		<i>Echeconnee Creek:</i>		Passagassawakeag River just upstream of U.S. Route 1.....	*12
<i>Atlantic Ocean:</i>		About 0.8 mile downstream of State Route 247.....	*263	At Common Street.....	*16
About 200 feet east of intersection of State Road A1A and the northern corporate limit.....	*9	Just downstream of Houston Road.....	*287	Shoreline at Patterson Point.....	*19
About 400 feet east of the intersection of State Road A1A and the northern corporate limit.....	*12	<i>Mossy Creek:</i>		Shoreline at Perkins Road (extended).....	*24
<i>Atlantic Ocean-Mosquito Lagoon/Intracoastal Waterway:</i>		Just upstream of State Route 247 spur.....	*256	Area approximately 200 feet southeast of U.S. Route 1 crossing over Little River.....	*1
At south end of River Road.....	*6	Just downstream of State Route 127.....	*278	Maps available for inspection at the City Hall, 71 Church Street, Belfast, Maine.	
At east end of Maytown Road.....	*8	<i>Redding Branch:</i>			
Maps available for inspection at the City Hall, Oak Hill, Florida.		At confluence with Mossy Creek.....	*270	Blue Hill (Town), Hancock County (FEMA docket No. 6951)	
		Just downstream of Kersey Lake Dam.....	*271	<i>Mill Stream:</i>	
		Just upstream of Kersey Lake Dam.....	*277	At confluence with Blue Hill Harbor.....	*12
		Just downstream of Bob White Road Dam.....	*289	Approximately 770 feet upstream of High Street Bridge.....	*59
		Just upstream of Bob White Road Dam.....	*304	<i>Blue Hill Bay:</i>	
		Just downstream of Moody Road.....	*304	At Hub Island.....	*12
		Just upstream of private dam.....	*310	At Fogg Cove.....	*17
		Just downstream of Mt. Zion Road.....	*336	<i>McHeard Brook:</i>	
		Just upstream of Mt. Zion Road.....	*346	At confluence with McHeard Cove.....	*12
		About 2100 feet upstream of Mt. Zion Road.....	*347	Approximately 455 feet upstream of State Route 176.....	*16
		<i>Sandy Run Creek:</i>		Maps available for inspection at the Town Hall, Blue Hill, Maine.	
		About 500 feet downstream of State Highway 247.....	*269		
		Just downstream of South Houston Lake Road.....	*328	Carrabassett Valley (Town), Franklin County (FEMA docket No. 6956)	
		<i>Bay Gall Creek:</i>		<i>Carrabassett River:</i>	
		About 1550 feet downstream of Webb Road.....	*380	Downstream corporate limits.....	*723
		Just downstream of Dunbar Road.....	*435	Approximately 1,625 feet upstream of State Routes 16 & 27.....	*1,329
		Just upstream of Dunbar Road.....	*440	<i>Poplar Stream:</i>	
		Just downstream of Houston Lake Road.....	*445	Confluence with Carrabassett River.....	*816
		<i>Bay Gall Creek Tributary No. 2:</i>		Approximately 1,200 feet upstream of Oxford Road.....	*901
		About 0.5 mile downstream of Collins Avenue.....	*373	<i>Hammond Field Brook:</i>	
		About 1.2 miles upstream of White Road.....	*444	Confluence with Carrabassett River.....	*754
		<i>Howard Branch:</i>		Approximately 3,000 feet upstream of its confluence with Carrabassett River.....	*881
		At mouth.....	*308	Maps available for inspection at the Clerk's Office, Town Office, Carrabassett Valley, Maine.	
		At confluence of Robins Run.....	*316		
		<i>Robins Run:</i>		Clinton (Town), Kennebec County (FEMA docket No. 6946)	
		About 300 feet downstream of Augus Boulevard.....	*321	<i>Kennebec River:</i>	
		About 650 feet upstream of Augus Boulevard.....	*328	At the downstream corporate limits.....	*121
		<i>Tributary C:</i>		At the upstream corporate limits.....	*126
		About 2400 feet upstream of Ward Street.....	*364	<i>Sebasticoak River:</i>	
		About 4100 feet upstream of Ward Street.....	*386	At the downstream corporate limits.....	*109
		Maps available for inspection at the County Building Inspector's Office, County Annex, Warner Robins, Georgia.		At the upstream corporate limits.....	*138
				Maps available for inspection at the Municipal Building, Clinton, Maine.	
		ILLINOIS			
		Northbrook (Village), Cook County (FEMA docket No. 6909)		Frankfort (Town), Waldo County (FEMA docket No. 6946)	
		<i>Underwriters Tributary:</i>		<i>North Branch of Marsh River:</i>	
		At mouth.....	*651	At confluence of South Branch of Marsh River.....	*11
		Just upstream of Helen Drive.....	*666	Approximately 150 feet downstream of Frankfort Dam.....	*14
		<i>Techy Drain:</i>		At Frankfort Dam.....	*24
		About 1140 feet downstream of Soo Line Railroad.....	*639		
		About 1200 feet upstream of Fox Glove Drive.....	*668		
		<i>South Fork Techy Drain:</i>			
		At mouth.....	*652		
		About 300 feet upstream of Wood Drive.....	*666		
		Maps available for inspection at the Office of the Village Manager, Northbrook Village Hall, 1225 Cedar Lane, Northbrook, Illinois			

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Marsh Stream:		Northern shoreline Hopkins Point.....	*13	Maps available for inspection at the Town Office, Peru, Maine.	
Approximately 100 feet downstream of U.S. Route 1A.....	*25	Southern shoreline Hopkins Point.....	*15		
Approximately 5,000 feet upstream of Frankfort Dam.....	*34	Old House Point.....	*21	Richmond (Town), Sagadahoc County (FEMA docket No. 6945)	
Approximately 1,400 feet downstream of Bangor and Aroostook Railroad.....	*77	Sandy River:		Kennebec River:	
Approximately 100 feet upstream of West Winterport Dam.....	*160	At Route 187.....	*13	At downstream corporate limits.....	*16
Approximately 1.2 miles upstream of West Winterport Dam.....	*162	At confluence of Chandler Bay.....	*17	At upstream corporate limits.....	*25
Maps available for inspection at the Municipal Building, Frankfort, Maine.		Indian River:		Mill Brook:	
		From confluence with Atlantic Ocean to approximately 1.5 mile upstream of confluence with Snare Creek.....	*13	At confluence with the Kennebec River.....	*16
		Snare Creek:		Approximately 80 feet upstream of Maine Central Railroad.....	*39
		From confluence of Indian River upstream to Route 187.....	*13	Maps available for inspection at the Town Office, Richmond, Maine.	
		Hay Creek:			
		Entire length within community.....	*13	Searsport (Town), Waldo County (FEMA docket No. 6960)	
Green (Town), Androscoggin County (FEMA docket No. 6950)		Maps available for inspection at the Town Hall, Jonesport, Maine.		Atlantic Ocean:	
Androscoggin River:				Small Tributary, approximately 700 feet west of eastern corporate limits.....	*11
At downstream corporate limits.....	*263	Livmore (Town), Androscoggin County (FEMA docket No. 6956)		Shoreline along Searsport Harbor.....	*25
At upstream corporate limits.....	*266	Androscoggin River:		Maps available for inspection at the Town Office, Searsport, Maine.	
Dead River:		At downstream corporate limits.....	*283		
Approximately 90 feet downstream of Bull Run Road.....	*248	At upstream side of Chisholm Dam.....	*350	Winterport (town), Waldo County (FEMA docket No. 6946)	
At confluence of Hooper Brook.....	*249	Maps available for inspection at the Town Clerk's Office, R.F.D. 2, Livmore, Maine 04254.		Penobscot River:	
Hooper Brook:				Entire shoreline within community.....	*11
At confluence with Dead River.....	*249			Marsh Stream:	
At upstream corporate limits.....	*319			Approximately 1,400 feet downstream of Bangor and Aroostook Railroad.....	*77
Hooper Brook Tributary:				Upstream corporate limits.....	*162
At confluence with Hooper Brook.....	*261			Maps available for inspection at the Municipal Building, School Street, Winterport, Maine.	
Approximately 80 feet upstream of U.S. Route 202 and State Routes 11 and 100.....	*277	Mechanic Falls (Town), Androscoggin County (FEMA docket No. 6960)			
Stetson Brook:		Little Androscoggin River:			
At downstream corporate limits.....	*244	At downstream corporate limits.....	*246		
Approximately 70 feet upstream of Sullivan Road.....	*273	At upstream corporate limits.....	*300		
East Branch Stetson Brook:		Bog Brook:			
At confluence with Stetson Brook.....	*265	At confluence with Little Androscoggin River.....	*249		
Approximately 55 feet upstream of Sullivan Road.....	*274	At confluence with Garner Brook.....	*250		
Maps available for inspection at the Town Office, Green, Maine.		Maps available for inspection at the Town Office, 90 Lewiston Street, Mechanic Falls, Maine.		MASSACHUSETTS	
				Cummington (town), Hampshire County (FEMA docket No. 6966)	
Jonesport (Town), Washington County (FEMA docket No. 6951)		Milbridge (Town), Washington County (FEMA docket No. 6951)		Westfield River:	
White Creek:		Sawyers Brook:		Approximately 160 feet downstream of the downstream corporate limits.....	*697
Approximately 100 feet upstream of Route 187 to confluence of Mansfield Creek.....	*13	Approximately 60 feet downstream of Wyman Road.....	*11	Approximately 0.45 mile upstream of the extreme western crossing of State Route 9.....	*1,197
Mansfield Creek:		Approximately 240 feet upstream of Washington Street.....	*11	Maps available for inspection at the Community House, Main Street, Cummington, Massachusetts.	
Entire length within community.....	*13	Sawyers Brook Branch:			
Southwest Creek:		At confluence with Sawyers Brook.....	*11		
From confluence with Mansfield Creek to approximately 300 feet upstream of Route 187.....	*13	Approximately 142 feet upstream of confluence with Sawyers Brook.....	*12	Hamilton (town), Essex County (FEMA docket No. 6960)	
Mason Bay:		Narraguagus River:		Miles River:	
From Southwest Creek to approximately 3,000 feet east.....	*13	At Fish Point.....	*11	Approximately 0.65 mile downstream of Sagamore Road.....	*22
From approximately 3,000 feet east of Southwest Creek to Dunn Island.....	*17	Approximately 500 feet east of intersection of Bayview Street and U.S. Route 1A.....	*23	Approximately 0.45 mile upstream of Myopia Road.....	*32
Englishman Bay:		Narraguagus River (Shallow Flooding Area):		Ipswich River:	
Shoreline at Shorey Cove on Roque Island.....	*13	North of Bayview Street and east of Bridge Street (U.S. Route 1A).....	*2	Approximately 700 feet downstream of Highland Street.....	*19
Shoreline near Great Bar.....	*16	Atlantic Ocean:		At upstream corporate limits.....	*37
Shoreline near Dunn Island.....	*17	West side of Tom Leighton Point Road.....	*11	Maps available for inspection at the Town Hall, Hamilton, Massachusetts.	
Shoreline near Great Head on Roque Island.....	*17	Shoreline of Monhonon Cove.....	*22		
Chandler Bay:		Maps available for inspection at the Town Office, Milbridge, Maine.		MICHIGAN	
South of Squire Point on Roque Island.....	*13			Armada (village), Macomb County (FEMA docket No. 6966)	
Shoreline at Patten Cove.....	*13	Minot (Town), Androscoggin County (FEMA docket No. 6960)		East Branch Coon Creek:	
Shoreline at Bunker Cove.....	*13	Little Androscoggin River:		About 450 feet downstream of Grand Trunk Western Railroad.....	*720
All shoreline in Roque Island Harbor.....	*16	At downstream corporate limits.....	*227	Just downstream of Armada Center Road.....	*748
Just south of Great Bar.....	*17	Approximately 2,700 feet upstream from confluence of Bog Brook.....	*249	Woodbeck Drain:	
South of Bar Island.....	*18	Bog Brook:		At mouth.....	*728
Bonney Point on Roque Island.....	*18	At confluence with Little Androscoggin River.....	*249	About 375 feet upstream of Armada Ridge Road.....	*743
Shoreline at Little Pond Beach.....	*18	Approximately 675 feet upstream of State Route 124.....	*308	Unnamed Tributary:	
Shoreline at Kelly Point.....	*18	Maps available for inspection at the Town Hall, Minot, Maine.		At mouth.....	*735
Natt Point.....	*24			About 500 feet upstream of Teitz Road.....	*741
Shoreline at Rhine Point.....	*24	Peru (Town), Oxford County (FEMA docket No. 6960)		Maps available for inspection at the Village Hall, 22940 West Main, Armada, Michigan.	
Southern shoreline of Little Spruce Island.....	*24	Androscoggin River:			
Eastern shoreline of Great Spruce Island.....	*24	Downstream corporate limits.....	*402		
All small islands northeast of Great Spruce Island.....	*24	Upstream corporate limits.....	*419		
Sequin Passage:		Worthley Pond:			
Northwest shoreline of Head Harbor Island.....	*13	Entire shoreline within community.....	*577		
Northeast shoreline of Head Harbor Island.....	*24				
Shoreline at Mark Island.....	*24				
Mistake Harbor:					
All islands in the harbor.....	*16				
Eastern shoreline of Steele Harbor Island.....	*24				
Moosabec Reach:					
Sawyer Cove.....	*13				

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MINNESOTA		About 1,300 feet downstream of State Highway 305.....		Maps available for inspection at the Planning Department, City Hall, 8625 Highway 51, North, Southaven, Mississippi.	
Murray County (unincorporated areas) (FEMA docket No. 6966)		Just upstream of Burlington Northern railroad.....		NEBRASKA	
Lake Sarah: Along shoreline.....		Maps available for inspection at the Planning Commission Office and City Clerk's Office, City Hall, 9189 East Pigeon Roast, Olive Branch, Mississippi.		Juniata (village), Adams County (FEMA docket No. 6969)	
Lake Maria: Along shoreline.....	*1,528	Pearl River County (unincorporated areas) (FEMA docket No. 6966)		Main Ditch:	
Lake Shetek: Along shoreline.....	*1,531	East Hobolochitto Creek:		Just upstream of South Street.....	*1957
Fulda First Lake: Along shoreline.....	*1,487	At mouth.....		About 450 feet upstream of Eighth Street.....	*1967
Fulda Second Lake: Along shoreline.....	*1,499	Just downstream of West Union Road.....		East Tributary:	
Maps available for inspection at the Office of County Zoning Administrator, County Courthouse, Slayton, Minnesota.	*1,499	Hobolochitto Creek:		At confluence with Main Ditch.....	*1957
		About 1.1 mile downstream of Beech Road.....		Just upstream of Brass Avenue.....	*1963
		At confluence of East Hobolochitto Creek.....		Maps available for inspection at the Village Hall, Juniata Avenue, Juniata, Nebraska.	
		West Hobolochitto Creek:		Scotts Bluff County, (unincorporated areas) (FEMA docket No. 6969)	
		At mouth.....		North Platt River:	
		Just downstream of County Road (11.1 miles upstream of State Highway 43).....		About 3.0 miles downstream of Broadway Avenue.....	*3,855
		Alligator Branch:		About 1.14 miles downstream of State Highway 29.....	*3,934
		About 1,400 feet downstream of Asa McQueen Road.....		Tub Springs Drain:	
		About 2,500 feet upstream of Solid Rock Road.....		At mouth.....	*3,908
		2nd Alligator Branch:		Just downstream of Burlington North railroad.....	*3,912
		About 2,300 feet downstream of Asa McQueen Road.....		Just upstream of U.S. Highway 26.....	*3,919
		About 1,300 feet upstream of Shorty Burgess Road.....		Just downstream of Drop Structure.....	*3,937
		2nd Alligator Branch Tributary:		Just upstream of Drop Structure.....	*3,944
		At mouth.....		About 0.54 mile upstream of confluence of Sunflower Drain.....	*3,956
		About 2,400 feet upstream of Shorty Burgess Road.....		Sunflower Drain:	
		Holley Creek:		At mouth.....	*3,947
		About 670 feet downstream of East Sycamore Road.....		About 1,800 feet upstream of County Road.....	*3,950
		Just downstream of East Sycamore Road.....		Maps available for inspection at the County Building and Zoning Department, 101 Avenue I, Scottsbluff, Nebraska.	
		Pearl River:		NEVADA	
		About 1,270 feet downstream of Interstate 59.....		Reno (city), Washoe County (FEMA docket No. 6946)	
		About 0.4 mile upstream of Interstate 59.....		Truckee River:	
		Mill Creek:		At McCarren Boulevard.....	*4,398
		About 2,800 feet downstream of Jackson Landing Road.....		Approximately 500 feet upstream of McCarren Boulevard.....	*4,400
		Just downstream of Jackson Landing Road.....		Approximately 600 feet downstream of Rock Boulevard.....	*4,408
		Maps available for inspection at the Chancery Clerk's Office, County Courthouse, Poplarville, Mississippi.		Just downstream of Greg Street.....	*4,421
		Picayune (city), Pearl River County (FEMA docket No. 6966)		Approximately 300 feet downstream of U.S. Highway 395.....	*4,445
		Hobolochitto Creek:		Streamboat Creek: At Pembroke Drive	*4,392
		About 1.1 miles downstream of Beech Road.....		Silver Lake Playa: Entire shoreline	*4,967
		Just downstream of Beech Road.....		Lemmon Valley Playa: Entire shoreline	*4,920
		East Hobolochitto Creek:		Maps available for review at the City Hall Annex, 450 Sinclair Street, Reno, Nevada.	
		At mouth.....		Sparks (city), Washoe County (FEMA docket No. 6946)	
		About 1.2 miles upstream of Interstate 59.....		Truckee River (before levee overtopping):	
		Holley Creek:		Approximately 1,600 feet downstream of confluence of Steamboat Creek.....	*4,390
		At mouth.....		Approximately 470 feet upstream of confluence of Steamboat Creek.....	*4,391
		About 4,200 feet upstream of mouth.....		Approximately 500 feet upstream of McCarren Boulevard.....	*4,400
		Bay Branch:		Approximately 600 feet downstream of Rock Boulevard.....	*4,408
		At mouth.....		Just downstream of Greg Street.....	*4,421
		Just downstream of State Route 43.....		Approximately 840 feet upstream of Glendale Avenue.....	*4,439
		Thippen Creek:		Trucker River (after levee overtopping):	
		At mouth.....		Approximately 470 feet upstream of confluence of Steamboat Creek.....	4,390
		About 600 feet upstream of Stemwood Drive.....		Truckee River (Overflow Channel):	
		Maps available for inspection at the Code Enforcement Office, City Hall, 203 Goodyear Boulevard, Picayune, Mississippi.		Approximately 350 feet upstream of Rock Boulevard.....	*4,419
		Southaven (city) DeSoto County (FEMA docket No. 6966)		Approximately 200 feet downstream of Glendale Avenue.....	*4,433
		Horn Lake Creek:		North Truckee Drain (with effects of Spanish Springs Detection Basin):	
		About 300 feet downstream of State Line Road.....		Approximately 175 feet downstream of Lincoln Way.....	*4,392
		About 500 feet downstream of Elmore Road.....		At East Prater Way.....	*4,392
		Rocky Creek:			
		At mouth.....			
		About 1,500 feet upstream of mouth.....			
		Lateral E:			
		About 1,200 feet upstream of mouth.....			
		Just downstream of Swinnea Road.....			
		Southaven Creek:			
		About 1,700 feet downstream of Illinois Central Railroad.....			
		Just downstream of Whitworth Street.....			
		Olive Branch (city), DeSoto County (FEMA docket No. 6966)			
		Camp Creek:			
		About 2,200 feet downstream of U.S. Highway 78.....			
		Just downstream of DeSoto Road.....			
		Licks Creek:			

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Approximately 150 feet downstream of Shadow Lane	*4,407	NORTH CAROLINA		Maps available for inspection at the War Memorial Building, Main Street, Big Run, Pennsylvania.	
Approximately 100 feet downstream of Saddleback Lane	*4,410	Anson County (unincorporated areas) (FEMA docket No. 6966)		Broad Top (township), Bedford County (FEMA docket No. 6966)	
Maps available for review at City Hall, 431 Prater Way, Sparks, Nevada.		Lanes Creek:		Rayston Branch Juniata River:	
Washoe County, (unincorporated areas) (FEMA docket No. 6946)		About 1.3 miles downstream of SR 1404		Approximately 2,450 feet downstream of T-529	
Truckee River:		About 1,200 feet upstream of SR 1238		Approximately 4.2 miles upstream of LR 05056	
Approximately 500 feet downstream of Southern Pacific Railroad	*4,387	Maps available for inspection at the Building Inspection Office, Law Enforcement Center, Wadesboro, North Carolina.		Sandy Run:	
Approximately 800 feet upstream of Southern Pacific Railroad	*4,389	OHIO		Approximately 200 feet downstream of confluence with Longs Run	
Approximately 200 feet upstream of confluence of Steamboat Creek	*4,391	Aurora (city), Portage County (FEMA docket No. 6966)		Approximately 180 feet upstream of T-550	
Approximately 4,030 feet downstream of McCarren Boulevard	*4,392	Aurora Lake: Along shoreline		Longs Run:	
Streamboat Creek:		Just downstream of Access Road		At confluence with Sandy Run	
At confluence with Truckee River	*4,391	Channel Brook: Within community		Approximately 126 feet upstream of T-553	
At Pembroke Driver	*4,392	Small Brook:		Sixmile Run:	
North Truckee Drain (with effects of Spanish Springs Detection Basin):		About 1,400 feet upstream of Garfield West Road		Approximately 0.5 mile downstream of confluence with Brewster Hollow Run	
Just upstream of Saddleback Lane	*4,411	Tributary D: Within community		Approximately 225 feet downstream of LR 05069	
Approximately 750 feet upstream of Saddleback Lane	*4,415	Maps available for inspection at the City Hall, 130 Chillicothe Road, Aurora, Ohio.		Maps available for inspection at the Broad Top Township Building, Municipal Loop, Defiance, Pennsylvania.	
Spanish Springs Detection Basin: Entire basin	*4,447	Reminderville (village), Summit County (FEMA docket No. 6966)		Cambridge (township), Crawford County (FEMA docket No. 69966)	
Spanish Springs Creek: In Section 11, above Spanish Springs Detention Basin	#1	Aurora Pond: Along shoreline		French Creek:	
Sun Valley Detention Basin: Entire basin	*4,445	Pond Brook:		At downstream corporate limits	
Silver Lake Playa: Entire shoreline	*4,967	About 1,350 feet upstream of mouth		At upstream corporate limits	
Lemmon Valley Playa: Entire shoreline	*4,920	About 600 feet upstream of Clipper Cove		Maps available for inspection at the Township Building, R.D. 1, Cambridge Springs, Pennsylvania.	
Maps are available at the Washoe County Department of Public Works, 1205 Mill Street, Reno, Nevada.		Tributary D:		Central City (borough), Somerset County (FEMA docket No. 69966)	
NEW HAMPSHIRE		At mouth		Dark Shade Creek:	
Durham (town), Strafford County (FEMA docket No. 6951)		Just upstream of Pirates Trail		At downstream corporate limits	
Lamprey River:		Chennel Brook:		At upstream corporate limits	
At downstream corporate limits		At mouth		Little Dark Shade Creek:	
At upstream side of Wiswall Road		About 700 feet upstream of Glenwood Road		At downstream corporate limits	
Oyster River:		Tributary A:		Approximately 175 feet upstream of State Route 160	
At confluence with Great Bay		At mouth		Maps available for inspection at the Municipal Building, 241 Sunshine Avenue, Central City, Pennsylvania.	
At confluence with Hamel Brook		Just downstream of Aurora Pond Dam		Cochranon (borough), Crawford County (FEMA docket No. 69966)	
Hamel Brook:		Maps available for inspection at the Village Hall, 3601 Glenwood Boulevard, Aurora, Ohio.		French Creek:	
At confluence with Oyster River		Seneca County (unincorporated areas) (FEMA docket No. 6966)		At downstream corporate limits	
At confluence with Longmarsh Brook		Sandusky River:		At upstream corporate limits	
Longmarsh Brook:		Just downstream of County Route 38		Little Sugar Creek:	
At confluence with Hamel Brook		About 2.49 miles upstream of St. John's Bridge Road		At confluence with French Creek	
Approximately 2,650 feet upstream of Longmarsh Road		Maps available for inspection at the County Engineer's Office, County Courthouse, 81 Jefferson Street, Tiffin, Ohio.		Approximately 0.5 mile upstream of N. Franklin Street	
Great Bay: At confluence with Oyster River		Tremont City (village), Clark County (FEMA docket No. 6966)		Maps available for inspection at the Borough Building, 104 East Adams Street, Cochranon, Pennsylvania.	
Maps available for inspection at the Town Office Building, 13 Newmarket Road, Durham, New Hampshire.		Chapman Creek:		Conemaugh (township), Somerset County (FEMA docket No. 69966)	
Haverhill (town), Grafton County (FEMA docket No. 6956)		About 900 feet downstream of Mulberry Street		Stonycreek River:	
Connecticut River:		About 1000 feet upstream of Mulberry Street		At downstream corporate limits	
Approximately 1.3 miles downstream of Bedell Covered Bridge		Mad River: Within community		Approximately 300 feet upstream of Legislative Route 55106	
At confluence of Ammonoosuc River		Maps available for inspection at the Municipal Building, 26 East Main Street, Tremont City, Ohio.		Approximately 1,300 feet downstream of State Route 403	
Maps available for inspection at the Town Clerk's Office, Town Hall, Haverhill, New Hampshire.		PENNSYLVANIA		Approximately 1,050 feet upstream of CSX Transportation (abandoned)	
NEW YORK		Benson (borough), Somerset County (FEMA docket No. 6966)		Unnamed Tributary A to Stonycreek River:	
Margaretville (village), Delaware County (FEMA docket No. 6966)		Stony Creek River:		At confluence with Stonycreek River	
East Branch Delaware River:		At downstream corporate limits		Approximately 200 feet downstream of State Route 403	
Approximately 730 feet downstream of downstream corporate limits		Approximately 250 feet upstream of upstream corporate limits		Unnamed Tributary B to Stonycreek River:	
At upstream corporate limits		Maps available for inspection at the Benson Fire Hall, Railroad and Mill Streets, Hollsopple, Pennsylvania.		At confluence with Stonycreek River	
Bull Run:		Big Run (borough), Jefferson County (FEMA docket No. 6966)		Approximately 100 feet upstream of Legislative Route 55103	
At its confluence with the East Branch Delaware River		Mahoning Creek:		Bens Creek:	
Approximately 635 feet upstream of Orchard Street		At downstream corporate limits		At confluence with Stonycreek River	
Maps available for inspection at the Village Hall, Binnekil Square, Margaretville, New York.		At upstream corporate limits		At confluence of South Fork and North Fork Bens Creek	

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South Fork Bens Creek: Approximately 1.3 miles downstream of Town- ship Route 733 (Keafer Hill Road).....	*1,339	Approximately 0.3 mile upstream of the conflu- ence with English Valley Run.....	*838	Mount Carmel (Township), Northumberland County (FEMA docket No. 6966)	
Approximately 150 feet upstream of T-733.....	*1,366	Maps available for inspection at the Guilford Township Building, 427 Skelly Road, Chambers- burg, Pennsylvania.		Shamokin Creek: Approximately 3,950 feet downstream of corpo- rate limits.....	*1,031
Approximately 375 feet downstream of L.R. 55097.....	*1,405			Approximately 100 feet upstream of corporate limits.....	*1,050
Approximately 250 feet upstream of Legislative Route 55158.....	*1,425	Hamilton (Township), Franklin County (FEMA docket No. 6966)		North Branch: Approximately 1,250 feet downstream of CON- RAIL.....	*1,040
Unnamed Tributary to South Fork Bens Creek: At confluence with South Fork Bens Creek.....	*1,409	Back Creek: Approximately 500 feet downstream of T-467 (Leafmore Road).....	*528	Approximately 600 feet upstream of State Routes 54 and 61.....	*1,059
Approximately 0.3 mile upstream of confluence of South Fork Bens Creek.....	*1,431	At the T-533 (Crottiestown Road).....	*543	Maps available for inspection at the Mount Carmel Municipal Building, Forrest and Laurel Streets, Atlas, Pennsylvania.	
Mill Creek: At confluence with Bens Creek.....	*1,213	Conococheague Creek: Approximately 0.2 mile downstream of T-481 (Boyer Mill Road).....	*561		
At upstream corporate limits.....	*1,235	Approximately 0.6 mile upstream of T-483.....	*576		
Maps available for inspection at the Cone- maugh Municipal Building, Route 403, Tire Hill, Pennsylvania.		Approximately 0.8 mile downstream from most upstream corporate limits.....	*584		
		At most upstream corporate limits.....	*590	Ogle (Township), Somerset County (FEMA docket No. 6966)	
East Conemaugh (borough), Cambria County (FEMA docket No. 6960)		Maps available for inspection at the Hamilton Township Building, Hamilton, Pennsylvania.		Roaring Fork: Approximately 350 feet downstream of T-816.....	*2,106
Little Conemaugh River: Approximately 125 feet downstream of down- stream corporate limits.....	*1,211	Heidelberg (Township), Berks County (FEMA docket No. 6966)		At downstream side of T-835.....	*2,111
Approximately 0.6 mile upstream of upstream corporate limits.....	*1,238	Tulpehocken Creek: At Charming Forge Dam.....	*345	Unnamed Tributary to Roaring Fork: At confluence with Roaring Fork.....	*2,111
Maps available for inspection at the Borough Building, 355 First Street, Conemaugh, Pennsylv- ania.		Approximately 0.3 mile upstream of T-502 (Mill Road), at the upstream corporate limits.....	*359	Approximately 600 feet upstream of confluence with Roaring Fork.....	*2,125
		Spring Creek: At the downstream corporate limits.....	*306	Clear Shade Creek: Approximately 1,580 feet downstream of State Route 56.....	*2,319
East Fairfield (Township) Crawford County (FEMA docket No. 6966)		Approximately 810 feet upstream of Palm Road..	*364	Approximately 150 feet upstream of T-773.....	*2,321
French Creek: At downstream corporate limits.....	*1,063	Furnace Creek: At confluence with Spring Creek.....	*363	Unnamed Tributary to Clear Shade Creek: At confluence with Clear Shade Creek.....	*2,320
At upstream corporate limits.....	*1,069	Approximately 520 feet upstream of U.S. Route 422.....	*414	Approximately 220 feet upstream of L.R. 55086..	*2,334
Maps available for inspection at the Township Building, R.D. #3, Cochranon, Pennsylvania.		Unnamed Tributary to Furnace Creek: At confluence with Furnace Creek.....	*372	Maps available for inspection at the Ogle Town- ship Community Building, Schoolhouse Drive, Windber, Pennsylvania.	
		Approximately 200 feet upstream of corporate limits.....	*396		
Garrett (Borough), Somerset County (FEMA docket No. 6966)		Maps available for inspection at the Heidelberg Township Building, Charming Forge Road, Ro- besonia, Pennsylvania.		Paint (Township), Somerset County (FEMA docket No. 6966)	
Casselman River: Approximately 630 feet downstream of L.R. 55026 (Berlin Street).....	*1,910	Hereford (Township), Berks County (FEMA docket No. 6966)		Stoney Creek River: At downstream corporate limits.....	*1,545
Approximately 200 feet upstream of corporate limits.....	*1,924	Perkiomen Creek: At downstream corporate limits.....	*355	At upstream corporate limits.....	*1,606
Buffalo River: At confluence with Casselman River.....	*1,923	At upstream side of I-893.....	*666	Seese Run: Approximately 125 feet downstream of corpo- rate limits.....	*1,737
At upstream corporate limits.....	*1,936	Approximately .5 mile upstream of T-914.....	*820	Approximately 0.38 mile upstream of State Highway 56.....	*1,816
Maps available for inspection at the Garrett Borough Building, Lafayette Street, Garrett, Pennsylvania.		Tributary A to Perkiomen Creek: At confluence with Perkiomen Creek.....	*360	Maps available for inspection at the Paint Township Municipal Building, R-400 Hayes Street, Windber, Pennsylvania.	
		At upstream side of upstream crossing of LR 06140.....	*598		
Gaskill (Township), Jefferson County (FEMA docket No. 6966)		Tributary A to Tributary A to Perkiomen Creek: At confluence with Tributary A to Perkiomen Creek.....	*390	Robeson (Borough), Berks County (FEMA docket No. 6966)	
Mahoning Creek: Downstream corporate limits.....	*1,279	Approximately 120 feet upstream of LR 06067....	*411	Furnace Creek: At downstream corporate limits.....	*396
At CSX Transportation.....	*1,301	Tributary B to Tributary A to Perkiomen Creek: At confluence with Tributary A to Perkiomen Creek.....	*442	At upstream corporate limits.....	*508
Maps available for inspection at the Township Building, Route 36, Gaskill, Pennsylvania.		Approximately .33 mile upstream of confluence with Tributary A to Perkiomen Creek.....	*473	Unnamed Tributary to Furnace Creek: Approximately 300 feet downstream of down- stream corporate limits.....	*393
		Tributary B to Perkiomen Creek: At confluence with Perkiomen Creek.....	*663	At upstream corporate limits.....	*437
Guilford (Township), Franklin County (FEMA docket No. 6966)		Approximately 120 feet upstream of T-918.....	*724	Maps available for inspection at the Borough Hall, Robeson, Pennsylvania.	
Conococheague Creek: Approximately 0.2 mile downstream of Hollywell Avenue.....	*561	West Branch Perkiomen Creek: Approximately 400 feet downstream of down- stream corporate limits.....	*589		
At the upstream corporate limits.....	*572	Approximately .9 mile upstream of LR 06140....	*777	Rockwood (Borough), Somerset County (FEMA docket No. 6966)	
Falling Spring Branch: At the downstream corporate limits.....	*641	Unnamed Tributary to West Branch Perkiomen Creek: At confluence with West Branch Perkiomen Creek.....	*619	Casselman River: Downstream corporate limits.....	*1,802
Approximately 70 feet upstream of the fourth crossing of L.R. 28003 (Falling Spring Road)....	*694	Approximately 90 feet upstream of upstream corporate limits.....	*654	Upstream corporate limits.....	*1,813
Tributary to Falling Spring Branch: At the downstream corporate limits.....	*634	Maps available for inspection at the Hereford Township Building, Hereford, Pennsylvania.		Coxes Creek: Confluence with Casselman River.....	*1,811
Approximately 520 feet upstream of T-462 (Wil- lowbrook Drive).....	*640			Approximately 170 feet upstream of Day Street..	*1,816
English Valley Run: At the downstream corporate limits.....	*744	Hooversville (Borough), Somerset County (FEMA docket No. 6966)		Maps available for inspection at the Rockwood Municipal Building, Market Street, Rockwood, Pennsylvania.	
Approximately 325 feet upstream of the conflu- ence of Tributary B to English Valley Run.....	*829	Stoney Creek River: At downstream corporate limits.....	*1,655		
Tributary A to English Valley Run: At the confluence with English Valley Run.....	*765	At upstream corporate limits.....	*1,681	Saegertown (Borough), Crawford County (FEMA docket No. 6966)	
Approximately 245 feet upstream of Old State Route 997 (Mont Alto Road).....	*777	Maps available for inspection at the Borough Building, Main Street, Hooversville, Pennsylv- ania.		French Creek: At upstream corporate limits.....	*1,116
Tributary B to English Valley Run: At the confluence with English Valley Run.....	*826			At downstream corporate limits.....	*1,110
				Woodcock Creek: At upstream corporate limits.....	*1,112

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
At downstream corporate limits	*1,109	Ursina (Borough), Somerset County (FEMA docket No. 6966)		SOUTH DAKOTA	
Maps available for inspection at the Borough Building, Saegertown, Pennsylvania.		Laurel Hill Creek:		Lawrence County (unincorporated areas), (FEMA docket No. 6960)	
Scott (Township), Lackawanna County (FEMA docket No. 6960)		Approximately 420 feet downstream of downstream corporate limits	*1,332	Higgins Gulch:	
South Branch Tunkhannock Creek:		Approximately 220 feet upstream of upstream corporate limits	*1,345	Approximately 680 feet downstream of U.S. Forest Service Road	*3,805
Approximately 430 feet downstream of State Route 438	*1,108	Maps available for inspection at the Ursina Municipal Building, Wayland Avenue, Ursina, Pennsylvania.		Approximately 440 feet upstream of U.S. Forest Service Road	*3,865
Approximately 2,100 feet upstream of State Route 247	*1,322			Approximately 950 feet upstream of U.S. Forest Service Road	*3,960
Unnamed Tributary to South Branch Tunkhannock Creek:		Venango (Borough), Crawford County (FEMA docket No. 6966)		Approximately 280 feet upstream of U.S. Forest Service Road	*4,040
At confluence with South Branch Tunkhannock Creek	*1,289	French Creek:		Maps are available for review at the Lawrence County Planning and Zoning Administrator's Office, 644 Main, Deadwood, South Dakota.	
Approximately 1,200 feet upstream of State Route 247	*1,371	At downstream corporate limits	*1,134		
Hull Creek:		At the upstream corporate limits	*1,137	Spearfish (city), Lawrence County (FEMA docket No. 6966)	
At downstream corporate limits	*1,376	Maps available for inspection at the Borough Building, Church Street, Venango, Pennsylvania.		Higgins Gulch:	
Approximately 3,110 feet upstream of State Route 954	*1,511	Woodcock (Township), Crawford County (FEMA docket No. 6966)		Approximately 2,300 feet downstream of county road	*3,390
Maps available for inspection at the Township Building, R.D. #1, Olyphant, Pennsylvania.		French Creek:		At Higgins Gulch Road	*3,443
Somerset (Township), Somerset County (FEMA docket No. 6966)		At downstream corporate limits	*1,093	Approximately 60 feet upstream of U.S. Highway 14	*3,513
East Branch Coxes Creek:		At upstream corporate limits	*1,133	Just downstream of western extraterritorial jurisdictional limits	*3,806
Approximately 830 feet downstream of L.R. 55111	*2,083	Woodcock Creek:		Spearfish Creek:	
Approximately .4 mile upstream of Interstate Routes 70 and 76	*2,106	At confluence with French Creek	*1,109	Just upstream of extraterritorial jurisdictional limits	*3,386
Unnamed Tributary to East Branch Coxes Creek:		Approximately 530 feet upstream of Price Road (T-676)	*1,206	Approximately 160 feet upstream of U.S. Highway 14	*3,510
At confluence with East Branch Coxes Creek	*2,103	Maps available for inspection at the Township Building, R.D. 2, Saegertown, Pennsylvania.		At corporate limits located 4,550 feet downstream of Utah Boulevard	*3,525
At downstream corporate limits	*2,103			Approximately 2,100 feet downstream of Utah Boulevard	*3,550
Parson Run:		RHODE ISLAND		At southern corporate limits	*3,699
At confluence with East Branch Coxes Branch	*2,098	Newport (city), Newport County (FEMA docket No. 6960)		Approximately 520 feet upstream of corporate limits	*3,706
At downstream side of Cannel Drive	*2,099	Atlantic Ocean:		Approximately 3,100 feet upstream of corporate limits	*3,738
Maps available for inspection at the Municipal Building, on Pennsylvania Route 601, Somerset, Pennsylvania.		Shoreline at Ledge Road (extended)	*22	Hungry Hollow Gulch:	
South Heidelberg (Township), Berks County (FEMA docket No. 6966)		Approximately 200 feet southwest of intersection of D. Thomas Road and Ocean Avenue	*28	Approximately 264 feet upstream of confluence with Spearfish Creek	*3,630
Cacoosing Creek:		Shoreline at Barclay Road (extended)	*40	At intersection of Jackson Boulevard and Ames Street	*3,640
At U.S. Route 422	*326	Ocean Avenue, approximately 1,200 feet west of its intersection with Prices Neck Road	*2	Just downstream of intersection of Iris and Ames Streets	*3,650
At T-375 (Mail Route Road)	*488	Maps available for inspection at the City Hall, Building Inspector's Office, Newport, Rhode Island.		Just upstream of Iris Street	*3,656
Little Cacoosing Creek:				Approximately 400 feet downstream of St. Joe Avenue	*3,669
At the downstream corporate limits	*331	SOUTH CAROLINA		False Bottom Creek:	
Approximately 50 feet upstream of T-379 (Bell Alto Road)	*418	Marion County (unincorporated areas) (FEMA docket No. 6966)		At U.S. Forest Service Road	*3,848
Hospital Creek:		Cattfish Canal:		Approximately 2,200 feet upstream of U.S. Forest Service Road	*3,871
At the downstream corporate limits	*382	About 1.8 miles downstream of County Road 34	*40	Just upstream of east bound lane of Interstate Highway 90	*3,936
Approximately 0.2 mile upstream of CONRAIL	*421	About 3,400 feet upstream of County Road 263	*68	Approximately 270 feet upstream of Highway 14	*3,844
Manor Creek:		Pitch Pot Swamp:		Maps are available for review at the Office of the Public Works Director, 722 Main Street, Spearfish, South Dakota.	
At downstream corporate limits	*363	About 400 feet downstream of County Road 64	*47		
Approximately 0.2 mile upstream of T-379 (Walters Road)	*422	About 2,750 feet upstream of U.S. Route 76	*58		
Tributary to Spring Creek:		Smith Swamp:			
At the downstream corporate limits	*393	At mouth	*46		
Approximately 500 feet upstream of CONRAIL	*416	Just downstream of State Route 41A	*97		
Maps available for inspection at the Township Building, South Heidelberg, Somerset, Pennsylvania.		White Oak Creek:		TENNESSEE	
Terry (Township), Bedford County (FEMA docket No. 6966)		Just upstream of County Road 31	*50	Grainger County (unincorporated areas) (FEMA docket No. 6966)	
Susquehanna River:		About 1,150 feet upstream of CSX railroad	*94	Holston River:	
Downstream corporate limits	*576	Fowler Branch:		At downstream county boundary	*865
Upstream corporate limits	*689	Just upstream of dam	*55	Just downstream of Cherokee Dam	*935
Maps available for inspection at the Terry Township Building, Wyalusing, Pennsylvania.		Just downstream of State Route 41	*92	Richland Creek:	
Troy (Township), Crawford County (FEMA docket No. 6966)		Maidenhead Swamp:		Just upstream of Fennel Road	*914
Oil Creek:		Just downstream of County Road 22	*72	About 1.2 miles upstream of Smith Hollow Road	*919
Downstream corporate limits	*1,244	Just upstream of County Road 44	*80	Flat Creek:	
Upstream corporate limits	*1,254	Maidenhead Swamp Tributary:		At downstream county boundary	*1,172
Maps available for inspection at the Township Secretary's Office, 107 St. John Street, Titusville, Pennsylvania.		Just downstream of County Road 540	*80	About 0.83 mile upstream of Bellview Road	*1,234
		Just downstream of Norton Street	*95	Cherokee Lake: Along shoreline	*1,075
		Lumber River:		Maps available for inspection at the County Courthouse, Rutledge, Tennessee.	
		At mouth	*49		
		About 1.4 miles upstream of CSX railroad	*56	TEXAS	
		Cattfish Canal Tributary:		Clarksville (city), Red River County (FEMA docket No. 6966)	
		At mouth	*54	Delaware Creek:	
		Just downstream of CSX railroad	*62	Approximately 65 feet downstream of Depot Street	*419
		Maps available for inspection at the County Tax Assessor's Office, Ralph Gasque Building, Marion, South Carolina.			

Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Eleva- tion in feet (NGVD)
WEST VIRGINIA					
Approximately 280 feet upstream of Union Pacific Railroad.....	*423	Jennings Branch: At confluence with Middle River.....	*1,380	Ronceverte (city), Greenbrier County (FEMA docket No. 6960)	
Approximately 240 feet upstream of proposed State Route 37 bypass.....	*433	Approximately .4 mile upstream of State Highway 736.....	*1,588	Greenbrier River: Approximately 500 feet downstream of the downstream corporate limits.....	*1,662
Boggy Creek: Approximately 1,050 feet downstream of State Route 37.....	*409	Christians Creek: At confluence with Middle River.....	*1,153	Approximately 1.4 miles upstream of upstream Route 219 and State Route 3.....	*1,674
Approximately 80 feet upstream of U.S. Route 82.....	*423	Approximately 550 feet upstream of U.S. Highway 340.....	*1,383	Maps available for inspection at the City Hall, Main Street, Ronceverte, West Virginia.	
Maps available for inspection at the City Hall, 800 W. Main Street, Clarksville, Texas 75426.		Hamilton Branch: At confluence with Calpasture River.....	*1,640	WISCONSIN	
		Approximately 0.8 mile upstream of State Highway 629.....	*1,850	Palmyra (Village), Jefferson County (FEMA docket No. 6966)	
Somerville (city), Burleson County (FEMA docket No. 6965)		Long Meadow Run: At confluence with Christians Creek.....	*1,157	Scuppernon River: Just 500 feet downstream of Jefferson Street.....	*798
Stream TCA: Approximately 350 feet downstream of Maintenance Road.....	*242	Approximately 1.1 miles upstream of State Highway 608.....	*1,292	Just downstream of Jefferson Street.....	*799
At upstream corporate limits.....	*255	Grassy Run: At confluence with Little Calpasture River.....	*1,502	Just upstream of Jefferson Street.....	*805
Stream TCB: At the confluence with Stream TCA.....	*250	Approximately 1,350 feet upstream of State Highway 42.....	*1,586	Just downstream of Main Street.....	*806
Approximately 1,020 feet upstream of Avenue E.....	*250	Middle River: At downstream County boundary.....	*1,091	South Branch: At mouth.....	*798
Shallow Flooding Areas: Area between the Atchison, Topeka and Sante Fe Railroad embankment and Avenue B East of 7th Street.....	#1	Approximately 1,550 feet upstream of State Highway 876.....	*1,575	About 1,800 feet upstream of Jefferson Street.....	*806
Area between the southern tracks of the Atchison, Topeka & Sante Fe Railroad, Rosa Lee Lane, and Thornberry Lane.....	#1	Little Calpasture River: At downstream County boundary.....	*1,444	South Branch Tributary: At mouth.....	*802
Area east of Thornberry Lane between County Route 422 and Stream TCA.....	#1	Approximately 0.9 mile upstream of State Highway 601.....	*1,686	About 900 feet upstream of mouth.....	*804
Area north of the north tracks of the Atchison, Topeka and Sante Fe Railroad, east of Stream TCA.....	#1	South River: At downstream County boundary.....	*1,094	Spring Lake: Along shoreline.....	*818
Maps available for inspection at the City Hall, 214 8th Street, Somerville, Texas.		Approximately 600 feet upstream of State Highway 613.....	*1,640	Maps available for inspection at the Village Hall, 103 Jefferson Street, Palmyra, Wisconsin.	
		Pratts Run: At downstream County boundary.....	*1,394	Polk County (Unincorporated Areas) (FEMA docket No. 6956)	
VERMONT		At downstream side of U.S. Highway 250.....	*1,413	Apple River: About 2.3 miles downstream of Cameron Road.....	*1,068
Newbury (town), Orange County (FEMA Docket No. 6956)		Back Creek: At confluence with South River.....	*1,336	Just downstream of State Highway 46.....	*1,069
Connecticut River: Approximately 1.3 miles downstream of Bedell Covered Bridge.....	*414	Approximately 2.4 miles upstream of State Highway 610.....	*1,593	St. Croix River: At southern county boundary.....	*698
Approximately 1,500 feet upstream of confluence of Wells River.....	*420	North River: At confluence with Middle River.....	*1,091	About 8.5 miles upstream of Soo Line Railroad.....	*705
Wells River: At confluence with Connecticut River.....	*420	At the upstream County boundary.....	*1,107	Maps available for inspection at the County Courthouse, Balsam Lake, Wisconsin.	
At upstream corporate limits.....	*668	Taylor Hollow: At downstream County boundary.....	*1,555	Viola (Village), Vernon and Richland Counties (FEMA docket No. 6966)	
Maps available for inspection at the Town Clerk's Safe, Town Office, Newbury, Vermont.		Approximately 1,500 feet upstream of County boundary.....	*1,597	Kickapoo River: About 2,900 feet downstream of State Highway 131.....	*783
		Lewis Creek: At confluence with Middle River.....	*1,194	About 2,000 feet upstream of State highway 56.....	*769
VIRGINIA		Approximately 80 feet upstream of State Highway 693.....	*1,607	Maps available for inspection at the Village Hall, Viola, Wisconsin.	
Augusta County (unincorporated areas) (FEMA docket No. 6946)		Buttermilk Spring Run: At downstream County boundary.....	*1,543	FLORIDA	
Goose Creek: At confluence with Christians Creek.....	*1,265	Approximately 0.7 mile upstream of County boundary.....	*1,595	Daytona Beach (city), Volusia County (FEMA docket No. 6920)	
Approximately 1,900 feet upstream of State Highway 627.....	*1,334	Staples Hollow: Approximately 1,800 feet above confluence with Sulphur Springs Hollow.....	*1,582	Tomoka River: Just upstream of Eleventh Street.....	*15
Christians Creek Tributary: At confluence with Christians Creek.....	*1,267	Approximately .4 mile upstream of confluence with Sulphur Springs Hollow.....	*1,593	Just downstream of U.S. Route 92.....	*25
Approximately 0.5 mile upstream of CSX Transportation.....	*1,352	Sulphur Springs Hollow: Approximately .6 mile upstream of confluence with Grassy Run.....	*1,567	B-19 Canal: Within community.....	*28
Lewis Creek Tributary: At downstream County boundary.....	*1,370	Approximately 150 feet upstream of Howard Street.....	*1,580	Tributary No. 4: Within community.....	*28
Approximately 50 feet upstream of State Highway 613.....	*1,495	Staples Hollow: Approximately .6 mile upstream of confluence with Grassy Run.....	*1,627	Tributary No. 6: Within community.....	*28
Verona Tributary: At confluence with Middle River.....	*1,198	Approximately .7 mile upstream of confluence with Grassy Run.....	*1,636	Tributary No. 7: Within community.....	*28
Approximately .4 mile upstream of Interstate Highway 81 Entrance Ramp (southbound).....	*1,248	Steele's Run: Approximately 80 feet upstream of Malcom Avenue.....	*1,316	U.S. Route 92 Canal: At mouth.....	*25
Weyers Cave Tributary: At confluence with North River.....	*1,093	Approximately 960 feet upstream of Malcom Avenue.....	*1,325	Just downstream of Eleventh Street.....	*29
Approximately 0.5 mile upstream of State Highway 996.....	*1,106	Maps available for inspection at the Department of Community Development, County Office Building, 6 East Johnson Street, Staunton, Virginia.		Eleventh Street Canal: At mouth.....	*15
Potterfield Run: At confluence with South River.....	*1,231	West Point (town), King William County (FEMA docket No. 6966)		Just upstream of Dunn Avenue.....	*29
Approximately .4 mile upstream of State Highway 796.....	*1,276	York River: Shoreline at Main Street, extended.....	*8	Eleventh Street Canal Tributary No. 1: Within community.....	*26
Mine Branch: At confluence with South River.....	*1,222	Pamunkey River: At State Route 33 bridge.....	*8	Thayer Channel: At mouth.....	*21
Approximately 1,000 feet upstream of State Highway 663.....	*1,456	Mattaponi River: At State Route 33 bridge.....	*8	Just downstream of Eleventh Street.....	*28
North River (Upper Reach): At the downstream County boundary.....	*1,278	Maps available for inspection at the Town Hall, 329 6th Street, West Point, Virginia.		Canal Between: At mouth.....	*17
Approximately 0.9 mile upstream of State Highway 730.....	*1,554			About 3,300 feet upstream of Interstate 95.....	*25

Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)	Source of flooding and location	#Depth in feet above ground. Elevation in feet (NGVD)
Wally Hoffmeyer Canal:		Shooting Range Canal:	
At mouth.....	*19	Just upstream of Interstate 95.....	*23
Just upstream of Williamson Boulevard.....	*25	About 2,150 feet upstream of Williamson Road.....	*28
Bayless Canal:		Tomoka River:	
At mouth.....	*22	At mouth.....	*4
Just downstream of Williamson Boulevard.....	*27	About 5,500 feet upstream of U.S. Route 92.....	*26
Canal to Lake Lloyd: Within community.....	*28	Atlantic Ocean/Intracoastal Waterway:	
Airport Speedway Ditch:		Just west of intersection of John Anderson	
At mouth.....	*27	Drive and Highbridge Road.....	*4
At confluence of Canal to Lake Lloyd.....	*28	About 1,800 feet east of the intersection of U.S.	
Bellevue Canal:		Route 1 and Joselyn Road.....	*8
At mouth.....	*25	About 250 feet east of State Road A1A, south	
Just upstream of Old Deland Road.....	*28	of the Flagler County Boundary.....	*13
Lake Lloyd: Entire shoreline.....	*28	Maps available for inspection at the Develop-	
Atlantic Ocean:		ment Office, 110 West Indiana Avenue, Deland,	
About 300 feet northeast of the intersection of		Florida.	
North Atlantic Avenue and Williams Avenue.....	*9	MAINE	
About 500 feet northeast of the intersection of		Lincolville (town), Waldo County (FEMA	
North Atlantic Avenue and Williams Avenue.....	*12	docket No. 6946)	
Intracoastal Waterway Halifax River:		West Penobscot Bay:	
About 600 feet northwest of the intersection of		At U.S. Route 1 bridge over Ducktrap River.....	*10
Halifax Drive and Pelican Avenue.....	*6	Shoreline at approximately 600 feet north of	
About 1,850 feet northeast of the intersection of		County boundary (southern corporate limits).....	*34
Wilder Boulevard and South Ridgewood		Maps available for inspection at the Town Hall,	
Avenue.....	*9	Lincolville, Maine.	
Maps available for inspection at the City Hall,		MINNESOTA	
Daytona Beach, Florida.		Thief River Falls (city), Pennington County	
Port Orange (city), Volusia County (FEMA		(FEMA docket No. 6966)	
docket No. 6923)		Red Lake River:	
Spruce Creek:		About 1.35 miles downstream of dam.....	*1,106
Just downstream of Interstate 95.....	*5	Just downstream of dam.....	*1,111
About 0.9 mile upstream of Airport Road.....	*6	Just upstream of dam.....	*1,118
About 3.0 miles downstream of Interstate 95.....	*6	About 2.65 miles upstream of confluence of	
B-19 Canal:		Thief River.....	*1,121
At mouth.....	*5	Maps available for inspection at the Building	
About 1,750 feet upstream of confluence with		Inspector's Office, City Hall, 2nd and Main	
B-19 Tributary No. 2.....	*26	Avenues, Thief River Falls, Minnesota.	
B-19 Canal Tributary No. 1:			
At mouth.....	*25		
About 1.0 mile upstream of mouth.....	*27		
B-19 Canal Tributary No. 2:			
At mouth.....	*27		
About 2,400 feet upstream of mouth.....	*29		
Atlantic Ocean: About 2,100 feet east of the			
intersection of Dunlawton Avenue and the Flori-			
da East Coast Railroad.....	*9		
Maps available for inspection at the City Hall,			
Port Orange, Florida.			
Volusia County, (unincorporated areas) (FEMA			
docket No. 6923)			
Spruce Creek:			
Just upstream of Florida East Coast Railway.....	*6		
About 2,800 feet upstream of unnamed road.....	*22		
Spruce Creek Tributary A:			
At mouth.....	*6		
About 0.85 mile upstream of mouth.....	*18		
B-19 Canal: Within community.....	*28		
B-19 Canal Tributary No. 1: Within community.....	*28		
B-19 Canal Tributary No. 2: Within community.....	*27		
Bellevue Canal:			
At mouth.....	*25		
About 4,000 feet upstream of Thames Road.....	*28		
St. Johns River:			
About 9.6 miles downstream of State Road 40.....	*7		
Just downstream of county boundary.....	*11		
Bulow Creek:			
About 1.9 miles upstream of mouth.....	*4		
About 1.8 miles upstream of Washington			
Avenue.....	*6		
Spruce Creek Tributary No. 1:			
At mouth.....	*10		
About 1,300 feet upstream of Samsula Road.....	*27		
Spruce Creek Tributary No. 2:			
At mouth.....	*11		
About 2,950 feet upstream of mouth.....	*18		
Eleventh Street Canal:			
Just upstream of Interstate 95.....	*24		
About 1.0 mile upstream of Interstate 95.....	*26		
Eleventh Street Canal Tributary No. 1: Within			
community.....	*26		
Eleventh Street Canal Tributary No. 2:			
At mouth.....	*26		
About 1.0 mile upstream of mouth.....	*28		
Eleventh Street Canal Tributary No. 2A:			
At mouth.....	*28		
About 2,500 feet upstream of mouth.....	*29		

of the second paragraph, the word "terms" should read "teams".

2. On page 2288, in the second column, the amendatory language is corrected to read as follows:

Accordingly, FEMA is amending part 206, chapter I, subchapter D, of title 44 of the Code of Federal Regulations by revising subparts A, B, and C and the authority citation for the part to read as follows:

§ 206.4 [Corrected]

3. On page 2290, in the first column, in § 206.4, in the fourth line, the word "those" should read "these".

§ 206.13 [Corrected]

4. On page 2291, in the third column, in § 206.13(a) the second word should be capitalized: "Associate".

§ 206.38 [Corrected]

5. On page 2295, in the first column, in § 206.38(b), the word "Thew" should read "The".

§ 206.204 [Corrected]

6. On page 2305, in the third column, the table in § 206.204(c) is corrected to read:

COMPLETION DEADLINES

Type of work	Months
Debris clearance.....	6
Emergency work.....	6
Permanent work.....	18

§ 206.207 [Corrected]

7. On page 2307, in the first column, in § 206.207(b)(2), "RED" is corrected to read "RD".

Dated: February 5, 1990.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 90-3592 Filed 2-14-90; 8:45 am]

BILLING CODE 6718-02-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. R-129]

RIN 2133-AA81

46 CFR Part 308

War Risk Insurance

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: The Maritime Administration (MARAD) is amending its war risk insurance regulations (46 CFR part 308) to allow certain vessels registered in the

Issued: February 8, 1990.

Harold T. Duryee,

Administrator, Federal Insurance Administration.

[FR Doc. 90-3459 Filed 2-14-90; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 206

RIN 3067-AB37

Disaster Assistance; Correction

AGENCY: Federal Emergency Management Agency.

ACTION: Final Rule; Correction.

SUMMARY: The Federal Emergency Management Agency is correcting errors in regulations for disaster assistance.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell (202) 646-3691.

SUPPLEMENTARY INFORMATION: In FR Doc. 90-1135, in the Federal Register issue of Tuesday, January 23, 1990, beginning on page 2284, make the following corrections:

PART 206—[CORRECTED]

1. On page 2285, in the second column, in numbered paragraph 1., "Preliminary Damage Assessment", in the third line

Republic of the Marshall Islands (RMI) to become eligible to obtain war risk insurance interim binders that insure vessels against liabilities resulting from war or warlike actions when commercial war risk insurance is unavailable on reasonable terms and conditions. Under the existing regulations that are administered by MARAD as a standby emergency program, only vessels that are registered under the laws of the United States, as well as certain vessels that are owned or controlled by U.S. citizens and registered under the laws of Panama, Honduras, Liberia and the Bahamas, are eligible to apply for war risk insurance interim binders.

EFFECTIVE DATES: March 19, 1990.

FOR FURTHER INFORMATION CONTACT: Edmond J. Fitzgerald, Director, Office of Trade Analysis and Insurance, Maritime Administration, Washington, DC 20590 or telephone (202) 366-2400.

SUPPLEMENTARY INFORMATION: Title XII, Merchant Marine Act, 1936, as amended (Act) (46 U.S.C. App. 1281-1294), gives authority to the Secretary of Transportation (Secretary) to provide war risk insurance and reinsurance. This authority was extended by Pub. L. 101-115 (October 13, 1989), and will expire on June 30, 1995. Implementing war risk insurance regulations provide the terms and conditions under which war risk insurance interim binders are issued for U.S.-flag vessels and certain foreign-flag vessels owned or controlled by U.S. citizens.

As authorized by section 1202 of the Act (46 U.S.C. App. 1282), the Secretary may provide war risk insurance adequate for the needs of the waterborne commerce of the United States, if such insurance coverage cannot be obtained on reasonable terms and conditions from companies authorized to conduct an insurance business in a state of the United States. The U.S. Government's war risk insurance program is a standby emergency program. It becomes effective simultaneously with the automatic termination of ocean marine commercial war risk insurance policies. Those policies are terminated automatically upon the outbreak of war, whether declared or not, between any of the five great powers (United States, United Kingdom, France, People's Republic of China, or the Union of Soviet Socialist Republics) or upon the hostile detonation of a weapon of war employing atomic or nuclear fission and/or fusion or other like reaction or radioactive force or matter.

This program makes it possible for applicant vessel owners and operators

to obtain war risk insurance, underwritten by the U.S. Government, when such insurance is unavailable on reasonable terms and conditions in the commercial market. It assures the continued flow of essential U.S. trade, while protecting the shipowner from loss due to risks of war.

A war risk insurance interim binder is a contract under which the U.S. Government agrees to provide the applicant with war risk insurance coverage in the interim period, after termination of commercial insurance coverage, for a fee and upon the conditions set forth in 46 U.S.C. App. 1283. An agent of MARAD issues the interim binders. War risk insurance interim binder coverage is available for hull, protection and indemnity and second seamen's (crew life, disability, loss of effects and detention).

In 1976, Public Law 94-523 amended the prior war risk authority (46 U.S.C. App. 1283) by requiring that the Secretary shall determine whether to grant war risk insurance or reinsurance to foreign-flag vessels based upon consideration of "the characteristics, the employment, and the general management of the vessel by the owner or charterer." This authority was reinstated in 1979 and 1985, and extended in 1989. It has been implemented by regulations published in the *Federal Register* on April 3, 1980 (45 FR 22041), and December 9, 1985 (50 FR 50165), respectively.

MARAD's implementing regulations restrict foreign-flag vessel eligibility for war risk insurance interim binders. They provide a case-by-case review of applications for war risk insurance binders on foreign-flag vessels, which insurance is intended to assure the continued delivery of important U.S. cargoes when commercial war risk insurance is unavailable. Under these regulations the U.S. Government enters into an agreement with the owners of foreign-flag vessels known as a Voluntary Contract of Commitment (VCC), making these vessels available for use by the Government, on request, during a national emergency. Vessels now eligible to apply under MARAD regulations are those that are documented under the laws of the United States (except sport fishing vessels), as well as certain vessels not more than 20 years old that are registered under the laws of Panama, Honduras, Liberia and the Bahamas.

Owners of these foreign-flag vessels must be U.S. citizens, or U.S. citizen-owned corporations, or the vessels must be under the operational control of U.S. citizens. These vessels cannot be subject to requisition for title or use by

any national government other than the U.S. Government. Further, the foreign country in which the vessel is registered may not have a statutory restraint preventing the U.S. Government from requisitioning a U.S. citizen-owned or controlled vessel registered in that foreign country.

Eligible foreign-flag vessels that qualify for war risk interim binders are those that are: (1) Substantially engaged in the foreign commerce of the United States (considered to be so if they carry 30 percent of net cargo tonnage, on a semiannual basis, in the U.S. foreign commerce); (2) product tankers up to 90,000 deadweight tons; (3) dry bulk cargo vessels; (4) heavy lift vessels; (5) refrigerated vessels; and (6) other classes of vessels in short supply in the U.S.-flag fleet or those with special capabilities.

The owner of a vessel that meets any of these criteria is required to: (1) Make the vessel available during a U.S. national emergency to serve the U.S. economy or cooperate with U.S. military authorities under section 902 of the Act (46 U.S.C. App. 1242); (2) maintain it in its eligible category; and (3) periodically report its location to the U.S. Coast Guard.

Vessels owned or controlled by U.S. citizens and registered under the laws of a foreign government are subject to the laws of the country of registry. Such laws may prevent U.S. citizens or U.S. operators of a foreign-flag vessel from making that vessel available to the U.S. Government during periods of U.S. national emergency. MARAD's regulations require that applicants for war risk insurance on a foreign-flag vessel submit with their application a certified copy of the evidence of any official action or approval required by the government of the country of registry as a prerequisite to the execution of a VCC with the U.S. Government (46 CFR 308.3(d)(4)). The VCC between the U.S. Government (MARAD) and the vessel's U.S. citizen applicant makes that vessel available to the United States during any period in which vessels may be requisitioned under section 902 of the Act (46 U.S.C. App. 1242), i.e., whenever the President proclaims that there is a national emergency or that security or the national defense make it advisable.

The RMI became a sovereign nation on October 21, 1986, with the signing of a Compact of Free Association (Public Law 99-239), which creates a special relationship between the United States and the RMI. Under the terms of the Compact, the RMI has turned over its defenses to the United States in return for a pledge of foreign aid for a period of

15 years. The Compact is renewable at the end of this period. Under the Compact of Free Association, the RMI has embarked upon an aggressive program of economic development. Provisions of the Compact assure the support and cooperation of many U.S. Federal agencies in creating for the RMI those social services and economic services enjoyed by U.S. citizens. As part of this development program, in 1987, the RMI passed a Maritime Act creating a ship registry. The Maritime Act has no statutory restraints preventing the U.S. Government from requisitioning a U.S. citizen-owned or controlled vessel registered in the RMI.

Since the implementation of the Maritime Act of 1987, the RMI has moved to adhere to Conventions of the International Maritime Organization (IMO) relating to maritime safety. To date, the following five treaties are in full force and effect for the Marshall Islands:

- Convention on International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREGS);
- International Convention for the Safety of Life at Sea (1974) (SOLAS);
- Protocol of 1978 amending International Convention for the Safety of Life at Sea; and
- International Load Line Convention (1966); and
- International Convention for the Prevention of Pollution from Ships, 1973, as amended (MARPOL).

As a result of a review of the RMI Maritime Act, the U.S. Navy now regards U.S. citizen-owned or controlled vessels registered in the RMI as providing available cargo capacity to be relied upon to contribute to the cargo sealift capability support complementing U.S. strategic defense requirements. The U.S. Navy has requested that MARAD provide war risk insurance for certain RMI vessels, as appropriate. MARAD believes that RMI registry would be an attractive option to some U.S. citizen owners of eligible vessel types that are now under foreign registry.

Accordingly, on November 22, 1989, MARAD published in the *Federal Register* a notice of proposed rulemaking (NPRM) proposing to amend its regulations at 46 CFR part 308 to provide that certain vessels registered in the RMI be eligible for war risk insurance interim binders. Such vessels could serve the national economy and the national defense needs of the United States.

MARAD has received two comments in response to the NPRM, one in support of the extension of war risk insurance eligibility to vessels under RMI registry, and the other in opposition to this rulemaking.

In support of the NPRM, the Federation of American Controlled Shipping (FACS) notes the position of the U.S. Navy that U.S. citizen-owned or controlled vessels registered in the RMI will provide available cargo capacity that may be relied upon to contribute to the cargo sealift capability support complementing U.S. strategic defense requirements. However, FACS reiterates its comments submitted with respect to the NPRM (52 FR 38486; Oct. 16, 1987) that preceded the final rule (53 FR 8186; March 14, 1988) and expanded war risk coverage eligibility to include vessels under Bahamian registry, that all vessel types under effective U.S. control (EUSC) should be eligible for war risk insurance as they were prior to 1975, "not just an arbitrarily selected few." FACS submits that automatic eligibility for all of these vessels would clearly be in furtherance of the National Sealift Policy approved by President Bush on October 5, 1989. It states further that, because the information required to be submitted with an application for war risk insurance includes technical details of the ships, automatic eligibility would allow for more detailed planning for their use.

As noted above, in 1976 Public Law 94-523 amended the prior war risk authority by requiring that the Secretary shall determine whether to grant war risk insurance or reinsurance to foreign-flag vessels based upon consideration of "the characteristics, the employment, and the general management of the vessel by the owner or charterer."

MARAD is in the process of reviewing its war risk insurance regulations as they pertain to automatic eligibility to obtain war risk insurance interim binders.

The AFL-CIO Maritime Committee expressed opposition to the NPRM, referring to provisions in Public Law 101-115 that it alleges "restricts war risk coverage to a certain group of 'runaways'." It states further that the Comptroller General has ruled that these EUSC vessels are not requisitionable under the Act, "thereby eliminating the primary reason for extending this benefit to the runaway operators." It also asks whether the announced boycott of Panamanian-flag ships after January 31, 1990, will result in an order cancelling war risk insurance for Panamanian vessels.

Those comments do not apply. Public Law 101-15 amended section 1202 of the Act (46 U.S.C. App. 1282) to require that as a condition of providing war risk insurance to foreign-flag vessels, such vessels be available for the United States in time of war or national emergency. That provision is

incorporated in the VCC which MARAD requires under these regulations to be executed by the owner of each vessel applying for war risk insurance. Absent this commitment, MARAD will not issue war risk insurance. MARAD consistently has taken exception to the Comptroller General's opinion. Since the boycott of Panamanian-flag vessels did not go into effect, and is most unlikely because of subsequent events, MARAD has not considered cancelling war risk insurance for Panamanian-flag vessels.

Analysis of Regulatory Impact

This rulemaking has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual affect on the economy of \$100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, the economic impact has been found to be minimal. This final rule does not involve any change in important Departmental policies, and is not considered significant under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979).

RMI law now allows entities registering their vessels in the RMI to qualify for war risk insurance binders issued by the U.S. Government, subject to enabling amendments to MARAD regulations.

The U.S. Navy has formally recommended to MARAD that eligibility for war risk insurance interim binders be extended to the RMI. Presently there are no vessels under RMI registry that would be eligible for war risk insurance interim binders. MARAD cannot project the number of vessels, if any, that now are or may in the future be eligible for war risk insurance interim binders, that may choose to register in the RMI. Since the rule principally affects the owners and operators of large commercial ships, the Maritime Administrator certifies that it will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601-612).

This rule does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and

it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

This rule amends the regulations at 46 CFR part 308, which contain information collection requirements in §§ 308.3 and 308.6. The information collection for vessels that are registered in the RMI will be identical to that which has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These new forms were approved for use in March 1986 (under OMB Control No. 2133-0011) and are now entitled: War Risk Insurance Application (Form MA-528); War Risk Insurance Binder (Form MA-942); Vessel Data (Form MA-828); and Underwriting Agency Agreement (Form MA-355).

List of Subjects in 46 CFR Part 308

Maritime carriers, War risk insurance.

Accordingly, 46 CFR part 308 is amended as follows:

PART 308—[AMENDED]

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

Authority: Secs. 204, 1202, 1203, 1209, Merchant Marine Act, 1936, as amended (46 U.S.C. App. 1114, 1282, 1283, 1289; 49 CFR 1.66).

§ 308.2 [Amended]

2. Section 308.2(a) is amended by inserting between the word "Bahamian" and the word "or" the words ", Republic of the Marshall Islands".

(Catalog of Federal Domestic Assistance Program No. 20.803 War Risk Insurance)

By order of the Maritime Administrator.

Date: February 9, 1990.

James E. Saari,
Secretary.

[FR Doc. 90-3513 Filed 2-14-90; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF ENERGY

Office of the Secretary

48 CFR Part 970

Acquisition Regulation

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: This rule amends 48 CFR part 970, Management and Operating Contracts, of the Department of Energy Acquisition Regulation (DEAR). This rulemaking affects two parts of the DEAR: Subsections 970.3102-2(i) and

970.5204-4 are amended to conform with Federal Acquisition Regulation (FAR), subsection 31.205-6, Compensation for Personal Services, and 29.401-6, New Mexico Gross Receipts and Compensating Tax.

EFFECTIVE DATE: March 19, 1990.

FOR FURTHER INFORMATION CONTACT:

Gwen Cowan, Business and Financial Policy Division (MA-402.2), Directorate of Procurement and Assistance Management, Washington, DC 20585, (202) 586-8159.

Mary Ann Masterson, Office of the Assistant General Counsel for Procurement and Finance (GC-34), Washington, DC 20585, (202) 586-1900.

SUPPLEMENTARY INFORMATION:

I. Background

II. Procedural Requirements

- A. Review Under Executive Order 12291
- B. Review Under the Regulatory Flexibility Act
- C. Paperwork Reduction Act
- D. National Environmental Policy Act
- E. Review Under Executive Order 12612
- F. Public Hearing

III. Public Comments

I. Background

Under section 644 of the DOE Organization Act, Pub. L. 95-91 (42 U.S.C. 7254), the Secretary of Energy is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in that position. Accordingly, the DEAR was promulgated with an effective date of April 1, 1984 (49 FR 11992, March 28, 1984), 48 CFR chapter 9.

The purposes of this rulemaking are:

(1) To amend DEAR subsection 970.3102-2(i) to implement changes to conform with FAR 31.205-6(g)(2)(i) and to be consistent with contractor legal requirements to adhere to the provisions of certain labor laws. FAR 31.205-6(g)(2)(i) was revised to delete the provision disallowing severance payments which are in addition to early or normal retirement payments. However, severance payments will still be required to meet the remaining criteria for severance pay as well as the test of overall reasonableness of compensation.

(2) To amend the DEAR to add subsection 970.5204-4 to conform with FAR 29.401-6. FAR 29.401-6 was added to eliminate double taxation in New Mexico of Government cost-reimbursable contracts for the purchase of tangible personal property to be used in performing services, title to which passes to the United States upon delivery of the property to the contractor

by the vendor. The purpose is to avoid reimbursement to the contractor of the gross receipts tax paid to a vendor for purchased tangible personal property, and the gross receipts tax which includes the tax already paid on purchased property (double taxation).

II. Procedural Requirements

A. Review Under Executive Order 12291

This Executive Order 12291, entitled "Federal Regulations," requires that certain regulations be reviewed by the Office of Management and Budget (OMB) prior to their promulgation. OMB Bulletin 85-7 exempts all but certain types of procurement regulations from such review. This final rule does not involve any of the topics requiring prior review under the bulletin and is, accordingly, exempt from such review.

B. Review Under the Regulatory Flexibility Act

This final rule was reviewed under the Regulatory Flexibility Act of 1980, Pub. L. 96-354, which requires preparation of regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the costs of goods or services or other direct economic factors. It will not have significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Paperwork Reduction Act

The Paperwork Reduction Act, Pub. L. 96-511, does not apply because this final rule does not impose additional reporting or recordkeeping requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, *et seq.*

D. National Environmental Policy Act

The DOE has concluded that promulgation of this rule would not represent a major Federal action having a significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. *et seq.*, 1976), or the Council on Environmental Quality regulations, (40 CFR part 1500 through 1508), and the DOE guidelines (10 CFR part 1021), and, therefore, does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

E. Review Under Executive Order 12612

The DOE has concluded that this final rule does not involve issues which are expected to have a substantial direct effect on traditional state functions or their institutional interest and thus the "federalism" assessment requirements of Executive Order 12612 (52 FR 41685, October 30, 1987) do not apply.

F. Public Hearing

DOE has concluded that this rule does not involve a substantial issue of fact or law and that it should not have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Pub. L. 95-91, the DOE Organization Act, the DOE did not hold a public hearing on this rule.

III. Public Comments

This final rule is based on the Notice of Proposed Rulemaking (NPR), which DOE published in the *Federal Register* on August 14, 1989 (54 FR 155), wherein public comments were invited. No comments were received concerning these proposed changes. The proposed rule also contained a revision to DEAR Subsection 970.5204-16, Payments and Advances. As a result of several public comments the issue requires additional research before publishing as a final rule. So as not to delay the other revisions, the changes to DEAR subsection 970.5204-16 will be published at a later date.

List of Subjects in 48 CFR Part 970

Government procurement,
Management and operating contracts.

For the reasons set out in the preamble, chapter 9 of title 48 of the Code of Federal Regulations is amended as set forth below.

Issued in Washington, DC on January 16, 1990.

Berton J. Roth,

Director, Directorate of Procurement and Assistance Management.

PART 970—DOE MANAGEMENT AND OPERATING CONTRACTS

1. The authority citation for part 970 continues to read as follows:

Authority: Sec. 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201), and Sec. 644 of the Department of Energy Organization Act, Pub. L. 95-91 (42 U.S.C. 7254).

970.3102-2 [Amended]

2. Section 970.3102-2(i), Severance Pay, is amended by removing the last sentence of paragraph (i)(2)(i).

3. Subsection 970.5204-4, New Mexico Gross Receipts and Compensating Tax is added as follows:

970.5204-4 New Mexico Gross Receipts and Compensating Tax.

See FAR 52.229-10.

Note.—In small paragraph (b) of this clause, replace the phrase "Allowable Cost and Payment clause" with "Allowable Costs and Fixed Free Clause" or, if it is different, the title of the clause addressing allowable costs.

[FR Doc. 90-3615 Filed 2-14-90; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration****50 CFR Part 652**

[Docket No. 91164-0017]

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Notice of 1990 fishing quotas.

SUMMARY: NOAA issues this notice of final initial fishing quotas for the surf clam and ocean quahog fisheries for 1990. These quotas were selected from a range defined as optimum yield (OY) for each fishery and will be adjusted to reflect actual 1989 fishing activity when the final statistics are available. The intended effect of this action is to establish allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1990.

EFFECTIVE DATE: February 14, 1990.

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

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Secretary of Commerce (Secretary), in consultation with the Mid-Atlantic Fishery Management Council (MAFMC), to specify quotas for surf clams and ocean quahogs on an annual basis from within ranges which have been identified as OY for each fishery.

In specifying the quota levels in this action, the Secretary considered the latest available stock assessments prepared by NMFS, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas likely to be reopened to fishing.

The proposed 1990 quotas were published on November 24, 1989 (54 FR 48656), with a comment period concluding on December 20, 1989. The New England Fishery Management Council commented on the proposed reduction to 56,000 bushels for the Georges Bank surf clam fishery and requested that the final initial quota for 1990 be set at 300,000 bushels plus any resultant underharvest from the 1989 fishery. In accepting the quota recommendation of the MAFMC for an initial quota of 56,000 bushels for 1990, the Secretary under 50 CFR § 651.21(a)(1) had to take into consideration various factors including projected effort and corresponding catches. The effort in this fishery has declined in each of the years since it was formally recognized in 1984. A quota of 56,000 bushels plus the unharvested quota remaining from the 1989 fishery will establish a total adjusted quota of 300,000 bushels. This quota will still exceed the harvest from the area for the past five years. Another consideration was the recent submission to the Secretary of Amendment 8 to the FMP. If Amendment 8 is approved, there will be only one annual surf clam quota. Therefore, if the Georges Bank surf clam fishery harvest were allowed to grow, it might cause an overfishing condition in other areas. No other comments were received from the public.

The quarterly quotas for 1990 will be adjusted under § 652.21(a)(3), (b)(3), and (c)(3) to reflect the amount of underharvest or overharvest in each designated surf clam fishery for 1989 when the 1989 catch records are finalized. The Secretary will publish by notice in the *Federal Register*, the final adjusted quota for each fishery.

The initial final quotas for the surf clam and ocean quahog fisheries for 1990 are:

1990 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery areas	1990 final quotas (in bushels)
Mid-Atlantic surf clam	2,650,000
Georges Bank surf clam	56,000
Nantucket Shoals surf clam	200,000
Ocean quahog (all areas)	5,300,000

For the surf clam fisheries, the annual quotas are divided into quarterly quotas under § 652.21 (a), (b)(2), and (c)(2), as follows:

1990 SURF CLAM QUARTERLY QUOTAS

Fishery areas	Qtr 1	Qtr 2	Qtr 3	Qtr 4
Mid-Atlantic surf clam.....	662,500	662,500	662,500	662,500
Georges Bank surf clam.....	14,000	14,000	14,000	14,000
Nantucket Shoals surf clam.....	40,000	60,000	60,000	40,000

Other Matters

This action is taken under authority of 50 CFR 652.21 and is taken in compliance with E.O. 12291. This action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations (Amendment 3).

List of Subjects in 50 CFR Part 652

Fisheries, Recordkeeping and reporting requirements.

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

Dated: February 9, 1990.

James E. Douglas, Jr.,
Deputy Assistant Administrator for Fisheries,
National Marine Fisheries Service.

[FR Doc. 90-3518 Filed 2-14-90; 8:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 55, No. 32

Thursday, February 15, 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 THE TREASURY

Office of Thrift Supervision

12 CFR Part 564

(No. 90-164)

RIN 1550-AA24

Appraisals

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Office of Thrift Supervision ("OTS") proposes to amend its regulations to include additional standards regarding the performance of real estate appraisals. The proposed regulation attached to this preamble implements title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Public Law 101-73, 103 Stat. 183, 511 (1989). It is intended to protect federal financial and public policy interests in real estate-related financial transactions requiring the services of an appraiser. Title XI of FIRREA and the proposed regulation provide the OTS 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 received by April 16, 1990.

ADDRESSES: Send comments to Director, Information Services Division, Office of Communications, Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552. Comments will

be available for inspection at 801 17th Street NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Diana Garmus, Executive Assistant, Supervision Policy, (202) 331-4554, 801 17th Street NW., Washington, DC 20006; Glen M. Sanders, Chief Appraiser and Loan Underwriter, Office of Thrift Supervision, District 11, (714) 228-3672, Four Centerpointe Drive, Suite 300, La Palma, CA 90623; Kathryn Gearheard, MAI, District Appraiser, (503) 242-3851, Office of Thrift Supervision, District 12, 610 SW. Alder, Suite 805, Portland, OR 97201; Gregory A. Hoefer, MIA-SRPA, Chief District Appraiser, (206) 340-2401, Office of Thrift Supervision, District 12, 1501 Fourth Avenue, 19th Floor, Seattle, WA 98101; Ellen J. Sazzman, Attorney, (202) 906-7133, Regulations and Legislation Division, Chief Counsel's Office; Office of Thrift Supervision, 1700 G Street NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

A. Background

Title XI of FIRREA is designed to ensure that more reliable appraisals are rendered in connection with federally related transactions. 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. Pursuant to the provisions of title XI, the federal financial institutions regulatory agencies (the "agencies")¹ and the Resolution Trust Corporation ("RTC") are proposing to require state certified or licensed appraisers to be used for all real estate-related financial transactions except those transactions in which a lien is placed on real property solely through an abundance of caution. The OTS is proposing to require that transactions where the transaction value of the real estate-related financial transaction is less than or equal to \$15,000 be accompanied by an analysis completed on Federal Home Loan Mortgage Corporation Form 704 or similar form. The OTS acting pursuant to section 1112 of FIRREA, is proposing to require State certified appraisers to be used for all appraisals, except non-complex 1-4 family residential property

appraisals rendered in connection with a federally related transaction having a transaction value below a specified amount.

In addition, the OTS is proposing to prescribe standards, pursuant to section 1110 of FIRREA, for the performance of appraisals in connection with federally related transactions. 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 Foundation² and the additional standards set forth in this proposed regulation.

This proposed regulation is intended to supplement the current appraisal regulation and policy statement of the OTS.³ That regulation and policy statement will remain in effect, subject to amendment.

FIRREA leaves with the states the responsibility to develop certification and licensing criteria for real estate appraisers. The Appraisal Subcommittee of the Federal Financial Institutions Examination Council ("FFIEC"), the agencies, and the RTC are charged with reviewing the qualification criteria established by the states as there criteria are promulgated and, as authorized by title XI, may establish additional criteria or amend existing criteria as may be necessary or appropriate to carry out their statutory responsibilities.

While each agency and the RTC are conducting their own rulemakings, the proposals are virtually uniform in substance. The OTS is proposing this regulation to improve the safety and soundness of the financial institutions that it regulates. 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.

² The Appraisal Foundation was established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

³ See 12 CFR 563.171 and 571.27, both of which are entitled "Appraisal policies and practices of savings associations and service corporations." The OTS will review its currently effective regulation and policy statement in order to make conforming changes with this rulemaking and anticipates removal of duplicative materials.

¹ The Board of Governors of the Federal Reserve System ("Board"), the Federal Deposit Insurance Corporation ("FDIC"), National Credit Union Administration ("NCUA") the Office of the Comptroller of the Currency ("OCC"), and the Office of Thrift Supervision ("OTS").

Accordingly, through the integration of existing guidance on real estate appraisals with the additional requirements imposed by title XI, this proposed regulation provides 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 rules. In addition, the OTS specifically requests public comments on the following points:

(1) The definitions used, particularly including "complex 1-to-4 family residential property appraisal" and "transaction value";

(2) Whether a *de minimis* level below which a state certified or licensed appraiser is not required would be appropriate;

(3) The criteria which determine when a state certified appraiser is required;

(4) The additional appraisal standards set forth in the proposed regulation;

(5) The interaction between its currently effective appraisal regulation and policy statement and this proposal. Pursuant to the mandate of the Competitive Equality Banking Act of 1987 ("CEBA"), Pub. L. 100-86, Stat. 552 (August 10, 1987), the OTS already has in place an appraisal regulation and policy statement that address the development and implementation of prudent appraisal policies and procedures for savings associations and their service corporations. See 12 CFR 563.171, 571.27. As indicated, OTS intends to review its current regulation and policy statement to ensure that they conform with the appraisal requirements ultimately promulgated pursuant to this rulemaking and anticipates removal of duplicative material. However, OTS welcomes suggestions regarding the mesh between this rulemaking and its current regulation and policy statement; and

(6) Whether in addition to covering savings associations and their service corporations, the scope of the rule should extend to savings and loan holding companies and any non-savings association subsidiaries.

B. Section-by-Section Analysis

Section 1—Authority, Purpose, and Scope

This section identifies title XI of FIRREA as the authority under which this regulation is promulgated. Further, it lists those institutions, including the OTS, which would be required to comply with the regulation. The proposed regulation would apply to all

institutions regulated by the OTS, including insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, savings and loan holding companies, and direct or indirect subsidiaries of any of these institutions (collectively referred to as "regulated institutions").

Section 2—Definitions

Except where noted below, the definitions set forth in title XI apply to the terms used in this regulation.

—*"Appraisal."* This definition currently is used by nineteen federal agencies.⁴ The OTS 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 appraisals" provides guidance on factors that will determine if the services of a State-certified appraiser are required. This list is illustrative only.

—*"Market value."* This definition is commonly used in connection with mortgage lending by a number of governmental agencies and others. This 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 OTS believes that the 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.⁵

—*"Real estate-related financial transaction."* This definition is taken from section 1121(5) of FIRREA, except that "and" is replaced with "or" throughout so as to clarify the intent of Congress to apply the safeguards to title XI as broadly as possible.⁶

—*"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 comply with the intent of 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 unless that individual passes an examination, administered by the state or territory, that is consistent with and 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.

The OTS may, in the future, establish criteria for certified appraisers in addition to those adopted by a given state. Additionally, the Appraisal Subcommittee of the FFIEC may issue a written finding that the certification criteria of a state or territory are inadequate for one of several 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 OTS, as

⁵ This paragraph regarding comparables is taken from the standard definition of "market value" used by the Federal Home Loan Mortgage Corporation (Freddie Mac), the Federal National Mortgage Association (Fannie Mae), the OTS, and others. By including this paragraph in the preamble rather than the regulation, the OTS does not intend to suggest any change in the interpretation or application of the definition of "market value" as this term is currently used.

⁶ See, e.g., Report of the House Banking, Finance and Urban Affairs Committee, H.R. Rep. 101-54, part 1, 101st Cong., 1st Sess. (the "House Banking Committee Report") 480, 481 (1989).

⁴ See 49 CFR part 24, "Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs", 54 FR 8913 (March 2, 1989).

appropriate, and (b) the appraiser certifications 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 for a given state by the Appraisal Subcommittee. Extensions may not be granted beyond December 31, 1991 pursuant to section 1119(a) of FIRREA.

—“*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 may not be acceptable. Rather, the states and territories are expected 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.

As with state certified appraiser criteria, the OTS may impose additional criteria for licensed appraisers. Moreover, the Appraisal Subcommittee is charged with monitoring state appraiser certifying the licensing agencies, and may reject state licenses if a state’s appraisal policies, practices, or procedures are found to be inconsistent with title XI.

—“*Tier 1 capital.*” This term is applied in determining circumstances which require the use of a state certified appraiser. Tier 1 capital is equivalent to “core capital” as defined in 12 CFR 567.5(a).

—“*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 an institution’s Tier 1 capital, whichever is less.

Section 3—Transactions Requiring State Certified or Licensed Appraisers

(a) Appraisals not required; procurement of appraisals

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 appraiser. The OTS recognizes that not all real estate related financial transactions will require an appraisal. For instance, an 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 consequence have not been made more favorable than they would have been in the absence of the lien.

The OTS proposes that analyses for federally related transactions having a transaction value less than or equal to \$15,000 be completed on Freddie Mac Form 704 or on a similar form that mirrors the requirements and standards contained therein. Based on its considerable experience with savings associations, which traditionally rely heavily on real estate-secured transactions, the OTS believes that where the real estate serves as the primary collateral for a loan, regardless of the transaction value, it is important that such collateral be valued so as to ensure safe and sound underwriting. Accordingly, the OTS proposes to require that savings associations procure appraisals (or analyses for transactions where the transaction value is \$15,000 or less) to support all transactions where real estate serves as the primary collateral.

The OTS does not now permit a *de minimis* exception to its appraisal requirements, so there will be no additional burden imposed on thrifts with regard to procuring appraisals. In addition, the OTS has attempted to minimize the cost of the procurement of appraisals for transactions of \$15,000 or less, by permitting institutions to utilize Freddie Mac Form 704, or a similar form, in place of a narrative appraisal inasmuch as that form and similar forms provide the information necessary for such appraisals consistent with the principles of safety and soundness.

(b) Transactions Requiring State Certified Appraisers

The legislative history to Title XI evidences a clear intent that state certified appraisers be used for most appraisals performed in connection with federally related transactions.⁷ 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 OTS, 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 the institution’s 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 defined. For federally related transactions entered into by depository institutions operated by the FDIC or RTC as receiver, liquidator, or conservator, the threshold for requiring state certified appraisers for 1-to-4 family residential properties will be \$1,000,000, per the proposed rules of the FDIC and the RTC.

(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 least 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 4—Appraisal Standards

(a) Minimum Standards

Section 1110 of FIRREA instructs the OTS to prescribe appropriate standards for the performance of appraisals made in connection with federally related transactions within each agency’s 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 OTS 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 564.4 of the OTS’s proposed regulation incorporates the minimum standards set forth in the

⁷ See e.g. House Banking Committee Report at 481.

statute, while listing additional criteria that apply to all appraisals performed in connection with federally related transactions within the OTS's jurisdiction.

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,⁹ and have been cited repeatedly in the legislative history of Title XI.¹⁰ The OTS 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.

—(1) *Compliance with the USPAP: Departure Provision.* This standard incorporates the current standards in the USPAP, and clarifies that the Departure Provision in the USPAP is not applicable to appraisals conducted in connection with federally related transactions. The OTS believes that the Departure Provision allows appraisal services to be performed which produce something different from the "appraisal" contemplated by Title XI of FIRREA. For instance, a letter opinion might be produced, consistent with current USPAP requirements, that could be silent about trends of rents, vacancies, or overbuilding. The Comment on the Departure Provision in the USPAP lists examples of when the Departure Provision might apply;¹⁰ however, for purposes of the proposed regulations, such services are not appraisals as this term is used in title XI. The OTS 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, have proposed that the Departure Provision shall not apply to such appraisals.

Changes in the USPAP will apply to federally related transactions unless the OTS has stated in writing that the change shall not apply to federally

related transactions within its primary jurisdiction.

—(2) *Disclosure of Compliance with the USPAP Competency Provision.* This standard requires an appraisal to document, if appropriate, any steps taken to comply with the Competency Provision of 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 Fannie Mae and Freddie Mac with the input of professional appraisal organizations. Without such a standard, a lender might select a definition of value that allows the value 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 market value of a property.

—(4) *Written Appraisal; 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 or on a form chosen by an appraiser, but the appraisal must comply with all provisions of the regulation with the exception as noted for transactions of \$15,000 or less. 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 the 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 written description of 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 on which to evaluate the accuracy of the subject property appraisal, it also will assist the reviewer in identifying recent trends in market prices. 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. The more demanding reporting standard for non-residential property is imposed because larger loan amounts are generally granted 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 a property. Appraisal values should be predicated upon current rents and current vacancies for the subject property if the property is income-producing. 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 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 activities 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

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 Rep. Barnard); 132 Cong. Rec. H3452 (daily ed. June 6, 1986) (statement of Rep. Barnard).

¹¹ 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.

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. Moreover, 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 the 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, or 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 is not used, an appraiser is to explain the reason for eliminating any approach. This requirement is intended to produce appraisals made only after all 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 OTS realizes that some information that the USPAP or this regulation requires to be in an appraisal may be unavailable. For example, historic rents will not exist for a building under construction at the time of appraisal. However, a reader of an appraisal should be made aware of any material information that is unavailable and why the 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, regulated institutions may employ additional standards if circumstances so warrant.

Section 5—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. An opinion about the merits of the transaction potentially will affect the results of the appraisal. Similarly, a direct or indirect interest in the property appraised may undermine the accuracy of the appraisal. An appraiser would have a direct interest, for example, by owning all or part of the property being appraised. An appraiser would have an indirect interest, for example, if he or she 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, a nonpecuniary interest, such as a desire to help an associate obtain a loan, may undermine the accuracy of an appraisal.

To further the goal of appraiser independence, the OTS 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 (that is, appraisers permanently employed by a given regulated institution) should not be supervised, controlled, or influenced by loan underwriters, loan officers, or collection officers.

The OTS recognizes that in certain cases it may be necessary for loan officers and directors to perform appraisals. Such cases would depend on a regulated institution's particular circumstances. An example would be a small rural institution 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 situations, the OTS 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 the appraisal reports are adequate.¹¹ Directors and officers

¹¹ It should be noted that directors and officers who perform appraisals in connection with federally related transactions must be licensed or certified, as appropriate.

should abstain from any vote or approval involving assets on which they 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 6—Professional Association Membership; Competency

(a) Membership in Appraisal Organizations

The legislative history evidences an intent to prohibit discrimination against appraisers solely by virtue of membership or lack of membership in a particular appraisal organization.¹² Accordingly, this regulation prohibits any entity covered by title XI from making decisions regarding the employment of appraisers solely on the basis of membership in an appraisal organization. An institution should review the qualifications of appraisers rather than the qualifications of appraisal organizations to ensure 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 be competent 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 7—Enforcement

Section 1120 of FIRREA vests the OTS 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 the additional remedies available to the OTS under section 8 of the Federal Deposit Insurance Act also apply. These can include civil money penalties, cease and desist orders, and order of removal and prohibitions against institutions and institution-affiliated parties. "Institution-affiliated parties" specifically includes, but is not limited to, appraisers.¹³

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act, the OTS certifies that these changes, if adopted, are not expected to have a significant economic impact on a substantial number of small entities.

The OTS anticipates that these changes may increase, to some degree, certain costs for borrowers and savings associations of all sizes. However, these increased costs should be more than offset by savings realized by decreased losses. Since savings associations 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 real estate secured loan. Some savings associations may elect to absorb all or a portion of any increased appraisal cost, thereby reducing loan profits. However, the OTS also expects the proposed changes to decrease overall costs to savings associations of all sizes. Savings associations will have better information about the value of the real estate being appraised and can ensure that each loan is collateralized adequately. Therefore, the cost to a savings association of default should be reduced. The OTS believes that these changes will benefit savings associations of all sizes.

It should also be noted that most of the requirements of the proposed regulation are already applicable to savings associations pursuant to OTS's existing appraisal regulation and policy statement, 12 CFR 563.171, 571.27. Any interested person is invited to comment regarding this certification.

Executive Order 12291

The OTS has determined that this proposal does not constitute a "major rule" within the meaning of Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required on the grounds that this regulation exclusive of those effects attributable to requirements imposed by statute (1) would not have an annual effect on the

economy of \$100 million or more, (2) would not result in a major increase in the cost of savings association operations or governmental supervision, and (3) would not have a significant adverse effect on competition (foreign and domestic), employment, investment, productivity or innovation.

As noted in the discussion on *Regulatory Flexibility*, the OTS anticipates that these changes may increase to some degree, certain costs for borrowers and savings associations. However, increased costs should be more than offset by savings realized by decreased losses. Since savings associations are required to use certified or licensed appraisers, the cost to a borrower of an appraisal may rise somewhat. Some borrowers may resist the increased appraisal cost and decide not to take out a real estate secured loan. Some savings associations may underwrite all or a portion of the appraisal cost, thereby reducing loan profits. However, OTS expects that the proposed regulation will decrease overall costs to savings associations. Savings associations will have better information about the value of real estate being appraised, and can ensure that each loan is collateralized adequately. Therefore, the cost to a savings association of default should be reduced.

The appraisal industry (through the USPAP), as well as the OTS and the other federal financial institutions regulatory agencies, have required many of the proposed appraisal procedures for many years. For example, most of the requirements of the proposed regulation are already applicable to savings associations pursuant to the OTS's existing appraisal regulation and policy statement, 12 CFR 563.171, 571.27. Thus, for the most part, this proposal only codifies practices which, for prudent financial institution managers, are usual and customary. The OTS believes that these changes will benefit savings associations, reduce costs of loans overall by reducing the losses associated with defaults, and protect the savings associations' federal deposit insurance fund as well as the taxpayers. Any interested person is invited to comment regarding this determination.

Paperwork Reduction Act

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be sent

¹² 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).

¹³ See FIRREA, Sections 204(f)(6) and 901(b)(1).

to the Office of Management and Budget, Paperwork-Reduction Project (1550), Washington, DC 20503, with copies to the OTS at the address previously specified.

The collection of information in this proposed regulation is in 12 CFR 564. This information is needed to protect federal financial and public policy interests in real estate-related transactions requiring the services of an appraiser. Savings associations will use the information to determine the soundness of making particular real estate loans and investments. The OTS will use this information in its examination of savings associations to ensure that the real estate appraisals used by those institutions in connection with federally related transactions are reliable and that the loans and investments undertaken by savings associations are consistent with principles of safety and soundness. The likely recordkeepers are savings institutions.

Estimated total annual recordkeeping burden: 388,664 hours.

Estimated average annual burden hours per recordkeeper: 134 hours. The estimated annual burden per recordkeeper varies and may take up to 2 hours depending on individual circumstances, with an estimated average of 15 minutes.

Estimated number of recordkeepers: 2,900.

List of Subjects in Part 564

Appraisals, Real estate appraisal, Reporting and recordkeeping requirements, Savings associations.

Accordingly, the OTS hereby proposes to add part 564, title 12, Code of Federal Regulations to read as follows:

SUBCHAPTER D—REGULATIONS APPLICABLE TO ALL SAVINGS ASSOCIATIONS

PART 564—Appraisals

Sec.

564.1 Authority, purpose, and scope.

564.2 Definitions.

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Authority: Title XI, Pub. L. No. 101-73, 103 Stat. 133 (1989); 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. 18(m), 64 Stat.

873, as added by sec. 221, 103 Stat. 267 (12 U.S.C. 1826(m)).

§ 564.1 Authority, purpose, and scope.

(a) *Authority.* This part is issued by the Office of Thrift Supervision ("OTS") under title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), 12 U.S.C. 3331 et seq.

(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 will be subject to effective supervision. This part implements the requirements of title XI and applies to all federally related transactions entered into by institutions regulated by the OTS ("regulated institutions") and to federally regulated transactions entered into by the OTS.

(2) This part prescribes:

(i) Which real estate-related financial transactions require the services of an appraiser;

(ii) Minimum standards for the performance of real estate appraisals in connection with federally-related transactions under the jurisdiction of the Office of Thrift Supervision; and

(iii) Which categories of federally related transactions shall be appraised by a State certified appraiser and which by a State licensed appraiser.

§ 564.2 Definitions.

For purposes of this part 564:

(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 for the marketplace. For example, atypical factors may include:

- (1) Architectural style;
- (2) Age of improvements;
- (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 OTS, 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 each acting in what he considers his own best interest;

(3) A reasonable time is allowed for exposure in the open market;

(4) Payment is made in terms of cash in U.S. 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 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 meet the minimum criteria for certification issued by the Appraiser Qualifications Board of the Appraisal Foundation. No person shall be a state certified real estate 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 OTS may, from time to time, impose additional qualification criteria for certified appraisers performing appraisals in connection with federally related transactions within its 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 comply 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 inconsistent with title XI. The OTS may, from time to time, impose additional qualification criteria for licensed appraisers performing appraisals in connection with federally related transactions within its jurisdiction.

(j) "Tier 1 Capital" means core capital as defined in 12 CFR 567.5(a) as of the date of the last Thrift Financial 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.

§ 564.3 Real estate-related financial transactions requiring a State licensed or certified appraiser.

(a) *Procurement Appraisals.* (1) Except as provided in paragraphs (a)(2) and (a)(3) of this section, real estate-related financial transactions entered into by a regulated institution require an appraisal performed by a certified or licensed appraiser as appropriate.

(2) For real estate-related financial transactions entered into by a regulated institution in which the transaction value is \$15,000 or less, analyses may be completed on Federal Home Loan Mortgage Corporation Form 704 or on a similar form that mirrors the requirements and standards contained therein.

(3) An appraisal is not required where 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 Appraisers.* (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 OTS, the transaction value is greater than \$1,000,000; or

(ii) For federally related transactions entered into by regulated institutions,¹ the transaction value exceeds:

(A) 10% 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 shall require a state certified appraiser. The regulated institution shall determine whether the property is atypical in light of the factors listed in section 564.2(d), and shall make available, if requested by the OTS, appropriate evidence to support the determination.

(c) *Transactions Requiring Either State Certified or Licensed Appraisers.*

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.

§ 564.4 Appraisal standards.

(a) *Minimum Standards.* For federally related transactions, all appraisals, as defined in § 564.2(a) of this part, shall, at a minimum:

(1) Conform to the current Uniform Standards of Professional Appraisal Practice (USPAP) as adopted by the Appraisal Foundation unless disapproved by the OTS. For federally-related transactions the Departure Provision of the USPAP does not apply;

(2) If appropriate, disclose any steps taken to comply with the Competency Provision of the USPAP;

(3) Be based upon the definition of market value as set forth in § 564.2(f) of this part;

(4)(i) Be written and presented in a narrative format or on forms that satisfy all the requirements of this section, except as provided in § 564.3(a)(2) of this part;

¹ Other than savings institutions operated by the RTC or the FDIC as conservator, receiver or liquidator.

(ii) Be sufficiently descriptive to enable the reader to ascertain the estimated market value and the rationale for the estimate;

(iii) Provide detail and depth of analysis that reflect 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 one-to-four family residential property, one year preceding the date when the appraisal was prepared; or

(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 subject 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 any proposed construction, or any completed properties that are partially leased or leased at other than market rents as of the date of the appraisal, or 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 or 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;

(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, reconciles those approaches, and explains 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.

§ 564.5 Appraiser independence.

(a) *Staff Appraisers.* If an appraisal is prepared by a staff appraiser, that appraiser must be independent of the lending, investment, or collection functions and not involved, except as an appraiser, in the federally related transaction, and have no direct or indirect interest, financial or otherwise, in the property. If the only qualified, certified or licensed appraisers available to perform an appraisal are involved in the lending, investment or collection functions of the regulated institution, the regulated institution shall take steps to ensure that the appraisers exercise independent judgment. 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 performed an appraisal. The regulated institution shall make available, if requested by the OTS, appropriate evidence to support the appraiser's independence and to confirm the individual as the only qualified person available to perform the appraisal(s).

(b) *Free Appraisers.* If an appraisal is prepared by a fee appraiser the appraiser shall be engaged directly by the regulated institution or its agent and have no direct or indirect interest, financial or otherwise, in the property and/or transaction.

§ 564.6 Professional association membership; competency.

(a) *Membership in appraisal organization.* 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 licensed or certified. Any determination of competency shall be based upon the individual's experience

and educational background, and any other relevant factors, as they relate to the particular appraisal assignment for which he or she is being considered.

§ 564.7 Enforcement.

Institutions and institution-affiliated parties, including staff appraisers and those fee appraisers who knowingly or recklessly participate in any violation of law or regulation, any breach of fiduciary duty, or any unsafe or unsound practice, which caused or is likely to cause more than a minimal financial loss to, or a significant adverse affect on, the insured depository institution, shall 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 by title IX of FIRREA.

Dated: January 23, 1990.

By The Office of Thrift Supervision.

M. Danny Wall,
Director.

[FR Doc. 90-3634 Filed 2-13-90; 9:57 am]

BILLING CODE 6720-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 86

[AMS-FRL-3723-9]

Control of Air Pollution From New Motor Vehicles and New Motor Vehicle Engines; Evaporative Emission Regulations for Gasoline and Methanol-Fueled Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Vehicles

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: This notice announces the time and place for a public meeting requested by General Motors Corporation (GM) relating to EPA's proposed requirements for a program to control evaporative emissions from gasoline-fueled light-duty vehicles, light-duty trucks and heavy-duty vehicles.

DATES: This meeting is scheduled to take place on March 5, 1990. The meeting will run from 1 p.m. to approximately 5 p.m.

ADDRESSES: The meeting will be held at the EPA Motor Vehicle Emission Laboratory, 2565 Plymouth Road, Ann Arbor, Michigan.

FOR FURTHER INFORMATION CONTACT: Mrs. Karen De Urquidí, Standards Development and Support Branch,

Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, Michigan 48105, telephone: (313) 668-4504.

SUPPLEMENTARY INFORMATION: GM has requested additional time to make a presentation to the EPA regarding this proposed rulemaking. Written transcripts of this meeting will be made by the same court reporter who will be recording the public hearing on March 6, 1990. Anyone desiring to purchase a copy of the transcripts should make individual arrangements with the court reporter: Ms. Susan Beale, Wayne Court Reporting Service (313) 453-7232.

Dated: February 12, 1990.

Michael Shapiro,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 90-3603 Filed 2-14-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 372

[OPTS-400041; FRL-3683-9]

Terephthalic Acid; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to grant the petition to delete terephthalic acid from the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). This proposal to delete terephthalic acid is based on EPA's conclusion that this chemical cannot reasonably be anticipated to cause health or environmental effects as described in EPCRA section 313(d)(2). Because EPA's review of terephthalic acid identified it as a large production volume chemical with substantial releases for which there is insufficient data to evaluate critical health endpoints, EPA is considering initiating a rulemaking for terephthalic acid under section 4 of the Toxic Substances Control Act (TSCA). EPA proposes to amend 40 CFR part 372.

DATES: Written comments must be submitted on or before April 16, 1990.

ADDRESSES: Written comments should be submitted in triplicate to: OTS Docket Clerk, TSCA Public Docket Office (TS-793), Environmental Protection Agency, Rm. NE-G004, 401 M St., SW., Washington, DC 20460, Attention: Docket Control Number OPTS-400041.

FOR FURTHER INFORMATION CONTACT:

Robert Israel, Petitions Coordinator, Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll free: 800-535-0202, In Washington, DC, and Alaska: 202-479-2449.

SUPPLEMENTARY INFORMATION:**I. Introduction****A. Statutory Authority**

The proposed deletion is issued under sections 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (Pub. L. 99-499, "EPCRA"). EPCRA is also referred to as Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

B. Background

Section 313 of EPCRA requires certain facilities that manufacture, process, or otherwise use toxic chemicals to report annually their environmental releases of such chemicals. Section 313 establishes an initial list of toxic chemicals that is composed of more than 300 chemicals and chemical categories. Any person may petition EPA to add chemicals to or delete chemicals from the list.

EPA issued a statement of petition policy and guidance in the *Federal Register* of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition is denied.

II. Description of Petition

On July 27, 1989, EPA received a petition from the Amoco Corporation to delete terephthalic acid (TA) from the EPCRA section 313 list of toxic chemicals. The petition was based on Amoco's contention that TA does not meet the EPCRA section 313 criteria for listing. On October 9, 1989, at the request of the petitioner, a 2-week suspension was granted to allow EPA to review newly submitted toxicological information. The statutory deadline for EPA's response is February 6, 1990.

III. EPA's Review of Terephthalic Acid**A. Chemistry Profile**

TA is a noncorrosive, nonflammable white solid. It sublimates without melting when heated above 300 °C and it has an extremely low vapor pressure of 1.5×10^{-11} mm Hg at 25 °C. TA is practically insoluble in water (0.0019 weight percent at 25 °C), but its disodium, dipotassium, and

diammonium salts are considerably more soluble (greater than or equal to 10 weight percent).

Technical grade TA is manufactured predominantly through the catalytic, liquid-phase air oxidation of p-xylene. In general, this process does not produce the high purity, polymer-grade TA required for the production of polyester fibers and films; therefore, a separate purification process is used. An older commercial process manufactures polymer-grade TA as a product of the hydrolysis of dimethyl terephthalate (DMT).

B. Toxicity Evaluation

Information on the most significant health and environmental hazards likely to be associated with TA was assessed. The review focused on carcinogenicity, developmental and reproductive system toxicity, and systemic toxicity. All readily available data were reviewed, including those provided in the petition, those provided by studies retrieved from a search of the recent literature, and documents prepared by EPA. It is EPA's present determination that, based on the total weight of available evidence for all toxicity, TA does not pose a significant hazard to human health or the environment.

1. *Acute toxicity.* TA exhibits low acute toxicity (oral LD₅₀ values: rats greater than 18 g/kg; mice greater than 5 g/kg) and is minimally irritating to the eyes and skin.

2. *Systemic toxicity.* Limited available data are indicative of systemic toxicity in animals at levels of 250 and 500 mg/kg/day (effects include an inhibition in body weight gain and decreased organ weights), but these data are not conclusive nor are they sufficient to state that TA may reasonably be anticipated to cause these effects in humans.

Several chronic and subchronic feeding studies in rats show that the target area for the toxic effects of TA is the urinary system, with prolonged exposure to high doses (greater than or equal to 1,000 mg/kg/day) resulting in an increased incidence of urinary bladder stones. There appears to be a correlation between bladder stone formation and bladder cancer.

In a subchronic study in which rats were exposed to dietary levels of TA ranging from 0.03 to 5 percent, there were concentration-related trends in urinary acidity, excretion of urinary electrolytes, and inhibition in body weight gain starting at the 0.5 percent level (ca. 250 mg/kg/day), with more severe effects, including death, occurring principally in the 5.0 percent exposure group (ca. 2,500 mg/kg/day).

Additional effects noted in one lifetime study using rats were a significant decrease in body weights of females given dietary levels of 2 percent TA, and decreases in both relative and absolute liver, kidney, and heart weights in rats given 1 or 2 percent levels (ca. 500 and 1,000 mg/kg/day).

3. *Carcinogenicity.* Based on the weight of the available evidence, TA cannot reasonably be anticipated to cause cancer in humans. This evidence consists of data from two lifetime bioassays of TA in rats.

In a 2-year bioassay, male and female Wistar rats receiving 5 percent TA (ca. 2,500 mg/kg/day) had a significantly increased incidence of lesions in the bladder and ureter. These lesions represented a progression ranging from hyperplasia, papilloma, and squamous metaplasia to transitional cell tumors or squamous cell carcinoma. [The mortality rate was high in this group due to the formation of stones in the urinary tract.] These lesions occurred at low incidence in rats given 1 or 2 percent and none were observed in controls.

In a second 2-year bioassay, increased incidences of transitional cell adenomas and carcinomas in the bladder were observed in female Fischer rats receiving 1,000 mg/kg/day of TA. The incidence of adenomas in this group was statistically significant (vs. controls). The adenomas and carcinomas were not observed in the other treatment groups. In addition to the tumors, the high-dose females were the only group to have urinary bladder stones.

TA was negative for reverse mutations in *Salmonella typhimurium* with and without metabolic activation.

Based on the appearance of bladder tumors in male and female Wistar rats and in female Fischer rats, TA might be classified (according to the EPA Guidelines for Carcinogen Risk Assessment) as a probable human carcinogen, in spite of the lack of human data. In the two bioassays, however, the appearance of a significant increase in bladder tumors occurred only at the highest dose, and the tumors were associated with the presence of bladder stones. (The formation of stones was noted in subchronic studies as well.) The tumors are believed to be the result of chronic physical trauma caused by the bladder stones. Because the bladder tumors and the accompanying bladder stones were seen only at high doses (i.e., >1,000 mg/kg) in the rats, the Agency considers it appropriate to downgrade the classification of TA to a possible human carcinogen (a Group C classification).

The Group C category is used for chemicals with limited evidence of carcinogenicity in animals in the absence of human data. It includes a wide variety of evidence. The Agency reviews Group C category chemicals on a case-by-case basis using a weight of evidence approach to determine whether they can reasonably be anticipated to cause cancer in humans. The available evidence for TA does not support such a finding.

4. *Developmental/reproductive system toxicity.* Limited data obtained from an inhalation teratology study and a one-generation study of reproductive system effects are indicative of possible developmental toxicity (pre- and postnatal) in animals, but these data are not conclusive nor are they sufficient to state that TA may reasonably be anticipated to cause these effects in humans. In addition, the teratology study is flawed; specifically, the prescribed level of maternal toxicity was not reached at the highest dose tested in accordance with accepted EPA developmental toxicity test guidelines. The available data are also inadequate to assess the effects of TA on reproduction.

The petitioner, Amoco Corporation, submitted an inhalation teratology study in rats. The only evidence of maternal toxicity was an increased incidence (not statistically significant) of scaly tail in all treated groups. The only evidence of developmental toxicity was an increased incidence of rib anomalies in the mid- and high-dose groups. The observed anomalies were statistically significant only for the mid-dose group, but the lack of a statistically significant response at the highest tested dose restricts the interpretation of this single effect. Treated groups were comparable to controls in all other parameters (i.e., postimplantation loss, fetal body weight, litter size, malformations). In the absence of data for higher dose levels, it is not possible to ascertain the biological significance of the observed rib anomalies.

The only other available data on potential developmental toxicity are from a dietary one-generation study of reproductive system effects. Groups of 30 male and 30 female Wistar and CD rats were exposed to various levels of TA in the diet for 90 days prior to mating. The data from the study are inadequate to assess the effects of TA on reproduction because of the small sample size at the time of mating (less than half of the 20 per dose group required by EPA testing guidelines), and the fact that there is no information on male fertility, no information on

maternal body weight during gestation or lactation, or on pup body weight postweaning.

Although the above study was not designed to assess developmental toxicity, it does provide evidence of pre- and postnatal toxicity in both rat strains. At high doses (1,000 and 2,500 mg/kg), there was an increased incidence of stillbirths and decreased postnatal survival. At doses as low as 15 mg/kg, there was reduced postnatal (by day 21) mean body weight gain. This effect was not statistically significant and the sample size was small.

5. *Neurotoxicity.* There is no evidence that TA is neurotoxic. Although evaluations of TA in specific neurotoxicologic test batteries have not been reported in the literature, elements of such tests sometimes appear with acute and chronic toxicology studies. From these studies, no reports of clear, direct neurotoxicologic effects were found.

6. *Environmental effects.* TA is not expected to pose a significant hazard to the environment for the following reasons:

a. The toxicity of nonionized TA to aquatic organisms (fish, aquatic invertebrates, and green algae) is expected to be low based on data from SAR (structure-activity relationship) analyses that are supported by measured toxicity values for the analogue phthalic acid. [There is no known measured environmental toxicity information for TA.] The ionized form is expected to be less toxic than the nonionized form. In surface water, greater than 90 percent of TA is expected to exist in ionized form.

b. The persistence of TA is expected to be low in the environment. TA has been shown to degrade rapidly under aerobic conditions in soil, sediment, surface water, and sludge and under anaerobic conditions in sediment.

c. The bioconcentration potential of nonionized TA is predicted to be low based on the octanol/water partition coefficient and bioconcentration factors of less than 2. The values for the ionized form will be even lower.

d. Mammalian and avian acute and chronic toxicity are also expected to be low based on test data for laboratory mammals submitted with the petition. Toxicity toward terrestrial vascular plants also appears to be low based on available data for benzoic acid herbicides.

C. Use, Release, and Exposure

1. *Production and use.* TA is manufactured by four companies at eight sites in the U.S. Amoco Corporation is the largest producer;

other producers are Cape Industries, DuPont, and Eastman Kodak. Hoechst Celanese is the sole U.S. importer, although imported quantities are small by comparison to domestic manufacture. The total U.S. production volume of TA was approximately 2.9 billion pounds in 1987, with almost 800 million pounds of this exported. Overall, current U.S. capacity for producing TA is greater than 3.38 billion pounds and this capacity is expected to increase by over 10 percent by 1993.

In its principal industrial use, TA is reacted with ethylene glycol to give polyethylene terephthalate (PET). About 94 percent of all polymer-grade TA produced in the U.S. is consumed in the production of PET resins. PET resins are divided into three categories: melt-phase resins (this is the largest use area—e.g., polyester fibers and films); solid-state resins (e.g., soft drink bottles and microwaveable food trays); and engineering resins (e.g., automobile bumpers and electrical components).

2. *Release and exposure.* Release data were retrieved from the Toxic Chemical Release Inventory System (TRIS). For the 1987 reporting year, 50 Form Rs were submitted under section 313 of EPCRA. Since the 1988 reporting year data is not yet available, two companies chosen for modelling were contacted for their release estimates for the 1988 reporting year. Based on data submitted for the 1987 reporting year (substituting the updated data for the modelled sites), the total annual releases of TA are approximately 1.6 million kg/yr.

TA is used as an intermediate in the production of PET resins at 30 sites. Approximately twelve other facilities use TA in various miscellaneous uses.

EPA has not estimated the total number of people who are or may be exposed to TA each year, but has estimated the levels of exposure to TA in some locations. The largest air release of TA is from Amoco's Decatur, AL manufacturing plant with 1988 estimated emissions of 145,000 kg/yr. Summing the individual stack releases estimated by Amoco for 1988 reporting purposes, the Industrial Source Complex Long-Term (ISCLT) model was used to estimate fence-line exposures (expressed as lifetime average daily doses, using 1980 population figures). The highest daily dose would be 2.83×10^{-4} mg/kg/day (20 ug/day) for 231 persons.

At another site there was a significant release close to an urban area (the Amoco facility on the Cooper River in Wando, SC located near the city of Charleston: estimated 1988 stack releases of 125,000 kg/yr). Near the facility, the highest daily dose would be

3.49×10^{-5} mg/kg/day (2.4 ug/day) for 574 persons.

Most sites did not report onsite land releases, although user facilities did report large offsite transfers to landfill (the largest total releases for TA) and three user facilities reported transfers to offsite locations for incineration. Since TA will adsorb to organic material in soil and because it is biodegraded in the environment at an extremely rapid rate, it is expected that human or environmental exposure due to migration from landfills to groundwater is not likely.

These same facts also largely apply to surface water exposure. TA will readily biodegrade, and has been found to be completely degraded in sewage treatment in as little as 2 days. In fact, TA is purposely added to sewage treatment facilities as part of the feed to promote the growth of bacteria that will degrade other wastes. TA is not generally expected to be released from wastewater treatment facilities to the aqueous environment. The one significant release to water by Wellman, Inc. in Johnsonville, SC was assessed. Assuming only 90 percent removal during treatment at the publicly-owned treatment works (POTW) gives a mean stream concentration of 100 ppb. There are no drinking water intakes between the release point and the ocean, as the river runs through wetlands in South Carolina; however, an estimate of the human exposure from drinking water at the point of release indicates that exposure would be quite low (73 mg/year).

IV. Explanation for Proposed Action to Delete

EPA is proposing to grant the petition submitted by the Amoco Corporation to delete TA from the EPCRA section 313 list of toxic chemicals.

The decision proposing the deletion of TA from the list is based upon EPA's evaluation of available data for all statutory aspects of human health and environmental effects. In several bioassays with TA, test animals developed bladder tumors at the highest doses; these were associated with the presence of urinary bladder stones. EPA has examined the present data and concluded that it is proper to classify TA as a possible human carcinogen (Group C). There are indications of possible developmental and systemic toxicity, but the data to support this presumption are inconclusive and insufficient to state that such effects may reasonably be anticipated in humans. It is the Agency's determination that available data do not

demonstrate that TA can reasonably be expected to cause health or environmental effects as described in section 313(d)(2). This determination is consistent with EPA's prior determination to delete melamine from the EPCRA section 313 list of toxic chemicals, since its carcinogenic response was also seen in the presence of bladder stones.

EPA is considering the issuance of a test rule to obtain additional health data on TA under section 4 of TSCA. The decision to consider TA for a section 4 test rule is based on its extremely large production volume coupled with a lack of sufficient and conclusive toxicity data relating to potential developmental and systemic toxicity. If the criteria are met for a test rule to be issued under section 4 of TSCA, EPA may delay promulgation of this rulemaking pending a review of these test results.

V. Rulemaking Record

The record supporting this proposed rule is contained in docket control number OPTS-400041. All documents, including an index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

VI. Request for Public Comment

The Agency requests comments on all the analyses conducted for this review and on the Agency's proposal to delete TA from the EPCRA section 313 list of toxic chemicals. EPA also requests that any pertinent data on TA be submitted to the address listed under the ADDRESSES unit of this document. All comments must be submitted on or before April 16, 1990.

VII. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this proposed rule is not a "major rule" because it will not have an effect on the economy of \$100 million or more.

This proposed rule would decrease the impact of the section 313 reporting requirements on covered facilities and would result in cost-savings to industry, EPA, and States. Therefore, this is a minor rule under Executive Order 12291.

This proposed rule was submitted to the Office of Management and Budget (OMB) under Executive Order 12291.

The total number of potential reports expected for TA is 120. This estimate is based on increased reporting which may occur as a result of lowered reporting thresholds. The cost savings for industry over a 10-year period as a result of delisting TA is estimated to be up to \$613,000, while the savings for EPA are estimated to be up to \$14,000 (present values based on 10 years of reporting beginning in 1991 discounted at 10 percent). A two-generation reproductive toxicity study and a developmental toxicity study in two species meeting EPA protocols would be likely to resolve EPA's concerns (these studies are estimated to cost \$180,000 and require 6 to 12 months to complete).

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities will be significantly affected. Because the proposed rule results in cost savings to facilities, the Agency certifies that small entities will not be significantly affected by the rule.

C. Paperwork Reduction Act

This proposed rule does not have any information collection requirements under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 372

Chemicals, Community right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: February 3, 1990.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 372 be amended as follows:

1. The authority citation for part 372 would continue to read as follows:

Authority: 42 U.S.C. 11013 and 11028.

§ 372.65 [Amended]

2. Section 372.65 (a) and (b) are amended by removing the entire entry for terephthalic acid under paragraph (a) and removing the entire CAS No. entry 100-21-0 under paragraph (b).

[FR Doc. 3607; Filed 2-14-90; 8:45 am]

BILLING CODE 6560-50-D

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA-6966]

44 CFR Part 67

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency
Management Agency.

ACTION: Proposed rule; correction.

SUMMARY: This document corrects a Notice of Proposed Determinations of base (100-year) flood elevations previously published at 54 FR 38395 on September 18, 1989. This correction notice provides a more accurate representation of the Flood Insurance Study and Flood Insurance Rate Map for the Township of Greene, Franklin County, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: John L. Matticks, Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2767.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the correction to the Notice of Proposed Determinations of base (100-year) flood elevations for selected locations in the Township of Greene, previously published at 54 FR 38395 on September 18, 1989, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

List of Subjects in 44 CFR Part 67

Flood Insurance, Floodplains.

The entries under Greene (Township), Franklin County are corrected to read as follows:

Source of flooding and location	#Depth in feet above ground. *Eleva- tion in feet (NGVD)
<i>Auxiliary Channel of Conococheague Creek:</i>	
At the confluence with Conococheague Creek	*705
At the divergence from Conococheague Creek	*717
<i>Cold Spring Run:</i>	
At the confluence with Conococheague Creek	*759

Source of flooding and location

Approximately 188 feet upstream of
State Route 997 (Black Gap Road).....#Depth
in feet
above
ground.
*Eleva-
tion in
feet
(NGVD)

*931

Issued: February 9, 1990.

Harold T. Duryee,
*Administrator, Federal Insurance
Administration.*

[FR Doc. 90-3593 Filed 2-14-90; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 337

RIN 3067-AB51

National Defense Executive Reserve Guidance

AGENCY: Federal Emergency
Management Agency (FEMA).

ACTION: Notice of proposed rule making.

SUMMARY: This rulemaking proposes to add a new part 337 in title 44 Code of Federal Regulations, National Defense Executive Reserve Guidance, chapter 1, Federal Emergency Management Agency, subchapter E preparedness. New part 337 responds to Executive Order 12656 of November 18, 1988 which provides that the Director, FEMA assists the National Security Council in the implementation of national security emergency preparedness policy and which delegates to the Director the responsibility for coordinating and supporting the initiation, development, and implementation of national security emergency preparedness programs and plans among the Federal departments and agencies. This part provides guidance for those Federal departments and agencies delegated authority under Executive Order 11179 of September 22, 1964, to sponsor reserve units under the National Defense Executive Reserve and guidance for the recruitment and training of its members.

DATES: Comments are requested and should be submitted in writing to the address listed below no later than April 16, 1990.

ADDRESSES: Submit written comments, in duplicate, on the proposed guidance, to the Rules Docket Clerk, Federal Emergency Management Agency, Room 840, 500 C Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Linda Matticks, Program Analyst, Office of Mobilization Preparedness, Federal Emergency Management Agency, room

621, 500 C Street, SW., Washington, DC 20472, Telephone (202) 646-2703.

SUPPLEMENTARY INFORMATION:

Regulatory Analysis

This proposed guidance is not a major rule for the purposes of Executive Order 12291 of February 17, 1981. It will not have an annual effect on the economy of \$100 million or more; will not result in a major increase in costs or prices to consumers, individual industries, Federal, State or local agencies, or geographic regions; and will not have a significant adverse impact on competition, employment, investment, productivity, innovation or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Certification

This part applies to Federal Government agencies. In accordance with the Regulatory Flexibility Act of 1980, it is hereby certified that this proposed rule will not have a significant economic impact on a substantive number of small entities.

Paper Work Reduction Act

The information collection contained in this rule has been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and assigned OMB control number 3067-0001. Public reporting burden for the information collection, FEMA Form 85-3, National Defense Executive Reserve Personal Qualifications Statement, is estimated to average 30 minutes per response. This includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the form. Send comments regarding this burden estimate or any aspect of the form, including suggestions for reducing the burden, to Information Collections Management, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC 20472; and to the Office of Management and Budget, Paperwork Reduction Project (3067-0001), Washington, DC 20503.

The regulation in this Part provides guidance to Federal agencies which may or may not take an action which could be subject to environmental documentation requirements. The guidance has no environmental consequences and it is determined, under FEMA's regulation published in 44 CFR 10.8, that it is not necessary to prepare either an environmental

assessment or an environmental impact statement.

In promulgating these rules, FEMA has considered the President's Executive Order on Federalism issued on October 26, 1987 (E.O. 12612, 52 FR 41685). The purpose of the order is to assure the appropriate division of governmental responsibilities between national government and the States. Among other provisions, this rule implements the requirements that agency rules be in accordance with the so-called common rule, adopted by FEMA at 44 CFR part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and local Governments. The problem dealt with in this Part is national in scope. In view of the joint Federal-State responsibility for civil defense, and FEMA's role under the Federal Civil Defense Act of 1950, as amended, the regulation in this part is determined to conform FEMA assistance to Executive Order 12612.

List of Subjects in 44 CFR 337

National defense, National Defense Executive Reserve, Reporting and recordkeeping requirements.

Accordingly, subchapter E of chapter 1, title 44, Code of Federal Regulations proposes to be amended by adding a new part 337 as follows:

PART 337—NATIONAL DEFENSE EXECUTIVE RESERVE GUIDANCE

Sec.

- 337.1 Introduction
- 337.2 Policy
- 337.3 Purpose
- 337.4 Applicability and scope
- 337.5 Definitions
- 337.6 Implementation
- 337.7 Criteria
- 337.8 Reserve membership
- 337.9 Reporting

Appendix A to Part 337—National Defense Executive Reserve Application.

Appendix B to Part 337—National Defense Executive Reserve Statement of Understanding.

Authority: National Security Act of 1947, as amended, 50 U.S.C. 404; Defense Production Act of 1950, as amended, 50 U.S.C. App. 2061 *et seq.*; E.O. 12148 of July 20, 1979, 3 CFR 1979 Comp., p. 412; E.O. 10480 of August 14, 1953, 3 CFR 1949-53 Comp., p. 962; and E.O. 12656 of November 18, 1988, 53 FR 47491.

§ 337.1 Introduction.

Section 710(e) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2160(e)) authorizes the President to establish and train a nucleus Executive Reserve. The President by Executive Order (E.O.) 10660 of February 15, 1956 (superseded by E.O. 11179) established the National

Defense Executive Reserve (NDER) and authorized the heads of departments or agencies designated by the Director of the Office of Defense Mobilization (predecessor to the Director of the Federal Emergency Management Agency (FEMA)) and after appropriate consultation, the authority to establish units of the Executive Reserve. E.O. 11179 of September 22, 1964 superseded E.O. 10660 but continued the NDER program. The NDER is part of the National mobilization preparedness program. It provides for a standby reserve of highly qualified individuals who are trained as volunteers until they are activated by the President during periods of emergency appointed to critical mobilization tasks by their sponsoring department or agency. The program facilitates the channeling of skilled personnel to most critical mobilization and other needs.

§ 337.2 Policy.

(a) It is the policy of the President that there shall be in the Executive Branch of the Government a NDER composed of persons of recognized expertise from various segments of the private sector and from government (other than full-time Federal employees) to be trained for employment in the Federal Government in the event of an emergency that requires such employment.

(b) As part of the President's national security emergency preparedness policy under E.O. 12656, Federal departments and agencies shall develop plans and programs to mobilize personnel (including reservist programs) as appropriate within their assigned areas of responsibility and to assess essential emergency requirements and plan for possible use of such resources to meet essential demands during and following national security emergencies.

§ 337.3 Purpose.

This part establishes policy and program guidance to assist those Federal departments and agencies authorized to establish Executive Reserve units in the NDER. This guidance is to aid in the establishment and administration of such reserve units and in the recruitment and training of its members. The purpose of this part is to improve the ability of departments and agencies to mobilize its manpower requirements in times of emergencies. The NDER is a mechanism that allows the Federal Government to enlist the best and most talented personnel in the private sector to fill both defense and essential civilian needs in time of emergencies.

§ 337.4 Applicability and scope.

This part is applicable to all Federal departments and agencies that sponsor or that may wish to sponsor a reserve unit under the NDER program. It provides the standards and procedural guidance for establishing and administering reserve units and for the recruitment and training of its members.

§ 337.5 Definitions.

(a) *National Defense Executive Reserve* is a program that provides for standby Executive Reserve units sponsored by Federal departments and agencies that are a nucleus of highly qualified individuals from industry, organized labor, professional groups, the academic community, retired military and civilian government, and the private sector that are trained to serve in executive positions in the Federal Government in time of emergencies.

(b) *Graduated Mobilization Response* is a system for integrating mobilization actions designed to respond to ambiguous and/or specific warnings. These actions are designed to mitigate the impact of an event or crisis and reduce significantly the lead time associated with a full national security emergency action implementation.

§ 337.6 Implementation.

(a) *General.* The Director of FEMA is responsible for the development of policy and program guidance for the NDER and for the coordination of the program activities of the departments and agencies sponsoring units of the Executive Reserve. The Director is also responsible for providing appropriate standards and procedural guidance for recruitment and training of the reserve unit members. The Director shall provide for appropriate rules and regulations in connection with the program and he may request the services of participating departments and agencies and private sector organizations, institutions, and enterprises in the development of training programs and materials and in keeping of a centralized roster of Executive Reserve members.

(b) *Interagency NDER Committee.* An Interagency NDER Committee, composed of representatives of the departments and agencies sponsoring Executive Reserve units and chaired by FEMA, will advise the Director on matters concerning the NDER program.

(c) *Federal departments and agencies.* The head of any department and agency, subject to the policy and program guidance of the Director, FEMA, may establish a unit of the Executive Reserve in that department or

agency. It is the responsibility of each department and agency that establishes a unit to obtain the necessary funding for the unit, to recruit their own members, to set their own qualifications for membership in addition to the requirements set forth in this part, to obtain the necessary security clearances and to conduct training and annual exercises for such members. FEMA will assist the departments and agencies in their recruitment efforts through referrals.

§ 337.7 Criteria.

(a) The following criteria shall be used in establishing and maintaining a unit of the Executive Reserve:

(1) The purpose of establishing a reserve unit shall be to augment the department's or agency's requirements for trained highly-qualified executive personnel as determined by that department or agency, for use in time of emergencies.

(2) The functional assignments of members of the reserve unit shall be described in an organization chart for use in time of an emergency, accompanied by position descriptions, and staffing patterns related to the organization chart and augmentation plans. These plans must be approved by the head of the department or agency. A reservist shall not be assigned to a position that is already filled by a regular government employee.

(3) Each reserve unit shall be directed by an agency official designated by the head thereof. The name of the official designated shall be furnished to the Director, FEMA.

(b) The administration and maintenance of a reserve unit is the responsibility of the sponsoring agency. Recruitment, security clearances, training, travel, pay, personnel records, and other administrative matters shall be accomplished in accordance with the standards and procedures set forth in this part, the Ethics Reform Act of 1989, E.O. 12674, and in the Federal Personnel Manual, to the extent such matters are covered, otherwise, the sponsoring department or agency is responsible for implementing its own standards and procedures for that purpose.

(c) Funding the training, travel, and administrative support of the reserve members shall be the responsibility of the sponsoring department or agency.

(d) The disestablishment of a reserve unit by the head of a department or agency shall be reported to the Director, FEMA.

(e) All documents and communications directed to FEMA shall be addressed to Associate Director, National Preparedness Directorate,

Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, Attn: NDER program.

§ 337.8 Reserve membership.

(a) *General membership conditions.* Candidates must agree to the following conditions to become members of the NDER:

(1) Maintain an active participation in the unit to which he or she is assigned and attend scheduled training and exercises;

(2) Report without delay for full-time government employment with the assigned department or agency upon being activated in time of an emergency;

(3) Serve without compensation, except for reimbursement for expenses incurred while training;

(4) Serve for a period of 5 years, with a possibility of additional extensions of 5 year terms;

(5) Inform the department or agency when he or she is unavailable for full-time government employment in time of an emergency; and

(6) Secure concurrence from his or her employer to participate in the Executive Reserve unit.

(b) *Membership requirements.* The following standards apply to the eligibility of candidates to be reserve members:

(1) Must be U.S. citizens;

(2) No discrimination in the selection because of race, color, religion, sex, age, national origin, or against qualified handicapped individuals;

(3) Members of the Ready Reserve (including the National Guard), retired military personnel with mobilization orders, active Federal employees, and State and local government employees with emergency assignments are not eligible for NDER membership. Persons running for or elected to public office are not eligible;

(4) Candidates must be eligible to be cleared for access to at least Secret information; and

(5) Candidates must possess the qualifications required to perform in the assigned emergency position to be filled by the candidate in time of an emergency. Qualifications for Federal positions are set forth in the Federal Personnel Manual, Standards of Qualification, chapter X-118.

(c) *Procedures for designating members.* The following steps shall be taken by the sponsoring department or agency when processing a candidate for membership in the Executive Reserve:

(1) Candidate is to complete an application (FEMA Form 85-3 National Defense Executive Reserve Personal Qualifications Statement) for the NDER program. See appendix A of this part.

(2) The sponsoring agency shall send a copy of candidate's application to the Director of FEMA to determine that the candidate is not currently a member of NDER program. FEMA will enter the data from the form into the NDER Central Register and return the application to the sponsoring agency.

(3) All members of the NDER shall be cleared for access to at least secret information. When the security forms are completed by the candidate along with a Statement of Understanding (see appendix B of this part) from the candidate's employer, if applicable, that the employee may participate in the NDER program, they are to be returned to the sponsoring department or agency. That department or agency shall conduct a security investigation of the candidate in accordance with current security regulations.

(4) When the sponsoring department or agency has approved the candidate, the head thereof shall issue to the new member, a Certificate of Membership in the department or agency's Executive Reserve unit and a letter informing the member of his or her appointment. The sponsoring department or agency shall then notify FEMA of the appointment so that the new member's file in the NDER Central Register may be updated.

(5) Appointments of members to the Executive Reserve units shall not exceed five (5) years. Renewal, transfers and terminations are covered in section 337.7.

(Use of FEMA Form 85-3 has been approved by the Office of Management and Budget under control number 3067-0001.)

(d) *Conflicts of interest.* The activities of members appointed to the Executive Reserve under this Part shall not include acting or advising on any matter pending before any department or agency but shall be limited to receiving training for the member's mobilization assignment. When the member is called to Federal employment during an emergency, the sponsoring department or agency shall inform the member of the following conflicts of interest statutes and regulations and any change thereto or of any new laws or regulations governing this topic:

(1) Bribery, graft and conflict of interest statutes (18 U.S.C. chp 11);

(2) Ethics Reform Act of 1989;

(3) E.O. 12674;

(4) Sponsoring department's or agency's conflict of interest regulations.

Questions about conflicts of interest and financial interest should be referred to the sponsoring department's or agency's Designated Agency Ethics Official

(DAEO). Such questions may also be directed to the Office of Government Ethics, Washington, DC 20415.

(e) *Orientation and training.* (1) The program official of the Executive Reserve unit shall give to all new members appointed to the unit, an orientation covering: the overall NDER program; the mobilization preparedness plans and programs of the sponsoring department or agency; and the appointee's emergency assignment.

(2) Members shall be kept abreast of their expected duties and of any new developments in the department's or agency's mobilization preparedness programs through formal training and exercises at least annually.

(3) Departments and agencies are responsible for designing their own orientation and training programs. Executive Reserve program officials shall design these programs to reflect the mobilization preparedness activities to which the members will be assigned as well as an overview of department's and agency's total mobilization preparedness programs.

(f) *Redesignation, transfer, and termination.* (1) To be redesignated, a reservist must have attended at least one annual training session within the previous term of appointment or have otherwise participated in approved training. However, the unit's program official of the sponsoring department or agency may authorize the redesignation of a reservist, on a case-by-case basis, where there are special circumstances or conditions to warrant or justify such redesignation.

(2) A Reservist that changes employment since his previous designation, will be required to file a new application with a Statement of Understanding (appendix B of this part) from his or her employer agreeing to the member's participation in the NDER program.

(3) A sponsoring department or agency that requests the transfer of a reservist from one unit to another must obtain the concurrence of:

- (A) The reservist current unit;
- (B) The reservist; and
- (C) The reservist's employer.

(4) A reservist may be terminated if it is determined by the sponsoring department or agency that the member's services are no longer needed. A reservist is terminated automatically when the member's term expires without redesignation or when the reservist fails to meet the membership requirements as set forth in this Part or as set forth in the sponsoring department's or agency's qualifications. A reservist may resign at any time.

(5) A reservist who has served with distinction and who is not redesignated may be placed in Reservist Emeritus Status. Such a reservist may participate in training programs and other activities when the unit would benefit from the members knowledge and experience. A Reservist Emeritus will not receive an emergency mobilization assignment nor will he or she be called to duty in time of an emergency without consent.

(6) Notification of any changes in status of a reservist, whether by redesignation, transfer, termination or Emeritus determination, shall be furnished in writing to the Director, FEMA, to include the date of such action and any change of addresses, home or business.

(g) *Activating reservists.* (1) A department or agency sponsoring an Executive reserve unit may activate its full unit or any of its members in an emergency only when approved by the President. If a situation or crisis arises that requires the services of members of the NDER, the Director of FEMA, as part of his coordination responsibility, or other heads or departments of agencies having reserve units, may recommend to the President to approve the activation of reservists. Any such activation of the NDER may be part of a Graduated Mobilization Response action based on early warning indicators. Once the authority to activate reservists has been approved by the President, whether it be an activation by unit or by individual, the sponsoring department or agency is responsible for handling the procedure for notifying the reservists.

(2) The authority for appointing reservists to assigned positions upon being activated may be found in the

Federal Personnel Manual, part 910-1. Appointments in the event of an attack on the United States are addressed in the Federal Personnel Manual Supplement.

(h) *Central register of reservists.* The Director, FEMA shall maintain a central register of all NDER members and candidates. The register will be used to compile periodic and special reports and to prevent duplication in recruiting of NDER members.

(i) *Employment of Reservist in a non-NDER status.* Departments and agencies wishing to appoint a member of the Reserve as a Federal employee or consultant outside the NDER, must follow the established Office of Personnel Management procedures for hiring regular Federal employees.

(j) *Records.* Department and agencies sponsoring NDER units shall keep administrative records of their units activities that will enable them to report information to Director, FEMA of the type necessary for the manual report to the President required under E.O. 12656.

§ 337.8 Reporting.

The Director of FEMA is required to submit a periodic report to the President on the Federal Government's capability to respond to national security emergencies. An evaluation of the NDER programs of Federal departments and agencies may be included in this report. Therefore, Federal departments and agencies shall report the following information to the Director on an annual basis in accordance with written instructions provided by FEMA:

(a) The number of active and emeritus members in each unit.

(b) Training activities for the past fiscal year and training plans for the upcoming fiscal year, including a description of the program, its location, the number of reserve, Federal, State, local and guest participants, and dates.

(c) A written evaluation of NDER activities during the past fiscal year.

(These reporting requirements have been cleared in accordance with Federal Information Resources Management Regulations (FIRMR) 201-45.6 (41 CFR 201-45.6) and assigned interagency report control number 1086-FEM-XX).

Appendix A to Part 337—National Defense Executive Reserve Application

FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL DEFENSE EXECUTIVE RESERVE PERSONAL QUALIFICATIONS STATEMENT				O.M.B. No. 3067-0001 Expiration Date: June 1990	
RETURN ORIGINAL TO (SPONSORING AGENCY)		1. NAME (LAST) (FIRST) (MIDDLE)		☐ MR. ☐ MRS. ☐ MISS ☐ MS.	
		OTHER TITLES USED (Gen., Dr., etc.)		3. PREFERRED MAILING ADDRESS ☐ HOME ☐ BUSINESS	
2. HOME ADDRESS (CITY, STATE AND ZIP CODE)		4. SOCIAL SECURITY NUMBER			
5. ARE YOU A CITIZEN OF THE UNITED STATES? ☐ YES ☐ NO		6. BIRTH DATE (MONTH, DAY, YEAR)		7. BIRTHPLACE	
8. HOME TELEPHONE (INCLUDING AREA CODE)		9. BUSINESS TELEPHONE (INCLUDING AREA CODE)		10. HIGH SCHOOL GRADUATE? ☐ YES ☐ NO	
11. NAME OF COLLEGE OR UNIVERSITY		DATES ATTENDED FROM TO		MAJOR AND OTHER PRINCIPAL SUBJECTS	
DEGREE RECEIVED		YEAR RECEIVED		12. SKILL AREAS (SELECT PRIMARY AND SECONDARY SKILLS FROM LISTING ON PAGE 3 OF THIS FORM)	
12A. PRIMARY		12B. SECONDARY			
13. EMPLOYMENT EXPERIENCE (START WITH YOUR MOST RECENT POSITION AND WORK BACK AT LEAST 5 YEARS. IF MORE SPACE IS REQUIRED CONTINUE ON A SEPARATE SHEET OF PAPER WITH YOUR NAME AT THE TOP AND GIVE SIMILAR INFORMATION.)					
13A. NAME AND LOCATION OF ESTABLISHMENT (IF RETIRED, PLEASE INDICATE)		BUSINESS TYPE (SELECT FROM LISTING ON PAGE 3 OF THIS FORM)			
DATES OF EMPLOYMENT FROM TO		NAME AND TITLE OF YOUR SUPERVISOR			
PRESENT		TITLE OF YOUR POSITION			
DESCRIPTION OF WORK (DESCRIBE YOUR SPECIFIC DUTIES)					
13B. NAME AND LOCATION OF ESTABLISHMENT (IF RETIRED, PLEASE INDICATE)		BUSINESS TYPE (SELECT FROM LISTING ON PAGE 3 OF THIS FORM)			
DATES OF EMPLOYMENT FROM TO		NAME AND TITLE OF YOUR SUPERVISOR			
PRESENT		TITLE OF YOUR POSITION			
DESCRIPTION OF WORK (DESCRIBE YOUR SPECIFIC DUTIES)					

14. LIST BELOW ANY ACTIVITIES AND MEMBERSHIPS (SUCH AS CPA, BAR MEMBERSHIP, PROFESSIONAL AND LEARNED SOCIETIES, TRADE ASSOCIATIONS, ETC.)		
15. PREVIOUS GOVERNMENT EXPERIENCE (FEDERAL, STATE, OR LOCAL; ALSO INCLUDE WOC (WITHOUT COMPENSATION) POSITIONS, BUT EXCLUDE COMMITTEE MEMBERSHIPS)		
FROM	TO	AGENCY
16. WOULD YOU SERVE ANYWHERE IN THE UNITED STATES IF CALLED TO ACTIVE DUTY AS AN EXECUTIVE RESERVIST? (IF "NO" SPECIFY ACCEPTABLE GEOGRAPHIC AREA(S) IN WHICH YOU WOULD BE WILLING TO SERVE) ☐ YES ☐ NO		
17. DO YOU HAVE ANY OBLIGATION THAT MIGHT INTERFERE WITH AN EXECUTIVE RESERVE CALL-UP? (SUCH AS MILITARY, CIVIL DEFENSE, ELECTED PUBLIC OFFICE, ETC.) (If yes, specify.) ☐ YES ☐ NO		
18. APPLICANT'S SIGNATURE (SIGN IN INK)		DATE
19. SPONSORING AGENCY PROPOSED NDER ASSIGNMENT		
19A. POSITION TITLE		
19B. GEOGRAPHIC LOCATION (SPECIFY) ☐ NATIONAL OFFICE ☐ REGION (SPECIFY)		
19C. BRIEF DESCRIPTION OF DUTIES		
20. DATE OF PRECLEARANCE SECURITY NAME CHECK		
21. REQUESTING OFFICIAL (NAME AND TITLE)		DATE
22. ACTION BY FEMA: RECRUITMENT OF CANDIDATE ☐ APPROVED ☐ DISAPPROVED ☐ OTHER (SEE ATTACHED MEMO)		
23. NDER COORDINATOR		
PRIVACY ACT INFORMATION THE SPONSORING AGENCY IS AUTHORIZED TO ESTABLISH AND RECRUIT FOR A NATIONAL DEFENSE EXECUTIVE RESERVE BY THE DEFENSE PRODUCTION ACT OF 1950 (50 USC APP. 2153(A) AND 2160(E) AND E.O. 11179 OF SEPTEMBER 22, 1964). THE INFORMATION REQUESTED IS NEEDED TO EVALUATE YOUR QUALIFICATIONS TO SERVE AND TO PROPERLY PLACE YOU IN THE PROGRAM, AND IN THE ROUTINE MANAGEMENT OF THE NDER. INFORMATION FROM THIS FORM MAY BE PUBLISHED IN A DIRECTORY OF NDER MEMBERS. THE DIRECTORY WOULD ONLY BE MADE AVAILABLE TO FEDERAL OFFICIALS WITH RESPONSIBILITY FOR THE NDER PROGRAM. INFORMATION FROM THIS FORM MAY ALSO BE DISCLOSED AS A ROUTINE USE TO A MEMBER OF CONGRESS OR TO A CONGRESSIONAL STAFF MEMBER RESPONDING TO A REQUEST MADE BY YOU. COMPLETION OF THIS FORM IS VOLUNTARY. HOWEVER, FAILURE TO COMPLETE IT WILL PREVENT CONSIDERATION OF AN APPLICANT FOR MEMBERSHIP IN THE NATIONAL DEFENSE EXECUTIVE RESERVE.		

SKILL AREAS

(Select appropriate area(s) and enter in items 12a and 12b of this form)

ARCHITECTURE AND ENVIRONMENTAL DESIGN ARCHITECTURE CITY PLANNING NAVAL	EDUCATION TRAINING	SCIENCES CHEMISTRY GEOLOGY MATHEMATICS METALLURGY METEOROLOGY PHYSICS STATISTICS
BIOLOGICAL SCIENCES BACTERIOLOGY BIOLOGY BOTANY	ENGINEERING AERONAUTICAL ARCHITECTURAL CHEMICAL CIVIL ELECTRICAL ENVIRONMENTAL INDUSTRIAL MARINE MECHANICAL	SOCIAL SCIENCES ECONOMICS INTERNATIONAL RELATIONS
BUSINESS ACCOUNTING BANKING AND FINANCE HOTEL AND RESTAURANT MANAGEMENT INSURANCE INTERNATIONAL BUSINESS INVESTMENTS AND SECURITIES LABOR AND INDUSTRIAL RELATIONS MANAGEMENT MARINE TRANSPORTATION MARKETING AND PURCHASING OPERATIONS RESEARCH PERSONNEL MANAGEMENT PUBLIC UTILITIES REAL ESTATE TRANSPORTATION	HEALTH PROFESSIONS DOCTOR NURSE NUTRITION PHARMACOLOGY TECHNICIAN	
COMMUNICATIONS JOURNALISM RADIO AND TELEVISION	LAW	
COMPUTERS AND INFORMATION SCIENCES	NATURAL RESOURCES AGRICULTURE NATURAL RESOURCES MANAGEMENT	
	PUBLIC AFFAIRS EMERGENCY MANAGEMENT LAW ENFORCEMENT PUBLIC ADMINISTRATION	

BUSINESS TYPES

(Select appropriate type(s) and enter in item 13 of this form)

AGRICULTURE CROPS FORESTRY LIVESTOCK SERVICES	MANUFACTURING (Continued) PAPER PETROLEUM REFINING PRIMARY METALS PRINTING AND PUBLISHING RUBBER AND PLASTICS STONE CLAY GLASS AND CONCRETE TEXTILE TOBACCO TRANSPORTATION EQUIPMENT	RETAIL TRADE (Continued) FOOD FURNITURE GENERAL MERCHANDISE
COMMUNICATION TELEPHONE	MINING COAL METAL NONMETALLIC PETROLEUM AND GAS	SERVICES AUTOMOTIVE REPAIR BUSINESS COMPUTER CONSULTING EDUCATIONAL ELECTRIC GAS HEALTH LEGAL LODGING PLACES MISCELLANEOUS REPAIR MOTION PICTURES PERSONAL RECREATION SANITARY SOCIAL
CONSTRUCTION BUILDING OTHER THAN BUILDING SPECIAL TRADE	PUBLIC ADMINISTRATION ECONOMIC ENVIRONMENTAL AND HOUSING FINANCE GENERAL GOVERNMENT HUMAN RESOURCES INTERNATIONAL JUSTICE	TRANSPORTATION AIR LOCAL MOTOR FREIGHT AND WAREHOUSING RAILROAD U.S. POSTAL SERVICE WATER
FINANCE BANKING CREDIT AGENCIES STOCK BROKERAGE	REAL ESTATE	WHOLESALE TRADE DURABLE NONDURABLE NONCLASSIFIABLE ESTABLISHMENTS (Specify)
INSURANCE	RETAIL TRADE APPAREL AUTOMOTIVE DEALERS AND GASOLINE STATIONS BUILDING MATERIALS HARDWARE AND GARDEN SUPPLY EATING AND DRINKING PLACES	
MANUFACTURING APPAREL AND FABRICS CHEMICALS ELECTRICAL AND ELECTRONIC MACHINERY/ EQUIPMENT/SUPPLIES FABRICATED METAL FOOD FURNITURE AND FIXTURES LEATHER LUMBER AND WOOD MACHINERY MEASURING AND CONTROLLING INSTRUMENTS		

GPO 900-687

(Please detach this portion before submitting this form)

PAGE 3

BILLING CODE 6719-01-C

Appendix B to Part 337—National Defense Executive Reserve Statement of Understanding

NATIONAL DEFENSE EXECUTIVE RESERVE

Statement of Understanding

As a member of the National Defense Executive Reserve unit of the _____, I accept the following responsibilities:

- While a member of the Reserve, I will maintain close liaison with the Government program to which I am assigned. I will also attend scheduled training meetings and exercises whenever possible.
- In the event of a national emergency, I intend to be available for full time Government employment within my assigned program.
- I will serve as a member of the Reserve without compensation. If I am called to full time Government employment in a national emergency, I will have the option of serving with or without compensation, provided that legal authority for such service then exists.
- I understand my appointment will be for a period of three years, may be extended for additional terms, and may be terminated at any time by me or the sponsoring agency.
- If I become unavailable for full time Government employment, I will so inform the Reserve unit to which I am assigned.
- My employer concurs with the commitment I am making to the National Defense Executive Reserve.

Name of Reservist _____ Date _____
(type or print)

Signature of Reservist _____

Name of Employer _____ Date _____
(type or print)

Title of Employer's Representative _____

Signature of Employer's Representative _____

Dated: February 2, 1990.

Antonio Lopez,

*Associate Director, National Preparedness
Directorate, Federal Emergency Management
Agency.*

[FR Doc. 90-2955 Filed 2-14-90; 8:45 am]

BILLING CODE 6719-01-M

Notices

Federal Register

Vol. 55, No. 32

Thursday, February 15, 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

Office of the Secretary

[Docket No. 89-184]

Declaration of Emergency Because of the Mediterranean and Oriental Fruit Fly

A serious outbreak of the Mediterranean fruit fly, *Ceratitis capitata* (Wiedemann), and the Oriental fruit fly, *Dacus dorsalis* (Hendel), is occurring in California.

The Mediterranean fruit fly and Oriental fruit fly are two of the most destructive pests of over 200 species of fruits, nuts and vegetables, especially citrus fruits. These pests can develop rapidly and spread easily, causing severe damage to entire citrus and other fruit and vegetable growing areas.

The presence of these fruit flies in the United States could severely disrupt the \$12.3 billion fruit and vegetable industry and could cost a half-billion dollars annually due to the loss of export markets. The estimated potential annual loss to the California and Florida citrus industries attributable to an established fruit fly infestation is between \$3.2 billion and \$4.6 billion. If the Mediterranean fruit fly were to become established throughout its ecological range, foreign market losses could exceed an estimated \$539 million annually. It has been estimated that if Oriental fruit fly became established throughout California, yearly control costs in that State alone would be \$250 million to \$350 million.

As of November 20, 1989, infestations of the Mediterranean fruit fly had been found in a portion of Los Angeles County, Orange County, Santa Clara County, and San Bernardino County, California. Two infestations of Oriental fruit fly had also been detected in Los Angeles County, California. These infestations pose a serious economic

threat to the agricultural industry of the United States.

In cooperation with the State of California, the Animal and Plant Health Inspection Service (APHIS) has initiated a program to eradicate the fruit fly infestations. The State of California is funding approximately one-half of the total program costs. However, continuing efforts to eradicate the fruit flies from different areas and to facilitate the early detection of fruit fly infestations have substantially increased program costs. APHIS resources are insufficient to regulate these multiple and concurrent fruit fly eradication projects, and additional funding is needed.

Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens the citrus and other fruit and vegetable growing industries of this country and I authorize the transfer and use of such sums as I may deem necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to detect and identify Mediterranean and Oriental fruit fly infested areas, to control and prevent the spread of the Mediterranean and Oriental fruit fly to noninfested areas in the United States, and to eradicate Mediterranean and Oriental fruit flies wherever they may be found in the continental United States.

Effective date: This declaration of emergency shall become effective February 1, 1990.

Jack Parnell,

Acting Secretary of Agriculture.

[FR Doc. 90-3595 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 89-226]

Declaration of Emergency Because of Salmonella Enteritidis in Poultry Flocks

Salmonella enteritidis (SE) is a present and expanding cause of economic concern for the United States egg-type chicken industry, and has also recently emerged as a serious public health concern.

Strains of SE are endemic in egg producing and egg-type breeding flocks in northeastern and mid-Atlantic States.

In addition, SE-infected flocks are present and expanding in midwestern and northwestern States. The economic impact of SE infection is now largely confined to egg-type chicken flocks, but SE could spread to broiler and turkey flocks if SE is not successfully controlled in egg-type flocks. Widespread SE infection could adversely affect these other segments of the poultry industry.

Losses due to SE currently represent a serious adverse economic effect, particularly to the \$3.2 billion egg industry. SE can cause clinical disease in chickens and lower productivity, and also can harm the egg industry by leading to reduced demand for eggs and egg products, caused by public concerns about egg safety.

To control the spread of salmonella and other disease organisms in poultry flocks, the Animal and Plant Health Inspection Service (APHIS) oversees the National Poultry Improvement Plan (NPIP), a voluntary program for poultry flock owners. The "United States Sanitation Monitored" program of the NPIP was recently amended to require SE testing of egg-type primary breeding and multiplier breeding flocks participating in the program. Voluntary participation has not been sufficient to control the spread of SE. Consequently, APHIS is currently developing other regulations which would require that layer type breeding flocks and certain commercial table egg layer flocks be tested and found negative for SE before shipping poultry and hatching or table eggs from the flocks interstate.

However, continuing efforts to prevent the spread of SE between egg-type chicken flocks and to facilitate the early detection of SE infection in such flocks have substantially increased program costs. APHIS resources are insufficient to regulate these multiple, concurrent, and necessary SE projects, and additional funding is needed.

Without additional funding, these programs will not be effective in controlling the spread of SE in egg-type breeding and production flocks and there will be significant increases in the number of flocks infected with SE, with subsequent adverse economic impacts on the table egg poultry industry, caused by lower productivity and decreased demand for eggs due to loss of consumer confidence that eggs are a safe food. Increases in the number of egg-type

breeding and production flocks infected with SE would also increase the risk of SE spread to broiler and turkey flocks, threatening even larger segments of the poultry industry.

Therefore, in accordance with the provisions of the Act of September 25, 1981, 95 Stat. 953 (7 U.S.C. 147b), I declare that there is an emergency which threatens the poultry industry of this country and I authorize the transfer and use of such sums as I may deem necessary from appropriations or other funds available to the agencies or corporations of the Department of Agriculture for the conduct of a program to control the spread of *Salmonella enteritidis* in poultry flocks in the United States.

Effective Date: This declaration of emergency shall become effective February 1, 1990.

Jack Parnell,

Acting Secretary of Agriculture.

[FR Doc. 90-3594 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service

[(No. FV-90-202)]

Perishable Agricultural Commodities Act; Industry Advisory Committee Meeting

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Act (Pub. L. No. 92-463 and Pub. L. No. 100-414), notice is hereby given of the fifth meeting of the Perishable Agricultural Commodities Act (PACA) Industry Advisory Committee. The Committee will meet two days, March 2 and 3, 1990 beginning at 8:30 a.m. through 4:30 p.m. each day at the Four Seasons Resort, 4150 North MacArthur Boulevard, Irving, Texas 75038.

FOR FURTHER INFORMATION CONTACT: John D. Flanagan, (202) 447-2272.

SUPPLEMENTARY INFORMATION: The 20 member Perishable Agricultural Commodities Act Industry Advisory Committee, appointed by the Secretary of Agriculture, represents fruit and vegetable growers, shippers, brokers, processors, wholesalers, and retailers. The Committee was established pursuant to the Pub. L. 100-414, to discuss policies and procedures relating to the administration of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a *et seq.*) and identify areas where the law and program might be

enhanced to ensure program efficiency and equitable treatment among the various segments of the fruit and vegetable industry. The Committee will report on its findings and develop recommendations for consideration by Congress and the Secretary of Agriculture. Its interim report was submitted to the Secretary of Agriculture, the House Committee on Agriculture, and the Senate Committee on Agriculture, Nutrition, and Forestry on September 26, 1989. A final report containing the results of the Committee's review and its recommendations will be submitted no later than May 1, 1990. The Committee's meeting will be open to the public. Due to the limitation of time, the public will not be allowed to participate in the meeting. Statements may be submitted before or after the meeting to Mr. John D. Flanagan at the address listed below.

The names of Committee members, agenda, and other information pertaining to the meeting may be obtained from John D. Flanagan, Chief, PACA Branch, Room 2095 So., Fruit and Vegetable Division, Agricultural Marketing Service, USDA, P.O. Box 96456, Washington, DC 20090-6456, telephone (202) 447-2272.

Dated: February 12, 1990.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 90-3567 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-02-M

Forest Service

Regeneration Harvest and Road Construction Within the Tie Creek Drainage of the Absaroka Mountains

AGENCY: Forest Service, USDA.

ACTION: Environmental Impact Statement Cancellation Notice.

The Forest Service, USDA, has withdrawn its proposal for regeneration harvest and road construction within the Tie Creek area, Absaroka Mountains, Livingston Ranger District, Park County, Montana. The reason for withdrawal was due to potential adverse effects on Yellowstone cutthroat trout in two area streams caused by additional sedimentation from logging and roading.

The Notice of Intent to prepare an Environmental Impact Statement (EIS), published in the Federal Register of July 21, 1989, (54 FR 30582) is hereby rescinded.

FOR FURTHER INFORMATION CONTACT: Steve Christiansen, Interdisciplinary Team Leader, Gallatin National Forest, Supervisor's Office, P.O. Box 130,

Bozeman, MT 59771, (406) 587-6750 or Fred Salinas, District Ranger, Livingston Ranger District, Gallatin National Forest, Route 62, Box 3197, Livingston, Montana, 59047, (406) 222-1892.

Dated: February 8, 1990.

Fred Salinas,

District Ranger, Livingston Ranger District, Gallatin National Forest.

[FR Doc. 90-3565 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-11-M

Office of International Cooperation and Development

Prairie View A&M University Cooperative Agreement Awards

AGENCY: Office of International Cooperation and Development (OICD), USDA.

ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with Prairie View A&M University to provide partial support funding for collaborative international research on Establishing a Cashmere Industry through Research and Introduction of Germplasm.

Authority

Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD announces the availability of funds in fiscal year 1990 (FY1990) to enter into a cooperative agreement with Prairie View A&M University to collaborate on international research on Establishing a Cashmere Industry through Research and Introduction of Germplasm. Approximately \$20,000 will be available in FY1990 to the University's International Dairy Goat Research Center to conduct collaborative research with the Peoples Republic of China Beijing Agricultural University's Sheep and Goat Department. Assistance will be provided only to the University, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies, a research associate, and travel. Beijing Agricultural University will support their portion of the research.

Based on the above, this is not a formal request for application. An estimated \$20,000 will be available in FY 1990 to support this work. It is anticipated that a total of \$60,000 will be provided for this effort over a three-year

period, subject to the availability of Federally appropriated funds in future fiscal years.

Information on proposed Agreement #58-319R-0-013 may be obtained from: USDA/OICD/Management Services Branch, Washington, DC 20250-4300.

Dated: January 31, 1990.

Nancy J. Croft,
Contracting Officer.

[FR Doc. 90-3569 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-34-M

Grant and Cooperative Agreement Awards; University of Illinois

AGENCY: Office of International Cooperation and Development (OICD).
ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with the University of Illinois to provide partial support funding for collaborative international research on Examination of Tannin Content of Several *Acacia* Species of the U.S. and Mexico.

Authority

Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD announces the availability of funds in fiscal year 1990 (FY1990) to enter into a cooperative agreement with the University of Illinois to collaborate on international research on Examination of Tannin Content of Several *Acacia* Species of the U.S. and Mexico. Approximately \$19,818 will be available in FY1990 to the University's Department of Plant Biology to conduct collaborative research with Mexico's Center for Research and Technical Assistance for the State of Guanajuato (CIATEG). Assistance will be provided only to the University, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies travel. Mexico's CIATEG will support their portion of the research.

Based on the above, this is not a formal request for application. An estimated \$19,818 will be available in FY1990 to support this work. It is anticipated that a total of \$47,470 will be provided for this effort over a three-year period, subject to the availability of federally appropriated funds in future fiscal years.

Information on proposed Agreement #58-319R-0-011 may be obtained from:

USDA/OICD/Management Services Branch, Washington, DC 20250-4300.

Dated: January 31, 1990.

Nancy J. Croft,
Contracting Officer.

[FR Doc. 90-3570 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-DP-M

Grant and Cooperative Agreement Awards; University of Illinois

AGENCY: Office of International Cooperation and Development (OICD).

ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with the University of Illinois to provide partial support funding for collaborative international research on Establishing Genetic Characterization of Cellulases from *Ruminococcus albus*.

Authority

Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD announces the availability of funds in fiscal year 1990 (FY1990) to enter into a cooperative agreement with the University of Illinois to collaborate on international research on Establishing Genetic Characterization of Cellulases from *Ruminococcus albus*. Approximately \$20,000 will be available in FY1990 to the University's Department of Animal Sciences to conduct collaborative research with England's Agricultural and Food Research Council's Institute of Animal Physiology and Genetics Research. Assistance will be provided only to the University, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies, a Research Associate, and travel. England's Agricultural and Food Research Council's Institute of Animal Physiology and Genetics Research will support their portion of the research.

Based on the above, this is not a formal request for application. An estimated \$20,000 will be available in FY1990 to support this work. It is anticipated that a total of \$60,000 will be provided for this effort over a three-year period, subject to the availability of federally appropriated funds in future fiscal years.

Information on proposed Agreement #58-319R-0-010 may be obtained from: USDA/OICD/Management Services Branch, Washington, DC 20250-4300.

Dated: January 31, 1990.

Nancy J. Croft,
Contracting Officer.

[FR Doc. 90-3571 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-DP-M

Grant and Cooperative Agreement Awards; University of Maryland

AGENCY: Office of International Cooperation and Development (OICD).

ACTION: Notice of intent.

ACTIVITY: OICD intends to enter into an agreement with the University of Maryland to provide partial support funding for collaborative international research on Development of Enzyme Linked Immunoabsorbent Assay Method to Evaluate the Time-temperature to which Meat has been Cooked.

Authority

Section 1458 of the National Agricultural Research, Extension and Teaching Policy Act of 1977, as amended (7 U.S.C. 3291), and the Food Security Act of 1985 (Pub. L. 99-198).

OICD announces the availability of funds in fiscal year 1990 (FY1990) to enter into a cooperative agreement with the University of Maryland to collaborate on international research on Development of Enzyme Linked Immunoabsorbent Assay Method to Evaluate the Time-temperature to which Meat has been Cooked. Approximately \$20,000 will be available in FY1990 to the University's Department of Human Nutrition and Food Systems to conduct collaborative research with the France's National Institute of Agronomic Research (INRA). Assistance will be provided only to the University, which is contributing resources and experience to conduct the research. Funds provided by OICD will be used to supplement costs for supplies and travel. Beijing Agricultural University will support their portion of the research.

Based on the above, this is not a formal request for application. An estimated \$20,000 will be available in FY1990 to support this work. It is anticipated that a total of \$60,000 will be provided for this effort over a three-year period, subject to the availability of federally appropriated funds in future fiscal years.

Information on proposed Agreement #58-319R-0-012 may be obtained from: USDA/OICD/Management Services Branch, Washington, DC 20250-4300.

Dated: January 31, 1990.

Nancy J. Croft,
Contracting Officer.

[FR Doc. 90-3568 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-DP-M

Soil Conservation Service**Van Buren County Vo-Tech Center
Land Drainage RC&D Measure, MI**

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Van Buren County Vo-Tech Center RC&D Measure, Van Buren County, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for land drainage. The planned works of improvement include the following items: 15,000 feet of subsurface tile drains. Total construction cost is estimated to be \$12,800, of which RC&D funds will pay 50% and local funds will pay 50%.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during

the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: February 8, 1990.

John V. Edwards,

Deputy State Conservationist.

[FR Doc. 90-3554 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-16-M

**Wah Wah Soo Beach Critical Area
Treatment Measure, MI**

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wah Wah Soo Beach RC&D Measure, Otsego County, Michigan.

FOR FURTHER INFORMATION CONTACT:

Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517-337-6702.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. A contact has been made with the State Historical Preservation Officer and concludes that it will have no effect on any cultural resources either eligible for or listed on the National Register of Historic Places. The State Archaeologist will be contacted if any land disturbance associated with this project and archaeological sites, features, or materials are encountered during actual construction. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of measures for critical area treatment. The planned works of improvement include the following items: 450 feet of retaining wall, 880 cu. yds. of bank excavation, 40 cu. yds. of topsoil, two benches, fertilizer, mulch, grass seed, 70 cu. yds. of gravel, fence and erosion control measures. Total construction cost is estimated to be \$17,000, of which RC&D funds will pay 58% and local funds will pay 42%.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the Federal Register.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.901—Resource Conservation and Development—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: February 8, 1990.

John V. Edwards,

Deputy State Conservationist.

[FR Doc. 90-3547 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE**Bureau of Census****Estimates of the Voting Age
Population for 1989**

Under the requirements of the 1976 amendment to the Federal Election Campaign Act, 2 United States Code 441a(e), I hereby give notice that the estimates of the voting age population for July 1, 1989, for each state, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of American Samoa, Guam, and the Virgin Islands are as shown in the following table.

I have certified these estimates to the Federal Election Commission.

Date: February 6, 1990

Robert A. Mosbacher,
Secretary of Commerce.ESTIMATES OF THE POPULATION OF VOT-
ING AGE FOR EACH STATE, THE DIS-
TRICT OF COLUMBIA, AND SELECTED
OUTLYING AREAS: JULY 1, 1989

[In thousands]

Area	Popula- tion 18 and over
United States	184,157
Alabama	3,010
Alaska	362
Arizona	2,575
Arkansas	1,756
California	21,350
Colorado	2,453
Connecticut	2,479
Delaware	504
District of Columbia	465
Florida	9,799
Georgia	4,639
Hawaii	825
Idaho	710
Illinois	8,678
Indiana	4,133
Iowa	2,132
Kansas	1,854
Kentucky	2,760
Louisiana	3,109
Maine	917
Maryland	3,533
Massachusetts	4,576
Michigan	6,829
Minnesota	3,224
Mississippi	1,852
Missouri	3,852
Montana	588
Nebraska	1,187
Nevada	833
New Hampshire	828
New Jersey	5,903
New Mexico	1,074
New York	13,600
North Carolina	4,929
North Dakota	481
Ohio	6,090
Oklahoma	2,371
Oregon	2,123
Pennsylvania	9,199
Rhode Island	767
South Carolina	2,558
South Dakota	519
Tennessee	3,685
Texas	12,038
Utah	1,076
Vermont	425
Virginia	4,615
Washington	3,545
West Virginia	1,394
Wisconsin	3,612
Wyoming	339
Outlying Areas	
Puerto Rico	2,037
Guam	80
Virgin Islands	58
American Samoa	21

[FR Doc. 90-3553 Filed 2-14-90; 8:45 am]

BILLING CODE 3510-07-M

Bureau of Export Administration

MCTL Implementation Technical
Advisory Committee; Partially Closed
Meeting

A meeting of the MCTL Implementation Technical Advisory Committee will be held March 2, 1990 at 9:30 a.m., in the Herbert C. Hoover Building, Room 1617-F, 14th Street and Constitution Avenue NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis in the implementation of the Militarily Critical Technologies List (MCTL) into the Export Administration Regulations as needed.

Agenda: General Session

1. Opening Remarks by the Chairman.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Working Group Reports:
 - (a). Decontrol of Reexports from COCOM.
 - (b). List Purge.
 - (c). TAC Utilization and List Review Process.
 - (d). Implementation of Decontrol Mandates.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials two weeks prior to the meeting to the below listed address: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue NW., Room 4069A, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 13, 1989, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittee thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the

provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes 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. 90-3552 Filed 2-14-90; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

United States-Canada Free-Trade
Agreement, Article 1904, Binational
Panel Reviews; Notice of Decision of
Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of Decision of Panel in panel review of final scope determination made by the International Trade Administration, Import Administration, respecting Replacement Parts For Self-Propelled Bituminous Paving Equipment from Canada, Secretariat File No. USA-89-1904-02

SUMMARY: By decision dated January 24, 1990, the Binational Panel affirmed the Department of Commerce's scope determination of January 23, 1989, that replacement parts for attachments to paving equipment are not within the scope of antidumping duty order T.D. 77-222, but that replacement parts for paving equipment, even when manufactured specifically for paving equipment produced by the same manufacturer, fall within the scope of that order. A copy of the complete Panel decision is available from the United States Secretary, FTA Binational Secretariat.

FOR FURTHER INFORMATION CONTACT:

James R. Holbein, United States Secretary, Binational Secretariat, suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement")

establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established *Rules of Procedure for Article 1904 Binational Panel Reviews* ("Rules"). These Rules were published in the *Federal Register* on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the *Federal Register* on December 27, 1989 (54 FR 53165). The panel review in this matter was conducted in accordance with these Rules.

Background

In 1977, the U.S. Department of the Treasury published T.D. 77-222, an antidumping duty order covering parts for self-propelled bituminous paving equipment from Canada. In 1981, Fortress Allatt, Ltd., ("Allatt"), a Canadian manufacturer of paving equipment, attachments, and replacement parts, requested that the Department of Commerce ("Commerce") clarify whether attachments to paving equipment were included in "parts for self-propelled bituminous pavers." The original petition filed by Blaw Knox Construction Equipment Corporation ("Blaw Knox") *et al.* referred to "Replacement Parts for Bituminous Paving Equipment Exported from Canada." Based on the record, Commerce concluded that attachments were beyond the scope of the order.

On July 18, 1984, Allatt requested a further clarification of T.D. 77-222. Allatt argued that the order did not encompass either (i) replacement parts for paving equipment attachments, or (ii) any replacements parts for Allatt-manufactured paving equipment. Commerce did not respond to this petition. Allatt renewed its request by letter dated July 7, 1988, and Commerce initiated a scope determination proceeding. On January 23, 1989, Commerce determined that under T.D. 77-222, replacement parts for Allatt-manufactured equipment were of the

"class or kind" of product described antidumping duty order and as such were within its scope. Commerce further determined that replacement parts for attachments should not be included within the scope of the order.

On March 16, 1989, Allatt filed a Request for Panel Review of the determination. Blaw Knox alleged that Commerce's scope determination was not supported by substantial evidence or in accordance with law insofar as Commerce excluded replacement parts for attachments. Allatt alleged *inter alia* that Commerce erred in its determination that T.D. 77-222 covers replacement parts for Allatt-manufactured self-propelled bituminous pavers.

Panel Findings

Concerning replacement parts for attachments, the Panel noted that Commerce's 1981 clarification order found that paver attachments were beyond the scope of the antidumping duty order. In the final determination under review by this Panel, the Panel found that, "Commerce extended the logic of its 1981 determination by reasoning that replacement parts for attachments are outside the Order because the attachments themselves are not necessary to the operation of the self-propelled bituminous paving equipment. The nature of that distinction between the basic equipment and the attachment was not deemed to be altered by the installation of the attachment, and subsequent replacement of a part or parts on the attachment. Likewise, installation of a replacement part for an attachment does not transform that replacement part into a replacement part for the basic equipment." As a result, the Panel found that Commerce's determination that replacement parts for attachments are not covered by T.D. 77-222 was reasonable and supported by the record.

The second determination under review was whether Commerce reasonably concluded that the antidumping duty order included replacement parts for self-propelled bituminous pavers manufactured by Allatt. The Panel noted that T.D. 77-222 covers "replacement parts for self-propelled bituminous pavers" from Canada. The Panel found that, "Commerce applied the order as it is written and found that 'replacement parts' for Allatt machines are still 'replacement parts' as that term has always been defined, first by Treasury and now by Commerce." The Panel affirmed Commerce's determination as being reasonable and supported by substantial evidence.

Dated: February 2, 1990.

James R. Holbein,
United States Secretary, FTA Binational
Secretariat.

[FR Doc. 90-3543 Filed 2-14-90; 8:45 am]

BILLING CODE 3510-GT-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of its Texas Habitat Protection Advisory Panel, on March 6, 1990, at the Doubletree Hotel, 6505 IH 35 North, Austin, TX. The Panel will meet from 9 a.m. to 4 p.m., and will discuss the Bahaia Grande Project, the Environmental Protection Agency/Corps of Engineers recent memorandum of understanding on mitigation policy, and the Gulf Intercoastal Waterway (GIWW) operation and maintenance. It will also hear updates on the Galveston Bay Area Navigational Study (GBANS), GIWW, Playa Del Rio, and the Mouth of the Colorado projects.

For more information contact Wayne F. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: February 12, 1990.

David S. Crestin,
Deputy Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.

[FR Doc. 90-3618 Filed 2-14-90; 8:45 am]

BILLING CODE 3510-22-M

Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The salmon management advisory bodies of the Pacific Fishery Management Council will hold a public meeting on February 22, 1990, at 10 a.m., to make an initial assessment of the ocean salmon fishing season. The public meeting will be held at the Red Lion Inn-Jantzen Beach, 909 North Hayden Island Drive, Portland, OR. Participants will include the Salmon Advisory Subpanel (SAS), Salmon Technical Team (STT), selected Scientific and Statistical Committee (SSC) members, and policy representatives from state, tribal and federal fishery management entities.

The public meeting is intended to provide the SAS members with an initial assessment of salmon stock abundance, and a discussion of management entity concerns and recommendations for the 1990 ocean salmon fishing season. This information will assist SAS members in drafting proposed fishing season options for presentation to the Pacific Council at the Council's March 6, 1990, meeting. Public and written statements pertaining to planning for the 1990 ocean salmon season also will be accepted at appropriate times during the meeting.

For more information contact Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2000 SW. First Avenue, Portland, OR 97201; telephone: (503) 326-6352.

Dated: February 12, 1990.

David S. Crestin,
Deputy Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.

[FR Doc. 90-3619 Filed 2-14-90; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

Relocation

As of 20 February 1990 the Commission of Fine Arts' Offices will be relocated to: Commission of Fine Arts, Pension Building, Suite 312, Judiciary Square, 5th & F Streets, NW., Washington, DC 20001; Telephone number: 202-504-2200, Facsimile number: 202-504-2195.

Dated in Washington, DC February 9, 1990.

Charles H. Atherton,
Secretary.

[FR Doc. 90-3548 Filed 2-14-90; 8:45 am]

BILLING CODE 6330-01-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB to Review

Action: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: Stars and Stripes Audience Survey; No DD Form; and No OMB Control Number.

Type of Request: New.

Average Burden Hours/Minutes per

Response: 25 minutes.

Frequency of Response: Triennially.

Number of Respondents: 2,080.

Annual Burden Hours: 884.

Annual Responses: 2,080.

Needs and Uses: The information will help Stars and Stripes newspapers serving DoD audiences overseas in ascertaining the cost effectiveness of current policies; assessing the composition of the audience and determining the impact of Stars and Stripes newspapers on audience morale; and, providing recommendations on newspaper content and bookstore operations.

Affected Public: Individuals or households.

Frequency: Continuing.

Respondent's Obligations: Voluntary.

OMB Desk Officer: Dr. J. Timothy Sprehe.

Written comments and recommendations on the proposed information collection should be sent to Dr. J. Timothy Sprehe at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

Written request for copies of the information collection proposal should be sent to Ms. Rascoe-Harrison, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302.

Dated: February 9, 1990.

L.M. Bynum,
Alternate OSD Federal Register, Liaison
Officer, Department of Defense.

[FR Doc. 90-3536 Filed 2-14-90; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary of Defense

Retirement Homes Advisory Board; Meeting

AGENCY: Assistant Secretary of Defense (Force Management and Personnel).

ACTION: Notice of Open Meeting of the DoD Retirement Homes Advisory Board.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Assistant Secretary of Defense (Force Management and Personnel) announces that the Retirement Homes Advisory Board (Charter date: December 27, 1989) will hold an open meeting at the Pentagon, room 1A1079.

Date and Time: February 28, 1990, 0800-1500.

Address: Pentagon, Washington, DC 20301.

Purpose: To conduct a second in-progress review of the study.

Agenda: Doctor Gregory Pawlson will chair the in-progress review which will include discussion of preliminary research as well as the formulation of follow on action plans.

FOR FURTHER INFORMATION CONTACT: LTC K. Deutsch at 202-697-7197.

Dated: February 9, 1990.

L.M. Bynum,
Alternate OSD Federal Register Liaison
Officer, Department of Defense.

[FR Doc. 90-3537 Filed 2-14-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

CNO Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Defense Subpanel Task Force will meet 9 March 1990 from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss policy and budgetary matters of immediate Navy interest. The entire agenda of the meeting will consist of discussions of key issues regarding national security, maritime defense needs, defense policy, planning, and budgetary matters of immediate Navy interest. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning the meeting, contact: Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: February 12, 1990.

Sandra M. Kay,
Department of the Navy, Alternate Federal
Register Liaison Officer.

[FR Doc. 90-3582 Filed 2-14-90; 8:45 am]

BILLING CODE 3810-AE-M

CNO Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Navy Space Policy Task Force will meet March 6-7, 1990 from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. All sessions will be closed to the public.

The purpose of this meeting is to discuss the Navy's potential role in space. The entire agenda of the meeting will consist of discussions of key issues regarding space exploration in support of U.S. national security, and related intelligence. These matters constitute classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: February 13, 1990.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90-3583 Filed 2-14-90; 8:45 am]

BILLING CODE 3810-AE-M

CNO Executive Panel Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel Advisory Committee Technology Surprise Task Force will meet March 14, 1990 from 9 a.m. to 5 p.m., at 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss the possibility of unexpected technological breakthroughs that vastly change warfighting capabilities. The entire agenda of the meeting will consist of discussions of key issues regarding the potential for unexpected technology breakthroughs that could have an acute impact on naval and other military forces. These matters constitute

classified information that is specifically authorized by Executive Order to be kept secret in the interest of national defense and is, in fact, properly classified pursuant to such Executive Order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that the meeting be closed to the public because it will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Faye Buckman, Secretary to the CNO Executive Panel Advisory Committee, 4401 Ford Avenue, room 601, Alexandria, Virginia 22302-0268, Phone (703) 756-1205.

Dated: February 12, 1990.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90-3584 Filed 2-14-90; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

[CFDA No. 84.183E]

Drug Prevention Programs in Higher Education—Analysis and Dissemination Program (Invitational Priority: Dissemination of Successful Projects)

Purpose of Notice: To cancel the notice inviting applications for new awards for fiscal year (FY) 1990 for the Drug Prevention Programs in Higher Education—Analysis and Dissemination Program (Invitational Priority: Dissemination of Successful Projects), which was published in the *Federal Register* on September 15, 1989, as part of the Department of Education's combined notice inviting applications for new awards for direct grant programs and fellowship programs for FY 1990 (54 FR 38336). The Secretary expects to publish in the *Federal Register* in the near future two new notices inviting applications in FY 1990 under the Analysis and Dissemination Program.

For Information Contact: Dr. Ronald B. Bucknam, FY 1990-E Competition, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5175. Telephone: (202) 732-5757.

Program Authority: 20 U.S.C. 3211.

Dated: February 8, 1990.

Leonard L. Haynes, III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 90-3512 Filed 2-14-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Voluntary Agreement and Plan of Action To Implement International Energy Program; Meeting

In accordance with section 252(c)(1)(A)(i) of the Energy Policy and Conservation Act (42 U.S.C. 6272(c)(1)(A)(i)), the following meeting notice is provided:

A meeting of the Industry Advisory Board (IAB) to the International Energy Agency (IEA) will be held on Thursday, February 22, 1990, at the offices of the IEA, 2, rue Andre Pascal, Paris, France, beginning at 9:30 a.m. This meeting is being held to allow members of the IAB to participate in a working group of the IEA's Standing Group on Emergency Questions, which is considering the IEA's Questionnaire A/Questionnaire B (QA/QB) reporting instructions. The agenda for the meeting, which is under the control of the IEA Secretariat, is expected to be as follows:

1. Approval of the Summary Record of 1st Meeting.
2. Reporting of Forward Month Trade Data.
3. Treatment of "No Present Destination" Oil.
4. Review of Trade Origins and Destinations.
5. Emergency Reporting between Parent and Affiliate Companies.
6. Transmission of emergency data.
7. Stock reporting in QuB.
8. Date of next meeting.
9. Any other business.

As provided in section 252(c)(2)(A)(ii) of the Energy Policy and Conservation Act, the meetings are open only to representatives of members of the IAB, their counsel, representatives of members of the IEA's Standing Group on Emergency Questions, representatives of the Department of Energy, Justice, State, the Federal Trade Commission, and the General Accounting Office, representatives of Committees of the Congress, representatives of the IEA, representatives of the Commission of the European Communities, and invitees of the IAB, the SEQ, or the IEA.

Issued in Washington, DC, February 12, 1990.

Stephen A. Wakefield,

General Counsel.

[FR Doc. 90-3616 Filed 2-14-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission**[Docket Nos. ER90-185-000 et al.]****Florida Power Corp. et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings**

Take notice that the following filings have been made with the Commission:

1. Florida Power Corp.**[Docket No. ER90-185-000]**

February 6, 1990.

Take notice that on February 1, 1990, Florida Power Corporation (FPC) tendered for filing an Agreement for Supplemental Resale Service with the City of St. Cloud, Florida. FPC requests waiver of the Commission's notice requirements to allow the Agreement to become effective January 1, 1990. The Agreement provides for sale of base, intermediate and peaking service.

According to FPC, a copy of this filing has been served on City of St. Cloud and the Florida Public Service Commission.

Comment date: February 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Utah Power & Light Company**[Docket Nos. ER84-571-008, ER85-486-003, and ER86-300-003]**

February 6, 1990.

Take notice that on January 24, 1990, Utah Power & Light Company (Utah) tendered for filing a supplemental filing to its revised compliance filing of January 16, 1990. The supplemental information states that due to mutual agreement reached with the wheeling customers, an effective date for final rates under both Sections 205 and 206 is requested as of October 1, 1988.

Comment date: February 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Pennsylvania Power & Light Company**[Docket No. ER90-44-000]**

February 6, 1990.

Take notice that on January 30, 1990, Pennsylvania Power & Light Company (PP&L) tendered for filing, the First Supplemental to the Transmission Entitlement Sales Agreement (Agreement), dated as of January 20, 1990, between PP&L and Public Service Electric and Gas Company (PSE&G). The Agreement provides for PP&L's short-term sale of PSE&G of all or a portion, of PP&L's entitlement for the use of the Pennsylvania-New Jersey-Maryland (PJM) Interconnection's transmission system which is used to import energy from systems to the west of the PJM Interconnection. The First

Supplement modifies the Agreement to provide that the charges by PP&L for service under the Agreement will be the lesser of (i) the negawatt weeks of Transmission Entitlement purchased multiplied by the agreed upon rate, or (ii) 5.5 mills per kilowatt-hour multiplied by the kilowatt hours of energy actually imported by PSE&G utilizing PSE&G's total Transmission Entitlement multiplied by the ratio of the Transmission Entitlement purchased from PP&L to PSE&G's total Transmission Entitlement.

PP&L requests waiver of the notice requirements of Section 205 of the Federal Power Act and Section 35.3 of the Commission's Regulations so that the Agreement and the First Supplement to the Agreement can be made effective as of October 30, 1989, in accordance with the commencement of service.

PP&L states that a copy of its filing was served on PSE&G, the Pennsylvania Public Utility Commission, and the New Jersey Board of Public Utilities.

Comment date: February 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. Boston Edison Company**[Docket No. ER90-182-000]**

February 6, 1990.

Take notice that on January 24, 1990, Boston Edison Company (Boston Edison) tendered for filing a Settlement Agreement concerning Boston Edison's Contract Demand Service to the Reading Municipal Light Department. Boston Edison states that the filing constitute a partial settlement of issues associated with costs related to the recently ended outage of Boston Edison's Pilgrim Unit.

Comment date: February 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Ford Motor Company and Rouge Steel Company**[Docket No. ER90-184-000]**

February 6, 1990.

Take notice that on January 31, 1990, Ford Motor Company and Rouge Steel Company, tenants-in-common owners of an electric generating facility located in Dearborn, Michigan, submitted for filing, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 C.F.R. 385.207, an initial rate schedule for sales to Detroit Edison Company.

Comment date: February 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Wisconsin Power and Light Company**[Docket No. ER90-131-000]**

February 6, 1990.

Take notice that on January 30, 1990, Wisconsin Power and Light Company (WPL) tendered for filing Amendment No. 1 dated August 25, 1989 to the Electric Temporary, Normally Open, Distribution Voltage, Emergency Interconnection and Power Supply Agreement dated December 9, 1985, between WPL, South Beloit, Gas and Electric Company (SBWCE) and Commonwealth Edison Company (CE).

Amendment No. 1 continues the original agreement from its expected expiration on May 1, 1989 indefinitely. The normally open, emergency connection remains CE's preferred backup for its distribution loads in the area involved.

WPL proposes an effective date of May 1, 1989, and requests the Commission to given the appropriate notice period and allow for such effective date.

Comment date: February 20, 1990, in accordance with Standard Paragraph end of this notice.

7. R.J. Reynolds Tobacco Company**[Docket No. QF90-79-000]**

February 7, 1990.

On February 1, 1990, R.J. Reynolds Tobacco Company, (Applicant), of 401 North Main Street, Winston-Salem, North Carolina 27101, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The proposed topping-cycle cogeneration facility will be located near the intersection of Reynold Boulevard and Cherry Street, in Winston-Salem, Forsyth County, North Carolina. The facility will consist of an existing No. 7 coal fired boiler, and an extraction non-noncondensing steam turbine generator. Thermal energy recovered from the facility will be used for manufacture of cigarettes and other tobacco products and space heating and cooling. The maximum electric power production capacity of the facility will be 8.8 MW. The primary source of energy will be coal. The installation of the facility was expected to commence in January 1990.

Comment date: February 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

8. Lyonsdale Energy Limited Partnership

[Docket No. QF87-531-002]

February 7, 1990.

On January 26, 1990, Lyonsdale Energy Limited Partnership (Applicant), of Suite 2400, 400 South Hope Street, Los Angeles, California 90071, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Lyonsdale, New York. The facility will consist of a wood-fired boiler and a single extraction/condensing steam turbine generator. Thermal energy recovered from the facility will be sold to Burrows Paper Corporation for process uses. The net electric power production capacity will be 19 megawatts. The primary energy source will be biomass in the form of whole tree chips and waste wood. Construction of the facility will commence on or about April 1990.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

9. Lyonsdale Energy Limited Partnership

[Docket No. QF87-531-003]

February 7, 1990.

On January 26, 1990, Lyonsdale Energy Limited Partnership (Applicant), of Suite 2400, 400 South Hope Street, Los Angeles, California 90071, submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Lyonsdale, New York. The facility will consist of a wood-fired boiler and a single extraction/condensing steam turbine generator. The net electric power production capacity will be 19 megawatts. The primary energy source will be biomass in the form of whole tree chips and waste wood. Oil will be used for ignition, start-up, testing, flame stabilization or control uses or to alleviate or prevent unanticipated outages or emergencies, however, such fossil fuel usage will not exceed 25% of the total energy input during any calendar year period. Construction of the facility will commence on or about April 1990.

Comment date: Thirty days from publication in the **Federal Register** in accordance with Standard Paragraph E at the end of this notice.

10. Louisiana Public Service Commission, Mississippi Public Service Commission, State of Mississippi, Arkansas Public Service Commission and the City of New Orleans

v.

System Energy Resources, Inc. and Entergy Services, Inc.

[Docket No. EL90-16-000]

February 7, 1990

Take notice that on February 1, 1990, a complaint was tendered for filing by the Louisiana Public Service Commission, the Mississippi Public Service Commission, the State of Mississippi, the Arkansas Public Service Commission and the City of New Orleans, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 C.F.R. 385.206, and Section 205 and 206 of the Federal Power Act, 16 U.S.C. 824d, 824e.

In their filing, the parties assert that the rate of return on equity under the Unit Power Sales Agreement should be reduced to a just and reasonable level, that the common equity ratio of System Energy Resources, Inc. should be investigated and capped at a just and reasonable level, that the cash working capital allowance taken by SERI should be investigated and set at a just and reasonable level, and that the Commission should investigate other aspects of SERI's rates and grant such other relief to which the parties may be entitled.

Comment date: March 9, 1990, in accordance with Standard Paragraph E at the end of this notice.

11. Louisiana Energy & Power Authority

v.

Louisiana Power & Light Company

[Docket No. EL90-15-000]

February 7, 1990.

Take notice that on February 1, 1990, Louisiana Energy & Power Authority (LEPA) tendered for filing on behalf of its member municipalities Jonesville, Minden, Vidalia and Winnfield, Louisiana, (Municipalities) a complaint requesting that Louisiana Power & Light Company (LP&L) refund with interest, to the Municipalities, each of which is a former wholesale customer of LP&L, their proportionate shares of a \$193,669,000 judgment recovered by LP&L from one of its fuel suppliers, United Gas Pipe Line Company, for undeliveries of gas during the period 1971-1981.

Comment date: March 9, 1990, in accordance with Standard Paragraph E at the end of this notice.

12. Arkansas Power & Light Company

[Docket No. ER90-65-000]

February 7, 1990.

Take notice that on January 17, 1990, Arkansas Power & Light Company (AP&L) tendered for filing its response to staff's letter relating to deficiencies in its November 13, 1989 filing in the above referenced docket.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

13. Kansas Power and Light Company

[Docket No. ER90-188-000]

February 7, 1990.

Take notice that on February 1, 1990, the Kansas Power and Light Company (KPL) tendered for filing a newly executed renewal contract with the City of Toronto, Kansas for wholesale electric service to that community. KPL states that this contract provides essentially for a ten year extension of the original terms of the presently approved contract. The proposed effective date is April 1, 1990. In addition, KPL states that copies of the contract have been mailed to the City of Toronto and the Kansas Corporation Commission.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

14. Puget Sound Power & Light Company

[Docket No. ER90-186-000]

February 7, 1990.

Take notice that on January 30, 1990, Puget Sound Power & Light Company (Puget) tendered for filing Appendix 1 to the Residential Purchase and Sale Agreement between Puget and the Bonneville Power Administration. Puget states that the filing contains documents relating to the calculation of the Average System Cost (ASC) for Puget for the exchange period effective June 1 1989 through September 30, 1989.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

15. San Diego Gas & Electric Company

v.

Century Power Corporation (formerly "Alamito Company")

[Docket No. EL86-26-002]

Century Power Corporation (formerly "Alamito Company")

[Docket No. ER87-47-001]

February 8, 1990.

Take notice that on February 2, 1990, Century Power Corporation (Century)

filed with the Commission a compliance refund report in accordance with the requirements of the Commission's Opinion Nos. 324 and 324-A, in the above-referenced proceeding. Century states that copies of the filing have been served on all persons listed on the Commission's official service list.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

16. Entergy Services, Inc.

[Docket No. ER90-126-000]

February 8, 1990.

Take notice that Entergy Services, Inc. (Entergy Services), as agent for Mississippi Power & Light Company (MP&L), on February 2, 1990 tendered for filing Amendment No. 1 to an Interchange Agreement between MP&L and Cajun Electric Power Cooperative, Inc. (Cajun) (Interchange Agreement), previously filed in this Docket.

Entergy Services requests an effective date for the Amendment contemporaneous with that of the Interchange Agreement. Entergy Services requests waiver of the Commission notice requirements under Section 35.11 of the Commission's regulations.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

17. Arkansas Power & Light Company

[Docket No. ER88-313-002]

February 8, 1990.

Take notice that on January 24, 1990, Arkansas Power & Light Company (AP&L) tendered for filing its second compliance filing in this docket, pursuant to the Commission's order issued on October 21, 1988.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

18. MISC, Inc.

[Docket No. MT88-37-003]

February 8, 1990.

Take notice that on February 5, 1990, MISC, Inc. tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and Section 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Fourth Revised Sheet No. 310

Third Revised Sheet No. 311

Third Revised Sheet No. 312

Comment date: February 23, 1990, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Edison Company

[Docket No. ER90-187-000]

February 8, 1990.

Take notice that on February 1, 1990, Commonwealth Edison Company (Edison) tendered for filing a Letter Agreement, dated November 28, 1989, between Edison and Wisconsin Public Power, Inc. System (WPPI). This agreement amends the Edison-WPPI Firm Power Letter Agreement, dated August 10, 1987, by placing a cap on the percentage adder when applied to purchased energy costs.

Edison requests an effective date of June 1, 1989. Accordingly, Edison requests waiver of the Commission's notice requirements to the extent necessary.

Copies of this filing were served upon the Illinois Commerce Commission, the Public Service Commission of Wisconsin and WPPI.

Comment date: February 22, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 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. 90-3527 Filed 2-14-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. MT88-12-003 et al.]

El Paso Natural Gas Co. et al.; Natural Gas Pipeline Rate Filings

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Company

[Docket No. MT88-12-003]

February 5, 1990.

Take notice that on January 31, 1990, El Paso Natural Gas Company tendered the following tariff sheets for filing in

the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-A:

Third Revised Sheet No. 240

First Revised Sheet Nos. 241, 243 and 245

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

2. Florida Gas Transmission Company

[Docket No. MT88-29-006]

February 5, 1990.

Take notice that on January 31, 1990, Florida Gas Transmission Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1:

3rd Revised Sheet No. 57D

1st Revised Sheet No. 57E

1st Revised Sheet No. 57F

1st Revised Sheet No. 57G

1st Revised Sheet No. 57H

3rd Revised Sheet No. 57I

2nd Revised Sheet No. 57J

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

3. Black Marlin Pipeline Company

[Docket No. MT88-25-003]

February 5, 1990.

Take notice that on January 30, 1990, Black Marlin Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

2nd Revised Sheet No. 220

1st Revised Sheet No. 221

2nd Revised Sheet No. 222A

2nd Revised Sheet No. 223

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

4. Williston Basin Interstate Pipeline Company

[Docket No. MT89-1-003]

February 5, 1990.

Take notice that on January 22, 1990, Williston Basin Interstate Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-B:

Third Revised Sheet No. 169

Second Revised Sheet No. 169A

Second Revised Sheet No. 170
Second Revised Sheet No. 171
Second Revised Sheet No. 172

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

5. Transwestern Pipeline Company

[Docket No. MT88-26-005]

February 5, 1990.

Take notice that on January 30, 1990, Transwestern Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Second Revised Volume No. 1:

3rd Revised Sheet No. 34E
3rd Revised Sheet No. 34G
5th Revised Sheet No. 34H
4th Revised Sheet No. 30F
4th Revised Sheet No. 30H
4th Revised Sheet No. 30I
1st Revised Sheet No. 30J

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

6. Northern Natural Gas Company

[Docket No. MT88-24-006]

February 5, 1990.

Take notice that on January 30, 1990, Northern Natural Gas Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Third Revised Volume No. 1:

3rd Revised Sheet No. 52f.18
4th Revised Sheet No. 52f.19
4th Revised Sheet No. 52f.20
3rd Revised Sheet No. 52f.21

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

7. Northern Border Pipeline Company

[Docket No. MT88-27-002]

February 5, 1990.

Take notice that on January 30, 1990, Northern Border Pipeline Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 260
Original Sheet No. 260a
First Revised Sheet No. 262

Comment date: February 20, 1990, in accordance with Standard Paragraph K at the end of this notice.

8. Southern Natural Gas Company

[Docket No. MT88-20-003]

February 6, 1990.

Take notice that on February 2, 1990, Southern Natural Gas Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Sixth Revised Volume No. 1:

Third Revised Sheet No. 45R.19
Second Revised Sheet No. 45R.19a
First Revised Sheet No. 45R.20a

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

9. Natural Gas Pipeline Company

[Docket No. MT88-33-002]

February 6, 1990.

Take notice that on February 2, 1990, Natural Gas Pipeline Company of America, tendered the following tariff sheets for filing in the captioned docket pursuant to order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1A:

Second Revised Sheet No. 117
First Revised Sheet No. 117A
First Revised Sheet No. 117B
First Revised Sheet No. 117C
First Revised Sheet No. 117D
First Revised Sheet No. 117E

Comment date: February 22, 1990, in accordance with standard Paragraph K at the end of this notice.

10. ANR Pipeline Company

[Docket No. MT88-19-003]

February 6, 1990.

Take notice that on February 2, 1990, ANR Pipeline Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume Nos. 1-A and 3:

Fifth Revised Sheet No. 138
Second Revised Sheet No. 138A
First Revised Sheet No. 127

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

11. Colorado Interstate Gas Company

[Docket No. MT88-23-002]

February 6, 1990.

Take notice that on February 2, 1990, Colorado Interstate Gas Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of

its FERC Gas Tariff, Second Revised Volume No. 1-A:

Fifth Revised Sheet No. 45
Second Revised Sheet No. 45A

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

12. South Georgia Natural Gas Company

[Docket No. MT88-21-002]

February 6, 1990.

Take notice that on February 2, 1990, South Georgia Natural Gas Company, tendered the following tariff sheets for filing in the captioned docket pursuant to order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1:

Second Revised Sheet No. 34P
Second Revised Sheet No. 34P.1
First Revised Sheet No. 34Q.1

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

13. Midwestern Gas Transmission

[Docket No. MT90-1-100]

February 6, 1990.

Take notice that on February 2, 1990, Midwestern Gas Transmission Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 85

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

14. K N Energy, Inc.

[Docket No. MT88-18-003]

February 6, 1990.

Take notice that on February 2, 1990, K N Energy tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-B:

First Revised Sheet No. 44

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

15. Questar Pipeline Company

[Docket No. MT88-2-003]

February 6, 1990.

Take notice that on February 2, 1990, Questar Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No.

497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-A:

First Revised Sheet No. 70
First Revised Sheet No. 71
First Revised Sheet No. 72
First Revised Sheet No. 73

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

16. Sabine Pipe Line Company

[Docket No. MT88-7-002]

February 6, 1990.

Take notice that on February 2, 1990, Sabine Pipe Line Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1:

First Revised Sheet No. 205B
First Revised Sheet No. 205C
Second Revised Sheet No. 229
First Revised Sheet No. 231
First Revised Sheet No. 232
First Revised Sheet No. 233

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

17. Ohio River Pipeline Corporation

[Docket No. MT90-2-000]

February 6, 1990.

Take notice that on February 2, 1990, Ohio River Pipeline Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 1
First Revised Sheet No. 48
Second Revised Sheet No. 49
Original Sheet No. 50
Original Sheet No. 91
Original Sheet No. 92
Original Sheet No. 93
Original Sheet No. 94
Original Sheet No. 95
Original Sheet No. 96
Original Sheet No. 97
Original Sheet No. 98
Original Sheet No. 99
Original Sheet No. 102
Original Sheet No. 103
Original Sheet No. 104

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

18. Trailblazer Pipeline Company

[Docket No. MT90-3-000]

February 6, 1990.

Take notice that on February 2, 1990, Trailblazer Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 1A:

Original Sheet Nos. 132 through 135
Sheet Nos. 136-200
First Revised Sheet No. 12
Original Sheet No. 12A
First Revised Sheet No. 26
Original Sheet No. 26A

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

19. Mid Louisiana Gas Company

[Docket No. MT88-4-005]

February 6, 1990.

Take notice that on February 2, 1990, Mid Louisiana Gas Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, First Revised Volume No. 1:

Second Revised Sheet No. 26m

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

20. Tennessee Gas Pipeline Company

[Docket No. MT88-34-001]

February 6, 1990.

Take notice that on February 2, 1990, Tennessee Gas Pipeline Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Fifth Revised Sheet No. 246
Second Revised Sheet No. 246A

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

21. Phillips Gas Pipeline Company

[Docket No. MT88-5-003]

February 6, 1990.

Take notice that on February 2, 1990, Phillips Gas Pipeline Company tendered the following tariff sheets or filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Third Revised Sheet No. 4A
Third Revised Sheet No. 4B

Second Revised Sheet No. 4C
Second Revised Sheet No. 4D
First Revised Sheet No. 4E
Third Revised Sheet No. 38
First Revised Sheet No. 38A
First Revised Sheet No. 38B
First Revised Sheet No. 38C
Second Revised Sheet No. 39
First Revised Sheet No. 40.

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

22. Moraine Pipeline Company

[Docket No. MT90-4-000]

February 6, 1990.

Take notice that on February 2, 1990, Moraine Pipeline Company tendered the following tariff sheets or filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Second Revised Sheet No. 11
Original Sheet No. 11A
Second Revised Sheet No. 22
Original Sheet No. 22A
Original Sheet Nos. 119 through 122
Sheet Nos. 123-200

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

23. Canyon Creek Compression

[Docket No. MT90-5-000]

February 6, 1990.

Take notice that on February 2, 1990, Canyon Creek Compression Company tendered the following tariff sheets or filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1 and Original Volume No. 1-A:

Original Volume No. 1:
Second Revised Sheet No. 122
First Revised Sheet No. 123
First Revised Sheet No. 124
First Revised Sheet No. 125
Sheet Nos. 126-200

Original Volume No. 1A:

Original Sheet No. 12A
First Revised Sheet No. 38
Original Sheet No. 38A

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

24. Stingray Pipeline Company

[Docket No. MT90-6-000]

February 6, 1990.

Take notice that on February 2, 1990, Stingray Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the

Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 93
Original Sheet No. 93A
First Revised Sheet No. 98
Original Sheet Nos. 98A through 98C
First Revised Sheet No. 131
Original Sheet No. 131A
First Revised Sheet No. 135

Original Sheet Nos. 135 through 135C

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

25. Panhandle Eastern Pipeline Company

[Docket No. MT88-36-002]

February 7, 1990.

Take notice that on February 2, 1990, Panhandle Eastern Pipe Line Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 32-AN.2
Third Revised Sheet No. 32-AQ
Original Sheet No. 32-AQ.A
First Revised Sheet No. 32-BR.2
Second Revised Sheet No. 32-BU
Original Sheet Nos. 32-BU.A

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

26. Texas Eastern Transmission Corporation

[Docket No. MT88-9-002]

February 7, 1990.

Take notice that on February 2, 1990, Texas Eastern Transmission Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 305A
First Revised Sheet No. 330A
Fifth Revised Sheet No. 400
Third Revised Sheet No. 444
Fourth Revised Sheet No. 492
Fourth Revised Sheet No. 505
Fourth Revised Sheet No. 520

Comment date: February 22, 1990, in accordance with Standard Paragraph K at the end of this notice.

27. Algonquin Gas Transmission

[Docket No. MT88-1-003]

February 7, 1990

Take notice that on February 2, 1990, Algonquin Gas Transmission Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and

§ 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Second Revised Volume No. 1:

Second Revised Sheet No. 566
First Revised Sheet No. 566A
Third Revised Sheet No. 586
Second Revised Sheet No. 657
Second Revised Sheet No. 658
Revised Substitute, Second Revised Sheet No. 662
First Revised Sheet No. 663

Comment date: February 23, 1990, in accordance with standard Paragraph K at the end of this notice.

28. Arkla Energy Resources, a division of Arkla, Inc.

[Docket No. MT88-35-002]

February 7, 1990.

Take notice that on February 2, 1990, Arkla Energy Resources a division of Arkla, Inc., tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-A

Fourth Revised Sheet No. 76
First Revised Sheet No. 76A
First Revised Sheet No. 76B

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

29. Carnegie Natural Gas Company

[Docket No. MT89-2-002]

February 7, 1990

Take notice that on February 2, 1990, Carnegie Natural Gas Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Second Revised Volume No. 1:

First Revised Sheet No. 125
First Revised Sheet No. 126
First Revised Sheet No. 130a
First Revised Sheet No. 130c
First Revised Sheet No. 131
Second Revised Sheet No. 132

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

30. Columbia Gulf Transmission Company

[Docket No. MT89-4-004]

February 7, 1990.

Take notice that on February 2, 1990; Columbia Transmission Company, tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Fourth Revised Sheet No. 169
Second Revised Sheet No. 169A
Fifth Revised Sheet No. 209
Fourth Revised Sheet No. 245
Second Revised Sheet No. 245A
Fifth Revised Sheet No. 293

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

31. Kentucky West Virginia Gas Company

[Docket No. MT88-13-003]

February 7, 1990.

Take notice that on February 2, 1990, Kentucky West Virginia Gas Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Second Revised Volume No. 1:

First Revised Sheet No. 541

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

32. United Gas Pipe Line Company

[Docket No. MT88-30-004]

February 7, 1990

Take notice that on February 2, 1990, United Gas Pipe Line Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Second Revised Volume No. 1:

Second Revised Sheet No. 185
First Revised Sheet No. 186
First Revised Sheet No. 187
First Revised Sheet No. 189

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

33. Sea Robin Pipeline Company

[Docket No. MT88-32-002]

February 7, 1990.

Take notice that on February 2, 1990, Sea Robin Pipeline Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 43
Second Revised Sheet No. 44
Second Revised Sheet No. 45
Original Sheet No. 45-A
Original Sheet No. 45-B
Second Revised Sheet No. 46

Comment date: February 23, 1990, in accordance with standard Paragraph K at the end of this notice.

34. Columbia Gas Transmission Corporation

[Docket No. MT89-3-001]

February 7, 1990.

Take notice that on February 2, 1990, Columbia Gas Transmission Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

1st Revised Fourth Revised Sheet No. 22K
1st Revised Original Sheet No. 22K1
1st Revised Third Revised Sheet No. 22W
1st Revised Original Sheet No. 22W1

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

35. Mississippi River Transmission Corporation

[Docket No. MT90-8-000]

February 7, 1990.

Take notice that on February 2, 1990, Mississippi River Transmission Corporation tendered the following tariffs sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-A:

Second Revised Sheet No. 72
Second Revised Sheet No. 86

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

36. Trunkline LNG Company

[Docket No. MT90-7-000]

February 7, 1990.

Take notice that on February 2, 1990, Trunkline LNG Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Original Sheet No. 79.1
Original Sheet No. 79.2

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

37. Blue Dolphin Pipe Line Company

[Docket No. MT88-40-002]

February 7, 1990.

Take notice that on February 2, 1990, Blue Dolphin Pipe Line Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Second Revised Sheet No. 93

Second Revised Sheet No. 94
First Revised Sheet No. 94(a)
First Revised Sheet No. 94(b)
First Revised Sheet No. 94(d)
First Revised Sheet No. 94(e)
First Revised Sheet No. 94(f)
First Revised Sheet No. 94(g)

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

38. CNG Transmission Corporation

[Docket No. MT88-15-003]

February 7, 1990.

Take notice that on February 2, 1990, CNG Transmission Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 134
First Revised Sheet No. 135
Original Sheet No. 136

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

39. Northwest Pipeline Corporation

[Docket No. MT88-11-007]

February 7, 1990.

Take notice that on February 2, 1990, Northwest Pipeline Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1-A:

Fifth Revised Sheet No. 423
Fifth Revised Sheet No. 423-A
Third Revised Sheet No. 428

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

40. Trunkline Gas Company

[Docket MT88-22-003]

February 7, 1990.

Take notice that on February 2, 1990, Trunkline Gas Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

First Revised Sheet No. 9-BZ.2
Fourth Revised Sheet No. 9-CC
First Revised Sheet No. 9-DD.2
Second Revised Sheet No. 9-DG.1

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

41. Williams Natural Gas Company

[Docket No. MT88-14-002]

February 7, 1990.

Take notice that on February 2, 1990, Williams Natural Gas Company tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16(d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Fourth Revised Sheet No. 92
Third Revised Sheet Nos. 98 and 99
Fourth Revised Sheet No. 100

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

42. Valley Gas Transmission, Inc.

[Docket No. MT88-38-002]

February 8, 1990.

Take notice that on February 5, 1990, Valley Gas Transmission, Inc. tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 2:

Second Revised Sheet No. 53
First Revised Sheet No. 53a
First Revised Sheet No. 53b
Original Sheet No. 53c

Comment date: February 23, 1990, in accordance with standard Paragraph K at the end of this notice.

43. Western Transmission Corporation

[Docket No. MT88-39-003]

February 8, 1990.

Take notice that on February 2, 1990, Western Transmission Corporation tendered the following tariff sheets for filing in the captioned docket pursuant to Order No. 497-A and § 250.16 (d)(2) of the Commission's Regulations as part of its FERC Gas Tariff, Original Volume No. 1:

Second Revised Sheet No. 17A
Second Revised Sheet No. 17A.3
First Revised Sheet No. 17A.6
First Revised Sheet No. 17A.7

Comment date: February 23, 1990, in accordance with Standard Paragraph K at the end of this notice.

Standard Paragraphs:

K. Any person desiring to be heard or to protest the subject filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR § 385.214 and 385.211. Protests will be considered by the Commission 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 must file a motion with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[FR Doc. 90-3528 Filed 2-14-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP87-73-007, RP90-22-004]

**Algonquin Gas Transmission Co.;
Compliance Filing**

February 9, 1990.

Take notice that on February 6, 1990, Algonquin Gas Transmission Company (Algonquin) filed proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1, as set forth in the tariff sheets listed in appendix A attached to the filing.

Algonquin states that it is filing the tariff sheets contemplated by the Stipulation and Agreement of March 21, 1988 modified to incorporate changes required by the Commission's July 19, 1988 order, and December 21, 1989 rehearing order. Furthermore, such tariff sheets also include all intervening changes as a result of Commission action in related proceedings since the filing of the Stipulation of March 21, 1988, namely:

(a) The addition of the Annual Charge Adjustment Provision in Docket No. RP87-109-000, approved on September 29, 1987 (effective October 1, 1987);

(b) The compliance filing effective on October 13, 1988 in Docket No. MT88-1-000 and 001 in response to the Commission's Order No. 497 issued October 12, 1988;

(c) The Commission granting, and Algonquin accepting of, a blanket certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce under the terms and conditions of the Commission's regulations promulgated in Order Nos. 436 and 500 in Docket No. CP89-948-000;

(d) The compliance filing effective on November 1, 1989, in Docket Nos. RP86-41, *et al.*, and RP87-14, *et al.*, in response to the Commission's orders issued October 6, 1989 and November 24, 1989;

(e) The compliance filing in Docket No. CP87-554, *et al.*, authorizing interim service under Rate Schedule PSS-T, pursuant to the Commission's order issued December 4, 1989; and

(f) The compliance filing of February

2, 1990 (to be effective February 2, 1990), in Docket No. MT88-1 in response to the Commission's Order No. 497-A issued December 26, 1989.

Algonquin states that it has modified Rate Schedules AFT-1, AIT-1, the Form of Service Agreements thereunder, and the General Terms and Conditions, as originally contemplated by the Stipulation and Agreement of March 21, 1988, to take into account changes required by the Commission's orders (as listed above). A detailed summary of the tariff modifications is included in the transmittal letter for the filing.

Algonquin states that, as set forth in Article II(B) and Article III of the Stipulation and Agreement of March 21, 1988, the effective date of the revised tariff sheets is to be the first day of the first month following the filing of such revised tariff sheets. Accordingly, Algonquin is proposing an effective date of March 1, 1990.

Algonquin notes that a copy of this filing was served upon each affected party and interested state commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., 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 16, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. 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. 90-3649 Filed 2-15-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP86-167-016]

**Columbia Gulf Transmission Co.;
Proposed Changes in FERC Gas Tariff**

February 8, 1990.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf), on February 5, 1990, tendered for filing the following substitute revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1, with the proposed effective date of November 1, 1989:

Second Substitute Second Revised Sheet No. 295

The tariff sheet is being filed in compliance with the Commission's Letter Order issued January 29, 1990 at the above referenced dockets. Columbia Gulf failed to identify properly the ITS Rate Schedule in Section 6 of Substitute Second Revised Sheet No. 295 filed on November 20, 1989. This filing will correct section 6 and is in compliance with the Commission's January 29, 1990 Letter Order.

Copies of the filing were served upon the Company's 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 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before February 15, 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. 90-3529 Filed 2-14-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. G-280-001]

**Northern Natural Gas Co.; Division of
Enron Corp.; Application**

February 7, 1990.

Take notice that on February 1, 1990, Northern Natural Gas Company, Division of Enron Corp. (Division) and Northern Natural Gas Company (Northern) (sometimes referred to hereinafter as Applicants) filed jointly in Docket No. G-280-001 an application pursuant to section 7(c) of the Natural Gas Act requesting a certificate of public convenience and necessity authorizing the establishment of Northern as the successor-in-interest to Division and the transfer to Northern of all existing Commission authorizations issued heretofore to Division.

Applicants state that Enron Corp. plans to transfer all of Division's assets, including all pipeline facilities, to Northern and to assign all of Division's contracts to Northern. It is explained that Northern will be a wholly-owned subsidiary of Enron Corp. It is asserted

that the transfer of assets and the assignment of contractual agreements will occur within one year of the issuance of a Commission order authorizing the transfer of authorizations. It is stated that the requested authorization is required in order for Northern to own and operate all of Division's jurisdictional facilities, to continue all current Division operations and services, and to reflect Northern as the applicant in all currently pending Division proceedings.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 23, 1990, file with the Federal Energy Regulatory Commission, 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 385.214 or 385.211) 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 the 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 application 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 Applicants to appear or be represented at the hearing.

Lois D. Cashell,
Secretary.

[FR Doc. 90-3530 Filed 2-14-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP87-103-000 and RP88-262-000 et al.]

Panhandle Eastern Pipe Line Co.; Informal Settlement Conference

February 8, 1990.

Take notice that an informal settlement conference will be convened in the above-proceedings on Wednesday, February 21, 1990, at 10 a.m. in a hearing room of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact John J. Keating (202) 357-5762 and Donald Heydt (202) 357-5248.

Lois D. Cashell,
Secretary.

[FR Doc. 90-3531 Filed 2-14-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket Nos. RP89-70-008 and RP88-69-003]

Stingray Pipeline Co.; Compliance Filing

February 8, 1990.

Take notice that Stingray Pipeline Company (Stingray) on February 6, 1990 tendered for filing certain revised tariff sheets as listed in appendix A to the filing to reflect changes required by orders of the Federal Energy Regulatory Commission's (Commission) orders dated March 31, 1989, November 2, 1989, December 7, 1989 and January 26, 1990 in the above-docketed proceedings.

Stingray states that copies of its filing have been served on all parties.

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 §§ 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before February 15, 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. 90-3532 Filed 2-14-90; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP85-177-074]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

February 8, 1990.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on February 5, 1990 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

First Revised Sheet No. 201
Second Revised Sheet No. 202
Second Revised Sheet No. 208
Second Revised Sheet No. 216
Sixth Revised Sheet No. 600
Second Revised Sheet No. 601
Second Revised Sheet No. 602
Second Revised Sheet No. 603
Third Revised Sheet No. 604
Second Revised Sheet No. 605
Second Revised Sheet No. 743
Second Revised Sheet No. 744
Second Revised Sheet No. 745
Second Revised Sheet No. 746
Second Revised Sheet Nos. 747-761
First Revised Sheet No. 763
Original Sheet No. 763A
First Revised Sheet No. 768
Original Sheet No. 768A

Texas Eastern states that in compliance with Paragraph (B) of the Commission's order issued December 22, 1989 and Notice of Extension of Time dated January 12, 1990 in Docket No. RP85-177-069 the purpose of the filing is to revise certain language contained in Rate Schedules SS, SS-2, and SS-3 and the related Form of Service Agreements.

The proposed effective date of the tariff sheets listed above is March 1, 1990.

Copies of the filing were served on Texas Eastern's 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 211 and 214 of the Commission's Rules of Practice and Procedure. All such protests should be filed on or before February 15, 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. 90-3533 Filed 2-14-90; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 89-74-NG]

Westcoast Resources, Inc.; Emergency Interim Order extending Existing Blanket Import Authority

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of Emergency Interim Order Extending Existing Blanket Import Authority.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that Westcoast Resources, Inc.'s authority to import natural gas from Canada, granted in DOE/ERA Opinion and Order 223, was extended on an interim emergency basis on February 1, 1990, until the comment period in FE Docket No. 89-74-NG closed and a decision can be made on the application.

A copy of the order is available for inspection and copying in the Office of Fuels Programs Docket Room, Room 3F-056, Forrestal Building 1000 Independence Avenue, S.W., Washington, D.C. (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, D.C., February, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistance Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-3617 Filed 2-14-90; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3723-6]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces OMB responses to Agency PRA Clearance requests.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

OMB Responses To Agency PRA Clearance Requests

EPA ICR # 1500.01; National Estuary Program; was approved 11/08/89; OMB # 2040-0138; expires 11/30/92.

EPA ICR # 1100.03; National Emission Standards for Hazardous Air Pollutants: Radionuclides; was approved, except for Subpart I; 11/14/89; OMB # 2060-0191; expires 11/30/92.

EPA ICR # 0801.07; Uniform Hazardous Waste Manifest for Generators, Transporters, and Disposal Facilities; was approved 11/15/89; OMB # 2050-0039; expires 09/30/92.

EPA ICR # 1060.05; NSPS for Steel plants: Electric Air Furnaces and Argon-Oxygen Decarburization Vessels (Subparts AA and AAA) Information Requirements; was approved 11/06/89; OMB # 2060-0038; expires 05/31/90.

EPA ICR # 1512.01; Pesticides in Groundwater GIS Case Study; was approved 11/28/89; OMB # 2040-0135; expires 11/30/90.

EPA ICR # 1543.01; Phase 3 of Pesticide Re-registration; was approved 12/04/89; OMB # 2070-0106; expires 12/31/92.

EPA ICR # 1446.02; Polychlorinated Biphenyls, Notification and Manifesting for PCB Waste Activities; was approved 12/04/89; OMB # 2070-0112; expires 12/31/92.

EPA ICR # 0270.17; Public Water System Program Information; was approved 12/06/89; OMB # 2040.0090; expires 09/30/90.

EPA ICR # 0974.04; Financial Responsibility for Hazardous Waste Management Facilities; was approved 12/20/89; OMB # 2050-0036; expires 12/31/90.

EPA ICR # 1080.06; National Emission Standards for Hazardous Air Pollutants: Benzene Emissions for Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels; was approved 12/06/89; OMB # 2060-0185; expires 12/31/92.

EPA ICR # 1453.01; AHERA Section 210 Asbestos Liability Study; was approved 12/21/89; OMB # 2070-0108; expires 12/31/90.

EPA ICR # 1189.03; Hazardous Waste Management System: Amendment to Subpart C Rulemaking Petitions, Use of Ground-water Data in delisting Decisions; was not approved 12/11/89.

EPA ICR # 1544.01; Survey of Toxicological Testing Facilities; was approved 01/03/90; OMB # 2010-0021; expires 04/30/90.

EPA ICR # 1420.02; Prohibition of Hexavalent Chromium Chemicals in

Comfort Cooling Towers: Final Rule; was approved 12/29/89; OMB # 2060-0193; expires 12/31/92.

EPA ICR # 0982.03; Standards of Performance for New Stationary Sources Metallic Mineral Processing Plants (NSPS) Subpart LL; was approved 12/29/89; OMB # 2060-0016; expires 12/31/92.

EPA ICR # 0275.04; Preaward Compliance Review Report for all Applicants Requesting Federal Financial Assistance; was approved 01/04/90; OMB # 2090-0014; expires 01/31/91.

EPA ICR # 0095.03; Pre-Certification Exemption, Testing Exemption; was approved 12/27/89; OMB # 2060-0007; expires 12/31/92.

EPA ICR # 0795.04; Proposed Amendment to Section 12(B) Notification of Chemical Exports; was disapproved 12/04/89.

Dated: February 6, 1990.

David DiFiore,

Acting Director, Regulatory Management Division.

[FR Doc. 90-3605 Filed 2-14-90; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-51734A; FRL 3711-6]

Certain Chemical; Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for an additional 90-days for premanufacture notice (PMN) P 89-711, under the authority of section 5(c) of the Toxic Substances Control Act (TSCA). The review period will now expire on May 9, 1990.

FOR FURTHER INFORMATION CONTACT:

Heidi A. Siegelbaum, New Chemicals Branch, Chemical Control Division (TS-794), Environmental Protection Agency, Rm. E-611, 401 M Street, SW., Washington, DC 20460, (202) 475-8262.

SUPPLEMENTARY INFORMATION: On May 12, 1989, EPA received PMN P 89-711 for a substance, generically identified as potassium salt of alkylated benzene sulfonic acid. The submitter claimed the submitter identity, chemical identity, production volume, use and process information, portions of a mixture and other information to be confidential business information. Notice of receipt was published in the *Federal Register* of July 6, 1989 (54 FR 28471). The 90 day review period is scheduled to expire on February 10, 1990.

Based on its analysis, EPA finds that there is a possibility that the substance

submitted for review in this PMN may be regulated under TSCA. The Agency requires an extension of the review periods, as authorized by section 5(c) of TSCA, to investigate further potential risk, to examine its regulatory options, and to prepare the necessary documents, should regulatory action be required. Therefore, EPA has determined that good cause exists to extend the review periods for an additional 90 days, to May 9, 1990.

PMNs are available for public inspection in Rm. NE-G004, at the EPA headquarters, address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

Dated: February 9, 1990.

John W. Melone,
Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 90-3608 Filed 2-14-90; 8:45 am]

BILLING CODE 6560-50-D

[OPTS-51744; FRL 3709-6]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice announces receipt of 135 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 90-162, February 13, 1990.

P 90-163, 90-164, 90-165, 90-166, 90-167, February 14, 1990.

P 90-168, 90-169, 90-170, February 17, 1990.

P 90-171, 90-172, 90-173, 90-174, 90-175, 90-176, 90-177, 90-178, 90-179, 90-180, 90-181, 90-182, 90-183, 90-184, 90-185, 90-186, 90-187, February 18, 1990.

P 90-188, 90-189, 90-190, 90-191, 90-192, 90-193, 90-194, February 19, 1990.

P 90-196, 90-197, 90-198, 90-199, 90-200, 90-201, February 21, 1990.

P 90-202, 90-203, 90-204, 90-205, 90-206, 90-207, 90-208, 90-209, February 24, 1990.

P 90-210, February 17, 1990.

P 90-211, 90-212, February 24, 1990.

P 90-213, 90-214, February 25, 1990.

P 90-215, February 26, 1990.

P 90-216, February 23, 1990.

P 90-217, February 26, 1990.

P 90-218, 90-219, 90-220, 90-221, 90-222, 90-223, 90-224, 90-225, 90-226, February 27, 1990.

P 90-227, 90-228, February 28, 1990.

P 90-229, March 4, 1990.

P 90-230, March 3, 1990.

P 90-231, March 2, 1990.

P 90-232, 90-233, 90-234, 90-235, 90-237, March 3, 1990.

P 90-238, 90-239, March 4, 1990.

P 90-240, 90-241, 90-242, March 5, 1990.

P 90-243, March 6, 1990.

P 90-244, March 2, 1990.

P 90-245, March 8, 1990.

P 90-246, 90-247, March 7, 1990.

P 90-248, 90-249, March 4, 1990.

P 90-250, 90-251, March 10, 1990.

P 90-252, 90-253, 90-254, 90-255, 90-256, 90-257, 90-258, 90-259, 90-260, 90-261, 90-262, 90-263, 90-264, 90-265, March 11, 1990.

P 90-266, 90-267, 90-268, 90-269, 90-270, 90-271, March 14, 1990.

P 90-272, 90-273, 90-274, 90-275, March 17, 1990.

P 90-276, 90-277, March 12, 1990.

P 90-278, 90-279, 90-280, 90-281, 90-282, 90-283, March 18, 1990.

P 90-284, 90-285, March 21, 1990.

P 90-286, March 25, 1990.

P 90-287, 90-288, 90-289, 90-290, 90-291, 90-292, 90-293, 90-295, 90-296, 90-297, 90-298, 90-299, 90-300, March 26, 1990.

Written comments by:

P 90-162, January 14, 1990.

P 90-163, 90-164, 90-165, 90-166, 90-167, January 15, 1990.

P 90-168, 90-169, 90-170, January 18, 1990.

P 90-171, 90-172, 90-173, 90-174, 90-175, 90-176, 90-177, 90-178, 90-179, 90-180, 90-181, 90-182, 90-183, 90-184, 90-185, 90-186, 90-187, January 19, 1990.

P 90-188, 90-189, 90-190, 90-191, 90-192, 90-193, 90-194, January 20, 1990.

P 90-196, 90-197, 90-198, 90-199, 90-200, 90-201, January 22, 1990.

P 90-202, 90-203, 90-204, 90-205, 90-206, 90-207, 90-208, 90-209, January 25, 1990.

P 90-210, January 18, 1990.

P 90-211, 90-212, January 25, 1990.

P 90-213, 90-214, January 26, 1990.

P 90-215, January 27, 1990.

P 90-216, January 24, 1990.

P 90-217, January 27, 1990.

P 90-218, 90-219, 90-220, 90-221, 90-222, 90-223, 90-224, 90-225, 90-226, January 28, 1990.

P 90-227, 90-228, January 29, 1990.

P 90-229, February 2, 1990.

P 90-230, February 1, 1990.

P 90-231, January 31, 1990.

P 90-232, 90-233, 90-234, 90-235, 90-237, February 1, 1990.

P 90-238, 90-239, February 2, 1990.

P 90-240, 90-241, 90-242, February 3, 1990.

P 90-243, February 4, 1990.

P 90-244, January 31, 1990.

P 90-245, February 6, 1990.

P 90-246, 90-247, February 5, 1990.

P 90-248, 90-249, February 2, 1990.

P 90-250, 90-251, February 8, 1990.

P 90-252, 90-253, 90-254, 90-255, 90-256, 90-257, 90-258, 90-259, 90-260, 90-261, 90-262, 90-263, 90-264, 90-265, February 9, 1990.

P 90-266, 90-267, 90-268, 90-269, 90-270, 90-271, February 12, 1990.

P 90-272, 90-273, 90-274, 90-275, February 15, 1990.

P 90-276, 90-277, February 10, 1990.

P 90-278, 90-279, 90-280, 90-281, 90-282, 90-283, February 16, 1990.

P 90-284, 90-285, February 19, 1990.

P 90-286, February 23, 1990.

P 90-287, 90-288, 90-289, 90-290, 90-291, 90-292, 90-293, 90-295, 90-296, 90-297, 90-298, 90-299, 90-300, February 24, 1990.

ADDRESSES: Written comments, identified by the document control number 'OPTS-51744' and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M Street, SW., Room L-100, Washington, DC, 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Room. EB-44, 401 M Street, SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the Public Reading Room NE-G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 90-162

Manufacturer. Dow Corning Corporation.

Chemical. (G) Hydridopolysilazane.

Use/Production. (S) Ceramic pressurer. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity:

LD50 4790 mg/kg species (Rat).

Mutagenicity: negative.

P 90-163

Importer. Basf Corporation.

Chemical. (G) Semiaromatic polyamide.

Use/Import. (S) Industrial. Import range: Confidential.

P 90-164

Manufacturer. Confidential.

Chemical. (G) Mixed esters of oleic acid, an unsaturated fatty acid, and an oil containing fatty acids, glycerides and alcohols.

Use/Production. (S) Lubricant and coolant. Prod. range: Confidential.

P 90-165

Manufacturer. Rohm and Haas Company.

Chemical. (G) Modified acrylate polymer.

Use/Production. (G) Polymeric dispersant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (Rabbit). Eye irritation: none species (Rabbit). Static acute toxicity: time LC50 96 h > 100 ppm species (Rainbow trout). Skin irritation: negligible species (Rabbit).

P 90-166

Manufacturer. Confidential.

Chemical. (S) N(d,d-dimethyl, meta-isopropenyl benzyl), poly(oxo 1,2-prenanedilyl) a-(nonphenyl) carbanate ethyl acrylate.

Use/Production. (S) As a rheology aid in paints textile. Prod. range: 40,000-90,000 kg/yr.

P 90-167

Manufacturer. Confidential.

Chemical. (S) N(d,d-dimethyl, meta-isopropenyl benzyl), poly(oxy, 1,2 propane diyl), d-(nonylphenyl) carbamate.

Use/Production. (G) Aid in paints textile. Prod. range: 12,000-27,000 kg/yr.

P 90-168

Importer. Confidential.

Chemical. (S) Ethylene glycol, isopropylether acetate.

Use/Import. (G) Industrial solvent. Import range: 2,400-4,500 kg/yr.

P 90-169

Manufacturer. Confidential.

Chemical. (G) Polyamide.

Use/Production. (S) Dispersing agent for pigments. Prod. range: Confidential.

P 90-170

Manufacturer. DuCon Chitin Products Division.

Chemical. (S) Chitosan (prepolymer); lactic acid.

Use/Production. (S) Flocculation oil for water treatment. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-171

Manufacturer. Confidential.

Chemical. (G) Alkenyl substituted heterocyclic benzoic acid.

Use/Production. (G) Contained use in an article. Prod. range: 2,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: slight species (Rabbit). Skin irritation: slight species (Rabbit). Mutagenicity: negative. Skin sensitization: negative species (Guinea pig).

P 90-172

Manufacturer. Cape Industries.

Chemical. (G) Aromatic polyester polyol.

Use/Production. (G) Destructive use-chemical intermediate, polymer manufacture. Prod. range: Confidential.

P 90-173

Manufacturer. Sannacor Industries, Inc.

Chemical. (G) Polyurethane based on polyisocyanates, polyols, and polyamines.

Use/Production. (G) Coating. Prod. range: Confidential.

P 90-174

Manufacturer. Sannacor Industries, Inc.

Chemical. (G) Polyurethane based on polyisocyanates, polyols and polyamines.

Use/Production. (G) Coating. Prod. range: Confidential.

P 90-175

Manufacturer. GE Plastics.

Chemical. (G) Polyester carbonate resin.

Use/Production. (S) Instructment for automobile. Prod. range: Confidential.

P 90-176

Manufacturer. Confidential.

Chemical. (G) Acetyleneic alkyoxysilane.

Use/Production. (G) Silicone elastomer cure rate inhibitor. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-177

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (G) Dispersion stabilizer. Prod. range: Confidential.

P 90-178

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (G) Dispersion stabilizer. Prod. range: Confidential.

P 90-179

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (G) Dispersion stabilizer. Prod. range: Confidential.

P 90-180

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (G) Dispersion stabilizer. Prod. range: Confidential.

P 90-181

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (G) Dispersion stabilizer. Prod. range: Confidential.

P 90-182

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (G) Dispersion stabilizer. Prod. range: Confidential.

P 90-183

Manufacturer. Confidential.

Chemical. (G) Macromer.

Use/Production. (S) Industrial coatings manufacture. Prod. range: Confidential.

P 90-184

Manufacturer. Huls America Inc.

Chemical. (G) Mixed alkylene benzoates.

Use/Production. (G) Plastics additive. Prod. range: Confidential.

P 90-185

Manufacturer. Confidential.

Chemical. (G) Urethane anhydride.

Use/Production. (G) Coating with dispersive use. Prod. range: 100,000-200,000 kg/yr.

P 90-186

Manufacturer. Pacific Anchor Chemical Corporation.

Chemical. (G) Polymer of an aryl diglycidyl ether and a cycloaliphatic diamine.

Use/Production. (G) Component of color concentrates. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,500 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-187

Manufacturer. Confidential.

Chemical. (G) Aminosilane

hydrolyzed.

Use/Production. (S) Film coating. Prod. range: 3,960–7,920 kg/yr.

P 90-188

Importer. Acme Printing Ink Company.

Chemical. (G) Fatty acid polymer with (alkylamino) diamine diyl diamine.

Use/Import. (S) Dispersing agent for pigment. Import range: 12,000–160,000 kg/yr.

Toxicity Data. Mutagenicity: negative.

P 90-189

Importer. GCA Chemical Corporation.

Chemical. (G) Propylene glycol unsaturated fatty acid ester.

Use/Import. (S) Component for an industrial coating. Import range: 20,000–40,000 kg/yr.

P 90-190

Importer. GCA Chemical Corporation.

Chemical. (G) propylene glycol unsaturated fatty acid ester.

Use/Import. (S) Component of an industrial coating. Import range: 20,000–40,000 kg/yr.

Toxicity Data. Mutagenicity: negative.

P 90-191

Manufacturer. Confidential.

Chemical. (G) Emulsion pentapolymer.

Use/Production. (G) Contained consumer use. Prod. range: 10,000–70,000 kg/yr.

P 90-192

Manufacturer. Amoco Performance Products, Inc.

Chemical. (G) Aromatic dicarboxylic acids diaromatic polyester.

Use/Production. (S) Engineering material. Prod. range: Confidential.

P 90-193

Manufacturer. Confidential.

Chemical. (G) Fatty acids, C₁₈-unsaturated, dimers, polymers with a diamine, a dicarboxylic acid, ethylenediamine and monocarboxylic acid, ammonium salts.

Use/Production. (S) Functions as a binder in cold release lacquers. Prod. range: Confidential.

P 90-194

Manufacturer. Confidential.

Chemical. (G) Fatty acid salt.

Use/Production. (G) Lubricant for plastics compounding. Prod. range: Confidential.

P 90-195

Manufacturer. Allied-Signal, Inc.

Chemical. (G) Modified olefin carboxylic acid copolymer.

Use/Production. (G) Plastics additive. Prod. range: Confidential.

P 90-197

Manufacturer. Confidential.

Chemical. (G) Nickel isononanoate.

Use/Production. (G) Catalyst for chemical reactions. Prod. range: Confidential.

P 90-198

Manufacturer. Pacific Anchor Chemical Corporation.

Chemical. (S) Reaction products of polyethylenepolyamines, mono- and di-basic fatty acids, aryl diglycidyl ether polymer, aryl glycidyl ether.

Use/Production. (S) Curing agent for epoxy resin surface coating systems. Prod. range: Confidential.

P 90-199

Manufacturer. Pacific Anchor Chemical Corporation.

Chemical. (G) Reaction products of a lower fatty acid, carbon dioxide, a hydroxyalkyl amide of an unsaturated fatty acids, diglycidyl ether polymer, aryl glycidyl ether, partly polymerised unsaturated fatty acid polyethylene polyamines.

Use/Production. (S) Curing agent for epoxy resin surface coating system. Prod. range: Confidential.

P 90-200

Manufacturer. Confidential.

Chemical. (S) Vinyl acetate; ethyl acrylate; methacrylic acid; ammonium hydroxide.

Use/Production. (S) Printing ink (pigment dispersant vehicle) and pigment let-down vehicle. Prod. range: Confidential.

P 90-201

Manufacturer. Confidential.

Chemical. (S) Styrene; butyl acrylate; 2-ethylhexyl acrylate.

Use/Production. (S) Over paper varnish, printing ink pigment binder. Prod. range: Confidential.

P 90-202

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-203

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymer with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-204

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-205

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

P 90-206

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

P 90-207

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-208

Manufacturer. Confidential.

Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.

Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-209

Manufacturer. Confidential.
Chemical. (G) Alkenes, polymers with maleic anhydride, alkyl esters.
Use/Production. (S) Pour point improver for hydrocarbons. Prod. range: Confidential.

Toxicity Data. Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-210

Importer. Minnesota Mining & Manufacturing (3M).

Chemical. (S) Diphenylmethane-4; 4-diisocyanate; polycarbonate diol; neopentyl glycol; 1,4-butanediol.

Use/Import. (G) Resin Binder. Import range: Confidential.

P 90-211

Manufacturer. Sloss Industries Corporation.

Chemical. (S) Bis(3,5-dimethyl-4-hydroxyphenyl)methane.

Use/Production. (S) A reactant in the manufacture of cyanate ester resins. Prod. range: 900,000-900,000 kg/yr.

P 90-212

Manufacturer. Allied-Signal, Inc.

Chemical. (G) Chlorofluoroalkane.

Use/Production. (G) Dispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Inhalation toxicity: LC50 295 mg/l species (Rat). Eye irritation: slight species (Rabbit). Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 90-213

Manufacturer. Confidential.

Chemical. (G) Ketoxine-blocked aromatic isocyanate.

Use/Production. (G) Resin cross-linking agent. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Eye irritation: moderate species (Rabbit). Skin irritation: moderate species (Rabbit).

P 90-214

Manufacturer. Rohm and Haas Company.

Chemical. (G) Modified acrylate polymer.

Use/Production. (G) Polymeric dispersant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Static acute toxicity: time LC50 96h > 100 ppm species (Rainbow trout). Eye irritation: slight species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-215

Importer. Confidential.

Chemical. (G) Metal treatment compound.

Use/Import. (G) Rinse agent for metal treatment. Import range: Confidential.

P 90-216

Importer. Confidential.

Chemical. (G) Metal treatment compound.

Use/Import. (G) Rinse agent for metal surface treatment. Import range: Confidential.

P 90-217

Manufacturer. Confidential.

Chemical. (G) Fluorinated polyurethane.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: negligible species (Rabbit).

P 90-218

Importer. American Cyanamid Company.

Chemical. (G) Diisopropyltelluride.

Use/Import. (S) Tellurium source. Import range: Confidential.

P 90-219

Manufacturer. Confidential.

Chemical. (S) Dimer fatty acids; lauric acid; ethylenediamine; hexamethylenediamine; isocyanate.

Use/Production. (G) Resin-open, nondispersive use. Prod. range: Confidential.

P 90-220

Manufacturer. Dow Corning Corporation.

Chemical. (G) Silicone glycol.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit).

P 90-221

Manufacturer. Confidential.

Chemical. (G) Acrylate resin.

Use/Production. (G) Resin for coating. Prod. range: Confidential.

P 90-222

Manufacturer. Confidential.

Chemical. (G) Alkyd.

Use/Production. (G) Resin coatings. Prod. range: Confidential.

P 90-223

Manufacturer. Confidential.

Chemical. (G) Acrylated alkyd.

Use/Production. (G) Resin in coatings. Prod. range: Confidential.

P 90-224

Manufacturer. Sika Corporation.

Chemical. (G) Sulfonated vinyl copolymer.

Use/Production. (S) High range water reducer for concrete. Prod. range: 6,600-26,000 kg/yr.

P 90-225

Manufacturer. Sika Corporation.

Chemical. (G) Sodium salt of sulfonated aromatic amide.

Use/Production. (S) Intermediate for manufacture of concrete admixture. Prod. range: 1,420-5,680 kg/yr.

P 90-226

Importer. Confidential.

Chemical. (S) Potassium hexatitanate fiber.

Use/Import. (S) Wear resistant material in auto brake lining, disk pads and clutch facings. Import range: Confidential.

P 90-227

Importer. Rembrandtin USA, Inc.

Chemical. (G) Water miscible acrylic copolymer.

Use/Import. (S) Varnish intermediate for electrical grade steel. Import range: Confidential.

Toxicity Data. Mutagenicity: negative.

P 90-228

Manufacturer. Pacific Anchor Chemical Corporation.

Chemical. (G) Reaction products of a lower fatty acid, carbon dioxide, a hydrocarboxyalkyl amide of an unsaturated fatty acid, diglycidyl ether polymer, aryl glycidyl ether, mono- and dibasic fatty acids, and polyethyl amines.

Use/Production. (S) Curing agent for epoxy resin surface coating system. Prod. range: Confidential.

P 90-229

Manufacturer. Minnesota Mining Manufacturing Co. (3M)

Chemical. (G) Quaternary phosphonium/polyphenol.

Use/Production. (G) Additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 496 mg/kg species (Rat). Acute dermal toxicity: LD50 250 mg/kg species (Rabbit). Eye irritation: strong species (Rabbit). Mutagenicity: negative. Skin irritation: strong species (Rabbit).

P 90-230

Manufacturer. Confidential.

Chemical. (G) Halogenated aliphatic halo-silane.

Use/Production. (Disiloxane intermediate. Prod. range: Confidential.

P 90-231

Manufacturer. Polyacry, Inc.
Chemical. (S) Terpolymer of acrylic acid, metacrylic acid, and aconic acid, partially neutralized.
Use/Production. (G) Dispersing agent. Prod. range: Confidential.

P 90-232

Manufacturer. Minnesota Mining Manufacturing Co. (3M).
Chemical. (G) Substituted quinoline.
Use/Production. (S) Chemical Intermediate. Prod. range: Confidential.

P 90-233

Manufacturer. Confidential.
Chemical. (G) Halogenated aliphatic halo-silane.
Use/Production. (G) Disiloxane intermediate. Prod. range: Confidential.

P 90-234

Manufacturer. Minnesota Mining Manufacturing Co. (3M).
Chemical. (G) Methacrylate copolymer.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 90-235

Manufacturer. Minnesota Mining Manufacturing Co. (3M)
Chemical. (G) Acrylate copolymer.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 90-237

Manufacturer. Nisseki Chemical Texas, Inc.
Chemical. (G) Alkylated diphenyl.
Use/Production. (G) Specialty solvent for organic materials. Prod. range: Confidential.
Toxicity Data. Mutagenicity: negative.

P 90-238

Manufacturer. Minnesota Mining Manufacturing Co. (3M)
Chemical. (G) Perfluoroalkylsulfonamide salt.
Use/Production. (G) Additive. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 496 mg/kg species (Rat). Acute dermal toxicity: LD50 250 mg/kg species (Rabbit). Skin irritation: strong. Mutagenicity: negative.

P 90-239

Importer. Huls America, Inc.
Chemical. (G) Self-crosslinking, blocked polyurethane system.
Use/Import. (S) Industrial coatings. Import range: 15,000-100,000.
Toxicity Data. Acute oral toxicity: LD50 > 3,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-240

Manufacturer. Confidential.
Chemical. (G) Poly (oxyethanediyl)-substituted naphthaleneyl-hydroxy.
Use/Production. (G) Emulsifier for industrial metal finishing. Prod. range: Confidential.

P 90-241

Importer. Ciba-Geigy Corporation.
Chemical. (G) Substituted azo naphthalenesulfonic acid, sodium salt.
Use/Import. (G) Textile dye. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 4,936 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Eye irritation: none species (Rabbit). Mutagenicity: negative. Static acute toxicity: time LC50 96 h > 870 mg/l species (Zebra fish). Skin irritation: negligible species (Rabbit). Skin sensitization: negative species (Guinea pig).

P 90-242

Importer. Confidential.
Chemical. (G) Modified styrene polymer.
Use/Import. (G) Toner additive. Import range: Confidential.
Toxicity Data. Skin irritation: negligible species (Rabbit). Mutagenicity: negative.

P 90-243

Manufacturer. Dow Chemical.
Chemical. (G) Modified styrene-butadiene latex.
Use/Production. (G) Adhesive. Prod. range: Confidential.

P 90-244

Importer. Confidential.
Chemical. (G) Epoxy resin.
Use/Import. (G) Adhesive for metal. Import range: Confidential.

P 90-245

Importer. Confidential.
Chemical. (G) Epoxy resin.
Use/Import. (G) Adhesive for metal. Import range: Confidential.

P 90-246

Manufacturer. Eastman Kodak Company.
Chemical. (S) Ethyl acrylate; styrene; 2-aminoethyl methacrylate hydrochloride; 2-hydroxyethyl methacrylate; 2,2'-azobis (2-methylpropionamide) dihydrochloride.
Use/Production. (G) Contained use in an article. Prod. range: 3,500-10,000 kg/yr.

P 90-247

Manufacturer. Confidential.
Chemical. (G) Disubstituted cyclopentanone.

Use/Production. (G) Photosensitive film additive. Prod. range: Confidential

P 90-248

Manufacturer. Nisseki Chemical Texas, Inc.
Chemical. (G) Alkylated diphenyls.
Use/Production. (G) Specialty solvent for organic materials. Prod. range: Confidential.
Toxicity Data. Mutagenicity: negative.

P 90-249

Manufacturer. Nisseki Chemical Texas, Inc.
Chemical. (G) Alkylated diphenyls.
Use/Production. (G) Specialty solvent for organic materials. Prod. range: Confidential.
Toxicity Data. Mutagenicity: negative.

P 90-250

Manufacturer. Star Bronze Co.
Chemical. (S) Aqua ammonia 2,6' baume; acrylic resin.
Use/Production. (S) Polymeric salt used as a dye carrier in wood stains. Prod. range: 2,400-4,000 kg/yr.

P 90-251

Manufacturer. Confidential.
Chemical. (G) Alcohols, lung chain alkyl or fatty alcohols.
Use/Production. (G) Destructive use. Prod. range: Confidential.

P 90-252

Manufacturer. Confidential.
Chemical. (G) Amine functional epoxy resin.
Use/Production. (S) Coatings. Prod. range: Confidential.

P 90-253

Manufacturer. Confidential.
Chemical. (G) Amine functional epoxy resin salted with organic acid.
Use/Production. (S) Coating. Prod. range: Confidential.

P 90-254

Manufacturer. Confidential.
Chemical. (G) Amine functional epoxy resin salted with organic acid.
Use/Production. (S) Coatings. Prod. range: Confidential.

P 90-255

Manufacturer. The Dow Chemical Company.
Chemical. (G) Zeigler catalyst precursor.
Use/Production. (S) Olefin polymer catalyst precursor. Prod. range: Confidential.

P 90-256

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polyurethane thermoplastic resin.

Use/Production. (S) Extrusion injection molding of plastics articles for use in chemical processing and automotive industries. Prod. range: Confidential.

P 90-257

Manufacturer. The Dow Chemical Company.

Chemical. (G) Polyurethane thermoplastic resin.

Use/Production. (S) Extrusion and injection molding of plastic articles for use in chemical processing and automotive. Prod. range: Confidential.

P 90-258

Importer. E.I. du Pont de Nemours & Co., Inc.

Chemical. (G) Substituted ethylene copolymer.

Use/Import. (G) Films and coatings. Import range: Confidential.

P 90-259

Manufacturer. Confidential.

Chemical. (G) Inorganic phosphate.

Use/Production. (G) Additive for coating and plastics. Prod. range: Confidential.

P 90-260

Manufacturer. Basf Corporation.

Chemical. (G) Fatty alcohol, alkoxylated.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 3,200 mg/kg species (Rat). Static acute toxicity: time LC50 96 H 4.6-6.8 mg/l species (golden orfe). Eye irritation: none species (Rabbit). Mutagenicity: negative.

P 90-261

Manufacturer. Basf Corporation.

Chemical. (G) Modified fatty alcohol-alkoxylate.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 3,200 mg/kg species (Rat). Static acute toxicity: time LC50 96 H 4.6-6.8 mg/l species (golden orfe). Eye irritation: none species (Rabbit). Mutagenicity: negative.

P 90-262

Manufacturer. Basf Corporation.

Chemical. (G) Fatty alcohol, alkoxylated.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 3,200 mg/kg species (Rat). Static acute toxicity: time LC50 96 H 4.6-6.8 mg/l species (golden orfe). Eye irritation:

none species (Rabbit). Mutagenicity: negative.

P 90-263

Manufacturer. Basf Corporation.

Chemical. (G) Modified Fatty alcohol-alkoxylate.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 3,200 mg/kg species (Rat). Static acute toxicity: time LC50 96 H 4.6-6.8 mg/l species (golden orfe). Eye irritation: none species (Rabbit). Mutagenicity: negative.

P 90-264

Manufacturer. Basf Corporation.

Chemical. (G) Modified fatty-alcohol-alkoxylate.

Use/Production. (G) Surfactant. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 3,200 mg/kg species (Rabbit). Static acute toxicity: time LC50 4.6-6.8 mg/l species (golden orfe). Eye irritation: none species (Rabbit). Mutagenicity: negative.

P 90-265

Manufacturer. GE Plastics.

Chemical. (G) Cycloaliphatic polyester.

Use/Production. (G) Thermoplastic molding resins. Prod. range: Confidential.

P 90-266

Importer. Confidential.

Chemical. (G) Aromatic glycol.

Use/Import. (G) Polyurethane monomer. Import range: Confidential.

P 90-267

Manufacturer. Confidential.

Chemical. (G) Polyurethane elastomer.

Use/Production. (G) Nondispersive formulation adhesive. Prod. range: Confidential.

P 90-268

Manufacturer. E.I. du Pont de Nemours & Company, Inc.

Chemical. (G) Fluorinated substituted urethane.

Use/Production. (G) Nondispersive use. Prod. range: Confidential.

P 90-269

Manufacturer. Confidential.

Chemical. (G) Alkoxylated alkyl alcohol.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 790 mg/kg species (rat). Eye irritation: slight species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-270

Manufacturer. Confidential.

Chemical. (G)

Alkylpolyoxyalkylpropionitrile.

Use/Production. (G) Chemical intermediate. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 8 mg/kg species (Rat). Acute dermal toxicity: LD50 148 mg/kg species (Rat).

P 90-271

Manufacturer. Confidential.

Chemical. (G)

Alkylalkoxypropylamine.

Use/Production. (G) Petroleum product additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 500 mg/kg species (Rat). Eye irritation: moderate species (Rabbit). Skin irritation: strong species (Rabbit).

P 90-272

Manufacturer. Minnesota Mining & Manufacturing (3M).

Chemical. (G) Acrylic polymer.

Use/Production. (S) General purpose high performance adhesive. Prod. range: Confidential.

P 90-273

Manufacturer. Confidential.

Chemical. (G) Methacrylate modified methyl methacrylate polymer.

Use/Production. (G) Open, nondispersive use-paint additive. Prod. range: Confidential.

P 90-274

Manufacturer. Cosan Chemical Company.

Chemical. (G) Alkylamine carboxylate.

Use/Production. (S) Corrosion inhibitor for coating. Prod. range: 90,000-120,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (Rat). Acute dermal toxicity: LD50 > 2 g/kg species (Rabbit). Eye irritation: strong species (Rabbit). Skin irritation: slight species (Rabbit).

P 90-275

Manufacturer. Hercules Incorporated.

Chemical. (G) Modified hydrocarbon resin.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 90-276

Manufacturer. Gentex Optics, Inc.

Chemical. (G) 1,4-Benzenediamine, n,n,n,n-tetrakis (dipropylamino)phenyl-.

Use/Production. (S) Intermediate. Prod. range: 80-145 kg/yr.

P 90-277

Manufacturer. Gentex Optics, Inc.
Chemical. (G) Antimonate (1-), hexafluoro-, [oc-6-110-, salt with n, n, n, n-terakis(4-(dipropylamino)phenyl)-1,4-benzenediamine (1:1).
Use/Production. (S) Light industry dye for plastics. Prod. range: 100-180 kg/yr.

P 90-278

Manufacturer. Confidential.
Chemical. (G) Naphthoquinone sulfonyl ester of a phenolic.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 90-279

Importer. Confidential.
Chemical. (G) Polyorganosiloxane with acrylate groups.
Use/Import. (G) Polymer coating. Import range: Confidential.

P 90-280

Importer. Confidential.
Chemical. (G) Perfluoroalkylacrylate copolymer.
Use/Import. (S) Textile finish. Import range: Confidential.

P 90-281

Manufacturer. Kenrich Petrochemicals, Inc.
Chemical. (S) Zirconium IV bis(bis 2,2-propenolatomethyl) butanolato, cycle (bis 2,2-propenolato methyl) pentathio diphosphato-0-0.
Use/Production. (S) Bonding agent and anti-corrosive. Prod. range: Confidential.

P 90-282

Manufacturer. Kenrich Petrochemicals, Inc.
Chemical. (S) Zirconium IV bis(bis 2,2-propenolatomethyl) butanolato bis 3-mercaptopropanoato-0.
Use/Production. (S) Bonding agent and process aid. Prod. range: Confidential.

P 90-283

Manufacturer. Confidential.
Chemical. (G) Naphthoquinone ester of aphenolic.
Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 90-284

Manufacturer. PCR, Inc.
Chemical. (G) Alkyl silane ester.
Use/Production. (S) Masonary water repellent. Prod. range: 34,050 kg/yr.

P 90-285

Importer. Kuraray International Corporation.
Chemical. (G) Modified polyvinyl alcohol.
Use/Import. (S) Paper coating agent. Import range: Confidential.

P 90-286

Importer. Ciba-Geigy Corporation, Pigments Div.
Chemical. (G) Nickel complexes.
Use/Import. (S) Pigment for spin-coloration of fibers. Import range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (Rat). Acute dermal toxicity: LD50 2,000 mg/kg species (Rat). Eye irritation: none species (Rabbit). Mutagenicity: negative. Skin sensitization: positive species (Guinea pig).

P 90-287

Importer. Agfa Corporation.
Chemical. (G) Iron acetic acid complex salt derivative.
Use/Import. (G) Photographic processing chemical. Import range: 1,000-5,000 kg/yr.

P 90-288

Manufacturer. Fritzsche, Dodge, & Olcott.
Chemical. (G) Cyclic acetal of methyl glucopyranoside.
Use/Production. (G) Paper additive. Prod. range: Confidential.

P 90-289

Manufacturer. H.B. Fuller Company.
Chemical. (G) Ethylene, acrylic acid, hydroxy substituted hydrocarbon copolymer.
Use/Production. (G) Paper additive. Prod. range: Confidential.

P 90-290

Importer. E.I. du Pont de Neumours & Co., Inc.
Chemical. (G) Polyurethane urethane amine salt.
Use/Import. (G) Open nondispersive. Import range: Confidential.

P 90-291

Manufacturer. Confidential.
Chemical. (G) Acrylic copolymer latex.
Use/Production. (G) Nongelatin photographic binder. Prod. range: Confidential.

P 90-292

Importer. Confidential.
Chemical. (G) Triisocyanurate prepolymer.
Use/Import. (S) Polymer cross-linking agent. Import range: Confidential.

P 90-293

Importer. Confidential.
Chemical. (G) Branched alcorol sulfate.
Use/Import. (S) Arm-caking agent. Import range: Confidential.

P 90-295

Manufacturer. R.T. Vanderbilt Company, Inc.
Chemical. (G) Calcium alkylarylsulfonate.
Use/Production. (S) Corrosion inhibitor for lubricants. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg species (Rat). Acute dermal toxicity: LD50 > 2,000 species (Rabbit).

P 90-296

Manufacturer. R.T. Vanderbilt Company, Inc.
Chemical. (G) Calcium alkylarylsulfonate.
Use/Production. (S) Corrosion inhibitor for lubricants. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 3,160 mg/kg species (Rabbit).

P 90-297

Manufacturer. R.T. Vanderbilt Company, Inc.
Chemical. (G) Calcium alkylarylsulfonate.
Use/Production. (S) Corrosion inhibitor for lubricants. Prod. range: Confidential.
Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 3,160 mg/kg species (Rabbit).

P 90-298

Manufacturer. R.T. Vanderbilt Company, Inc.
Chemical. (G) Calcium alkylarylsulfonate.
Use/Production. (S) Corrosion inhibitor for lubricants. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 3,160 mg/kg species (Rabbit).

P 90-299

Manufacturer. Confidential.
Chemical. (G) Halogenated acrylonitrile.
Use/Production. (G) Polymer for adhesive in open nondispersive use. Prod. range: Confidential.

P 90-300

Manufacturer. Allied-Signal, Inc.
Chemical. (G) Vinyl ether terminated ester.
Use/Production. (S) Coatings/inks/adhesives. Prod. range: Confidential.

Dated: February 9, 1990.

Steven Newburg-Rinn,
Acting Director, Information Management
Division, Office of Toxic Substances.
[FR Doc. 90-3608 Filed 2-14-90; 8:45 am]
BILLING CODE 6560-50-D

ENVIRONMENTAL PROTECTION AGENCY

DEPARTMENT OF DEFENSE

Department of the Army

[FRL: 3723-7]

Memorandum of Agreement (MOA); Clean Water Act Section 404(b)(1) Guidelines

AGENCIES: Environmental Protection
Agency, Department of the Army.

ACTION: Notice.

SUMMARY: On November 15, 1989, the Environmental Protection Agency and the Department of the Army signed a Memorandum of Agreement (MOA) that provides clarification and general guidance regarding the level of mitigation necessary to demonstrate compliance with the Clean Water Act section 404(b)(1) Guidelines ("the Guidelines"). The agencies developed the MOA in response to questions that had arisen with respect to mitigation requirements under the Guidelines applicable to the review of applications for standard section 404 permits. The intent of the MOA is to improve consistency in the implementation of the Guidelines and to eliminate misunderstanding and confusion on the part of agency personnel. Accordingly, we anticipate that the MOA will increase the effectiveness of the section 404 program by reducing delays in permit processing, minimizing ambiguity in the regulatory program and by providing agency field personnel with a clearer understanding of the procedures for determining appropriate and practicable mitigation under the Guidelines.

The Domestic Policy Council, through its Inter-Agency Task Force on Wetlands, of which both the Environmental Protection Agency and the Army Corps of Engineers are members, has been tasked by the President to develop recommendations regarding attainment of the goal of no net loss of the Nation's wetlands. While the section 404 regulatory program, including this MOA, can contribute to the attainment of that goal, neither the 404 program nor this MOA establish a no net loss policy for the Nation's wetlands. In meeting this charter, the Task Force will hold a series of public

meetings around the country to solicit public views on appropriate strategies for achieving the no net loss of wetlands goal, including both regulatory and non-regulatory approaches. These public meetings will also address specific issues such as losses associated with agricultural activities in wetlands, and losses in specific geographic areas such as the Mississippi River Delta and along the Louisiana Gulf coast. The Task Force will also consider the challenges posed in Alaska where a high proportion of developable land is wetlands and where technical difficulties exist regarding opportunities for compensatory mitigation. The Task Force will also address issues such as the important roles of state and local government and private conservation groups; the need to ensure maximum possible coordination between section 404 permitting actions and other environmental laws, including the National Environmental Policy Act; the role of market based strategies; mitigation policy, including mitigation banking; and the role of legislation in achieving the goal. The MOA will be reconsidered in light of development of a comprehensive no net loss policy.

The MOA interprets and provides internal guidance and procedures to the Corps and EPA field personnel for implementing existing section 404 permit regulations. The MOA does not change substantive regulatory requirements. Rather, it provides a procedural framework for considering mitigation, so that all Corps and EPA field offices will follow consistent procedures in determining the type and level of mitigation necessary to ensure compliance with the section 404(b)(1) Guidelines. The MOA also maintains the flexibility of the Guidelines by expressly recognizing that no net loss of wetlands functions and values may not be achieved in each and every permit action. Specifically, the MOA recognizes that compensatory mitigation may not be required if mitigation is not practicable (as defined in § 230.3(q) of the Guidelines), feasible or would result in only inconsequential environmental benefits. For example, in areas of the country where wetlands constitute a majority of the land type, minor losses of wetland functions may not need to be mitigated by offsite compensatory mitigation. In making this determination field personnel may consider, among other things, the nature of the wetlands functions, cumulative effects on the watershed or ecosystem and whether wetlands in the contiguous area are protected through public ownership or permanent easement. The MOA does not establish any new mitigation

requirements beyond those currently found in the Guidelines or modify the Guidelines in any way.

Since signing the MOA, the agencies have conducted discussions with affected Federal agencies regarding the MOA. As a result of those discussions, and in an attempt to clarify the agencies' intent regarding the scope and effect of the MOA, specific changes have been made to the language of the MOA. A copy of this revised MOA is published with this Notice.

DATES: The November 15, 1989 version of the MOA was modified as reflected in the following final document. The effective date of this MOA is February 7, 1990.

ADDRESSES: Copies of the MOA are available from:

Office of Wetlands Protection (A-104F),
U.S. Environmental Protection
Agency, 401 M Street SW.,
Washington, DC 20460.

Office of the Assistant Secretary of the
Army, Department of the Army, Room
2E569, The Pentagon, Washington, DC
20310-0301.

Headquarters, U.S. Army Corps of
Engineers, (CECW-OR), 20
Massachusetts Avenue NW.,
Washington, DC 20314-1000.

FOR FURTHER INFORMATION CONTACT:
Suzanne E. Schwartz of the
Environmental Protection Agency at the
address given above; telephone 202/475-
7799, (FTS) 475-7799; or David Barrows
of the Department of the Army at the
address given above; telephone 202/695-
1376, (FTS) 695-1376.

LaJuana S. Wilcher,
Assistant Administrator for Water.
Robert W. Page,
Assistant Secretary of the Army (Civil
Works).

[FR Doc. 90-3604 Filed 2-14-90; 8:45 am]

BILLING CODE 6560-50-M; 3710-08-M

FEDERAL MARITIME COMMISSION

Notice of 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, D.C. Office of the Federal Maritime Commission, 1100 L Street, NW., Room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for

comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No. 224-003155-010

TITLE: Port Authority of New York and New Jersey Terminal Agreement.

PARTIES: Port Authority of New York & New Jersey (Port Authority); Maersk Container Service Company, Inc. (Maersk).

SYNOPSIS: The Agreement provides for additional premises under Maersk's basic lease, including fixtures, improvements and other property of the Port Authority located thereon. Maersk shall use the premises solely for the purposes set forth in section 5 of the lease. Rental for the additional premises is set forth in paragraph 6 of this Agreement.

By the Federal Maritime Commission.

Dated: February 9, 1990.

Joseph C. Polking,
Secretary.

[FR Doc. 90-3523 Filed 2-14-90; 8:45 am]

BILLING CODE 6730-01-M

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510)

Persons knowing of any reason why any of the following applicants should not receive a licence are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573

Gilbert F. K. Liang dba Dynasty International Express, 1301 Sixth Street, #2, San Francisco, CA 94107

Officer:

Gilbert F. K. Liang, Sole Proprietor
Titan Shipping International, 7370 NW 36th Street, Suite 317, Miami, FL 33166

Officers:

Benoit Lambert, President/Director
Willy Claes, Director/Treasurer
Mima Aftimos, Managing Director/Director
Julian Toro, Vice President

Oceanbridge Shipping International, Inc.,
11222 La Cienega Blvd., Suite 200,
Inglewood, CA 90304

Officers:

Yong Kyu Jun, President/Executive Officer
Eun Sook Jun, Secretary
Ki Hun Yoo, Outbound Manager
Sunny Hwang, Inbound Clerk

Amadeo Manzanares dba Gulf Transport & Forwarding, 556 LaPalco Blvd., Gretna, LA 70056

Officer:

Amadeo Manzaners, Sole Proprietor
B & M International, Inc., 140 N. Hydraulic, Suite 300, Wichita, KS 67214

Officers:

Mac Tommy Udoh, President
Cynthia A. Muhlenkort, Secretary
Gary A. Hastie, Vice President
American Shipping Company, 2503 SW. 89th Avenue, Miami, FL 33165

Officer:

Jorge M. Espinosa, Sole Officer
Bong I. Park dba Broadway Grover Service, 20280 South Vermont Avenue, Suite 245, Torrance CA 90502

Officer:

Bong I. Park, Sole Proprietor
Oscar Import & Export Corp., 120 Broadway, New York, NY 10005

Officers:

Giorgio DiMartino, President
Concetta DiMartino, Secretary/Treasurer
Shipside Forwarding Company, Inc., 1105 McLester Street, Elizabeth, NJ 07201

Officers:

Sang H. Kim, Vice President/Treasurer
Jason Ryu, Director
Jong K. Cho, President
SCAC California Inc., 9133 La Cienega Blvd., Suite 250, Inglewood, CA 90301

Officers:

Pierre Mazenod, President/Director
Eric A. Steinbock, Vice President/Director
Klaus P. Feindt, Vice President
ASL Forwarding, Inc., 15311 Vantage Parkway West, Suite 100, Houston, TX 77032

Officers:

Jarrette R. Kline, Vice President
Nathan M. Ferst, Secretary
Peter Scheu, Director
W.I.D.E. Corporation, 106 Harbor Drive, Jersey City, NJ 07305

Officers:

Guido Avandero, Chairman
Cinafranco Boschetti, President
Eligio Oggionni, Vice President
Gregory Di Martino, Assistant Vice President
Carinter Miami, Inc., 4442 NW. 74th Avenue, Miami, FL 33166

Officers:

Carlos de Wit, President/Director
William M. Khoury, Vice President/Director
DeEtte Banuchi, Treasurer
J. B. Daman, (USA), Ltd., 2500-A Broening Highway, Suite 100, Baltimore, MD 21224

Officers:

Joseph Yongseung Cho, President/Director
Shahid Mahmud, Vice President
Young Ja Cho, Secretary/Treasurer
Milne & Craighead Customs Brokers (USA), Inc., 911 Western Avenue, Suite 330, Seattle, Washington 98104

Officers:

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Brian D. Gill, Assistant Secretary
Richard T. Daigle, Assistant Secretary
Robert H. Lawrence, Director
Junior Raphael Wong dba JBJ Shipping, 285 Archer Avenue, Copiague, NY 11726

Officer:

Junior Raphael Wong, Sole Proprietor
Southern Export Services, Inc., 1027 Lees Mill Road, College Park, GA 30349

Officers:

Richard Estes, President
John Moore, Vice President
Andrew Senter, Secretary
Jorge Mario Palacios Rodas, 3741 N.W. 66th Avenue, Virginia Gardens, FL 33166

Officer:

Jorge Mario Palacios Rodas, Sole Proprietor
Remigio E. Quizon dba central Luzon Forwarding, 619 Toledo St., Los Angeles, CA 90042

Officer:

Remigio E. Quizon, Sole Proprietor
Third Party Logistics, Inc., 2212 South 144th Street, Seattle, WA 98168

Officer:

Robert J. O'Brien, President
A&T Local Express, Inc. dba A&T Express, Inc., 8620 N.W. 66th St., Miami, FL 33166

Officers:

Alejadrina Tania Exposito, President
Paulina Exposito, Secretary/Treasurer
Arturo Exposito, Vice President
Idaleen L. Benjamin, 2081 214th SW., Brier, WA 98036

Officer:

Idaleen L. Benjamin, Sole Proprietor
Seibu Transportation Co., Ltd. dba Seibu Air & Sea Service, 752 South Glasgow Avenue, Inglewood, CA 90301

Officers:

Yoshiaki Tsutsumi, Chairman
Hiroshi Nagai, President
Kazuma Goto, Managing Director
Kinya Yajima, Managing Director
Yasuhiro Tsutsumi, Director
Kinya Shirai, Director
Shoichi Kawachi, Director
Kyo Seki, Director
Hiroyuki Noda, Director
Toru Awaya, Director
Hideo Sakura, Director
Haruo Nishi, Director
Hiroshi Fukuda, Auditor

Overbruck International Inc., 16225 South Broadway, Gardena, CA 90248

Officers:

Roland Wolgast, CEO/President/Director
Karl Heinz Wessel, Vice President/Director
Harry Pattas, Secretary/Treasurer/Vice President

Border Enterprises, Inc., 660 Plasa Drive, Suite 2350, Detroit, MI 48226

Officers:

Elliott Phillips, Chairman of the Board/Director
Ronald J. Delaney, CEO/President/Director
Charles D. Ford, Vice President
Linda Kaiser, Vice President—Export
James N. Bartlett, Vice President
Thomas Lauriault, Vice President
Charles J. O'Brien, Secretary/Treasurer

Timothy Hefferon, Assistant Secretary
Henry Penn Wenger, Director
Douglas L. Bridges, Director
Jacky Maeder Ltd., 150-22 132nd Avenue,
Jamaica, NY 11434

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Peter Triebel, Corporate Secretary
Benno Bartholdi, Vice President
Hanspeter Rieder, Vice President
Robert Schefer, Vice President
Mike Rabette, Vice President
Hannelore J. Weidgans, Assistant Vice President

KCC Transport Systems Inc., 15151 S. Main
Street, Gardena, CA 90247

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Arthur Lee, President
Jin Kim, Vice President—Export
Wansook Kang

Air & Sea International, Inc., 80 South
Redwood Road, North Salt Lake, UT
84054

Officers:

Christine Fowler, President
William D. Meredith, Vice President
Kirk Bennett
H. Brent Fowler
Shipping Connection International, Inc., 407
S. Dixie Highway, Suite 2, Lake Worth,
FL 33460

Officers:

Johanna Lassila, President/Treasurer
Mark Erik Lassila, Vice President
Cynthia A. Newlan, Secretary

Dated: February 9, 1990.

Joseph C. Polking,
Secretary.

[FR Doc. 90-3522 Filed 2-14-90; 8:45 am]

BILLING CODE 6730-01

GENERAL SERVICES ADMINISTRATION

Transport of Dangerous Goods; Performance Oriented Packaging

AGENCY: Federal Supply Service, GSA.

ACTION: Notice regarding revised packaging requirements.

SUMMARY: This notice is to alert all sources that effective March 1, 1990, the United Nations Recommendations on the Transport of Dangerous Goods referred to as Performance Oriented Packaging (POP) will be included, as a requirement, in all applicable GSA solicitations which have been issued and have at least 20 days remaining before opening. Existing contracts for hazardous materials will be modified to include the Performance Oriented Packaging requirements. Effective June 1, 1990, all shipments of hazardous materials to GSA wholesale distribution centers will require certification that each package meets the Performance Oriented Packaging requirements. Effective January 1, 1991, all hazardous

materials, contracted for by GSA/FSS, will require certification that each package meets the Performance Oriented Packaging requirements. These requirements are contained in the International Maritime Dangerous Goods (IMDG) Code, (established by the International Maritime Organization (IMO) in accordance with the United Nations (UN) Recommendations on the Transportation of Dangerous Goods) and are published in cooperation with the United Nations by Labelmaster, 5724 N. Pulaski Road Chicago, IL., 60646, Telephone No.: 1-800-621-5808.

The requirements for the preservation, packaging, packing and marking and labeling of hazardous materials will be incorporated into all GSA/FSS solicitations and existing contracts citing: The U.S. Department of Transportation (DOT) Regulations 49 CFR parts 171-177 Hazardous Materials Regulations; the Occupational Safety and Health Administration (OSHA) Regulations 29 CFR parts 1910.101-120 and 1910.1000-1910.1500, Relating to Hazardous and Toxic Substances; and the International Maritime Dangerous Goods (IMDG) Code. Test reports showing compliance with package requirements shall be made available to GSA contract administration/management representatives upon request.

FOR FURTHER INFORMATION CONTACT:
John Miller, Engineering and Supply
Management Branch on (703) 557-1930.

SUPPLEMENTARY INFORMATION: As of January 1, 1991, all hazardous materials shipped into any United Nations (UN) member country will require certification of each package to certain performance requirements. These requirements are referred to as Performance Oriented Packaging or (POP) and are prescribed, in detail in the UN "Recommendations on the Transport of Dangerous Goods", which was adopted by the UN Committee of Experts on the Transport of Dangerous Goods, endorsed by the UN Economic and Social Council by Resolution 1987/54 in December, 1986. In order to eliminate a dual system for procuring and managing hazardous materials, one system for domestic items and one system for export requirements, the General Services Administration, Federal Supply Service will implement a single acquisition method for all hazardous materials, export and domestic, incorporating the Performance Oriented Packaging (POP) requirements. By requiring all hazardous materials to be packaged in accordance with the Performance Oriented Packaging requirements the GSA/FSS will be able

to procure and manage these materials economically as a single entity; promote flexibility and technological advances in packaging; promote safety in transport and facilitate international commerce.

Dated: February 7, 1990.

Nicholas M. Economou,
CPPO Director, Operations Management
Division (FCO).

[FR Doc. 90-3558 Filed 2-14-90; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-963-4230-15; F-14831-A]

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 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 Sec. U.S.C. 1601, 1613(a), will be issued to The Kuskokwim Corporation, successor in interest to Aniak Limited, for approximately 295 acres. The lands involved are in the vicinity of Aniak, Alaska.

Parcel of land located within U.S. Survey No. 2638, Alaska, T. 17 N., R. 57 W., Seward Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the THE TUNDRA DRUMS. 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 19, 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.

Ann Johnson,

Chief, Branch of Calista Adjudication.

[FR Doc. 90-3560 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-JA-M

[CA-930-00-4410-08]

Designation of Area of Critical Environmental Concern**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of a Planning Decision designating the California Rocks and Islands Wildlife Sanctuary an Area of Critical Environmental Concern (ACEC).**SUMMARY:** A land use plan analysis and an environmental assessment concerning the proposal to designate the California Rocks and Islands Wildlife Sanctuary an ACEC resulted in a Finding of No Significant Impact. The decision record to designate the ACEC was approved by the California State Director on February 2, 1990. This notice in the Federal Register serves as public notice of the ACEC designation.

The decision is protestable under the provisions of 43 CFR 1610.5-2.

FOR FURTHER INFORMATION CONTACT: For copies of the environmental analysis and decision or more information on the Rocks and Islands ACEC, contact Robert Barney, Bureau of Land Management, California State Office, 2800 Cottage Way, Sacramento, California 95825 or at (916) 978-4722.

Dated: February 9, 1990.

Ed Hastey,
State Director.

[FR Doc. 90-3551 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-40-M

[CO-050-4320-02]

Canon City District Grazing Advisory Board Meeting**AGENCY:** Bureau of Land Management.**ACTION:** Notice of Meeting.**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 463), that a meeting of the Canon City District Grazing Advisory Board will be held at 10 a.m. Thursday, March 15, 1990. The meeting will be held at the BLM Canon City District Office, 3170 East Main, Canon City, Colorado. The meeting agenda will include:

1. Discussion of Range Improvements;
2. Update on the San Luis and Royal Gorge Resource Management Plans;
3. Expenditures of Grazing Advisory Board Funds;
4. Riparian efforts in the District.

FOR FURTHER INFORMATION CONTACT: Donnie R. Sparks, District Manager, Bureau of Land Management, 3170 East Main, Canon City, CO 81212, (719) 275-0631.**SUPPLEMENTARY INFORMATION:** The meeting will be open to the public. Interested persons may make oral statements between 1 p.m. and 2 p.m., or may submit written statements prior to March 15, 1990.Donnie R. Sparks,
District Manager.

[FR Doc. 90-3546 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-JB-M

[NM-030-00-4320-14]

Las Cruces District Grazing Advisory Board Meeting**AGENCY:** Bureau of Land Management, Interior.**ACTION:** Notice of meeting.**SUMMARY:** The meeting will be held at the Las Cruces District Office, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico 88005. The purpose of the meeting is to prioritize range improvement projects. The agenda is:

1. 9:30 a.m.—Opening remarks
2. 9:35 a.m.—Approval of minutes
3. 9:45 a.m.—Status of current members
4. 10:00 a.m.—Update on range improvement program
5. 10:15 a.m.—Update of rancher meetings
6. 10:30 a.m.—Presentation of range improvement projects
7. 12:00 noon—Lunch
8. 1:00 p.m.—Reconvene and continue project presentation
9. 2:00 p.m.—Public comment period
10. 2:30 p.m.—Prioritization of projects
11. 3:00 p.m.—Adjourn.

DATES: The meeting will be held Thursday, March 29, 1990.**FOR FURTHER INFORMATION CONTACT:** H. James Fox, District Manager, Las Cruces District, Bureau of Land Management, 1800 Marquess Street, Las Cruces, New Mexico or at (505) 525-8228.

Dated: February 7, 1990.

H. James Fox,
District Manager.

[FR Doc. 90-3588 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-FB-M

[WY-920-00-4120-10]

Powder River Regional Coal Team Activities; Public Meeting Announcement**ACTION:** Public notice.**SUMMARY:** The Powder River Regional Coal Team (RCT) will hold a public meeting on April 3, 1990, to (1) consider

public comments to draft Powder River operational procedures for coal leasing-by-application; (2) adopt Powder River operational procedures for coal leasing-by-application; (3) review charter revisions for the Powder River RCT to consider coal leasing-by-application; (4) review coal leasing-by-application status; and (5) review Federal coal management issues of regional concern. The full agenda and other details for this RCT meeting are set out below.

DATES: The RCT will meet at 8:30 a.m. on April 3, 1990.**ADDRESSES:** The RCT meeting will be held in the Wood Room, Billings Sheraton Hotel, 27 N. 27th Street, Billings, MT, 59101; telephone (406) 252-7400. Attendees of this meeting may wish to make their personal room reservation from a special rate block of rooms the Billings Sheraton Hotel offered to hold for this Bureau meeting until two weeks prior to this meeting.**FOR FURTHER INFORMATION CONTACT:** Don Brabson, Wyoming State Office, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001; telephone (307) 772-2571 or (FTS) 328-2571.**SUPPLEMENTARY INFORMATION:** One primary purpose of this meeting will be to adopt Powder River operational procedures for coal leasing-by-application. In accordance with 43 CFR 3425 and the Powder River RCT recommendation to decertify the Powder River Coal Region, coal leasing-by-application is now the appropriate means for Federal coal leasing in the original area of the Powder River Region. The Powder River RCT's recommendation for regional decertification was adopted and published in the Federal Register on January 9, 1990. As one of the conditions for regional decertification, the RCT recommend the development of coal leasing-by-application operational procedures. To this end, the Bureau of Land Management has drafted such operational procedures. The public may obtain a copy from Don Brabson, by calling him at (307) 772-2571 or (FTS) 328-2571. Public comments on these draft operational procedures may be submitted in writing to State Director (925), Wyoming State Office, Bureau of Land Management, P.O. Box 1828, Cheyenne, WY 82003, through March 19, 1990. At the RCT meeting on April 3, 1990, the RCT will consider all written comments received by March 19, 1990, will hear additional public comments, and review the draft operational procedures, so that a final set of Powder River coal leasing-by-application

operational procedures can be recommended to the Director for adoption.

Another item that the RCT will address is a revision and renewal of its charter. The current charter is due to expire on April 29, 1990. So charter renewal before then is warranted. The current charter is being revised as part of the renewal process to allow the Powder River RCT to guide coal leasing via leasing-by-application while the Powder River Region is in a decertified mode or via activity planning should the region be reestablished. The charter revision would resemble the existing Fort Union RCT charter for eastern Montana and western North Dakota as well as resemble the existing Green River-Hams Fork RCT charter for southern Wyoming and northern Colorado. The Powder River RCT will discuss these charter revisions at the meeting on April 3, 1990.

Another key RCT action which will occur during this meeting will be the RCT's guidance of the preparation of the Powder River Coal Regional Round I Supplemental Final Environmental Impact Statement (EIS). This supplemental final EIS will be prepared based on public comments to the supplemental draft EIS, which was released for public review on July 19, 1989. The comment period on this supplement draft EIS closed on October 26, 1989. The RCT will review those public comments during this meeting in order to develop its guidance for the supplemental final EIS preparation. This supplemental final EIS will address the social, economic, and cultural impacts to the Northern Cheyenne and Crow Indian Reservations. It will serve as a means for the RCT to recommend for Secretarial consideration whether or not the Round I leases in Montana should have been sold in 1982, and if so, what mitigation measures of Indian Reservation impacts should be added to those leases. This supplemental final EIS and the RCT/Departmental review of Montana lease issuance and attendant reservation mitigation is arranged in response to the May 28, 1985, decision of the U.S. District Court for the District of Montana and the *Northern Cheyenne Tribe vs. Hodel* litigation.

Now that the Powder River Region is decertified and coal leasing-by-application is allowed, the Powder River RCT will review the status of any pending coal lease applications. At the meeting of April 3, 1990, the RCT will particularly review whether any lease applications are for maintenance tracts of coal adjacent to operating mines or

for non-maintenance tracts and thereby warrant case-by-case review and approval prior to further application processing by the Bureau of Land Management. It should be noted that the RCT has already endorsed the Bureau's processing of coal lease applications for maintenance tracts and that maintenance tracts are being defined in the Powder River coal leasing-by-application operational procedures.

The meeting will also serve as a forum for public discussion on any other Federal coal management issues of regional concern. If appropriate, the RCT may develop additional regional coal management recommendations for Secretarial consideration.

Public input opportunities will be provided on all agenda items. The agenda for this meeting is as follows:

1. Introductions
2. Approval of RCT Meeting Minutes of October 31, 1989
3. Regional Coal Activity Status
 - a. Current production
 - b. Coal lease applications
 - c. Preference Right Lease Applications
 - d. Exchanges
 - e. Modifications
 - f. Other activity
4. Coal Leasing-By-Application Operational Procedures
 - a. Review of Public Comments on Draft Operational Procedures
 - b. Hearing Additional Comments
 - c. RCT Recommendation for Final Operational Procedures
5. RCT Charter Renewal
 - a. Review Charter Revisions
6. Round I Montana Leases
 - a. Status of Development
 - b. Draft supplemental EIS comment review
 - c. RCT guidance to Final Supplemental EIS preparation
7. Other Regional Issues
8. Adjourn.

F. William Eikenberry,

Associate State Director.

[FR Doc. 90-3575 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-22-M

[AZ040-09-4351-02 SPCA]

Meeting of the San Pedro Advisory Committee

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 100-696 and 43 CFR 1780, that a meeting of the San Pedro Riparian National Conservation Area (NCA) Advisory Committee will be held.

DATES: Tuesday, March 20, 1990 at 10:00 a.m.

ADDRESSES: Chapman College, 77 Calle Portal, Suite C 200, Sierra Vista, Arizona.

FOR FURTHER INFORMATION CONTACT: Erick Campbell, San Pedro Project Manager, BLM, Box 9853, Rural Rte. 1, Huachuca City, Arizona 85616. Telephone (602) 457-2265.

SUPPLEMENTARY INFORMATION: The agenda for the San Pedro Advisory Committee includes the following items:

1. Introductions.
2. Approval of Minutes from the last meeting.
3. Briefing and Discussion of the Visitor Center Complex.
4. Committee report on the San Rafael del Valle Road alternatives.
5. Briefing of the North End Parking Proposal.
6. Briefing on the Lehner Ranch and Murray Springs Developments.
7. BLM Management Update.
8. Business from the floor.
9. After lunch there will be a field trip to look at Murray Springs and the San Rafael del Valle Road alternatives.

The meeting is open to the public. Interested persons may make oral statements to the Advisory Committee between 11:00 and 11:30 a.m. or may file written statements for consideration by the Advisory Committee. Anyone wishing to make an oral statement must contact the BLM San Pedro Project Manager by Friday, March 16, 1990.

Summary minutes of the meeting will be maintained in the San Pedro Project Office and will be available for public inspection and reproduction (during regular business hours) within 30 days following the meeting.

Dated: February 7, 1990.

Vernon L. Saline,

Acting District Manager.

[FR Doc. 90-3576 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-32-M

[CO-030-09-4212-13-2200]

Realty Action, Colorado; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action Correction COC49708.

SUMMARY: Federal Register Notice CO-030-09-4212-13-2200 dated December 1, 1989 and published December 7, 1989 (Vol. 54 FR 50542) stated "certain parcels within the following described public land have been determined to be suitable for disposal by exchange under

section 206 of the Federal Land Policy and Management Act of 1976, 43 USC 1716: This following legal description is hereby added to this Notice of Realty Action:

New Mexico Principal Meridian, Colorado

T. 45 N., R 4 W.,
Sec. 24, SE¼, E½SW¼;
Sec. 25, N½NE¼, N½NW¼.

Dated: February 9, 1990.

Alan L. Kesterke,
District Manager.

[FR Doc. 90-3589 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-JB-M

[NV-930-00-4212-13; N-51436]

Partial Termination of Private Exchange Application Involving Public Lands in Clark County, NV

Notice is hereby given that a portion of the lands involved in Private Exchange Application N-51436, as described below, have been withdrawn.

Mount Diablo Meridian

T. 22 S., R. 61 E.,
Sec. 23, SE¼NW¼NE¼.

The segregative effect of the exchange application, as it pertains to the above described lands only, is hereby removed upon publication of this notice in the **Federal Register**.

Dated: February 8, 1990.

Ben F. Collins,
District Manager, Las Vegas, Nevada.

[FR Doc. 90-3545 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-HC-M

[WY-069-00-4410-08]

Resource Management Plan; Nebraska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Intent to prepare a Resource Management Plan (RMP) for lands and minerals administered by the Bureau of Land Management (BLM) in the State of Nebraska. This includes a call for coal and other resource information related to these lands and minerals.159

SUMMARY: The Bureau of Land Management (BLM) is initiating development of a resource management plan (RMP) to guide future management for public lands administered by the Bureau of Land Management (BLM) in the State of Nebraska. The term "public lands" as used for planning purposes means federally-owned surface and

federally-owned minerals administered by the BLM.

The RMP will allocate land and resource uses, and identify management goals, constraints, and general management practices needed to manage the public lands in Nebraska.

The RMP will be prepared by the Newcastle Resource Area located in Newcastle, Wyoming.

Requirements, standards, and procedures for preparing the Nebraska RMP are contained in 43 CFR parts 1600-1610, BLM Manuals 1600-1631, and the regulations for implementing the National Environmental Policy Act (NEPA) of 1969, as amended, in 40 CFR part 1500 through 1508. The call for coal resource information is required by 43 CFR 3420.1-2.

DATES: The Identification of Issues and development of planning criteria will begin in February 1990. Public meetings and other public involvement during the planning process will be announced through the **Federal Register**, local news media and public mailings. The RMP is scheduled to be completed in 1991.

ADDRESSES: Information regarding documentation of the RMP process and completed documents will be available at the BLM Newcastle Resource Area Office, 1101 Washington Boulevard, Newcastle, Wyoming 82701.

FOR FURTHER INFORMATION CONTACT: If you wish to be placed on the RMP mailing list, obtain information, or provide comments for the RMP, please contact Floyd Ewing, Newcastle Area Manager, at the address above or telephone (307) 746-4453.

SUPPLEMENTARY INFORMATION: The Newcastle Resource Area of the Bureau of Land Management has the responsibility of managing all BLM-administered public lands in Nebraska. The only management plans for these public lands that have been completed in Nebraska are site-specific planning analyses/environmental assessments (EAs) that were completed for land disposal actions and an oil and gas EA for the Fort Robinson State Park. In 1988, BLM began preparation of another oil and gas EA regarding management of Federal oil and gas in western Nebraska. In July 1988, a news release was sent to the news media to announce the availability of a draft EA. The BLM did not receive any requests for copies of that EA, nor were any comments received. The oil and gas EA was not finalized because it became apparent that an RMP was needed for public lands in Nebraska due to the complexity of Federal land and mineral ownership.

Public land surface is found in 30 of the 93 counties in Nebraska, with

parcels ranging in size from less than one acre to 240 acres. The majority of this public land surface is located in the western part of the state. Some of the BLM-administered Federal minerals lie beneath the BLM-administered public lands. However, most Federal minerals administered by the BLM lie beneath land surface in private ownership, owned by the State of Nebraska or federally-owned land surface lands managed by other Federal agencies.

The RMP will provide direction for the management of approximately 6,700 acres of BLM-administered public land surface and about 500,000 acres of BLM-administered Federal minerals in Nebraska. The RMP will cover management of Federal minerals under private and state lands but it will not address management of Federal minerals beneath Federal lands administered by other Federal agencies.

Public participation is an essential component of RMP development. Several techniques for public involvement will be used during the planning process including: **Federal Register** Notices, news releases, one-on-one discussions, and individual mailings to all parties who express an interest in the planning process. BLM is requesting that the public help identify problems, conflicts, and resource management opportunities that should be addressed during the planning process including coal data. The call for coal information is issued to obtain any available coal resource information, any other resource information pertinent to applying the coal unsuitability criteria and to identify any additional areas of interest for possible Federal coal leasing.

The RMP will be developed using an interdisciplinary team approach. Disciplines represented on the team include: range, minerals, forestry, recreation, wildlife, soil, air, water, cultural, and realty.

Dated: February 7, 1990.

F. William Eikenberry,
Associate State Director.

[FR Doc. 90-3557 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-22-M

[OR-942-00-4730-12; GPO-117]

Filing of Plats of Survey; Oregon/ Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30)

calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 25 S., R. 1 W., accepted 1/26/90.
T. 33 S., R. 2 W., accepted 1/26/90;
T. 22 S., R. 9 W., accepted 1/26/90.

Washington

T. 17 N., R. 14 E., accepted 12/8/89.
T. 9 N., R. 26 E., accepted 12/22/89;
T. 8 N., R. 27 E., accepted 12/22/89;
T. 9 N., R. 27 E., accepted 12/22/89.

If protests against a survey, as shown on any of the above plats, are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plats will be placed in the open files of the Oregon State Office, Bureau of Land Management, 825 NE Multnomah, Portland, Oregon 97208, and will be available to the public as a matter of information only. Copies of the plats may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 825 NE Multnomah Street, P.O. Box 2965, Portland, Oregon 97208.

Dated: February 7, 1990.

Robert E. Molloyhan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90-3559 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-33-M

[ID-943-90-4214-11; IDI-017101]

Proposed Continuation of Withdrawal, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a withdrawal of 1,630.27 acres for

the Butterfield Creek Recreation Area continue for an additional 30 years. The land continues to have potential for development as a ski area. The land would remain closed to surface entry and mining, but has been and would remain open to mineral leasing.

DATES: Comments should be received on or before May 16, 1990.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208-334-1720.

The U.S. Forest Service proposes that the existing land withdrawal made by Public Land Order No. 4032 be continued for a period of 30 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The land is described as follows:

Boise Meridian

Corrected Description (Based on new protraction diagrams).

T. 5 N., R. 15 E., unsurveyed,
Secs. 1, 12, and 13, by metes and bounds,
T. 5 N., R. 16 E., unsurveyed,
Secs. 6 to 8, inclusive, and 18, by metes and bounds,

Beginning at a point which bears N. 69°44'54" W., 4,780 ft. from an iron post with brass plug and marked with a cross (+), said iron post being the established right-of-way marker for Highway Station No. 873+40.2 of Idaho State Highway No. 75—Project 26-C7, and located 50 ft. from the highway centerline on the right side of the highway when traveling toward Stanley, Idaho;

S. 50°26'23" W., 3,280 ft. to the true point of beginning;

S. 53°23'19" E., 9,685 ft. to a point on the southeast boundary line of said survey;

S. 76°43'48" W., 4,383.37 ft. to Station No. 1121;

S. 67°36'58" W., 10,253.22 ft. to Station No. 1133;

N. 7°52'43" E., 3,530.72 ft. to Station No. 1402;

N. 36°25'37" E., 5,922.79 ft. to Station No. 2006;

N. 50°26'23" E., 3,809.27 ft. to the point of beginning.

The area described contains 1,630.27 acres in Blaine County.

The withdrawal is essential for protection of capital improvements on the recreation site and development as a ski area. The withdrawal closed the land to surface entry and mining but not to mineral leasing. No change in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake

such investigations as necessary to determine the existing and potential demand for the land and its resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

Dated: February 7, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-3555 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-GG-M

[ID-943-90-4214-11; IDI-05281]

Proposed Continuation of Withdrawal, Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that a withdrawal of 570.83 acres in the Salmon and Sawtooth National Forests continue for an additional 30 years. The lands are now being used for seven recreation sites and five administrative sites. The lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing.

DATES: Comments should be received on or before May 16, 1990.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, BLM, Idaho State Office, 3380 Americana Terrace, Boise, Idaho 83706, 208-334-1720.

The U.S. Forest Service proposes that the existing land withdrawal made by Public Land Order No. 3396 be continued for a period of 30 years pursuant to Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The lands are described as follows:

Boise Meridian

Meadow Lake Public Service Site Corrected Description (Based on new protraction diagram).

T. 13 N., R. 26 E., unsurveyed,

Sec. 23, SE¼SE¼SE¼;

Sec. 26, NE¼NE¼.

Iron Mountain Administrative Site

T. 2 N., R. 12 E.,

Sec. 5, E½SE¼SE¼NE¼.

High Creek Corral Public Service Site

T. 4 N., R. 13 E.,

Sec. 3, lot 6 and NW¼SW¼.

Bird Creek Recreation Area

T. 3 N., R. 11 E.,
 Sec. 5, lot 8, that portion south of the centerline of the Ketchum-Featherville Road
 Willow Creek Recreation Area
 T. 3 N., R. 11 E.,
 Sec. 9, lot 7, that portion east of the centerline of the Willow Creek Road and the Virginia Gulch Trail;
 Sec. 10, W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$
 Chaparral Public Recreation Area
 T. 3 N., R. 10 E.,
 Sec. 12, lot 1, that portion south of the centerline of the Ketchum-Featherville Road.
 Abbott Public Recreation Area
 T. 3 N., R. 10 E.,
 Sec. 12, lot 4, that portion south of the centerline of the Ketchum-Featherville Road.
 Baumgartner Recreation Area
 T. 3 N., R. 12 E.,
 Sec. 7, S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, and SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$
 Warm Springs Creek Administrative Site
 T. 4 N., R. 17 E.,
 Sec. 21, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$.
 Copper Creek Recreation Area
 T. 3 N., R. 21 E.,
 Sec. 11, SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
 Jesse Creek Administrative Site
 T. 21 N., R. 21 E.,
 Sec. 2, S $\frac{1}{2}$ S $\frac{1}{2}$ of lot 1 and S $\frac{1}{2}$ NE $\frac{1}{4}$.
 Lake Creek Recreation Area (formerly Lake Creek Administrative Site)
 T. 20 N., R. 21 E.,
 Sec. 32, S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
 The areas described aggregate 570.83 acres in Blaine, Camas, Elmore, and Lemhi Counties.

The withdrawal is essential for protection of substantial capital improvements on the sites. The withdrawal closed the land to surface entry and mining, but not to mineral leasing. No changes in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the Federal

Register. The existing withdrawal will continue until such final determination is made.

Dated: February 7, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-3556 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Intent To Prepare Environmental Assessment on Proposed Issuance of Endangered Species Permits for Removing Florida Panthers (*Felis concolor coryi*) from the Wild Population To Establish Captive Population

AGENCY: U.S. Fish and Wildlife Service, Department of the Interior.

ACTION: Notice

SUMMARY: This Notice advises the public that the Fish and Wildlife Service intends to prepare an Environmental Assessment for the proposed issuing of Endangered Species Permits for removing Florida panthers (*Felis concolor coryi*) from the wild population to establish a captive population. This Notice is being furnished as required by the National Environmental Policy Act Regulations (40 CFR 1501.7) to obtain comments and information from other agencies and the public on the scope of issues to be addressed in the Environmental Assessment. Comments and participation in this scoping process are solicited. Following an appropriate public input and review process and agency approval, the Fish and Wildlife Service anticipates that permits would likely be issued in the Spring of 1990.

DATES: Written comments and information should be received by March 19, 1990.

ADDRESSES: Comments should be addressed to: James W. Pulliam, Jr., Regional Director, U.S. Fish and Wildlife Service, 75 Spring Street, SW., Atlanta, Georgia 30303.

FOR FURTHER INFORMATION CONTACT:

Dennis B. Jordan, Florida Panther Coordinator, U.S. Fish and Wildlife Service, 117 Newins-Ziegler Hall, University of Florida, Gainesville, Florida 32611-0307, telephone: 904/392-1861.

SUPPLEMENTARY INFORMATION: The Fish and Wildlife Service, Department of the Interior, proposes to issue Endangered Species Permits for capturing Florida panthers (*Felis concolor coryi*) from the wild population in order to accelerate the establishment of a captive population. An Endangered Species

Permit was issued to the Florida Game and Fresh Water Fish Commission in 1985, to remove two adult female panthers for scientific purposes and the enhancement of propagation and survival.

The Florida panther originally ranged from eastern Texas eastward through Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and parts of Tennessee and South Carolina. Because of persecution, mainly through hunting and trapping, and habitat losses which started with the early settlers and has continued, the only known viable population of the Florida panther is found in the Big Cypress Swamp/ Everglades region of south Florida. An estimated population of 30 to 50 animals is all that remains.

Because the Florida panther is listed as an endangered species under the provisions of the Endangered Species Act of 1973, as amended, an initial recovery plan was prepared and approved by the Fish and Wildlife Service in 1981. In conjunction with the plan's approval, the Florida Game and Fresh Water Fish Commission initiated several of the important panther studies identified as high priority needs in the plan. As a result of these, and other studies being conducted by the National Park Service and other organizations, a great deal of information concerning the panther's habitat requirements, food habits, reproduction, population size and destiny, health, mortality, etc., is becoming available. To better utilize and incorporate all of the current information into the recovery program, the original recovery plan was revised and approved by the Fish and Wildlife Service on June 22, 1987.

The recovery objective as specified in the revised recovery plan is to achieve three viable, self-sustaining populations within the panther's historic range. According to the best information currently available only one population now exists. Consequently, this sole population is extremely vulnerable to a variety of factors, any one of which is capable of rendering the species extinct within a relatively short period of time. Three separate populations, as called for in the recovery plan, would greatly reduce the likelihood of extinction.

Based on information presented and developed during a Population Viability Analysis Workshop in January 1989, and a Species Survival Planning Workshop in October/November 1989, on the Florida panther, the Fish and Wildlife Service is of the opinion that a captive population is essential to the recovery of the species and actions to initiate its establishment should be instituted as

soon as possible. The need and applicability of establishing a captive population has been addressed and approved during the recovery planning process. A captive population, representative of appropriate genetic materials contained in the wild population, could provide valuable insurance against extinction, should the wild population undergo a significant reduction. Additionally, offspring produced through captive propagation would bolster the total panther population and could provide animals which will be needed in re-establishing additional populations.

All activities and actions associated with the establishment of a captive population will be carried out under provisions of the approved Florida Panther Recovery Plan and Species Survival Plan (copy available upon request). Recommendations contained in the Species Survival Plan are to remove from the wild population 3 adult panthers (a female that has exhibited no reproduction in the wild during 3 years of radio-monitoring and 2 males) and 6 kittens in 1990 and 1 pair of older animals and 6 kittens per year through 1992. In addition a adult female presently in captivity undergoing rehabilitation from injuries received when struck by a vehicle in July 1988, is slated to remain in captivity. The consensus is that if kittens are removed at a very early age (within the first couple of months), the net affect on the actual number surviving to dispersal age will not likely be significant. Removal of only a portion of a litter could also enhance the likelihood of the remaining young surviving.

The Fish and Wildlife Service recognizes that an increased panther population could eventually lead to reintroduction of the species in carefully selected habitats within its original range. However, this aspect of the recovery effort would be speculative since the ability of a captive breeding program to produce a sufficient number of animals for a reintroduction program is unknown at this time. Such a program, if warranted, would be a separate action and the Fish and Wildlife Service will address them in accordance with the National Environmental Policy Act when, and if such a program becomes viable.

The environmental review of this project will be conducted in accordance with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), National Environmental Policy Act Regulations (40 CFR 1500-1508), and other appropriate Federal regulations,

and Fish and Wildlife procedures for compliance with those regulations.

Dated: January 29, 1990.

James W. Pulliam, Jr.,
Regional Director.

[FR Doc. 90-3549 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-55-M

Marine Mammal Annual Report Availability, Calendar Year 1988

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability of calendar year 1988 Marine Mammal Annual Report.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has issued the 1988 annual report on administration of the marine mammals under its jurisdiction, as required by section 103(f) of the Marine Mammal Protection Act of 1972. The report covers the period January 1 to December 31, 1988, and was submitted to the Congress on January 17, 1990. By this notice, the public is informed that the report is available and that interested individuals may obtain a copy by written request to the Service.

ADDRESSES: Written requests for copies should be addressed to: Publications Unit, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop 130—Arlington Square, 18th and C Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Bardwell, Acting Chief, Division of Fish and Wildlife Management Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Mail Stop 820—Arlington Square, 18th and C Streets NW., Washington, DC 20240, (703) 358-1718.

SUPPLEMENTARY INFORMATION: The Service is responsible for eight species of marine mammals under the jurisdiction of the Department of the Interior, as assigned by the Marine Mammal Protection Act of 1972. These species are polar bear, sea and marine otters, walrus, manatees (three species) and dugong. The report reviews the Service's marine mammal-related activities during the report period. Administrative actions discussed include appropriations, marine mammals in Alaska, endangered and threatened marine mammal species, law enforcement activities, scientific research and public display permits, certificates of registration, research, Outer Continental Shelf environmental studies and international activities.

This notice was prepared by Jeffrey L. Horwath, Wildlife Biologist, Division of Fish and Wildlife Management

Assistance, U.S. Fish and Wildlife Service, Washington, DC 20240.

Dated: February 1, 1990.

Richard N. Smith,
Acting Director.

[FR Doc. 90-3566 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-55-M

National Park Service

Delta Region Preservation Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Delta Region Preservation Commission will be held at 7:00 p.m., on March 7, 1990, at the University Center of the University of New Orleans, New Orleans, Louisiana.

The Delta Region Preservation Commission was established pursuant to section 907 of Public Law 95-625 (16 U.S.C. 230f), as amended, to advise the Secretary of the Interior in the selection of sites for inclusion in Jean Lafitte National Historical Park and Preserve, and in the implementation and development of a general management plan and of a comprehensive interpretive program of the natural, historic, and cultural resources of the Region.

The matters to be discussed at this meeting include:

- Update/Amendment to the General Management Plan
- Abbeville

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis. Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, Jean Lafitte National Historical Park and Preserve.

Persons wishing further information concerning this meeting, or who wish to submit written statements may contact M. Ann Belkov, Superintendent, Jean Lafitte National Historical Park and Preserve, U.S. Customs House, 423 Canal Street, Room 210, New Orleans, Louisiana 70130-2341, telephone 504/589-3882. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of Jean Lafitte National Historical Park and Preserve.

Dated: February 6, 1990.

John E. Cook,

Regional Director, Southwest Region.

[FR Doc. 90-3621 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF THE INTERIOR
Bureau of Land Management

DEPARTMENT OF AGRICULTURE

Forest Service

[CO-010-90-7150-09-ZCKH]

**Final Environmental Impact Statement
for the Rock Creek/Muddy Creek
Reservoir and Forest Service, USDA
Record of Decision**

AGENCY: Bureau of Land Management, Interior and Forest Service, Agriculture.

ACTION: Notice of Availability of the Final Environmental Impact Statement (FEIS) for the Rock Creek/Muddy Creek Reservoir, Amendment to the Kremmling Resource Management Plan (RMP), and Forest Service Record of Decision on Rock Creek Reservoir.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management and the Forest Service have prepared a Final Environmental Impact Statement for the proposed Rock Creek/Muddy Creek Reservoir, an amendment to the Kremmling Resource Management Plan and a Record of Decision for the Rock Creek Reservoir.

Muddy Creek Reservoir is the federal agencies (Bureau of Land Management and Forest Service) preferred alternative. This alternative involves amending the Kremmling Resource Management Plan following expiration of a 30 day protest period and a Governor's consistency review. This alternative facilitates the planned construction of a 60,000 acre-foot reservoir at a site located about four miles north of Kremmling, Colorado, in Grand County. The dam site lies on public land administered by the Bureau of Land Management, but much of the reservoir basin is in private ownership.

The Forest Service Record of Decision, in addition to recommending selection of the Muddy Creek alternative, provides for a re-evaluation of water storage possibilities, including Rock Creek Reservoir, when the Routt National Forest Plan is updated in 4 to 5 years. The Record of Decision is subject to review for a period of 45 days.

In addition to the decisions made by the Bureau of Land Management and Forest Service, the Bureau of Reclamation is the agency responsible for making decisions pertaining to water substitutions which are necessary to implement either proposed reservoir. The Bureau of Reclamation is a cooperating agency in preparation of the

Environmental Impact Statement and will issue a Record of Decision not sooner than 30 days following publication of the Notice of Availability by the U.S. Environmental Protection Agency (EPA) in the Federal Register.

DATES: Any person who participated in this amendment process and has an interest which is or may be adversely affected by the amendment to the Kremmling Resource Management Plan may protest. The protest must be in writing to the Director (760), Bureau of Land Management, within 30 days of the date of publication of the Notice of Availability by the EPA in the Federal Register.

Requests for review of the Forest Service Record of Decision must be filed with the Chief, U.S. Forest Service, within 45 days from the day after the date of publication of the Notice of Availability by the EPA in the Federal Register.

Comments concerning the substitution of Rock Creek/Muddy Creek Reservoir water for Green Mountain Reservoir water must be sent to the Bureau of Reclamation within 30 days of the date of publication of the Notice of Availability by the EPA in the Federal Register.

ADDRESSES: Protests to amending the Kremmling Resource Management Plan must be sent to the Director (760), Bureau of Land Management, room 909, Premier Building, 1725 I Street, NW., Washington, DC 20240. Request for review of the Forest Service Record of Decision must be sent to the Chief, U.S. Forest Service, P.O. Box 96090, Washington, DC 20250.

Comments concerning the substitution of Rock Creek/Muddy Creek Reservoir water for Green Mountain Reservoir water must be sent to the Bureau of Reclamation, Eastern Colorado Projects, P.O. Box 449, Loveland, Colorado 80539-0449.

FOR FURTHER INFORMATION CONTACT:

David Harr, Bureau of Land Management, Kremmling Resource Area, P.O. Box 68, Kremmling, Colorado 80459; Telephone (303) 724-3437, or Larry Keown, U.S. Forest Service, Routt National Forest, 29587 West U.S. 40—suite 20, Steamboat Springs, Colorado 80487; Telephone (303) 879-1722.

SUPPLEMENTARY INFORMATION: This FEIS describes and analyzes the environmental impacts for a proposal from the Colorado River Water Conservation District (CRWCD) to construct and operate a reservoir on two alternative sites, Rock Creek, located on the Yampa Ranger District of the Routt National Forest, Routt County, Colorado, and Muddy Creek, located on

public lands administered by the Kremmling Resource Area of the Craig District, Bureau of Land Management, Grand County, Colorado. The alternatives considered include: Muddy Creek (the agencies preferred alternative), Rock Creek, and No Action. The FEIS is prepared in an abbreviated format and should be used with the Supplemental Draft Environmental Impact Statement (SDEIS) published August 11, 1988.

The FEIS includes an amendment to the Kremmling Resource Management Plan which changes the management emphasis on public lands in the vicinity of the proposed Muddy Creek Reservoir from livestock, wildlife, and water quality management priority to a recreation priority. Additionally, it amends the visual resource management decisions in the RMP. Approval of the plan amendment facilitates consideration of the right-of-way grant application.

The FEIS serves to provide the environmental documentation required by the Bureau of Reclamation to execute an agreement which would provide for water substitutions between the proposed new reservoir and Green Mountain Reservoir. It also provides the environmental documentation required by the U.S. Army Corps of Engineers with respect to their permitting authority pursuant to section 404 of the Clean Water Act. The Corps of Engineers was a cooperating agency in preparation of the FEIS.

Dated: February 6, 1990.

Tom Walker,

Associate State Director.

[FR Doc. 90-3544 Filed 2-14-90; 8:45 am]

BILLING CODE 4310-JB-M

**INTERSTATE COMMERCE
COMMISSION**

[Ex Parte No. 388 (Sub. 30)]

**Intrastate Rail Rate Authority—
Tennessee**

AGENCY: Interstate Commerce Commission.

ACTION: Notice of revocation of certification.

SUMMARY: Upon request, the Interstate Commerce Commission revokes the certification of the State of Tennessee and assumes jurisdiction over intrastate rail transportation in Tennessee.

DATES: The revocation will be effective on March 17, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275-7245 [TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]

Decided: February 8, 1990.

By the Commission, Chairman Gradison, Vice Chairman Phillips, Commissioners Simmons, Lamboley and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90-3591 Filed 2-14-90; 8:45 am]

BILLING CODE 7035-01-M

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of Judicial Conference Advisory Committee on Bankruptcy Rules

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: There will be two, two-day meetings of the Judicial Conference Advisory Committee on Bankruptcy Rules to consider proposed amendments to the Federal Bankruptcy Rules under the provisions of chapter 131 of title 28, United States Code. The meetings will be open to public observation, and will begin each day at 9 a.m.

DATES: March 15-16, 1990, Orlando, Florida; April 19-20, 1990, Nashville, Tennessee.

ADDRESSES:

Orlando, Florida, Delta Court of Flags Hotel, 5715 Major Boulevard, in the Conference/Theatre.
Nashville, Tennessee, United States Courthouse, 801 Broadway, in Courtroom A826.

FOR FURTHER INFORMATION CONTACT: James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Administrative Office of the United States Courts, Washington, DC 20544. Telephone: (202) 633-6021.

Dated: February 7, 1990.

James E. Macklin, Jr.,

Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 90-3585 Filed 2-14-90; 8:45 am]

BILLING CODE 2210-01-M

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Meeting

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463 as amended, the National Commission on Acquired Immune Deficiency Syndrome (AIDS) announces a forthcoming meeting of the Commission.

DATE/TIME: March 15, 1990, 9 a.m.-5 p.m.; March 16, 1990 9 a.m.-5 p.m.

PLACE: Pan American Health Organization (PAHO), Meeting Room B, 525 23rd Street, NW., Washington, DC.
Type of Meeting: Open.

FOR FURTHER INFORMATION CONTACT: Maureen Byrnes, Executive Director, National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., Washington, DC 20006, Telephone (202) 254-5124.

Agenda: The Commission will be meeting to review executive and legislative branch initiatives, and to conduct official Commission business.

Maureen Byrnes,

Executive Director.

[FR Doc. 90-3539 Filed 2-14-90; 8:45 am]

BILLING CODE 6820-CN-M

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

White House Conference Advisory Committee

AGENCY: White House Conference Advisory Committee.

ACTION: Amendment of Notice of Open Meeting; Notice of Partially Closed Meeting.

SUMMARY: This amends the notice of an open meeting of the White House Conference Advisory Committee meeting published on Tuesday, February 6, 1990, in Vol. 55, No. 25, on page 4034. This notice is to advise that if necessary, the meeting scheduled for Feb. 16 may be a partially closed meeting, with the closed portion commencing at approximately 10:15 a.m. for a period of about 45 minutes. The location of the meeting remains the Embassy Suites Hotel, 1250 22nd Street NW., Washington, DC 20550. If a portion of this meeting is closed to the public, it will be under the authority of section 10(d) of the Federal Advisory Committee

Act (Pub. L. 92-463; 5 U.S.C. Appendix 2) and exemption 6 of section 552b(c) of the Government in the Sunshine Act (Pub. L. 94-409; U.S.C. 552b). This portion of the meeting, if closed, will be used to discuss various personnel matters which will involve information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in an open session.

A summary of the activities of the closed portion of the meeting and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b, will be available to the public within 90 days of the meeting.

FOR FURTHER INFORMATION CONTACT:

Mary Alice Hedge Reszetar, White House Conference on Library and Information Services Designated Federal Official, 1111 18th St. NW., Suite 302, Washington, DC 20036, 202/254-5100.

Dated: February 9, 1990.

Christina C. Young,

Acting Executive Director, NCLIS.

[FR Doc. 90-3516 Filed 2-14-90; 8:45 am]

BILLING CODE 7527-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of Expansion Arts Advisory Panel to National Council on the Arts

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Performing Arts—Dance/Music Section) to the National Council on the Arts will be held on March 6-7, 1990, from 9 a.m.-p.m. and on March 8 from 9 a.m.-5:30 p.m. in room 718 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on March 6, 1990 from 9 a.m.-10:30 a.m. and on March 8 from 3 p.m.-5:30 p.m. The topics for discussion will be opening remarks/general program overview and policy discussion.

The remaining portions of this meeting on March 6, 1990, from 10:30 a.m.-6 p.m., March 7 from 9 a.m.-6 p.m., and March 8 from 9 a.m.-3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the

determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 7, 1990.

Yvonne M. Sabine,
Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-3573 Filed 2-14-90; 8:45 am]

BILLING CODE 7537-01-M

Meeting of Literature Advisory Panel to National Council on Arts

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Literature Advisory Panel (Professional Development/Overview Section) to the National Council on the Arts will be held on March 9, 1990, from 9 a.m.-6 p.m. and on March 10 from 9 a.m.-3 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 10, 1990, from noon-3 p.m. The topic for discussion will be policy issues.

The remaining portions of this meeting on March 9, 1990, from 9 a.m.-6 p.m. and March 10 from 9 a.m.-noon are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to disability, please contact the Office of Special Constituencies,

National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 7, 1990.

Yvonne M. Sabine,
Director, Council and Panel Operations,
National Endowment for the Arts.

[FR 90-3574 Filed 2-14-90; 8:45 am]

BILLING CODE 7537-01-M

Meeting of Visual Arts Advisory Panel to National Council on Arts

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Visual Artists Forums Section) to the National Council on the Arts will be held on March 7-8, 1990 from 9 a.m.-6 p.m. and March 9 from 9 a.m.-5 p.m. in room 730 of the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 9, 1990, from 3:30 pm-5 p.m. The topics for discussion will be guidelines and policy issues.

The remaining portions of this meeting on March 7-8, 1990, from 9 a.m.-6 p.m. and on March 9 from 9 a.m.-3:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National

Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: February 7, 1990.

Yvonne M. Sabine,
Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-3572 Filed 2-14-90; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Permit Application Received; Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Application Received Under the Antarctic Conservation Act of 1978, Public Law 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at title 45 part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by March 19, 1990. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, room 627, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTAL INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. Additional information was published in the *Federal Register* on July 11, 1989.

The application received is as follows:

1. Applicant

David H. Baron, 94 Antrim Street,
Cambridge, Massachusetts 02139.

Activity for which permit requested
Taking. The applicant is a reporter
producing radio and print stories on
Antarctica for National Public Radio
and various newspapers and magazines.
He requests permission to photograph
and tape-record wildlife on King George
Island and the Antarctic Peninsula area.

Dates: March–April 1990.

Charles E. Myers,

Permit Office.

[FR Doc. 90-3517 Filed 2-14-90; 8:45 am]

BILLING CODE 755-5-01-M

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under
the Antarctic Conservation Act of 1978,
Public Law 95-541.

SUMMARY: The National Science
Foundation (NSF) is required to publish
notice of permits issued under the
Antarctic Conservation Act of 1978. This
is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT:

Charles E. Myers, Permit Office,
Division of Polar Programs, National
Science Foundation, Washington, DC
20550.

SUPPLEMENTARY INFORMATION: On
January 10, 1990, the National Science
Foundation published notices in the
Federal Register of permit applications
received. A permit was issued to the
following individual on February 9, 1990:
Mahlon C. Kennicutt.

Charles E. Myers,

Permit Office, Division of Polar Programs.

[FR Doc. 90-3620 Filed 2-14-90; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Renewal of Charter for Nuclear Safety Research Review Committee

AGENCY: Nuclear Regulatory
Commission.

ACTION: Notice of renewal of the
Nuclear Safety Research Review
Committee.

SUMMARY: The Nuclear Safety Research
Review Committee was established by
the Nuclear Regulatory Commission as a
Federal advisory committee in February
1988 to provide advice to the Director,
Office of Nuclear Regulatory Research,
on matters relating to NRC's nuclear
safety research programs. The

committee is composed of experts
capable of providing a wide variety of
technical and managerial viewpoints
drawn from industrial, national
laboratory, university and not-for-profit
research organizations.

In accordance with the Federal
Advisory Committee Act (Pub. L. 92-
463), and after consultation with the
General Services Administration, the
Nuclear Regulatory Commission has
determined that there is a continuing
need for the Nuclear Safety Research
Review Committee and that renewal of
the committee for a two year period
beginning February 9, 1990, is in the
public interest.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert L. Shepard, Office of Nuclear
Regulatory Research, U.S. Nuclear
Regulatory Commission, Washington,
DC 20555, (301) 492-3723.

Dated: February 9, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90-3504 Filed 2-14-90; 8:45 am]

BILLING CODE 3590-01-M

Notice of Resolution of Unresolved Safety Issue (USI) A-48, "Hydrogen Control Measures and Effects of Hydrogen Burns on Safety Equipment" and Availability of Relevant Documents

The U.S. Nuclear Regulatory
Commission (NRC) staff has concluded
that Unresolved Safety Issue (USI) A-48
entitled "Hydrogen Control Measures
and Effects of Hydrogen Burns on Safety
Equipment" is hereby considered
resolved.

This issue arose from the accident at
the Three Mile Island (TMI) Unit 2
reactor on March 28, 1979 which
resulted in the generation and burning of
a large quantity (approximately 900
pounds) of hydrogen within
containment. This produced a pressure
pulse of about 28 pounds per square
inch within containment, which was
about half the containment design
pressure. Containment integrity was not
compromised. Following an analysis of
the TMI-2 accident, a concern arose
regarding containment integrity for
those reactors having small and
intermediate containment volumes,
given a similar degraded core event. The
Commission on December 24, 1980, in a
special report to the Congress, identified
"Hydrogen Control Measures and
Effects of Hydrogen Burns on Safety
Equipment" as an Unresolved Safety
Issue (USI), designated as A-48,
pursuant to Section 210 of the Energy
Reorganization Act of 1974.

This issue degraded core accident
conditions for boiling water reactors
(BWR) with Mark I, II and III
containments and pressurized water
reactors (PWR) with ice condenser
containments. This issue does not cover
PWR reactors having large dry
containments. Containments in this
latter group were judged to be less
vulnerable to hydrogen combustion
under degraded core conditions. Any
actions on PWR reactors having large
dry containments are pending the
completion of ongoing NRC as well as
industry research. This activity is being
pursued separately by the NRC staff as
Generic Issue 121 (GI-121), "Hydrogen
Control for Large Dry Containments."
USI A-48 covers 49 reactors or about 45
percent of the commercial power
reactors licensed in the U.S.

The small containments include the
Mark I and Mark II containments for
BWRs. Thirty-three reactors are covered
in this category. Their containment
design pressures range from about 45 to
62 pounds per square inch with net free
volumes within the range of 130,000 to
400,000 cubic feet. Containment failure
would likely result if the amount of
hydrogen generated during the TMI-2
accident were to be released and burned
in these containments. The Commission
determined that the containment
atmosphere for these reactors should be
inerted and published a rule requiring
this in the **Federal Register** (46 FR 53484)
on December 2, 1981. Containment
atmosphere inerting prevents the
ignition of hydrogen by increasing the
percentage of nitrogen in the
containment atmosphere and by
similarly reducing the percentage of
oxygen below the value where any
hydrogen combustion can occur. Ignition
of hydrogen after the production of
additional combustible gases from
radiolysis is to be mitigated by
recombiners, purge repressurization
systems or a combination. The
resolution of USI A-48 for reactors with
Mark I and Mark II containments is
complete and fully implemented in the
affected plants.

Reactors with intermediate size
containments include PWRs with ice
condenser containments and BWRs with
Mark III containments. Sixteen reactors
are in this category. These containments
have volumes which range from 1.2 to
1.5 million cubic feet, and have design
pressures in the range of 12 to 15 pounds
per square inch. Studies have indicated
that containment failure could result if
the amount of the hydrogen generated
during the TMI-2 accident were
released and burned in these
containments. Based on these studies,

the Commission required that containments of these types be provided with hydrogen control systems.

The rule published in the *Federal Register* (50 FR 3498) on January 25, 1985 required that all reactors with Mark III and ice condenser containments install hydrogen control systems that must be shown to be capable of handling without loss of containment structural integrity an amount of hydrogen equivalent to that generated from a metal-water reaction involving 75 percent of the full cladding surrounding the active fuel. The TMI accident is estimated to have produced an amount of hydrogen resulting from about 45 to 50 percent of the fuel cladding reacting with water. Hydrogen control systems in the form of igniter systems, which are intended to burn hydrogen in a controlled fashion, have been installed on all BWR Mark III and PWR ice condenser plants.

Concurrent with the development of regulations, both the Commission and industry have conducted extensive research programs since early 1980 on hydrogen control and effects of hydrogen combustion on safety-related equipment. Industry efforts have been sponsored by owners of ice condenser and Mark III plants, and have concentrated on demonstrating the effectiveness of a distributed igniter system to prevent the build-up of large concentrations of hydrogen within containment. The NRC has sponsored confirmatory research at Sandia National Laboratories as well as other institutions on hydrogen generation and combustion effects under a large variety of accident conditions.

The Commission also requested and sponsored a peer review of the hydrogen research and the adequacy of regulatory requirements by the National Academy of Sciences (NAS). A committee of the NAS presented their findings in 1987 in a report entitled "Technical Aspects of Hydrogen Control and Combustion in Severe Light-Water Reactor Accidents." The Committee concluded that, for most accident scenarios, current regulatory requirements make it highly unlikely that hydrogen detonation would be the cause of containment failure. They also concluded that inerting is adequate for reactors with Mark I and II containments, and that igniters are a reasonable way to reduce the probability of hydrogen detonation in medium volume containments (BWR Mark III and PWR ice condenser).

Based on the extensive research effort carried out both by NRC and industry, the current regulatory requirements, and the review by a Committee of the National Academy of Sciences, the NRC staff concludes that no new regulatory

guidance is necessary and that USI A-48 is resolved. Copies of NUREG-1370 "Resolution of Unresolved Safety Issue A-48, 'Hydrogen Control Measures and Effects of Hydrogen Burns on Safety Equipment,'" which discusses the basis for the staff resolution, and which also contains the report of the NAS Committee as an attachment, will be placed in the Commission's Public Document Room at 2120 L Street NW., Washington, DC 20555. This report is available from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 37082, Washington, DC 20013-7082 and the National Technical Information Service, Springfield, VA 22161.

Dated at 9th this day of February 1990.

For the U.S. Nuclear Regulatory Commission.

Themis P. Speis,

*Deputy Director for Generic Issue Resolution,
Office of Nuclear Regulatory Research.*

[FR Doc. 90-3611 Filed 2-12-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co.; Wolverine Power Supply Cooperative, Inc.;

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to Detroit Edison Company and Wolverine Power Supply Cooperative, Inc., (the licensees) for operation of Fermi-2 located on Monroe County, Michigan.

The proposed amendment would revise the Technical Specification (TS) to reflect plant modifications to add a remote-manual primary containment isolation valve associated with the installation of enhanced primary containment water level instrumentation. The new valve will now be listed in TS Table 3.6.3-1.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the

facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has evaluated the proposed change against the above standards as required by 10 CFR 50.92.

The proposed action would not involve a significant increase in the probability or consequences of an accident previously evaluated. The proposed primary containment water level instrument line does not connect to the reactor coolant pressure boundary and does not impact any component or systems related to the safe shutdown of the reactor. Containment integrity will be maintained during and following installation of the remote manual isolation valve. The design of the sensing line and the associated containment isolation scheme is consistent with the requirements of General Design Criteria 54, 56 and Regulatory Guide 1.11 for instrument lines penetrating primary containment to ensure primary containment integrity and limit the potential offsite dose below 10 CFR part 100 limits, therefore, the proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed action would not create the possibility of a new or different kind of accident from any accident previously evaluated. The design of the primary containment water level instrument line and associated containment isolation scheme is consistent with the existing design of other instrument lines penetrating primary containment. No new equipment type or installation practice will be introduced. The installation of a blind flange assembly and a remote manual isolation valve ensure primary containment integrity. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed action would not involve a significant reduction in a margin of safety. The primary containment water level instrument is being designed, fabricated and installed in accordance with all applicable criteria. The modification adds a necessary control room indication to the plant design in order to enhance operator response during emergency situations. Therefore, this modification does not reduce a margin of safety.

Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this *Federal Register* notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 19, 1990, the licensees may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at 3700 South Custer Road, Monroe, Michigan 48161. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set

forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to

present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and 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 John O. Thoma: (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 John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated September 27, 1989, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 9th day of February 1990.

For the Nuclear Regulatory Commission.

Patricia Eng,

Project Manager, Project Directorate III-1, Division of Reactor Projects—III, IV, V & Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90-3612 Filed 2-14-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 030-05980, 030-05981, 030-05982, 030-08335 and 030-08444]

Safety Light Corp. et al. (Bloomsburg Site Decontamination); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this enforcement proceeding:

Christine N. Kohl, Chairman,
Alan S. Rosenthal,
Dr. W. Reed Johnson.

Dated: February 9, 1990.

Barbara A. Tompkins,
Secretary to the Appeal Board.

[FR Doc. 90-3505 Filed 2-14-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-445]

Comanche Peak Steam Electric Station, Unit 1, Texas Utilities Electric Co., et al.; Issuance of Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission), has issued Facility Operating License No. NPF-28 (the license) to Texas Utilities Electric Company¹ (the licensee). This license authorizes operation of the Comanche Peak Steam Electric Station, Unit 1 (the facility), by the licensee at reactor core power levels not in excess of 170 megawatts thermal in accordance with the provisions of the license, the Technical Specifications, and the Environmental Protection Plan.

Comanche Peak Steam Electric Station, Unit 1, is a pressurized water nuclear reactor located at the licensee's site in Somervell County, Texas approximately 40 miles southwest of Fort Worth, Texas.

The application for the license, as amended, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR chapter I, which are set forth in the license. Prior public notice of the overall action involving the proposed issuance of an operating license authorizing full power operation was published in the Federal Register on February 5, 1979 (44 FR 6995).

The Commission has determined that the issuance of this license will not result in any environmental impacts other than those evaluated in the Final Environmental Statement (NUREG-0775) since the activity authorized by the license is encompassed by the overall action evaluated in the Final Environmental Statement.

Pursuant to 10 CFR 51.52, the Commission has determined that the granting of relief and issuance of the exemptions included in this license will have no significant impact on the environment. These determinations were published in the Federal Register

¹ The current owners of the Comanche Peak Steam Electric Station are: Texas Utilities Electric Company and Texas Municipal Power Agency. Transfer of ownership from Texas Municipal Power Agency to Texas Utilities Electric Company was previously authorized by Amendment No. 9 to Construction Permit CPPR-126 on August 25, 1988 to take place in 10 installments as set forth in the Agreement attached to the application for Amendment dated March 4, 1988. At the completion thereof, Texas Municipal Power Agency will no longer retain any ownership interest.

on November 14, 1989 (54 FR 47430, 47431, and 47432).

For further details with respect to this action, see (1) Facility Operating License No. NPF-28, with Technical Specifications (NUREG-1381), Environmental Protection Plan, and Antitrust Conditions; (2) the report to the Advisory Committee on Reactor Safeguards dated November 17, 1981; (3) the Commission's Safety Evaluation Report (NUREG-0797) dated July 1981; Supplement No. 1 dated October 1981; Supplement No. 2 dated January 1982; Supplement No. 3 dated March 1983; Supplement No. 4 dated November 1983; Supplement No. 6 dated November 1985; Supplement No. 7 dated January 1985; Supplement No. 8 dated February 1985; Supplement No. 9 dated March 1985; Supplement No. 10 dated April 1985; Supplement No. 11 dated May 1985; Supplement No. 12 dated October 1985; Supplement No. 13 dated May 1986; Supplement No. 14 dated March 1988; Supplement No. 15 dated July 1988; Supplement No. 16 dated July 1988; Supplement Nos. 17 through 20 dated November 1988; Supplement No. 21 dated April 1989; Supplement No. 22 dated January 1990; and Supplement No. 23 dated February 1990; (4) the Final Safety Analysis Report through Amendment No. 78 dated January 15, 1990; (5) the Environmental Report through Amendment No. 3 dated January 8, 1981; and (6) the Final Environmental Statement dated September 1981, supplemented October 1989.

These items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and the Local Public Document Room at the Somervell County Public Library on the Square, P.O. Box 1417, Glen Rose, Texas 76043. A copy of Facility Operating License No. NPF-28 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Comanche Peak Project Division. Copies of the Safety Evaluation Report and its Supplements 1 through 23 (NUREG-0797) and the Technical Specifications (NUREG-1381) may be purchased by calling (301) 492-9530 or by writing to the Publication Services Station, Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, DC 20555 or may be purchased from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

² Supplement No. 5 was never issued.

Dated at Rockville, Maryland, the 8th day of February 1990.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,

Director, Comanche Peak Project Division,

Office of Nuclear Reactor Regulation.

[FR Doc. 90-3613 Filed 2-14-90; 8:45 am]

BILLING CODE 7590-01-M

Docket No. 50-305

**Wisconsin Public Service Corp., et al.;
Consideration of Issuance of
Amendment to Facility Operating
License and Proposed No Significant
Hazards Consideration Determination
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-43, issued to the Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company (the licensee), for operation of the Kewaunee Nuclear Power Plant, located in Kewaunee County, Wisconsin.

The amendment would revise the refueling shutdown margin requirement from greater than or equal to 10% delta K/K to greater than or equal to 5% delta K/K. Specification 1.j would be changed to revise the definition of refueling mode. Specification 3.8.a.5 would be revised to insert the words "and a shutdown margin of greater than or equal to 5% delta K/K" and to make the boron analysis requirement a separate sentence. The corresponding basis sections would be revised accordingly.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination is provided below.

The proposed changes would not involve a significant increase in the probability or consequences of an

accident previously evaluated. The refueling shutdown margin is an initial condition for the dilution during refueling accident which is discussed in § 14.1 of the Kewaunee Nuclear Power Plant (KNPP) Updated Safety Analysis Report. The accident is initiated by a malfunction, or operator error which adds unborated water to the reactor coolant system via the chemical volume and control system. Since the proposed change will not increase the probability of initiating a dilution event, a reduction in the refueling shutdown margin will not increase the probability of this accident.

The consequences of this event are an unwanted increase in reactivity, and a decrease in shutdown margin which could allow the core to reach a critical condition leading to a release of radioactive materials. An analysis performed for a typical KNPP reload core demonstrates that the operator has ample time to recognize the event from the audible count rate signal and take manual action to isolate the makeup water source before shutdown margin is eliminated and a release of radioactive materials occurs. Therefore, the consequences of an accident previously evaluated are not significantly increased.

The proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated. No system or plant modifications are involved; therefore, the proposed change will not create the possibility of a new or different kind of accident.

The proposed changes would not involve a significant decrease in the margin of safety. The proposed change will decrease the refueling shutdown margin from greater than or equal to 10% delta K/K to greater than or equal to 5% delta K/K. This is relaxation in an initial condition for the dilution during refueling accident. However, the margin of safety is not significantly reduced because there is typically 61 minutes between the 5% shutdown condition and criticality. The audible count rate interval will double each time the shutdown margin is halved. The operators will have ample time to identify this condition and take appropriate manual action to isolate the reactor makeup water source. Therefore, the decrease in the margin of safety is not significant.

Accordingly, the Commission proposes to determine that the proposed amendment involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received

within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 19, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555 and at the local public document room located at the University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted

with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. 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 provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no

significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and 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 John N. Hanon: 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 David Baker, Esq., Foley and Lardner, P.O. Box 2193, Orlando, Florida 31082, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer, or the Atomic Safety and Licensing Board that the petition and/or request, should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 29, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the University of Wisconsin Library Learning Center, 2420 Nicolet Drive, Green Bay, Wisconsin 54301.

Dated at Rockville, Maryland, this 7th day of February 1990.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III-3, Division of Reactor Projects—III, IV, V and Special Projects Office of Nuclear Reactor Regulation.

[FR Doc. 90-3614 Filed 2-14-90; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-27684; File No. SR-BSE-89-5]

Self-Regulatory Organizations; Boston Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Specialist Combinations

On July 10, 1989, the Boston Stock Exchange, Inc. ("BSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to establish, on a six month pilot basis, procedures for reviewing proposed combinations among specialist units.³

The proposed rule change was noticed in Securities Exchange Act Release No. 27112 (August 9, 1989), 54 FR 33989 (August 17, 1989). No comments were received on the proposal.

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 CFR 240.19b-4 (1989).

³ The Exchange initially filed guidelines for reviewing specialist combinations in File No. SR-BSE-87-5, which was withdrawn and superseded by File No. SR-BSE-89-5. See letter from Joseph P. Carmichael, Vice President, BSE, to Howard Kramer, Assistant Director, SEC, dated July 6, 1989.

I. Description of Proposal

Under the BSE proposal, the Executive Committee of the Exchange ("Committee") would review certain proposed mergers, acquisitions, and other combinations between or among specialist units in an effort to prevent undue concentration within the specialist community. A Committee review would be triggered whenever a proposed combination would result in a specialist organization specializing in securities equalling 15% or more of the first or second 100 most actively traded Consolidated Tape Association ("CTA") stocks, 15% or more of all the CTA stocks eligible for trading on the BSE where the Free List⁴ contains fewer than 100 issues, or 20 percent of the third 100 most actively traded CTA stocks.

In conducting its review, the Committee would assess the following considerations in determining whether to approve or disapprove a proposed combination: Specialist performance and market quality in the stocks subject to the combination; the effects of the proposed combination on the financial and operational capacities of the resulting specialist organization; the effect of the proposed combination on overall concentration; and the specialists' commitment to the Exchange market. In determining a specialist unit's commitment to the Exchange market, the Committee would assess such factors as: Acceptance and cooperation in using the Boston Exchange Automated Communications and Order Routing Network ("BEACON"); efforts at resolving problems concerning customer orders; willingness to facilitate early openings; and willingness to voluntarily provide execution guarantees beyond those required in the Exchange rules. In addition, the BSE concentration proposal will not be applied retroactively by the Exchange from the pending effective date. Thus, the provisions of the proposed rule change would apply only to proposed combinations on or after the effective date of this order.⁵

The BSE proposes this rule as a means of monitoring tendencies toward concentration in the specialist community so that it can prevent undue concentration. The Exchange believes that unless reasonable limits or guidelines are established, a disproportionately large number of top quality stocks could be handled by one

or a small number of specialist firms as a result of business combinations. Further, if specialist units were permitted to aggregate control or dominate activity on the floor of the Exchange, the Exchange believes the potential for increasing order flow would be seriously diminished. Finally, the Exchange believes that fewer specialist units resulting from combinations may increase barriers to entry of the specialist business by outside firms and that affiliations with larger firms would become more difficult to negotiate.

In addition, the Exchange believes that it cannot afford dependence upon any one firm for a disproportionately large portion of its revenues. If fears this increased economic risk would pose similar risks to other members dependent upon the Exchange to effectively administer and provide its services to the marketplace. The Exchange also stated that the existence of fewer firms would likely reduce competition among specialists for new stock allocations, as well as increase the likelihood that the influence of larger firms over the policies or direction of the Exchange would be significantly increased. The Exchange further asserts that the integrity of the entire stock allocation process would be impaired if the methods for measuring relative performance are rendered ineffective by reduced independence, undue influence, limited participants, and reduced competition. Finally, the Exchange believes that fewer and larger specialist units could reduce incentives for quality markets and higher standards for performance.

II. Discussion

The Commission does not believe that combinations among specialist units are inherently harmful and believes that in many situations they can, in fact, be beneficial, particularly for those units with limited capital. Nevertheless, the Commission recognizes the BSE's concern that undue concentration can have negative effects on market quality by, among other things, hampering competition among specialists and reducing incentives for specialists to provide better markets.

Furthermore, the Commission recognizes that, as specialist concentration increases, the continued financial and operational vitality of any one unit will have increased importance on the overall quality of the BSE's markets and the Exchange's specialist system as a whole. Accordingly, the Commission believes it is appropriate for the BSE to adopt procedures that authorize it to monitor specialist

combinations to determine their impact upon the competitive environment necessary to maintain an orderly market.

The Commission previously had an opportunity to review specialist concentration standards when they were first proposed by the New York Stock Exchange ("NYSE") in 1986.⁶ The standards proposed by the NYSE are very similar, in many respects, to those now proposed by the BSE. In approving the NYSE standards, the Commission determined that "it is appropriate for the NYSE to adopt a policy that authorizes it to monitor specialist combinations to determine their impact upon the competitive environment necessary to maintain an orderly market."⁷ The same determination is true for the BSE proposal.

The Commission has reviewed carefully the BSE's proposed procedures. The Commission initially believes that the considerations identified in the BSE procedures to be used in reviewing proposed specialist combinations are adequately designed to result in approval of proposed combinations that will not have an adverse impact on market quality or result in undue concentration. For example, under the policy, the Exchange will analyze, among other things, the combination's potential effect on market quality and whether the combination will strengthen the capital base of the resulting unit, minimize the potential for financial failure, and increase operational efficiencies. The Commission believes that these and other considerations in the BSE's procedures will enable the Exchange to identify those combinations that can be potentially harmful to market quality and actually decrease competition.⁸

For the foregoing reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in

⁶ See SR-NYSE-86-37, approved in Securities Exchange Act Release No. 24411 (April 29, 1987), 52 FR 17870.

⁷ *Id.* at p. 15. The NYSE standards, which were approved on a temporary basis, contained some criteria not included in the BSE proposal. Primarily due to these additional criteria, the Commission is continuing to review whether the NYSE proposal should be approved on a permanent basis.

⁸ The BSE has selected concentration levels which most of its specialist units do not reach. Currently, however, five firms are at or exceed selected concentration levels. Because the BSE concentration policy will not be applied retroactively, *see supra*, note 5, these units' current configuration will not be affected by the policy. A future merger or acquisition involving any of these firms, however, would trigger a Committee review.

⁴ The Free List is made up of securities which are not registered to certain specialists and can be traded by any specialist.

⁵ See letter from Joseph P. Carmichael, Vice President, Market Surveillance, BSE, to Mary Revell, Branch Chief, SEC, dated January 5, 1990.

particular, with the requirements of section 6.⁹ In this regard, the Commission believes that the proposal is consistent with the section 6(b)(5) requirement that "the rules of the exchange * * * remove impediments to and perfect the mechanism of a free and open market * * * and * * * protect investors and the public interest" in that it identifies a special level of review for combinations that could impair market quality to the detriment of investors and the public interest.

In addition, the Commission believes that the proposal is consistent with section 11(b) of the Act, which allows exchanges to promulgate rules relating to specialists in order to maintain fair and orderly markets and to remove impediments to and protect the mechanism of a national market system. Moreover, the Commission believes that implementation of the BSE's proposal for a six-month trial period will enable the Exchange to monitor and assess carefully the effectiveness of the policies as a means of strengthening the specialist system.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹⁰ That the proposed rule change is approved for a six-month period ending on August 7, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Dated: February 7, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-3596 Filed 2-14-90; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-27595; File No. SR-GSCC-89-14]

Self-Regulatory Organizations; Government Securities Clearing Corp.; Order Approving a Proposed Rule Change Establishing a Minimum Net Capital Requirement for Inter-Dealer Broker Netting Members

February 7, 1990.

The Government Securities Clearing Corporation ("GSCC"), on December 18, 1989, filed a proposed rule change with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").¹ The rule

change establishes a net capital requirement for inter-dealer broker netting members.² Notice of the proposal was published in the *Federal Register* on January 18, 1990, to solicit comments from interested persons.³ No comments were received. The Commission is approving the proposal for the reasons discussed below.

I. Description of the Proposal

The rule change would amend GSCC's Rule 15, Financial Responsibility and Operational Capability Standards, to require every inter-dealer broker applicant for membership as a netting member to have liquid or net capital of at least \$4.2 million.⁴ GSCC requires dealer netting members to have liquid capital of at least \$50 million plus excess net capital of \$10 million.⁵ GSCC, under its current rules, does not require inter-dealer broker netting members to maintain a minimum amount of net or liquid capital. In addition to the new net capital requirement, inter-dealer brokers will be subject to pre-existing membership requirements such as the Board of Director's satisfaction that the membership applicant is operationally sound and maintains an experienced staff.

II. GSCC's Rationale

GSCC believes the proposed rule change is consistent with section 17A of the Act. Specifically, GSCC believes that requiring inter-dealer brokers to maintain an amount of net capital sufficient to meet the \$1.6 million annual liability requirement is consistent with section 17A(b)(3)(A) of the Act. GSCC believes each inter-dealer broker netting member should have another \$1.6 million available to replace the member's required deposit in the event the member is liable to GSCC for the full \$1.6 million in any year, and an additional \$1 million to ensure that the inter-dealer broker member can carry

out its business and meet its continuing obligations to GSCC.⁶

III. Discussion

The Commission believes that GSCC's proposal to establish a minimum level of net capital for inter-dealer broker netting members is consistent with section 17A of the Act. The rule proposal provides a vehicle for GSCC to evaluate and monitor the financial soundness of its existing and prospective inter-dealer broker netting members on an ongoing basis. To the extent that GSCC is financially responsible for settlement of the member's transactions, the proposed net capital requirement will reduce GSCC's potential risk and will help ensure the financial soundness of GSCC. By requiring inter-dealer broker netting members to maintain a minimum amount of net capital, GSCC will help ensure that such a member has the means to settle trades through GSCC and meet its potential liability to GSCC. Therefore, the Commission believes that the net capital requirement is consistent with section 17A(b)(3)(A) of the Act that requires clearing agencies to have the capacity to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible and to safeguard funds and securities in its custody or control or for which it is responsible.

GSCC's rule proposal allows GSCC to ensure the operational soundness of its netting members. GSCC's rules governing admission criteria for members provide that GSCC shall approve an application for membership as a netting member upon a determination that the applicant is financially responsible.⁷ The Commission believes that having a sufficient amount of capital is indicative of the member's ability to operate successfully as a netting member (*i.e.*, to meet its clearing and settlement

² Under GSCC Rule 1, in order to qualify as an inter-dealer broker, the firm must limit its business exclusively to acting as a broker on behalf of other netting members or persons who could qualify as eligible netting members (*i.e.*, persons who are government securities dealers). GSCC's Board, at any time, may review the qualifications of an inter-dealer broker.

³ See Securities Exchange Act Release No. 27591 (January 5, 1990), 55 FR 1746.

⁴ Liquid capital is net capital as defined in 17 CFR 240.15c3-1 modified by certain deductions. See 17 CFR 402.2(d) (1989).

The \$4.2 net capital requirement is the sum of the member's required deposit, replacement collateral equal to the amount of the required deposit, and an additional \$1 million to insure operational soundness.

⁵ See GSCC Rules, R. 15 section 2.

⁶ As noted in GSCC's proposed rule change, the additional \$1 million requirement is consistent with the liquid capital requirement for registered government securities brokers and dealers established by the U.S. Treasury Department for government securities brokers and dealers that choose not to be subject to the normal net capital requirements for broker-dealers under Rule 15c3-1. See 17 CFR 402.1(e) (1989).

⁷ The Rules require specifically that each applicant shall demonstrate financial ability to make required or anticipated deposits to GSCC's clearing fund, and to satisfy any other obligations to GSCC in a timely manner.

The Rules provide minimum standards, allowing GSCC to make an individual determination of the requisite amount of capital, giving consideration to the level of positions and the nature of transactions the member anticipates processing through GSCC. See GSCC Rules, R. 15 section 2.

⁹ 15 U.S.C. 78(f) (1982).

¹⁰ 15 U.S.C. 78(b)(2) (1982).

¹¹ 17 CFR 200.30-3(a)(12) (1989).

¹² 15 U.S.C. 78s(b)(1) (1982).

obligations to GSCC). In addition, section 17A(4)(B) of the Act specifically allows clearing agencies to establish minimum financial responsibility and operational capability standards.

The Commission believes that the minimum net capital requirement for inter-dealer broker netting members does not unfairly discriminate in the admission of members or among netting members using GSCC. GSCC has created an inter-dealer broker membership category because such members facilitate trades between government securities dealers and do not hold positions for themselves.⁸ Creating different financial responsibility standards for different categories of members is consistent with section 17A of the Act provided that any different treatment contained in the scheme of financial and operational safeguards is rationally related to the risks posed to the clearing agency by each class of participants. The Commission, therefore, believes that GSCC's rule proposal is designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, consistent with section 17A(b)(3)(F) of the Act.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act, That the above-mentioned proposed rule change (SR-GSCC-89-14) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-3597 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27686; File No. SR-MSRB-89-14]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Revised Examination Specifications and Study Outline for the Municipal Securities Principal Qualification Examination (Series 53)

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on December 19, 1989, the Municipal Securities Rulemaking Board

("Board") filed with the Securities and Exchange Commission ("Commission") a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested people.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board hereby submits revised examination specifications and a revised study outline for the Municipal Securities Principal Qualification Examination, Series 53, (hereafter referred to as the "proposed rule change"). The Series 53 examination questions are in the custody of the Board and are available for review by the Commission staff at the Board's offices. The Board requests that the Commission delay the effectiveness of the proposed rule change until July 1, 1990, in order to permit the Series 53 question bank to be updated to reflect the revised test specifications and study outline, and to provide time for information concerning the revised study outline to be circulated to the industry.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and statutory basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV, below. The Board has prepared summaries, set forth below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) The study outline defines the subject matter which is tested by the examination. It is used by candidates to structure their study and to serve as a final checklist prior to sitting for the examination. It is also used by course developers in preparing training material and by training directors in the development of lecture notes and seminar programs.

Specific subjects and questions have been updated from time to time in the Series 53 examination to reflect changes in Board rules or applicable federal regulations. Recently, the Board's

Professional Qualifications Advisory Committee ("PQAC") determined that a comprehensive review of the current study outline should be undertaken to ensure that the subject matter was both current and reflected the actual functions of a municipal securities principal.

After the review process was completed, it was determined that reorganization of the study outline's format was necessary so that the presentation of topics more closely resembled the functional responsibilities of municipal securities principals. PQAC's intent was to make the presentation of the subject matter job-related and meaningful for the candidates. In this regard, PQAC concluded that the various topics should be expanded to include more detail than the present study outline, including more specific references to Board rules or other applicable federal regulations. PQAC then analyzed the specific tasks performed by a municipal securities principal and identified Board rules and federal regulations that govern these tasks. In addition, the following topics have been added: SEC Rule 15c2-12 on municipal securities disclosure, SEC Release No. 34-26100 on municipal underwriter responsibilities, proposed Board rule G-36 on delivery of official statements to the Board, and the purpose and coverage limitations of the Securities Investor Protection Corporation. The proposed rule change includes these revisions.

The examination specifications specify how the questions asked on each examination are to be allocated among the various topics. The revised examination specifications have been filed under a separate letter requesting confidential treatment to Jonathan G. Katz, Secretary, Securities and Exchange Commission.

The revised examination will remain a three-hour, 100 question examination administered by the National Association of Securities Dealers, Inc., using TRO's PLATO computer system.

(b) It is the Board's responsibility under section 15B(b)(2)(A) of the Act to propose and adopt rules that

Provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless * * * such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meets such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in

⁸ See Securities Exchange Act Release No. 27006 (July 7, 1989), 54 FR 29798 at 14, 22.

the public interest or for the protection of investors.

Section 15B(b)(2)(A) of the Act also provides that the Board may appropriately classify municipal securities brokers and municipal securities dealers and their associated personnel and require persons in any such class to pass tests prescribed by the Board.

B. Self-Regulatory Organization's Statement on the Burden on Competition

The Board does not believe that the proposed rule change imposes any burden on competition because it applies equally to all persons taking the Series 53 examination.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

The Board neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

- (a) by order approve such proposed rule change, or
- (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested people are invited to submit written data, views and arguments concerning the foregoing. People making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section. Copies of such filing will also be available for inspection and copying at

the principal office of the Municipal Securities Rulemaking Board. All submissions should refer to File No. SR-MSRB-89-14 and should be submitted by March 87, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: February 7, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-3521 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27693; File No. SR-NASD-90-5]

**Self-Regulatory Organizations;
Proposed Rule Change by National
Association of Securities Dealers, Inc.,
Relating to Prohibition Against
Autoquoting in NASDAQ**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 31, 1990, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing an interim policy of one year's duration, precluding, in most instances, the use of automated quotation update mechanisms within the NASDAQ system.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The Association is proposing a policy to ban, for a period of one year, the

automated update of quotations by market makers in NASDAQ except in certain circumstances. In effect this policy would prohibit systems known as "autoquote" systems from effecting automated quote updates or tracking of inside quotations in the NASDAQ system. There currently are a variety of autoquote systems employed in the securities industry and the NASD's policy seeks to curb the use of such systems that track changes to the inside quotation on NASDAQ and automatically react to keep a market maker's quote away from the best market. The NASD proposes this policy because of the potential impact of additional quotation traffic on the capacity of the NASDAQ system.

Autoquote systems add to the number of quotations that the NASDAQ system must process because they automatically update quotes in reaction to any change to the inside quote, regardless of whether the change would necessitate an individual update to avoid executions. For example, if an autoquote system were set to keep the market maker's quote $\frac{1}{2}$ point away from the inside, and the inside market of 10-10 $\frac{1}{2}$ points changed throughout the day at intervals of $\frac{1}{8}$, $\frac{1}{4}$, or $\frac{3}{8}$ points, the excess quotes generated by the autoquote system would be extraneous, because the quote at $\frac{1}{2}$ point away would still not be the best price for the security. With these systems in place, quotation volatility and traffic would increase and the velocity with which quote updates would be generated in response to a change to the NASDAQ inside quote may have a deleterious impact on the operation of NASDAQ.

Due to the potential ramifications of autoquote traffic on the operation and capacity of the NASDAQ system, the NASD is proposing an interim ban of one year's duration, while a study of the issue is conducted. The purpose of the study would be to analyze autoquote systems now in place or being developed and their potential impact on market volatility and NASDAQ capacity, with the goal of establishing broader policy guidelines for market makers using the NASDAQ system.

The NASD proposes two exceptions to the interim ban on autoquoting—quote updates that require a physical entry of quotations to NASDAQ and automated quote updates in response to an execution. For example, an automated quote update would be permissible if a market maker had executed an order that partially filled its published quote size, and the automated update reflected a different size.

The statutory basis for the interim policy banning autoquoting is found in sections 15A(b)(6) and 15A(b)(11) of the Securities Exchange Act of 1934. Among other things, section 15A(b)(6) requires that the rules of the Association be designed to "foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market." Section 15A(b)(11) requires, among other things, that the rules of the Association "promote orderly procedures for collecting, distributing, and publishing quotations."

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of purposes of the Securities Exchange Act of 1934, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the Federal Register or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

- A. By order approve such proposed rule change, or
- B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that

may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 8, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: February 8, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-3599 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27694; File No. SR-NASD-90-2]

Self-Regulatory Organizations; Filing of Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Broker-Dealers' Compliance with Rule 15c2-11

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 8, 1990, the National Association of Securities Dealers, Inc. ("NASD") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD hereby submits, pursuant to section 19(b)(1) of the Act and Rule 19b-4 thereunder, a proposed amendment to Schedule H to the NASD By-Laws. The amendatory language follows. (New language is italicized.)

Amendment to Schedule H of the NASD By-Laws

Section—Definitions

.....
(c) "Quotation medium" means any inter-dealer quotation system (except for the PORTALSM Market) or any publication or electronic communications network or other device that is used by brokers or dealers to make known to others their interest in transactions in any non-NASDAQ security, including offers to buy or sell at a stated price or

otherwise, or invitations of offers to buy or sell.

(d) "Quotation" shall mean any bid or offer at a specified price with respect to a non-NASDAQ security, or any indication of interest by a broker or dealer in receiving bids or offers from others for such a security, or any indication by a broker or dealer that it wishes to advertise its general interest in buying or selling a particular non-NASDAQ security.

(e) "Issuer," in the case of quotations for American Depositary Receipts ("ADRs"), shall mean the issuer of the deposited shares represented by such ADRs.

(f) "Priced entry" shall mean a quotation consisting of a bid, offer, or both at a specified price.

Section 4—Submission of Rule 15c2-11 Information on Non-NASDAQ Securities

Except as provided in subsections (f)(1), (2), (3) and (5) of Rule 15c2-11 under the Securities Exchange Act of 1934, no member shall initiate or resume the quotation of a non-NASDAQ security in any quotation medium unless the member has demonstrated compliance with this rule and the applicable requirements for information maintenance under Rule 15c2-11. A member shall demonstrate compliance by making a filing with, and in the form required by, the Association, which filing must be received at least three business days before the member's quotation is published or displayed in the quotation medium. The information to be filed shall contain one copy of all information required to be maintained under subsections (a)(1), (2), (3)(iii), (4)(ii), or (5) of Rule 15c2-11, including any information that may be required by future amendments thereto. In addition, this filing shall identify the issuer, the issuer's predecessor in the event of a merger or reorganization within the previous 12 months, the type of non-NASDAQ security to be quoted (e.g., ADR, warrant, unit, or common stock), the quotation medium to be used, the member's initial or resumed quotation, and the particular subsection of Rule 15c2-11 with which the member is demonstrating compliance. Additionally, if a member is initiating or resuming quotation of a non-NASDAQ security with a priced entry, the member's filing must specify the basis upon which that priced entry was determined and the factors considered in making that determination.

If a member's initial or resumed quotation does not include a priced entry, a member shall supplement its

prior filing under this section, in the form required by the Association, before inserting a priced entry for the affected non-NASDAQ security in a quotation medium. The supplemental filing shall specify the basis upon which the proposed priced entry was determined and the factors considered in making that determination. This supplemental filing must be received by the Association at least three business days before the member's priced entry first appears in a quotation medium.

All filings made with the NASD under this Section must be reviewed and signed by a principal of the member firm.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In connection with the Commission's crackdown on abusive practices involving so-called "penny stocks," the NASD was requested to intensify its monitoring of broker-dealers' compliance with Rule 15c2-11.¹ This rule proposal is the NASD's response to that request. Rule 15c2-11 requires that broker-dealers gather and maintain certain information before initiating or resuming quotation of a non-NASDAQ over-the-counter ("OTC") security² in a quotation medium such as the NQB's Pink Sheets™ publication, or the NASD's proposed OTC Bulletin Board service. The Rule specifies maintenance of different categories of information depending, for example, on whether the issuer is an Exchange Act reporting company or whether the issue to be quoted was the subject of a recent

offering registered with the Commission under the Securities Act of 1933. Similarly, if the issue is outstanding stock of a non-reporting company, paragraph (a)(5) of Rule 15c2-11 specifies 16 elements of information that the broker-dealer must have before commencing to quote the security in any quotation medium.

The proposed amendment to Schedule H would require member firms, before initiating or resuming quotation of a non-NASDAQ OTC security in any quotation medium, to file with the NASD one copy of the information needed to comply with Rule 15c2-11. Although the amendment would establish a new filing requirement, the amount of information to be filed approximates that which member firms currently maintain to satisfy Rule 15c2-11.³ Amended Schedule H would, however, require submission of additional information to justify the initial or resumed publication of a priced entry in certain instances.

The proposed amendment specifies that all required information be received by the NASD at least three business days before a member initiates (or resumes) publication of quotations for a non-NASDAQ security in any quotation medium.⁴ During this three-day period, the NASD staff will conduct a substantive review of the member's Rule 15c2-11 submission. If the submission is found to have any deficiency, the NASD staff will notify the applicant of the need to either amend or withdraw the submission. If an amendment is submitted, the NASD staff will act on it within seven business days of receipt. Importantly, until the member has demonstrated full compliance with Rule 15c2-11 and Schedule H, the NASD will deny the firm access to the NASD's OTC Bulletin Board service. The affected member would be promptly notified in writing of such a determination and the basis for it.⁵ Furthermore, if a member

firm proceeded to publish its quotation in any other medium without fully complying with Schedule H and Rule 15c2-11, the NASD could take formal disciplinary action against the firm.

The NASD recognizes that Rule 15c2-11 defines "quotation" to mean actual bids/offers, indications consisting only of the firm's name and the telephone number of its OTC trading desk, and bid wanted/offer wanted indications reflecting proprietary trading interest. The definition of "quotation" in section 1(d) of the proposal would cover each of these scenarios in that it tracks the language of paragraph (e)(3) of Rule 15c2-11. Hence, a member would be obliged to demonstrate compliance with the rule regardless of whether its initial or resumed quotation constituted a priced entry. If a firm's initial or resumed quotation constituted a priced entry, amended Schedule H would obligate the member firm to articulate the basis for determining the proposed bid and/or offer as well as the factors considered in making that determination. This requirement is believed appropriate to deter the entry of potentially fraudulent or manipulative quotations in any quotation medium that might be used. Such deterrence was one factor underlying the Commission's adoption of Rule 15c2-11 in 1971.⁶

Amended Schedule H would also require a supplemental filing if a member later determines to place a priced entry in a quotation medium following an initial or resumed quotation that did not include a priced bid and/or offer. Thus, a broker-dealer cannot avoid having to justify its first priced entry by simply initiating or resuming quotation of a non-NASDAQ security on a "name-only" basis and later inserting a priced entry for that security in a quotation medium. The obligation to make a supplemental filing to explain the basis for a priced entry only arises if (i) the broker-dealer previously made a filing under proposed section 4 of Schedule H to initiate or resume quotation of a particular non-NASDAQ security and (ii) the initial or resumed quotation covered by that filing did not constitute a priced entry.

Under the NASD's proposal, member firms would not be obliged to demonstrate compliance with Rule 15c2-11 in those instances where a firm properly qualifies for one of the exemptions found in paragraphs (f)(1),

³ No filing would be required if the member can qualify for one of the enumerated exemptions from Rule 15c2-11, including the piggyback exemption.

⁴ The three-day period corresponds to the Commission's proposed amendment to paragraph (d) of Rule 15c2-11. See Release No. 34-27247 (September 14, 1989), 54 FR 39194, at 39205 (September 25, 1989).

⁵ If the NASD's review disclosed only minor or technical deficiencies, the NASD would have the option to contact the member firm by telephone and request submission of supplemental or revised 15c2-11 information. Upon receipt of that information, the member would be authorized to enter a quotation for the named securities in the OTC Bulletin Board service or another medium designated in the firm's submission.

⁶ See Release No. 34-9310 (September 13, 1971), 36 FR 18641 (September 18, 1971). The regulatory concerns prompting adoption of Rule 15c2-11 were also discussed in Release No. 34-8638 (July 2, 1969), 34 FR 11584 (July 15, 1969).

¹ Letter dated April 7, 1989, from Larry E. Bergmann, Associate Director, Division of Market Regulation, SEC, to Frank J. Wilson, Executive Vice President and General Counsel, NASD.

² In general, following the termination of a Commission trading suspension pursuant to section 12(k) of the Act, a broker-dealer must reestablish compliance with Rule 15c2-11 before reentering a quotation for that security in a quotation medium.

(2), (3) and (5) of Rule 15c2-11. The most significant of these is the so-called "piggyback" exemption provided by paragraph (f)(3) of the Rule. To rely on the piggyback exemption, a firm must first determine whether the subject non-NASDAQ security has met the frequency-of-quotation test found in paragraphs (f)(3) (i) or (ii) of Rule 15c2-11. If so, a firm can commence to enter quotations for the security in that quotation medium. Thus, whenever a member firm can validly claim the piggyback exemption, no filing would be required under proposed section 4 of Schedule H.

It is noted that the Commission sanctions the practice of "self-piggybacking." This refers to instances where a broker-dealer initiates or resumes quotation of a non-NASDAQ security in a quotation medium by complying with the applicable information maintenance requirement under paragraph (a) of the Rule 15c2-11. If, after 30 calendar days have elapsed, the broker-dealer's quotes satisfy the frequency requirement for piggybacking, the firm need not obtain updated issuer information to continue quoting the company's non-NASDAQ security in that quotation medium. Hence, the firm's prospective quotations are deemed to be exempt from Rule 15c2-11 on the basis of self-piggybacking. The ability of a broker-dealer to self-piggyback does not alter a firm's filing obligation under amended Schedule H. Specifically, if a firm relies on self-piggybacking, it is not excused from making a supplemental filing to justify its first priced entry even though such entry is published after the 30-day period needed to qualify for self-piggybacking.

The NASD also wishes to address how amended Schedule H would apply following a Commission trading suspension pursuant to section 12(k) of the Act. Upon expiration of the suspension, any firm wishing to initiate or resume quotation of the suspended security in a quote medium must first compile the requisite issue information under paragraph (a) of Rule 15c2-11. Next, the firm would make the filing required under amended Schedule H. If the firm proposed to publish a priced entry in a quotation medium, its Schedule H filing must include statements on the basis and factors considered in determining the priced entry. Assuming that the NASD's review disclosed no deficiency with the filing, the firm could proceed to publish its proposed quotation in the medium identified in the filing. Other firms wishing to quote the same security during the next 30 days would be

obliged to follow the same procedure. Thereafter, additional firms wishing to initiate or resume quotation of the subject security may be able to qualify under the piggyback exemption. If so, those firms would have no obligation to make a filing with the NASD pursuant to amended Schedule H.

In sum, the proposed amendment would not subject member firms to any filing requirement whenever they can validly claim one of the exemptions provided under subsection (f) of Rule 15c2-11, including the piggyback exemption. These exemptions are specifically referenced in the first sentence of proposed section 4 of Schedule H.⁷ Lastly, the NASD intends that this amendment to Schedule H shall take effect 60 days from the date of its approval by the Commission.

Statutory Basis

The NASD relies on subsections (b)(2), (b)(6), and (b)(11) of section 15A of the Act as the statutory bases for the proposed amendment of Schedule H. Subsection (b)(2) specifies that the NASD, as a registered national securities association, have the capacity to enforce member firms' compliance with all applicable rules under the Act. Subsection (b)(6) requires that the NASD's rules be designed to prevent fraudulent or manipulative acts and practices and to promote just and equitable principles of trade in the OTC market. Finally, subsection (b)(11) empowers the NASD to adopt rules governing the form and content of quotations for securities traded OTC, which quotations may be distributed or published by any member (or associated person) or by third parties to whom such quotations are supplied. Any NASD rule adopted pursuant to subsection (b)(11) must be designed to produce fair and informative quotations, prevent fictitious or misleading quotations, and promote orderly procedures for publishing quotations.

The NASD submits that the proposed amendment of Schedule H to the NASD By-Laws is fully consistent with the foregoing statutory provisions. These provisions establish broad self-regulatory responsibilities and authorize the NASD to discharge those responsibilities by adopting and enforcing appropriate regulations. In this instance, the proposed amendment of Schedule H to the NASD By-Laws would strengthen the NASD's ability to monitor

member firms' compliance with the Rule 15c2-11 prior to the initiation or resumption of quotations in non-NASDAQ securities. Achieving stricter compliance with Rule 15c2-11 will complement other efforts by the NASD and the Commission to curb abusive sales/trading practices involving non-NASDAQ OTC securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the instant rule proposal will not result in any burden on competition among broker-dealers or among quotation media. Essentially, amended Schedule H would mandate that broker-dealers file with the NASD certain information that they must currently maintain in order to satisfy Rule 15c2-11. Likewise, the proposed submission of Rule 15c2-11 information to the NASD would cover the initiation or resumption of quotations in any quotation medium covered by that rule. Thus, broker-dealers utilizing the NASD's OTC Bulletin Board service or any other quotation medium would have the same burden of demonstrating compliance with Rule 15c2-11 under the proposed amendment of Schedule H.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments,

⁷ Because the existing definition of "non-NASDAQ security" in Schedule H excludes debt instruments, the proposed rule does not reference subsection (f)(4) of Rule 15c2-11, which relates to municipal securities.

all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by March 8, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: February 8, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-3600 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27697; File No. SR-NASD-88-54]

**Self-Regulatory Organizations;
National Association of Securities
Dealers, Inc.; Order Approving
Proposed Rule Change Relating to
Hedged Position and Exercise Limits**

On December 2, 1988, the National Association of Securities Dealers, Inc. ("NASD") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and Rule 19b-4 thereunder,² a proposed rule change to create a two-year pilot program during which certain fully hedged equity option positions will be automatically exempt from established position and exercise limits.³

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 CFR 240.19b-4 (1989).

³ On April 17, 1989, the NASD filed Amendment No. 1 to File No. SR-NASD-88-54 to clarify that when an options contract has been adjusted to reflect a stock distribution, stock split or stock divided, each option contract must be hedged by the same number of shares represented by the adjusted options contract. The amendment also states that the NASD believes its surveillance capabilities are sufficient to detect and deter trading abuses arising from increased position and exercise limits. Under the NASD's proposed surveillance procedures, with respect to exchange traded options effected by NASD members on an "access basis" and member transactions in conventional options contracts, investors will have to file an options position summary report with the NASD's Market Surveillance Department after they have established a hedged position in excess of established position limits. For a more complete description of the NASD's proposed surveillance procedures, see *infra* note 7.

The proposed rule change was noticed in Securities Exchange Act Release No. 26482 (January 23, 1989), 54 FR 4357 (January 30, 1989). No comments were received on the proposed rule change.

The purpose of the proposed rule change is to increase position and exercise limits⁴ for equity options by creating a limited exemption for the four most commonly used hedged positions for a two-year period. The four most commonly used hedged positions are: Long stock and short call, long stock and long put, short stock and long call, and short stock and short put. The proposed rule change will permit *bona fide* hedgers to take equity option positions that are twice the NASD's currently stated limits of 3,000, 5,500, and 8,000 contracts, depending on the number of shares of the underlying security outstanding and/or the underlying security's trading volume. All of the options exchanges have identical hedge exemptions; thus, the practical effect of the NASD's proposal is to extend the availability of the exemption to conventional options.

The NASD has not proposed any changes to its exercise limits. Therefore, investors will be allowed to exercise, during any five consecutive business days, the same number of contracts set forth as the position limit for that option, including those that are hedged (i.e., if the position limit for an option is 5,500 contracts and an investor has established a hedged position of 6,500 contracts, the investor could exercise all 6,500 option contracts during five consecutive business days).

In addition to the equity option hedged exemption, the NASD also proposed an amendment to section 3 of Appendix E of the NASD's Rules of Fair Practice to clarify that the position and exercise limits contained in sections 3 and 4 of Appendix E are applicable to both conventional stock options and exchange-traded index options.⁵

⁴ Position limits impose a ceiling on the number of options contracts of each options class on the same side of the market that can be held or written by an investor or group of investors acting in concert. Exercise limits restrict the number of options contracts which an investor or group of investors acting in concert can exercise within five consecutive business days. Under NASD rules, exercise limits correspond to position limits, such that investors are allowed to exercise, during any five consecutive business days, only the number of option contracts set forth as the position limit. See sections 3 and 4 of Appendix E of the NASD's Rules of Fair Practice.

⁵ Under the proposed rule change, the position limits applicable to exchange-traded index options are those established by the "exchange on which the option trades." Accordingly, this rule change in no way affects the authority of exchanges to enforce compliance with their own position limits for their index options. The NASD represented to

The proposed rule change is substantively identical to those filed by the American, Pacific, and Philadelphia Stock Exchanges, as well as the Chicago Board Options Exchange ("options exchanges"), and subsequently approved by the Commission.⁶ The Commission concludes, as it did with the other options exchanges, that the NASD proposal to increase position limits for equity options in circumstances where those excess positions are hedged fully with offsetting stock positions will provide greater market depth and liquidity to customers seeking to hedge their stock portfolios, without significantly increasing concerns regarding intermarket manipulations or disruptions of either the options market or the underlying stock market. The NASD has designed procedures to surveil the proposed hedge exemption. The Commission finds the design of these procedures to be adequate.⁷

Therefore, with regard to the equity option hedge exemption, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association, and, in particular, the requirements of section 15A.⁸ Specifically, the Commission finds that the proposed rule change is consistent with section 15A(b)(6) under the Act because it will improve market depth and liquidity, thereby "remov[ing] impediments to and perfect[ing] the mechanism of a free and open market and a national market system." Moreover, the Commission notes that, as

Commission staff that the proposed amendment was designed to address the situation where an NASD member that is not a member of any options exchange had violated a particular exchange's index option position limit. The proposed rule change would make this a violation of NASD rules and, thus, subject the NASD member to possible NASD disciplinary action. (Conversation on February 7, 1990, between James Cangiano, Vice President, Market Surveillance, NASD, and Thomas Gira, Branch Chief, Options Regulation, SEC.)

⁶ See Securities Exchange Act Release No. 25738 (May 24, 1988), 53 FR 20201, order approving SR-AMEX-87-13, SR-CBOE-87-27, and SR-PHLX-87-32; and Securities Exchange Act Release No. 25811 (June 20, 1988), 53 FR 23821, order approving SR-PSE-88-0.

⁷ Specifically, the NASD has established surveillance procedures to identify those parties exceeding the position limit for a specific option contract and to determine if an offsetting stock position exists if a position limit has been exceeded. If the excess options position is not hedged fully on a one-to-one basis, the investor loses the exemption, will be precluded from effecting additional opening transactions, and will be required to close out those positions in excess of the current position limit. The NASD will then proceed with whatever disciplinary action is appropriate under its rules.

⁸ 15 U.S.C. 78o-3 (1982).

with the other options exchanges, the NASD has proposed a two-year pilot program for the equity option hedge exemption. During the two-year period, the NASD and the Commission can monitor the effect of the hedge exemption on the market to ensure that problems have not arisen due to the increased position and exercise limits.

The Commission also finds that the proposed rule change which clarifies the applicability of NASD position limits to conventional stock options and exchange-traded index options⁹ is consistent with section 15A(b)(6) of the Act because it both reduces investor confusion regarding position limit standards and enables the NASD to discipline sole NASD members for violations of standardized stock index option position limits.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,¹⁰ That the proposed rule change (SR-NASD-88-54) is approved for a period ending two years from the date of this release.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.¹¹

Dated: February 9, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-3601 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-27687; Filed Nos. SR-PSE-90-04 and SR-PSE-90-10]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Changes by the Pacific Stock Exchange, Inc., Waiving Transaction Charges on Certain Option Contracts Orders.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that the Pacific Stock Exchange, Inc. ("PSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") two proposed rule changes, SR-PSE-90-04 and SR-PSE-90-10, on January 22, 1990 and February 1, 1990, respectively. These proposals are described below. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

The Exchange proposes to waive transaction charges for all orders sent to

the floor, and all Order Book charges, for trades executed in options on Biogen, Inc. ("Biogen") and all Order Book charges for trades executed in options on Micron Technology, Inc. ("Micron"). For Biogen options, these charges will be waived from January 19, 1990 through July 31, 1990. For Micron options, the charges will be waived from January 29, 1990 through April 30, 1990.

The PSE states that the waiver of Order Book and transaction charges in these options classes is a competitive response to a Commission order permitting¹ the multiple trading of options classes overlying over-the-counter stocks. Although the PSE believes that its market makers will provide excellent markets in Biogen and Micron options contracts, PSE is of the opinion that a waiver of certain fees is necessary to remain on a competitive footing with other options exchanges. The PSE states that the waiver of Order Book and transaction fees will encourage trading decisions on the basis of the strength of the marketplace for each particular option.

The Exchange believes that the proposed rule changes are consistent with the requirements of Act and the rules and regulations thereunder and, in particular, section 6(b)(5) of the Act, in that they will increase competition and the quality of markets.

As the foregoing rule changes are concerned solely with a fee or other charge imposed by the Exchange, they have become effective immediately pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Rule 19b-4 under the Act. At any time within 60 days of the filing of the proposed rule changes, the Commission may summarily abrogate such rule changes if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written

communications relating to the proposed rule changes between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filings will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to either File No. SR-PSE-90-04 or SR-PSE-90-10 and should be submitted by March 8, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 7, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-3598 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 35-25037]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

February 8, 1990.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by March 5, 1990 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as

⁹ As mentioned *supra* note 5, under the proposed rule, the applicable NASD position limit for an exchange-traded index option is the one established by the exchange on which the option trades.

¹⁰ 15 U.S.C. 78s(b)(2) (1982).

¹¹ 17 CFR 200.30-3(a)(12) (1989).

¹ See Securities Exchange Act Release No. 22026 (May 8, 1985), 50 FR 20310. The Commission notes that the multiple trading of standardized options was further expanded by the adoption of Rule 19c-5 under the Act. See Securities Exchange Act Release No. 26870 (May 26, 1989), 54 FR 23963.

amended, may be granted and/or permitted to become effective.

Central Power and Light Company (70-7735)

Central Power and Light Company ("CP&L"), 539 North Carancahua Street, Corpus Christi, Texas 78401, a subsidiary of Central and South West Corporation, a registered holding company, has filed an application-declaration under sections 6(a) and 7 of the Act and rule 50(a)(5) thereunder.

CP&L owns a 25.2% undivided interest in Unit 2 of the South Texas Project Electric Generating Station (the "Plant"), a 1250 megawatt nuclear generating plant. To comply with applicable state and Federal environmental control standards, it is necessary to utilize certain pollution control facilities ("Facilities") as part of the Plant. CP&L proposes to enter into an Installment Sale Agreement ("Agreement") with the Matagorda County Navigation District Number One ("District"), an instrumentality of the State of Texas, pursuant to which the District will finance CP&L's share of the Facilities. The Agreement will provide for the transfer by CP&L to the District of CP&L's interest in the Facilities, the reconveyance thereof to CP&L and the reimbursement of CP&L for its cost of acquiring the property so transferred.

The District will finance the acquisition of the Facilities and related costs through the issuance and sale, on or before March 16, 1990, of the District's pollution control revenue bonds ("Revenue Bonds"), in an aggregate amount of up to \$50 million.

The interest rate, redemption provisions and other terms and conditions applicable to the Revenue Bonds will be determined by CP&L and the underwriter. As credit enhancement for the Revenue Bonds, such terms and conditions may include insurance for the payment of principal, interest and premium, if any, at maturity. CP&L will agree to pay to the District at specified times, in payment of the purchase price for the Facilities, amounts sufficient to enable the District to pay debt service on the Revenue Bonds, including principal, interest and redemption premium, if any.

CP&L also requests the option to issue its first mortgage bonds ("Bonds") as security for the payment of the Revenue Bonds. The Bonds will be issued to the Trustee under the Indenture of Trust in respect of the Revenue Bonds. The Bonds will be issued in the exact amount and have the same terms as the Revenue Bonds and payments thereon will be used to make the necessary

payment of interest and principal on the Revenue Bonds.

The terms of the proposed Bonds may not be in accordance with the *Statement of Policy Regarding First Mortgage Bonds Subject to the Public Utility Holding Company Act of 1935* (HCAR No. 13105, February 16, 1956, as supplemented by HCAR No. 16369, May 8, 1969) ("Policy") regarding redemption and sinking fund provisions. CP&L requests authority to deviate from the Policy.

CP&L requests an exception from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5) with respect to the proposed issuance of Bonds in connection with the financing of the Facilities.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-3602 Filed 2-14-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Athens County, OH

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 (EIS) will be prepared for a proposed highway project in Athens County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Fred J. Hempel, Division Administrator, or Mr. Robert W. Boyd, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone: (614) 469-6896.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Ohio Department of Transportation, will prepare an environmental impact statement on the proposed construction of approximately 15.5 miles of four-lane, divided, controlled access highway on new or existing location in Athens County, Ohio. The proposed project would involve either relocation or upgrading, or combined relocation and upgrading, of U.S. Route 50 and would extend from an existing interchange on U.S. Route 50 just east of the City of Athens to the existing interchange of U.S. Route 50 and State Route 7 at the Village of Coolville. It would complete the portion

of the Appalachian Highway in Ohio between the City of Athens and the Village of Belpre on the Ohio River.

Alternatives under consideration included (1) taking no action; (2) using the present alignment to upgrade the existing two-lane highway to a four-lane divided highway; (3) constructing a new four-lane, controlled access highway on new location, and (4) using a combination of upgrading on the existing alignment and construction on new location.

The proposed highway would complete an essential link in the Appalachian Highway System in Ohio, relieve conditions on the existing two-lane U.S. Route 50, and serve economic development in the region.

Public involvement and coordination with Federal, State and local agencies will be conducted. It is envisioned that involvement with the public and other agencies will continue throughout the development of the project, and therefore, it is not anticipated that a formal scoping meeting will be held.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Fred J. Hempel,
Division Administrator, Columbus, Ohio.

[FR Doc. 90-3561 Filed 2-14-90; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Pike County, OH

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 (EIS) will be prepared for a proposed highway project in Pike County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Fred J. Hempel, Division Administrator, or Mr. Robert W. Boyd, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone: (614) 469-6896.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in

cooperation with the Ohio Department of Transportation, will prepare an environmental impact statement on the proposed construction of approximately 7.2 miles of four-lane, divided, limited-access highway on new or existing location in Pike County, Ohio. The proposed highway would extend from an improved portion of existing State Route 32/State Route 124 just west of State Route 104 in the Village of Jasper to another improved portion of the route just west of the Village of Givens, passing immediately south of the Village of Piketon. The project would involve either upgrading or relocation, or combined upgrading and relocation, of State Routes 32 and 124, which overlap in the project area, and would close a gap in the Appalachian Highway System in Ohio.

Alternatives under consideration include the following: (1) Taking no action; (2) using the present alignment to upgrade the existing two-lane highway to a four-lane, divided, limited-access highway; (3) constructing a four-lane, divided, limited-access highway on new location; and (4) using a combination of upgrading on the existing alignment and construction on new alignment to provide a four-lane, divided, limited-access highway.

The proposed highway would complete an essential link in the Appalachian Highway System in Ohio, relieve conditions on the existing two-lane State Route 32/State Route 124 and serve economic development in the region.

Public involvement and coordination with Federal, State and local agencies will be conducted. It is envisioned that involvement with the public and other agencies will continue throughout the development of the project, and therefore, is not anticipated that a formal scoping meeting will be held.

To ensure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205 Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Fred J. Hempel,

Division Administrator, Columbus, Ohio.

[FR Doc. 90-3563 Filed 2-14-90; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Meigs County, OH

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 (EIS) will be prepared for a proposed highway project in Meigs County, Ohio.

FOR FURTHER INFORMATION CONTACT: Mr. Fred J. Hempel, Division Administrator, or Mr. Robert W. Boyd, District Engineer, Federal Highway Administration, 200 North High Street, Columbus, Ohio 43215. Telephone: (614) 469-6896.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Ohio Department of Transportation, will prepare an environmental impact statement on the proposed construction of approximately 19.6 miles of two-lane or four-lane controlled access highway on both new and existing location in Meigs County, Ohio. The proposed facility would be a combination of relocation and upgrading of State Routes 124 and 338. The westerly terminus would be an existing interchange of U.S. Route 33, State Route 7, and State Route 124 approximately 1.5 miles north of Pomeroy. The easterly terminus would be the western approaches to a recently completed bridge over the Ohio River, approximately 1.5 miles south of Ravenswood, West Virginia.

Currently, three principal alternatives are under consideration for the involved portion of State Route 124 and three for the involved portion of State Route 338. Alternative A for the State Route 124 relocation and improvement basically follows the alignment of the existing route for a significant portion of its length, bypassing the more developed areas of the Ohio River communities of Pomeroy, Syracuse, and Racine. It then continues easterly to join State Route 338 near Great Bend. It is the most southerly of the proposed alignments and is approximately 15.2 miles in length. Alternative B is north of Alternate A for most of its length but overlaps with it for approximately 2.2 miles at the easterly end. Alternative C is the most northerly route, but also overlaps with the Alternative A alignment for approximately 1.5 miles at the easterly end near State Route 338. Certain segments of these alignments may also be connected to form other alternative lines.

For the improvement of State Route 338, the existing alignment would be used from the easterly extremity of

Alternative A, B, or C to the Ravenswood Bridge. The alternates for this portion of the project are basically design variation for realignment of a curve and would represent approximately 4.4 miles of the project length.

The no-build alternative is also being considered.

A preferred alternative will be identified in the draft environmental impact statement; however, the final selection of an alternative will be made after the draft EIS has been circulated and a public hearing held.

The proposed highway facility would permit the Ravenswood Bridge to be utilized to its full potential by providing a highway of modern standard from U.S. Route 33 north of Pomeroy to the bridge, replacing the present deteriorated, tortuous, hazardous route. This project would also complete an efficient connection between central and southeastern Ohio and Interstate Route 77 near Ravenswood in West Virginia. The highway would also relieve conditions on the existing route, aid in the economic growth of the region, and support current planning.

A program of public involvement and coordination with Federal, State and local agencies has been initiated. It is envisioned that involvement with the public and other agencies will continue throughout the development of the project and, therefore, it is not anticipated that a formal scoping meeting will be held.

To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Fred J. Hempel,

Division Administrator, Columbus, Ohio.

[FR Doc. 90-3564 Filed 2-14-90; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Scioto County, OH

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 (EIS) will be prepared for proposed highway project in Scioto County, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred J. Hempel, Division Administrator, or Mr. Robert W. Boyd, District Engineer, Federal Highway Administration, 200 N. High Street, Columbus, Ohio 43215. Telephone: (614) 469-6896.

SUPPLEMENTARY INFORMATION: The Federal Highway Administration, in cooperation with the Ohio Department of Transportation, will prepare an environmental impact statement on the proposed construction of approximately 5.9 miles of two-lane limited-access or four-lane, divided, limited-access highway on new location in Scioto County, Ohio. The proposed facility would be a bypass of the City of Portsmouth, and would extend from a point on US Route 23 approximately 5.7 miles north of the intersection of US

Route 52 and US Route 23 in Portsmouth to a point approximately 1.5 miles west of this intersection, at the interchange of US Route 52 with State Routes 73 and 104. The proposed highway would have its southerly terminus at the approach to a new Ohio River bridge. The new highway would be designated State Route 852.

Alternatives under consideration include (1) Taking no action; (2) making improvements to the existing route; (3) constructing a two-lane limited-access highway on new location; and (4) constructing a four-lane, divided, limited-access highway on new location.

The proposed action would contribute to the fulfillment of state and regional transportation plans, meet expected traffic demands, and relieve congestion on the existing route, allowing it to better serve local needs. Public involvement and coordination with Federal, State and local agencies will be

conducted. It is envisioned that involvement with the public and other agencies will continue throughout the development of the project and, therefore, it is not anticipated that a formal scoping meeting will be held. To insure that the full range of issues related to this proposed action are addressed and that all significant issues are identified, comments or questions concerning this action and the EIS should be addressed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Fred J. Hempel,

Division Administrator, Columbus, Ohio.

[FR Doc. 90-3562 Filed 2-14-90; 8:45 am]

BILLING CODE 4910-22-M

Sunshine Act Meetings

Federal Register

Vol. 55, No. 32

Thursday, February 15, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to Federal Register on February 2, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, February 12, 1990.

CHANGES IN THE MEETING: One of the items announced for inclusion at this meeting was consideration of any agenda items carried forward from a previous meeting; the following such closed item(s) was added:

Report of the operations reviews of the Office of Staff Director for Federal Reserve Bank Activities and the Director of Federal Reserve Bank Operations. (This item was originally announced for a closed meeting on February 9, 1990.)

CONTACT PERSON FOR MORE

INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: February 12, 1990.
Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 90-3659 Filed 2-13-90; 10:22 am]
BILLING CODE 6210-01-M

INTERSTATE COMMERCE COMMISSION

Commission Conference

DATE & TIME: Tuesday, February 20, 1990, approximately 12:00 p.m., after the Oral Argument in Finance Docket No. 31530 Wilmington Terminal Railroad Inc.—Purchase And Lease—CSX Transportation, Inc., Lines Between Savannah and Rhine, and Vidalia and Macon, GA.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue NW., Washington, DC 20423.

STATUS: Open Special Conference.

PURPOSE: The purpose of the conference is for the Commission to discuss among themselves and to vote on the agenda item. Although the conference is open for public observation, no public participation is permitted.

MATTERS TO BE DISCUSSED: General discussion of motor carrier rate bureau

issues relating to the following proceedings:

EP-MC 82 *Procedures in Motor Carrier Revenue Proceedings*,
NOM. 40311 *Independent Action-Increase within Middle Atlantic Territory*, [Case No. 71472 (Sub No. 1)],

NOM. 40372 *General Increase, MWMFB, January 1, 1990*, (Case No. 71480),

NOM. 40373 *General Increase, SMCRC, January 1, 1990*, (Case No. 71481),

NOM. 40374 *General Increase, RMMTB, January 1, 1990*, (Case No. 71482),

NOM. 40375 *General Increase, ECA, January 1, 1990*, (Case No. 71483),

NOM. 40376 *General Increase, CSMFB, January 1, 1990*, (Case No. 71484), and

NOM. 40396 *DOJ Petition—Rocky Mountain Carriers*

CONTACT PERSON FOR MORE

INFORMATION: A Dennis Watson, Office of Government and Public Affairs, Telephone: (202) 275-7252.

Noreta R. McGee,
Secretary.

[FR Doc. 90-3712 Filed 2-13-90; 12:55 pm]

BILLING CODE 7035-01-M

Corrections

Federal Register

Vol. 55, No. 32

Thursday, February 15, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[FV-88-203]

United States Standards For Grades of Canned Pineapple

Correction

In rule document 90-1923 beginning on page 3029 in the issue of Tuesday, January 30, 1990, make the following corrections:

§ 52.1713 [Corrected]

1. On page 3031, in the second column, in § 52.1713(b), in the fourth line, "(0.08)" should read "(0.08 in)".

2. On page 3033, in the third column, in § 52.1713(l)(1), in the fourth line, after "free" add "from".

3. On page 3034, in the first column, in § 52.1713(s), in the third line, "color" was misspelled. In the same paragraph in the ninth line "not" should read "no".

4. On the same page, in the same column, in § 52.1713(s)(1), in the first line, "or" should read "and".

§ 52.1715 [Corrected]

5. On page 3035, in the second column, in § 52.1715, in the second column of table I, in the second and third entries, "not more" should read "less".

§ 52.1717 [Corrected]

6. On the same page, in the third column, in § 52.1717(a), in the 13th line, "ale" should read "are".

§ 52.1719 [Corrected]

7. On page 3036, in the first column, in § 52.1719(c), in the third and fourth lines, tables "IV" and "VII" should read "V" and "VI".

§ 52.1721 [Corrected]

8. On the same page, in the third column, in § 52.1721, in the second column of table IV, under the third entry, remove "17D".

9. In the same table, in the third column, in the second line of the third entry add "16-17".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51742; FRL-3665-5]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 89-26798 beginning on page 47728 in the issue of Thursday, November 16, 1989, make the following corrections:

1. On page 47728, in the first column, under **WRITTEN COMMENTS BY**, in the sixth line, "P 90-3" should read "P 90-13".

2. On the same page, in the third column, under "P 90-13" in the eighth line, "199 mg/kg" should read "100 mg/kg".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-59679; FRL-3686-8]

Toxic and Hazardous Substances; Certain Chemicals Premanufacture Notices

Correction

In notice document 89-29693 appearing on page 52456 in the issue of Thursday, December 21, 1989, make the following correction:

On page 52456, in the third column, "Y 90-241" should read "Y 90-24".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD14-89-01]

Anchorage Regulations; Apra Harbor, Guam, Mariana Islands

Correction

In proposed rule document 89-29754 beginning on page 52960 in the issue of Tuesday, December 26, 1989, make the following corrections:

§ 110.238 [Corrected]

1. On page 52961, in the second column, in § 110.238(a)(1), the third entry under *Longitude* should read "144° 37' 25.4" E".

2. On the same page, in the third column, in § 110.238(a)(4), under *Latitude*, the fourth entry should read "13° 26' 59.6" N". Also delete the sixth entries under *Latitude* and *Longitude*.

BILLING CODE 1505-01-D

40 CFR Part 355

Thursday
February 15, 1990

Part II

Environmental Protection Agency

40 CFR Part 355

Extremely Hazardous Substances List;
Final Rule

Environmental Protection Agency

40 CFR Part 355

[FRL-3676-9]

RIN 205C-AC77

Extremely Hazardous Substance List

AGENCY: U.S. Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: On July 21, 1989 (54 FR 30700), the U.S. Environmental Protection Agency (EPA) proposed deleting six substances from the list of "extremely hazardous substances" promulgated by the Agency under section 302 of the Emergency Planning and Community Right-to-Know Act of 1986, Title III of the Superfund Amendments and Reauthorization Act of 1986. In addition, EPA proposed to change the threshold planning quantity for one other substance and to modify the rationale for listing another substance. Today EPA is taking final action to remove these six substances from the list of extremely hazardous substances, to change the threshold planning quantity for one substance on the list and to modify the rationale for listing another substance.

EFFECTIVE DATE: This rule becomes effective on March 19, 1990.

ADDRESSES: The record supporting this rulemaking is contained in Room 2427 Mall, Docket No. 300 PQ, U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460. The technical background document relevant to the rulemaking is available in the docket. The docket is available for inspection, by appointment only, between the hours of 9:00 a.m. and 4 p.m. Monday through Friday, excluding federal holidays. The docket telephone number is (202) 382-3046. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services.

FOR FURTHER INFORMATION CONTACT: Kathleen Bishop, Chemical Emergency Preparedness and Prevention Office, OS-120, U.S. EPA, 401 M Street SW, Washington, DC 20460. The Emergency Planning and Community Right-to-Know Information Hotline can also be contacted for further information at 1-800-535-0202, in Washington, DC and Alaska at 1-202-479-2449.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

- I. Statutory Authority
- II. Background
- III. Today's Rulemaking
- IV. Regulatory Analyses

I. Statutory Authority

This final rule is issued under sections 302 and 328 of the Emergency Planning and Community Right-to-Know Act of 1986 ("the Act").

II. Background

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 ("SARA"). Pub. L. 99-499 (1986). Title III of SARA, known as the Emergency Planning and Community Right-to-Know Act of 1986, 42 U.S.C. 1100-11050, established a program designed to require state and local planning and preparedness for spills or releases of hazardous substances and to provide the public and local governments with information concerning potential chemical hazards in their communities.

Subtitle A of the Act establishes the framework for local emergency planning. It requires that EPA publish a list of extremely hazardous substances ("EHSs"). This list was to be the same as had been published in November, 1985, by the EPA Administrator in Appendix A of the "Chemical Emergency Preparedness Program Interim Guidance" (CEPP Guidance), as the list of acutely toxic chemicals. On April 22, 1987, the Agency published this list in final form, 40 CFR 355 Appendices A and B. Under section 302, a facility which has present an EHS in excess of its "threshold planning quantity" ("TPQ") must notify the Local Emergency Planning Committee (previously the State Emergency Response Commission was the notification recipient) and participate, as necessary, in local emergency planning activities.

On July 1, 1988, EPA received a petition from the Gaylord Chemical Corporation requesting the Agency to delete dimethyl sulfide from the list of extremely hazardous substances because it did not meet the list criteria. In response to this petition, EPA undertook a review of dimethyl sulfide and other chemicals the Agency suspected may not have met the original listing criteria. In March, 1989, the Agency received a second petition, from the Food Ingredient Division of Hercules Incorporated, also requesting that the Agency delist dimethyl sulfide from the list of extremely hazardous substances. Today's rule delisting dimethyl sulfide from the section 302 list constitutes the Agency's final response to these petitions. The background of the delisting of these substances is discussed in the proposed rule.

III. Today's Rulemaking

Today EPA is taking final action to remove dimethyl sulfide (CAS # 75-18-3); isopropyl formate (625-55-8); methyl disulfide (624-92-0); phenol 2,2'-thiobis(4,6-dichloro- (97-18-7); piprotal (5281-13-0); and sodium pentachlorophenate (131-52-2) from the list of EHSs under section 302 of the Act. The Agency has reviewed the available toxicity data for these chemicals and has concluded that they do not meet the listing criteria. EPA believes that these chemicals were incorrectly listed under section 302. The references reviewed for these chemicals and for the other chemicals discussed in this final rule are cited in the technical background document, available in the docket.

The Agency received nine letters on the proposed rule. Two commenters explicitly supported the Agency's proposed deletion of all six substances for the same reasons listed above. One added that this deletion will assist in reducing paperwork and burdensome reporting requirements. The Agency acknowledges their support of this rulemaking.

Two commenters supported the delisting of dimethyl sulfide and methyl disulfide. The Agency acknowledges this support. Dimethyl sulfide and methyl disulfide were listed as EHSs on the basis of one 1972 scientific article that has been found to contain critical inconsistencies. In addition, key experimental design and conduct details were not given. The article thus was determined to contain flawed scientific methods. Other articles that EPA considers valid indicate that these substances clearly do not meet the criteria for listing as EHSs.

One commenter believed more attention should be given to possible chronic effects of dimethyl sulfide. The commenter discussed personal experience, beliefs, and observations concerning the detrimental health effects incurred in a community near a plant manufacturing the substance. The comment did not discuss any scientific studies that would support listing under the current criteria, or refute the data identified in the technical background document. Therefore, the Agency is delisting dimethyl sulfide.

One commenter specified his support for the delisting of piprotal. The Agency agrees. Piprotal, according to toxicity values currently listed by the Registry of Toxic Effects of Chemical Substances (RTECS) and a recent study, does not meet the listing criteria.

Another commenter supported delisting of sodium pentachlorophenate.

The Agency agrees. Sodium pentachlorophenate, according to toxicity values currently listed by RTECS and a recent study, does not meet the listing criteria.

One commenter expressed support for delisting methyl disulfide and dimethyl sulfide and also stated that methyl mercaptan should be delisted. The commenter stated that methyl mercaptan does not meet the Agency's primary criteria of acute toxicity nor its secondary criteria of toxicity in combination with large production volume, as there is only one U.S. producer of the substance. In addition, the commenter stated that the chemical's warning odor reduces the potential for exposure to toxic levels. No studies were supplied or referenced by the commenter regarding these concerns.

The EPA has reviewed other articles that it considers scientifically valid. These articles indicate that although methyl mercaptan does not meet the criteria for acute toxicity, it does meet the secondary criteria of toxicity in combination with a large production volume. While there is only one producer of this substance in the United States, EPA data indicates that the production quantity of methyl mercaptan is within the range of large production volume chemicals. Methyl mercaptan's warning odor does not eliminate its possible toxic effects on public health and welfare and the environment. Therefore, EPA is not delisting methyl mercaptan, but will keep it on the list as one of the "chemicals on the original list that do not meet toxicity criteria but because of their high production volume and recognized toxicity are considered chemicals of concern ('other chemicals')." 52 FR 13403.

On January 23, 1989 (53 FR 3388), EPA proposed the designation of 232 EHSs as hazardous substances under section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. Under section 304 of SARA, releases of EHSs not currently subject to CERCLA Section 103 reporting requirements must be reported if the quantity released is one pound or more. The Agency has proposed in a Notice of Proposed Rulemaking (NPRM) dated August 30, 1989 (54 FR 35988), to adjust reportable quantities (RQs) for all EHSs proposed for designation in the January 23, 1989 proposed rulemaking and for some EHSs already listed in CERCLA hazardous substances. The substances delisted in today's rulemaking were included in the January 23, 1989 proposed rulemaking

and the proposed rulemaking on the RQ adjustments. Because of today's rulemaking, the six delisted chemicals will not be designated as CERCLA hazardous substances nor will they receive adjusted RQs upon the final promulgation of those NPRMs.

The Agency currently is developing the criteria for evaluating the additional physical and health characteristics specified under section 302(a)(4) for future revisions of the extremely hazardous substance list. If any of these substances are found to meet such other criteria, EPA will consider relisting the substances at that time.

In the July 21, 1989 proposed rule, the Agency proposed changing the TPQ of muscimol (2763-96-4) from 10,000 pounds in all instances to 500 pounds when the substance is in solution, in molten form, or has a particle size of 100 microns or less. The TPQ will remain at 10,000 pounds for solid forms with particle size greater than 100 microns. No comments were received on this change. In today's final rule, the Agency takes final action to change the TPQ of muscimol. This change returns the TPQ for muscimol to that published in the Agency's November 17, 1986 interim final rule that originally listed the EHSs and their TPQs (51 FR 41585). In the Final Rule of April 22, 1987 muscimol had been footnoted as not meeting the acute toxicity criteria. 52 FR 13378. This footnote was a typographical error. The basis for the listing has been verified. However, because of the error in footnoting, the TPQ for muscimol was raised to 10,000 pounds, the TPQ level of lowest concern. Based on the toxicity, the TPQ should have remained at 500 pounds or 10,000 pounds depending on the physical form of the substance.

The proposed rule requested comment on five additional chemicals that the Agency reviewed for possible removal from the list of EHSs. These chemicals are methacryloyl chloride (920-46-7), methyl vinyl ketone (78-94-4), pentadecylamine (2570-26-5), phosphorus pentoxide (1314-56-3), and pyrene (129-00-0). These chemicals were not proposed for deletion. Four of these chemicals were listed on the basis of inhalation toxicity studies that may contain flawed scientific methods. One is listed on the basis of an abstract. The information currently available to the Agency does not rebut the validity of the original listing of these chemicals. In the Proposed Rule, the Agency requested comments and additional information on these five chemicals.

No information regarding the toxicity of these chemicals was received during the comment period. One commenter

stated that the thirty day comment period was not applicable to phosphorus pentoxide because such a request was in effect a request for information and an advance notice of proposed rulemaking. The commenter requested more time to submit comments about this substance. The Agency will continue to accept comments on phosphorus pentoxide or any of these other substances and will reconsider their status if any significant new information is received, but no changes will be made as part of this rulemaking.

IV. Regulatory Analyses

A. Executive Order 12291

Under Executive Order 12291, the Agency must judge whether a regulation is "major" and thus subject to the requirement to prepare a Regulatory Impact Analysis. The final rule today is not major because it will not result in an effect on the economy of \$100 million or more, will not result in increased costs or prices, will not have significant adverse effects on competition, employment, investment, productivity, and innovation, and will not significantly disrupt domestic or export markets. Therefore, the Agency has not prepared a Regulatory Impact Analysis under the Executive Order. This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Analysis

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). This analysis is unnecessary, however, if the agency's administrator certifies that the rule will not have a significant economic effect on a substantial number of small entities.

EPA has examined the rule's potential effects on small entities as required by the Regulatory Flexibility Act. I certify that today's final rule will not have a significant economic effect on a substantial number of small entities.

List of Subjects in 40 CFR Part 355

Chemicals, Hazardous substances, Extremely hazardous substances, Community right-to-know, Chemical accident prevention, Chemical emergency preparedness, Threshold planning quantity, Reportable quantity,

Community emergency response plan, Contingency planning, Reporting and recordkeeping requirements.

Dated: February 1, 1990.

William Reilly,
Administrator.

For the reasons set out in the preamble, part 355 of title 40 of the Code of Federal Regulations is amended as follows:

PART 355—EMERGENCY PLANNING AND NOTIFICATION

1. The authority citation for part 355 is revised to read as follows:

Authority: 42 U.S.C. 11002, 11003, 11004, 11045, 11048, 11049.

PART 355—[AMENDED]

2. Appendix A to part 355 is amended by removing the following entries:

APPENDIX A—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[Alphabetical Order]

CAS No.	Chemical name
75-18-3	Dimethyl sulfide.
625-55-8	Isopropyl formate.
624-92-0	Methyl disulfide.
97-18-7	Phenol, 2,2'-thiobis(4,6-dichloro-.
5281-13-0	Piprotal.
131-52-2	Sodium pentachlorophenate.

3. Appendix B to part 355 is amended by removing the following entries:

APPENDIX B—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES

[CAS Number Order]

CAS No.	Chemical name
75-18-3	Dimethyl sulfide.
97-18-7	Phenol, 2,2'-thiobis(4,6-dichloro-.
131-52-2	Sodium pentachlorophenate.
624-92-0	Methyl disulfide.
625-55-8	Isopropyl formate.

APPENDIX B—THE LIST OF EXTREMELY HAZARDOUS SUBSTANCES AND THEIR THRESHOLD PLANNING QUANTITIES—Continued

[CAS Number Order]

CAS No.	Chemical name
5281-13-0	Piprotal.

Appendix A to Part 355—[Amended]

4. Appendix A and Appendix B to part 355 are amended by deleting "a,h" from the Notes column and in the last column changing the threshold planning quantity (pounds) from "10,000" to "500/10,000" for Muscimol, CAS No. 2763-94-4.

Appendix B to Part 355—[Amended]

5. Appendix A and Appendix B to part 355 are amended by adding "l" to the Notes column for Methyl Mercaptan, CAS No. 74-93-1.

[FR Doc. 90-3365 Filed 2-14-90; 8:45 am]

BILLING CODE 6560-50-M

14 CFR Part 121

Thursday,
February 15, 1990

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 121

Protective Breathing Equipment; Final
Rule and Request for Comments

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No. 24792; Amdt. 121-212]

Protective Breathing Equipment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule and request for comments.

SUMMARY: This amendment revises the regulations applicable to protective breathing equipment (PBE) with three changes. (1) It extends the compliance date for installing PBE for the use of flight crewmembers while on flight deck duty. This amendment is necessary because of a misunderstanding of the final rule due to a lack of FAA guidance material. By establishing this compliance date, certificate holders will not be penalized for this misunderstanding and for the current unavailability of sufficient numbers of PBE units and components.

(2) The FAA also amends the PBE regulations to codify, for convenient public reference, a finding by the Administrator that nonpressurized airplanes must be equipped with PBE when operated in air carrier service and to establish dates by which certificate holders who operate nonpressurized airplanes must comply with the PBE requirements. Operators of nonpressurized airplanes that must be retrofitted with a PBE fixed breathing gas supply for flight crewmembers on flight deck duty are being allowed an extended compliance period.

(3) Finally, this amendment postpones the date by which certificate holders who operate all-cargo airplanes would have to install portable PBE units for use in combatting in-flight fires in Class A, B, or E cargo compartments. Certificate holders who operate all-cargo airplanes have raised questions concerning the requirement. To allow time for the FAA to reconsider and clarify the requirements for this group of operators, the effective date for installation of PBE units for use in these cargo compartments is being postponed.

EFFECTIVE DATE: February 15, 1990. Comments must be received by April 16, 1990.

ADDRESSES: Comments on this amendment may be mailed in duplicate or delivered to: Federal Aviation Administration, Office of Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 24792, 800 Independence Avenue, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT:

Gary E. Davis, Project Development Branch, AFS-240, Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-8096.

SUPPLEMENTARY INFORMATION: The requirements for PBE are prescribed in § 121.337 of the Federal Aviation Regulations (FAR). There are two categories of PBE required. The first category is equipment for use by flight crewmembers in the cockpit. This unit may have either a fixed or portable breathing gas supply and must be conveniently located on the flight deck for easy access by each required flight crewmember at his or her assigned duty station. The other category of PBE is a portable unit which is required to provide any crewmember protection while investigating, accessing, and combatting an in-flight fire. The current standards for both categories of PBE are set forth in Amendment No. 121-193, which was issued May 26, 1987, and effective July 6, 1987. PBE units for flight crewmembers on flight deck duty must meet the standards of Technical Standard Order (TSO) C99 or equivalent standards; portable PBE units for use by crewmembers in combatting a fire must meet the standards of TSO C116 or equivalent standards.

PBE Units for Use by Flight Crewmembers on Flight Deck Duty

The FAA states in the preamble to Amendment No. 121-193 that TSO-C99 was first issued in June 1983. Prior to the issuance of TSO-C99, there were no specific standards for approval of PBE beyond those contained in the operation and certification rules. After issuing TSO-C99, the FAA tested a number of oxygen mask-smoke goggle combinations currently in use in airplanes required to be equipped in accordance with § 121.337 of the FAR. These tests showed that many of these PBE units permitted contaminant concentration levels that exceeded the performance levels prescribed in TSO-C99. The FAA determined that certificate holders using these units were required to replace those units with acceptable equipment that met TSO-C99 approval guidelines.

The FAA stated in the preamble to Amendment No. 121-193 that the FAR "now require all certificate holders to furnish approved PBE for their flight crewmembers' use." That statement, however, was misleading in that it suggested to some that only newly-installed equipment must be approved. However, it was intended to mean that

all PBE units, including those units already in use, that did not meet the approval guidelines of TSO-C99 were not "approved", and would have to be replaced. Moreover, a deferred compliance date for this equipment upgrade was not provided; therefore, the compliance date was the effective date of the amendment, July 6, 1987. Although the amendment modified the standards for "approved" PBE units, the FAA did not provide guidance or notification to certificate holders that PBE units for use by flight crewmembers while on flight deck duty must be modified or updated by the effective date of Amendment No. 121-193. Therefore, many certificate holders have not installed acceptable PBE units for the use of flight crews on flight deck duty.

The FAA believed that certificate holders had replaced the older flight deck PBE units with equipment meeting the approval requirements of TSO-C99, or their equivalent, as of the effective date of Amendment No. 121-193, July 6, 1987. Recently, however, the FAA was advised that many certificate holders have not installed acceptable PBE units for the use of flight crewmembers on flight deck duty. By letter of July 27, 1989, the Air Transport Association petitioned the FAA on behalf of the air carriers operating under part 121 of the FAR for an exemption from what those carriers state they now recognize as a requirement for upgrading PBE units currently installed on the flight deck of their airplanes for use by flight crewmembers at their assigned stations. The justification provided by the petitioner regarding the need for the exemption was based on the unavailability of parts and components needed to upgrade the PBE units in question to meet the TSO-C99 approval requirements.

The ATA recognizes that the original compliance date is past, but states that, unless a new compliance date is established, several air carriers will have to conduct special out-of-cycle installation of PBE. Such programs would require air carriers to remove a large number of aircraft from public service. The ATA also posits that other air carriers will not achieve immediate compliance under any circumstances, since existing equipment must be replaced or modified, and manufacturers cannot supply such large numbers of replacement parts and equipment on such short notice. In order to provide enough time for the manufacture and distribution of adequate numbers of replacement parts and modified PBE units for flight crewmembers on flight deck duty, the ATA has requested that

the FAA establish a final compliance date of July 31, 1990 for the upgrade or retrofit of such PBE units.

The FAA finds that, due to a misunderstanding of the rule and the lack of available PBE units and replacement parts, the compliance period requested by ATA is justified and in the public interest. Therefore, the FAA is amending § 121.337(f), redesignated as § 121.337(d), to provide a compliance date of July 31, 1990, for the installation of PBE for the use of flight crewmembers at their assigned duty stations.

The compliance date for portable PBE units for combatting inflight fires in passenger compartments as established by Amendment No. 121-204, issued May 17, 1989, is not changed. That compliance date is January 31, 1990.

PBE Units for Nonpressurized Cabin Airplanes

Amendment No. 121-193, effective July 6, 1987, provided that the PBE requirements for pressurized cabin airplanes would also apply to certificate holders operating nonpressurized cabin airplanes subject to the provisions of § 121.337(c) if "the Administrator finds that it is possible to obtain a dangerous concentration of smoke or carbon dioxide or other harmful gases in the flight deck area." On February 6, 1989, the Administrator made that finding. This decision is contained in a February 6, 1989, memorandum from the Manager, Air Transportation Division to all FAA Regional Flight Standards Division Managers, the subject of which is "Protective Breathing Equipment Requirements for Unpressurized part 121 Aircraft". The contents of the memorandum are as follows:

This memorandum provides the agency's position regarding the requirement for Protective Breathing Equipment (PBE) on unpressurized part 121 aircraft.

Recent inquiries have requested information on whether the Shorts SD3-60, a nonpressurized part 25 aircraft operated under part 121, must meet the PBE requirements specified in FAR 121.377 (a) and (b).

Whether an aircraft is pressurized or not, it is possible to experience fire, smoke, or other harmful gases in the aircraft. There have been numerous service difficulty reports concerning smoke on the flight deck for a variety of aircraft and a variety of reasons. It would be superfluous to elaborate on the myriad possibilities that could produce fire, smoke or gases in an aircraft.

The materials used for construction of the Shorts SD3-60 flight deck and passenger cabin interiors are not unlike materials used by other part 121 aircraft. This similar material can produce heavy smoke and toxic gases in the event of a fire. The possibility of a fire, therefore, presents a vulnerability to

toxic fumes which could incapacitate a flight crew member.

The Shorts aircraft pose another condition in that all the fuel tanks are located in the ceiling of the fuselage above the passenger compartment. There have been past instances when fuel has seeped into the overhead bins causing toxic gases in the passenger compartment. Although an Airworthiness Directive was issued addressing the problem, it does not preclude the possibility that other fuel leaks could occur.

The analysis of the hazard by the Long Beach Aircraft Evaluation Group has, therefore, prompted a decision to require the Shorts SD3-60 to comply with the PBE rule.

In addition, after a careful evaluation of past experience it has been concluded that the lives that may be saved justify the installation of Protective Breathing Equipment on all unpressurized aircraft operated under part 121.

As a result of a survey, the FAA has determined that all nonpressurized airplanes except the SD3-60 have a built-in source of oxygen that allows the installation of PBE equipment for flight crewmembers on flight deck duty. The SD3-60 was type certified through a bilateral agreement with the United Kingdom without a source of oxygen for use by the flight crew. After the determination by the Administrator that PBE units must be installed on all nonpressurized airplanes to be operated under part 121 of the FAR, the Regional Aircraft Association met with FAR officials and requested reconsideration of the Administrator's finding that PBE units be installed in the cockpit for flight crewmembers in the SD3-60 airplane. RAA notes that the SD3-60 airplane was type-certificated without built-in oxygen equipment and has been operated in the United States during the past 6 years without encountering any known problems with toxic gas concentrations in the cockpit. Installing PBE for use by the flight crew would require operators of the SD3-60 to retrofit these airplanes with oxygen systems.

The FAA has reconsidered its position and has determined that both categories of PBE units must be installed in the SD3-60 airplane. However, in order to give certificate holders operating the SD3-60 airplane ample time for the extensive oxygen system retrofit that appears to be needed and to obtain and install PBE units, the FAA here establishes a final compliance date of February 18, 1992 for the installation of PBE for use by the flight crew while on flight deck duty. As stated earlier, the compliance date for installation of portable PBE for combatting in-flight fires remains January 31, 1990.

To codify the Administrator's finding, and thereby provide a convenient source of reference for it, current

§ 121.337 (c) and (d) are removed and paragraph (b) is revised to specify that the equipment, breathing gas, and communications requirements of this paragraph apply to nonpressurized airplanes as well. However, in order to give certificate holders who operate the Shorts SD3-60 airplane time to install a breathing gas system in the airplane, paragraph (f) is changed to permit a delayed compliance date for PBE units for the use of the flight crew while on flight deck duty. The revision will appear as new paragraph (d).

Current paragraph (d) requires that all operators of nonpressurized airplanes that have a built-in carbon dioxide fire extinguisher system in a fuselage compartment shall provide PBE for the flight crew except where (1) not more than 5 pounds of carbon dioxide would be discharged into any compartment in accordance with established fire control procedures, or (2) the carbon dioxide concentration at each flight crewmember station is found to be less than 3 percent by volume. Thus, there always has been a category of nonpressurized airplanes required to have PBE installed, notwithstanding the exemption of nonpressurized airplanes in paragraph (c). Although current paragraph (d) excludes some nonpressurized airplanes with carbon dioxide fire extinguisher systems from the PBE requirements; i.e., (1) and (2) listed above, the FAA believes that no such fire extinguisher systems are in use today on board airplanes that operate under part 121. However, since the Administrator extended the finding that PBE is required in all nonpressurized airplanes, even if such an airplane is in use it is required to have PBE units. Therefore, due to the obsolescence of the above two exceptions to current paragraph (d) and the Administrator's finding that requires all operators of nonpressurized airplanes to install PBE, current paragraph (d) is removed from this section as a conforming change.

PBE Units for Combatting In-flight Fires: All-Cargo Airplanes

Section 121.337(b) provides, in pertinent part, that one PBE unit with a portable breathing gas supply meeting the requirements of this section must be easily accessible and conveniently located for immediate use by crewmembers in combatting fires in each Class A, B, and E cargo compartment (as defined in § 25.857) that is accessible to crewmembers during flight. Representatives of several of the all-cargo air carriers have pointed out to the FAA that it is impracticable to locate a PBE unit in a Class E cargo

compartment when the flight crewmembers of these carriers are either specifically trained not to enter the cargo compartment in a fire or access is practically impossible. These carriers also point out that in the extremely rare situation when a crewmember would have to enter a burning cargo area, the crewmember, for reasons of safety, should don the PBE equipment before, rather than after, entering the cargo compartment. Thus, to have the PBE unit closed in the Class E cargo compartment of an all-cargo airplane rather than available to a crewmember before that crewmember enters the cargo compartment could pose a safety hazard.

As an alternative to the current requirements of the rule, these air carriers propose to have PBE units that meet the approval standards of TSO-C99, or equivalent standards, installed for each flight crewmember and additional seat in the flight deck area, and to also install one portable PBE unit that meets the approval standards of TSO-C116, or their equivalent, available in the cockpit for the unlikely situation in which a crewmember might have to combat an in-flight fire. This would differ from the requirements of § 121.337(b)(9)(i) in that additional PBE units, i.e., one for use in each cargo compartment, would not be installed.

The FAA believes that there is no safety hazard presented by the current PBE requirements for all-cargo airplanes. Section 121.337(b)(9) requires that PBE units be easily accessible and conveniently located "for use in" each cargo compartment; this does not limit the location of each PBE unit to only the area of the compartment. However, the FAA also finds that the arguments presented by these carriers may have merit in terms of the redundancy of having multiple portable PBE units available. The FAA believes that the particular situation of the all-cargo certificate holders deserves further consideration through the rulemaking process, i.e., by notice and public procedure, to determine appropriate PBE requirements for all-cargo airplanes. Because the final compliance date for furnishing these portable PBE units was revised in Amendment 121-204 to January 31, 1990, compliance with those PBE requirements by that date would mean that these all-cargo certificate holders would have to purchase and install PBE units which the FAA may later determine are not needed. Therefore, the FAA finds that it is in the public interest to postpone the compliance date for these certificate holders for 2 years. Thus, the

compliance date for those certificate holders who operate all-cargo airplanes that are subject to the portable PBE requirements of § 121.337(b)(9)(i) is postponed until February 18, 1992. The FAA has determined that postponing the compliance date for this group of operators will not have a detrimental effect on safety because, in accordance with § 121.337(b)(8) and (b)(9)(iii), each flight crewmember on flight deck duty must have a PBE unit and one portable PBE unit must be located on the flight deck for use by flight crewmembers for combatting an in-flight fire.

Interested persons are invited to submit such comments as they may desire regarding this amendment and PBE units for cargo compartments. Communications should identify the docket number and be submitted in duplicate to the address above. All communications received on or before the close of the comment period will be considered by the Administrator, and this amendment may be changed in light of the comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested parties.

Based on the previous discussion, the FAA finds that a compliance date for the installation of PBE units in pressurized and nonpressurized cabin airplanes for flight crewmembers while on flight deck duty should be established as July 31, 1990. However, operators of nonpressurized airplanes that must be retrofitted to provide a PBE breathing gas supply for flight crewmembers on flight deck duty will have an extended compliance date of February 18, 1992. In addition, the final compliance period for installing portable PBE as required by § 121.337(b)(9)(i) for use in combatting inflight fires for certificate holders operating all-cargo airplanes is extended until February 18, 1992.

Good Cause Justification for Immediate Adoption

This amendment is being adopted without notice and public comment procedure because delay could have a significant impact on passenger and cargo service. In the first case, the compliance problem is a result of a misunderstanding of the rule due to a lack of FAA guidance to the industry and the omission of an explicit compliance date for installing and upgrading PBE units for flight crewmembers on flight deck duty. Even though the PBE requirements are now understood, sufficient time is not available to manufacture the quantity of PBE units needed by certificate holders

to correct industry-wide noncompliance. Noncompliance, even for a short period of time, would require air carriers to remove all noncomplying airplanes from service until the final rule could be issued. To avoid widespread disruption of passenger and cargo services, the FAA finds that notice and public comment under these circumstances are impracticable.

In the second case, codification of the Administrator's finding requires an amendment that will delete obsolete references to nonpressurized airplanes in the rule. Therefore, this is a clarifying amendment and notice and public comment are unnecessary.

In the last case, Part 121 all-cargo operators have raised questions concerning the requirement for airplanes used in all-cargo operations to have multiple portable PBE units on board. The FAA may determine that the requirement for multiple portable PBE units on-board all-cargo airplanes is unnecessary. Therefore, the amendment will temporarily relieve these operators from purchasing and installing multiple PBE units until the FAA determines whether to delete the requirement; thus, notice and public comment are unnecessary and contrary to the public interest.

Accordingly, for the reasons discussed above, I find that notice and public comment procedures are impracticable and contrary to the public interest. In addition, since this amendment relieves a restriction, I find it may be made effective in less than 30 days.

Trade Impact Statement

The FAA finds that this amendment will have no impact on international trade.

Economic Assessment

Because the amendment does not impose any cost to operators, the impact of the delay in compliance is expected to be minimal. Accordingly, a full Regulatory Evaluation is not warranted.

Federalism Implications

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

Conclusion

This amendment will not have an economic effect on the public. The delayed and newly established compliance dates will allow air carriers to keep non-complying airplanes operating so that passenger and cargo service will not be disrupted. Therefore, for the reasons discussed above, the FAA has determined that this amendment involves a regulation which is not major under Executive Order 12291 but is significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since no small entities would be affected by the rule, it is certified that under the criteria of the Regulatory Flexibility Act the rule will not have a significant economic impact, positive or negative, on a substantial number of small entities. Because of the absence of any costs attendant with the amendment, the FAA has determined that the expected impact of the amendment is so minimal that it does not warrant a full regulatory evaluation.

List of Subjects in 14 CFR Part 121

Air safety, Air transportation, Aviation safety, Drug abuse, Narcotics, Safety, Transportation.

Adoption of the Amendment

Accordingly, part 121 of the Federal Aviation Regulations (14 CFR part 121) is amended as follows:

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (revised, Pub. L. 97-449, January 12, 1983).

2. Section 121.337 is amended by revising the heading of paragraph (b); by removing paragraphs (c) and (d); by redesignating paragraphs (e) and (f) as paragraphs (c) and (d); and by revising newly redesignated paragraph (d) to read as follows:

§ 121.337 Protective breathing equipment.

* * * * *

(b) *Pressurized and nonpressurized cabin airplanes.*

* * * * *

(d) *Compliance dates.* (1) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the final compliance date for furnishing PBE for use in combatting in-flight fires aboard pressurized and nonpressurized airplanes is January 31, 1990, except that for all-cargo airplanes subject to the requirements of paragraph (b)(9)(i) of this section the compliance date is February 18, 1992.

(2) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the compliance date for furnishing PBE for use by flight crewmembers while on flight deck duty on pressurized and nonpressurized airplanes is July 31, 1990, except that for nonpressurized cabin airplanes that must be retrofitted with a fixed breathing gas supply for PBE, the compliance date is February 18, 1992.

Issued in Washington, DC, on February 9, 1990.

James B. Busey,
Administrator.

[FR Doc. 90-3520 Filed 2-9-90; 4:12 pm]

BILLING CODE 4910-13-M

Thursday
February 15, 1990

Department of Education

Part IV

Department of Education

Office of Special Education and
Rehabilitative Services

Reauthorization of Rehabilitation Act of
1973; Notices

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services

Reauthorization of the Rehabilitation Act of 1973

AGENCY: Department of Education.

ACTION: Notice of request for public comment on the provisions of the Rehabilitation Act of 1973, as amended.

SUMMARY: The Secretary of Education invites written comments from the public on the provisions of the Rehabilitation Act of 1973, as amended, to assist in the development of reauthorization legislation.

DATES: Written comments must be received on or before April 16, 1990.

ADDRESSES: Written comments should be addressed to Nell C. Carney, Commissioner, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue, SW., (Switzer, room 3024), Washington, DC 20202-2531.

FOR FURTHER INFORMATION CONTACT: Lewis M. Davis, Director, Division of Program Administration, Rehabilitation Services Administration, Office of Special Education and Rehabilitative Services, Department of Education, 400 Maryland Avenue, SW., (Switzer, room 3211), Washington, DC 20202-2649; Telephone: (202) 732-1415.

SUPPLEMENTARY INFORMATION: The Secretary is requesting public comment on the provisions of Titles I, II, III, VI, and VII of the Rehabilitation Act of 1973, as amended.

Need for Reauthorization

The Rehabilitation Act of 1973 provides authority for rehabilitation, independent living, supported employment, and other related services to individuals with disabilities. The authorization for most programs under the Rehabilitation Act of 1973, as amended, expires September 30, 1991. In order to contribute in a timely manner to congressional reauthorization discussions, the Secretary is beginning a review of rehabilitation programs at this time.

The Secretary intends to submit the Department's bill to reauthorize the Rehabilitation Act early in fiscal year 1991. To ensure an opportunity for public participation, the Secretary invites public comments on this reauthorization effort.

Objectives of Reauthorization

The objectives of the Department's reauthorization effort include—

Improving the quality of, and access to, rehabilitation services for individuals with disabilities;

Improving the structure of programs under the Rehabilitation Act and providing for appropriate Federal and State roles;

Improving the coordination of programs under the Rehabilitation Act, and the coordination of these programs with other programs providing services to individuals with disabilities;

Ensuring the protection of the rights of individuals with disabilities who apply for or receive services funded under the Rehabilitation Act;

Ensuring accountability for program performance in the rehabilitation of individuals with disabilities and for proper and effective utilization of Federal funds; and

Ensuring that unnecessary paperwork is eliminated, accurate and necessary information is maintained for Federal and State management purposes, and all information collected is effectively used.

Secretary's Reauthorization Effort

The Secretary has formed a departmental Reauthorization Task Force to review the current authorities and delivery systems under the Rehabilitation Act of 1973, as amended, evaluate suggested modifications in and alternatives to these programs and systems, and recommend reauthorization options to the Secretary.

How the Information Will Be Used

The Reauthorization Task Force will examine proposed modifications and alternatives to assess their possible effect on current programs and systems and on the individuals who receive the benefits and services currently provided under the Rehabilitation Act. The proposals will then be evaluated in relation to the goals of the Rehabilitation Act and the previously noted objectives of the reauthorization effort.

Issues for Public Comment

The Secretary solicits comments and suggestions regarding reauthorization of the Rehabilitation Act. Comments are especially invited on the following issues:

General Issues

Are changes needed to improve the Federal Government's administration of programs under the Act? For instance, are changes needed in monitoring, in providing technical assistance, in program evaluation, in research, and in ensuring the quality of service delivery?

Are changes needed to improve coordination among rehabilitation

programs and other Federally-funded programs such as special education, developmental disabilities, Social Security, and mental health?

Are changes needed in the role or activities of the National Institute on Disability and Rehabilitation Research?

What is the appropriate role of the Rehabilitation Services Administration in model program development, capacity building, and program improvement?

Are changes needed to improve the availability of the latest rehabilitation technology services?

What changes can be made to increase the responsiveness of the program to the changing trends in the demographics of our nation's labor market?

What can be done to better address the comprehensive rehabilitation and independent living needs of special populations with disabilities, such as members of racial minorities, homeless individuals or people with limited English proficiency?

Are changes needed to improve the dissemination of information on research and model programs?

Could rehabilitation programs be restructured or revised in any way to improve efficiency, make better use of resources, or decrease duplication?

Are changes needed in the vocational rehabilitation State grant programs or the discretionary grant programs to improve accountability for outcomes and the effective use of Federal funds? Should specific goals be established at the Federal and State levels and should progress in meeting the goals be monitored?

State Grants Issues

State Financial Participation

Are changes needed in the maintenance of effort (MOE) provisions under the Rehabilitation Act? Do the current State matching requirements provide for an appropriate level of State effort? If not, what changes are needed?

Service Delivery

What types of vocational rehabilitation (VR) services are most needed? What can be done to facilitate or expand the provision of these services in the public and private sectors? Are there gaps in the continuum of services that are authorized under the Rehabilitation Act? Are any changes needed to promote the development and adoption of innovative strategies in the vocational rehabilitation system?

Transition

How can the VR system be improved to help persons with disabilities,

particularly those with severe disabilities, with the transition from special education to employment and independent living?

Post Closure

Are any changes needed to help ensure that gain for recipients of rehabilitation services are sustained over time?

Priority on Severely Disabled

Are changes needed to ensure uniform application across States of the priority to serve people with severe disabilities?

Eligibility

Should any changes be made in the vocational rehabilitation State grant program to strengthen or clarify eligibility requirements?

Financial Needs Test

Many States have incorporated a financial needs test into their requirements for certain vocational rehabilitation services despite the lack of a requirement in the Rehabilitation Act. Should any changes be made regarding financial needs in the provision of rehabilitation services to individuals with disabilities? For example, should individuals be required to contribute, based on ability to pay, for certain services provided under the Act?

Workplace and Community Integration

Should there be greater emphasis on serving and placing vocational rehabilitation clients in integrated placements? What can be done to improve community integration outcomes?

Supported Employment

Are any changes needed to better ensure the incorporation of supported employment services into State vocational rehabilitation service delivery systems? Is the program serving the clients that ought to be served? Are changes needed in the supported employment program or related authorities to facilitate coordination of services and the transition from "traditionally time-limited post employment services" provided by State vocational rehabilitation agencies to "extended services" provided by other agencies?

Individual Rights

Are changes needed to ensure that all applicants and recipients of rehabilitation services are informed of their rights under the Act? Are changes needed to strengthen the rights of an individual receiving services funded under the Act? Should changes be made in areas such as release of case record information to third parties or protection of client identifiable information?

Independent Living

How should the Federal role in independent living be defined? How should State responsibilities in this area be defined? What should be the relationship between State agencies and consumer-controlled independent living organizations? Are any changes needed to improve provision of independent living services?

Discretionary Grants Issues

Staff Development and Training

What is the appropriate role for the Federal rehabilitation training program in meeting State and national personnel shortages, capacity building, program development and improvement, and maintaining and upgrading the basic skills and knowledge of personnel employed as providers of services? Are changes needed in the rehabilitation long-term training scholarship program provisions?

Special Populations

Should any changes be made in the programs supporting vocational rehabilitation services projects for American Indians or for migratory agricultural and seasonal farmworkers?

Projects with Industry (PWI)

PWI is a competitive discretionary grant program. Are changes needed in this authority for the program to better accomplish its purpose?

Format for Comments

This request for comments is designed to elicit views of interested parties on how the current Rehabilitation Act can be improved. It is not intended to express any view on any issue or to represent the intention of the Secretary to propose changes in any provision of the current Act.

The Secretary requests that each respondent identify his or her role in rehabilitation, if any. In proposing modification or alternatives, the respondents may want to address the

issues listed under Issues for Public Comment as well as other reauthorization issues, and, if appropriate, identify corresponding section and subsection numbers in the Act where modifications would be made.

The Secretary urges each commenter to be specific regarding his or her suggestions and to include, if possible, actual legislative language changes that the commenter proposes.

Dated: February 6, 1990.

Lauro F. Cavazos,
Secretary of Education.

[FR Doc. 90-3510 Filed 2-14-90; 8:45 am]

BILLING CODE 4000-01-M

Reauthorization of the Rehabilitation Act of 1973

AGENCY: Department of Education.

ACTION: Notice of public meeting.

SUMMARY: The Secretary of Education announces a public meeting regarding the reauthorization of the Rehabilitation Act of 1973, as amended.

A notice inviting written comments from the public on the provisions of the Rehabilitation Act of 1973, as amended, to assist the Department in developing reauthorization legislation is published in this issue of the *Federal Register*.

Meeting Information: The public meeting is scheduled to be held from 10 a.m. to 3 p.m. on Monday, April 9, 1990 at the Wilbur J. Cohen Building, First Floor Auditorium, 330 Independence Avenue, SW., Washington, DC 20202.

The Secretary encourages interested parties to attend the public meeting and requests that those parties participating provide a written copy of their comments.

The meeting facilities and proceedings will be accessible to individuals with disabilities.

FOR FURTHER INFORMATION CONTACT:

Persons desiring to participate or seeking additional information should contact Howard Moses, room 3028, (Switzer Building), 330 C Street, SW., Washington, DC 20202-2531. Telephone: (202) 732-1331.

Dated: February 8, 1990.

Robert R. Davila,
Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 90-3511 Filed 2-14-90; 8:45 am]

BILLING CODE 4000-01-M

Open House

Thursday
February 15, 1990

Part V

Department of Agriculture

Cooperative State Research Service

**Food and Agricultural Sciences National
Needs Graduate Fellowships Grants
Program; Solicitation of Proposals for
Fiscal Year 1990; Notice**

DEPARTMENT OF AGRICULTURE**Cooperative State Research Service****Food and Agricultural Sciences
National Needs Graduate Fellowships
Grants Program; Solicitation of
Proposals for Fiscal Year 1990**

Purpose: Notice is hereby given that under the authority contained in section 1417(a)(3)(B) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3152(a)(3)(B)), the Cooperative State Research Service (CSRS) through its Higher Education Programs (HEP) will award competitive grants to colleges and universities for doctoral fellowships to meet national needs for the development of professional and scientific expertise in the food and agricultural sciences.

Available funds: The total amount available for this purpose in Fiscal Year 1990 is approximately \$2,800,000.

Targeted areas: Food and agricultural sciences areas appropriate for fellowship applications are those in which developing shortages of expertise have been determined and targeted by CSRS-HEP for national needs doctoral fellowship support. The targeted national needs doctoral fellowship support. The targeted national needs areas for FY 1990 are: Biotechnology—Animal or Plant (applicant must specify which); Engineering—Food, Forest Products, or Agricultural; Human Nutrition and/or Food Science (applicant must specify which); Marketing or Management—Food, Forest Products, or Agribusiness; and Water Science. Approximately twenty percent of the available funds will be allocated to each national need area.

Proposal limitations: For the Fiscal Year 1990 program, a proposal may request funding in only one (1) national need area. A proposal may request a minimum of two (2) fellowships and a maximum of four (4) fellowships in the national need area for which funding is requested. While no limitation is placed on the number of proposals an institution may submit, not more than

two (2) proposals may be submitted by the same college or equivalent administrative unit within an institution. Additionally, total funds awarded to an institution under the program in Fiscal Year 1990 shall not exceed \$288,000.

Financial and other limitations: Each institution funded will receive \$48,000 for each doctoral fellowship awarded. However, total program funds available are not evenly divisible by \$48,000. Therefore, one fellowship will be supported on a partial basis with a lesser amount of funds. Except in the case of the partially funded fellowship, fellowship monies must be used to: (1) support the same doctoral fellow for three (3) years at \$15,000 per year; and (2) provide for an institution annual cost-of-education allowance of \$1,000, not to exceed a total of \$3,000 over the three-year duration of the fellowship.

While proposals must document institution willingness to recruit and train at least 2-4 fellows in a national need area, the Department may, based on reviewers' comments, fund fewer fellows than requested in a proposal.

This program is highly competitive and funding is available to support approximately 57 doctoral fellows through four grants in each of the five targeted areas.

Application information: An Application Kit has been developed which provides the forms, instructions, and other relevant information needed by institutions to apply for the Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program described herein. Applicants should be alert to the instruction that proposals must be typed, double-spaced, on one side of the page only, and paginated. Additionally, applicants are cautioned to comply with the 20-page limitation for part 3 (National Need Narrative) of the proposal and the inclusion of summary faculty vitae through the use of Form CSRS-708.

Copies of the Application Kit may be requested from: Proposal Services Branch; Awards Management Division; Cooperative State Research Service; U.S. Department of Agriculture; Room

303, Aerospace Building; 14th and Independence Avenue SW.; Washington, DC 20250-2200; telephone number (202) 475-5048.

Six (6) copies of a proposal and one (1) copy of the institution's latest graduate catalog must be received by the Awards Management Division no later than the close of business, April 9, 1990.

Please Note: Proposals submitted through the mail should be sent to the address listed above. Hand-delivered proposals should be brought to Room 303, Aerospace Building, 901 D Street SW., Washington, DC 20024.

Applicable regulations: This program is subject to the provisions found at 7 CFR part 3402 (52 FR 4712, February 13, 1987, as amended by 55 FR 2214, January 22, 1990). In addition, the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015, as amended, and the Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants), 7 CFR part 3017, apply to this program.

Supplementary information: This program is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.210. For the reasons set forth in the Final Rule related notice to 7 CFR part 3015, subpart V, 48 FR 29115, June 24, 1983, when the authority to administer this program resided in the Agricultural Research Service, this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524-0024.

Done at Washington, DC, this 9th day of February 1990.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

[FR Doc. 90-3590 Filed 2-14-90; 8:45 am]

BILLING CODE 3410-22-M

Great Heart Project

Thursday
February 15, 1990

Part VI

The President

Proclamation 6095—American Heart
Month, 1990

Presidential Documents

Title 3—**The President****Proclamation 6095 of February 13, 1990****American Heart Month, 1990****By the President of the United States of America****A Proclamation**

Approximately every 32 seconds, someone in the United States dies of some form of heart and blood vessel disease. Heart attack, stroke, and other cardiovascular disease kills nearly one million Americans every year. In fact, cardiovascular diseases cause almost as many deaths annually as cancer, accidents, pneumonia, influenza, and all other causes of death combined.

Nearly 67 million Americans currently suffer from one or more forms of cardiovascular disease, including high blood pressure, coronary heart disease, rheumatic heart disease, and stroke. While many people mistakenly assume that heart disease occurs primarily in old age, studies show that 5 percent of all heart attacks occur in people under age 40, and more than 45 percent occur in people before age 65.

Women as well as men are at risk. Heart attack is the number one killer of American women, surpassing even breast cancer and lung cancer. Approximately 244,000 of the more than 512,000 people who die each year of heart attack—nearly half—are women. In all, heart attack and other forms of heart and blood vessel disease claim the lives of nearly half a million women each year.

Cardiovascular diseases exact an incalculable toll in human pain and suffering. They also inflict a heavy cost on our Nation in terms of health care expenses and lost productivity. The annual costs of cardiovascular-related physician and nursing services, hospital and nursing home services, medications, and lost work due to disability total in the billions of dollars.

Fortunately, the outlook is not all gloomy. The latest reports show that age-adjusted death rates for cardiovascular diseases declined slightly more than 24 percent between 1977 and 1988. Advances in both the treatment and the prevention of heart and blood vessel diseases account for much of this progress.

Since 1948, the Federal Government, through the National Heart, Lung, and Blood Institute, and the American Heart Association, a private not-for-profit organization, have spent millions of dollars on educational programs and research into cardiovascular diseases. The American Heart Association estimates that it has invested more than \$823 million on research since it became a national voluntary health organization in the late 1940s. That great investment has been made possible by the generosity of the American public and the dedicated efforts of the Association's 2.7 million volunteers.

Financial support from the Federal Government and the American Heart Association has helped physicians and scientists make many advances in cardiovascular health care. However, these funds have also provided for valuable educational programs designed to help individual Americans learn what they can do to avoid heart attack and stroke.

For example, we now know the importance of a low-fat, low-cholesterol diet, and we understand the need to control high blood pressure. Americans have also accepted warnings about the dangers of smoking, and what was once a socially acceptable habit has now become unacceptable. Controlling one's

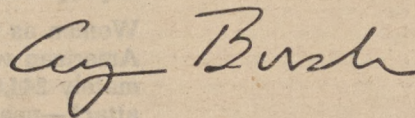
weight and exercising regularly have also become a healthy part of the lifestyles of many of our citizens.

Although significant progress has been made in the struggle to overcome cardiovascular disease, the major killer of Americans, we must not become complacent. As we enter a new decade, it is fitting that we strengthen and renew our commitment to winning this battle.

In recognition of the need for all Americans to become involved in the ongoing fight against cardiovascular diseases, the Congress, by Joint Resolution approved December 30, 1963 (77 Stat. 843; 36 U.S.C. 169b), has requested that the President issue an annual proclamation designating February as "American Heart Month."

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim the month of February 1990 as American Heart Month. I invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in reaffirming our commitment to combating cardiovascular diseases and stroke.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of February, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fourteenth.



[FR Doc. 90-3822

Filed 2-14-90; 11:59 am]

Billing code 3195-01-M

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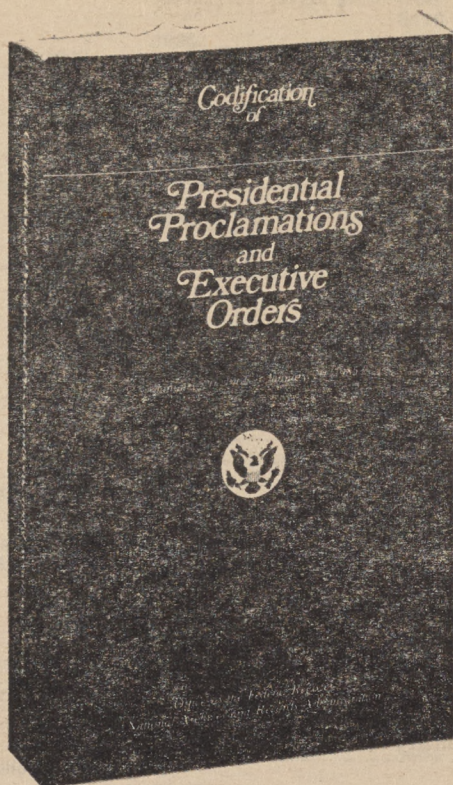
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