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Contents

Federal Register

Vol. 55, No. 74

Tuesday, April 17, 1990

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
841.....14229

7 CFR
1e.....14231
911.....14232
915.....14232
Proposed Rules:
947.....14287

8 CFR
235.....14234

10 CFR
11.....14379
25.....14379
95.....14379
Proposed Rules:
55.....14288

14 CFR
71 (6 documents).....14234–14237
Proposed Rules:
39 (2 documents).....14290, 14292
71 (3 documents).....14293–14295
119.....14404
121.....14404
125.....14404
127.....14404
135.....14404
241.....14296

17 CFR
30.....14238

21 CFR
430.....14239
442.....14239
455.....14378

24 CFR
882.....14243
885.....14243

26 CFR
301.....14244
602.....14244

28 CFR
544.....14379

29 CFR
503.....14231
1601.....14245
1602.....14245

30 CFR
Proposed Rules:
780.....14319
785.....14319
816.....14319

40 CFR
51.....14246
271 (2 documents).....14280
Proposed Rules:
62.....14322
261.....14323

42 CFR
405.....14376
412.....14282

43 CFR
1344.....14283
1535.....14283
4484.....14284
Public Land Orders:
6773.....14283
6774.....14284
6775.....14284

47 CFR
15.....14285
76.....14285
Proposed Rules:
80.....14328

48 CFR
Proposed Rules:
219.....14329
252.....14329

49 CFR
1003.....14285
1160.....14285
1162.....14285
1168.....14285

50 CFR
611.....14286
672.....14286

Rules and Regulations

Federal Register
Vol. 55, No. 74
Tuesday, April 17, 1990

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 841

RIN 3206-AD62

Federal Employees Retirement System—General Administration; Cost of Living Adjustments

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing regulations concerning computation of the cost-of-living adjustment (COLA) on basic benefits under the Federal Employees Retirement System (FERS). These regulations state which benefits are subject to COLA's and provide the methodology for computing COLA's on each type of FERS basic benefit subject to COLA's. These regulations also provide the methodology for determining the COLA's on mixed annuities (partially computed under FERS rules and partially computed under the Civil Service Retirement System (CSRS) rules). These regulations are necessary to implement the Federal Employees Retirement System Act of 1986.

EFFECTIVE DATE: May 17, 1990.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 632-4682, extension 207.

SUPPLEMENTARY INFORMATION: Section 8462 of title 5, United States Code, governs computation of COLA's for retirees and survivors whose annuities are computed entirely under FERS. Section 302(a)(7) of the Federal Employees Retirement System Act of 1986, Public Law 99-335, governs computation of COLA's for retirees who transferred to FERS and whose annuities include a portion that was computed under CSRS, and their survivors.

On September 5, 1989, we published (at 54 FR 36799) proposed regulations to implement the computation of COLA provisions under both statutes and requested comments on these proposed regulations. The proposed regulations, to be contained in subpart G of part 841 of title 5, Code of Federal Regulations, stated which benefits are subject to COLA's and provide the methodology for computing COLA's on each type of FERS basic benefit subject to COLA's. They also provided the methodology for determining the COLA's on mixed annuities (partially computed under FERS rules and partially computed under CSRS rules). We are adopting the proposed regulations with editorial changes and one change that resulted from public comment.

We received one comment on these regulations. The commenter suggested revision of the last sentence of § 841.703(e)(3) to eliminate the after-age-62 comparison of a redetermined FERS disability annuity with the annuitant's earned annuity based on the length of the annuitant's actual service. The commenter incorrectly believed that this comparison was eliminated by Public Law 100-238. Public Law 100-238 eliminated the comparison between alternative methods of computing the redetermined annuity. It did not change the entitlement under section 8452(d) of title 5, United States Code, to at least the earned annuity plus COLA's even if the earned annuity exceeded the redetermined annuity. However, in considering the comment, we realized that using the formula for computing the redetermined annuity will always result in an amount equal to or greater than the earned annuity plus COLA's. Accordingly, the comparison is unnecessary, and has been eliminated from the final regulation.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal agencies and retirement payments to retired Government employees, spouses, and former spouses.

List of Subjects in 5 CFR Part 841

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.
Constance Berry Newman,
Director.

Accordingly, part 841 of title 5, Code of Federal Regulations is amended as follows:

PART 841—FEDERAL EMPLOYEES RETIREMENT SYSTEM—GENERAL ADMINISTRATION

1. The authority citation for part 841 is added as set forth below, and all subpart authorities are removed:

Authority: 5 U.S.C. 8461; § 841.108 also issued under 5 U.S.C. 552a; subpart D also issued under 5 U.S.C. 8423; § 841.504 also issued under 5 U.S.C. 8422; § 841.507 also issued under section 505 of Pub. L. 99-335; subpart J also issued under 5 U.S.C. 8469.

Subpart A—General Provisions

2. In § 841.102, paragraph (a)(7) is revised to read as follows:

§ 841.102 Regulatory structure for the Federal Employees Retirement System.

(a) * * *

(7) Cost-of-Living Adjustments (subpart G);

* * * * *

3. Subpart G is added to read as follows:

Subpart G—Cost-of-Living Adjustments

Sec.

Subpart G—Cost-of-Living Adjustments

§ 841.701 Purpose and scope.

(a) The purpose of this subpart is to regulate computation of cost-of-living adjustments (COLA's) for basic benefits under the Federal Employees Retirement System (FERS).

(b) This subpart provides the methodology for—

(1) Computing COLA's on each type of FERS basic benefit subject to COLA's; and

(2) Computing COLA's on annuities partially computed under FERS and partially computed under the Civil Service Retirement System (CSRS).

(c) COLA's on children's annuities are not covered by this subpart because COLA's on children's annuities are computed under CSRS rules.

§ 841.702 Definitions.

In this subpart—

Annuity supplement means the benefit under subpart E of part 842 of this chapter. An "annuity supplement" is only payable to retirees.

Basic annuity means the benefits computed under subpart D of part 842 of this chapter and payable to retirees.

Basic employee death benefit means the basic employee death benefit as defined in § 843.102 of this chapter.

Beneficiary of insurable interest annuity means a person receiving a recurring benefit under FERS that is payable (after the employee's, Members, or retiree's death) to a person designated to receive such an annuity under § 842.605 of this chapter.

COLA means a cost-of-living adjustment.

Combined CSRS/FERS annuity means the recurring benefit with a CSRS component and a FERS component. A "combined CSRS/FERS annuity" is only payable to a retiree who as an employee elected to transfer to FERS under part 846 of this chapter, who at the time of transfer had at least 5 years of service creditable under CSRS (excluding service that was subject to both social security and partial CSRS deductions), and who was covered by FERS for at least 1 month.

CSRS means the Civil Service Retirement System as described in subchapter III of chapter 83 of title 5, United States Code.

CSRS component means the portion of a combined CSRS/FERS annuity that is computed under CSRS rules.

Current spouse annuity means a current spouse annuity as defined in § 842.602 of this chapter.

Disability retiree means a retiree who retired under part 844 of this chapter.

Effective date means the date annuities increased by a COLA begin to accrue at the higher rate.

FERS means the Federal Employees Retirement System as defined in chapter 84 of title 5, United States Code.

FERS component means the portion of a combined CSRS/FERS annuity computed under FERS rules.

Former spouse annuity means a former spouse annuity as defined in § 842.602 of this chapter.

Initial monthly rate means the monthly annuity rate that a retiree (other than a disability retiree) is entitled to receive at the time of retirement (as defined in § 842.602 of this chapter).

Percentage change means the percent change in the price index as defined in section 8462(a)(2) of title 5, United States Code.

Retiree means a retiree as defined in § 842.602 of this chapter.

Survivor means a person receiving a current spouse annuity or a former spouse annuity, or the beneficiary of an insurable interest annuity. As used in this subpart, "survivor" does not include a child annuitant.

Survivor supplement means the recurring benefit payable to a survivor under § 843.308 of this chapter.

§ 841.703 Increases on basic annuities and survivor annuities.

(a) Except as provided in §§ 841.704, 841.706, and 841.707, and paragraph (e) of this section, COLA's on basic annuities and survivor annuities are the greater of—

(1) One dollar per month; or

(2)(i) If the percentage change is less than 2 percent, the percentage change;

(ii) If the percentage change is at least 2 percent and not greater than 3 percent, 2 percent; and

(iii) If the percentage change exceeds 3 percent, 1 percentage point less than the percentage change.

(b) After survivor annuities commence, they are subject to COLA's computed under paragraph (a) of this section, even if they are based on a basic employee annuity that includes a CSRS component.

(c) COLA's apply to basic annuities (not to annuity supplements), survivor annuities, and survivor supplements.

(d) COLA's do not apply for annuitants who are under age 62 as of the effective date, except—

(1) Survivors;

(2) Disability retirees (other than disability retirees whose benefits is based on 60% of high-3 average salary);

(3) Retirees who retired under § 842.208 of this chapter (the special provisions for law enforcement officers and firefighters);

(4) Retirees who retired under § 842.207 of this chapter (the special provision for air traffic controllers);

(5) Retirees who retired under § 842.210 of this chapter (the special provision for military reserve technicians who ceased satisfying the requirements of their position) due to a disability.

(e)(1) Except as provided in paragraph (e)(2) of this section, COLA's are not payable to disability retirees during the first year.

(2) COLA's are payable to disability retirees during the first year if the annuity rate payable is the retiree's earned benefit or the annuity is redetermined because the retiree has reached age 62.

(3) After the first year, both the disability benefit and the social security offset (it any) are increased by COLA's. Disability retirees' earned benefits also increase with COLA's, even when earned benefits are not paid. After application of the COLA, the greater of the increased 40 percent benefit offset by social security or the increased earned benefit is paid until the annuity is redetermined at age 62. After age 62, the redetermined annuity is paid.

(f) COLA's are payable to retirees and survivors whose annuities commence before the effective date.

§ 841.704 Proration of COLA's.

(a) The full amounts of COLA's are payable on annuities having a commencing date more than 11 months before the effective date.

(b)(1) Prorated portions of COLA's are payable of annuities having a commencing date within 11 months before the effective date.

(2) Proration is based on the number of months (with any portion of a month counting as a month) between the annuity commencing date and the effective date.

(3) For survivors of deceased retirees, proration is determined by the date the annuity was first payable to the deceased retiree.

(4) Proration applied to the assume social security disability insurance benefit is based on the commencing date of the disability annuity, not the beginning of the social security disability benefit.

§ 841.705 Increases on basic employee death benefits.

(a) COLA's on the basic employee death benefit increase the $15,000 component by the percentage change.

(b) Recipients of the basic employee death benefit are entitled to COLA's if the employee or Member died on or after the effective date.

§ 841.706 Increases on combined CSRS/FERS annuities.

(a) COLA's on combined CSRS/FERS annuities are computed by increasing the CSRS component by the percentage change and the FERS component by the amount of COLA's under § 841.703(a).

(b) The initial monthly rate is computed by—

(1) Applying CSRS rules to CSRS service to obtain the annual rate of the self-only annuity (as defined in § 831.603 of this chapter) based on the CSRS service; then

(2) Applying FERS rules to FERS service to obtain the annual rate of annuity determined under §§ 842.403, 842.405, 842.406, or 842.407 of this chapter based on the FERS service; then

(3) Making any applicable FERS reductions for age and/or survivor benefits to the amounts computed under paragraphs (b)(1) and (b)(2) of this section; then

(4) Dividing the sum of the reduced amounts computed under paragraph (b)(3) of this section by 12; then

(5) Dropping any cents.

(c) The initial monthly CSRS component is computed by—

(1) Applying CSRS rules to CSRS service to obtain the annual rate of the self-only annuity (as defined in § 831.603 of this chapter) based on the CSRS service; then

(2) Making any applicable FERS reductions for age and/or survivor benefits; then

(3) Dividing the annual amount by 12; then

(4) Dropping any cents.

(d) The initial monthly FERS component is computed by subtracting the initial monthly CSRS component from the initial monthly rate.

(e) A retiree who was covered under FERS for at least one month has a FERS component. If the amount of the FERS component as computed under paragraph (d) of this section is zero (because the CSRS component is equal to the monthly rate, leaving no balance for the FERS component), the FERS component is $1 per month. The retiree is due a full dollar increase on the FERS component with the next COLA. An employee with less than a month of FERS service has no FERS component and is not due any FERS COLA's.

(f) COLA's are determined by applying the appropriate increase to each component and rounding to the next lower dollar (each component must increase by at least one dollar if a COLA applies to each component) before adding them together for the new monthly amount payable.

§ 841.707 COLA's affecting computation of survivor supplements.

For purposes of computing the assumed CSRS annuity under § 843.308 of this chapter, the assumed CSRS annuity includes COLA's computed under CSRS rules.

§ 841.708 Special provisions affecting retired military reserve technicians.

(a) Military reserve technicians who retire as a result of a medical disability are excepted from the bar against COLA increases for retirees under age 62.

(b) Military reserve technicians have retired as a result of a medical disability if they retire under—

(1) Section 8451(a)(1)(B) of title 5, United States Code (allowing retirement by military reserve technicians who are medically disabled for their positions); or

(2) Section 8456 of title 5, United States Codes (allowing retirement by military reserve technicians who are not disabled for their positions and who are not eligible under the special military technician discontinued service provisions (section 8414(c)) but who are medically disqualified for military service or the rank required to hold their positions).

(c)(1) Military reserve technicians have not retired as a result of a medical disability if they retire under section 8414(c) of title 5, United States Code (allowing retirement by military reserve technicians who may not be disabled for their positions, but are medically or nonmedically disqualified for military service or the rank required to hold the position, and who are at least age 50 with 25 years of service), unless they provide OPM official documentation showing that their disqualification was for medical reasons.

(2) When OPM receives no information about the reason for the disqualification of a military reserve technician retiring under section 8414(c) of title 5, United States Code, OPM will process the case assuming that the disqualification was for nonmedical reasons. OPM will inform these retirees that they will not receive COLA's until they reach age 62 unless they provide an official certification from the military showing that their disqualification was for medical reasons.

[FR Doc. 90-8867 Filed 4-16-90; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1e

DEPARTMENT OF LABOR

29 CFR Part 503

RIN 1290-AA10

Determination of the Shortage Number Under Section 210A of the Immigration and Nationality Act

AGENCIES: Office of the Secretary, United States Department of Agriculture; Office of the Secretary, United States Department of Labor.

ACTION: Final rule; approval of information collection requirements.

SUMMARY: This notice announces that the information collection requirements in the final rule on the Determination of the Shortage Number Under Section 210A of the Immigration and Nationality Act, which was published on January 2, 1990 (55 FR 106), have been approved by the Office of Management and Budget (OMB) through January 31, 1992, and have been assigned OMB Control Number 1225-0050. These requirements are effective upon publication of this rule in the Federal Register.

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Gary B. Reed, DOL, Telephone (202) 523-6007, or Mr. Al French, USDA, telephone (202) 447-4737.

SUPPLEMENTARY INFORMATION: On January 2, 1990, the United States Department of Agriculture (USDA) and the United States Department of Labor (DOL) (hereinafter "the Departments") published final regulations regarding the procedure to be used by the Secretaries of Agriculture and Labor (hereinafter "the Secretaries") for the determination of the number (if any) of additional aliens who should be admitted to the United States or who should otherwise acquire the status of aliens lawfully admitted for temporary residence under section 210A of the Immigration and Nationality Act (INA), as added by section 303 of the Immigration Reform and Control Act of 1986 (IRCA), to meet a shortage of workers to perform seasonal agricultural services (SAS), including calculation of the annual numerical limitation on such workers. The final rule, in subpart C, also established the procedure through which a group or association representing employers in SAS may appeal to the Secretaries for an increases in the shortage number. Further, the final rule,

in subpart D, set forth the procedure through which a group of agricultural workers, admitted or adjusted under section 210A of the INA, may petition the Secretaries for a decrease in the number of work-days of work required in order to maintain their temporary resident alien status. The paperwork requirements of this rule contained in subparts C and D were submitted to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980, as amended, and were not to be effective until approved by OMB. The above requirements have now been approved by OMB through January 31, 1992, and have been assigned OMB Control Number 1225–0050.

The public reporting burden for this collection of information results for two distinct types of requests that can be made to the Secretaries. The first is associated with requests by representatives of growers who use, or may use, special agricultural workers (SAWs) in SAS, who are seeking an increase in the shortage number. The other relates to requests which may be made by a group of replenishment agricultural workers (RAWs) who are seeking a decrease in the number of work-days during which they must perform SAS in order to maintain their temporary resident status under the INA. The Secretaries anticipate receipt of only a modest number of requests in either category. While no specific form of format is established, such requests must show that unanticipated circumstances have resulted in a significant increase or decrease in the shortage number, and in the case of requests for an increase in the shortage number, requesters must also show any recruitment efforts they have undertaken. Public burden for the collection of information is estimated to average 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, Department of Labor, room N–1301, 200 Constitution Avenue NW., Washington, DC 20210; and to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503.

The rule published on January 2, 1990, was promulgated jointly by USDA and DOL. Identical versions of the rule appear as 7 CFR part 1e, and 29 CFR part 503. Accordingly, 7 CFR part 1e, subpart C, § 1e.20, and subpart D, § 1e.30; and 29 CFR part 503, subpart C, § 503.20, and subpart D, § 503.30, are amended to insert the OMB Control Number, as set forth below.

Procedural Matters

This technical amendment is not a major rule as defined by Executive Order 12291. The rule will have no impact on small entities as described in the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*).

Done at Washington, DC, this 10th of April 1990.

Clayton K. Yeutter,

Secretary of Agriculture.

Elizabeth Dole,

Secretary of Labor.

Text of the Joint Rule

The text of the joint rule as amended by USDA and DOL in this document appears below.

DEPARTMENT OF AGRICULTURE

7 CFR part 1e is amended as set forth below.

DEPARTMENT OF LABOR

29 CFR part 503 is amended as set forth below.

PART ——— —DETERMINATION OF THE SHORTAGE NUMBER UNDER SECTION 210A OF THE IMMIGRATION AND NATIONALITY ACT

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

Authority: 8 U.S.C. 1161.

Subpart C—Emergency Procedure for Increase in Shortage Number

2. Section ———.20 is amended by adding, parenthetically, the OMB Control Number at the end of the section to read as follows:

§ ———.20 Request by group or association representing employers.

* * * * *

(The information collection requirements in paragraph (d) approved by the Office of Management and Budget under control number 1225–0050)

* * * * *

Subpart D—Procedure for Decreasing the Work-day Requirement

3. Section ———.30 is amended by adding, parenthetically, the OMB Control Number at the end of the section to read as follows:

§ ———.30 Request by group of special agricultural workers.

* * * * *

(The information collection requirements in paragraph (c) approved by the Office of Management and Budget under control number 1225–0050)

* * * * *

[FR Doc. 90–8874 Filed 4–16–90; 8:45 am]

BILLING CODE 3410–01–Mr, 4510–23–M

Agricultural Marketing Service

7 CFR Parts 911 and 915

[Docket No. FV–90–136FR]

Expenses and Assessment Rates for the Marketing Orders Covering Limes and Avocados Grown in Florida

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes assessment rates under Marketing Orders Nos. 911 and 915 for the 1990–91 fiscal year (April 1–March 31) for each marketing order program. These expenditures and assessment rates are needed by the administrative committees established under these orders to pay program expenses and collect assessments from handlers to pay those expenses. This action will enable these committees to perform their duties and the programs to operate.

EFFECTIVE DATE: April 1, 1990 through March 31, 1991 for each order.

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

SUPPLEMENTARY INFORMATION: This final rule is issued under the Marketing Agreement and Marketing Order Nos. 911 (7 CFR part 911) regulating the handling of limes grown in Florida, and 915 (7 CFR part 915) regulating the handling of avocados grown in South Florida. These agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the

Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

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

There are about 26 handlers of Florida limes and 34 handlers of Florida avocados subject to regulation under these marketing orders, and about 260 lime producers and 300 avocado producers in Florida. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

Each marketing order administered by the U.S. Department of Agriculture (Department) requires that the assessment rate for a particular fiscal year shall apply to all assessable commodities handled from the beginning of such year. An annual budget of expenses is prepared by each administrative committee and submitted to the Department for approval. The members of administrative committees are handlers and producers of the regulated commodities. They are familiar with the committees' needs and with the costs for goods, services, and personnel in their local areas and are thus in a position to formulate appropriate budgets. The budgets are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

The assessment rate recommended by each administrative committee is derived by dividing anticipated expenses by the expected bushels (55 pounds) of fruit shipped. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committees' expected expenses. Recommended budgets and rates of assessment are usually acted upon by the committees shortly before a season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so that the committees will have funds to pay their expenses.

The Florida Lime Administrative Committee (FLAC) met February 7, 1990, and unanimously recommended a 1990–91 budget with expenditures of $244,000 and an assessment rate of $0.18 per bushel (55 pounds) of assessable limes shipped under M.O. 911. In comparison, the 1989–90 fiscal year budgeted expenditures were $278,000 and the assessment rate was $0.18 per bushel. FLAC assessment income for 1990–91 is estimated at $234,000, based on shipments of 1,300,000 bushels of assessable limes, and interest income is estimated at $10,000. The FLAC has about $162,000 in its reserve, an amount well within the maximum authorized.

Major expenditure items in the FLAC budget for the 1990–91 fiscal year, compared with those budgeted for 1989–90 (in parentheses), are $112,500 ($105,300) for program administration, $101,500 ($102,700) for production research, and $30,000 ($70,000) for market development and public relations. The administration category includes expenditures for office operations, a program financial audit, program enforcement, and FLAC travel. Research and market development projects will be submitted later after they are fully developed and recommended by the FLAC. Research includes $25,000 for a water table study by Ghioto, Inc., $70,000 for a post-bloom drop study and $6,500 for a grove management study by the University of Florida. Market development includes $5,000 for public relations activities by the Florida Department of Agriculture and $25,000 for projects to be developed later.

The Avocado Administrative Committee (AAC) also met February 7, 1990, and unanimously recommended a 1990–91 budget with expenditures of $127,000 and an assessment rate of $0.16 per bushel (55 pounds) of assessable avocados shipped under M.O. 915. In comparison, the 1989–90 fiscal year budgeted expenditures were $200,000 and the assessment rate was $0.16 per bushel. The reduction in expenditures for 1990–91 reflects the substantially smaller crop estimated for next season, resulting from last winter's freeze. AAC assessment income for 1990–91 is estimated at $112,000, based on shipments of 700,000 bushels of assessable avocados, and interest income is estimated at $5,000. The AAC plans to draw fund from its reserve, which currently amounts to about $78,000, to cover the projected $10,000 deficit for 1990–91.

Major expenditure items in the AAC budget for the 1990–91 fiscal year, compared with those budgeted in 1989–90 (in parentheses), are $93,000 ($113,800) for program administration, and $34,000 ($61,200) for production research. The administration category includes expenditures for office operations, a program financial audit, program enforcement, and AAC travel. Research projects will be submitted later after they are fully developed and recommended by the AAC. Research includes $25,000 for a water table study by Ghioto, Inc., $2,500 for a tree topping and thinning study, and $6,500 for a grove management study by the University of Florida.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be significantly offset by the benefits derived from the operation of the marketing orders. Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule concerning this action was published in the **Federal Register** (55 FR 10785, March 23, 1990). Comments on the proposed rule were invited from interested persons until April 2, 1990. No comments were received.

This final rule adds new §§ 911.229 and 915.229 under these marketing orders, based on the committees' recommendations and other information.

After consideration of the information and recommendations submitted by the committees and other available information, it is found that this final rule will tend to effectuate the declared policy of the Act.

This final rule needs to be expedited because the fiscal year for these marketing orders began on April 1, 1990, and the committees need to have sufficient funds to pay their expenses, which are incurred on a continuous basis. In addition, handlers are aware of this action, which was recommended by the committees at public meetings. Therefore, it is found that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** (5 U.S.C. 553).

List of Subjects in 7 CFR Parts 911 and 915

Avocados, Limes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR parts 911 and 915 are added as follows:

1. The authority citation for 7 CFR parts 911 and 915 continues to read as follows:

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

2. New §§ 911.229 and 915.229 are added to read as follows:

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

PART 911—LIMES GROWN IN FLORIDA

§ 911.229 Expenses and assessment rate.

Expenses of $244,000 by the Florida Lime Administrative Committee are authorized, and an assessment rate of $0.18 per bushel (55 pounds) of assessable limes is established for the fiscal year ending March 31, 1991. Any unexpended funds from the 1989–90 fiscal year may be carried over as a reserve.

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

§ 915.229 Expenses and assessment rate.

Expenses of $127,000 by the Avocado Administrative Committee are authorized, and an assessment rate of $0.16 per bushel (55 pounds) of assessable avocados is established for the fiscal year ending March 31, 1991. Any unexpended funds from the 1989–90 fiscal year may be carried over as a reserve.

Dated: April 12, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–8875 Filed 4–16–90; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 235

[INS No.: 1266–90]

Final Date of Application for the Issuance of Northern Mariana Identification Card

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of application deadline.

SUMMARY: On June 22, 1988, the Immigration and Naturalization Service published a final rule at 54 FR 23379 (8 CFR 235.12), that established authority to issue an identification card to persons born before November 3, 1986, who received United States citizenship pursuant to Public Law 94–241 and Executive Order 12572, which established the Commonwealth of the Northern Mariana Islands. This notice serves as a reminder to all interested parties that the final date of application for the issuance of the Northern Mariana identification card is July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Cindy N. Lechner, Senior Immigration Examiner, Immigration and Naturalization Service, 425 "I" Street, NW., Washington, DC 20536. Telephone (202) 633–3320.

SUPPLEMENTARY INFORMATION: On November 3, 1986, the President signed a proclamation implementing Public Law 94–241, establishing the Commonwealth of the Northern Mariana Islands (CNMI) in political union with the United States. As a result of this action, 15,000 to 20,000 persons became citizens of the United States. However, a number of inhabitants of the islands did not gain citizenship due to the terminology of Public Law 94–241. This problematic situation created a need for a viable identity document to distinguish the newly proclaimed citizens born before November 3, 1986, since a record of birth in the CNMI before that date is not conclusive evidence of United States citizenship.

Previously, a United States passport was the only document available to those persons to establish citizenship. However, due to several limitations that the CNMI Government pointed out, and at the request of that Government, the Service agreed to issue an identification document to those persons who acquired citizenship as a result of the creation of the Commonwealth. It was determined that the issuance of the document was to be of a limited duration period of two years in order to allow those qualified applicants who became citizens through the creation of the Commonwealth to obtain a document.

Those individuals born in the CNMI after November 3, 1986, are not eligible to receive this document because their birth records are evidence of United States citizenship.

The following individuals and their children under 18 years of age, who were born on or before November 3, 1986, and were not citizens or nationals of the United States, and did not owe allegiance to any foreign state on that date are eligible to apply for the Northern Mariana identification card:

(1) A person born in the Northern Mariana Islands (NMI), and as of November 2, 1986, was a citizen of the Trust Territory of the Pacific Islands and was domiciled as of that date in the Commonwealth of the Northern Mariana Islands (CNMI) or the United States, or any territory or possession of the United States; or

(2) A citizen of the Trust Territory of the Pacific Islands on November 2, 1986, who had been domiciled continuously in the NMI for the preceding five years and who, unless under age, registered to vote in elections for the NMI District legislature or for any municipal election in the NMI prior to January 1, 1975; or

(3) A person domiciled in the NMI on November 2, 1986, who although not a citizen of the Trust Territory of the Pacific Islands on that date, had been continuously domiciled in the NMI beginning prior to January 1, 1974.

Application for the Northern Mariana identification card shall be made on Form I–777, Application for Issuance or Replacement of Northern Mariana Card, and submitted to the Service office in the United States which has jurisdiction over the applicant's residence. Form I–777 shall also be utilized in the case of replacement card applications for lost, mutilated, or destroyed cards.

The two-year issuance period of the Northern Mariana identification card expires on July 1, 1990. Replacement cards shall continue to be issued upon application on Form I–777.

Dated: April 4, 1990.

R. Michael Miller,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 90–8764 Filed 4–16–90; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90–ASO–3]

Establishment of Compulsory Reporting Point; North Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes a high altitude compulsory reporting point at Elizabeth City, NC. Elizabeth City is located on the coastline of the Atlantic Ocean and is the primary

navigational aid for aircraft operations proceeding via Atlantic Route AR–8. This compulsory reporting point is necessary to ensure that radio contact is established with aircraft that are inbound/outbound for air traffic control purposes. This action improves air safety and aids air traffic controllers.

EFFECTIVE DATE: 0901 u.t.c. June 28, 1990.

FOR FURTHER INFORMATION CONTACT: Lewis W. Still, Airspace Branch (ATO–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Operations Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9250.

SUPPLEMENTARY INFORMATION:

The Rule

The purpose of this amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) is to establish a high altitude compulsory reporting point at Elizabeth City, NC. Elizabeth City is located on the Atlantic Ocean coast and is the primary navigational aid for aircraft operations proceeding via Atlantic Route AR–8. This point is an existing noncompulsory reporting point. However, a compulsory reporting point is required to ensure that radio contact is established with inbound/outbound aircraft for positive identification and location for air traffic control purposes. This action increases air safety and aids air traffic controllers. This action does not alter air routes or the designation of controlled airspace. Therefore, I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary because this action is a minor technical amendment in which the public would not be particularly interested. Section 71.207 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Compulsory reporting points.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.207 [Amended]

2. Section 71.207 is amended as follows:

Elizabeth City, NC (New)

Issued in Washington, DC, on April 4, 1990.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 90–8844 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 89–ASW–48]

Revision of Transition Area; Ada, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the transition area located at Ada, OK. The development of a new VOR/DME RWY 17 standard instrument approach procedure (SIAP), utilizing the Ada Very High Frequency Omnidirectional Radio Range (VOR), has made this amendment necessary. The intended effect of this amendment is to provide adequate controlled airspace for aircraft executing the new SIAP to the Ada Municipal Airport.

EFFECTIVE DATE: 0901 u.t.c., June 28, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530, telephone (817) 624–5561.

SUPPLEMENTARY INFORMATION:

History

On November 16, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at Ada, OK (54 FR 49306).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F, dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the transition area located at Ada, OK. The development of a new VOR/DME RWY 17 SIAP, utilizing the Ada VOR, has made this amendment necessary. This amendment will reduce the radius of the existing transition area from 9 miles to 6.5 miles and will create an arrival extension to the north. The current transition area is too large for the type of aircraft which use the Ada Municipal Airport. The intended effect of this amendment is to release to the public that controlled airspace no longer required. This amendment will provide adequate controlled airspace for aircraft executing all the SIAP's which serve the Ada Municipal Airport.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal

Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Ada, OK (Revised)—That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Ada Municipal Airport (latitude 34°48'20" N., longitude 96°40'14" W.), and within 3.5 miles each side of the 355° radial of the Ada VOR (latitude 34°48'09" N., longitude 96°40'12" W.), extending from the 6.5-mile radius area to 16.5 miles north of the Ada Municipal Airport.

Issued in Fort Worth, TX, on March 29, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-8846 Filed 4-16-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 89-SW-38]

Revision of Transition Area; Clovis, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action corrects line 4 published in the **Federal Register** on April 4, 1990 (55 FR 12482). The date "October 30, 1989" is corrected to read "February 28, 1990" and the parenthetical citation "54 FR, page 6980" is corrected to read "55 FR 6980".

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, Texas 76193-0530, telephone (817) 624-5530".

Issued in Washington, DC, on April 9, 1990.

Clara M. Thieling,

Editor, Program Management Staff.

[FR Doc. 90-8845 Filed 4-16-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 89-ASW-55]

Revision of Transition Area: Carthage, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will revise the transition area located at Carthage, TX. The development of a new NDB RWY 35 standard instrument approach procedure (SIAP) to the Panola County-Sharpe Field, Carthage, TX, utilizing the Carthage Nondirectional Radio Beacon (NDB), has made this revision necessary. The intended effect of this action is to provide adequate controlled airspace for all aircraft executing this new SIAP. The status of the Panola County-Sharpe Field will continue to be instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c, June 28, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On December 20, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at Carthage, TX (55 FR 645).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 17.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F, dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will revise the transition area located at Carthage, TX. The development of a new NDB RWY 35 SIAP to the Panola County-Sharpe Field, Carthage, TX, utilizing the Carthage NDB, has made this revision necessary. The intended effect of this action is to provide adequate controlled airspace for all aircraft executing this new SIAP. The status of the Panola County-Sharpe Field will continue to be IFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimial. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Carthage, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Panola County-Sharpe Field (latitude 32°10'27" N., longitude 94°17'52" W.), and within 3.5 miles each side of the 183° bearing of the Carthage NDB (latitude 32°10'44" N., longitude 94°17'46" W.), extending from the 6.5-mile radius area to 10.5 miles south of the Panola County-Sharpe Field.

Issued in Fort Worth, TX, on March 29, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-8847 Filed 4-16-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-ASW-45]

Establishment of Transition Area: Taylor, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will establish a transition area at Taylor, TX. The development of a new VOR/DME-A standard instrument approach procedure (SIAP), utilizing the Austin Very High Frequency Omnidirectional Radio Range/Tactical Air Navigation (VORTAC), has made this amendment necessary. The intended effect of this amendment is to provide adequate controlled airspace for all aircraft executing this new SIAP to the Taylor Municipal Airport. Coincident with this action is the changing of the status of the Taylor Municipal Airport from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c., May 17, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0530, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On October 31, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area at Taylor, TX (54 FR 48115).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F, dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations will establish a transition area at Taylor, TX. The development of a new VOR/DME-A SIAP, utilizing the Austin VORTAC, has made this amendment necessary. The intended effect of this amendment is to provide adequate controlled airspace for all aircraft executing this new SIAP to the Taylor Municipal Airport. The Taylor, TX, Transition Area will not infringe upon the existing Austin, TX, Transition Area or any other existing transition area. Coincident with this action is the changing of the status of the Taylor Municipal Airport from VFR to IFR.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Taylor, TX [New]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Taylor Municipal Airport (latitude 30°34'12"N., longitude 97°27'00" W.).

Issued in Fort Worth, TX, on April 2, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-8848 Filed 4-16-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 89-AEA-23]

Alteration of Transition Area; Chantilly, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This notice modifies the 700 foot Transition Area established for the Leesburg Municipal Airport (Godfrey Field), Leesburg, VA, and effects minor changes to the geographic position of other airports listed in the Transition Area description. This action reflects that amount of controlled airspace which is deemed necessary to contain arriving and departing flights at the Leesburg Airport operating under Instrument Flight Rules (IFR).

EFFECTIVE DATE: 0901 u.t.c. May 17 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Curtis L. Brewington, Airspace Specialist, System Management Branch, AEA-530, Federal Aviation Administration, Fitzgerald Federal Building # 111, John F. Kennedy International Airport, Jamaica, New York 11430; telephone: (718) 917-0857.

SUPPLEMENTARY INFORMATION:

History

On December 29, 1989, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Chantilly, VA 700 foot Transition Area (55 FR 1836) to reflect that amount of controlled airspace which is deemed necessary by the FAA to contain arriving and departing aircraft at the Leesburg Municipal (Godfrey Field) Airport, Leesburg, VA operating under IFR. The proposed action is due to the revision and establishment of new SIAPs to this airport. In addition, minor corrections to the geographic position of other airports in the Chantilly, VA, 700 foot Transition Area description are being updated to reflect the actual location.

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No written comments referencing this proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6F, January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends

the 700 foot Transition Area for Chantilly, VA and updates the geographic coordinates of airports contained within the transition area description.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transtion areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Change the following airport coordinates:

Chantilly, VA [Amended]

Dulles International Airport

from lat. 38°56'40 "N ., long. 77°27'24" W. to lat. 38°56'39" N., long. 77°27'26" W.;

Manassas Municipal Airport (Harry P. Davis Field)

from lat. 38°43'30" N., long. 77°31'00" W. to lat. 38°43'17" N., long. 77°30'57" W.;

Change "within an 8-mile radius of the center of Leesburg Municipal Airport (Godfrey Field), Leesburg, VA, lat. 39°04'37" N., long. 77°33'25" W."

to read "within an 8.5-mile radius of the center of Leesburg Municipal Airport (Godfrey Field), Leesburg, VA, lat. 39°04'45" N., long. 77°33'30" W.; within 3.5 miles either side of the Leesburg Municipal Airport Runway 17 Localizer Course, extending from the 8.5-mile area to 12 miles north of the airport."

Issued in Jamaica, New York, on March 5, 1990.

Billy E. Commander,

Acting Manager, Air Traffic Division.

[FR Doc. 90–8849 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: On July 20, 1988, the Commodity Futures Trading Commission ("Commission") approved, pursuant to rule § 30.3(a), 17 CFR 30.3(a) (1989), the offer or sale in the United States of certain option contracts traded on the Sydney Futures Exchange ("SFE"). The Commission hereby amends the July 20, 1988, Order to allow the deferred payment of option premiums for foreign futures and option customers [1] purchasing certain SFE option contracts. This Order is issued pursuant to Commission rule § 30.3(a) which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered in the United States.

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: David A. Naatz, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, DC 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

Order Under Commission Rule 30.3(a) Permitting the Deferred Payment of Option Premiums for Foreign Futures and Options Customers Purchasing Sydney Futures Exchange Option Products

On July 20, 1988, the Commission approved, pursuant to rule 30.3(a), 17 CFR 30.3(a) (1989), the offer or sale in the United States of certain option contracts traded on the SFE.[2] Such option contracts, unlike contracts traded on designated contract markets in the United States (as described in the options risk disclosure statement in Commission § 33.7, 17 CFR 33.7 (1989)), are designed with provisions for deferred payment of the option premium.[3]

Under the Commission's July 20, 1988 Order, however, the deferred payment of option premiums was not permitted for foreign futures and options customers purchasing the SFE option contracts. Specifically, that Order was issued subject to the condition that:

> [N]otwithstanding any rules of the Exchange or the [National Companies and Securities Commission], options traded pursuant to this Order may only be offered and sold to foreign futures and options customers if each futures commission merchant receives from each such customer the full amount of each option premium at the time the option is purchased. . . .

By letter dated March 22, 1990, counsel to the SFE has requested that the Commission amend the Order dated July 20, 1988, to allow the deferred payment of option premiums for foreign futures and options customers purchasing certain SFE option products. In support of its position, SFE notes that granting the request would be in the interest of assuring competitive parity, since the Commission has granted similar requests by the London International Financial Futures Exchange, the International Petroleum Exchange of London, and the London Futures and Options Exchange.[4] Upon

[1] Rule 30.1(c), 17 CFR 30.1(c) (1988), defines a "foreign futures or foreign options customer" as "any person located in the United States, its territories or possessions who trades in foreign futures or foreign options. . . ." Subpart (c) of rule 30.1 defines "foreign option" as any transaction or agreement which is or is held out to be of the character of, or is commonly known to the trade as, an "option," "privilege," "indemnity," "bid," "offer," "put," "call," "advance guaranty" or "decline guaranty," made or to be made on or subject to the rules of any foreign board of trade.

[2] 53 FR 28832 (July 29, 1988).

[3] Thus the option premium may be paid upon exercise or expiry of the option contract rather than at the time the option is purchased. In order to maintain adequate cover against the risk of loss, a system of margining similar in principle and practice to that used for futures contracts supports the option contracts. The maximum potential loss under this system, as under the present United States system, is the price of the option (*i.e.* premium). This deferred payment system differs from that which currently exists in the United States. Commission rule 33.4(a)(2), 17 CFR 33.4(a)(2) (1989), requires payment of the full amount of the option premium at the time the option is purchased.

[4] *See* 54 FR 37636 (September 12, 1989) (London International Financial Futures Exchange); 54 FR 50356 (December 6, 1989) (International Petroleum Exchange of London); and 54 FR 50348 (December 6, 1989) (London Futures and Options Exchange).

Subsequent to the issuance of the Commission's Order with respect to SFE and prior to its issuance of the Order with respect to LIFFE, the Chicago Board of Trade and the Chicago Mercantile Exchange petitioned the Commission for repeal of § 33.4(a)(2) (by letters dated July 11 and 27, 1989,

Continued

review of the matter, the Commission has determined to amend its Order dated July 20, 1988, to permit deferred payment of the premium with respect to the SFE option products approved for offer or sale in the United States.

In connection with the foregoing, in order to ensure that United States customers solicited to trade the approved SFE option contracts understand that such contracts have provision for futures style margining of option products, the Commission hereafter will require firms which elect not to collect the full option premium at the time of purchase to provide customers resident in the United States with the following addendum to the risk disclosure statement required by § 33.7:

Additional CFTC Disclosure Statement Relating to Deferred Payment of Option Premiums

Certain options contracts traded on boards of trade (exchanges) located *outside* the United States which are authorized by the CFTC for sale in the United States make provision for deferred payment of the option premium, are subject to initial and variation margin requirements and are marked-to-market. Consequently, the futures commission merchant ("FCM") or a firm granted an exemption from the FCM registration requirement might not require the purchaser of such an option to put up the full premium at purchase.

Although there is provision for deferred payment of premium, the purchaser of an option is still subject to the risk of losing the entire purchase price of the option, that is, the option premium plus all transaction costs. Consequently, before purchasing an option, an individual should fully understand the applicable margin requirements, and particularly should be aware of the obligation to pay variation margin not exceeding the amount of the premium in the case of adverse market movement. Although the purchaser may receive some accruing profit during the life of the option, he should be aware that in order to realize and retain any value from the option, it will be necessary either to offset the option position or for the option to be exercised, which may be achieved automatically if the terms of the option contract so provide. In the event of offset or exercise of the option position the full purchase price will be collected if it has not yet been paid.

Except as provided herein, this Order shall not change the terms and conditions of the Commission's July 20, 1988 Order granting the rule § 30.3(a) petition of SFE.

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respectively). On March 14, 1989, the Commission published a Notice of Petition for Rulemaking and a Request for Comments to delete Commission Regulations 33.4(a)(2) in order to permit the development of "futures-style margining" of commodity options. 54 FR 11233 (March 17, 1989).

Issued in Washington, DC, on April 11, 1990.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-8841 Filed 4-16-90; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 430 and 442

[Docket No. 90N-0101]

Antibiotic Drugs; Cefpiramide Sodium for Injection

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the inclusion of accepted standards for a new antibiotic drug, cefpiramide sodium for injection. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective May 17, 1990 in written comments, notice of participation, and request for hearing by May 17, 1990; data, information, and analyses to justify a hearing by June 18, 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Peter A. Dionne, Center for Drug Evaluation and Research (HFD-520), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to a request for approval of a new antibiotic drug, cefpiramide sodium for injection. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended by adding new paragraph (a)(63) to 21 CFR 430.4, new paragraphs (a)(98) and (b)(100) to 21 CFR 430.5, new paragraph (b)(100) to 21 CFR 430.6, and new 21 CFR 442.60 and 442.260 to provide for the inclusion or accepted standards for this product.

Environmental Impact

The agency has determined under 21 CFR 25.24(c)(6) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Submitting Comments and Filing Objections

This final rule announces standards that FDA has accepted in a request for approval of an antibiotic drug. Because this final rule is not controversial and because when effective it provides notice of accepted standards, FDA finds that notice and comment procedure is unnecessary and not in the public interest. This final rule, therefore, becomes effective May 17, 1990. However, interested persons may, on or before May 17, 1990, submit comments to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this final rule may file objections to it and request a hearing. Reasonable grounds for the hearing must be shown. Any person who decides to seek a hearing must file (1) on or before May 17, 1990, a written notice of participation and request for hearing, and (2) on or before June 18, 1990, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 314.300. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this

document and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 314.300.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR

Part 430

Administrative practice and procedure, Antibiotics.

Part 442

Antibiotics.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR parts 430 and 442 are amended as follows:

PART 430—ANTIBIOTIC DRUGS; GENERAL

1. The authority citation for 21 CFR part 430 continues to read as follows:

Authority: Secs. 201, 501, 502, 503, 505, 507, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 351, 352, 353. 355, 357, 371); secs. 215, 301, 351 of the Public Health Service Act (42 U.S.C. 216, 241, 262).

2. Section 430.4 is amended by adding new paragraph (a)(63) to read as follows:

§ 430.4 Definitions of antibiotic substances.

(a) * * *

(63) *Cefpiramide.* Cefpiramide is an antibiotic substance having the chemical structure described by the following name: (6*R*, 7*R*)-7-[(*R*)-2-(4-hydroxy-6-methyl-nicotinamido)-2-(*p*-hydroxyphenyl)acetamido]-3-[[(1-methyl-1*H*-tetrazol-5-yl)thio]methyl]-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid.

3. Section 430.5 is amended by adding new paragraphs (a)(98) and (b)(100) to read as follows:

§ 430.5 Definitions of master and working standards.

(a) * * *

(98) *Cefpiramide.* The term "cefpiramide master standard" means a specific lot of cefpiramide that is designated by the Commissioner as the standard of comparison in determining the potency of the cefpiramide working standard.

(b) * * *

(100) *Cefpiramide.* The term "cefpiramide working standard" means a specific lot of a homogeneous preparation of cefpiramide.

4. Section 430.6 is amended by adding new paragraph (b)(100) to read as follows:

§ 430.6 Definitions of the terms "unit" and "microgram" as applied to antibiotic substances.

* * * * *

(b) * * *

(100) *Cefpiramide.* The term "microgram" applied to cefpiramide means the cefpiramide (potency) contained in 0.994 microgram of the cefpiramide master standard.

PART 442—CEPHA ANTIBIOTIC DRUGS

5. The authority citation for 21 CFR part 442 continues to read as follows:

Authority: Sec. 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357).

6. New § 442.60 is added to subpart A to read as follows:

§ 442.60 Cefpiramide.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cefpiramide is (6*R*, 7*R*)-7-[(*R*)-2-(4-hydroxy-6-methyl-nicotinamido)-2-(*p*-hydroxyphenyl)acetamido]-3-[[(1-methyl-1*H*-tetrazol-5-yl)thio]methyl]-8-oxo-5-thia-1-azabicyclo[4.2.0]oct-2-ene-2-carboxylic acid. It is so purified and dried that:

(i) Its potency is not less than 974 micrograms of cefpiramide activity per milligram on an anhydrous basis.

(ii) Its moisture content is not more than 9.0 percent.

(iii) Its pH in an aqueous suspension containing 5 milligrams per milliliter is not less than 3.0 and not more than 5.0.

(iv) Its total related substances content by high performance liquid chromatography is not more than 2.0 percent. No individual impurity is more than 0.7 percent.

(v) The specific rotation in dimethylformamide solution containing 10 milligrams of cefpiramide per milliliter is -106 ± 6 °C calculated on an anhydrous basis.

(vi) It passes the identity test.

(vii) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, moisture, pH, total related substances, specific rotation, identity, and crystallinity.

(ii) Samples, if required by the Center for Drug Evaluation and Research: 10 packages each containing approximately 500 milligrams.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.216 of this chapter, using ambient temperature, an ultraviolet detection system operating to a wavelength of 254 nanometers, a 15- to 30-centimeter X 4-millimeter (inside diameter) column packed with microparticulate (5 to 10 micrometers in diameter) reversed phase packing material such as octylsilane bonded to silica, a flow rate not to exceed 2.0 milliliters per minute, and a known injection volume of between 10 and 20 microliters. Reagents, working standard and sample solutions, resolution test solution, system suitability requirements, and calculations are as follows:

(i) *Reagents*—(A) *0.01M phosphate buffer.* Dissolve 1.36 grams of monobasic potassium phosphate in 900 milliliters of water. Adjust the pH to 6.8 with 1*N* sodium hydroxide and dilute to 1,000 milliliters with water.

(B) *Mobile phase.* Mix 0.01*M* phosphate buffer: acetonitrile: tetrahydrofuran: methanol (880:40:40:40). Filter through a suitable filter capable of removing particulate matter to 0.5 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph.

(ii) *Preparation of working standard, sample, and resolution test solutions*—(A) *Working standard solution.* Dissolve and dilute an accurately weighed portion of the cefpiramide working standard in sufficient mobile phase to obtain a solution containing 0.25 milligram of cefpiramide activity per milliliter.

(B) *Sample solution.* Dissolve an accurately weighed portion of the sample in mobile phase and further dilute to 0.25 milligram of cefpiramide per milliliter (estimated).

(C) *Resolution test solution.* Dissolve an accurately weighed portion of cefpiramide working standard in 0.01*N* sodium hydroxide to obtain a solution containing approximately 1.0 milligram of cefpiramide activity per milliliter. Heat this solution at 95 °C for 10 minutes. This procedure allows cefpiramide lactone to be produced. Dilute 1.0 milliliter of this solution to 20 milliliters with mobile phase.

(iii) *System suitability requirements*)—(A) *Asymmetry factor.* Calculate the asymmetry factor (A_s), measured at a point 5 percent of the peak height from the baseline as follows:

$$A_s = \frac{a+b}{2a}$$

where:

a=Horizontal distance from point of ascent to point of maximum peak height; and

b=Horizontal distance from the point of maximum peak height to point of descent.

The asymmetry factor (A_s) is satisfactory if it is not less than 0.95 and not more than 1.4.

(B) *Efficiency of the column.* From the number of theoretical plates (n) calculated as described in § 436.216(c)(2) of this chapter calculate the reduced plate height (h_r) as follows:

$$h_r = \frac{(L)(10{,}000)}{(n)(d_p)}$$

where:

L=Length of the column in centimeters;

n=Number of theoretical plates; and

d_p=Average diameter of the particles in the analytical column packing in micrometers.

The absolute efficiency (h_r) is satisfactory if it is not more than 12.5 for the cefpiramide peak.

(C) *Resolution factor.* The resolution factor (R) between the peak for cefpiramide and the peak for cefpiramide lactone (generated in situ) is satisfactory if it is not less than 6.0.

(D) *Coefficient of variation (relative standard deviation).* The coefficient of variation (S_r in percent of 5 replicate injections is satisfactory if it is not more than 2.0 percent.

(E) *Capacity factor (k').* Calculate the capacity (k') for cefpiramide as follows:

$$k' = \frac{t_r - t_o}{t_o}$$

where:

t_r = Retention time of cefpiramide in minutes; and

t_o = Column dead time in minutes, which is estimated from the following equation:

$$t_o = \frac{(3.1416)(D^2)(L)(0.75)}{4F}$$

where:

D=Column diameter in centimeters;

L=Column length in centimeters;

0.75=Average total column porosity; and

F=Flow rate in milliliters per minute.

The capacity factor (k') for cefpiramide is satisfactory if it is not less than 2.0 and not more than 3.0. If the system suitability parameters have been met, then proceed as described in § 436.216(b) of this chapter.

(iv) *Calculations.* Calculate the micrograms of cefpiramide per milligram of sample as follows:

$$\text{Micrograms of cefpiramide per milligram} = \frac{A_u \times P_s \times 100}{A_s \times C_u \times (100-m)}$$

where:

A_u=Area of the cefpiramide peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s=Area of the cefpiramide peak in the chromatogram of the cefpiramide working standard;

P_s=Cefpiramide activity in the cefpiramide working standard solution in micrograms per milliliter;

C_u=Milligrams of cefpiramide sample per milliliter of sample solution; and

m=Percent moisture content of the sample.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(3) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous suspension containing 5 milligrams of cefpiramide per milliliter.

(4) *Total related substances.* Proceed as directed in paragraph (b)(1) of this section except use the following reagents, standard and sample solutions, and calculations:

(i) *Reagents*—(A) *0.03M phosphate buffer.* Dissolve 4.08 grams of monobasic potasssium phosphate in 800 milliliters of water. Adjust the pH to 7.5 with 1*N* sodium hydroxide and dilute to 1,000 milliliters with water.

(B) *Mobile phase.* Mix 0.03*M* phosphate buffer: methanol (750:250). Filter through a suitable filter capable of removing particulate matter to 0.5 micron in diameter. Degas the mobile phase just prior to its introduction into the chromatograph.

(ii) *Preparation of working standard and sample solutions.*

(A) *Working standard solution.* Transfer about 12.5 milligrams of 5-mercapto-1-methyl-1*H*-tetrazole (MMT) and an amount of cefpiramide working standard equivalent to about 25 milligrams of cefpiramide activity, both accurately weighed, to a 100-milliliter volumetric flask. Dissolve and dilute to volume with 0.03*M* phosphate buffer. Further dilute 2.0 milliliters of this solution to 100 milliliters with mobile phase.

(B) *Sample solution.* Transfer about 25 milligrams of the test material, accurately weighed, to a 50-milliliter volumetric flask. Dissolve and dilute to volume with mobile phase.

(iii) *Calculations.* Calculate the percentages, individually, of MMT and any other compounds detected as follows:

$$T_1 = \text{Percent MMT (tetrazole)} = \frac{A_u \times C_s \times P_s \times 100}{A_s \times C_u \times 1{,}000}$$

$$T_2 = \text{Percent related compound} = \frac{R_u \times C_s \times P_s \times 100}{R_s \times C_u \times 1{,}000}$$

$$\text{L=Percent largest related compound=}\frac{L_u \times C_s \times P_s \times 100}{R_s \times C_u \times 1{,}000}$$

where:

A_u = Area of the tetrazole sample peak;

A_s = Area of the tetrazole working standard peak;

C_s = Concentration of the working standard in milligrams per milliliter;

P_s = Potency of the working standard in micograms per milligram;

C_u = Concentration of the sample solutions in milligrams per milliliter;

R_u = Sum of peak areas of other compounds, excepting MMT and cefpiramide, detected in the sample chromatogram.

R_s = Area of the cefpiramide working standard peak; and

L_u = Area of the largest related peak, except MMT.

T = Percent total related compounds = $T_1 + T_2$.

(5) *Specific rotation.* Dilute an accurately weighed sample with sufficient dimethylformamide to obtain a concentration of approximately 10 milligrams of cefpiramide per milliliter. Proceed as directed in § 436.210 of this chapter, using a 1-decimeter polarimeter tube. Calculate the specific rotation on the anhydrous basis.

(6) *Identify.* Proceed as directed in § 436.211 of this chapter using a 1-percent potassium bromide disc prepared as directed in § 436.211(b)(1).

(7) *Chrystallinity.* Proceed as directed in § 436.203(a) of this chapter.

7. New § 442.260 is added to subpart C to read as follow:

§ 442.260 Cefpiramide sodium for injection.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Cefpiramide sodium for injection is a dry mixture of cefpiramide and sodium benzoate. It contains other buffers and preservatives. Its cefpiramide potency is satisfactory if each milligram of cefpiramide sodium for injection contains not less than 754 micrograms and not more than 924 micrograms of cefpiramide on an anhydrous basis. Its cefpiramide content is satisfactory if it contains not less than 90 percent and not more than 120 percent of the number of milligrams of cefpiramide that it is represented to contain. It is sterile. It is nonpyrogenic. Its moisture content is not more than 3.0 percent. Its pH in an aqueous solution containing 100 milligrams per milliliter is not less than 6.0 and not more than 8.0. It passes the identity test. The cefpiramide used conforms to the standards prescribed by § 442.60(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(A) The cefpiramide used in making the batch for potency, moisture, pH, total related substances, specific rotation, identity, and crystallinity.

(B) The batch for cefpiramide potency, cefpiramide content, sterility, pyrogens, moisture, pH, and identity.

(ii) Samples, if required by the Center for Drug Evaluation and Research:

(A) the cefpiramide used in making the batch: 10 packages, each containing approximately 500 milligrams.

(B) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Cefpiramide potency and content.* Determine both micrograms of cefpiramide per milligram of sample and milligrams of cefpiramide per container. Proceed as directed in § 442.60(b)(1), preparing the sample solutions and calculating the potency and content as follows:

(i) *Preparation of sample solutions.* Use separate containers for preparation of each sample solution as described in paragraphs (b)(1)(i)(A) and (b)(1)(i)(B) of this section.

(A) *Cefpiramide potency (micrograms of cefpiramide per milligram).* Dissolve an accurately weighed sample with sufficient mobile phase to obtain a solution containing approximately 0.25 milligram of cefpiramide per milliliter (estimated).

(B) *Cefpiramide content (milligrams of cefpiramide per vial).* Reconstitute the sample as directed in the labeling. Then, using a suitable hypodermic needle and syringe, remove all of the withdrawable contents if it is represented as a single-dose container; or, if the labeling specifies the amount of potency in a given volume of the resultant preparation, remove an accurately measured representative portion from each container. Dilute the solution thus obtained with sufficient distilled water to obtain a solution containing 1.0 milligram of cefpiramide activity per milliliter (estimated). Further dilute this solution with mobile phase to obtain a solution containing 0.25 milligram of cefpiramide activity per milliliter (estimated).

(ii) *Calculations*—(A) *Cefpiramide potency (micrograms per milligram).* Calculate the micrograms of cefpiramide per milligram as follows:

$$\text{Micrograms of cefpiramide per milligram=}\frac{A_u \times P_S \times 100}{A_S \times C_u \times (100-m)}$$

where:

A_u = Area of the cefpiramide peak in the chromatogram of the sample (at a retention time equal to that observed for the standard);

A_s = Area of the cefpiramide peak in the chromatogram of the cefpiramide working standard;

P_s = Cefpiramide activity in the cefpiramide working standard solution in micrograms per milliliter;

C_u = Milligrams of the sample per milliliter of sample solution;

m = Percent moisture content of the sample.

(B) *Cefpiramide content (milligrams of cefpiramide per vial).* Calculate the cefpiramide content of the vial as follows:

$$\text{Milligrams of cefpiramide per vial} = \frac{A_u \times P_s \times d}{A_s \times 1{,}000}$$

where:

A_u = Area of the cefpiramide peak in the chromatogram of the sample (at a retention time equal to that observed for the standards);

A_s = Area of the cefpiramide peak in the chromatogram of the cefpiramide working standard;

P_s = Cefpiramide activity in the cefpiramide working standard solution in micrograms per milliliter; and

d = Dilution factor of the sample.

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in § 436.20(e)(1).

(3) *Pyrogens.* Proceed as directed in § 436.32(b) of this chapter, using a solution containing 50 milligrams of cefpiramide per milliliter.

(4) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(5) *pH.* Proceed as directed in § 436.202 of this chapter, using an aqueous solution containing 100 milligrams per milliliter.

(6) *Identify.* The high-performance liquid chromatogram of the sample determined as directed in paragraph (b)(1) of this section compares qualitatively to that of the cefpiramide working standard.

Dated: April 6, 1990.

Daniel L. Michels,

Director, Office of Compliance, Center for Drug Evaluation and Research.

[FR Doc. 90-8826 Filed 4-16-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 882

[Docket No. R-90-1394; FR-2502-0-03]

RIN 2502-AE56

Section 8 Certificate Program—Project-Based Assistance

AGENCY: Office of the Secretary, HUD.

ACTION: Technical amendment.

SUMMARY: On March 12, 1990, at 55 FR 9252, the Department published an interim rule revising HUD regulations to permit a Public Housing Agency (PHA) to attach Section 8 Certificate Program assistance to newly constructed units. The rule became effective on April 12, 1990. However, certain sections in that interim rule were not made effective because they contained information collection requirements that had been submitted for approval to the Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act of 1980, and were pending approval. The purpose of this document is to announce the effective date of those sections and to amend those regulations to include the OMB control number at the places where these information collection requirements are described.

EFFECTIVE DATE: The effective date for 24 CFR 882.720(b)(2), 882.723(b), 882.725, and 882.733(b) (interim rule published on March 12, 1990, at 55 FR 9252) is April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Lawrence Goldberger, Director, Office of Elderly and Assisted Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410-8000, telephone (202) 755-5720. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 755-3938. (These telephone numbers are not toll-free numbers.).

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in 24 CFR 882.720(b)(2), 882.723(b), 882.725, and 822.733(b) (interim rule published on March 12, 1990, at 55 FR 9252) were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and assigned the control number listed.

List of Subjects in 24 CFR Part 882

Grant programs—Housing and community development; Housing; Low and moderate income housing; Mobile homes; Rent subsidies.

Text of the Amendment

Accordingly, the Department amends 24 CFR part 882 as follows:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

1. The authority citation for part 882 continues to read as follows:

Authority: Sections 3, 5, 8, United States Housing Act of 1937 (42 U.S.C. 1437a, 1437c, and 1437f); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§§ 882.720, 882.723, 882.725, and 882.733 [Amended]

2. Sections 882.720, 882.723, 882.725, and 882.733 are amended by adding at the end of each section, the following statement:

(Approved by the Office of Management and Budget under Control Number 2502-0434)

Dated: April 11, 1990.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 90-8888 Filed 4-16-90; 8:45 am]

BILLING CODE 4210-32-M

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 885

[Docket No. R-90-1469; FR-2536-O-02]

RIN 2502-AE58

Loans for Housing for the Elderly or Handicapped Duration of Section 202 Fund Reservations

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Technical amendment.

SUMMARY: On March 12, 1990, at 55 FR 9117, the Department published a final rule revising HUD's regulations governing projects that receive direct loans under section 202 of the Housing Act of 1959 to permit HUD's regional offices to extend the duration of fund reservations by an additional 12 months under described circumstances. The rule became effective on April 12, 1990. However, a section in that final rule was not made effective because it contained information collection requirements that had been submitted for approval to the Office of Management and Budget (OMB), in accordance with the Paperwork Reduction Act of 1980, and was pending approval. The purpose of this document is to announce the effective date of that section and to amend that regulation to include the OMB control number at the place where the information collection requirements are described.

EFFECTIVE DATE: The effective date for 24 CFR 885.230(b) (final rule published

on March 12, 1990, at 55 FR 9117) is April 17, 1990.

FOR FURTHER INFORMATION CONTACT: *For Section 202/Section 8 projects:* Robert Wilden, Assisted Elderly and Handicapped Housing Division, Office of Elderly and Assisted Housing, Room 6116. Telephone (202) 426–8730. *For projects for nonelderly handicapped families and individuals:* Margaret Milner, Office of Elderly and Handicapped Housing, Room 6114. Telephone (202) 755–3287. Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. Hearing- or speech-impaired individuals may call HUD's TDD number (202) 755–3938. (These telephone numbers are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The information collection requirements contained in 24 CFR 885.230(b) (final rule published on March 12, 1990, at 55 FR 9117) were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and assigned the control number listed.

List of Subjects in 24 CFR Part 885

Aged, Grant programs: Housing and community development, Handicapped, Loan programs: Housing and community development, Low- and moderate-income housing.

Text of the Amendment

Accordingly, the Department amends 24 CFR part 885 to read as follows:

PART 885 HOUSING FOR THE ELDERLY OR HANDICAPPED

1. The authority citation for 24 CFR part 885 continues to read as follows:

Authority: Section 202, Housing Act of 1959 (12 U.S.C. 1701q); sec. 7(d) Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 885.230 [Amended]

2. Section 885.230 is amended by adding at the end of the section, the following statement:

(Approved by the Office of Management and Budget under Control Number 2502–0435)

Dated: April 11, 1390.

Grady J. Norris,

Assistant General Counsel for Regulations.

[FR Doc. 90–8889 Filed 4–16–90; 8:45am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 301 and 602

[T.D. 8299]

RIN 1545–AN04

Abatement of Penalty or Addition to Tax Attributable to Erroneous Advice

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the abatement of a portion of any penalty or addition to tax attributable to erroneous written advice furnished to a taxpayer by an officer or employee of the Internal Revenue Service, acting in such officer's or employee's official capacity. Changes to the applicable law were made by the Omnibus Taxpayer Bill of Rights provisions of the Technical and Miscellaneous Revenue Act of 1988. The regulations affect all taxpayers, and provide guidance regarding the definition of "advice" and the procedures that must be followed to obtain an abatement.

EFFECTIVE DATE: The regulations are effective with respect to advice requested on or after January 1, 1989.

FOR FURTHER INFORMATION CONTACT: Stephen J. Toomey of the Office of Assistant Chief Counsel, Income Tax and Accounting, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Attention: CC:CORP:R:T (IA–103–88), (202) 566–6320, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act

The collection of information requirements contained in this final regulation have been reviewed and approved by the Office of Management and Budget (OMB) in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3504(h)) under control number 1545–0024. The time estimates for the reporting and recordkeeping requirements contained in this regulation are included in the burden of Form 843.

These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on such information as is available to the Internal Revenue Service. Individual respondents/recordkeepers may require greater or less time, depending on their particular circumstances.

Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Internal Revenue Service, Attn: IRS Reports Clearance Officer T:FP, Washington, DC 20224, and to the Office of Management and Budget (1545–0024), Paperwork Reduction Project, Washington, DC 20503.

Background

This document contains final regulations under section 6404(f) of the Internal Revenue Code of 1986 (Code). Section 6406(f) was added by section 6229 of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647, 102 Stat. 3342). On May 16, 1989, the **Federal Register** published a notice of proposed rulemaking (54 FR 21073) proposing amendments to the Income Tax Regulations (26 CFR part 301) under section 6404 by cross-reference to temporary regulations published the same day in the **Federal Register** (T.D. 8254; 54 FR 21055). The Internal Revenue Service did not receive any comments on the proposed regulations. No public hearing was requested or held. For this reason, the final regulations adopt the temporary regulations without any substantive changes.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking for the regulations was submitted to the Administrator of the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Stephen J. Toomey of the Office of Assistant Chief Counsel, Income Tax and Accounting, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, on matters of both substance and style.

List of Subjects

26 CFR Part 301

Administrative practice and procedure, Bankruptcy, Courts, Crime, Disclosure of information, Employment taxes, Estate tax, Excise taxes, Filing requirements, Gift tax, Income taxes, Investigations, Law enforcement, Penalties, Pensions, Statistics, Taxes.

26 CFR Part 602

Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR parts 301 and 602 are amended as follows:

PART 301—[AMENDED]

Paragraph 1. The authority for part 301 is amended by removing the citation for § 301.6404–T and adding the following citation:

Authority: 26 U.S.C. 7805 * * * Section 301.6404–3 is also issued under 26 U.S.C. 6404(f)(3).

Par. 2. Section 301.6404–0T is redesignated as § 301.6404–0 and is revised to read as follows:

§ 301.6404–0 Table of contents.

This section lists the paragraphs contained in §§ 301.6404–1—301.6404–3.

§ 301.6404–3T [Redesignated as § 301.6404–3]

Par. 3. Section 301.6404–3T is redesignated as § 301.6404–3. The title of that section is revised to read as follows:

§ 301.6404–3 Abatement of penalty or addition to tax attributable to erroneous written advice of the Internal Revenue Service.

* * * * * *

PART 602—[AMENDED]

Par. 4. The authority for part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 602.101 [Amended]

Par. 5. Section 602.101(c) is amended by inserting the following item in the appropriate place in the table:

§ 301.6404–3	1545–0024

Dated: March 1, 1990.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 90–8692 Filed 4–16–90; 8:45 am]

BILLING CODE 4830–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

Procedural Regulations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission is amending its regulations to clarify that the General Counsel has the authority to initiate proceedings to enforce Commission subpoenas.

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel, or Wendy L. Adams, Staff Attorney, at (202) 663–4669.

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

For the Commission.

Evan J. Kemp, Jr.,

Chairman.

Accordingly, 29 CFR part 1601 is amended as follows:

PART 1601—PROCEDURAL REGULATIONS

1. The authority citation for part 1601 continues to read:

Authority: 42 U.S.C. 2000e to 2000e–17.

2. Section 1601.16 is amended by redesignating paragraph (d) as (e) and adding a new paragraph (d) as follows:

§ 1601.16 Access to and production of evidence; testimony of witnesses; procedure and authority.

* * * * *

(d) If a person who is served with a subpoena does not comply with the subpoena and does not petition for its revocation or modification pursuant to paragraph (b) of this section, the General Counsel or his or her designee may institute proceedings to enforce the subpoena in accordance with the provisions of paragraph (c) of this section. Likewise, if a person who is served with a subpoena petitions for revocation or modification of the subpoena pursuant to paragraph (b), and the Commission issues a final determination upholding all or part of the subpoena, and the person does not comply with the subpoena, the General Counsel or his or her designee may institute proceedings to enforce the subpoena in accordance with paragraph (c).

* * * * *

[FR Doc. 90–8480 Filed 4–16–90; 8:45 am]

BILLING CODE 6570–06–M

29 CFR Part 1602

Records and Reports

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of extension of deadline for filing report.

SUMMARY: Notice is hereby given that the deadline for filing the 1990 Employer Information Report (EEO–1) required by 29 CFR 1602.7 is extended from March 31, 1990, to September 30, 1990. The report may be for any payroll period in the first or third quarter of the calendar year or for any other period that has been or is approved by the Commission, whichever, is more convenient.

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Nicholas M. Inzeo, Assistant Legal Counsel, at (202) 663–4669, or Joachim Neckere, Director, Program Research and Surveys Division, at (202) 663–4958.

For the Commission.

Evan J. Kemp, Jr.,

Chairman.

[FR Doc. 90–8868 Filed 4–16–90; 8:45 am]

BILLING CODE 6750–06–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 51

[AD-FRL-3700]

Preparation, Adoption, and Submittal of State Implementation Plans; Methods for Measurement of PM_{10} Emissions from Stationary Sources

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA has promulgated a revised National Ambient Air Quality Standard (NAAQS) (53 FR 24634), which, depending on the control strategy adopted by the State, may require State implementation plans (SIPs) to contain emission limits for particulate matter (PM) with an aerodynamic diameter of nominally 10 μm or less (PM_{10}). Because of the need for a source test method for PM_{10}, the Agency is adding two PM_{10} methods, Methods 201 and 201A, for the measurement of in stack PM_{10} emissions from stationary sources, to appendix M, 40 CFR part 51. Appendix M is a newly designated repository for recommended test methods for SIP's. The Agency also is revising subpart K, 40 CFR part 51, to direct States to appendix M and to reiterate the fact that each SIP must include enforceable test methods with each emission limit in the SIP, including PM_{10}. The PM_{10} source test method shall be Method 201, 201A, or an acceptable alternative. If the State intends to require the measurement of condensible emissions, then an enforceable method for the measurement of condensible emissions shall also be included in the SIP. Today's action promulgates Methods 201 and 201A. The promulgation of these methods will give States more options in selecting the appropriate PM_{10} source test methods in order to comply with NAAQS.

DATES: Effective Date: April 17, 1990.

Judicial Review. Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit on or before June 18, 1990. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

ADDRESSES: *Docket.* Docket No. A–88–08, containing materials relevant to this rulemaking, is available for public inspection and copying between 8:30 a.m. and 3:30 p.m., Monday through Friday, at EPA's Air Docket (LE–131), Room M–1500, 1st Floor, Waterside Mall, 401 M Street SW., Washington, DC 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Roy Huntley or Roger Shigehara, Emission Measurement Branch (MD–19), Technical Support Division, telephone number (919) 541–1060, or Kenneth R. Woodard, Air Quality Management Division (MD–15), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5697.

SUPPLEMENTARY INFORMATION:

I. The Rulemaking

Section 110 of the Clean Air Act, as amended (42 U.S.C. 7410), specifies that States are to submit plans for EPA approval that provide for the attainment and maintenance of emission standards through control programs directed at sources of the pollutants involved. Those plans shall include enforceable test methods for each emission limit, including in-stack PM_{10} and condensible emissions, if applicable. The test method for in-stack PM_{10} shall be Method 201, 201A, or an acceptable alternative.

Although EPA recognized this need on the part of the States for test methods when it proposed and promulgated the PM_{10} standard and the associated implementation requirements, EPA did not have sufficient time and resources to develop a PM_{10} source test method. Accordingly, EPA elected to provide States and local control agencies and the public with guidance on how a widely accepted source testing train, EPA's Method 5 train, could be modified to measure PM_{10}. Appendix C of the PM_{10} SIP Development Guideline gives instructions which would allow a person knowledgeable in source testing theory and methods to adapt a Method 5 train for measuring emissions of PM_{10}.

Improved PM_{10} source test methodology has since been developed and, in order to make this methodology available to States, the EPA, in this notice, is promulgating two PM_{10} source test methods in the **Federal Register**. The methods will be published as recommended test methods in appendix M, which this notice will designate as a repository for recommended test methods. Recommended test methods are methods that are not specifically required by Federal regulations, but are proposed and promulgated by the EPA for use by the States in their SIP's. Appendix M, entitled Recommended Test Methods for State Implementation Plans, will contain methods numbered 201–299.

This notice also revises subpart K to emphasize the requirement that States must include enforceable test methods in their SIP's for each emission limit. Also, subpart K is revised to direct States to appendix M. The first method, Method 201 (also known as the Exhaust Gas Recycle (EGR) Procedure), uses a recycle loop to maintain a constant flow rate through a cyclone while maintaining isokinetic flow conditions at the nozzle. The second method, Method 201A [previously known as SIM–5 but now called the Constant Sampling Rate (CSR) Procedure in this action], maintains a constant sampling rate through the particle sizing device while keeping the anisokinetic errors within well defined limits. The EPA considers the methods equivalent in PM_{10} measurement and is therefore promulgating both methods.

In this notice, the EPA has dropped the requirement for an out-of-stack filter for Methods 201 and 201A. The proposed methods with the out-of-stack filter were originally intended to measure in-stack PM_{10} and condensible emissions at a reference temperature. As promulgated, the methods measure only in-stack PM_{10}. However, the EPA recognizes that condensible emissions are also PM_{10}, and that emissions that contribute to ambient PM_{10} concentrations are the sum of in-stack PM_{10}, as measured by Method 201 or 201A, and condensible emissions. Therefore, for establishing source contributions to ambient concentrations of PM_{10} for emission inventory purposes, EPA recommends that source PM_{10} measurement include both in-stack PM_{10} and condensible emissions. Condensible emissions may be measured by impinger analysis methods in combination with either PM_{10} method. The EPA intends to propose an impinger analysis method, named Method 202, in August, 1990. Draft copies of Method 202 are available.

Secondary PM is formed in the atmosphere by chemical reactions among chemical pollutants and may also exist as ambient PM_{10} but cannot be reliably measured.

Technical Problems in PM_{10} Emission Measurement

The collection of PM_{10} is based on the aerodynamic/inertial behavior of particles. PM_{10} particulate matter is defined as all particles which are nominally 10 μm aerodynamic size and smaller. Therefore, two types of aerodynamic/inertial particle size separators—cascade impactors and

cyclones—are most appropriate for the in-stack collection of PM_{10}. Although similar principles are involved, when compared to each other, each has advantages and disadvantages.

Cascade impactors are best suited for determining multiple cut fractions of PM. Their technology is developed to the point that their performance can generally be predicted very well from the geometry of the sizing device and flow considerations. However, because of potential sampling nozzle effects on the first stage, calibration is required for PM_{10} sampling. Additionally, each stage can collect only a few milligrams of PM before particle bounce adversely affects collection performance. Omission of stages in impactors to reduce the number of size fractions and increase catch sizes hastens the increase of errors due to particle bounce. Because of these and other problems, the sampling times with cascade impactors are relatively short.

Cyclones perform well as single stage collectors, do not suffer from problems due to particle bounce, and have the potential of collecting PM mass in the order of grams. However, current theories on cyclone operations are not as well developed as those for cascade impactors and cannot predict with as high degree of accuracy the performance of cyclones from geometrical and flow considerations. This limits the use of cyclones to those that have been demonstrated to produce the necessary particle cut size through empirical calibration procedures. The cut size, or D_{50}, of an inertial sizing device is defined here as the aerodynamic diameter of a particle that has a 50 percent probability of capture by the device. For both methods, the measurement efficiencies for PM_{10} particles rise extremely rapidly as particle size decreases below 10 μm aerodynamic size, and fall extremely rapidly as particle size increases above 10 μm. These compensating measurement efficiencies result in the proper measurement of PM_{10} emissions from stationary sources when the devices are operated at a D_{50}, or cut size, of nominally 10 μm aerodynamic particle size. Consequently, cyclones capable of collecting PM_{10} with acceptable sharpness of cut have been developed and are currently available for both the EGR and CSR sampling trains.

Sampling from stacks presents challenges when using inertial sizing devices. For example, the aerodynamic cut size is a function of the flow rate and viscosity of the gas flowing through the sizing device. Therefore, the flow rate through the sizing device must be kept at a constant discrete value to maintain the cut size at 10 μm. Since stack velocities usually vary from point to point, maintaining both isokinetic sampling rates and constant sizing device flow rates in the sizing device is a problem not easily overcome. The two PM_{10} methods offer different solutions to this problem.

The EGR Procedure. The EGR train samples isokinetically at the nozzle tip and recycles a filtered, conditioned portion of the exhaust sample gas through a single stage cyclone, thereby maintaining the constant flow rate through the cyclone required for a cut size of 10 μm. Isokinetic sampling is maintained by changing the recycle and sample flow rates such that the combined flow always equals the required constant flow rate. For example, if the stack gas velocity increases, the tester can increase the nozzle velocity to match the stack velocity by increasing the sample flow rate while simultaneously decreasing the recycle flow rate so that the total flow rate through the cyclone remains the same. Thus, the recycle capability of the EGR procedure permits the tester to sample isokinetically in the presence of variable stack gas velocity while maintaining a constant cut size of 10 μm in the cyclone.

The EGR sampling train includes a meter and flow control console to monitor the sample, recycle, and total flow rates throughout the sampling train. The nozzle is constructed to allow for the addition of recycle exhaust gas. The sampling protocol is similar to Method 5 except that the required maximum number of points in a stack is 12.

The EGR procedure produces two fractions called catches. One is the PM_{10} fraction (PM_{10} catch) and the other is the remainder of the particulate matter in the sample, or the remaining fraction (cyclone catch). Therefore, the total PM catch can be calculated by summing the PM_{10} catch and the cyclone catch.

The EGR sampling train is available commercially, however, only one company is known presently to manufacture the train. The cost is approximately $19,000. Application guides and description of the inside dimensions of the cyclones and nozzles are available from EPA for use by the general public. These descriptions could be used as aids in the design of sampling trains for use in performance of the PM_{10} source test methods.

The CSR Procedure. The CSR sizing device can be either a cyclone or a cascade impactor. In this procedure, a constant sampling rate required for a 10 μm cut size is maintained throughout the sample traverse. The anisokinetic error is kept within acceptable limits by specifying a permissible range of velocity values for each sampling probe nozzle. The nozzle selected is the one whose maximum and minimum velocity values bracket all of the actual sampling point velocities. Often only one nozzle is required to complete a sampling run, but should the sampling point velocities vary beyond the specified range of any single nozzle, the use of more than one nozzle and sampling train per traverse would be necessary.

To add practicality to the procedure, the criteria for accepting the results in terms of isokinetic variation are more liberal than for the EGR procedure. The actual isokinetic variation allowed in the CSR method varies with stack gas velocity, but ranges from ±20 to ±40 percent. Because larger particles are more affected by anisokinetic sampling error than PM_{10}, the total PM catch may not be as accurate as the EGR procedure. To account for the effects of sampling anisokinetically, the sampling time at each point is adjusted proportionally to the velocity at that point to provide a velocity weighted sample.

The CSR procedure uses a standard Method 5 sampling train, an in-stack glass fiber filter, and an inertial sizing device, either a cyclone or a cascade impactor. The cascade impactors will have to be calibrated for this procedure. The approximate cost of a calibrated impactor, pre-collector, and 11 nozzles is $8,000. The approximate cost of a PM_{10} cyclone and 11 nozzles is $3,000.

II. Public Participation

The opportunity to hold a public hearing on July 21, 1989 at 10 a.m. was presented in the proposal notice, but no one desired to make an oral presentation. The public comment period was from June 6, 1989 to August 25, 1989. Eleven letters were received.

III. Significant Comments and Changes to the Test Methods

Interested parties were advised by a Notice of Proposed Rulemaking (54 FR 24213) of the Agency's intention to promulgate methods to measure PM_{10} source emissions. The comment period extended from June 6, 1989 to August 21, 1989. Eleven comment letters were received.

Commenters included five trade associations, three local air pollution control agencies, two chemical companies, and one environmental consulting firm. The major comments and responses are summarized below.

Four commenters objected to the use of the out-of-stack filter because the weight of the heavy sampling apparatus (cyclone, nozzle, pitot, and filter holder) would break a conventional Method 5-type glass liner. Another commenter objected to the 248 °F temperature requirement of the out-of-stack filter and recommended that the out-of-stack filter temperature be 320 °F for subpart D, Da, Db, and J sources, as presently allowed for total mass determination. Another commenter suggested that the total pressure drop across the system with two filters was so large that the pump may not be able to maintain an isokinetic sampling rate.

As stated earlier, the EPA has dropped the requirement for an out-of-stack filter for Methods 201 and 201A because the development of a condensible PM method is near completion. As promulgated, the methods measure only in-stack PM_{10}. However, the EPA recognizes that condensible emissions are also PM_{10}, and that emissions that contribute to ambient PM_{10} concentrations are the sum of in-stack PM_{10}, as measured by Method 201 or 201A, and condensible emissions. Therefore, for establishing source contributions to ambient concentrations of PM_{10} for emission inventory purposes, EPA recommends that source PM_{10} measurement include both in-stack PM_{10} and condensible emissions. Condensible emissions may be measured by impinger analysis methods in combination with either PM_{10} method.

Two commenters are concerned about how well the methods compare to each other. Several commenters are concerned about operator error and the accuracy and precision of the two methods and suggest collaborative testing.

Methods 201 and 201A were compared directly to each other by coincidental source sampling in which the two sampling trains were operated side by side in the same stack. Comparability is within 16 percent and normal distribution was shown as the methods alternated in sign compared to each other. Precision of Methods 201 and 201A was established by operating at least two EGR trains coincidentally and two CSR trains similarly. The precision of the methods were equal to or better than those reported for Methods 5 and 17.

One commenter thinks that EPA should define "example test methods" that are to be in part 51, appendix M, and two commenters are concerned about what the EPA considers an acceptable alternative.

"Example test methods" in appendix M are test methods that have completed the normal promulgation procedures for EPA test methods and are recommended for use by states in their SIP's. Based on this comment, the EPA has changed the designation of the test methods in appendix M from "example" test methods to "recommended" test methods.

The acceptability of an alternative method to any EPA method is a determination made by the Administrator. Guidelines for determining the acceptability of alternative methods are available and can be obtained from Roy Huntley, Emission Measurement Branch (MD–19), Technical Support Division, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541–1060.

Another commenter said that using Method 5 and an assumed PM_{10} ratio would be cheaper than a direct measurement of PM_{10} and should be allowed by the EPA.

The EPA does not anticipate that the cost of a PM_{10} emission test will be substantially higher than a Method 5 emission test.

One commenter notes the 6 inch sampling port requirement of both PM_{10} methods and recommends that EPA limit the use of Method 201 to stacks having diameters of 12 inches or greater. As an alternative, EPA should allow the use of California Air Resources Board (CARB) Method 501, which is reportedly effective for use on stacks with diameters as small as 4 inches.

According to EPA Method 2, velocity measurement error due to blockage becomes significant when the cross-sectional area of the sampling apparatus is 3 percent or greater of the stack cross-sectional area. This guidance is the same for CARB Method 501 and EPA Methods 201 and 201A. Using this criteria and the currently available EGR and CSR sampling apparatus, the minimum stack diameter that can be tested without significant error due to blockage is approximately 30 inches. Smaller diameter stacks can be sampled by using Method 2C to measure point velocity.

Several commenters were concerned that the methods cannot accurately measure PM_{10} in stacks with entrained moisture droplets.

The PM_{10} methods are not recommended for stacks with entrained moisture droplets because water drops larger than PM_{10}, which are captured by the PM_{10} cyclone, may contain particles which normally would be counted as PM_{10}. Thus, PM_{10} measurements in stacks with entrained moisture may have a low bias with respect to PM_{10} emissions.

One commenter preferred to determine PM_{10} emissions by measuring the PM_{10} fraction by an impactor and the total mass emissions by Method 5, obtaining the PM_{10} mass emissions by multiplying the fraction of PM_{10} by the total emissions.

The EPA does not consider this method acceptable. The impactor method determines the in-stack PM_{10} fraction and Method 5 determines the total particulate matter at a reference temperature, usually 248 °F. The in-stack impactor measures PM_{10} that exists in the stack and does not measure the extra PM_{10} that condenses and is collected in the probe and on the out-of-stack filter. Multiplying an in-stack PM_{10} fraction by a total mass determined by Method 5 would typically give a low bias for PM_{10} emissions, unless the stack temperature was 248 °F or less.

One commenter suggested that the sizing device be removed prior to the post test leak-check because the release of the vacuum will disturb the sample.

Both methods have been changed to allow the tester the option of removing the sizing device prior to the post test leak-check. However, if this option is chosen, then a leak-check of the entire train, including the sizing device, is required immediately prior to each run.

One commenter notes that existing cascade impactors do not meet EPA specifications and concludes that cascade impactors should not be allowed as an option in Method 201A until extensive recalibration has been performed.

The EPA agrees with the commenter and has included the calibration procedure for cascade impactors in Method 201A.

Another possible source of error cited by one commenter is that the PM_{10} methods collect and measure only 50 percent of the particles 10 μm in diameter.

For both methods, the measurement efficiencies for PM_{10} particles rise extremely rapidly as particle size decreases below 10 μm aeordynamic size, and fall extremely rapidly as particle size increases above 10 μm. These compensating measurement efficiencies result in the proper measurement for PM_{10} emissions from stationary sources when the devices are operated to produce a cut point (D_{50}) of nominally 10 μm aerodynamic particle size.

Concern was expressed about the fact that use of dry recycle gas can cause wet particles to shrink, thus causing

them to be erroneously measured as PM_{10}.

Drying and shrinking is not thought to be a problem. Should it be considered a problem, the tester could choose Method 201A in which there is no recycle gas.

Another commenter said that the use of recycle gas increases velocity in the cyclone which could cause friable particles to break up, becoming PM_{10}.

Prior to size classification by a PM_{10} cyclone, there is no known or suspected mechanism by which friable particles, should they exist, may break up. When particles greater than 10 μm aerodynamic size reach the cyclone wall due to their inertia, they are collected.

One commenter said that no consideration is made in either method of the gas density, gas viscosity, or of the density of the particulate matter being measured.

Gas density and viscosity are compensated for in the calculations for both PM_{10} methods. Because the aerodynamic diameter of PM_{10} emissions is used in both PM_{10} methods, determination of particle densities, volumes, or shapes is not necessary and would be redundant.

Another commenter said if the PM_{10} measurement is made downstream of an electrostatic precipitater (ESP), then the particles will carry an electric charge and the measurement of PM_{10} by these methods will be affected.

The effect of an ESP on particle sizing when using Method 201 or 201A is considered to be negligible.

There was concern by the commenters that the particulate matter may settle out inside the sample train.

The trains have been calibrated with test aerosols and the relative accuracies to each other have been established. These tests results and the operation principles of both methods have shown that "settling" is not a problem. The particles travel only 1.5 to 3 in. (nozzle length) prior to size classification by the trains.

IV. Administrative

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file since material is added throughout the rulemaking development. The docketing system is intended to allow members of the public and industries involved to identify readily and locate documents so that they can effectively participate in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated test method revisions and EPA responses to significant comments, the contents of the docket, except for interagency review materials, will serve as the record in case of judicial review (section 307(d)(7)(A)).

Under Executive Order 12291, EPA is required to judge whether a regulation is a "major rule" and, therefore, subject to the requirements of a regulatory impact analysis. The Agency has determined that this regulation would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." The Agency has, therefore, concluded that this regulation is not a "major rule" under Executive Order 12291.

The Regulatory Flexibility Act (RFA) of 1980 requires the identification of potentially adverse impacts of Federal regulations upon small business entities. The Act specifically requires the completion of a RFA analysis in those instances where small business impacts are possible. Because this rulemaking imposes no adverse economic impacts, an analysis has not been conducted.

List of Subjects in 40 CFR Part 51

Administrative practice and procedure, Air pollution control, Carbon monoxide, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 22, 1990.

William K. Reilly,

Administrator.

The EPA amends title 40, chapter I, part 51 of the Code of Federal Regulations as follows:

PART 51—[AMENDED]

1. The authority citation for part 51 is revised to read as follows:

Authority: 42 U.S.C. 7401(b)(1), 7410, 7470–7479, 7501–7508, and 7601(a), unless otherwise noted.

2. Subpart K, § 51.212 is amended by adding paragraph (c) to read as follows:

§ 51.212 Testing, inspection, enforcement, and complaints.

* * * * *

(c) Enforceable test methods for each emission limit specified in the plan. As an enforceable method, States may use:

(1) Any of the appropriate methods in appendix M to this part, Recommended Test Methods for State Implementation Plans; or

(2) An alternative method following review and approval of that method by the Administrator; or

(3) Any appropriate method in appendix A to 40 CFR part 60.

3. Appendix M is added to part 51 to read as follows:

Appendix M—Recommended Test Methods for State Implementation Plans

Method 201—Determination of PM_{10} Emissions (Exhaust Gas Recycle Procedure).

Method 201A—Determination of PM_{10} Emissions (Constant Sampling Rate Procedure).

Presented herein are recommended test methods for measuring air pollutants emanating from an emission source. They are provided for States to use in their plans to meet the requirements of Subpart K—Source Surveillance.

The State may also choose to adopt other methods to meet the requirements of Subpart K of this part, subject to the normal plan review process.

The State may also meet the requirements of Subpart K of this part by adopting, again subject to the normal plan review process, any of the relevant methods in appendix A to 40 CFR part 60.

Method 201—Determination of PM_{10} Emissions

(Exhaust Gas Recycle Procedure)

1. Applicability and Principle

1.1 Applicability. This method applies to the in-stack measurement of particulate matter (PM) emissions equal to or less than an aerodynamic diameter of nominally 10 μm (PM_{10}) from stationary sources. The EPA recognizes that condensible emissions not collected by an in-stack method are also PM_{10}, and that emissions that contribute to ambient PM_{10} levels are the sum of condensible emissions and emissions measured by an in-stack PM_{10} method, such as this method or Method 201A. Therefore, for establishing source contributions to ambient levels of PM_{10}, such as for emission inventory purposes, EPA suggests that source PM_{10} measurement include both in-stack PM_{10} and condensible emissions. Condensible missions may be measured by an impinger analysis in combination with this method.

1.2 Principle. A gas sample is isokinetically extracted from the source. An in-stack cyclone is used to separate PM greater than PM_{10}, and an in-stack glass fiber filter is used to collect the PM_{10}. To maintain isokinetic flow rate conditions at the tip of the probe and a constant flow rate through the cyclone, a clean, dried portion of the sample gas at stack temperature is recycled into the nozzle. The particulate mass is determined gravimetrically after removal of uncombined water.

2. Apparatus

Note: Method 5 as cited in this method refers to the method in 40 CFR part 60, appendix A.

2.1 Sampling Train. A schematic of the exhaust of the exhaust gas recycle (EGR) train is shown in Figure 1 of this method.

2.1.1 Nozzle with Recycle Attachment. Stainless steel (316 or equivalent) with a sharp tapered leading edge, and recycle attachment welded directly on the side of the nozzle (see schematic in Figure 2 of this method). The angle of the taper shall be on the outside. Use only straight sampling nozzles. "Gooseneck" or other nozzle

extensions designed to turn the sample gas flow 90°, as in Method 5 are not acceptable. Locate a thermocouple in the recycle attachment to measure the temperature of the recycle gas as shown in Figure 3 of this method. The recycle attachment shall be made of stainless steel and shall be connected to the probe and nozzle with stainless steel fittings. Two nozzle sizes, e.g., 0.125 and 0.160 in., should be available to allow isokinetic sampling to be conducted over a range of flow rates. Calibrate each nozzle as described in Method 5, Section 5.1.

2.1.2 PM_{10} Sizer. Cyclone, meeting the specifications in Section 5.7 of this method.

2.1.3 Filter Holder. 63mm, stainless steel. An Andersen filter, part number SE274, has been found to be acceptable for the in-stack filter.

Note: Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

2.1.4 Pitot Tube. Same as in Method 5, Section 2.1.3. Attach the pitot to the pitot lines with stainless steel fittings and to the cyclone in a configuration similar to that shown in Figure 3 of this method. The pitot lines shall be made of heat resistant material and attached to the probe with stainless steel fittings.

2.1.5 EGR Probe. Stainless steel, 15.9-mm (⅝-in.) ID tubing with a probe liner, stainless steel 9.53-mm (⅜-in.) ID stainless steel recycle tubing, two 6.35-mm (¼-in.) ID stainless steel tubing for the pitot tube extensions, three thermocouple leads, and one power lead, all contained by stainless steel tubing with a diameter of approximately 51 mm (2.0 in.). Design considerations should include minimum weight construction materials sufficient for probe structural strength. Wrap the sample and recycle tubes with a heating tape to heat the sample and recycle gases to stack temperature.

2.1.6 Condenser. Same as in Method 5, Section 2.1.7.

2.1.7 Umbilical Connector. Flexible tubing with thermocouple and power leads of sufficient length to connect probe to meter and flow control console.

2.1.8 Vacuum Pump. Leak-tight, oil-less, noncontaminating, with an absolute filter, "HEPA" type, at the pump exit. A Gast Model 0522–V103 G18DX pump has been found to be satisfactory.

2.1.9 Meter and Flow Control Console. System consisting of a dry gas meter and calibrated orifice for measuring sample flow rate and capable of measuring volume to ±2 percent, calibrated laminar flow elements (LFE's) or equivalent for measuring total and sample flow rates, probe heater control, and manometers and magnehelic gauges (as shown in Figures 4 and 5 of this method), or equivalent. Temperatures needed for calculations include stack, recycle, probe, dry gas meter, filter, and total flow. Flow measurements include velocity head (Δp), orifice differential pressure (ΔH), total flow, recycle flow, and total back-pressure through the system.

2.1.10 Barometer. Same as in Method 5, Section 2.1.9.

2.1.11 Rubber Tubing, 6.35-mm (¼-in.) ID flexible rubber tubing.

2.2 Sample Recovery.

2.2.1 Nozzle, Cyclone, and Filter Holder Brushes. Nylon bristle brushes property sized and shaped for cleaning the nozzle, cyclone, filter holder, and probe or probe liner, with stainless steel wire shafts and handles.

2.2.2 Wash Bottles, Glass Sample Storage Containers, Petri Dishes, Graduated Cylinder and Balance, Plastic Storage Containers, and Funnels. Same as Method 5, Sections 2.2.2 through 2.2.6 and 2.2.8, respectively.

2.3 Analysis. Same as in Method 5, Section 2.3.

3. Reagents

The reagents used in sampling, sample recovery, and analysis are the same as that specified in Method 5, Sections 3.1, 3.2, and 3.3, respectively.

4. Procedure

4.1 Sampling. The complexity of this method is such that, in order to obtain reliable results, testers should be trained and experienced with the test procedures.

4.1.1 Pretest Preparation. Same as in Method 5, Section 4.1.1.

4.1.2 Preliminary Determinations. Same as Method 5, Section 4.1.2, except use the directions on nozzle size selection in this section. Use of the EGR method may require a minimum sampling port diameter of 0.2 m (6 in.). Also, the required maximum number of sample traverse points at any location shall be 12.

4.1.2.1 The cyclone and filter holder must be in-stack or at stack temperature during sampling. The blockage effects of the EGR sampling assembly will be minimal if the cross-sectional area of the sampling assembly is 3 percent or less of the cross-sectional area of the duct and a pitot coefficient of 0.84 may be assigned to the pitot. If the cross-sectional area of the assembly is greater than 3 percent of the cross-sectional area of the duct, then either determine the pitot coefficient at sampling conditions or use a standard pitot with a known coefficient in a configuration with the EGR sampling assembly such that flow disturbances are minimized.

4.1.2.2 Construct a setup of pressure drops for various Δp's and temperatures. A computer is useful for these calculations. An example of the output of the EGR setup program is shown in Figure 6 of this method, and directions on its use are in section 4.1.5.2 of this method. Computer programs, written in IBM BASIC computer language, to do these types of setup and reduction calculations for the EGR procedure, are available through the National Technical Information Services (NTIS), Accession number PB90–500000, 5285 Port Royal Road, Springfield, Virginia 22161.

4.1.2.3 The EGR setup program allows the tester to select the nozzle size based on anticipated average stack conditions and prints a setup sheet for field use. The amount of recycle through the nozzle should be between 10 and 80 percent. Inputs for the EGR setup program are stack temperature (minimum, maximum, and average), stack velocity (minimum, maximum, and average), atmospheric pressure, stack static pressure, meter box temperature, stack moisture, percent O_2, and percent CO_2 in the stack gas, pitot coefficient (C_p), orifice $\Delta H_@$, flow rate measurement calibration values [slope (m) and y-intercept (b) of the calibration curve], and the number of nozzles available and their diameters.

4.1.2.4 A less rigorous calculation for the setup sheet can be done manually using the equations on the example worksheets in Figures 7, 8, and 9 of this method, or by a Hewlett-Packard HP41 calculator using the program provided in appendix D of the EGR operators manual, entitled *Applications Guide for Source PM_{10} Exhaust Gas Recycle Sampling System.* This calculation uses an approximation of the total flow rate and agrees within 1 percent of the exact solution for pressure drops at stack temperatures from 38 to 260 °C (100 to 500 °F) and stack moisture up to 50 percent. Also, the example worksheets use a constant stack temperature in the calculation, ingoring the complicated temperature dependence from all three pressure drop equations. Errors for this at stack temperatures ±28 °C (±50 °F) of the temperature used in the setup calculations are within 5 percent for flow rate and within 5 percent for cyclone cut size.

4.1.2.5 The pressure upstream of the LFE's is assumed to be constant at 0.6 in. Hg in the EGR setup calculations.

4.1.2.6 The setup sheet constructed using this procedure shall be similar to Figure 6 of this method. Inputs needed for the calculation are the same as for the setup computer except that stack velocities are not needed.

4.1.3 Preparation of Collection Train. Same as in Method 5, Section 4.1.3, except use the following directions to set up the train.

4.1.3.1 Assemble the EGR sampling device, and attach it to probe as shown in Figure 3 of this method. If stack temperatures exceed 260 °C (500 °F), then assemble the EGR cyclone without the O-ring and reduce the vacuum requirement to 130 mm Hg (5.0 in. Hg) in the leak-check procedure in Section 4.1.4.3.2 of this method.

4.1.3.2 Connect the proble directly to the filter holder and condenser as in Method 5. Connect the condenser and probe to the meter and flow control console with the umbilical connector. Plug in the pump and attach pump lines to the meter and flow control console.

4.1.4 Leak-Check Procedure. The leak-check for the EGR Method consists of two parts: the sample-side and the recycle-side. The sample-side leak-check is required at the beginning of the run with the cyclone attached, and after the run with the cyclone removed. The cyclone is removed before the post-test leak-check to prevent any disturbance of the collected sample prior to analysis. The recycle-side leak-check tests the leak tight integrity of the recycle components and is required prior to the first test run and after each shipment.

4.1.4.1 Pretest Leak-Check. A pretest leak-check of the entire sample-side, including the cyclone and nozzle, is required. Use the leak-check procedure in Section 4.1.4.3 of this method to conduct a pretest leak-check.

4.1.4.2 Leak-Checks During Sample Run. Same as in Method 5, Section 4.1.4.1.

4.1.4.3 Post-Test Leak-Check. A leak-check is required at the conclusion of each sampling run. Remove the cyclone before the leak-check to prevent the vacuum created by the cooling of the probe from disturbing the collected sample and use the following procedure to conduct a post-test leak-check.

4.1.4.3.1 The sample-side leak-check is performed as follows: After removing the cyclone, seal the probe with a leak-tight stopper. Before starting pump, close the coarse total valve and both recycle valves, and open completely the sample back pressure valve and the fine total valve. After turning the pump on, partially open the coarse total valve slowly to prevent a surge in the manometer. Adjust the vacuum to at least 381 mm Hg (15.0 in. Hg) with the fine total valve. If the desired vacuum is exceeded, either leak-check at this higher vacuum or end the leak-check as shown below and start over.

Caution: Do not decrease the vacuum with any of the valves. This may cause a rupture of the filter.

Note: A lower vacuum may be used, provided that it is not exceeded during the test.

4.1.4.3.2 Leak rates in excess of 0.00057 m^3/min (0.020 ft^3/min) are unacceptable. If the leak rate is too high, void the sampling run.

4.1.4.3.3 To complete the leak-check, slowly remove the stopper from the nozzle until the vacuum is near zero, then immediately turn off the pump. This procedure sequence prevents a pressure surge in the manometer fluid and rupture of the filter.

4.1.4.3.4 The recycle-side leak-check is performed as follows: Close the coarse and fine total valves and sample back pressure valve. Plug the sample inlet at the meter box. Turn on the power and the pump, close the recycle valves, and open the total flow valves. Adjust the total flow fine adjust valve until a vacuum of 25 inches of mercury is achieved. If the desired vacuum is exceeded, either leak-check at this higher vacuum, or end the leak-check and start over. Minimum acceptable leak rates are the same as for the sample-side. If the leak rate is too high, void the sampling run.

4.1.5 EGR Train Operation. Same as in Method 5, Section 4.1.5, except omit references to nomographs and recommendations about changing the filter assembly during a run.

4.1.5.1 Record the data required on a data sheet such as the one shown in Figure 10 of this method. Make periodic checks of the manometer level and zero to ensure correct ΔH and Δp values. An acceptable procedure for checking the zero is to equalize the pressure at both ends of the manometer by pulling off the tubing, allowing the fluid to equilibrate and, if necessary, to re-zero. Maintain the probe temperature to within 11 °C (20 °F) of stack temperature.

4.1.5.2 The procedure for using the example EGR setup sheet is as follows: Obtain a stack velocity reading from the pitot manometer (Δp), and find this value on the ordinate axis of the setup sheet. Find the stack temperature on the abscissa. Where these two values intersect are the differential pressures necessary to achieve isokineticity and 10 μm cut size (interpolation may be necessary).

4.1.5.3 The top three numbers are differential pressures (in. H_2O), and the bottom number is the percent recycle at these flow settings. Adjust the total flow rate valves, coarse and fine, to the sample value (ΔH) on the setup sheet, and the recycle flow rate valves, coarse and fine, to the recycle flow on the setup sheet.

4.1.5.4 For startup of the EGR sample train, the following procedure is recommended. Preheat the cyclone in the stack for 30 minutes. Close both the sample and recycle coarse valves. Open the fine total, fine recycle, and sample back pressure valves halfway. Ensure that the nozzle is properly aligned with the sample stream. After noting the Δp and stack temperature, select the appropriate ΔH and recycle from the EGR setup sheet. Start the pump and timing device simultaneously. Immediately open both the coarse total and the coarse recycle valves slowly to obtain the approximate desired values. Adjust both the fine total and the fine recycle valves to achieve more precisely the desired values. In the EGR flow system, adjustment of either valve will result in a change in both total and recycle flow rates, and a slight iteration between the total and recycle valves may be necessary. Because the sample back pressure valve controls the total flow rate through the system, it may be necessary to adjust this valve in order to obtain the correct flow rate.

Note: Isokinetic sampling and proper operation of the cyclone are not achieved unless the correct ΔH and recycle flow rates are maintained.

4.1.5.5 During the test run, monitor the probe and filter temperatures periodically, and make adjustments as necessary to maintain the desired temperatures. If the sample loading is high, the filter may begin to blind or the cyclone may clog. The filter or the cyclone may be replaced during the sample run. Before changing the filter or cyclone, conduct a leak-check (Section 4.1.4.2 of this method). The total particulate mass shall be the sum of all cyclone and the filter catch during the run. Monitor stack temperature and Δp periodically, and make the necessary adjustments in sampling and recycle flow rates to maintain isokinetic sampling and the proper flow rate through the cyclone. At the end of the run, turn off the pump, close the coarse total valve, and record the final dry gas meter reading. Remove the probe from the stack, and conduct a post-test leak-check as outlined in Section 4.1.4.3 of this method.

4.1.6 Calculation of Percent Isokinetic Rate and Aerodynamic Cut Size. Calculate percent isokinetic rate and the aerodynamic cut size (D_{50}) (see Calculations, Section 6 of this method) to determine whether the test was valid or another test run should be made. If there was difficult in maintaining isokinetic rates or a D_{50} of 10 μm because of source conditions, the Administrator may be consulted for possible variance.

4.2 Sample Recovery. Allow the probe to cool. When the probe can be safely handled, wipe off all external PM adhering to the outside of the nozzle, cyclone, and nozzle attachment, and place a cap over the nozzle to prevent losing or gaining PM. Do not cap the nozzle tip tightly while the sampling train is cooling, as this action would create a vacuum in the filter holder. Disconnect the probe from the umbilical connector, and take the probe to the cleanup site. Sample recovery should be conducted in a dry indoor area or, if outside, in an area protected from wind and free of dust. Cap the ends of the impingers and carry them to the cleanup site. Inspect the components of the train prior to and during disassembly to note any abnormal conditions. Disconnect the pitot from the cyclone. Remove the cyclone from the probe. Recover the sample as follows:

4.2.1 *Container Number 1* (Filter). The recovery shall be the same as that for Container Number 1 in Method 5, Section 4.2.

4.2.2 *Container Number 2* (Cyclone or Large PM Catch). The cyclone must be disassembled and the nozzle removed in order to recover the large PM catch. Quantitatively recover the PM from the interior surfaces of the nozzle and the cyclone, excluding the "turn around" cup and the interior surfaces of the exit tube. The recovery shall be the same as that for Container Number 2 in Method 5, Section 4.2.

4.2.3 *Container Number 3* (PM_{10}). Quantitatively recover the PM from all of the surfaces from cyclone exit to the front half of the in-stack filter holder, including the "turn around" cup and the interior of the exit tube. The recovery shall be the same as that for Container Number 2 in Method 5, Section 4.2.

4.2.4 *Container Number 4* (Silica Gel). Same as that for Container Number 3 in Method 5, Section 4.2.

4.2.5 *Impinger Water.* Same as in Method 5, Section 4.2, under "Impinger Water."

4.3 Analysis. Same as in Method 5, Section 4.3, except handle EGR Container Numbers 1 and 2 like Container Number 1 in Method 5, EGR Container Numbers 3, 4, and 5 like Container Number 3 in Method 5, and EGR Container Number 6 like Container Number 3 in Method 5. Use Figure 11 of this method to record the weights of PM collected.

4.4 Quality Control Procedures. Same as in Method 5, Section 4.4.

5. Calibration

Maintain an accurate laboratory log of all calibrations.

5.1 Probe Nozzle. Same as in Method 5, Section 5.1.

5.2 Pitot Tube. Same as in Method 5, Section 5.2.

5.3 Meter and Flow Control Console.

5.3.1 Dry Gas Meter. Same as in Method 5, Section 5.3.

5.3.2 LFE Gauges. Calibrate the recycle, total, and inlet total LFE gauges with a manometer. Read and record flow rates at 10, 50, and 90 percent of full scale on the total and recycle pressure gauges. Read and record flow rates at 10, 20, and 30 percent of full scale on the inlet total LFE pressure gauge. Record the total and recycle readings to the nearest 0.3 mm (0.01 in.). Record the inlet total LFE readings to the nearest 3 mm (0.1 in.). Make three separate measurements at each setting and calculate the average. The maximum difference between the average pressure reading and the average manometer

reading shall not exceed 1 mm (0.05 in.). If the differences exceed the limit specified, adjust or replace the pressure gauge. After each field use, check the calibration of the pressure gauges.

5.3.3 Total LFE. Same as the metering system in Method 5, Section 5.3.

5.3.4 Recycle LFE. Same as the metering system in Method 5, Section 5.3, except completely close both the coarse and fine recycle valves.

5.4 Probe Heater. Connect the probe to the meter and flow control console with the umbilical connector. Insert a thermocouple into the probe sample line approximately half the length of the probe sample line. Calibrate the probe heater at 66 °C (150 °F), 121 °C (250 °F), and 177 °C (350 °F). Turn on the power, and set the probe heater to the specified temperature. Allow the heater to equilibrate, and record the thermocouple temperature and the meter and flow control console temperature to the nearest 0.5 °C (1 °F). The two temperatures should agree within 5.5 °C (10 °F). If this agreement is not met, adjust or replace the probe heater controller.

5.5 Temperature Gauges. Connect all thermocouples, and let the meter and flow contol console equilibrate to ambient temperature. All thermocouples shall agree to within 1.1 °C (2.0 °F) with a standard mercury-in-glass thermometer. Replace defective thermocouples.

5.6 Barometer. Calibrate against a standard mercury-in-glass barometer.

5.7 Probe Cyclone and Nozzle Combinations. The probe cyclone and nozzle combinations need not be calibrated if the cyclone meets the design specifications in Figure 12 of this method and the nozzle meets the design specifications in appendix B of the *Application Guide for the Source PM* $_{10}$ *Exhaust Gas Recycle Sampling System*, EPA/600/3–88–058. This document may be obtained from Roy Huntley at (919) 541–1060. If the nozzles do not meet the design specifications, then test the cyclone and nozzle combination for conformity with the performance specifications (PS's) in Table 1 of this method. The purpose of the PS tests is to determine if the cyclone's sharpness of cut meets minimum performance criteria. If the cyclone does not meet design specifications, then, in addition to the cyclone and nozzle combination conforming to the PS's, calibrate the cyclone and determine the relationship between flow rate, gas viscosity, and gas density. Use the procedures in Section 5.7.5 of this method to conduct PS tests and the procedures in Section 5.8 of this method to calibrate the cyclone. Conduct the PS tests in a wind tunnel described in Section 5.7.1 of this method and using a particle generation system described in Section 5.7.2 of this method. Use five particle sizes and three wind velocities as listed in Table 2 of this method. Perform a minimum of three replicate measurements of collection efficiency for each of the 15 conditions listed, for a minimum of 45 measurements.

5.7.1 Wind Tunnel. Perform calibration and PS tests in a wind tunnel (or equivalent test apparatus) capable of establishing and maintaining the required gas stream volocities within 10 percent.

5.7.2 Particle Generation System. The particle generation system shall be capable of producing solid monodispersed dye particles with the mass median aerodynamic diameters specified in Table 2 of this method. The particle size distribution verification should be performed on an integrated sample obtained during the sampling period of each test. An acceptable alternative is to verify the size distribution of samples obtained before and after each test, with both samples required to meet the diameter and monodispersity requirements for an acceptable test run.

5.7.2.1 Establish the size of the solid dye particles delivered to the test section of the wind tunnel using the operating parameters of the particle generation system, and verify the size during the tests by microscopic examination of samples of the particles collected on a membrane filter. The particle size, as established by the operating parameters of the generation system, shall be within the tolerance specified in Table 2 of this method. The precision of the particle size verification technique shall be at least ±0.5 μm, and the particle size determined by the verification technique shall not differ by more than 10 percent from that established by the operating parameters of the particle generation system.

5.7.2.2 Certify the monodispersity of the particles for each test either by microscopic inspection of collected particles on filters or by other suitable monitoring techniques such as an optical particle counter followed by a multichannel pulse height analyzer. If the proportion of multiplets and satellites in a aerosol exceeds 10 percent by mass, the particle generation system is unacceptable for purposes of this test. Multiplets are particles that are agglomerated, and satellites are particles that are smaller than the specified size range.

5.7.3 Schematic Drawings. Schematic drawings of the wind tunnel and blower system and other information showing complete procedural details of the test atmosphere generation, verification, and delivery techniques shall be furnished with calibration data to the reviewing agency.

5.7.4 Flow Rate Measurement. Determine the cyclone flow rates with a dry gas meter and a stopwatch, or a calibrated orifice system capable of measuring flow rates to within 2 percent.

5.7.5 Performance Specification Procedure. Establish the test particle generator operation and verify the particle size microscopically. If mondispersity is to be verified by measurements at the beginning and the end of the run rather than by an integrated sample, these measurements may be made at this time.

5.7.5.1 The cyclone cut size (D_{50}) is defined as the aerodynamic diameter of a particle having a 50 percent probability of penetration. Determine the required cyclone flow rate at which D_{50} is 10 μm. A suggested procedure is to vary the cyclone flow rate while keeping a constant particle size of 10 μm. Measure the PM collected in the cyclone (m_c), exit tube (m_t), and filter (m_f). Compute the cyclone efficiency (E_c) as follows:

$$E_c = \frac{m_c}{(m_c + m_t + m_f)} \times 100$$

5.7.5.2 Perform three replicates and calculate the average cyclone efficiency as follow:

$$E_{avg} = \frac{(E_1 + E_2 + E_3)}{3}$$

where E_1, E_2, and E_3 are replicate measurements of E_c.

5.7.5.3 Calculate the standard deviation (σ) for the replicate measurements of E_c as follows:

$$\sigma = \left[\frac{(E_1^2 + E_2^2 + E_3^2) - \frac{(E_1 + E_2 + E_3)}{3}}{2} \right]^{1/2}$$

if σ exceeds 0.10, repeat the replicate runs.

5.7.5.4 Using the cyclone flow rate that produces D_{50} for 10 μm, measure the overall efficiency of the cyclone and nozzle, E_o, at the particle sizes and nominal gas velocities in Table 2 of this method using this following procedure.

5.7.5.5 Set the air velocity in the wind tunnel to one of the nominal gas velocities from Table 2 of this method. Establish isokinetic sampling conditions and the correct flow rate through the sampler (cyclone and nozzle) using recycle capacity so that the D_{50} is 10 μm. Sample long enough to obtain ±5 percent precision on the total collected mass as determined by the precision and the sensitivity of the measuring technique. Determine separately the nozzle catch (m_n), cyclone catch (m_c), cyclone exit tube catch (m_t), and collection filter catch (m_f).

5.7.5.6 Calculate the overall efficiency (E_o) as follows:

$$E_o = \frac{(m_n + m_c)}{(m_n + m_c + m_t + m_f)} \times 100$$

5.7.5.7 Do three replicates for each combination of gas velocities and particle sizes in Table 2 of this method. Calculate E_o for each particle size following the procedures described in this section for determining efficiency. Calculate the standard deviation (σ) for the replicate measurements. If σ exceeds 0.10, repeat the replicate runs.

5.7.6 Criteria for Acceptance. For each of the three gas stream velocities, plot the average E_o as a function of particle size on Figure 13 of this method. Draw a smooth curve for each velocity through all particle sizes. The curve shall be within the banded region for all sizes, and the average E_c for a D_{50} for 10 μm shall be 50 $\pm$ 0.5 percent.

5.8 Cyclone Calibration Procedure. The purpose of this section is to develop the relationship between flow rate, gas viscosity, gas density, and D_{50}. This procedure only needs to be done on those cyclones that do not meet the design specifications in Figure 12 of this method.

5.8.1 Calculate cyclone flow rate. Determine the flow rates and D_{50}'s for three different particle sizes between 5 μm and 15 μm, one of which shall be 10 μm. All sizes must be within 0.5 μm. For each size, use a different temperature within 60°C (108°F) of the temperature at which the cyclone is to be used and conduct triplicate runs. A suggested procedure is to keep the particle size constant and vary the flow rate. Some of the values obtained in the PS tests in Section 5.7.5 may be used.

5.8.1.1 On log-log graph paper, plot the Reynolds number (Re) on the abscissa, and the square root of the Stokes 50 number $[(STK_{50})^{1/2}]$ on the ordinate for each temperature. Use the following equations:

$$Re = \frac{4\rho K_{cyc}}{d_{cyc}\pi\mu_{cyc}}$$

$$(Stk_{50})^{1/2} = \left[\frac{4\, Q_{cyc}\, (D_{50})^2}{9\,\pi\,\mu_{cyc}\,(d_{cyc})^3} \right]^{1/2}$$

where:

Q_{cyc} = Cyclone flow rate cm^3/sec.
ρ = Gas density, g/cm^3.
d_{cyc} = Diameter of cyclone inlet, cm.
μ_{cyc} = Viscosity of gas through the cyclone, poise.
D_{50} = Cyclone cut size, cm.

5.8.1.2 Use a linear regression analysis to determine the slope (m), and the y-intercept (b). Use the following formula to determine Q, the cyclone flow rate required for a cut size of 10 μm.

$$Q = \frac{\pi\,\mu_{cyc}}{4} \left[(3000)(K_1)^b \right]^{-(0.5-m)} \left[\frac{T_s}{M_c\, P_s} \right]^{m/(m-0.5)} d^{(m-1.5)/(m-0.5)}$$

where:

Q = Cyclone flow rate for a cut size of 10 μm, cm^3/sec.
T_s = Stack gas temperature, °K,
d = Diameter of nozzle, cm.
$K_1 = 4.077 \times 10^{-3}$.

5.8.2. Directions for Using Q. Refer to Section 5 of the EGR operators manual for directions in using this expression for Q in the setup calculations.

6. Calculations

6.1 The EGR data reduction calculations are performed by the EGR reduction computer program, which is written in IBM BASIC computer language and is available through NTIS, Accession number PB90-500000, 5285 Port Royal Road, Springfield, Virginia 22161. Examples of program inputs and outputs are shown in Figure 14 of this method.

6.1.1 Calculations can also be done manually, as specified in Method 5, Sections 6.3 through 6.7, and 6.9 through 6.12, with the addition of the following:

6.1.2 Nomenclature.

B_c = Moisture fraction of mixed cyclone gas, by volume, dimensionless.
C_1 = Viscosity constant, 51.12 micropoise for °K (51.05 micropoise for °R).
C_2 = Viscosity constant, 0.372 micropoise/°K (0.207 micropoise/°R).
C_3 = Viscosity constant, 1.05×10^{-4} micropoise/$°K^2$ (3.24×10^{-5} micropoise/$°R^2$).
C_4 = Viscosity constant, 53.147 micropoise/fraction O_2.
C_5 = Viscosity constant, 74.143 micropoise/fraction H_2O.
D_{50} = Diameter of particles having a 50 percent probability of penetration, μm.
f_{o2} = Stack gas fraction O_2, by volume, dry basis.
K_1 = 0.3858 °K/mm Hg (17.64 °R/in. Hg).
M_c = Wet molecular weight of mixed gas through the PM_{10} cyclone, g/g-mole (lb/lb-mole).
M_d = Dry molecular weight of stack gas, g/g-mole (lb/lb-mole).
P_{bar} = Barometer pressure at sampling site, mm Hg (in. Hg).
P_{in1} = Gauge pressure at inlet to total LFE, mm H_2O (in. H_2O).
P_3 = Absolute stack pressure, mm Hg (in. Hg).
Q_2 = Total cyclone flow rate at wet cyclone conditions, m^3/min (ft^3/min).
$Q_{s(std)}$ = Total cyclone flow rate at standard conditons, dscm/min (dscf/min).
T_m = Average temperature of dry gas meter, °K (°R).
T_s = Average stack gas temperature, °K (°R).
$V_{w(std)}$ = Volume of water vapor in gas sample (standard conditions), scm (scf).
X_T = Total LFE linear calibration constant, $m^3/[(min)(mm\ H_2O)]$ $\{ft^3/[(min)(in.\ H_2O)]\}$.
Y_T = Total LFE linear calibration constant, dscm/min (dscf/min).
ΔP_T = Pressure differential across total LFE, mm H_2O, (in. H_2O).
θ = Total sampling time, min.
μ_{cyc} = Viscosity of mixed cyclone gas, micropoise.
μ_{LFE} = Viscosity of gas laminar flow elements, micropoise.
μ_{std} = Viscosity of standard air, 180.1 micropoise.

6.2 PM_{10} Particulate Weight. Determine the weight of PM_{10} by summing the weights obtained from Container Numbers 1 and 3, less the acetone blank.

6.3 Total Particulate Weight. Determine the particulate catch for PM greater than PM_{10} from the weight obtained from Container Number 2 less the acetone blank, and add it to the PM_{10} particulate weight.

6.4 PM_{10} Fraction. Determine the PM_{10} fraction of the total particulate weight by dividing the PM_{10} particulate weight by the total particulate weight.

6.5 Total Cyclone Flow Rate. The average flow rate at standard conditions is determined from the average pressure drop across the total LFE and is calculated as follows:

$$Q_{s(std)} = K_1 \left[X_T\, \Delta P\, \frac{\mu_{std}}{\mu_{LFE}} + Y_T \right] \frac{P_{bar} + P_{in1}/13.6}{T_m}$$

The flow rate, at actual cyclone conditions, is calculated as follows:

$$Q_s = \frac{T_s}{K_1 P_s}\left[Q_{s(std)} + \frac{V_{m(std)}}{\Theta} \right]$$

6.6.1 Determine the water fraction of the mixed gas through the cyclone by using the equation below.

$$B_c = \frac{V_{w(std)}}{Q_{s(std)}\,\Theta + V_{w(std)}}$$

6.6.2 Calculate the cyclone gas viscosity as follows:

$$\mu_{cyc} = C_1 + C_2 T_s + C_3 T_s^2 + C_4 f_{02} - C_5 B_c$$

6.6.3 Calculate the molecular weight on a wet basis of the cyclone gas as follows:

$$M_c = M_d(1 - B_c) + 18.0(B_c)$$

6.6.4 If the cyclone meets the design specification in Figure 12 of this method, calculate the actual D_{50} of the cyclone for the run as follows:

$$D_{50} = \beta_1 \left[\frac{T_s}{M_c P_s} \right]^{0.2091} \left[\frac{\mu_{cyc}}{Q_s} \right]^{0.7091}$$

where $\beta_1 = 0.1562$.

6.6.5 If the cyclone does not meet the design specifications in Figure 12 of this method, then use the following equation to calculate D_{50}.

$$D_{50} = (3)(10)^b\,(7.376 \times 10^{-4})^m \left[\frac{M_c P_s}{T_s} \right] \left[\frac{4 Q_s}{\pi \mu_{cyc}} \right] d^{(1.5-m)}$$

6.6 Aerodynamic Cut Size. Use the following procedure to determine the aerodynamic cut size (D_{50}).

where:

m = Slope of the calibration curve obtained in Section 5.8.2.

b = y-intercept of the calibration curve obtained in Section 5.8.2.

6.7 Acceptable Results. Acceptability of anisokinetic variation is the same as Method 5, Section 6.12.

6.7.1 If 9.0 μm $\leq D_{50} \leq$ 11 μm and $90 \leq I \leq 110$, the results are acceptable. If D_{50} is greater than 11 μm, the Administrator may accept the results. If D_{50} is less than 9.0 μm, reject the results and repeat the test.

7. Bibliography

1. Same as Bibliography in Method 5.

2. McCain, J.D., J.W. Ragland, and A.D. Williamson. Recommended Methodology for the Determination of Particles Size Distributions in Ducted Sources, Final Report. Prepared for the California Air Resources Board by Southern Research Institute. May 1986.

3. Farthing, W.E., S.S. Dawes, A.D. Williamson, J.D. McCain, R.S. Martin, and J.W. Ragland. Development of Sampling Methods for Source PM–10 Emissions. Southern Research Institute for the Environmental Protection Agency. April 1989.

4. *Application Guide for the Source PM_{10} Exhaust Gas Recycle Sampling System*, EPA/600/3–88–058.

BILLING CODE 6560-50-M

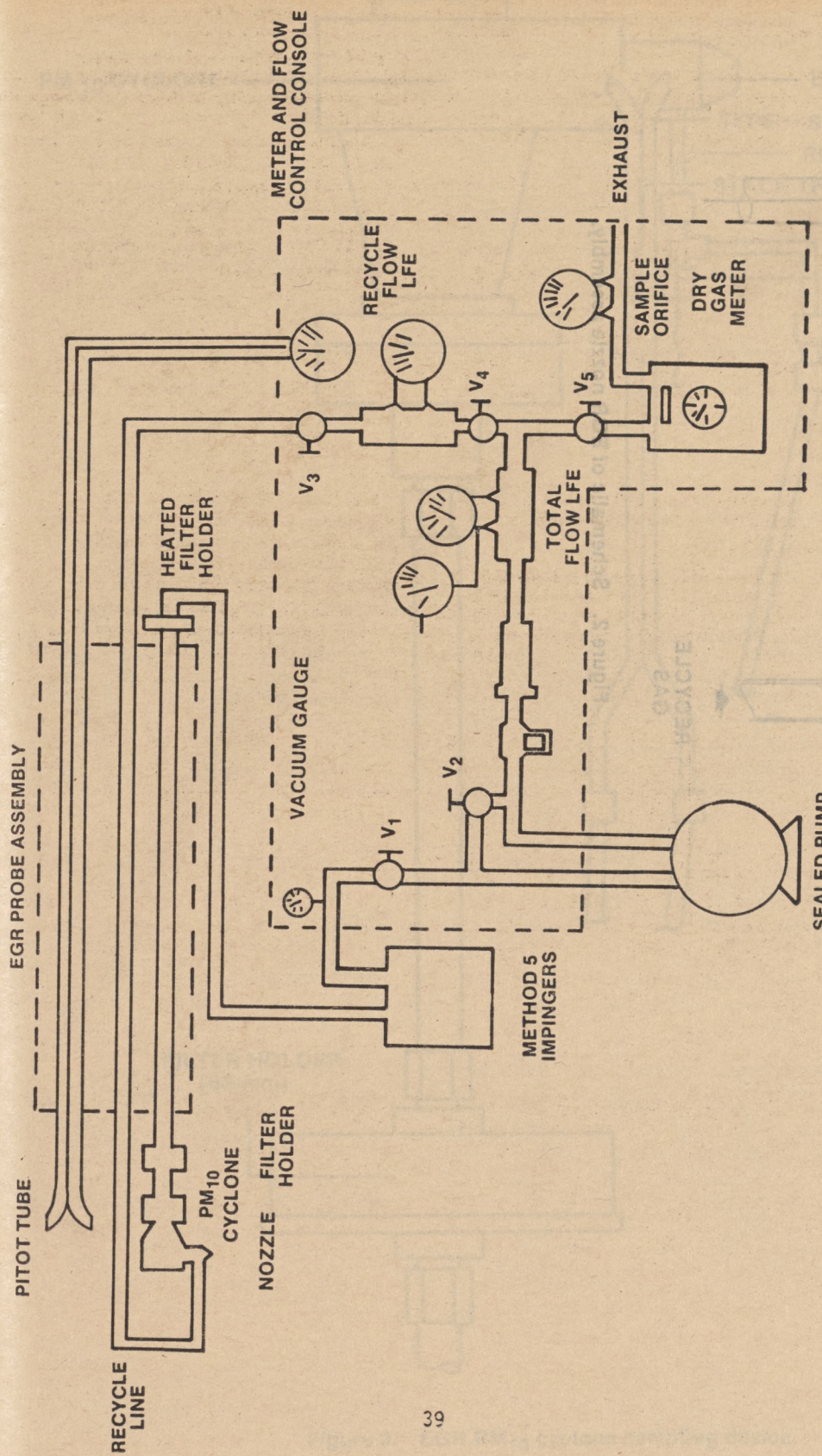


Figure 1. Schematic of the exhaust gas recycle train.

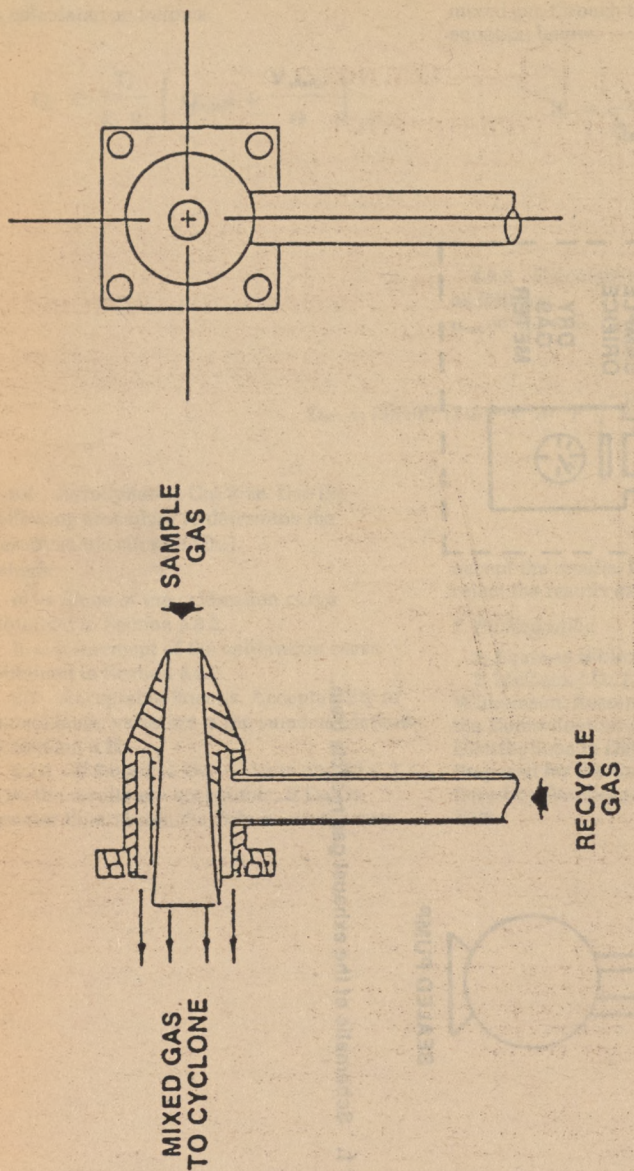


Figure 2. Schematic of EGR nozzle assembly.

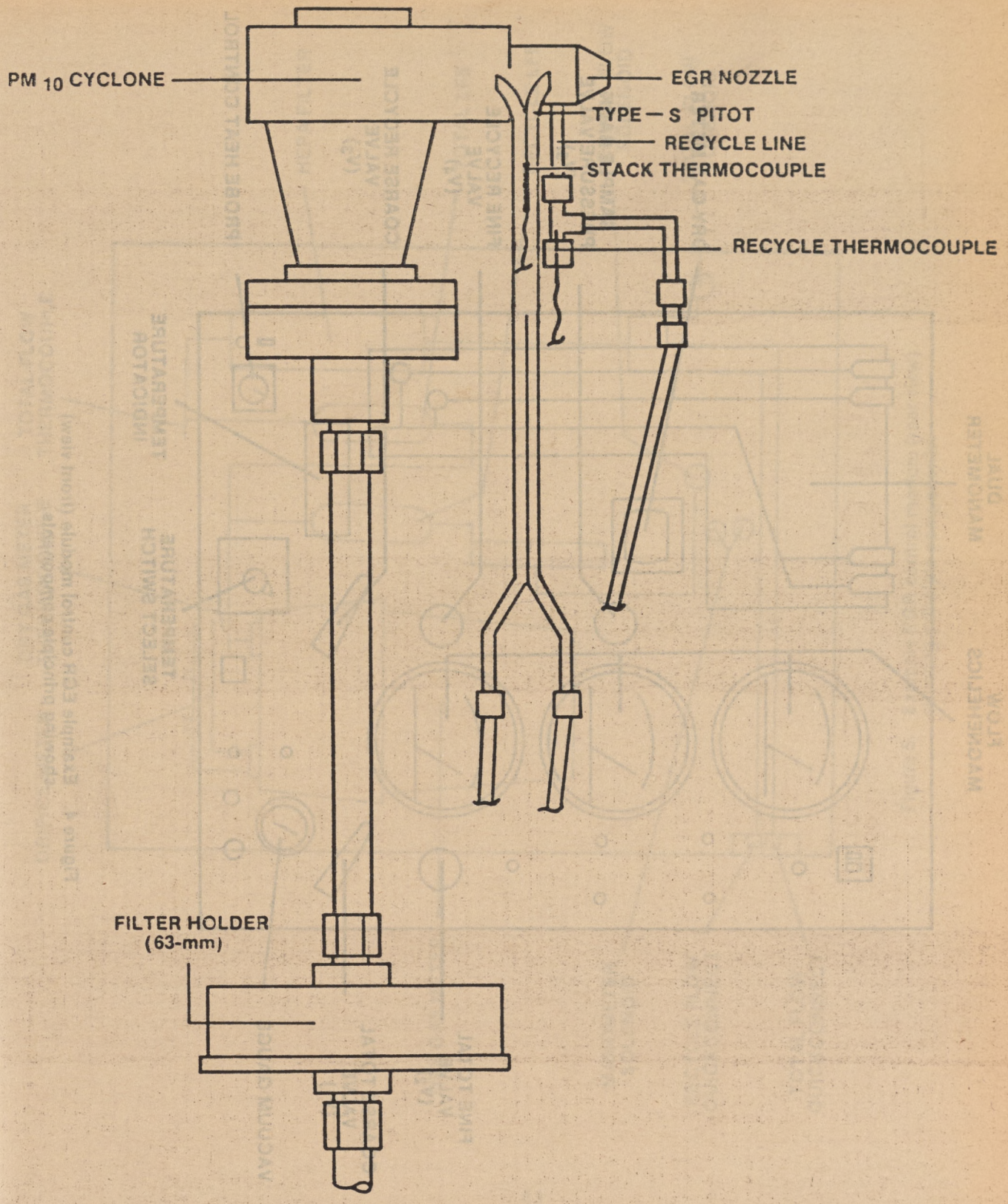


Figure 3. EGR PM_{10} cyclone sampling device.

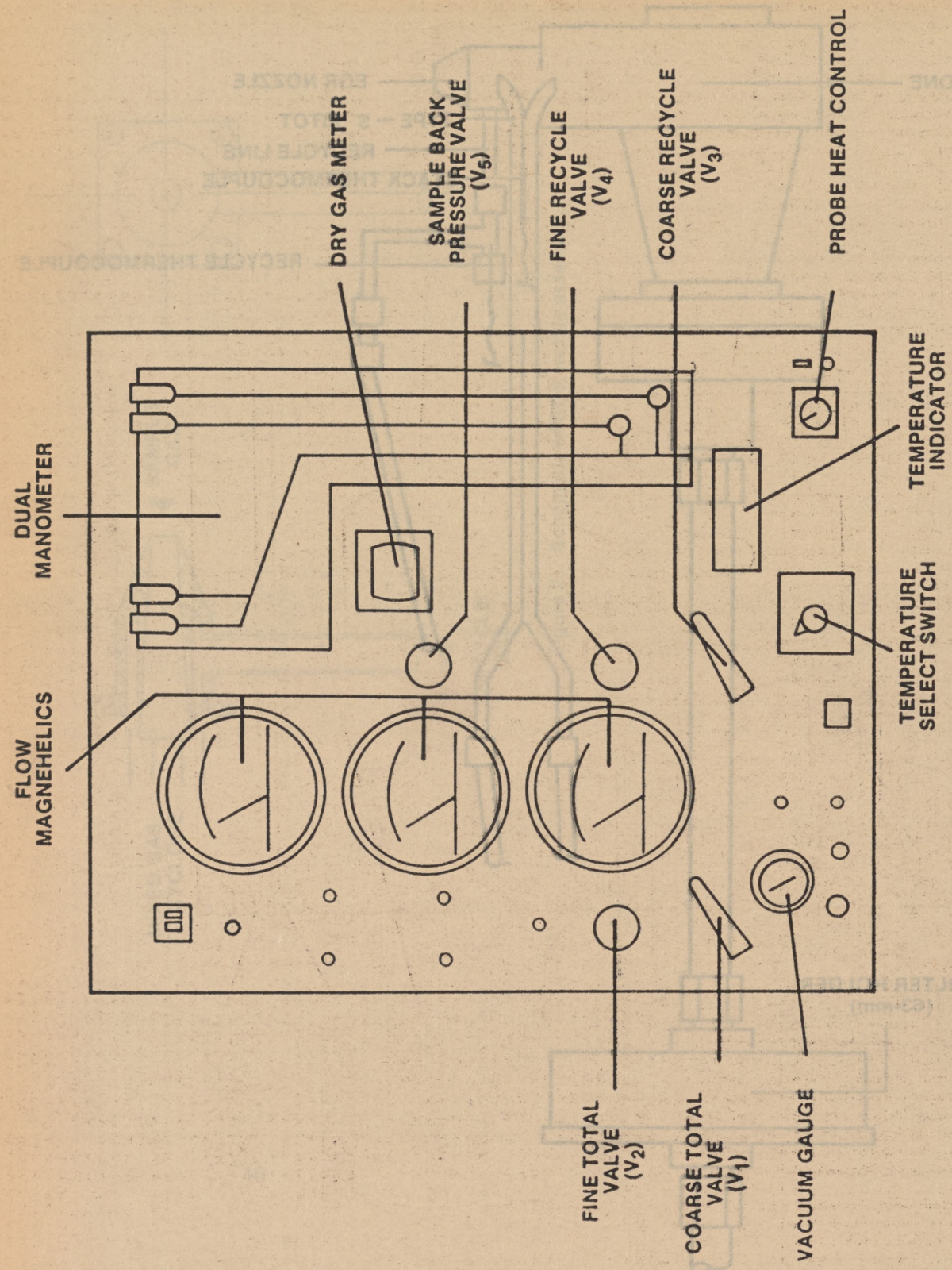


Figure 4. Example EGR control module (front view) showing principle components.

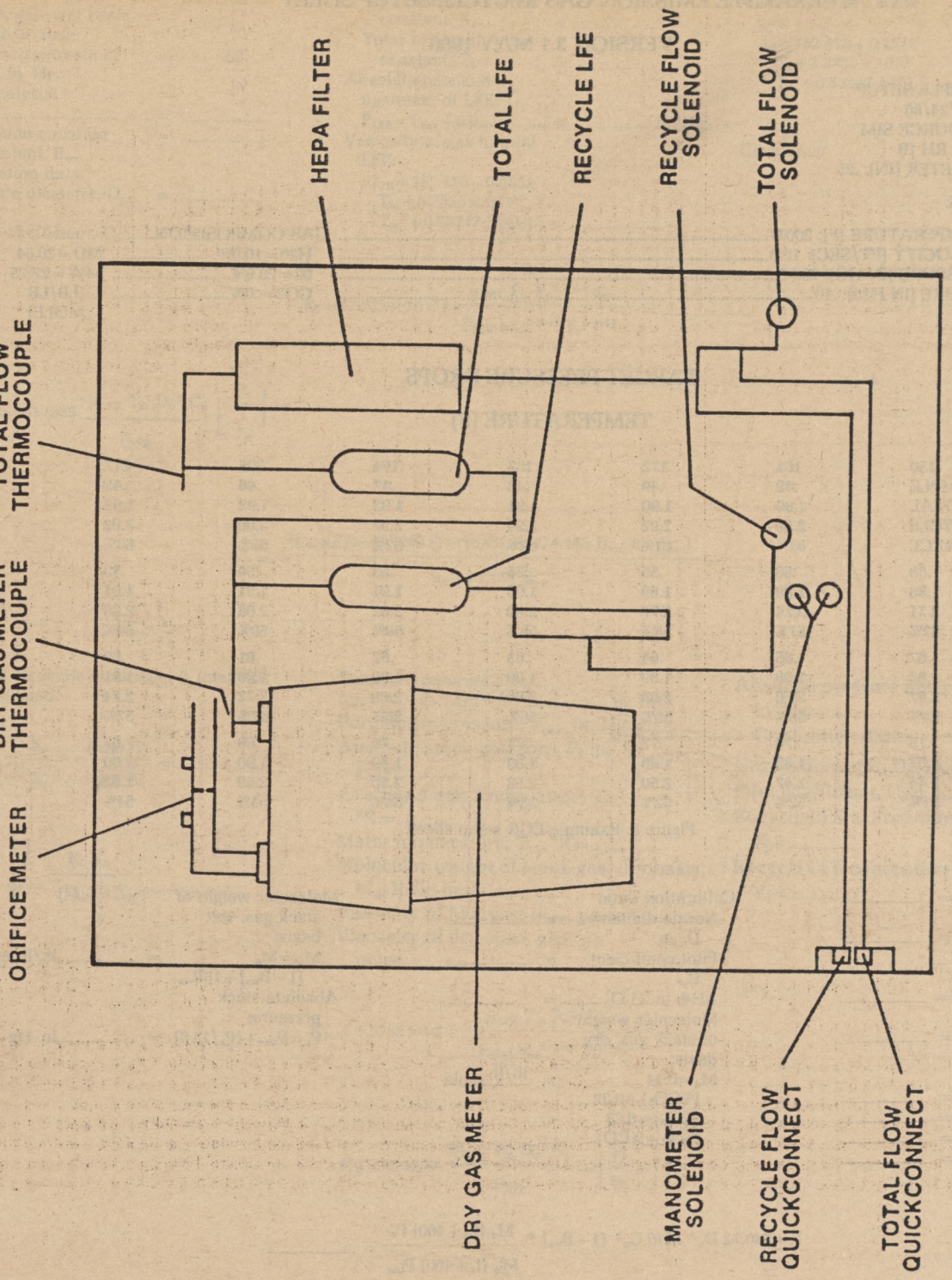


Figure 5. Example EGR control module (rear view) showing principle components.

BILLING CODE 6560-50-C

EXAMPLE EMISSION GAS RECYCLE SETUP SHEET

VERSION 3.1 MAY 1986

TEST I.D.: SAMPLE SETUP
RUN DATE: 11/24/86
LOCATION: SOURCE SIM
OPERATOR(S): RH JB
NOZZLE DIAMETER (IN): .25

STACK CONDITIONS:

AVERAGE TEMPERATURE (F): 200.0
AVERAGE VELOCITY (FT/SEC): 15.0
AMBIENT PRESSURE (IN HG): 29.92
STACK PRESSURE (IN H20): .10

GAS COMPOSITION.
H20=10.0% MD=28.84
02=20.9% MW=27.75
CO2=.0% (LB/LB MOLE)

TARGET PRESSURE DROPS

TEMPERATURE (F)

DP(PTO)		150	161	172	183	194	206	217	228
0.026	SAMPLE	.49	.49	.48	.47	.46	.45	.45
	TOTAL	1.90	1.90	1.91	1.92	1.92	1.92	1.93
	RECYCLE	2.89	2.92	2.94	2.97	3.00	3.02	3.05
	%RCL	61%	61%	62%	62%	63%	63%	63%
.031		.58	.56	.55	.55	.55	.54	.53	.52
		1.88	1.89	1.89	1.90	1.91	1.91	1.91	1.92
		2.71	2.74	2.77	2.80	2.82	2.85	2.88	2.90
		57%	57%	58%	58%	59%	59%	60%	60%
.035		.67	.65	.64	.63	.62	.61	.60	.59
		1.88	1.88	1.89	1.89	1.90	1.90	1.91	1.91
		2.57	2.60	2.63	2.66	2.69	2.72	2.74	2.74
		54%	55%	55%	56%	56%	57%	57%	57%
.039		.75	.74	.72	.71	.70	.69	.67	.66
		1.87	1.88	1.88	1.89	1.89	1.90	1.90	1.91
		2.44	2.47	2.50	2.53	2.56	2.59	2.62	2.65
		51%	52%	52%	53%	53%	54%	54%	55%

Figure 6. Example EGR setup sheet.

Barometric pressure, P_{bar}, in. Hg. = _____
Stack static pressure, P_g, in. H_2O. = _____
Average stack temperature, t_s, °F. = _____
Meter temperature, t_m, °F. = _____
Gas analysis:
$\%CO_2$ = _____
$\%O_2$ = _____
$\%N_2+\%CO$ = _____
Fraction moisture content, B_{ws}. = _____

Calibration data:
Nozzle diameter, D_n in. = _____
Pitot coefficient, C_p. = _____
$\Delta H\theta$, in. H_2O = _____
Molecular weight of stack gas, dry basis:
$M_d = 0.44\{\%CO_2\}+0.32\{\%O_2\}+0.28\{\%N_2+\%CO\}$. = _____ lb/lb mole

Molecular weight of stack gas, wet basis:
$M_w = M_d(1-B_{ws})+18B_{ws}$. = _____ lb/lb mole
Absolute stack pressure:
$P_s = P_{bar}+\{P_g/13.6\}$. = _____ in. Hg

$$K = 846.72\, D_n^4\, \Delta H\theta\, C_p^2\, (1-B_{ws})^2\, \frac{M_d\,(t_m+460)\,P_s}{M_w\,(t_s+460)\,P_{bar}} = \_\_\_\_\_$$

Desired meter orifice pressure (ΔH) for velocity head of stack gas (Δp):
$\Delta H = K\,\Delta p =$ _____ in. H_2O

Figure 7. Example worksheet 1, meter orifice pressure head calculation.

Barometric pressure, P_{bar}, in. Hg. = _____
Absolute stack pressure, P_s, in. Hg. = _____
Average stack temperature, T_s, °R. = _____
Meter temperature, T_m, °R. = _____

Molecular weight of stack gas, wet basis, M_d lb/lb mole. = _____
Pressure upstream of LFE, in. Hg. = 0.6
Gas analysis:
$\%O_2$ ..... = _____
Fraction moisture content, B_{ws}. = _____
Calibration data:
Nozzle diameter, D_n, in. = _____
Pitot coefficient, C_p ..... = _____

Total LFE calibration constant, X_t. = _____
Total LFE calibration constant, T_t. = _____
Absolute pressure upstream of LFE:
$P_{LFE} = P_{bar} + 0.6$ ..... = _____ in. Hg
Viscosity of gas in total LFE:
$\mu_{LFE} = 152.418 + 0.2552\ T_m + 3.2355 \times 10^{-5}\ T_m^2 + 0.53147\ (\%O_2)$. = _____

Viscosity of dry stack gas:
$\mu_d = 152.418 + 0.2552\ T_s + 3.2355 \times 10^{-5}\ T_s^2 + 0.53147\ (\%O_2)$. = _____

Constants:

$$K_1 = 1.5752 \times 10^{-5} \frac{\mu_{LFE}\ T_m\ P_s^{0.7051}\ \mu_d}{P_{LFE}\ M_d^{0.2949}\ T_s^{0.7051}} = \text{_____}$$

$$K_2 = 0.1539 \frac{\mu_{LFE}\ T_m\ D_n^2\ C_p}{P_{LFE}} \left[\frac{P_s}{T_s}\right]^{1/2}$$

$$K_3 = \frac{B_{ws}\ \mu_d\ [1 - 0.2949\ (1 - 18/M_d)] + 74.143\ B_{ws}\ (1 - B_{ws})}{\mu_d - 74.143\ B_{ws}} = \text{_____}$$

Figure 8. Example worksheet 2, total LFE pressure head.

$$A_1 \frac{K_1}{X_t} = \frac{\mu_{LFE}\ Y_t}{180.1\ X_t} = \text{_____}$$

$$B_1 = \frac{K_2\ K_3}{(M_w)^{1/2}\ X_t} = \text{_____}$$

Total LFE pressure head:
$\Delta p_t = A_1 - B_1\ (\Delta p)^{1/2}$ = _____ in. H_2O
Barometric pressure, P_{bar}, in. Hg = _____
Absolute stack pressure, P_s in. Hg = _____
Average stack temperature, T_s, °R = _____
Meter temperature, T_m, °R = _____
Molecular weight of stack gas, dry basis, M_d, lb/lb mole = _____
Viscosity of LFE gas, μ_{LFE}, poise = _____
Viscosity of dry stack gas, μ_d, poise = _____

Absolute pressure upstream of LFE, P_{LFE}, in. Hg = _____
Calibration data:
Nozzle diameter, D_n, in. = _____
Pitot coefficient, C_p = _____
Recycle LFE calibration constant, X_r = _____
Recycle LFE calibration constant, Y_r = _____

$$K_1 = 1.5752 \times 10^{-5} \frac{\mu_{LFE}\ T_m\ P_s^{0.7051}\ \mu_d}{P_{LFE}\ M_d^{0.2949}\ T_s^{0.7051}} = \text{_____}$$

$$K_2 = 0.1539 \frac{M_{LFE}\ T_m\ D_n^2\ C_p}{P_{LFE}} = \left[\frac{P_s}{T_s} =\right]^{1/2}$$

$$K_4 = \frac{\mu_d}{M_w^{0.2051}\ M_d^{0.2949}\ (\mu_d - 74.143\ B_{ws})} = \text{_____}$$

$$A_2 = \frac{K}{X_r} - \frac{\mu_{LFE\ r}}{180.1\ X_r} = \text{_____}$$

$$B_2 = \frac{{}_4K_2}{X_r} = \text{_____}$$

Pressure head for recycle LFE:
$\Delta P_r = A_2 - B_2\ (\Delta p)^{1/2}$ = _____ in. H_2O

Figure 9. Example worksheet 3. recycle LFE pressure head.

BILLING CODE 6560-50-M

Run Code	Date	Stack Temperature (°F)	Gas Composition % CO_2 % O_2 % CO
Sampler ID	Start Time	Stack Static Pressure (in. H_2O)	Moisture Content
Filter ID	End Time	Ambient Temperature (°F)	
Sampler Orientation	Sampling Duration (min)	Ambient Pressure (in Hg)	
Sampling Location	DGM (initial)	Gas Velocity	Pitot Leak Check (Pos) (Neg)
Nozzle Diameter-ID (in.)	DGM (final)	System, Leak Check (≥ 15 in. Hg)	Notes
Operator (s)	Sample Volume (ft^3)		
Dual Manometer Leveled and Zeroed?			
Magnehelics Zeroed?			

Run Time	Port No / Trav. Pt.	ΔP Pitot	ΔH Sample	DGM Volume	ΔP Total	P Inlet	ΔP Recycle	T_1 Stack	T_2 Recycle	T_3 Probe	T_4 LFE	T_5 DGM

Figure 10. Example EGR Procedure data sheet.

Plant _____
Date _____
Run no. _____
Filter no. _____
Amount liquid lost during transport_____
Acetone blank volume, ml_____
Acetone wash volume, ml (2)_____(3)_____
Acetone blank conc., mg/mg (Equation 5–4, Method 5)_____
Acetone wash blank, mg (Equation 5–5, Method 5)_____

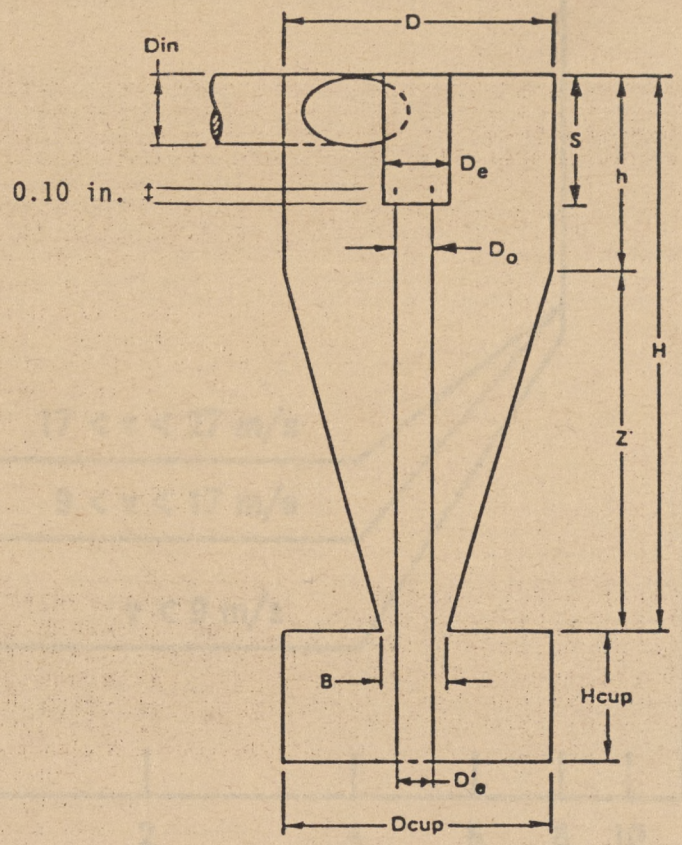
Container number	Weight of particulate matter, mg		
	Final weight	Tare weight	Weight gain
1			
3			
Total			
Less acetone blank			
Weight of PM_{10}			
2			
Less acetone blank			

Container number	Weight of particulate matter, mg		
	Final weight	Tare weight	Weight gain
Total particulate weight			

Figure 11. EGR method analysis sheet.

BILLING CODE 6560-50-M

Cyclone Interior Dimensions



	Dimensions (±0.02 cm, ±0.01 in.)											
	Din	D	De	B	H	h	Z	S	Hcup	Dcup	D'_e	D_o
cm	1.27	4.47	1.50	1.88	6.95	2.24	4.71	1.57	2.25	4.45	1.02	1.24
inches	0.50	1.76	0.59	0.74	2.74	0.88	1.85	0.62	0.89	1.75	0.40	0.49

Figure 12. Cyclone design specifications.

BILLING CODE 6560-50-C

TABLE 1. PERFORMANCE SPECIFICATIONS FOR SOURCE PM_{10} Cyclones and Nozzle Combinations

Parameter	Units	Specification
1. Collection efficiency.	Percent	Such that collection efficiency falls within envelope specified by Section 5.7.6 and Figure 13.
2. Cyclone cut size (D±).	μm	10±1 μm aerodynamic diameter.

TABLE 2. PARTICLE SIZES AND NOMINAL GAS VELOCITIES FOR EFFICIENCY

Particle size (μm)[a]	Target gas velocities (m/sec)		
	7±1.0	15±1.5	25±2.5
5±0.5			
7±0.5			
10±0.5			
14±1.0			
20±1.0			

(a) Mass median aerodynamic diameter.

BILLING CODE 6560-50-M

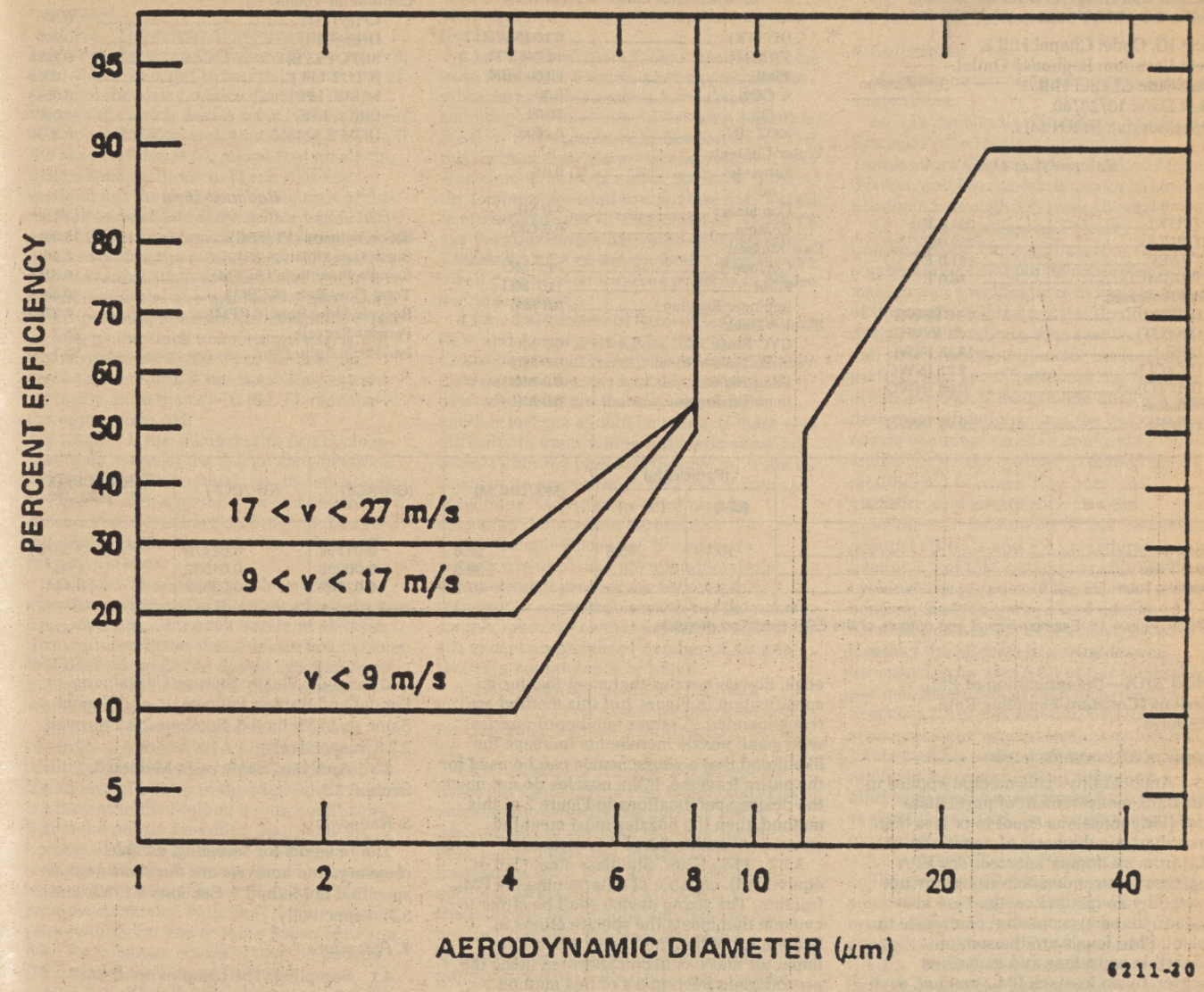


Figure 13. Efficiency envelope for the PM_{10} cyclone.

BILLING CODE 6560-50-C

Emission Gas Recycle, Data Reduction, Version 3.4 MAY 1986

Test ID. Code: Chapel Hill 2.
Test Location: Baghouse Outlet.
Test Site: Chapel Hill.
Test Date: 10/20/86.
Operators(s): JB RH MH.

Entered Run Data

Temperatures:	
T(STK)	251.0 F
T(RCL)	259.0 F
T(LFE)	81.0 F
T(DGM)	76.0 F
System Pressures:	
DH(ORI)	1.18 INWG
DP(TOT)	1.91 INWG
P(INL)	12.15 INWG
DP(RCL)	2.21 INWG
DP(PTO)	0.06 INWG
Miscellanea:	
P(BAR)	29.99 INWG

Entered Run Data—Continued

DP(STK)	0.10 INWG
V(DGM)	13.744 FT3
TIME	60.00 MIN
% CO2	8.00
% O2	20.00
NOZ (IN)	0.2500
Water Content:	
Estimate	0.0%
or	
Condenser	7.0 ML
Column	0.0 GM
Raw Masses:	
Cyclone 1	21.7 MG
Filter	11.7 MG
Impinger Residue	0.0 MG
Blank Values:	
CYC Rinse	0.0 MG
Filter Holder Rinse	0.0 MG
Filter Blank	0.0 MG
Impinger Rinse	0.0 MG

Calibration Values:	
CP(PITOT)	0.840
DH@(ORI)	10.980
M(TOT LFE)	0.2298
B(TOT LFE)	−.0058
M(RCL LFE)	0.0948
B(RCL LFE)	−.0007
DGM GAMMA	0.9940

Reduced Data

Stack Velocity (FT/SEC)	15.95
Stack Gas Moisture (%)	2.4
Sample Flow Rate (ACFM)	0.3104
Total Flow Rate (ACFM)	0.5819
Recycle Flow Rate (ACFM)	0.2760
Percent Recycle	46.7
Isokinetic Ratio (%)	95.1

	(Particulate)		(MG/DNCM)	(GR/ACF)	(GR/DCF)	(LB/DSCF) (X 1E6)
	(UM)	(% <)				
Cyclone 1	10.15	35.8	56.6	0.01794	0.02470	3.53701
Backup Filter			30.5	0.00968	0.01332	1.907
Particulate Total			87.2	0.02762	0.03802	5.444

Note: Figure 14. Example inputs and outputs of the EGR reduction program.

Method 201A—Determination of PM_{10} Emissions (Constant Sampling Rate Procedure)

1. Applicability and Principle

1.1 Applicability. This method applies to the in-stack measurement of particulate matter (PM) emissions equal to or less than an aerodynamic diameter of nominally 10 (PM_{10}) from stationary sources. The EPA recognizes that condensible emissions not collected by an in-stack method are also PM_{10}, and that emissions that contribute to ambient, PM_{10} levels are the sum of condensible emissions and emissions measured by an in-stack PM_{10} method, such as this method or Method 201. Therefore, for establishing source contributions to ambient levels of PM_{10}, such as for emission inventory purposes, EPA suggests that source PM_{10} measurement include both in-stack PM_{10} and condensible emissions. Condensible emissions may be measured by an impinger analysis in combination with this method.

1.2 Principle. A gas sample is extracted at a constant flow rate through an in-stack sizing device, which separates PM greater than PM_{10}. Variations from isokinetic sampling conditions are maintained within well-defined limits. The particulate mass is determined gravimetrically after removal of uncombined water.

2. Apparatus

Note: Methods cited in this method are part of 40 CFR part 60, appendix A.

2.1 Sampling Train. A schematic of the Method 201A sampling train is shown in Figure 1 of this method. With the exception of the PM_{10} sizing device and in-stack filter, this train is the same as an EPA Method 17 train.

2.1.1 Nozzle. Stainless steel (316 or equivalent) with a sharp tapered leading edge. Eleven nozzles that meet the design specification in Figure 2 of this method are recommended. A larger number of nozzles with small nozzle increments increase the likelihood that a single nozzle can be used for the entire traverse. If the nozzles do not meet the design specifications in Figure 2 of this method, then the nozzles must meet the criteria in Section 5.2 of this method.

2.1.2 PM_{10} Sizer. Stainless steel (316 or equivalent), capable of determining the PM_{10} fraction. The sizing device shall be either a cyclone that meets the specifications in Section 5.2 of this method or a cascade impactor that has been calibrated using the procedure in Section 5.4 of this method.

2.1.3 Filter Holder. 63-mm, stainless steel. An Andersen filter, part number SE274, has been found to be acceptable for the in-stack filter. **Note:** Mention of trade names or specific products does not constitute endorsement by the Environmental Protection Agency.

2.1.4 Pitot Tube. Same as in Method 5, Section 2.1.3. The pitot lines shall be made of heat resistant tubing and attached to the probe with stainless steel fittings.

2.1.5 Probe Liner. Optional, same as in Method 5, Section 2.1.2.

2.1.6 Differential Pressure Gauge, Condenser, Metering System, Barometer, and Gas Density Determination Equipment. Same as in Method 5, Sections 2.1.4, and 2.1.7 through 2.1.10, respectively.

2.2 Sample Recovery.

2.2.1 Nozzle, Sizing Device, Probe, and Filter Holder Brushes. Nylon bristle brushes with stainless steel wire shafts and handles, properly sized and shaped for cleaning the nozzle, sizing dedvice, probe or probe liner, and filter holders.

2.2.2 Wash Bottles, Glass Sample Storage Containers, Petri Dishes, Graduated Cylinder and Balance, Plastic Storage Containers, Funnel and Rubber Policeman, and Funnel. Same as in Method 5, Sections 2.2.2 through 2.2.8, respectively.

2.3 Analysis. Same as in Method 5, Section 2.3.

3. Reagents

The reagents for sampling, sample recovery, and analysis are the same as that specified in Method 5, Sections 3.1, 3.2, and 3.3, respectively.

4. Procedure

4.1 Sampling. The complexity of this method is such that, in order to obtain reliable results, testers should be trained and experienced with the test procedures.

4.1.1 Pretest Preparation. Same as in Method 5, Section 4.1.1.

4.1.2 Preliminary Determinations. Same as in Method 5, Section 4.1.2, except use the directions on nozzle size selection and sampling time in this method. Use of any nozzle greater than 0.16 in. in diameter require a sampling port diameter of 6 inches. Also, the required maximum number of traverse points at any location shall be 12.

4.1.2.1 The sizing device must be in-stack or maintained at stack temperature during sampling. The blockage effect of the CSR sampling assembly will be minimal if the cross-sectional area of the sampling assembly is 3 percent or less of the cross-sectional area of the duct. If the cross-sectional area of the assembly is greater than 3 percent of the cross-sectional area of the duct, then either determine the pitot coefficient at sampling conditions or use a standard pitot with a known coefficient in a configuration with the CSR sampling

assembly such that flow disturbances are minimized.

4.1.2.2 The setup calculations can be performed by using the following procedures.

4.1.2.2.1 In order to maintain a cut size of 10 μm in the sizing device, the flow rate through the sizing device must be maintained at a constant, discrete value during the run. If the sizing device is a cyclone that meets the design specifications in Figure 3 of this method, use the equations in Figure 4 of this method to calculate three orifice heads (ΔH): one at the average stack temperature, and the other two at temperatures ±28 °C (±50 °F) of the average stack temperature. Use ΔH calculated at the average stack temperature as the pressure head for the sample flow rate as long as the stack temperature during the run is within 28 °C (50 °F) of the average stack temperature. If the stack temperature varies by more than 28 °C (50 °F), then use the appropriate ΔH.

4.1.2.2.2 If the sizing device is a cyclone that does not meet the design specifications in Figure 3 of this method, use the equations in Figure 4 of this method, except use the procedures in Section 5.3 of this method to determine Q_s, the correct cyclone flow rate for a 10 μm size.

4.1.2.2.3 To select a nozzle, use the equations in Figure 5 of this method to calculate Δp_{min} and Δp_{max} for each nozzle at all three temperatures. If the sizing device is a cyclone that does not meet the design specifications in Figure 3 of this method, the example worksheets can be used.

4.1.2.2.4 Correct the Method 2 pitot readings to Method 201A pitot readings by multiplying the Method 2 pitot readings by the square of a ratio of the Method 201A pitot coefficient to the Method 2 pitot coefficient. Select the nozzle for which Δp_{min} and Δp_{max} bracket all of the corrected Method 2 pitot readings. If more than one nozzle meets this requirement, select the nozzle giving the greatest symmetry. Note that if the expected pitot reading for one or more points is near a limit for a chosen nozzle, it may be outside the limits at the time of the run.

4.1.2.2.5 Vary the dwell time, or sampling time, at each traverse point proportionately with the point velocity. Use the equations in Figure 6 of this method to calculate the dwell time at the first point and at each subsequent point. It is recommended that the number of minutes sampled at each point be rounded to the nearest 15 seconds.

4.1.3 Preparation of Collection Train. Same as in Method 5, Section 4.1.3, except omit directions about a glass cyclone.

4.1.4 Leak-Check Procedure. The sizing device is removed before the post-test leak-check to prevent any disturbance of the collected sample prior to analysis.

4.1.4.1 Pretest Leak-Check. A pretest leak-check of the entire sampling train, including the sizing device, is required. Use the leak-check procedure in Method 5, Section 4.1.4.1 to conduct a pretest leak-check.

4.1.4.2 Leak-Checks During Sample Run. Same as in Method 5, Section 4.1.4.1.

4.1.4.3 Post-Test Leak-Check. A leak-check is required at the conclusion of each sampling run. Remove the cyclone before the leak-check to prevent the vacuum created by the cooling of the probe from disturbing the collected sample and use the procedure in Method 5, Section 4.1.4.3 to conduct a post-test leak-check.

4.1.5 Method 201A Train Operation. Same as in Method 5, Section 4.1.5, except use the procedures in this section for isokinetic sampling and flow rate adjustment. Maintain the flow rate calculated in Section 4.1.2.2.1 of this method throughout the run provided the stack temperature is within 28 °C (50 °F) of the temperature used to calculate ΔH. If stack temperatures vary by more than 28 °C (50 °F), use the appropriate ΔH value calculated in Section 4.1.2.2.1 of this method. Calculate the dwell time at each traverse point as in Figure 6 of this method.

4.1.6 Calculation of Percent Isokinetic Rate and Aerodynamic Cut Size (D_{50}). Calculate percent isokinetic rate and D_{50} (see Calculations, Section 6 of this method) to determine whether the test was valid or another test run should be made. If there was difficulty in maintaining isokinetic sampling rates within the prescribed range, or if the D_{50} is not in its proper range because of source conditions, the Administrator may be consulted for possible variance.

4.2 Sample Recovery. If a cascade impactor is used, use the manufacturer's recommended procedures for sample recovery. If a cyclone is used, use the same sample recovery as that in Method 5, Section 4.2, except an increased number of sample recovery containers is required.

4.2.1 *Container Number 1* (In-Stack Filter). The recovery shall be the same as that for Container Number 1 in Method 5, Section 4.2.

4.2.3 *Container Number 2* (Cyclone or Large PM Catch). This step is optional. The anisokinetic error for the cyclone PM is theoretically larger than the error for the PM_{10} catch. Therefore, adding all the fractions to get a total PM catch is not as accurate as Method 5 or Method 201. Disassemble the cyclone and remove the nozzle to recover the large PM catch. Quantitatively recover the PM from the interior surfaces of the nozzle and cyclone, excluding the "turn around" cup and the interior surfaces of the exit tube. The recovery shall be the same as that for Container Number 2 in Method 5, Section 4.2.

4.2.4 *Container Number 3* (PM_{10}). Quantitatively recover the PM from all of the surfaces from the cyclone exit to the front half of the in-stack filter holder, including the "turn around" cup inside the cyclone and the interior surfaces of the exit tube. The recovery shall be the same as that for Container Number 2 in Method 5, Section 4.2.

4.2.6 *Container Number 4* (Silica Gel). The recovery shall be the same as that for Container Number 3 in Method 5, Section 4.2.

4.2.7 *Impinger Water.* Same as in Method 5, Section 4.2, under "Impinger Water."

4.3 Analysis. Same as in Method 5, Section 4.3, except handle Method 201A Container Number 1 like Container Number 1, Method 201A Container Numbers 2 and 3 like Container Number 2, and Method 201A Container Number 4 like Container Number 3. Use Figure 7 of this method to record the weights of PM collected. Use Figure 5–3 in Method 5, Section 4.3, to record the volume of water collected.

4.4 Quality Control Procedures. Same as in Method 5, Section 4.4.

5. Calibration

Maintain an accurate laboratory log of all calibrations.

5.1 Probe Nozzle, Pitot Tube, Metering System, Probe Heater Calibration, Temperature Gauges, Leak-check of Metering System, and Barometer. Same as in Method 5, Section 5.1 through 5.7, respectively.

5.2 Probe Cyclone and Nozzle Combinations. The probe cyclone and nozzle combinations need not be calibrated if both meet design specifications in Figures 2 and 3 of this method. If the nozzles do not meet design specifications, then test the cyclone and nozzle combinations for conformity with performance specifications (PS's) in Table 1 of this method. If the cyclone does not meet design specifications, then the cylcone and nozzle combination shall conform to the PS's and calibrate the cyclone to determine the relationship between flow rate, gas viscosity, and gas density. Use the procedures in Section 5.2 of this method to conduct PS tests and the procedures in Section 5.3 of this method to calibrate the cyclone. The purpose of the PS tests are to conform that the cyclone and nozzle combination has the desired sharpness of cut. Conduct the PS tests in a wind tunnel described in Section 5.2.1 of this method and particle generation system described in Section 5.2.2 of this method. Use five particle sizes and three wind velocities as listed in Table 2 of this method. A minimum of three replicate measurements of collection efficiency shall be performed for each of the 15 conditions listed, for a minimum of 45 measurements.

5.2.1 Wind Tunnel. Perform the calibration and PS tests in a wind tunnel (or equivalent test apparatus) capable of establishing and maintaining the required gas stream velocities within 10 percent.

5.2.2 Particle Generation System. The particle generation system shall be capable of producing solid monodispersed dye particles with the mass median aerodynamic diameters specified in Table 2 of this method. Perform the particle size distribution verification on an integrated sample obtained during the sampling period of each test. An acceptable alternative is to verify the size distribution of samples obtained before and after each test, with both samples required to meet the diameter and monodispersity requirements for an acceptable test run.

5.2.2.1 Establish the size of the solid dye particles delivered to the test section of the wind tunnel by using the operating parameters of the particle generation system, and verify them during the tests by microscopic examination of samples of the particles collected on a membrane filter. The particle size, as established by the operating parameters of the generation system, shall be within the tolerance specified in Table 2 of this method. The precision of the particle size verification technique shall be at least ±0.5 μm, and particle size determined by the verification technique shall not differ by more than 10 percent from that established by the

operating parameters of the particle generation system.

5.2.2.2 Certify the monodispersity of the particles for each test either by microscopic inspection of collected particles on filters or by other suitable monitoring techniques such as an optical particle counter followed by a multichannel pulse height analyzer. If the proportion of multiplets and satellites in an aerosol exceeds 10 percent by mass, the particle generation system is unacceptable for the purpose of this test. Multiplets are particles that are agglomerated, and satellites are particles that are smaller than the specified size range.

5.2.3 Schematic Drawings. Schematic drawings of the wind tunnel and blower system and other information showing complete procedural details of the test atmosphere generation, verification, and delivery techniques shall be furnished with calibration data to the reviewing agency.

5.2.4 Flow Measurements. Measure the cyclone air flow rates with a dry gas meter and a stopwatch, or a calibrated orifice system capable of measuring flow rates to within 2 percent.

5.2.5 Performance Specification Procedure. Establish test particle generator operation and verify particle size microscopically. If monodisperity is to be verified by measurements at the beginning and the end of the run rather than by an integrated sample, these measurements may be made at this time.

5.2.5.1 The cyclone cut size, or D_{50}, of a cyclone is defined here as the particle size having a 50 percent probability of penetration. Determine the cyclone flow rate at which D_{50} is 10 μm. A suggested procedure is to vary the cyclone flow rate while keeping a constant particle size of 10 μm. Measure the PM collected in the cyclone (m_c), the exit tube (m_t), and the filter (m_f). Calculate cyclone efficiency (E_c) for each flow rate as follows:

$$E_c = \frac{m_c}{(m_c + m_t + m_f)} \times 100$$

5.2.5.2. Do three replicates and calculate the average cyclone efficiency [$E_{c(avg)}$] as follows:

$$E_{c(avg)} = (E_1 + E_2 + E_3)/3$$

Where E_1, E_2, and E_3 are replicate measurements of E_c.

5.2.5.3 Calculate the standard deviation (σ) for the replicate measurements of E_c as follows:

$$\left[\sigma = \left[\frac{(E_1^2 + E_2^2 + E_3^2) - \frac{(E_1 + E_2 + E_3)^2}{3}}{2}\right]^{1/2}\right]$$

If σ exceeds 0.10, repeat the replicated runs.

5.2.5.4 Measure the overall efficiency of the cyclone and nozzle, E_o, at the particle sizes and nominal gas velocities in Table 2 of this method using the following procedure.

5.2.5.5 Set the air velocity and particle size from one of the conditions in Table 2 of this method. Establish isokinetic sampling conditions and the correct flow rate in the cyclone (obtained by procedures in this section) such that the D_{50} is 10 μm. Sample long enough to obtain ±5 percent precision on total collected mass as determined by the precision and the sensitivity of measuring technique. Determine separately the nozzle catch (m_n), cyclone catch (m_c), cyclone exit tube (M_t), and collection filter catch (m_f) for each particle size and nominal gas velocity in Table 2 of this method. Calculate overall efficiency (E_o) as follows:

$$E_o = \frac{(m_n + m_c)}{(m_n + m_c + m_t + m_f)} \times 100$$

5.2.5.6 Do three replicates for each combination of gas velocity and particle size in Table 2 of this method. Use the equation below to calculate the average overall efficiency [$E_{o(avg)}$] for each combination following the procedures described in this section for determining efficiency.

$$E_{o(avg)} = (E_1 + E_2 + E_3)/3$$

Where E_1, E_2, and E_3 are replicate measurements of E_o.

5.2.5.7 Use the formula in Section 5.2.5.3 to calculate σ for the replicate measurements. If σ exceeds 0.10 or if the particle sizes and nominal gas velocities are not within the limits specified in Table 2 of this method, repeat the replicate runs.

5.2.6 Criteria for Acceptance. For each of the three gas stream velocities, plot the $E_{o(avg)}$ as a function of particle size on Figure 8 of this method. Draw smooth curves through all particle sizes. $E_{o(avg)}$ shall be within the banded region for all sizes, and the $E_{c(avg)}$ shall be 50±0.5 percent at 10 μm.

5.3 Cyclone Calibration Procedure. The purpose of this procedure is to develop the relationship between flow rate, gas viscosity, gas density, and D_{50}.

5.3.1 Calculate Cyclone Flow Rate. Determine flow rates and D_{50}'s for three different particle sizes between 5 μm and 15 μm, one of which shall be 10 μm. All sizes must be determined within 0.5 μm. For each size, use a different temperature within 60 °C (108 °F) of the temperature at which the cyclone is to be used and conduct triplicate runs. A suggested procedure is to keep the particle size constant and vary the flow rate.

5.3.1.1. On log-log graph paper, plot the Reynolds number (Re) on the abscissa, and the square root of the Stokes 50 number [$(Stk_{50})^{1/2}$] on the ordinate for each temperature. Use the following equations to compute both values:

$$Re = \frac{4 \rho Q_{cyc}}{d_{cyc} \pi \mu_{cyc}}$$

$$(Stk_{50})^{1/2} = \left[\frac{4 Q_{cyc} (D_{50})^2}{9 \pi \mu_{cyc})^3}\right]^{1/2}$$

where:

Q_{cyc} = Cyclone flow rate, cm^3/sec.
ρ = Gas density, g/cm^3.
d_{cyc} = Diameter of cyclone inlet, cm.
μ_{cyc} = Viscosity of gas through the cyclone, micropoise.
D_{50} = Aerodynamic diameter of a particle having a 50 percent probability of penetration, cm.

5.3.1.2. Use a linear regression analysis to determine the slope (m) and the Y-intercept (b). Use the following formula to determine Q, the cyclone flow rate required for a cut size of 10 μm.

$$Q_s = \frac{\pi \mu_{cyc}}{4}\left[(3000)(K_1) - b\right]^{-(0.5-m)}\left[\frac{T_s}{M_c P_s}\right]^{m/(m-0.5)} d^{(m-1.5)/(m-0.5)}$$

where:

m = Slope of the calibration line.
b = y-intercept of the calibration line.
Q_s = Cyclone flow rate for a cut size of 10 μm, cm^3/sec.
d = Diameter of nozzle, cm.
T_s = Stack gas temperature, °R.
P_s = Absolute stack pressure, in. Hg.
M_c = Molecular weight of the stack gas, lb/lb-mole.
$K_1 = 4.077 \times 10^{-3}$.

5.3.1.3 Refer to the Method 201A operators manual, entitled *Application Guide for Source PM_{10} Measurement with Constant*

Sampling Rate, for directions in the use of this equation for Q in the setup calculations.

5.4 Cascade Impactor. The purpose of calibrating a cascade impactor is to determine the empirical constant (STK_{50}), which is specific to the impactor and which permits the accurate determination of the cut size of the impactor stages at field conditions. It is not necessary to calibrate each individual impactor. Once an impactor has been calibrated, the calibration data can be applied to other impactors of identical design.

5.4.1 Wind Tunnel. Same as in Section 5.2.1 of this method.

5.4.2 Particle Generation System. Same as in Section 5.2.2 of this method.

5.4.3 Hardware Configuration for Calibrations. An impaction stage constrains an aerosol to form circular or rectangular jets, which are directed toward a suitable substrate where the larger aerosol particles are collected. For calibration purposes, three stages of the cascade impactor shall be discussed and designated calibration stages 1, 2, and 3. The first calibration stage consists of the collection substrate of an impaction stage and all upstream surfaces up to and including the nozzle. This may include other preceding impactor stages. The second and third calibration stages consist of each respective collection substrate and all upstream surfaces up to but excluding the collection substrate of the preceding calibration stage. This may include intervening impactor stages which are not designated as calibration stages. The cut size, or D_{50}, of the adjacent calibration stages shall differ by a factor of not less than 1.5 and not more than 2.0. For example, if the first calibration stage has a D_{50} of 12 μm, then the D_{50} of the downstream stage shall be between 6 and 8 μm.

5.4.3.1 It is expected, but not necessary, that the complete hardware assembly will be used in each of the sampling runs of the calibration and performance determinations. Only the first calibration stage must be tested under isokinetic sampling conditions. The second and third calibration stages must be calibrated with the collection substrate of the preceding calibration stage in place, so that gas flow patterns existing in field operation will be simulated.

5.4.3.2 Each of the PM_{10} stages should be calibrated with the type of collection substrate, viscid material (such as grease) or glass fiber, used in PM_{10} measurements. Note that most materials used as substrates at elevated temperatures are not viscid at normal laboratory conditions. The substrate material used for calibrations should minimize particle bounce, yet be viscous enough to withstand erosion or deformation by the impactor jets and not interfere with the procedure for measuring the collected PM.

5.4.4 Calibration Procedure. Establish test particle generator operation and verify particle size microscopically. If monodispersity is to be verified by measurements at the beginning and the end of the run rather than by an integrated sample, these measurements shall be made at this time. Measure in triplicate the PM collected by the calibration stage (m) and the PM on all surfaces downstream of the respective calibration stage (m') for all of the flow rates and particle size combinations shown in Table 2 of this method. Techniques of mass measurement may include the use of a dye and spectrophotometer. Particles on the upstream side of a jet plate shall be included with the substrate downstream, except agglomerates of particles, which shall be included with the preceding or upstream substrate. Use the following formula to calculate the collection efficiency (E) for each stage.

5.4.4.1 Use the formula in Section 5.2.5.3 of this method to calculate the standard deviation (σ) for the replicate measurements. If σ exceeds 0.10, repeat the replicate runs.

5.4.4.2 Use the following formula to calculate the average collection efficiency (E_{avg}) for each set of replicate measurements.

$$E_{avg} = (E_1 + E_2 + E_3)/3$$

where E_1, E_2, and E_3 are replicate measurements of E.

5.4.4.3 Use the following formula to calculate Stk for each E_{avg}.

$$Stk = \frac{D^2 Q}{9 \mu A d_j}$$

where:

D = Aerodynamic diameter of the test particle, cm $(g/cm^3)^{1/2}$.
Q = Gas flow rate through the calibration stage at inlet conditions, cm^3/sec.
μ = Gas viscosity, micropoise.
A = Total cross-sectional area of the jets of the calibration stage, cm^2.
d_j = Diameter of one jet of the calibration stage, cm.

5.4.4.4 Determine Stk_{50} for each calibration stage by plotting E_{avg} versus Stk on log-log paper. Stk_{50} is the Stk number at 50 percent efficiency. Note that particle bounce can cause efficiency to decrease at high values of Stk. Thus, 50 percent efficiency can occur at multiple values of Stk. The calibration data should clearly indicate the value of Stk_{50} for minimum particle bounce. Impactor efficiency versus Stk with minimal particle bounce is characterized by a monotonically increasing function with constant or increasing slope with increasing Stk.

5.4.4.5 The Stk_{50} of the first calibration stage can potentially decrease with decreasing nozzle size. Therefore, calibrations should be performed with enough nozzle sizes to provide a measured value within 25 percent of any nozzle size used in PM_{10} measurements.

5.4.5 Criteria For Acceptance. Plot E_{avg} for the first calibration stage versus the square root of the ratio of Stk to Stk_{50} on Figure 9 of this method. Draw a smooth curve through all of the points. The curve shall be within the banded region.

6. Calculations

6.1 Nomenclature.

B_{ws} = Moisture fraction of stack, by volume, dimensionless.
C_1 = Viscosity constant, 51.12 micropoise for °K (51.05 micropoise for °R).
C_2 = Viscosity constant, 0.372 micropoise/°K (0.207 micropoise/°R).
C_3 = Viscosity constant, 1.05×10^{-4} micropoise/$°K^2$ (3.24×10^{-5} micropoise/$°R^2$).
C_4 = Viscosity constant, 53.147 micropoise/fraction O_2.
C_5 = Viscosity constant, 74.143 micropoise/fraction H_2O.
D_{50} = Diameter of particles having a 50 percent probability of penetration, μm.
f_o = Stack gas fraction O_2, by volume, dry basis.
K_1 = 0.3858 °K/mm Hg (17.64 °R/in. Hg).
M_c = Wet molecular weight of mixed gas through the PM_{10} cyclone, g/g-mole (lb/lb-mole).
M_d = Dry molecular weight of stack gas, g/g-mole (lb/lb-mole).
P_{bar} = Barometric pressure at sampling site, mm Hg (in. Hg).
P_s = Absolute stack pressure, mm Hg (in. Hg).
Q_s = Total cyclone flow rate at wet cyclone conditions, m^3/min (ft^3/min).
$Q_{s(std)}$ = Total cyclone flow rate at standard conditions, dscm/min (dscf/min).
T_m = Average absolute temperature of dry meter, °K (°R).
T_s = Average absolute stack gas temperature, °K (°R).
$V_{w(std)}$ = Volume of water vapor in gas sample (standard conditions), scm (scf).
θ = Total sampling time, min.
μ_{cyc} = Viscosity of mixed cyclone gas, micropoise.
μ_{std} = Viscosity of standard air, 180.1 micropoise.

6.2 Analysis of Cascade Impactor Data. Use the manufacturer's recommended procedures to analyze data from cascade impactors.

6.3 Analysis of Cyclone Data. Use the following procedures to analyze data from a single stage cyclone.

6.3.1 PM_{10} Weight. Determine the PM catch in the PM_{10} range from the sum of the weights obtained from Container Numbers 1 and 3 less the acetone blank.

6.3.2 Total PM Weight (optional). Determine the PM catch for greater than PM_{10} from the weight obtained from Container Number 2 less the acetone blank, and add it to the PM_{10} weight.

6.3.3 PM_{10} Fraction. Determine the PM_{10} fraction of the total particulate weight by dividing the PM_{10} particulate weight by the total particulate weight.

6.3.4 Aerodynamic Cut Size. Calculate the stack gas viscosity as follows:

$$\mu_{cyc} = C_1 + C_2 T_2 + C_3 T_s^2 + C_4 f_{02} - C_5 B_{ws}$$

6.3.4.1 The PM_{10} flow rate, at actual cyclone conditions, is calculated as follows:

$$Q_s = \frac{T_s}{K_1 P_s} \left[Q_{s(std)} + \frac{V_{m(std)}}{\theta} \right]$$

6.3.4.2 Calculate the molecular weight on a wet basis of the stack gas as follows:

$$M_c = M_d(1 - B_{ws}) + 18.0(B_{ws})$$

6.3.4.3 Calculate the actual D_{50} of the cyclone for the given conditions as follows:

$$D_{50}=\beta_1 \left[\frac{T_s}{M_c P_s}\right]^{0.2091} \left[\frac{\mu_{cyc}}{Q_s}\right]^{0.7091}$$

where $\beta_1=0.027754$ for metric units (0.15625 for English units).

6.3.5 Acceptable Results. The results are acceptable if two conditions are met. The first is that 9.0 μm < D_{50} < 11.0 μm. The second is that no sampling points are outside Δp_{min} and Δp_{max}, or that 80 percent < I < 120 percent and no more than one sampling point is outside Δp_{min} and Δp_{max}. If D_{50} is less than 9.0 μm, reject the results and repeat the test.

7. Bibliography

1. Same as Bibliography in Method 5.

2. McCain, J.D., J.W. Ragland, and A.D. Williamson. Recommended Methodology for the Determination of Particle Size Distributions in Ducted Sources, Final Report. Prepared for the California Air Resources Board by Southern Research Institute. May 1986.

3. Farthing, W.E., S.S. Dawes, A.D. Williamson, J.D. McCain, R.S. Martin, and J.W. Ragland. Development of Sampling Methods for Source PM_{10} Emissions. Southern Research Institute for the Environmental Protection Agency. April 1989. NTIS PB 89 190375, EPA/600/3–88–056.

4. *Application Guide for Source PM_{10} Measurement with Constant Sampling Rate,* EPA/600/3–88–057.

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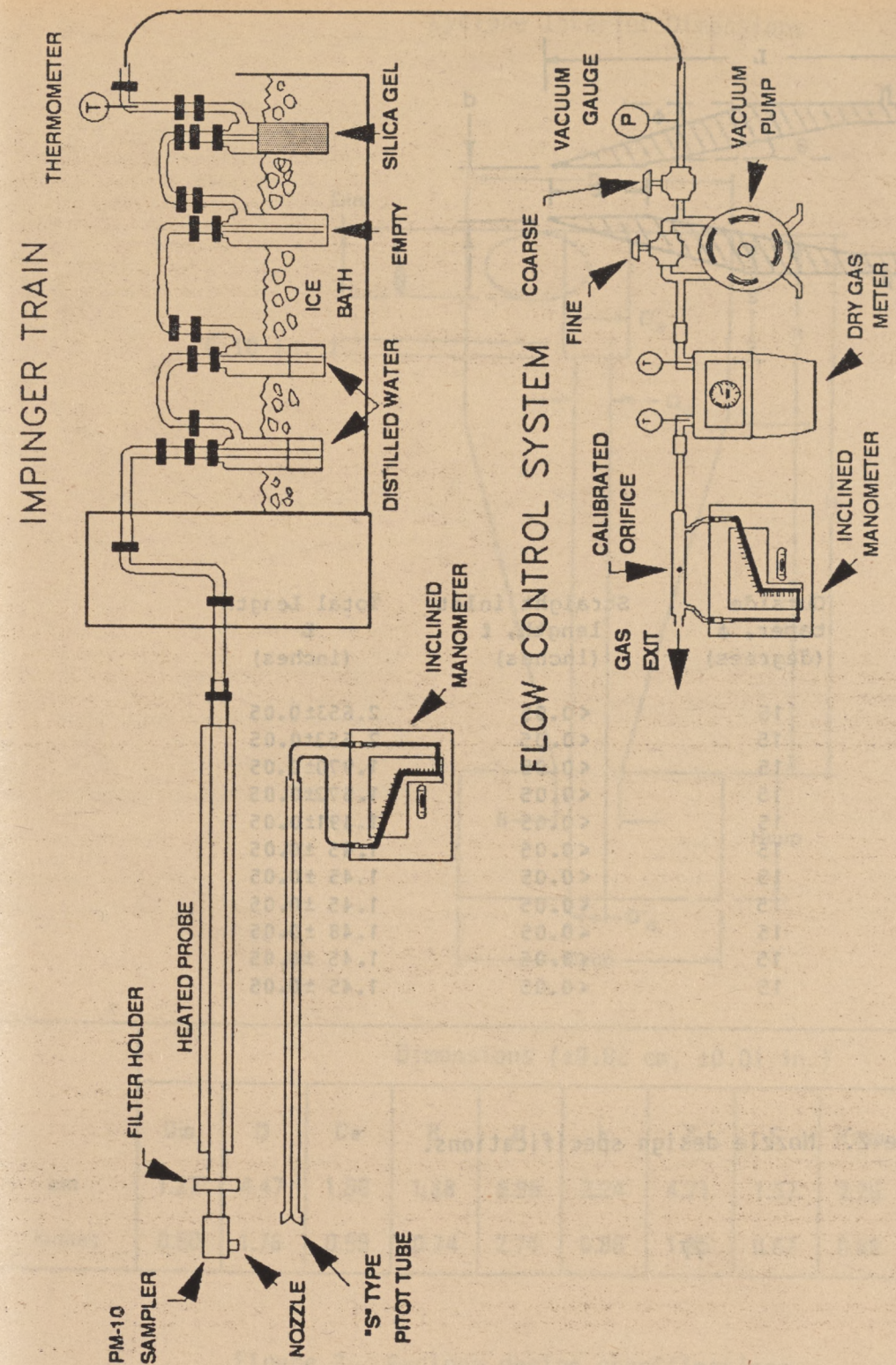

Figure 1. CSR Sampling Train

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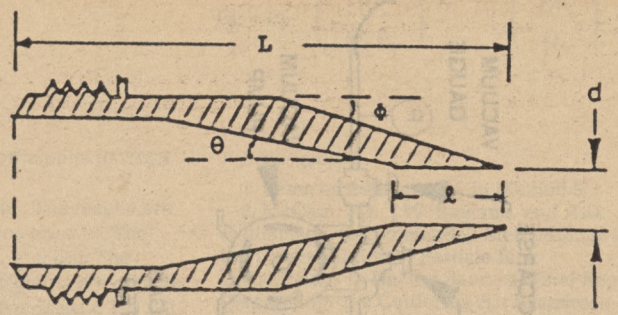
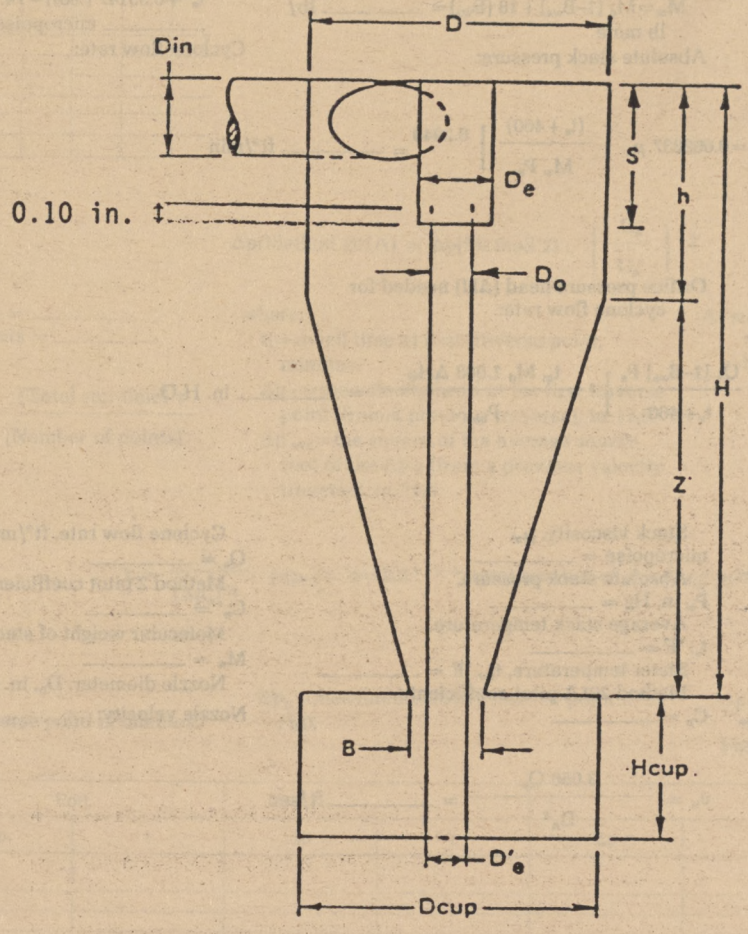


Nozzle Diameter (inches)	Cone Angle, θ (degrees)	Outside taper, ϕ (degrees)	Straight inlet length, ℓ (inches)	Total Length L (inches)
0.136	4	15	<0.05	2.653±0.05
0.150	4	15	<0.05	2.553±0.05
0.164	5	15	<0.05	1.970±0.05
0.180	6	15	<0.05	1.572±0.05
0.197	6	15	<0.05	1.491±0.05
0.215	6	15	<0.05	1.45 ±0.05
0.233	6	15	<0.05	1.45 ±0.05
0.264	5	15	<0.05	1.45 ±0.05
0.300	4	15	<0.05	1.48 ±0.05
0.342	4	15	<0.05	1.45 ±0.05
0.390	3	15	<0.05	1.45 ±0.05

Figure 2. Nozzle design specifications.

Cyclone Interior Dimensions



	Dimensions (±0.02 cm, ±0.01 in.)											
	Din	D	D_e	B	H	h	Z	S	Hcup	Dcup	D'_e	D_o
cm	1.27	4.47	1.50	1.88	6.95	2.24	4.71	1.57	2.25	4.45	1.02	1.24
inches	0.50	1.76	0.59	0.74	2.74	0.88	1.85	0.62	0.89	1.75	0.40	0.49

Figure 3. Cyclone design specifications.

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Barometric pressure, P_{bar}, in. Hg = _____
Stack static pressure, P_g, in. H_2O = _____
Average stack temperature, t_s, °F = _____
Meter temperature, t_m, °F = _____
Orifice $\Delta H_@$, in. H_2O = _____
Gas analysis:
$\%CO_2$ = _____
$\%O_2$ = _____
$\%N_2 + \%CO$ = _____
Fraction moisture content, B_{ws} = _____
Molecular weight of stack gas, dry basis:
$M_d = 0.44\ (\%CO_2) + 0.32\ (\%O_2) + 0.28\ (\%N_2 + \%CO)$ = _____ lb/lb mole
Molecular weight of stack gas, wet basis:
$M_w = M_d\ (1 - B_{ws}) + 18\ (B_{ws})$ = _____ lb/lb mole
Absolute stack pressure:

$$P_s = P_{bar} + \frac{P_g}{13.6} = \_\_\_\_\_ \text{ in. Hg}$$

Viscosity of stack gas:
$\mu_s = 152.418 + 0.2552\ t_s + 3.2355 \times 10^{-5}\ t_s^2 + 0.53147\ (\%0_2) - 74.143\ B_{ws}$ = _____ micropoise
Cyclone flow rate:

$$Q_s = 0.002837\ \mu_s \left[\frac{(t_s + 460)}{M_w\ P_s} \right] 0.2949 = \_\_\_\_\_ \text{ ft}^3/\text{min}$$

Figure 4. Example worksheet 1, cyclone flow rate and ΔH.

Orifice pressure head (ΔH) needed for cyclone flow rate:

$$\Delta H = \left[\frac{Q_s\ (1 - B_{ws})\ P_s}{t_s + 460} \right]^2 \frac{t_m\ M_d\ 1.083\ \Delta H_@}{P_{bar}} = \_\_\_\_\_ \text{ in. } H_2O$$

Calculate ΔH for three temperatures:

t_s, °F			
ΔH, in. H_2O			

Stack viscosity, μ_s, micropoise = _____
Absolute stack pressure, P_s, in. Hg = _____
Average stack temperature, t_s, °F = _____
Meter temperature, t_m, °F = _____
Method 201A pitot coefficient, C_p = _____
Cyclone flow rate, ft^3/min, Q_s = _____
Method 2 pitot coefficient, C_p' = _____
Molecular weight of stack gas, wet basis, M_w = _____
Nozzle diameter, D_n, in. = _____
Nozzle velocity:

$$v_n = \frac{3.056\ Q_s}{D_n^2} = \_\_\_\_\_ \text{ ft/sec}$$

Maximum and minimum velocities:

$$v_{min} = v_n \left[0.2457 + \left[0.3072 - \frac{0.2603\ Q_s^{1/2}\ \mu_s}{v_n^{1.5}} \right]^{1/2} \right] = \_\_\_\_\_ \text{ ft/sec}$$

$$v_{max} = v_n \left[0.4457 + \left[0.5690 - \frac{0.2603\ Q_s^{1/2}\ \mu_s}{v_n^{1.5}} \right]^{1/2} \right] = \_\_\_\_\_ \text{ ft/sec}$$

Figure 5. Example worksheet 2, nozzle selection.

Maximum and minimum velocity head values:

$$\Delta p_{min} = 1.3686 \times 10^{-4} \frac{P_s\ M_w\ (v_{min})^2}{(t_s + 460)\ C_p^2} = \_\_\_\_\_ \text{ in. } H_2O$$

$$\Delta p_{max} = 1.3686 \times 10^{-4} \frac{P_s M_w (v_{max})^2}{(t_s + 460) C_p^2} = \_\_\_\_\_ \text{ in. } H_2O$$

Nozzle No.				
D_n, in.				
v_n, ft/sec				
v_{min}, ft/sec				
v_{max}, ft/sec				
Δp_{min}, in. H_2O				
Δp_{max}, in. H_2O				

Velocity traverse data:

$$\Delta p(\text{Method 201A}) = \Delta p(\text{Method 2}) \left[\frac{C_p}{C_p'} \right] 2$$

Total run time, minutes = _____
Number of traverse points = _____

$$t_1 = \left[\frac{\Delta p'_1}{\Delta p'_{avg}} \right] \frac{1}{2} \frac{\text{(Total run time)}}{\text{(Number of points)}}$$

where:
t_1 = dwell time at first traverse point, minutes.
$\Delta p'_1$ = the velocity head at the first traverse point (from a previous traverse), in. H_2O.
$\Delta p'_{avg}$ = the square of the average square root of the Δp's (from a previous velocity traverse), in. H_2O.

At subsequent traverse points, measure the velocity Δp and calculate the dwell time by using the following equation:

$$t_n = \frac{t_1}{(\Delta p_1)^{1/2}} \quad (\Delta p_1)^{1/2}, n = 2,3,* * * \text{ total number of sampling points}$$

where:
t_n = dwell time at traverse point n, minutes.
Δp_n = measured velocity head at point n, in. H_2O.
Δp_i = dwell time at first traverse point, minutes.

Figure 6. Example worksheet 3, dwell time.

Point No.	Port							
	Δp	t	Δp	t	Δp	t	Δp	t
1								
2								
3								
4								
5								
6								

Plant _____
Date _____
Run no. _____
Filter no. _____
Amount of liquid lost during transport _____
Acetone blank volume, ml _____
Acetone wash volume, ml (4) _____
(5) _____
Acetone blank conc., mg/mg (Equation 5–4, Method 5) _____
Acetone wash blank, mg (Equation 5–5, Method 5) _____

Container No.	Weight of PM_{10} (mg)		
	Final weight	Tare weight	Weight gain
1			
3			
Total			
Less acetone blank			
Weight of PM_{10}			

Figure 7. Method 201A analysis sheet.

TABLE 1.—PERFORMANCE SPECIFICATIONS FOR SOURCE PM_{10} CYCLONES AND NOZZLE COMBINATIONS

Parameter	Units	Specifications
1. Collection efficiency.	Percent	Such that collection efficiency falls within envelope specified by Section 5.2.6 and Figure 8.
2. Cyclone cut size (D_{50}).	μm	10 ± 1 μm aerodynamic diameter.

TABLE 2.—PARTICLE SIZES AND NOMINAL GAS VELOCITIES FOR EFFICIENCY

Particle size (μm)[a]	Target gas velocities (m/sec)		
	7 ± 1.0	15 ± 1.5	25 ± 2.5
5 ± 0.5			
7 ± 0.5			
10 ± 0.5			
14 ± 1.0			
20 ± 1.0			

[a] Mass median aerodynamic diameter.

BILLING CODE 6560-50-M

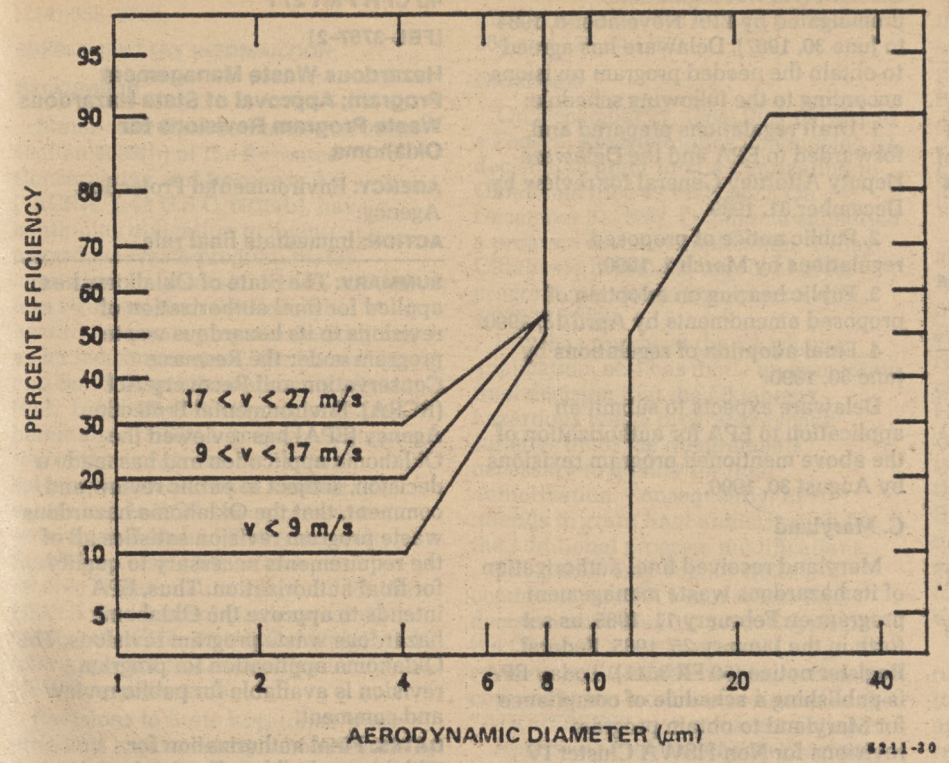

Figure 8. Efficiency envelope for the PM_{10} cyclone.

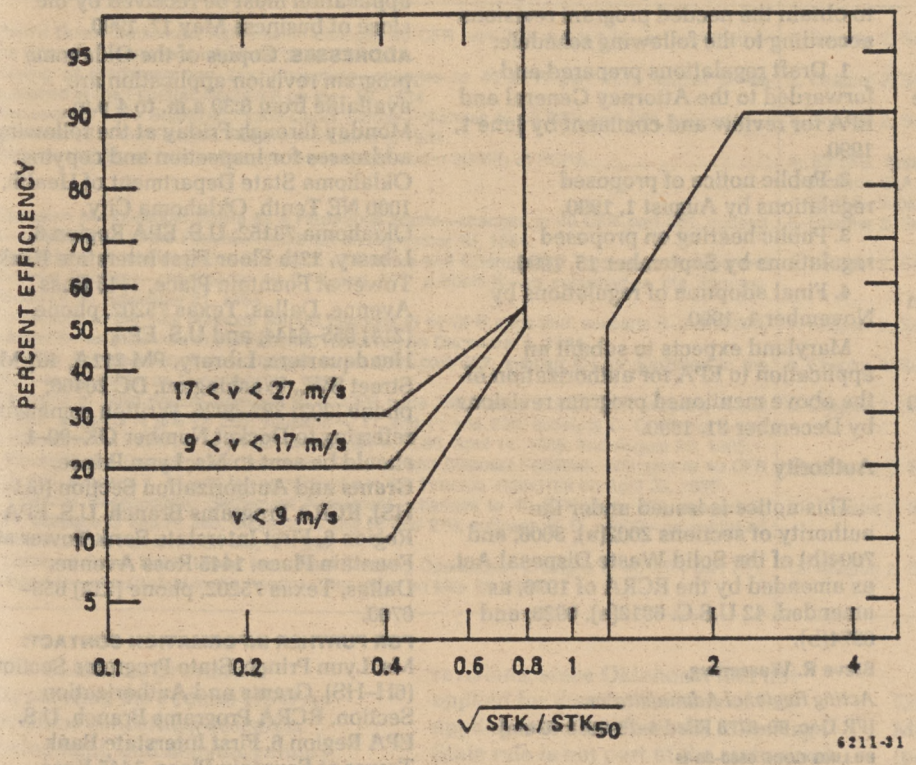

Figure 9. Efficiency envelope for first calibration stage.

[FR Doc. 90-7603 Filed 4-16-90; 8:45 am]
BILLING CODE 6560-50-C

40 CFR Part 271

[FRL-3756-2]

Schedules of Compliance for Modification of Delaware's Hazardous Waste Program and for Modification of Maryland's Hazardous Waste Program

AGENCY: U.S. Environmental Protection Agency, Region III.

ACTION: Notice of Compliance Schedules to Adopt Program Modifications for States of Delaware and Maryland.

SUMMARY: On September 22, 1986, EPA promulgated amendments to the deadlines for State program modifications, and published requirements for States to be placed on a compliance schedule to adopt the necessary program modifications. EPA is today publishing a compliance schedule for the States of Delaware and Maryland to modify their programs in accordance with § 271.21(g) to adopt the Federal program modifications.

FOR FURTHER INFORMATION CONTACT: John J. Humphries, Cynthia Burrows (Delaware Contact), or Denis Zielinski (Maryland Contact), EPA Region III, RCRA Programs Branch (3HW50), 841 Chestnut Building, Philadelphia, PA 19107, (Phone: 215–597–7370).

SUPPLEMENTARY INFORMATION:

A. Background

Final authorization to implement the Federal hazardous waste program within the State is granted by EPA if the Agency finds that the State program (1) Is "equivalent" to the Federal program, (2) is "consistent" with the Federal program and other State programs, and (3) provides for adequate enforcement (section 3006(b), 42 U.S.C. 6226(b)). EPA regulations for final authorization appear at 40 CFR 271.1 through 271.24. In order to retain authorization, a State must revise its program to adopt new Federal requirements by the cluster deadlines and procedures specified in 40 CFR 271.21. See 51 FR 33712, September 22, 1986 for a complete discussion of these procedures and deadlines.

B. Delaware

EPA approved Delaware's final authorization of its hazardous waste management program on December 14, 1983 (48 FR 55570). Today EPA is publishing a compliance schedule for Delaware to obtain program revisions for Non-HSWA Cluster IV (RCRA regulations promulgated by EPA from July 1, 1987 to June 30, 1988) and HSWA Cluster I (HSWA regulations promulgated by EPA November 8, 1984 to June 30, 1987). Delaware has agreed to obtain the needed program revisions according to the following schedule:

1. Draft regulations prepared and forwarded to EPA and the Delaware Deputy Attorney General for review by December 31, 1989.

2. Public notice of proposed regulations by March 1, 1990.

3. Public hearing on adoption of proposed amendments by April 15, 1990.

4. Final adoption of regulations by June 30, 1990.

Delaware expects to submit an application to EPA for authorization of the above mentioned program revisions by August 30, 1990.

C. Maryland

Maryland received final authorization of its hazardous waste management program on February 11, 1985, as set forth in the January 25, 1985, **Federal Register** notice (50 FR 3511). Today EPA is publishing a schedule of compliance for Maryland to obtain program revisions for Non-HSWA Cluster IV (RCRA regulations promulgated by EPA from July 1, 1987 to June 30, 1988) and HSWA Cluster I (HSWA regulations promulgated by EPA November 8, 1984 to June 30, 1987). Maryland has agreed to obtain the needed program revisions according to the following schedule:

1. Draft regulations prepared and forwarded to the Attorney General and EPA for review and comment by June 1, 1990.

2. Public notice of proposed regulations by August 1, 1990.

3. Public hearing on proposed regulations by September 15, 1990.

4. Final adoption of regulations by November 1, 1990.

Maryland expects to submit an application to EPA for authorization of the above mentioned program revisions by December 31, 1990.

Authority

This notice is issued under the authority of sections 2002(a), 3006, and 7004(b) of the Solid Waste Disposal Act, as amended by the RCRA of 1976, as amended, 42 U.S.C. 6912(a), 6926, and 6974(b).

Steve R. Wassersug,

Acting Regional Administrator.

[FR Doc. 90–8778 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 271

[FRL-3757-2]

Hazardous Waste Management Program; Approval of State Hazardous Waste Program Revisions for Oklahoma

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

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

DATES: Final authorization for Oklahoma shall be effective June 18, 1990, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on the Oklahoma program revision application must be received by the close of business May 17, 1990.

ADDRESSES: Copies of the Oklahoma program revision application are available from 8:30 a.m. to 4 p.m., Monday through Friday at the following addresses for inspection and copying: Oklahoma State Department of Health, 1000 NE Tenth, Oklahoma City, Oklahoma 73152; U.S. EPA Region 6, Library, 12th Floor First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655–6444; and U.S. EPA Headquarters, Library, PM 211A, 401 M Street SW., Washington, DC 20460; phone (202) 382–5926. Written comments referring to Docket Number OK–90–1 should be sent to Ms. Lynn Prince, Grants and Authorization Section (6H–HS), RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue, Dallas, Texas 75202, phone (214) 655–6760.

FOR FURTHER INFORMATION CONTACT: Ms. Lynn Prince, State Programs Section (6H–HS), Grants and Authorization Section, RCRA Programs Branch, U.S. EPA Region 6, First Interstate Bank Tower at Fountain Place, 1445 Ross

Avenue, Dallas, Texas 75202, phone (214) 655–6760.

SUPPLEMENTARY INFORMATION:

Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. No. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266 and 124 and 270.

Oklahoma

On December 27, 1984, EPA published a **Federal Register** notice announcing its decision to grant final authorization to Oklahoma (See 49 FR 50362). On December 31, 1987, Oklahoma submitted a program revision application. Today, Oklahoma is seeking approval of its program revision in accordance with § 271.21(b)(3).

EPA has reviewed the Oklahoma application, and has made an immediate final decision that the Oklahoma hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications.

The public may submit written comments on EPA's immediate final decision until May 17, 1990. Copies of the Oklahoma application for program revision are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

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

The Oklahoma program revision application is based on changes to State regulations which were intended to make them equivalent to the analogous Federal regulations. Although the State's regulation changes included some changes based on provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA), the State is not seeking HSWA authorization at this time. EPA is not authorizing the State's HSWA-type provisions with this notice. Consequently, EPA intends to grant final authorization to Oklahoma for only the program modifications which are described below.

The following chart lists the State rules (Rules and Regulations for Industrial Waste Management as amended October 29, 1987, and the referenced State laws) that have been changed and that are being recognized as equivalent to the analogous Federal rules.

Federal citation	State analog
1. Permit Rules: Settlement Agreement—changes 40 CFR part 270, subpart G—as published in the FEDERAL REGISTER on April 24, 1984.	1. Chapter 2, Sections 200 and 210
2. Listing of Warfarorin and Zinc Phosphide—changes to 40 CFR part 261, subpart D—as published in the FEDERAL REGISTER on May 10, 1984.	2. Chapter 2, Sections 200 and 210
3. Exclusion of Lime Stabilized Pickle Liquor Sludge—changes to 40 CFR part 261, subpart A—as published in the FEDERAL REGISTER on June 5, 1984.	3. Chapter 2, Sections 200 and 210
4. State Availability of Information—as required by Section 3006(f) of RCRA.	4. 63 O.S. Supp. 1987 section 1–2004(15); 41 O.S. Supp. 1987 sections 24A.3(1), .5(5) & .17(B); 75 O.S. 1981, section 318(a); 75 O.S. Supp.1987, section 307 and State Rules 701, 704, 706
5. Exclusion of Household Waste as a Hazardous Waste—changes to 40 CFR part 261, subpart A—as published in the FEDERAL REGISTER on November 13, 1984.	5. Chapter 2, Sections 200 and 210
6. Applicability of Interim Status Standards of Owners and Operators of Treatment, Storage and Disposal Facilities—changes to 40 CFR part 265, subpart A—as published in the FEDERAL REGISTER on November 21, 1984.	6. Chapter 2, Sections 200 and 210
7. Corrections to the Test Methods Manual changes to 40 CFR parts 260, subparts B–C and 270, subpart A—as published in the FEDERAL REGISTER on December 4, 1984.	7. Chapter 2, Sections 200–240
8. Satellite Accumulation Rule—changes to 40 CFR part 262, subpart C—as published in the FEDERAL REGISTER on December 20, 1984.	8. Chapter 2, Sections 200 and 210
9. Definition of Solid Waste—changes to 40 CFR parts 260, subparts B–C; 261, subparts A and D; 264, subparts A and O; 265, subparts A, O, and P; and 266, subparts C, D, F and G—as published in the FEDERAL REGISTER on January 4, 1985, April 11, 1985, and August 20, 1985.	9. Chapter 2, Sections 200–240
10. Interim Status Standards for Treatment, Storage, and Disposal Facilities—changes to 40 CFR part 265, subparts K, M, and N—as published in the FEDERAL REGISTER on April 23, 1985.	10. Chapter 2, Sections 200 and 210
11. Financial Responsibilty: Settlement Agreement—changes to 40 CFR parts 260, subpart B; 264, subparts G and H; 265, subparts G and H; and 270, subparts B, D, and G—as published in the FEDERAL REGISTER on May 2, 1986.	11. Chapter 2, Sections 200–240
12. Listing of Spent Pickle Liquor from Steel Finishing Operations—changes to 40 CFR part 261, subpart D—as published in the FEDERAL REGISTER on May 28, 1986.	12. Chapter 2, Sections 200 and 210

The Oklahoma provisions incorporating the Federal HSWA provisions concerning research, development, and demonstration permits have not been evaluated and are not a part of the authorized revisions, since Oklahoma had not applied for them at the time of this application. Therefore, the following State rule is not part of the authorized State program.

Oklahoma Rules and Regulations for Controlled Industrial Waste Management, chapter 2, Rule 210 (portion), November 2, 1987: That portion of Rule 210 which incorporates 40 CFR 270.10(a), providing for R, D, and

D permits, is not being considered for authorization at this time.

The subsequent State rule was determined to be broader in scope than the Federal requirements, and therefore, is not part of the Oklahoma authorized program.

Fees

Oklahoma Rules and Regulations for Controlled Industrial Waste Management, chapter 7, Rules 740–743.

The following State rules were added by adoption of the HSWA provisions. Because the state has not applied for these HSWA authorities, these Federal requirements will not become part of the Oklahoma authorized program until the State applies for and receives authorization for them.

Additional Wastes

Oklahoma Rules and Regulations for Controlled Industrial Management, chapter 2, Rules 210 (portion), November 2, 1987: Dioxin wastes (See 50 FR 1978, January 14, 1985); TDI, DNT, and TDA wastes (See 50 FR 42,936, October 23, 1985); Spent solvents (See 50 FR 53,315, December 31, 1985); EDB wastes (See 51 FR 5330, February 13, 1986); and additional spent solvents (See 51 FR 6541, February 25, 1986).

The State also submitted revisions to the Program Description, Attorney General's Statement and the Memorandum of Agreement between the State of Oklahoma and EPA, Region 6.

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

Decision

I conclude that the Oklahoma application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Oklahoma is granted final authorization to operate its hazardous waste program as revised. Oklahoma now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Oklahoma also has primary enforcement responsibility, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

Codification in Part 272

EPA uses part 272 for codification of the decision to authorize the Oklahoma program and for incorporation by reference of those provisions of the Oklahoma statutes and regulations that EPA will enforce under sections 3008, 3013 and 7003 of RCRA. Therefore, EPA is amending part 272, subpart LL, under a separate notice.

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

Certification Under the Regulatory Flexibility Act: Pursuant to the provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

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

Authority: This notice is issued under the authority of sections 20062(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6905, 6912(a) and 6926, 6974(b).

Dated: September 7, 1988.

Editional Note: This document was received by the Office of the Federal Register on April 12, 1990.

Robert E. Layton, Jr.,

Regional Administrator.

[FR Doc. 90–8895 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 412

[BPD–630–CN]

RIN 0938–AE02

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and FY 1990 Rates; Correction and Technical Amendment

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

ACTION: Final rule; correction and technical amendment.

SUMMARY: In the September 1, 1989 issue of the **Federal Register** (FR Doc. 89–20481), (54 FR 36453), we made revisions to the Medicare inpatient hospital prospective payment system and set forth the prospective payment rates for FY 1990. This notice corrects technical errors made in that document. In addition, we are making a conforming change to § 412.92(a)(2)(iii) to accurately reflect the less burdensome criteria for classification as a sole community hospital. This language conforms to the change we made in § 412.92(a)(3). We intended to change both sections at the same time, but mistakenly left out the changes to § 412.92(a)(2)(iii).

EFFECTIVE DATE: October 1, 1989.

FOR FURTHER INFORMATION CONTACT: Barbara Wynn (301) 966–4529.

SUPPLEMENTARY INFORMATION:

We are making the following corrections to the September 1, 1989 document:

1. On page 36465, in the second column, in line 5 of the Response, "Heart) long with HIS Bundle until" is corrected to read "Heart) along with HIS bundle study until".

2. On page 36465, in the second column, in the last two lines from the bottom of the page, "DRGs 104 and 106," is changed to read "DRG 104,".

3. On page 36467, in the third column, in line 10 of the third full paragraph, "35.96 through 36.05)" is changed to read "35.96, 36.01, 36.02, and 36.05)".

4. On page 36483, in the second column, in the fifth line from the top of the page, "§ 412.92(a)(3)" is corrected to read "§§ 412.92 (a)(2)(iii) and (a)(3)".

5. On page 36498, in the second column, in the third line of the third full paragraph, "Rural—.99925" is changed to read "Rural—.99924".

6. Beginning on page 36547, in Table 6A, the superscript "1" is added after the description of each of the following diagnosis codes: 651.30, 651.40, 651.50, and 651.60, and a footnote is added to read as follows:

[1] In developing the correct assignment for these codes, we identified other unspecified codes that are invalid as a discharge diagnosis in MDC 14 because they do not provide delivery status. We removed the following diagnosis codes from DRGs 370 through 375 and added them to DRG 469. Cases assigned to DRG 469 are returned to the hospital by the fiscal intermediary for a more specific principal diagnosis. (We identified only two cases in the FY 1988 MEDPAR data that would be affected by this change.)

65100 Twin pregnancy, unspecified
65110 Triplet pregnancy, unspecified
65120 Quadruplet pregnancy, unspecified
65180 Multiple gestation, not elsewhere classified (NEC), unspecified
65190 Multiple gestation, not otherwise specified (NOS), unspecified
65200 Unstable lie, unspecified
65210 Cephalic version NOS, unspecified
65220 Breech presentation, unspecified
65230 Transverse or oblique lie, unspecified

65240 Face or brow presentation, unspecified
65250 High head at term, unspecified
65260 Multiple gestation with malpresentation, unspecified
65270 Prolapsed arm, unspecified
65280 Malposition or malpresentation NEC, unspecified
65290 Malposition or malpresentation NOS, unspecified
65300 Pelvic deformity NOS, unspecified
65310 Contracted pelvis NOS, unspecified
65320 Inlet contraction of pelvis, unspecified
65330 Outlet contraction of pelvis, unspecified
65340 Fetopelvic disproportion, unspecified
65350 Fetal disproportion NOS, unspecified
65360 Hydrocephalic fetus causing disproportion, unspecified
65370 Other fetal abnormality causing disproportion, unspecified
65380 Disproportion NEC, unspecified
65390 Disproportion NOS, unspecified

7. Beginning on page 36548, in Table 6B, a superscript "2" is added after the description of procedure code "32.01"; the description of procedure code 88.98 is corrected by deleting the superscript "1"; in footnote 1, "35–81 and 50–44" is changed to read "35–81"; and a footnote is added to read as follows:

[2] In assigning new endoscopy codes to DRG 412, we identified a number of current endoscopy codes that should also have been assigned to this DRG. We have revised the logic for DRG 412 to add the following procedure codes. (We identified only 29 cases in the FY 1988 MEDPAR data that would be affected by this change.)

2121 Rhinoscopy
3143 Closed biopsy of larynx
3144 Closed biopsy of trachea
4224 Closed biopsy of esophagus
4414 Closed biopsy of stomach
4514 Closed biopsy of small intestine
4516 Esophagogastroduodenoscopy with closed biopsy
4525 Closed biopsy of large intestine
4824 Closed biopsy of rectum
5521 Nephroscopy
5522 Pyeloscopy
7022 Culdoscopy

8. On page 36549, in Table 6B, the third column is corrected by adding DRG 477 to procedure codes 49.39 and 77.58.

9. On page 36549, in Table 6B, superscript "3" is added after the description of procedure codes 94.61, 94.65 and 94.67, and a footnote is added to read as follows:

[3] These codes replace ICD–9–CM diagnosis code V57.89 (Rehabilitation procedure NEC) in the logic for DRG 436.

10. On page 36549, in Table 6B, superscript "4" is added after the description of procedure codes 94.63, 94.66, and 94.69, and a footnote is added to read as follows:

[4] These procedure codes replace ICD–9–CM diagnosis code V57.89 and procedure code 94.25 (Psychiatric drug therapy NEC) in the logic for DRG 437.

11. On page 36583, in the third column, in the eleventh line of the second full paragraph, "access" is changed to read "assess".

12. On page 36584, in Table I, in the fourth column, in line 28, the value for the wage index change for "Rural Hospitals—200 Plus Beds" is corrected by changing "—0.0" to "0.0"; and in the fifth column, in line 8, the value for all changes for "Rural by Region—East North Central" is corrected by changing "3.67" to "3.6".

13. On page 36585, in the first column, in the fourth line of the second full paragraph, the phrase "decrease in payments" is corrected to read "decrease in HCFA payments".

14. On page 36585, in the second column, beginning with the fifth line from the top, "other rural hospitals would experience payment reductions of about 1.4 percent" is corrected to read "rural hospitals with between 50 and 99 beds will experience payment reductions of about 1.9 percent".

15. On page 36586, in Table II, in the third column, the averge FY 1989 payment per case value for Urban by Region in line 2 is corrected by changing "5,065" to "5,231"; and in the fourth column, the average GY 1990 payment per case value for Urban by Region in line 2 is corrected by changing "5,252,431" to "5,252" and the value for New England in line 3 is corrected by changing "5,231" to "5,431".

16. On page 36587, in Table II, in the first column, under "Medicare Utilization as a Percent of Inpatient Days", line 2 is corrected by changing "25–30" to "25–50".

List of Subjects in 42 CFR Part 412

Health facilities, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

For the reasons set out in the preamble, part 412, Chapter IV, title 42 of the Code of Federal Regulations is amended as set forth below.

PART 412—PROSPECTIVE PAYMENT SYSTEM FOR INPATIENT HOSPITAL SERVICES

A. The authority citation for part 412 continues to read as follows:

Authority: Secs. 1102, 1122, 1815(e), 1871, and 1886 of the Social Security Act (42 U.S.C. 1302, 1320a–1), 1395g(e), 1395hh, and 1395ww).

Subpart G—Special Treatment of Certain Facilities

B. Section 412.92 is amended by revising paragraph (a)(2)(iii) to read as follows:

§ 412.92 Special treatment: Sole community hospitals.

(a) *Criteria for classification as a sole community hospital.* * * *.

(2) * * *

(iii) Because of local topography or periods of prolonged severe weather conditions, the other like hospitals are inaccessible for at least 30 days in each 2 out of 3 years.

§ 412.106 [Amended]

C. Section 412.106 is amended by changing the word "Determined" to the word "Determines" in the introductory text of paragraph (b)(2)(i).

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance).

Dated: April 9, 1990.

J.E. Larson,

Deputy Assistant Secreary for Information and Resources Management.

[FR Doc. 90–8794 Filed 4–16–90; 8:45 am]

BILLING CODE 4120–03–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6773

[MT–930–00–4214–10; SDM–013790, SDM–020559]

Partial Revocation of Public Land Order Nos. 1344 and 1535; South Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order partially revokes two public land orders insofar as they affect 17.81 acres of National Forest System lands withdrawn for use as a campground and highway roadside zone. The lands are no longer needed for those purposes and the revocation is needed to permit disposal of the lands through land exchange. This action will open the lands to surface entry. The lands are temporarily closed to mining by a Forest Service exchange proposal and 10 acres have been and will remain closed to mining by an overlapping withdrawal. The lands have been and will remain open to mineral leasing.

EFFECTIVE DATE: May 17, 1990.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

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

1. Public Land Order Nos. 1344 and 1535, which withdrew National Forest System lands for use as a campground and highway roadside zone, are hereby revoked insofar as they affect the following described lands:

Black Hills Meridian

Black Hills National Forest

(SDM–020559—PLO 1344—Moon Campground)

When resurveyed, will be described as:

T. 1 S., R. 1 E.,
Sec. 21, lot 11 (presently described as a portion of lot 7).

(SDM–013790—PLO 1535—U.S. Highways 16 and 16A)

T. 1 S., R. 6 E.,
Sec. 31, NW¼ corner of lot 1.

The areas described aggregate approximately 17.81 acres in Pennington County.

2. At 9 a.m. on May 17, 1990, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, subject to valid existing rights, the provision of existing withdrawals, other segregations of record, and the requirements of applicable law.

Dated: April 5, 1990.

Dave O'Neal,
Assistant Secretary of the Interior.

[FR Doc. 90–8836 Filed 4–16–90; 8:45 am]
BILLING CODE 4310–DN–M

43 CFR Public Land Order 6774

[WY–930–00–4214–10; WYW 108330]

Withdrawal of Public Land for Bureau of Reclamation at Buffalo Bill Dam and Reservoir; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 32.56 acres of public lands from surface entry and mining for a period of 20 years for the Bureau of Reclamation to protect the capital investments of the recreation area. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Tamara J. Gertsch, BLM, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82003, 307–772–2072.

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

1. Subject to valid existing rights, the following described public lands are hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws (30 U.S.C. ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Bureau of Reclamation to protect the capital investments to be made in this area:

Sixth Principal Meridian

T. 52 N., R. 104 W.,
Sec. 14, lots 10, 11, 26, 27;
Sec. 15, lots 21–23.

The areas described aggregate 32.56 acres in Park County.

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

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary determines that the withdrawal shall be extended.

Dated: April 5, 1990.

Dave O'Neal,
Assistant Secretary of the Interior.

[FR Doc. 90–8838 Filed 4–16–90; 8:45 am]
BILLING CODE 4310–22–M

43 CFR Public Land Order 6775

[MT–930–00–4214–10; MTM 072057]

Partial Revocation of Public Land Order No. 4484; Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order insofar as it affects 760 acreas of lands withdrawn for the U.S. Army Corps of Engineers' Libby Dam Project within the Kootenai National Forest. The revocation is needed to permit consummation of an exchange. This action will open the lands to surface entry and mining. The lands have been and remain open to mineral leasing.

EFFECTIVE DATE: May 17, 1990.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM, Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

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

1. Public Land Order No. 4484, which withdrew National Forest System lands for protection of facilities of the Libby Dam Project, is hereby revoked insofar as it affects the following described lands:

Principal Meridian

Kootenai National Forest

T. 33 N., R. 26 W.,
Sec. 21, W½SE¼ and SE¼SE¼;
Sec. 22, S½NW¼, S½SW¼ and N½SE¼;
Sec. 27, W½NW¼ and SW¼SW¼;
Sec. 28, NE¼, N½SE¼ and SW¼SE¼.

The areas described aggregate 760 acres in Lincoln County.

2. At 9 a.m. on May 17, 1990, the lands shall be opened to such forms of disposition as may by law be made of National Forest System lands, including location and entry under the United States mining laws. Appropriation of lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. section 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: April 5, 1990.

Dave O'Neal,
Assistant Secretary of the Interior.

[FR Doc. 90–8837 Filed 4–16–90; 8:45 am]
BILLING CODE 4310–DN–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 76

[GEN Docket No. 85-301; FCC 90-107]

Terminal Devices Connected to Cable Television Systems

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This action dismisses a Petition for Further Reconsideration requesting review of the *Memorandum Opinion and Order* in General Docket 85-301, FCC 88-331 (3 FCC Rcd 6491 (1988)), 53 FR 46615, November 18, 1988, which, *inter alia*, established the output signal limits for cable system terminal devices. The petition requested that the output signal limits for cable system terminal devices be increased to permit a stronger output signal from these devices. The Commission finds that the petition for reconsideration provides no new information or analysis that would warrant a change in the output signal limits from these devices.

EFFECTIVE DATE: April 17, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Karen Rackley, Office of Engineering and Technology, telephone (202) 653-7316.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order* in GEN Docket No. 85-301, FCC 90-107, adopted March 23, 1990, and released April 11, 1990.

The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. It may also be purchased from the Commission's copy contractors, International Transcription Service, 2100 M Street NW., Suite 140, Washington, DC 20037, telephone (202) 857-3800.

Summary of the Order

1. By this action the Commission dismisses a petition filed by Scientific Atlanta, Inc. (SAI) which requests partial reconsideration of the Commission's decision in the *Memorandum Opinion and Order (MO&O)* in this proceeding. SAI requests a further increase of the output signal limits for cable system terminal devices (CSTDs).

2. In the *MO&O*, the maximum permissible output signal levels for CSTDs were increased from +9.5 dBmV to +15.5 dBmV for devices with an output impedance of 75-ohms and from +15.5 dBmV to +21.5 dBmV for devices with an output impedance of 300-ohms. These higher limits were based on information contained in a parallel proceeding, GEN Docket No. 87-107, in which an isolation standard was established for cable input selector switches (A/B switches) on the basis that the typical maximum output signal levels of CSTDs were approximately +15.5 dBmV for units with a 75-ohm output impedance and +21.5 dBmV for units with a 300-ohm output impedence.

3. On December 21, 1988, SAI filed a petition requesting reconsideration of the CSTD output signal limits adopted by the Commission in the *MO&O*. In its petition, SAI contends that the output signal levels are still too restrictive and could be increased to permit a CSTD output signal level of +24 dBmV for devices with a 75-ohm output impedance and +30 dBmV for devices with a 300-ohm output impedance. SAI contends that A/B switches exceed the minimum isolation requirements on the TV channels CSTDs typically use. Further, SAI asserts that the output channel for a CSTD is generally a channel that is not in use in that community by over-the-air broadcasters. Additionally, SAI states that the new output signal limits will impose an excessive cost burden on low-priced CSTDs. The commenting parties endorsed SAI's position and did not submit any additional information.

4. The data submitted by SAI regarding the attenuation characteristics of A/B switches is for two selected switches and can not be used to replace the Commission's A/B switch standards. Further, the Commission is aware that the output signals of heterodyne CSTDs are not confined totally to a single television channel of operation. These signals may overlap into the adjacent channels where they could be carried through the A/B switch causing interference to the reception of over-the-air television signals. In addition, in the *MO&O* the Commission, considered the economic impact of requiring CSTDs to incorporate output signal limiting capability and weighed this against the interference potential of these devices. Moreover, SAI has not demonstrated that the additional cost to the industry that our requirements may impose will be significant enough to warrant risking the additional interference that may arise if we relaxed the output signal level. Accordingly, the Commission finds that neither SAI nor the commenting parties present any new information or analysis that would justify a further change in these standards.

5. Pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, and § 1.106 of the Commission's rules, *It is ordered* the petition for reconsideration filed by Scientific Atlanta, Inc. is dismissed.

List of Subjects

47 CFR Part 15

Communications equipment, Electronics equipment, Television.

47 CFR Part 76

Cable television, Television.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-8799 Filed 4-16-90; 8:45 am]

BILLING CODE 6712-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1003, 1160, 1162 and 1168

[Ex Parte No. 55 (Sub-No. 69)]

RIN 3120-AB57

Applications for Operating Authority; Revision of Form OP-1

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; postponement of effective date.

SUMMARY: In a notice of proposed policy statement in Ex Parte No. 55 (Sub-No. 69A) (55 FR 13814, April 12, 1990) the Commission proposed to revise its licensing policy governing motor property carriers to routinely exclude hazardous materials from general and specific commodity service descriptions. To allow time for comments in that proceeding and to incorporate changes that may be adopted as a result, we have postponed the effective date of the Commission's new licensing form OP-1 and corresponding regulations adopted in Ex Parte No. 55 (Sub-No. 69), (55 FR 53636, December 29, 1989).

EFFECTIVE DATE: The final rules will now become effective on June 1, 1990.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Malley, (202) 275-7292

or

Richard B. Felder (202) 275-7691

[TDD for hearing impaired: (202) 275-1721].

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision in Ex Parte No. 55 (Sub-No. 69A). To obtain a copy

of the full decision, write to, call, or pick up in person from: Office of the Secretary, Room 2215, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 275–7428. [Assistance for the hearing impaired is available through TDD services (202) 275–1721.]

List of Subjects

49 CFR Part 1003

Brokers, Freight forwarders, Insurance, Maritime carriers, Motor carriers, Securities, Surety bonds.

49 CFR Part 1160

Administrative practice and procedure, Buses, Freight forwarders, Maritime carriers, Motor carriers.

49 CFR Part 1162

Administrative practice and procedure, Maritime carriers, Motor carriers.

49 CFR Part 1168

Administrative practice and procedure, Buses.

Decided: April 5, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90–8883 Filed 4–16–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 91050–0019]

Foreign Fishing; Groundfish of the Gulf of Alaska: Corrections

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

ACTION: Final notice of 1990 initial specifications for groundfish; corrections.

SUMMARY: This document corrects errors in a final notice of 1990 initial specifications for groundfish of the Gulf of Alaska which was published on January 31, 1990, at 55 FR 3223.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907–586–7230.

In rule document 90–2145, in the issue of January 31, 1990, the table in the middle column on page 3226 should read as follows:

ASSUMED HALIBUT BYCATCH RATES, AS PERCENT OF TOTAL CATCH, BY DAP GEAR TYPE IN THE GULF OF ALASKA FOR PURPOSES OF MANAGING HALIBUT BYCATCHES IN 1990

	Bottom trawl	Mid-water trawl	Hook-and-line	Pot
Target species:				
All groundfish	2.7	0.01		
Sablefish			8.0	
Pacific cod			10.0	0.4

Dated: April 12, 1990.

James E. Douglas, Jr.,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 90–8877 Filed 4–16–90; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 55, No. 74
Tuesday, April 17, 1990

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 947

[Docket No. FV-90-147]

Oregon-California Potatoes; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order No. 947 for the 1990–91 fiscal period. Authorization of this budget would permit the Oregon-California Potato Committee (committee) to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived from assessments on handlers.

DATES: Comments must be received by June 18, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–447–2020.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 113 and Order No. 947, both as amended (7 CFR part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties, California, and all counties in Oregon except Malheur County. The marketing agreement and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1515–1 and has been determined to be a "non-major" rule under the criteria contained therein.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

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

Under the Oregon-California potato marketing order there are approximately 45 handlers an approximately 470 producers of potatoes. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of potato producers and handlers may be classified as small entities.

The committee unanimously voted at its June 9, 1989, meeting to authorize its Executive Subcommittee to forward a recommended budget and assessment rate for the 1990–91 fiscal year to the Secretary of Agriculture for consideration. Final approval of this recommendation would require concurrence of the full committee.

The committee, the agency responsible for local administration of the order, consists of producers and handlers of Oregon-California potatoes, as does the Executive Subcommittee. These producers and handlers are familiar with the committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget.

The recommended assessment was derived by dividing anticipated expenses by expected shipments of Oregon-California potatoes. Because that rate will be applied to actual shipments, it must be established at a rate that will provide sufficient income to pay the committee's expenses. A recommended budget and rate of assessment is usually acted upon before the season starts, and expenses are incurred on a continuous basis.

The recommended budget for the 1990–91 fiscal year of $39,950 is $2,000 more than the previous year due to increases for staff salaries and rent and the cost of preparing the annual report.

The 1990–91 recommended assessment rate of $0.004 per hundredweight of potatoes is the same as last year. This rate, when applied to anticipated fresh market shipments of 8,578,000 hundredweight, would yield $34,312 in assessment revenue. This, along with $5,638 from interest income and the committee's authorized reserve, would be adequate for budgeted expenses. The projected reserve for the end of the 1990–91 fiscal period is $16,000, which would be carried over into the next fiscal year. This amount is within the maximum permitted by the order of one fiscal year's expenses.

While this action would impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the order. Therefore, the Administrator of the AMS has determined that this proposed action would not have a significant economic impact on a substantial number of small entities.

Interested persons may file comments with respect to this proposal until June 18, 1990. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 947

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 947 be amended as follows:

PART 947—IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES, CALIFORNIA, AND IN ALL COUNTIES IN OREGON, EXCEPT MALHEUR COUNTY

1. The authority citation for 7 CFR part 947 continues to read as follows:

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

2. A new section 947.241 is added to read as follows:

§ 947.241 Expenses and assessment rate.

Expenses of $39,950 by the Oregon-California Potato Committee are authorized, and an assessment rate of $0.004 per hundredweight of assessable potatoes is established for the fiscal period July 1, 1990, through June 30, 1991. Unexpected funds may be carried over as a reserve.

Dated: April 12, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–8876 Filed 4–16–90; 8:45 am]

BILLING CODE 3410–02–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 55

RIN 3150–AD 55

Operators' Licenses

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission proposes to amend its regulations specifying that the conditions and cutoff levels established pursuant to the Commission's "Fitness-for-Duty Programs," are applicable to licensed operators as a condition of their license. The proposed rule would provide a basis for taking enforcement actions against licensed operators who use drugs or alcohol in a manner that would exceed the cutoff levels contained in the Fitness-for-Duty rule, who are under the influence of any prescription or over-the-counter drug which could adversely affect his or her ability to safely and competently perform licensed duties, or who sell, use, or possess illegal drugs.

The proposed rule would assure a safe operational environment for the performance of all licensed activities by providing a clear understanding to licensed operators of the severity of violating requirements governing drug and alcohol use and of the impact of substance abuse.

DATES: The comment period expires July 2, 1990.

Comments received after this date will be considered if it is practicable to do so, but assurance of consideration can be given only for comments filed on or before that date.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, attn: Docketing and Services Branch. Deliver comments to Docketing and Services Branch, One White Flint North, 11555 Rockville Pike, Rockville, MD, between 7:45 am and 4:15 pm Federal Workdays. Examine comments received at: The NRC Public Document Room, 2120 L Street NW., Lower Level, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Perkins, Jr., Chief, Operator Licensing Branch, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–1031.

SUPPLEMENTARY INFORMATION:

Background

On June 7, 1989 (54 FR 24468) the Nuclear Regulatory Commission issued a new 10 CFR part 26 entitled Fitness-for-Duty Program to require licensees authorized to construct or operate nuclear power reactors to implement a fitness-for-duty program. The general objective of this program is to provide reasonable assurance that nuclear power plant personnel will perform their tasks in a reliable and trustworthy manner, and not under the influence of any prescription, over-the-counter or illegal substance which in any way adversely affects their ability to safely and competently perform their duties. A fitness-for-duty program developed under the requirements of this rule is intended to create a work environment which is free of drugs and alcohol and the effects of these substances.

The Commission is now proposing to add specific conditions to operator licenses issued under 10 CFR part 55 to make fitness-for-duty requirements directly applicable to these operators. As pointed out in the supplementary information accompanying the promulgation of 10 CFR part 26, the scientific evidence is conclusive that significant decrements in cognitive and physical task performance result from intoxication due to illicit drug abuse, as well as the use and misuse of prescription and over-the-counter drugs. Given the addictive and impairing nature of certain drugs, while recognizing that the presence of drug metabolites does not necessarily relate directly to a current impaired state, the presence of drugs in an individual's system does strongly suggest the likelihood of past, present, or future impairment affecting job activities. More specifically, the Commission stated that "Individuals who are not reliable and trustworthy, under the influence of any substance, or mentally or physically impaired in any way that adversely affects their ability to safely and competently perform their duties, shall not be licensed or permitted to perform responsible health and safety functions." (See 54 FR 24468, June 7, 1989.) Because there is an underlying assumption that operators will abide by the licensee's policies and procedures, any involvement with illegal drugs, whether on site or off site, tends to show that the operator cannot be relied upon to obey the requirements of the law and indicates that the individual may not scrupulously follow rigorous procedural requirements with the integrity required in the nuclear power industry to assure public health and safety.

The Commission considers unimpaired job performance by each licensed Operator or Senior Operator vital in assuring safe facility operation. The NRC routinely denies part 55 license applications or conditions operator and senior operator licenses if the applicant or licensee's medical condition or general health does not meet the minimum standards required for the safe performance of assigned job duties. Further, under 10 CFR 55.25 if an opperator develops, during the term of his or her license, a physical or mental condition that causes the operator to fail to meet the requirements for medical fitness, the facility licensee is required to notify the NRC. These conditions may result in the individual operator's license being modified, suspended, or revoked. The power reactor facility licensee is further required, under § 26.20(a) to have written policies and procedures that address fitness-for-duty requirements for abuse of prescription and over-the-counter drugs and other factors that could affect fitness-for-duty such as mental stress, fatigue and illness.

To be consistent with this proposed rule, the Commission expects that these policies and procedures will require the part 55 licensee to report the use of these drugs for evaluation by the medical review officer.

The use of alcohol and drugs can directly impair job performance. Other causes of impairment include use of prescription and over-the-counter medications, emotional and mental

stress, fatigue, illness, and physical and psychological impairments. The effects of alcohol, which is a drug, are well known and documented and, therefore, are not repeated here. Drugs such as marijuana, sedatives, hallucinogens, and high doses of stimulants could adversely affect an employee's ability to correctly judge situations and make decisions (NUREG/CR–3196, "Drug and Alcohol Abuse: The Bases for Employee Assistance Programs in the Nuclear Industry," available from the National Technical Information Service). The greatest impairment occurs shortly after use or abuse, and the negative short-term effects on human performance (including subtle or marginal impairments that are difficult for a supervisor to detect) can last for several hours or days. The proposed amendment to 10 CFR part 55 would establish a new condition of an operator's license which will prohibit conduct of licensed duties while under the influence of alcohol or any prescription, over-the-counter or illegal substance which would adversely affect performance of licensed duties. The proposed amendment would be applicable to both power and non-power reactor licensed operators. This rulemaking is not intended to apply the provisions of 10 CFR part 26 to non-power facility licensees, but to make it clear to all licensed reactor operators (power and non-power) through a condition of their license that use of drugs or alcohol in any manner which could adversely affect performance of licensed duties would subject them to enforcement action.

As explained in the Commission's Enforcement Policy (see 53 FR 40027, October 13, 1988), the Commission may take enforcement action where the conduct of the individual places in question the NRC's reasonable assurance that licensed activities will be properly conducted. The Commission may take enforcement action for reasons that would warrant refusal to issue a license on an original application. Accordingly, enforcement action may be taken regarding matters that raise issues of trustworthiness, reliability, use of sound judgment, integrity, competence, fitness-for-duty, or other matters that may not necessarily be a violation of specific Commission requirements.

The Commission proposes to amend subpart F of 10 CFR part 55 to establish as a condition of an operator's license a provision precluding performance of licensed duties while under the influence of drugs or alcohol in any manner which could adversely affect performance. The Commission further proposes to amend subpart G of 10 CFR part 55 to provide explicit additional notice of the terms and conditions under which a license may be revoked, suspended or modified. In addition, positive test results and failures to participate in drug and alcohol testing programs may be considered in making decisions concerning renewal of a part 55 license. These provisions would apply to any Fitness-for-Duty program established by a facility licensee, whether or not required by Commission regulations, including programs which establish cutoff levels below those set by 10 CFR part 26, appendix A requirements. The Commission notes, however, that it has the discretion to forego enforcement action against a licensed operator if the facility licensee established cutoff levels that are so low as to be unreasonable in terms of the uncertainties of testing. The Commission has reserved the right to review facility licensee programs against the performance objectives of 10 CFR part 26, which requires reasonable detection measures. The proposed rule is not intended to impose the provisions of 10 CFR part 26 (Fitness-for-Duty) on non-power facility licensees, but is to make compliance with the cutoff levels and the policy and procedures regarding the use of legal drugs established pursuant to 10 CFR part 26 a license condition for all 10 CFR part 55 licensees. Further, the proposed rule is not intended to apply enforcement sanctions against operators or senior operators for their proper use of legal over-the-counter prescription drugs, but to require the reporting of such drug use, or medical conditions requiring the use of drugs, to the facility licensee in order for a medical review officer to determine the operator's fitness-for-duty.

If the proposed rule is adopted as a final rule and becomes effective, licensed operators will be subject to notices of violation, civil penalties or orders for violation of this condition. Therefore, in addition to amending the regulations to establish the 10 CFR part 55 licensee's obligations, the Commission intends to modify the NRC Enforcement Policy in conjunction with the final rule-making. It is the Commission's intention to modify the Enforcement Policy as follows:

In cases involving a licensed operator's failure to meet applicable fitness-for-duty requirements (10 CFR 55.53(j)), the NRC may issue a notice of violation or a civil penalty to the part 55 licensee, or an order to suspend, modify or revoke the license. These actions may be taken the first time an individual who fails a drug or alcohol test, i.e., exceeds the cutoff levels of 10 CFR part 26 or the facility licensee's cutoff levels if lower. In addition, the NRC will, at a minimum, issue an order to suspend the part 55 license for up to 3 years the second time the individual exceeds those cutoff levels. In the event there are less than 3 years remaining in the term of the individual license, NRC may consider not renewing the individual license or issuance of a new license until the 3 year period is completed. The NRC will issue an order to revoke the part 55 license the third time an individual exceeds those cutoff levels. A licensed operator or applicant who refuses to participate in the drug and alcohol testing programs established by the facility licensee or who is involved in the sale, use, or possession of an illegal drug may be subject to license suspension, revocation, or denial.

To assist in determining the severity levels of potential violations, Supplement I would be modified to provide an example at Severity Level I of a licensed operator performing duties while unfit and an example at Severity Level III of a licensed operator's initial failure of a drug or alcohol test.

Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(1). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

Paperwork Reduction Act Statement

This proposed rule contains no information collection requirements and, therefore, is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

Regulatory Analysis

The regulations in 10 CFR part 55 establish procedures and criteria for the issuance of licenses to Operators and Senior Operators of utilization facilities licensed pursuant to the Atomic Energy Act of 1954, as amended, or section 202 of the Energy Reorganization Act of 1974, as amended, and 10 CFR part 50. These established procedures provide for the terms and conditions upon which the Commission will issue, modify, maintain, and renew Operator and Senior Operator licenses.

Subpart F of part 55, under § 55.53 ("Conditions of Licenses"), sets forth the requirements and conditions for the maintenance of Operator and Senior Operator licenses.

This proposed rule only serves to notify the 10 CFR part 55 operator and senior operator of the conditions they are required to comply with under part 26, Fitness-for-Duty Program. A regulatory analysis for compliance with

the conditions and cut-off levels, that examines the costs and benefits of the alternatives considered by the Commission, has been prepared for the final rule resulting in the promulgation of part 26 and is available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. The Commission had previously requested public comment on the regulatory analysis as part of the rulemaking proceeding that resulted in the adoption of part 26.

Regulatory Flexibility Certification

The proposed rule will not have a significant economic impact upon a substantial number of small entities. Many operator license applicants or operator licensees fall within the definition of small businesses found in section 34 of the Small Business Act, 15 U.S.C. 632, or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR part 121, or the NRC's size standards published December 9, 1985 (50 FR 50241). The proposed rule will only serve to provide notice to licensed individuals of the conditions under which they are expected to perform their licensed duties.

Thus, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), the NRC certifies that this rule, if promulgated, will not have a significant economic impact upon a substantial number of small entities.

Backfit Analysis

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

List of Subjects in 10 CFR Part 55

Criminal penalty, Manpower training programs, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR part 55.

PART 55—OPERATORS' LICENSES

1. The authority citation for part 55 is revised to read as follows:

Authority: Secs. 107, 161, 182, 68 Stat. 939, 948, 953, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2137, 2201, 2232, 2282); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842).

Sections 55.41, 55.43, 55.45 and 55.59 also issued under sec. 306, Pub. L. 97–425, 96 Stat. 2262 (42 U.S.C. 10226). Section 55.61 also issued under secs. 186, 187, 68 Stat. 955 (42 U.S.C. 2236, 2237).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 55.3, 55.21, 55.49 and 55.53 are issued under sec. 161i, 68 Stat. 949, as amended (42 U.S.C. 2201(i)); and §§ 55.9, 55.23, 55.25, and 55.53(f) are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. In § 55.53, paragraph (j) is redesignated as paragraph (l) and new paragraphs (j) and (k) are added to read as follows:

§ 55.53 Conditions of licenses.

* * * * *

(j) The licensee shall not consume or ingest alcohol within the protected area of power reactors, or the controlled access area of non-power reactors. The licensee shall not use, possess, or sell any illegal drugs. The licensee shall not perform activities authorized by a license issued under this part while under the influence of alcohol or any prescription, over-the-counter or illegal substance which could adversely affect his or her ability to safely and competently perform his or her licensed duties. For the purpose of this paragraph, with respect to alcohol and illegal drugs, the term "under the influence" means the licensee exceeded the lower of the cutoff levels for drugs or alcohol contained in 10 CFR part 26, appendix A, of this chapter, or as established by the facility licensee. With respect to prescription and over-the-counter drugs, the term "under the influence" means the licensee could be mentally or physically impaired, as determined by a medical review officer, in such a manner as to adversely affect his or her ability to safely and competently perform licensed duties.

(k) The licensee at power reactors shall participate in the drug and alcohol testing programs established pursuant to 10 CFR part 26. The licensee at non-power reactors shall participate in any drug and alcohol testing program that may be established for that non-power facility.

* * * * *

3. In § 55.61, a new paragraph (b)(5) is added to read as follows:

§ 55.61 Modification and revocation of licenses.

* * * * *

(b) * * *

(5) For the sale, use or possession of illegal drugs, or refusal to participate in the facility drug and alcohol testing program, or a confirmed positive test for drugs, drug metabolites or alcohol in violation of the conditions and cutoff levels established by § 55.53(j) of this part, or use of alcohol within the protected area of power reactors or the controlled access area of non-power reactors, or a determination of unfitness for scheduled work due to the consumption of alcohol.

Dated at Rockville, Maryland, this 11th day of April 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90–8869 Filed 4–16–90; 8:45 am]

BILLING CODE 7590–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–NM–41–AD]

Airworthiness Directives; British Aerospace Model BAC 1–11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model BAC 1–11 200 and 400 series airplanes, which would require periodic removal of the tailplane trim gearbox, drainage and replacement of oil, and reinstallation of the gearbox. This proposal is prompted by reports that the tailplane trim handwheel could not be operated in flight due to contamination of the trim gearbox oil with water. This condition, if not corrected, could result in an inoperative tailplane trim system, which could lead to reduced controllability of the airplane.

DATES: Comments must be received no later than June 4, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–41–AD, 17900 Pacific Highway South, C–68966, Seattle, Washington 98168. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport

Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing address: FAA, Northwest Moutain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-41-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Model BAC 1-11 200 and 400 series airplanes. There have been several reports of inoperative tailplane trim handwheels during flight, due to water contamination in the tailplane trim gearbox oil. Further investigation revealed that freezing of the water prevented operation of the gearbox. This condition, if not corrected, could result in an inoperative trim system which could lead to reduced controllability of the airplane.

British Aerospace has issued Alert Service Bulletin 27-A-PM5384, Issue No. 1, dated July 24, 1989, which describes procedures for removal of the tailplane trim gearbox from the airplane; replacement of the oil, filler plug, and wire lock; and reinstallation of the gearbox. The United Kingdom CAA has classifed this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of section 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require periodic removal of the tailplane trim gear box from the airplane; replacement of the oil, filler plug, and wire lock; and reinstallation of the gearbox, in accordance with the service bulletin previously described.

It is estimated that 70 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6.5 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $18,200.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposed to amend 14 CFR Part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority for part 39 continues to read as follows: Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAC 1-11 200 and 400 series airplanes, pre-modification PM5384, certificated in any category. Compliance is required within 2,400 hours time-in-service or two years after the effective date of this AD, whichever occurs first, unless previously accomplished within the past 2,400 hours time-in-service or within the past two years; and thereafter at intervals not to exceed 4,800 hours time-in-service or four years, whichever occurs first.

To prevent tailplane trim gearbox oil from being contaminated with water, accomplish the following:

A. Remove the tailplane trim gearbox from the airplane, drain the oil, flush and refill with clean oil, and replace the filler plug and wire lock, in accordance with paragraph 2.2 of British Aerospace Alert Service Bulletin 27-A-PM5384, Issue 1, dated July 24, 1989. Reinstall the gearbox in the airplane and test in accordance with Maintenance Manual Chapter 27-40.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on April 4, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–8850 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–CE–14–AD]

Airworthiness Directives; Wytwornia Sprzetu Komunikacyjnego PZL–Mielec Model M18 (Dromader) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Wytwornia Sprzetu Komunikacyjnego PZL-Mielec Model M18 airplanes, which would require an inspection of the vertical fin and rib of the area of the rudder upper attachment joint for cracks or damage, and subsequent reinforcement of the fin and rib. The FAA has received two reports of failures in this area. The proposed actions will preclude structural failure of the vertical fin.

DATES: Comments must be received on or before June 1, 1990.

ADDRESSES: PZL-Mielec Mandatory Engineering Bulletin (MEB) No. K/02.135/89, dated December 29, 1989, applicable to this AD, may be obtained from Wytwornia Sprzetu Komunikacyjnego PZL Mielec 39–301 Mielec, Poland. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90–CE–14–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Richard F. Yotter, Aerospace Engineer, Aircraft Certification Service, 601 E. 12th Street, Kansas City, Missouri, 64106; Telephone (816) 426–6932, or Mr. Carl Mittag, Aerospace Engineer, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B–1000, Brussels, Belgium; Telephone 322 513.38.30.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90–CE–14–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion: Two reports of cracks and damage to the attachment of the vertical fin to the rudder fitting have been reported on PZL Mielec Model M18 airplanes. As a result, PZL-Mielec has issued PZL-Mielec MEB No. K/02.135/89, dated December 29, 1989, which specifies an initial visual inspection for cracks or damage and subsequent reinforcement of the fin in the area of the upper rudder attach point. If any part is found to be cracked or damaged, it is to be repaired and the fin reinforced. If no cracks or damage are found, the fin is to be reinforced at a later time.

The Central Administration of Civil Aviation (CACA), which has responsibility and authority to maintain the continuing airworthiness of these airplanes in Poland, has classified this Engineering Bulletin and the actions recommended therein by the manufacturer as mandatory to assure the continued airworthiness of the affected airplanes. On airplanes operated under Polish registration, this action has the same effect as an AD on airplanes certified for operation in the United States. The FAA relies upon the certification of the CACA combined with FAA review of pertinent documentation in finding compliance of the design of these airplanes with the applicable United States airworthiness requirements and the airworthiness conformity of products of this type design certificated for operation in the United States. The FAA has examined the available information related to the issuance of PZL-Mielec MEB No. K/02.135/89, dated December 29, 1989, and the mandatory classification of this Bulletin by the CACA. Based on the foregoing, the FAA believes that the condition addressed by PZL-Mielec MEB No. K/02.135/89, dated December 29, 1989, is an unsafe condition that may exist on other products of this type design certificated for operation in the United States. Consequently, the proposed AD would require a visual inspection for cracks or damage and repair as required, plus reinforcement of the vertical fin, in the area of the upper rudder attach point on certain PZL-Mielec Model M18 airplanes in accordance with above MEB.

The FAA has determined there are approximately 42 airplanes affected by the proposed AD. The cost of inspecting and modifying these airplanes per the proposed AD is estimated to be $1,000 per airplane. The total cost is estimated to be $42,000. The cost of compliance with the proposed AD is so small that the expense of compliance will not have a significant financial impact on any small entities operating these airplanes.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Therefore, I certify that this action (1) is not a "major rule" under the provisions of Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.85.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Wytwornia Sprzetu Komunikacyjnego PZL–MIELEC: Applies to Model M18 (Dromader) (Serial Numbers 1Z001–01 through 1Z021–30) airplanes, certificated in any category.

Compliance: Required as indicated in the body of the AD, unless already accomplished.

To prevent failure of the vertical fin and rib in the area of the upper rudder attachment, accomplish the following:

(a) Within the next 50 hours time-in-service (TIS) after the effective date of this AD, remove the bolts attaching the fin to the rudder and visually inspect the vertical fin and rib in the area of the upper rudder attachment area for cracks or damage in accordance with the instructions in PZL–Mielec Mandatory Engineering Bulletin (MEB) No. K/02.135/89, dated December 29, 1989.

(1) If cracks or damage are found in the vertical fin and rib from the spar to the rear wall, prior to further flight repair the damaged area and reinforce the vertical fin and rib in accordance with the above MEB.

(2) If no cracks or damage are found return the aircraft to service and within the next 500 hours TIS reinforce the vertical fin and rib in accordance with the above MEB.

(b) The airplane may be flown in accordance with FAR 21.197 to a location where this AD may be accomplished.

(c) An alternate method of compliance or adjustment of the compliance times which provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Office, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, 1000 Brussels, Belgium; Telephone 513.38.30 extension 2710/2711.

Note: The request should be forwarded through an FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

All persons affected by this directive may obtain copies of the document referred to herein upon request to Wytwornia Sprzetu Komunikacyjnego PZL–Mielec 39–301 Mielec, Poland; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on April 2, 1990.

J. Robert Ball,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–8851 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–ASW–19]

Proposed Revision of Control Zone: Fort Worth Alliance Airport, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the control zone located at Fort Worth Alliance Airport, TX. The original control zone, which became effective on November 16, 1989, was described as a 6-statute mile (SM) radius of the Alliance Airport. The revision is necessary because the 6–SM control zone is too large and needs to be reduced to a 5–SM control zone, with north and south arrival extensions. The intended effect of this revision is to reduce the size of the Fort Worth Alliance Airport, TX, Control Zone from 6–SM to 5–SM, with two arrival extensions, and still provide adequate controlled airspace for aircraft executing the ILS RWY 16 standard instrument approach procedure (SIAP) and the proposed ILS RWY 34 SIAP.

DATES: Comments must be received on or before June 1, 1990.

ADDRESSES: Send comments on the proposal in triplciate to: Manager, Airspace and Procedure Branch, Air Traffic Division, Southwest Region, Docket No. 90–ASW–19, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped, postcard on which the following statement is made: "Comments to Airspace Docket No. 90–ASW–19." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in ths notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM'S

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of the Federal Aviation Regulations (14 CFR part 71) to revise the control zone located at Fort Worth Alliance Airport, TX. The original control zone, which became effective on November 16, 1989, was described as a 6–SM radius of the Alliance Airport. The revision is necessary because the 6–SM control zone is too large and needs to be reduced to a 5–SM control zone, with arrival extensions both north and south of the airport. The intended effect of this revision is to reduce the size of the Fort Worth Alliance Airport, TX, Control

Zone from 6–SM to 5–SM, with two arrival extensions, and still provide adequate controlled airspace for all aircraft executing both the ILS RWY 16 SIAP and the soon to be effective ILS RWY 34 SIAP's. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

2. Section 71.171 is amended as follows:

§ 71.171 [Amended]

Fort Worth Alliance Airport, TX [Revised]

Within a 5-mile radius of the Alliance Airport (latitude 32°59'11" N., longitude 97°19'02" W.), and 1 mile each side of the 350° bearing from the airport extending from the 5-mile radius to 6 miles north of the airport and 1 mile each side of the 170° bearing from the airport extending from the 5-mile radius to 6 miles south of the airport. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective dates and times will thereafter be continuously published in the Airport/Facility Directory.

Issued in Forth Worth, TX on April 2, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90–8852 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 90–ASW–16]

Proposed Removal of Transition Area: Blytheville, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to remove the transition area located at Blytheville, AR. This amendment is necessary since the only standard instrument approach procedure (SIAP) serving the Blytheville Municipal Airport is being canceled, thus negating the need for a 700-foot transition area. The intended effect of this proposal is to release that controlled airspace no longer required for aircraft executing the SIAP to the Blytheville Municipal Airport. Coincident with this proposal would be the changing of the status of the airport from instrument flight rules (IFR) to visual flight rules (VFR).

DATES: Comments must be received on or before May 31, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 90–ASW–16, Department of Transportation, Federal Aviation Administration, Forth Worth, TX 76193–0530.

The official docket may be examined in the office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90–ASW–16." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

All comments submitted will be available for examination in the office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which described the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR part 71) to remove the transition area located at Blytheville, AR. This amendment is necessary since the NDB–A SIAP, which is the only SIAP serving the Blytheville Municipal Airport, is being canceled. This cancellation negates the need for a 700-foot transition area. The intended effect of this proposal is to release that controlled airspace no longer required due to the cancellation of the only SIAP serving the Blytheville Municipal Airport. Coincident with this proposal would be the changing of the status of the airport from IFR to VFR. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an

established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Blytheville, AR [Removed]

Issued in Fort Worth, TX on March 29, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90–8853 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

[Airspace Docket No. 90–ASW–14]

Proposed Establishment of Transition Area: Lovington, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish a new transition area at Lovington, NM. The development of a new random area navigation (RNAV) standard instrument approach procedure (SIAP) to the Lea County-Lovington Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for all aircraft executing this new SIAP. Coincident with this proposal would be the changing of the status of the Lea County-Lovington Airport from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before May 31, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, System Management Branch, Air Traffic Division, Southwest Region, Docket No. 90–ASW–14, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530.

The official docket may be examined in the Office of the Assistant Chief Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Bruce C. Beard, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530; telephone: (817) 624–5561.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90–ASW–14." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the office of the Assistant Chief Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Manager, System Management Branch, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193–0530. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of the Federal Aviation Regulations (14 CFR part 71) to establish a new transition area at Lovington, NM. The development of a new RNAV RWY 3 SIAP to the Lea County-Lovington Airport has made this proposal necessary. The intended effect of this proposal is to provide adequate controlled airspace for all aircraft executing this new SIAP. Coincident with this proposal would be the changing of the status of the Lea County-Lovington Airport from VFR to IFR. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6F dated January 2, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Sine this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to

amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Lovington, NM [New]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Lea County-Lovington Airport (latitude 32°57'00"N., longitude 103°24'20"W.), and within 2.5 miles each side of the 235 bearing of the longitude NDB (latitude 32°56'49"N., longitude 103°24'34"W.), extending from the 7-mile radius area to 11.5 miles southwest of the Lea County-Lovington Airport.

Issued in Fort Worth, TX on March 29, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90–8854 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

Research and Special Programs Administration

14 CFR Part 241

[Docket No. 46891; Notice No. 90–16]

RIN 2137–AB57

Aviation Economic Regulations; Revision of RSPA Form 41 Reporting by Large Certificated Air Carriers; Statement of Cash Flows, Aircraft Inventory Data, Air Carrier Groupings

AGENCY: Department of Transportation, Research and Special Programs Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule solicits comments on modifying RSPA Form 41 by revising the reporting of changes in financial position, the collection of aircraft inventory data; and the classification of air carriers for reporting purposes. This proposal would align the Department's reporting requirements with generally accepted accounting principles, adjust the collection of Form 41 data to achieve a higher correlation between the size of an air carrier's operations and its reporting obligations, and adjust the Form 41 data collection to ensure the availability of the data needed by the Department in administrating its aviation responsibilities.

DATES: Comments on the proposed rule must be received on or before June 18, 1990.

ADDRESSES: Comments should be directed to the Docket Clerk, Docket 46891, room 4107, Office of the Secretary, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Comments should identify the regulatory docket number and be submitted in duplicate to the address listed above. Commenters wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on Docket No. 46891. The postcard will be dated/time stamped and returned to the commenter. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments.

FOR FURTHER INFORMATION CONTACT: M. Clay Moritz, Jr. or Jack M. Calloway, Office of Aviation Information Management, DAI–1, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4385 and 366–4383, respectively.

SUPPLEMENTARY INFORMATION:

Background

Essentially, the Department is, by this notice, proposing to modify its RSPA Form 41, Report of Financial and Operating Statistics for Large Certificated Air Carriers, by changing Form 41 Schedule B–12, "Statement of Changes in Financial Position," from a funds flow to a cash flow format; modifying the collection of aircraft inventory data to provide information on the age of aircraft; and revising the revenue levels used to group air carriers for the purpose of defining their specific reporting requirements.

The Department is also proposing to modify part 241 to allow large certificated air carriers to submit their recurrent Form 41 schedules to the Department via telefacsimile, or fax, transmission. Each of these items and other matters are discussed below under separate captions.

Statement of Cash Flows

By issuing Amendment No. 241–58 (54 FR 5588, February 6, 1989) to the Department of Transportation's Economic Regulations (14 CFR part 241), the Department adopted a policy of relying, to the maximum extent practical, on generally accepted accounting principles (GAAP) for recording large certificated air carrier financial information. This amendment revised the air carrier accounting provisions contained in part 241, "Uniform System of Accounts and Reports for Large Certificated Air Carriers" in order to remove any redundancy or variance between the present accounting provisions and GAAP. The purpose of this action was to relieve air carriers from the burden of having to maintain accounting systems that differentiate between two sets of accounting principles: Generally accepted and regulatory.

As stated in Amendment No. 241–58, the accounting principles that the Department recognizes as generally accepted are those promulgated by the Financial Accounting Standards Board (FASB). The FASB is recognized as the primary body that is responsible for developing and overseeing accounting principles and disclosure standards for American business.

In November 1987, the FASB issued Statement of Financial Accounting Standards No. 95 (FAS 95), "Statement of Cash Flows." FAS 95 superseded Accounting Principles Board Opinion No. 19, "Reporting Changes in Financial Position," by requiring all business enterprises to replace statement of changes in financial position with a statement of cash flows when preparing a complete set of financial statements. The change became effective with the fiscal year ending after July 15, 1988. Accordingly, under GAAP, a "full set" of financial statements is now comprised of a balance sheet, a statement of operations (profit or loss) and a statement of cash flows.

Basically, cash flow statements focus on cash receipts and payments and explain changes in cash and cash equivalents. Funds flow statements such as Form 41 Schedule B–12, "Statement of Changes in Financial Position," on the other hand, are prepared on a broader concept of the enterprise's economic activity so as to encompass all the changes in financial position. For example, a funds flow statement would include depreciation expense, amortization expense and increases in deferred income taxes as sources of funds in calculating changes in financial position. These items are not included in preparing a cash flow statement since they do not affect a firm's cash position.

In drafting Amendment 241–58, the Department called attention to the FASB's issuance of FAS 95 and, in keeping with the spirit of its adoption of

GAAP-based air carrier accounting, included a statement indicating the Department's willingness to entertain waiver requests from affected air carriers to enable them to file a quarterly statement of cash flows in lieu of Schedule B–12. This offer was made based on (1) the Department's tentative conclusion that cash flow information would be useful in administering its aviation responsibilities and (2) the degree of reporting burden relief that carriers would experience by not having to maintain two separate accounting data bases: one for generating a funds flow statement and one for generating a cash flow statement.

In response to the Department's offer to consider waiver requests, 45 percent of the Group III air carriers and 22 percent of the Group II air carriers have written to the Director of the Department's Office of Aviation Information Management of the Research and Special Programs Administration requesting a waiver to permit them to file a statement of cash flows instead of Form 41 Schedule B–12. Large certificated air carriers are grouped for reporting purposes based on their level of total annual operating revenues with Group III being the largest, Group II the middle category, and Group I the smallest.

The recurrent theme that carriers mentioned in their requests is the degree of burden associated with extracting and maintaining the mutually exclusive accounting data necessary to produce both types of statements. Also cited was the fact the waiver would enable the carrier to use a consistent method of reporting to both the Securities and Exchange Commission and the Department.

Over the several quarterly reporting periods that carriers have been filing a statement of cash flows, the Department has found the information on air carrier cash and equivalents position to be more useful in analyzing an air carrier's financial position. Accordingly, the Department is proposing to make the above cited reporting advantages permanent by modifying Schedule B–12 from a funds flow to a cash flow basis and renaming the schedule "Statement of Cash Flows."

While the purpose of the cash flow statement is to provide relevant information about the cash receipts and cash payments of an air carrier during a given quarter, it must be noted that the FASB allows two different methods of reporting cash flow: Direct and indirect. Under both methods, cash and cash equivalents are classified and reported as resulting from operating, financing, or investing activities. "Cash equivalents" is used to commonly refer to items such as Treasury bills, commercial paper, and money market funds. "Cash" includes currency on hand as well as demand deposits with banks and other financial institutions. Investing activities include making and collecting loans and acquiring and disposing of debt or equity instruments and property, plant and equipment and other productive assets. Financing activities include obtaining resources from owners and providing them with a return on investment (dividends paid and other distributions to owners), borrowing money and repaying amounts borrowed, and obtaining and repaying for other resources obtained from creditors on long-term credit.

The principal difference between the direct and indirect method of reporting cash flows is the way changes in cash flow from operating activities are reported. Under the direct method, major classes of gross cash receipts and gross cash payments are summarized with their resultant arithmetic sum equaling the net cash flow from operating activities. As a minimum, FAS 95 requires operating cash receipts and payments to be separately reported under the following classifications: (1) Cash collected from customers, including lessees, licensees, etc.; (2) interest and dividends received; (3) other operating cash receipts; (4) cash paid to employees and other suppliers of goods or services, including suppliers of insurance, advertising, etc.; (5) interest paid; (6) income taxes paid; and (7) other operating cash payments. Further breakdowns are encouraged when they add to the understanding of the presentation.

Under the indirect methods, operating cash flows from operating activities are presented as a reconciliation of net income to net cash flows, which is accomplished by adjusting net income for revenue and expense items that were not the result of operating cash transactions in the current period (for example: Depreciation, amortization, provision for losses on accounts receivable, provision for deferred taxes, increases in accounts receivable and payable, etc.). As an option, the reconciliation may be included as a separate schedule with cash flow changes from operating activities being reported as a net cash flow figure. Even if the direct method is used, the reconciliation of net income to net cash flows from operating activities must be provided as a separate schedule.

In examining the direct and indirect methods of reporting, the Department has kept in mind its stated policy of relying on generally accepted accounting principles in air carrier accounting matters when there is no overriding regulatory need for a different accounting treatment. While the Department believes that the direct method of analyzing cash flows, when reported in sufficient detail, provides a more relevant description of an air carrier's cash flows from operating activities, namely cash receipts and cash payments, it also recognizes that either method would enhance the current reporting of changes in financial position. In point of fact, the Department notes that the overwhelming majority of air carriers that have been granted a waiver to file a quarterly "Statement of Cash Flows" are using the indirect method.

Because there is no imperative need to designate either the direct or indirect method as the required cash flow methodology, the Department tentatively concludes that either method would enhance the changes in financial position information required by the current regulatory provisions. Therefore this proposal provides that air carriers may use either the direct or indirect method of reporting quarterly cash flows.

A copy of the proposed Form 41 Schedule B–12, "Statement of Cash Flows," is provided as Exhibit A to this proposed rule. The form is designed as a free form report to facilitate reporting regardless whether the direct or indirect method of reporting is selected. Exhibits B and C provide examples of a cash flow statement under the indirect and direct method of reporting, respectively

Aircraft Inventory Data

At the present time, the Department collects from each large certificated air carrier an annual aircraft inventory on Form 41 Schedule B–43, "Inventory of Airframes and Aircraft Engines." This schedule contains financial and statistical information (such as seating configuration, available capacity, acquired cost/capitalized value, etc.) for each airframe owned or leased by the air carrier, including both operating and nonoperating equipment.

Quarterly updates of the annual inventory are reported on Form 41 Schedule B–7, "Airframe and Aircraft Engine Acquisitions and Retirements." The combined use of annual Schedule B–43 and quarterly Schedule B–7 enables the Department to analyze air carrier fleets at a particular point in time between annual B–43 filings.

As a means of identifying a particular airframe, the Department collects the airframe license number for each reported airframe. "License number" refers to the "N" or tail number assigned to each aircraft. This number is unique within an air carrier's fleet; however, the license number loses its uniqueness when an aircraft is transferred by ownership or leasehold from one air carrier to another. The new owner usually assigns its own unique "N" number.

This system of identifying airframes worked reasonably well in an environment where the body of operating air carriers and route structures were relatively stable. A problem arises, however, within today's dynamic air transportation system where the issue of aging aircraft is important to the Department.

The lack of a unique license number that is traceable from carrier to carrier has created problems in conducting any analysis that includes aging of aircraft fleets. In order to overcome this problem, the Department is proposing to modify Form 41 Schedules B–7 and B–43 to collect the manufacturer's serial number for each airframe subject to reporting on B–7 and B–43. In addition, this notice also proposes to collect the year each reported airframe was delivered by the manufacturer.

The availability of these two data elements will greatly enhance the Department's ability to monitor the aircraft fleet and perform detailed analysis of aircraft age and usage. The availability of the aircraft manufacturer's serial number will provide a link between aircraft inventory data and the FAA's Aircraft Registration Master File and Aircraft and Engine Reference File. Data from these files, coupled with the aircraft inventory data will facilitate analysis of the relationships between specific aircraft characteristics and aviation accidents and incidents. The availability of the manufacturer's serial number will provide a unique number that, since it does not change, can be used to trace the operational "history" of a particular aircraft.

In proposing to collect this information, the Department feels that the recurrent reporting burden should be minimal once the initial manufacturer's serial number and delivery date are first reported since neither of these data elements will change as changes in ownership/leasehold/operator status occur.

The propose revisions to Form 41 Schedule B–7 and B–43 are illustrated in Exhibits D and E, respectively.

Air Carrier Groupings

For Form 41 reporting purposes, large certificated air carriers are currently categorized, based on their level of total annual operating revenues, into three air carrier groupings: Group I, Group II and Group III. Group I air carriers are further subgrouped into Group I (Large) and Group I (Small) to enable the Department to more closely align the level of reporting to the size of the air carrier's operations.

Air carrier groupings based on annual operating revenue levels became effective on September 1, 1982, with the Civil Aeronautics Board's adoption of Economic Regulation ER–1297 (47 FR 32921, July 30, 1982). The adoption of ER–1297 brought air carrier reporting into compliance with the spirit of the Regulatory Flexibility Act (Pub. L. 96–354), which calls for relating agency reporting requirements to the size of the businesses being regulated. The initial levels of annual operating revenues are shown below.

Carrier category	Total annual operating revenues
Group III	$200,000,001+
Group II	$75,000,001–$200,000,000
Group I (Large)	$10,000,000–$75,000,000
Group I (Small)	Below $10,000,000

Since the 1982 inception of this system of operating revenue levels, the air transportation industry has been undergoing an unprecedented consolidation process as evidenced by air carrier acquisitions, mergers, and route purchases. Further increasing the level of industry concentration is the considerable slowing of the number of new carriers entering the market place. Nevertheless, despite the increase in industry consolidation and despite a 23 percent inflationary increase in the Consumer Price Index through 1988, which has resulted in some carriers moving to a higher level of reporting, the above revenue levels for grouping carriers have not changed.

In an attempt to recognize the impact of the above factors on the operating environment of the air transportation industry, the Department is proposing to revise the annual operating revenue levels as follows:

Carrier category	Total annual operating revenues
Group III	$1,000,000,001+
Group II	$100,000,001–$1,000,000,000
Group I (Large)	$20,000,000–$100,000,000
Group I (Small)	Below $20,000,000

In order to more fully analyze the impact of this proposed change, the following table campares the number of carriers that fall within each carrier group, as currently effective and as proposed.

Carrier category	Current	Proposed
Group III	19	10
Group II	10	18
Group I (Large)	22	17
Group I (Small)	13	19
Total	64	64

In order to relate the above air carrier groupings to the Form 41 reporting requirements, Exhibit F contains a listing of the specific Form 41 schedules that are filed by each air carrier group. The degree of reporting burden ranges from the Group III air carriers, with the highest level of reporting burden, down to the Group I air carriers with the least amount of burden. The individual carriers that would be reclassified as a result of the proposed changes are listed below.

Carrier	Present group	Proposed group
Alaska Airlines	III	II
American Trans Air	III	II
Braniff	III	II
Evergreen International Airlines	III	II
Hawaiian Airlines	III	II
Midway Air Lines	III	II
United Parcel Service	III	II
Arrow Air	II	I Over $20M
Air Transport International	I Over $10M	I Under $20M

Carrier	Present group	Proposed group
AmeriJet International	I Over $10M	I Under $20M
Challenge Air Cargo	I Over $10M	I Under $20M
Florida West Airlines	I Over $10M	I Under $20M
Express One	I Over $10M	I Under $20M
Trans Continental Airlines	I Over $10M	I Under $20M

As can be seen by reviewing Exhibit F, the above carriers that would be reclassified from Group III to Group II would be relieved of the burden of filing Form 41 Schedule P–7, "Operating Expenses by Functional Groupings—Group III Air Carriers." Reclassification from Group II to Group I Over $20 million would eliminate the burden associated with filing Form 41 Schedules B–7, "Airframe and Aircraft Engine Acquisitions and Retirements" and replace the filing of aircraft operating expenses on Schedule P–5.2 with the less detailed Schedule P–5.1. For comparison, a copy of Schedules P–5.1 and P–5.2 are provided as Exhibits G and H, respectively.

The greatest reduction in reporting burden would occur for those carriers reclassified from Group I Over $10 million to Group I Under $20 million. The most significant reduction would be the change in filing frequency for the balance sheet, income statement, and report of aircraft operating expenses from quarterly to semiannually. Moreover, the semiannual balance sheet, income statement, and report of aircraft operating expenses (Schedules B–1.1, P–1.1, and P–5.1, respectively) are less detailed than the quarterly Schedules B–1, "Balance Sheet," P–1.2, "Statement of Operations," and P–5.2, "Aircraft Operating Expenses." Exhibits I, J, K, and L can be used for comparing the reporting differences between these separate balance sheets and income statements. As mentioned above, a comparison of the reporting of aircraft operating expenses is possible by reviewing Exhibits G and H.

While these reporting reductions should, over time, benefit the affected air carriers, the Department recognizes that adjusting an existing information system in order to implement a change in reporting does affect, to a limited extent, an air carrier's regulatory burden level. The Department further recognizes that, for some carriers, a change in carrier grouping may be overly burdensome. This would be particularly true for a current Group III carrier that is near the upper revenue level limit of its carrier group. If such a carrier anticipates an increase in total annual operating revenue that would result in it returning to its present grouping within a year or two, the Department feels that requiring a carrier to implement the lower level of reporting could be unduly burdensome. In order to avoid significantly burdening those carriers that would be required, as a result of this regulatory proposal, to change their present level of reporting, the Department would be willing to entertain waiver requests from the affected carriers to continue reporting based on their current grouping and accompanying level of reporting.

While the decision was made to go forward with proposing this revision in the operating revenue levels for air carrier groupings, the Department wants to put all affected air carriers on notice that some of its regulatory information needs may not be met by the revised carrier groupings. For example, the proposed reclassification of Alaska Airlines from a Group III to a Group II air carrier would eliminate its filing Form 41 Schedule P–7, "Operating Expenses by Functional Groupings—Group III Air Carriers." This schedule is required by the Department in setting the level of intra-Alaska mainline mail rates.

So that all affected air carriers may benefit from this revision in air carrier groupings to the maximum extent possible, the Department proposes to resolve this potential conflict in its information collection, by relying on *ad hoc* reporting, whenever necessary. In the above cited example, Alaska Airlines, would be required to continue filing Schedule P–7 for use in adjusting intra-Alaska mainline mail rates. The Department feels this proposed course of action would enable it to maintain the integrity of the aviation data bases upon which regulatory decisions are made, while minimizing reporting burden to the extent possible.

FAX Transmissions

At the present time, section 21, "Introduction to System of Reports," to part 241 provides guidance in preparing the various Form 41 schedules for submission to the Department. Generally, only original copies that are prepared using a good quality black ribbon may be submitted. The use of photocopies or other similar processes for submission to the Department is expressly forbidden. The only exception to this rule is a provision in paragraph (e) allowing the use of computer prepared forms provided that they conform with the size and format of the affected Form 41 schedule; however, prior approval must be obtained from the Department before computer generated forms will be accepted.

Advances in information technology have opened new doorways for American business in the transmission of information. An example of this is the increased use of telefacsimile, or fax, machines in transmitting forms and documents. The Department has kept abreast of these advances in technology with an eye towards exploring their potential benefits in view of the Department's regulatory responsibilities. An example of this is the Department's study and final adoption of the electronic filing of international air transportation tariffs.

In keeping with its desire to reduce reporting burden to a minimum, the Department is proposing, in this rule, to modify section 21 to enable air carriers to submit recurrent hardcopy Form 41 schedules using fax equipment. Under the proposed revisions, air carriers must, as in the case of computer prepared reports, obtain prior approval from the Department's Office of Aviation Information Management. By obtaining prior approval, the carrier would agree that its fax transmission of either Form 41 Schedule A or Schedule B–1.1, including the certifying signature, is a legally binding copy of its original certification statement. The regulations would also require that submissions conform to an 8½ × 14 inch size. However, with prior approval, larger sized schedules would be permitted to be reduced to 8½ × 14 for transmission to the Department.

Other Matters

Also included in this proposed rule is a revision of the certification statement that is filed by each air carrier attesting to the completeness and accuracy of the submissions to the Department under part 241. The purpose of the proposed revision is to specifically include in the certification the submission of ADP media reports; namely, the Form 41 Schedule T–100 and the Passenger Origin and Destination Survey Report. These changes would be reflected on

Form 41 Schedules A and B–1.1. A copy of the revised schedules is provided as Exhibits M and I, respectively.

Department Regulatory Policies and Procedures

Executive Orders 12291, 12612 and 12630; Department's Regulatory Policies and Procedures; Regulatory Flexibility Act; and Paperwork Reduction Act of 1980.

This proposed action 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 effect 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, this proposed rule would not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. These proposed regulations would result in a net reduction in reporting burden for large certificated air carriers. Accordingly, a regulatory impact analysis is not required.

This action has been analyzed in accordance with the principles and criteria contained in Executive Orders 12612 and 12630 and it has been determined that the final rule: (1) Does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment and (2) does not pose the risk of a taking of constitutionally protected private property. This proposed regulation is significant under the Department's Regulatory Policies and Procedures, date February 26, 1979, because it involves important Departmental policies. Its economic impact should be minimal and a full regulatory evaluation is not required. The burden of reporting the two proposed aircraft inventory data elements should not be significant because the data should be readily accessible to the affected air carriers. Furthermore, the proposed revision to Form 41 Schedule B–12 should benefit air carriers by eliminating the need for accumulating accounting information for two different methods of reporting changes in financial position: Cash flow reporting and funds flow reporting.

I certify that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of its aviation economic regulations, Departmental policy categorizes certificated air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act. The proposed amendments would affect only large certificated air carriers.

The reporting requirements in this proposal are subject to the Paperwork Reduction Act, Public Law 96–511, 44 U.S.C. chapter 35. These requirements will be submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the accounting requirements to OMB. Comments should be directed to: Desk Officer for DOT/RSPA—Aviation, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. The Department requests that a copy of any comments sent to OMB also be sent to the DOT rules docket. The Department anticipates that this rule would result in a 1,660-hour reduction in the Department's fiscal year 1990 Information Collection Budget for OMB No. 2138–0013, Report of Financial and Operating Statistics for Large Certificated Air Carriers.

List of Subjects in 14 CFR Part 241

Air carriers and Uniform System of Accounts and Reports.

Proposed Rule

PART 241—[AMENDED]

Accordingly, the Department of Transportation proposes to amend 14 CFR part 241, Uniform System of Accounts and Reports for Large Certificated Air Carriers, as follows:

1. The authority for part 241 would continue to read as follows:

Authority: Sections 204, 401, 407, 416, 417, 901, 902, 1002 of the Federal Aviation Act of 1958, as amended: 49 U.S.C. 106, 1324, 1371, 1377, 1386, 1387, 1471, 1472 and 1482.

Section 04—[Amended]

2. Section 04, Air Carrier Groupings, would be amended by revising the text to read:

(a) All large certificated air carriers are placed into three basic air carrier groupings based upon their level of operations and the nature of these operations. In order to determine the level of operations, total operating revenues for a twelve-month period are used. The following operating revenue ranges are used to establish air carrier groupings:

Carrier group	Total annual operating revenues
I	0–$100,000,000.
II	$100,000,001–$1,000,000,000.
III	$1,000,000,001+.

For reporting purposes, Group I air carriers are further divided into two subgroups: (1) Air carriers with total annual operating revenues from $20,000,000 to $100,000,000 and (2) Air carriers with total annual operating revenues below $20,000,000.

(b) Both the criteria for establishing air carrier groupings and the assignment of each air carrier to a specific group of carriers will be reviewed periodically by the Director, Office of Aviation Information Management, to assure the maintenance of appropriate standards for the grouping of carriers. When an air carrier's level of operations passes the upper or lower limit of its currently assigned carrier grouping, the carrier is not automatically transferred to a different group and a new level of reporting. The Office of Aviation Information Management will issue an updated listing of the carrier groups on an annual basis. A carrier may petition for reconsideration of its assigned carrier grouping or request a waiver from the accounting and reporting requirements that are applicable to a particular group under the provisions of section 1–2 of this Uniform System of Accounts and Reports.

3. Section 21, Introduction to System of Reports, would be amended by revising paragraph (e) and (f) to read:

Section 21—Introduction to System of Reports

* * * * *

(e) Upon approval by the Director, Office of Aviation Information Management, a carrier may:

(1) Supply its own computer prepared formats provided each schedule conforms with the size and format of the forms prescribed in this part.

(2) Use telefacsimile, or fax, equipment to submit the forms prescribed by this part; however, forms transmitted by fax must conform to an 8½ x 14 inch size. With prior approval, larger forms may be reduced in size to 8½ x 14 for transmission to the Department.

(f) In submitting each schedule prescribed by this part to the Department, each reporting air carrier shall adhere to the following guidelines.

(1) A good quality black ribbon shall be used in preparing the original copy of each schedule.

(2) In no event shall any information be typed on the reverse side of copies submitted to the Department.

(3) Except as provided for in paragraph (e) of this section, no photocopy or similar process shall be used.

* * * * *

Section 23—[Amended]

4. Section 23, Certification and Balance Sheet Elements, would be amended by:

A. Revising the reporting instructions for Schedule A to read:

Schedule A—Certification

(a) The certification of the RSPA Form 41 Report shall be signed by an elective corporate officer, executive, or director. Other persons may be authorized by the carrier to sign the certification provided a written authorization disclosing the individual's name and title is forwarded to the Department of Transportation. Since corrections or revisions of reported data are a part of the RSPA Form 41 Report, all correspondence relating to such matters shall be signed only by the person(s) authorized to sign the certification.

(b) The certification of the Form 41 reports, embodied in Schedule A thereof, shall read as follows:

I, the undersigned (Title of officer in charge of accounts) _____ of the (Full name of the reporting company) _____ do certify that this report and all schedules, ADP-media submissions, Passenger Origin-Destination Survey submissions and supporting documents which are submitted herewith or have been submitted heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustments to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, retained earnings, and operating statistics for the periods reported in the several schedules, the Schedule T–100 ADP-media submissions, and the Passenger Origin-Destination Survey; that the various items herein reported were determined in accordance with the Uniform System of Accounts and Reports for Large Certificated Air Carriers prescribed by the Department of Transportation; and that the data contained herein are reported on a basis consistent with that of the preceding report except as specifically noted in the financial and statistical statements.

B. Revising paragraph (a) of the reporting instructions for Schedule B–1 to read:

Schedule B–1—Balance Sheet

(a) This schedule shall be filed by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of $20 million or more.

C. Revising paragraph (a) of the reporting instructions for Schedule B–1.1 to read:

Schedule B–1.1—Balance Sheet

(a) This schedule shall be filed semiannually by Group I air carriers with annual operating revenues below $20 million.

* * * * *

D. Revising paragraphs (d), (e), (f), (g), (h) and (i) and adding new paragraphs (j) and (k) to the reporting instructions for Schedule B–7 to read:

Schedule B–7—Airframe and Aircraft Engine Acquisitions and Retirements

* * * * *

(d) Column 1, "Year of First Delivery—Airframe," shall reflect, for each reported airframe, the year that the airframe was first delivered by its manufacturer.

(e) Column 2, "Airframe Manufacturer's Serial Number," shall reflect the serial number assigned to each reported airframe by its manufacturer.

(f) Column 4, "Acquisitions or Retirements," shall be used to indicate, for each item entered, whether it represents an acquisition or retirement. This shall be indicated by inserting in Column 4 and "A" for acquisition or an "R" for retirement.

(g) Column 8, "Maximum Seating Capacity," shall reflect the number of passenger seats installed in each airframe acquired. When airframes are designed for multiple adjustable seating configurations, the maximum number of seats for which designed shall be reported. When the seating configuration of airframes is modified subsequent to original acquisition, the revised passenger capacity of each airframe shall be reported in the quarter in which modified and referenced to identify original capacity reported.

(h) Column 9, "Cost," shall reflect the book cost of reported airframe and aircraft engine acquisitions and retirements.

(i) Column 10, "Amortization/ Depreciated Cost," shall reflect the book cost, less amortization or depreciation expense, for airframes and aircraft engines that have been retired.

(j) Column 11, "Realization," shall reflect the proceeds from the disposition of airframes and aircraft engines, including any insurance proceeds.

(k) Column 12, "Acquired From/ Disposition," shall reflect: (1) for acquisitions: the name of the person or organization from which airframes and aircraft engines are acquired and (2) for dispositions (retirements): The name of the person or organization to which airframes and aircraft engines are sold or a notation as to the nature of the retirement and the account to which any depreciated cost has been charged, if not sold. Items included in accounts 1607, 1608, 1707, and 1708, sold as a part of an airframe or aircraft sales transaction, shall also be identified by the name of the buyer. Other sales of items included in these accounts shall be reported in a separate group in aggregate for each property account affected.

E. Revising the title and reporting instructions for Schedule B–12, *Statement of Changes in Financial Position*, to read:

Schedule B–12—Statement of Cash Flows

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of $20 million or more.

(b) This schedule shall be filed for the overall or system operations of the air carrier.

(c) The statement of cash flows shall separately disclose the amount of net cash provided or used during the reporting period from the carrier's operating activities, investing activities and financing activities. The effect on cash and cash equivalents of the total amount of net cash provided or used during the quarter from each of the above activities shall be clearly disclosed so as to reconcile beginning and ending cash and cash equivalents.

(d) Carriers may use either the direct or indirect method of reporting cash flows. Under either method, the reporting of cash flows from investing and financing activities will remain the same. However, the reporting of cash flows from operating activities does differ between the two methods.

(e) For carriers electing to use the direct method, cash flows from operating activities are reported as gross amounts of the principal components of cash receipts and cash payments from operating activities, such as cash received from passengers and shippers, cash paid to suppliers, and cash paid to employees. Each carrier using the direct method shall provide as part of its statement of cash flows, a separate schedule that reconciles net income (as

reported on Schedule P–1.2 in Account 9899) to cash flow from operating activities.

(f) For carriers electing to use the indirect method, cash flows from operating activities shall reflect net income (as reported on Schedule P–1.2 in Account 9899) along with the adjustments necessary to reconcile net income (Account 9899) to net cash for the period (Net Cash Provided or Used By Operating Activities).

(g) Regardless of the method used, the statement of cash flows shall reflect the amount of net cash flow provided or used by operating activities during the reporting period.

(h) The balance of "Cash and cash equivalents," at the beginning and ending of the quarterly period covered by the report, should equal the sum of Accounts 1010, "Cash," and 1100, "Short-term Investments," as reported on the immediately preceding and current quarterly Schedule B–1, "Balance Sheet." If the sum of these two accounts does not equal the total "Cash and Cash Equivalents" reported on the statement of cash flows, then a footnote explaining the difference shall be provided as part of the statement of cash flows.

F. Revising paragraphs (e), (f), (g), (h), (i), (j) and (k) and adding new paragraphs (l) and (m) to the reporting instructions for Schedule B–43 to read:

Schedule B–43—Inventory of Airframes and Aircraft Engines

* * * * *

(e) Column 1, "Year of First Delivery—Airframe," shall reflect, for each reported airframe, the year that the airframe was first delivered by its manufacturer.

(f) Column 2, "Airframe Manufacturer's Serial Number," shall reflect the serial number assigned to each reported airframe by its manufacturer.

(g) Data pertaining to airframes and aircraft engines obtained under operating leases shall be listed in Columns 1 through 9; the cost of improvements to equipment under operating leases shall be reported in Columns 10 through 12.

(h) Column 9, "Available Capacity (Weight)," shall reflect, for each reported aircraft type, the available capacity (stated in pounds) that is used in computing the available ton-miles reported on Schedules T–100, T–1, and T–2.

(i) Column 10, "Acquired Cost or Capitalized Value," shall include (1) the acquisition cost of owned airframes and aircraft engines; (2) the total capitalized cost of obtaining airframes and engines under capital leases; and (3) the cost of improvements to airframes and engines obtained under operating leases.

(j) Column 11, "Allowance for Depreciation or Amortization," shall include (1) the accumulations of all provisions for losses due to use and obsolescence that are applicable to owned airframes and aircraft engines and (2) the amount of amortization recorded for amortizing the value of airframes and engines obtained under capital leases.

(k) Column 12, "Depreciated Cost or Amortized Value," shall be calculated as either (1) Acquired Cost (Column 10) less the Allowance for Depreciation (Column 11) or (2) Capitalized Value (Column 10) less Amortization (Column 11).

(l) Column 13, "Estimated Residual Value," shall state in dollars the residual value assigned to owned and capital-leased airframes and aircraft engines, including any overhaul value not subject to depreciation.

(m) Column 14, "Estimated Depreciable or Amortizable Life (Months)," shall state the estimated depreciable or amortizable life from the date of acquisition of each airframe and each group of aircraft engines.

5. Section 24, Profit and Loss Elements, would be revised by:

A. Revising paragraph (a) of the reporting instructions for Schedule P–1.1 to read:

Schedule P–1.1—Statement of Operations

(a) This schedule shall be filed semiannually by Group I air carriers with annual operating revenues below $20 million. Data reported on this schedule shall be for the overall or system operations of the air carrier.

* * * * *

B. Revising paragraph (a) of the reporting instructions for Schedule P–1.2 to read:

Schedule P–1.2—Statement of Operations

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of $20 million or more.

* * * * *

C. Revising paragraph (a) of the reporting instructions for Schedule P–2 to read:

Schedule P–2—Notes to RSPA Form 41 Report

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of $20 million or more.

* * * * *

D. Revising paragraph (a) of the reporting instructions for Schedule P–5.1 to read:

Schedule P–5.1—Aircraft Operating Expenses

(a) This schedule shall be filed by all Group I air carriers. Group I air carriers that have annual operating revenues of $20 million or more shall file this schedule quarterly and only report direct operating expense data (lines 1 thru 9). Group I air carriers with annual operating revenues below $20 million shall file this schedule semiannually and report both direct and indirect operating expense data (lines 1 thru 16).

* * * * *

E. Revising paragraph (a) of the reporting instructions for Schedule P–6 to read:

Schedule P–6—Operating Expenses by Objective Groupings

(a) This schedule shall be filed quarterly by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of $20 million or more.

* * * * *

F. Revising paragraph (a) of the reporting instructions for Schedule P–10 to read:

Schedule P–10—Employment Statistics by Labor Category

(a) This schedule shall be filed annually by all Group II and Group III air carriers and Group I air carriers that have annual operating revenues of $20 million or more.

* * * * *

G. Revising paragraph (a) of the reporting instructions for Schedule P–12(a) to read:

Schedule P–12(a)—Fuel Consumption by Type of Service and Entity

(a) This schedule shall be filed monthly by all Group II and Group III air carriers and Group I air carriers that

have annual operating revenues of $20 million or more.

* * * * *

6. RSPA Form 41 Report would be amended by revising Exhibits A, D, E, I, and M.

Note: RSPA Form 41 Report Exhibits B, C, F, G, H, J, K and L are provided as examples and are not being revised.

Issued in Washington, DC on April 11, 1990.

Robin A. Caldwell,

Director, Office of Aviation Information Management.

BILLING CODE 4910-62-M

Exhibit A

Air Carrier:_____

Period Ended:_____

STATEMENT OF CASH FLOWS

Schedule B-12

RSPA Form 41

Exhibit B

EXAMPLE: REPORTING CASH FLOWS BASED ON THE INDIRECT METHOD

Air Carrier:_____

Period Ended:_____

STATEMENT OF CASH FLOWS

CASH AND CASH EQUIVALENTS AT BEGINNING OF QUARTER	$ XXXXX
CASH FLOWS FROM OPERATING ACTIVITIES:	
Net Income (or Loss)	XXXXX
Adjustments to reconcile net income to net cash provided (used) by operating activities:	
Increase (decrease) in accounts payable to affiliates	XXXXX
Depreciation	XXXXX
Amortization	XXXXX
Provision (credit) for deferred income taxes	XXXXX
Decrease (increase) in receivables	XXXXX
Decrease (increase) spare parts and supplies, prepaid items and other current assets	XXXXX
Increase (decrease) in air traffic liability	XXXXX
Increase (decrease) in other accounts payable	XXXXX
Increase (decrease) in other accrued liabilities	XXXXX
Increase (decrease) in accrued income taxes	XXXXX
Other, net	XXXXX
Net cash provided (used) by operating activities	XXXXX
CASH FLOWS FROM INVESTING ACTIVITIES	
Acquisition of property and equipment	XXXXX
Proceeds from disposition of property and equipment	XXXXX
Cash received (advanced) affiliates	XXXXX
Other, net	XXXXX
Net cash provided (used) by investing activities	XXXXX
CASH FLOWS FROM FINANCING ACTIVITIES	
Proceeds from issuance of long-term debt	XXXXX
Payments on long-term debt	XXXXX
Payments under capital lease obligations	XXXXX
Net borrowings under line-of-credit agreement	XXXXX
Proceeds from issuance of common stock	XXXXX
Dividends paid	XXXXX
Other, net	XXXXX
Net cash provided (used) by financing activities	XXXXX
INCREASE (DECREASE) IN CASH AND CASH EQUIVALENTS	XXXXX
CASH AND CASH EQUIVALENTS AT END OF QUARTER	XXXXX

Schedule B-12 RSPA Form 41

Exhibit C

EXAMPLE: REPORTING CASH FLOWS BASED ON THE DIRECT METHOD

Air Carrier:_____

Period Ended:_____

STATEMENT OF CASH FLOWS

CASH FLOW FROM OPERATING ACTIVITIES:		
Cash received from customers	$ XXXX	
Cash paid to suppliers and employees	XXXX	
Dividend received from affiliate	XXXX	
Interest received	XXXX	
Interest paid (net of amount capitalized)	XXXX	
Income taxes paid	XXXX	
Net cash provided (used) by operating activities		$ XXXX
CASH FLOW FROM INVESTING ACTIVITIES:		
Proceeds from disposition of property and equipment	XXXX	
Capital expenditures	XXXX	
Payment for purchase of Company Z, net of cash acquired	XXXX	
Investment in joint venture	XXXX	
Net cash provided (used) by investing activities		XXXX
CASH FLOW FROM FINANCING ACTIVITIES:		
Net borrowings under line-of-credit agreement	XXXX	
Proceeds from long-term debt	XXXX	
Proceeds from issuance of capital stock	XXXX	
Principal payments under capital lease obligations	XXXX	
Dividends paid	XXXX	
Net cash provided (used) by financing activities		XXXX
NET INCREASE IN CASH AND CASH EQUIVALENTS		XXXX
CASH AND CASH EQUIVALENTS AT BEGINNING OF QUARTER		XXXX
CASH AND CASH EQUIVALENTS AT END OF QUARTER		XXXX

NOTE: Under the indirect method, a separate schedule must be provided, reconciling Net Income (Loss) to Net Cash Provided (Used) by Operating Activities. This reconciliation would be the same as the one embodied in the Statement of Cash Flows under the direct method.

Schedule B-12 RSPA Form 41

AIRFRAME AND AIRCRAFT ENGINE ACQUISITIONS AND RETIREMENTS

Air Carrier _____

Quarter Ended _____, 19____

Line	Year of First Delivery (1)	Airframe Manufacturer's Serial Number (2)	Date Acquired/ Retired (3)	Acquisition or Retirement "A" or "R" (4)	Airframe License Number (5)	Number of Engines Acquired/ Retired (6)	Type, Model, and Cabin Design (7)	Maximum Seating Capacity (8)	Cost (9)	Amortized/ Depreciated Cost (10)	Realization (11)	Acquired From/ Disposition (12)
1												
2												
3												
4												
5												
6												
7												
8												
9												
10												
11												
12												
13												
14												
15												
16												
17												
18												
19												
20												

RSPA Form 41 Schedule B-7

Exhibit D

Exhibit E

INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES

Air Carrier (Corporate Name) _____

Year Ended December 31, ____ (OAG Code) _____ (Carrier Code) _____

Line	Year of First Delivery (1)	Airframe Manufacturer's Serial Number (2)	Airframe License Number* (3)	Date Placed In Service MM/DD/YR (4)	Usual Seat Configuration (5)	Number of Aircraft Engines (By Type) (6)	Manufacturer (7)	Type, Model And Cabin Design (8)	Available Capacity (Weight) (9)	Acquired Cost or Capitalized Value (10)	Allowance for Depreciation or Amortization (11)	Depreciated Cost or Amortized Value (12)	Estimated Residual Value (13)	Estimated Depreciable or Amortizable Life (Months) (14)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														
19														
20														

RSPA Form 41 Schedule B-43

* Denotes airframe currently equipped under FAA Regulation Part 121 for operation over water.

Exhibit F
Page 1 of 3

GROUP III AIR CARRIERS

($1 Billion +)

Form 41 Schedule No.	Title	Frequency
A	Certification	Q
B-1	Balance Sheet	Q
B-7	Airframe and Aircraft Engine Acquisitions and Retirements	Q
B-12	Statement of Cash Flows	Q
B-43	Inventory of Airframes and Aircraft Engines	A
P-1.2	Statement of Operations	Q
P-1(a)	Interim Operations Report	M
P-2	Notes to RSPA Form 41 Report	Q
P-5.2	Aircraft Operating Expenses	Q
P-6	Operating Expenses By Objective Groupings	Q
P-7	Operating Expenses By Functional Groupings - Group III Carriers	Q
P-10	Employment Statistics By Labor Category	A
P-12(a)	Fuel Consumption By Type of Service and Entity	M
T-1	U.S. Air Carrier Traffic & Capacity Summary-By Service Class	M
T-2	U.S. Air Carrier Traffic & Capacity Statistics-By A/C Type	Q
T-3	U.S. Air Carrier Airport Activity Statistics	Q
T-8	Report of All-Cargo Operations	A
T-100	U.S. Air Carrier Traffic by Nonstop Segment & On-Flight Market	M

FILING FREQUENCY:
M = MONTHLY
Q = QUARTERLY
A = ANNUALLY

GROUP II AIR CARRIERS

($100 Million - $1 Billion)

Form 41 Schedule No.	Title	Frequency
A	Certification	Q
B-1	Balance Sheet	Q
B-7	Airframe and Aircraft Engine Acquisitions and Retirements	Q
B-12	Statement of Cash Flows	Q
B-43	Inventory of Airframes and Aircraft Engines	A
P-1.2	Statement of Operations	Q
P-1(a)	Interim Operations Report	M
P-2	Notes to RSPA Form 41 Report	Q
P-5.2	Aircraft Operating Expenses	Q
P-6	Operating Expenses By Objective Groupings	Q
P-10	Employment Statistics By Labor Category	A
P-12(a)	Fuel Consumption By Type of Service and Entity	M
T-1	U.S. Air Carrier Traffic & Capacity Summary-By Service Class	M
T-2	U.S. Air Carrier Traffic & Capacity Statistics-By A/C Type	Q
T-3	U.S. Air Carrier Airport Activity Statistics	Q
T-8	Report of All-Cargo Operations	A
T-100	U.S. Air Carrier Traffic by Nonstop Segment & On-Flight Market	M

FILING FREQUENCY:
M = MONTHLY
Q = QUARTERLY
A = ANNUALLY

GROUP I AIR CARRIERS

Group I Under $20 Million Air Carrier

Form 41 Schedule No.	Title	Frequency
B-1.1	Balance Sheet	S/A
B-43	Inventory of Airframes and Aircraft Engines	A
P-1.1	Statement of Operations	S/A
P-1(a)	Interim Operations Report	M
P-5.1	Aircraft Operating Expenses	S/A
T-1	U.S. Air Carrier Traffic & Capacity Summary-By Service Class	M
T-2	U.S. Air Carrier Traffic & Capacity Statistics-By A/C Type	Q
T-3	U.S. Air Carrier Airport Activity Statistics	Q
T-8	Report of All-Cargo Operations	A
T-100	U.S. Air Carrier Traffic by Nonstop Segment & On-Flight Market	M

Group I Over $20 Million Air Carrier

Form 41 Schedule No.	Title	Frequency
A	Certification	Q
B-1	Balance Sheet	Q
B-12	Statement of Cash Flows	Q
B-43	Inventory of Airframes and Aircraft Engines	A
P-1.2	Statement of Operations	Q
P-1(a)	Interim Operations Report	M
P-2	Notes to RSPA Form 41 Report	Q
P-5.1	Aircraft Operating Expenses	Q
P-6	Operating Expenses By Objective Groupings	Q
P-10	Employment Statistics By Labor Category	A
P-12(a)	Fuel Consumption By Type of Service and Entity	M
T-1	U.S. Air Carrier Traffic & Capacity Summary-By Service Class	M
T-2	U.S. Air Carrier Traffic & Capacity Statistics-By A/C Type	Q
T-3	U.S. Air Carrier Airport Activity Statistics	Q
T-8	Report of All-Cargo Operations	A
T-100	U.S. Air Carrier Traffic by Nonstop Segment & On-Flight Market	M

FILING FREQUENCY:
M = MONTHLY
Q = QUARTERLY
S/A = SEMI-ANNUALLY
A = ANNUALLY

Exhibit G

U.S Department of Transportation
Research and Special Programs Administration

AIRCRAFT OPERATING EXPENSES—GROUP I AIR CARRIERS

Air Carrier (Corporate name including DBA) _____

Quarter : Six Months : Ended _____

Line No.		TOTAL-ALL AIRCRAFT TYPES	AIRCRAFT TYPE / CODE	AIRCRAFT TYPE / CODE	AIRCRAFT TYPE / CODE	AIRCRAFT TYPE / CODE
1	Direct Expense:					
2	Flying Operations (Less Rentals):					
3	Pilot and Copilot[1]					
4	Aircraft Fuel and Oil					
5	Other					
6	Total Flying Operations (Less Rentals)					
7	Maintenance-Flight Equipment					
8	Depreciation & Rental-Flight Equipment					
9	Total Direct Expense					
10	Indirect Expense:					
11	Flight Attendant Expense[1]					
12	Traffic Related Expense					
13	Departure Related Expense (Station)					
14	Capacity Related Expense					
15	Total Indirect Expense					
16	Total Operating Expense[2]					

[1]Includes Salaries and Fringe Benefits.
[2]Excludes Transport Related Expenses.

RSPA Form 41 Schedule P-5.1 (1-85)
Formerly CAB Form 41 Schedule P-5.1

Exhibit H

AIRCRAFT OPERATING EXPENSES

Group II and Group III Air Carriers

Air Carrier _____
Operation _____
Total—All Aircraft Types
Quarter Ended _____, 19___

			Aircraft Type _____ Aircraft Code _____		Aircraft Type _____ Aircraft Code _____		Aircraft Type _____ Aircraft Code _____	
FLYING OPERATIONS	5100		5100		5100		5100	
Pilots and copilots	23		23		23		23	
Other flight personnel	24		24		24		24	
Trainees and instructors	28.1		28.1		28.1		28.1	
Personnel expenses	36		36		36		36	
Professional and technical fees and expenses	41		41		41		41	
Aircraft interchange charges	43.7		43.7		43.7		43.7	
Aircraft Fuels	45.1		45.1		45.1		45.1	
Aircraft oils	45.2		45.2		45.2		45.2	
Rentals	47		47		47		47	
Other supplies	53		53		53		53	
Insurance purchased—general	55.1		55.1		55.1		55.1	
Employee benefits and pensions	57		57		57		57	
Injuries, loss and damage	58		58		58		58	
Taxes—payroll	68		68		68		68	
Taxes—other than payroll	69		69		69		69	
Other expenses	71		71		71		71	
Total flying operations (per sch. P-1)	*5199*		*5199*		*5199*		*5199*	
DIRECT MAINTENANCE—FLIGHT EQUIP.	5200		5200		5200		5200	
Labor—airframes	25.1		25.1		25.1		25.1	
Labor—aircraft engines	25.2		25.2		25.2		25.2	
Airframe repairs	43.1		43.1		43.1		43.1	
Aircraft engine repairs	43.2		43.2		43.2		43.2	
Aircraft interchange charges	43.7		43.7		43.7		43.7	
Maintenance materials—airframes	46.1		46.1		46.1		46.1	
Maintenance materials—aircraft engines	46.2		46.2		46.2		46.2	
Airworth. allow. provs.—airframes	72.1		72.1		72.1		72.1	
Airframe overhauls def. (cr.)	72.3		72.3		72.3		72.3	
Airworth. allow. provs.—aircr. eng.	72.6		72.6		72.6		72.6	
Aircraft eng. overhauls def. (cr.)	72.8		72.8		72.8		72.8	
Total dir. maint.—flt. equip.	78		78		78		78	
AP. MT. BURDEN—FLT. EQP.	79.6		79.6		79.6		79.6	
Total flight equip. maintenance (Memo)	*5299*		*5299*		*5299*		*5299*	
NET OBSOL. & DETERIOR'N.—EXP. PARTS	*7073.9*		*7073.9*		*7073.9*		*7073.9*	
DEPRECIATION—FLIGHT EQUIPMENT	7000		7000		7000		7000	
Depreciation—airframes	75.1		75.1		75.1		75.1	
Depreciation—aircraft engines	75.2		75.2		75.2		75.2	
Depreciation—airframe parts	75.3		75.3		75.3		75.3	
Depreciation—aircraft engine parts	75.4		75.4		75.4		75.4	
Depreciation—other flight equipment	75.5		75.5		75.5		75.5	
Amortization Expense—Captial Leases-Flt. Eqp.	76.1		76.1		76.1		76.1	
EXP. OF INTERCHANGE AIRCRAFT								
Flying operations	98.1	x x x x x x x x	98.1		98.1		98.1	
Maintenance	98.2	x x x x x x x x	98.2		98.2		98.2	
TOTAL AIRCRAFT OP. EXPENSES	*7098.9*		*7098.9*		*7098.9*		*7098.9*	

OTHER DEPRECIATION AND AMORTIZATION	7000	
Amoritization—developmentl and preop. exp.	*74.1*	
Amoritization—other intangibles	*74.2*	
Depreciation—maint. equip. and hangars	*75.8*	
Depreciation—general ground property	*75.9*	
Amortization—capital leases	*76.2*	

*Denotes inverse amount

RSPA Form 41 Schedule P-5.2 (12-85)
Formerly CAB Form 41 Schedule P-5.2

Exhibit I

Research and Special Programs Administration

BALANCE SHEET

(OAG Code)

Air Carrier (Corporate Name) _____ (Carrier code)

As at _____

ASSETS

Current assets:		
Cash and equivalents	1	
Notes and accounts receivable-net	2	
Other current assets	3	
Total current assets	4	
Property and equipment:		
Owned property and equipment	5	
Less accumulated depreciation	6	
Property and equipment obtained under capital leases	7	
Less accumulated amortization	8	
Total property and equipment	9	
Other assets	10	
Total assets	11	

LIABILITIES AND STOCKHOLDERS' EQUITY

Current liabilities:		
Notes and accounts payable	12	
Accrued taxes	13	
Other current liabilities	14	
Total current liabilities	15	
Long-term debt	16	
Other liabilities	17	
Deferred credits	18	
Stockholders' equity:		
Capital stock		
Preferred _____ shares outstanding	19	
Common _____ shares outstanding	20	
Other paid-in capital	21	
Retained earnings	22	
Total stockholders equity	23	
Less: Treasury stock	24	
Net stockholders' equity	25	
Total liabilities and stockholders' equity	26	

I, the undersigned, (Title)_____ of the above-named air carrier certify that the above report and the attached Financial Schedules and Statements of Operations and Traffic and Capacity Statistics, including the T-100 report and Passenger Origin-Destination Survey, have been examined by me and to the best of my knowledge and belief are true, correct and complete reports for the period stated.

Date: _____ Signature: _____

Name (Please Type or Print): _____

* Denotes inverse amount.

RSPA Form 41 Schedule B-1.1 (1-85)
Formerly CAB Form 41 Schedule B-1.1

Exhibit J

U.S. Department of Transportation
Research and Special Programs Administration

STATEMENT OF OPERATIONS

OAG Code

Air Carrier (Corporate Name) _____ (Carrier code)

Six Months Ended _____

		Current Period	12-Months To Date
Operating Revenue			
Transport Revenue			
Scheduled Service			
Passenger	1		
Other	2		
Nonscheduled Service	3		
Transport Related Revenue			
Public Service Revenue	4		
Other	5		
Total Operating Revenue	6		
Operating Expense			
Flying Operations	7		
Maintenance	8		
General and Administrative	9		
Depreciation and Amortization			
Owned Property and Equipment	10		
Leased Property and Equipment	11		
Transport Related Expense	12		
Total Operating Expense	13		
Operating Profit	14		
Non-operating Income and Expense:			
Interest Expense	15		
Other Nonoperating (Net)	16		
Income Tax	17		
Discontinued operations, extraordinary items or Accounting changes	18		
Net Income	19		

* Denotes inverse amount; on lines 16 and 18 denotes a debit amount.

RSPA Form 41 Schedule P-1.1 (1-85)
Formerly CAB Form 41 Schedule P-1.1

Exhibit K

BALANCE SHEET

AS AT:

Air Carrier:

ASSETS	Account No.	AMOUNT
CURRENT ASSETS:		
Cash	1010	
Short-term investments	1100	
Notes receivable	1200	
Accounts receivable	1270	
Less: Allowance for uncollectible accounts	1290	
Notes and accounts receivable—net	1299	
Spare parts and supplies—net	1399	
Prepaid items	1410	
Other current assets	1420	
Total current assets	1499	
INVESTMENTS AND SPECIAL FUNDS:		
Investments in associated companies	1510	
Other investments and receivables	1530	
Special funds	1550	
Total investments and special funds	1599	
OPERATING PROPERTY AND EQUIPMENT:		
Flight equipment	1609	
Ground-property and equipment	1649	
Less: Allowances for depreciation	1668	
Property and equipment—net	1675	
Land	1679	
Equipment purchase deposits and advance payments	1685	
Construction work in progress	1689	
Leased property under capital leases	1695	
Leased property under capital leases—accumulated amortization	1696	
Total operating property and equipment	1699	
NON-OPERATING PROPERTY AND EQUIPMENT:	1791	
Less: Allowance for depreciation/accumulated amortization	1792	
Nonoperating property and equipment	1799	
OTHER ASSETS:		
Long-term prepayments	1820	
Unamortized development and preoperating costs	1830	
Other assets and deferred charges	1890	
Total other assets	1895	
TOTAL ASSETS	1899	

LIABILITIES AND STOCKHOLDERS' EQUITY	Account No.	AMOUNT
CURRENT LIABILITIES:		
Current maturities of long-term debt	2000	
Notes Payable—Banks	2005	
Notes Payable—Others	2015	
Trade accounts payable	2021	
Accounts payable—Others	2025	
Current obligations under capital leases	2080	
Accrued salaries, wages	2110	
Accrued vacation liability	2120	
Accrued interest	2125	
Accrued taxes	2130	
Dividends declared	2140	
Air traffic liability	2160	
Other current liabilities	2190	
Total current liabilities	2199	
NONCURRENT LIABILITIES:		
Long-term debt	2210	
Advances from associated companies	2240	
Pension liability	2250	
Noncurrent obligations under capital leases	2280	
Other noncurrent liabilities	2290	
Total noncurrent liabilities	2299	
DEFERRED CREDITS:		
Deferred income taxes	2340	
Deferred investment tax credits	2345	
Other deferred credits	2390	
Total deferred credits	2399	
STOCKHOLDERS' EQUITY:		
Capital stock:		
Preferred shares issued _____	2820	
Common shares issued _____	2840	
Subscribed and unissued	2860	
Total capital stock	2869	
Additional capital invested	2890	
Total paid-in capital	2899	
Retained earnings	2900	
Total stockholders' equity	2959	
Less: Treasury stock shares _____	2990	
Net stockholders' equity	2995	
TOTAL LIABILITIES AND STOCKHOLDERS' EQUITY	2999	

*Denotes inverse amount

RSPA Form 41 Schedule B-1 (1-88)
Formerly CAB Form 41 Schedule B-1

Exhibit L

US Department of Transportation
Research and Special Programs Administration

Air Carrier _____

Operation _____

STATEMENT OF OPERATIONS

	Account No.	Quarter Ended _____, 19____	12 Months Ended _____, 19____
OPERATING REVENUES			
Passenger-First Class	3901.1		
Passenger-Coach	3901.2		
Transport Revenues-Passenger	3901		
Mail	3905		
Property-Freight	3906.1		
Property-Excess Passenger Baggage	3906.2		
Charter-Passenger	3907.1		
Charter-Property	3907.2		
Reservation Cancellation Fees	3919.1		
Miscellaneous Operating Revenues	3919.2		
Public Service Revenues (Subsidy)	4808		
Transport-Related Revenues	4898		
Total Operating Revenues	4999		
OPERATING EXPENSES			
Flying Operations	5100		
Maintenance	5400		
Passenger Service •	5500		
Aircraft and Traffic Servicing •	6400		
Promotion and sales •	6700		
General and Administrative •	6800		
General Services and Administration +	6900		
Depreciation and Amortization	7000		
Transport-Related Expenses	7100		
Total Operating Expenses	7199		
Operating Profit or Loss	7999		
NONOPERATING INCOME AND EXPENSE			
Interest on Long-Term Debt and Capital Leases	8181		
Other Interest Expense	8182		
Foreign Exchange Gains and Losses	8185		
Capital Gains and Losses-Op. Prop.	8188.5		
Capital Gains and Losses-Other	8188.6		
Other Income and Expenses-Net	8189		
Nonoperating Income and Expense	8199		
Income before Income Taxes	8999		
INCOME TAXES FOR CURRENT PERIOD	9100		
Income before discontinued operations, extraordinary items and accounting changes	9199		
DISCONTINUED OPERATIONS	9600		
EXTRAORDINARY ITEMS	9796		
Income taxes applicable to extraordinary items	9797		
ACCOUNTING CHANGES	9800		
Net Income	9899		

* Denotes inverse amount; in accounts 8100, 9600, 9700, and 9800 denotes debit amount.

+ Group I Air Carriers Only.

• Group II and Group III Air Carriers Only.

RSPA Form 41 Schedule P-1.2 (1-90)

Exhibit M

US Department of Transportation
Research and Special Programs Administration

REPORT OF FINANCIAL AND OPERATING STATISTICS FOR LARGE CERTIFICATED AIR CARRIERS

Period ended _____, 19___

_____
(Full name of reporting company)

CERTIFICATION*

I, the undersigned _____
(Title of officer in charge of accounts)

of the _____
(Full name of reporting company)

do certify that this report and all schedules, ADP-media submissions, Passenger Origin-Destination Survey submissions and supporting documents which are submitted herewith or have been submitted heretofore as parts of this report filed for the above indicated period have been prepared under my direction; that I have carefully examined them and declare that they correctly reflect the accounts and records of the company, and to the best of my knowledge and belief are a complete and accurate statement, after adjustments to reflect full accruals, of the operating revenues and expenses, income items, assets, liabilities, capital, retained earnings, and operating statistics for the periods reported in the several schedules, the Schedule T-100 ADP-media submissions, and the Passenger Origin-Destination Survey; that the various items herein reported were determined in accordance with the Uniform System of Accounts and Reports for Large Certificated Air Carriers prescribed by the Department of Transportation; and that the data contained herein are reported on a basis consistent with that of the preceding report except as specifically noted in the financial and statistical statements.

_____
(Signature)

_____
(Air Carrier Post Office Address)

Dated _____, 19___

*Title 18 U.S.C. Sec. 1001, Crimes and Criminal Procedure, makes it a criminal offense subject to a maximum fine of $10,000 or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.

RSPA Form 41 Schedule A (1-85)
Formerly CAB Form 41 Schedule A

[FR Doc. 90-8822 Filed 4-16-90; 8:45 am]
BILLING CODE 4910-62-C

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 780, 785, and 816

Surface Coal Mining and Reclamation Operations, Surface Mining Permit Applications, Special Categories of Mining, Permanent Program Performance Standards, Backfilling and Grading, and Multiple Seam and Mountaintop Removal Mining

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

ACTION: Notice of inquiry.

SUMMARY: The Department of the Interior is seeking comment on two potential rulemaking actions which will be proposed at a later date. The first would add technical standards to the Office of Surface Mining's performance standards for surface coal mines at 30 CFR 816.102, "Backfilling and Grading: General Grading Requirements" and at 30 CFR 816.107, "Backfilling and Grading: Steep Slopes". These technical standards would apply to the backfilling of highwalls during reclamation to end settlement of the backfill material (spoil). The methods under consideration are: prohibiting woody material in the backfill; specifying lift thickness; requiring concurrent compaction; and/or identifying a specific level of compactive effort. The second action for which the Department is seeking comments would add requirements to the Office of Surface Mining's surface mining permit application requirements to ensure that reclamation at multiple seam and mountaintop removal mining operations occurs as contemporaneously as possible with coal extraction. Permitting requirements would be amended to require more detailed operation and reclamation plans which show the sequence of both mining and reclamation in a timely manner.

DATES: *Written Comments:* OSM will accept written comments on the above issues until close of business on May 30, 1990.

Public Hearings: If sufficient interest is expressed OSM will hold a public hearing in Washington, DC at a time and date to be announced before the hearing. OSM will accept requests for a public hearing until close of business on May 1, 1990. If only one person requests a hearing, OSM may hold a public meeting instead.

For an opportunity for discussion, see the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: *Written Comments:* The address for written comments is: Office of Surface Mining Reclamation and Enforcement, Administrative Record, Room 5215A–L, 1951 Constitution Avenue NW., Washington, DC 20240.

Public Hearing: If a public hearing is scheduled it will be held at the Department of the Interior Auditorium. The auditorium is at 18th and C Streets NW., Washington, DC 20240.

Request for Public Hearing: Submit orally to the persons identified in **"FOR FURTHER INFORMATION CONTACT."** Submit written requests to Branch of Research and Technical Standards, Division of Technical Services, Office of Surface Mining, 1951 Constitution Avenue NW., Suite 5101–L, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: For information regarding the backfilling and grading technical standards contact Raymond E. Aufmuth, PG, at (202) 343–7952. For information regarding the multiple seam and mountaintop removal mining contact Robert Wiles, PE, at (202) 343–1502.

SUPPLEMENTARY INFORMATION:

Purpose

The purpose of this notice is to inform the public that OSM is considering adding technical standards in the backfilling and grading performance standards to prevent settlement of backfill against a highwall. OSM requests that interested parties comment on the appropriateness of the proposed standards and provide recommendations for new and innovative methods for preventing settlement of fill materials.

OSM also seeks comments on the proposal to amend the permitting requirements for multiple seam and mountaintop removal mining with respect to contemporaneous reclamation. OSM would appreciate comments on other alternatives to ensure the timely reclamation at multiple seam and mountaintop removal mining operations.

The OSM will provide an opportunity for discussion on the above topics on the following dates and places:

April 24, 1990 at the 1990 Mining and Reclamation Conference, Charleston, West Virginia;

May 15, 1990, at the National Symposium on Mining, Knoxville, Tennessee during a workshop entitled, "Backfilling and Grading: Preventing Settlement"; and,

May 24, 1990, during a satellite broadcast with public participation via a toll-free "800" telephone number. Satellite receivers should be tuned to communications satellite Galaxy 2, transponder 10 at 1:00 p.m. Eastern Daylight Time. Information on this broadcast including the complete telephone number will be available after May 1, 1990 from the Office of Surface Mining's Office of Public Affairs, (202) 343–4719, or from the individuals listed in **"FOR FURTHER INFORMATION CONTACT."**

I. Backfilling and Grading—Technical Standards
II. Multiple Seam and Mountaintop Removal Mining
III. Reference Materials

I. Backfilling and Grading—Technical Standards

A. Background

During development of the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201, *et seq.*, (the Act or SMCRA), there was considerable debate about the Act's requirement to completely eliminate highwalls. The House Committee on Interior and Insular Affairs (April 1977) concluded that in virtually every case, mining created sufficient spoil to cover the highwall and return to approximate original contour (AOC). In May, 1977 the Senate Committee on Energy and Natural Resources, in commenting on then section 415 "Environmental Protection Performance Standards", stated, "the committee recognizes that any spoil which is placed upon a steep slope will require planning and certification by a qualified engineer to insure long-term stability * * *". The committee also stated, "[i]t is fully intended that the Secretary or the Regulatory Authority, as the case may be, will impose additional requirements and performance standards upon the operator as further experience ans research dictate".

The Act sets forth the minimum environmental performance standards that must be included in Federal and State programs regulating a surface coal mine operation must meet. Section 515(b)(3) of the Act (30 U.S.C. 1265) requires surface coal mining and reclamation operations to "* * * backfill, compact * * * and grade in order to restore the approximate original contour of the land with all highwalls * * * eliminated * * *." Section 515(d)(2) prescribes, with regard to steep slope mining, "* * * [c]omplete backfilling with spoil material shall be required to cover completely the highwall and return the site to approximate original contour, which material will maintain stability following mining and reclamation." To

implement the statutory requirements to eliminate highwalls, the Office of Surface Mining issued, first, Interim and then, Permanent Program rules.

The Interior Program rules issued in 1977 (42 FR 62681), addressed backfilling and grading at 30 CFR 715.14. That rule states, "* * * the permittee shall, except as provided in this section, transport, backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials) and grade all spoil materials to eliminate all highwalls * * *." Highwall elimination is also required at 30 CFR 715.14(b)(1)(ii) which provides for final graded slopes "to [be backfilled and graded to achieve] the most moderate slope possible to eliminate the highwall which does not exceed the angle of repose or such lesser slope as is necessary to insure stability".

Highwall elimination in steep slope areas is addressed separately by the Interim Program at 30 CFR 716.2 (42 FR 62692). These rules require that "[t]he highwall be completely covered with spoil and the disturbed area graded to comply with the provisions of § 715.14 of this chapter."

The first Permanent Program performance standards for surface mining, issued in 1979 (44 FR 15311), also required highwall elimination. In Backfilling and Grading: General Requirements, 30 CFR 816.101(b)(1), the rules required "* * * all spoil [to] be transported, backfilled, compacted (where advisable to insure stability or to prevent leaching) and graded to eliminate all highwalls * * *." More specifically, in Backfilling and Grading: General Grading Requirements, 30 CFR 816.102(a)(2), the rules required that persons who conduct surface mining operations, "[b]ackfill and grade to the most moderate slope possible, to eliminate the highwall which does not exceed the angle of repose or such lessor slope as is necessary to achieve a minimum static factor of safety of 1.3. In all cases the highwall shall be eliminated."

As in the Interim Program, steep slope mining is dealt with in separate regulations. Section 30 CFR 826.12(b), (44 FR 15454), requires, "* * * the highwall to be completely covered with compacted spoil and the disturbed area graded to comply with the provisions of 30 CFR 816.101–816.106."

Although OSM amended the Permanent Program performance standards in 1982 and 1983, the basic requirement for highwall elimination remained at 30 CFR 816.102(a)(2) (48 FR 41734). Steep slope provisions, moved to 30 CFR 816.107, retained the requirement that surface mining activities meet the standards of sections 816.102–816.106 of that chapter (48 FR 41734).

Spoil material which is not needed to eliminate the highwall is considered excess spoil. The Act prescribes handling standards for excess spoil at section 515(b)(22) (30 U.S.C. 1265). Corresponding regulations are found at 30 CFR 816.71–816.74, (48 FR 32925). Both the Act and the regulations require that excess spoil material be transported and placed in a controlled manner in position for concurrent compaction, and in such a way to ensure mass stability and to prevent mass movement.

The excess spoil regulations require at 30 CFR 816.71(e)(2) that, "excess spoil * * * be transported and placed in a controlled manner in horizontal lifts not exceeding four feet in thickness; concurrently compacted as necessary to ensure mass stability and to prevent mass movement during and after construction * * *." The rule allows the regulatory authority to approve disposal in lifts greater than four feet. Approval is based on the operator showing and a qualified registered professional engineer certified that the design will ensure the stability of the fill and meet all other requirements.

Coal mine waste is defined as coal processing waste material and underground development waste. Congress required in the Act that coal waste be stabilized through construction in compacted layers. The Act discusses coal mine waste materials at section 515(b)(11), (30 U.S.C. 1265). The regulations for coal waste materials are at 30 CFR 816.81–816.89, (51 FR 41952). These rules at 30 CFR 816.81(a)(2) require that coal mine wastes be placed in a controlled manner to "* * * ensure mass stability and prevent mass movement during and after construction". The end dumping or side dumping of coal mine waste materials is expressly prohibited, In Re: Permanent Surface Mining Regulation Litigation II (Round III), 620 F. Supp. 1519, 1534–38 (D.D.C. 1985).

In 1982 under an OSM contract, CLT/Thompson developed a handbook entitled, Engineering and Design Manual for Disposal of Excess Spoil. This manual discusses several methods for controlled placement of both spoil and coal waste material. In many instances the disposal of coal waste is conducted on flat surfaces such as mine benches and other relatively flat areas. These may be very similar to contour mine benches.

While the disposal of excess spoil material and coal waste products are not exactly the same as backfilling against a highwall, there are similarities. Excess spoil may be disposed of on gently sloping surfaces and coal waste is often placed on flat surfaces for permanent disposal. Disposal in these areas would be similar to backfilling on contour benches. There are, however, great differences in the requirements Congress applied to the disposal of excess spoil and coal mine waste and the return of spoil against the highwall. Excess spoil and coal waste have placement and compaction requirements, while spoil backfilled against the highwall has no specific placement requirements, and compaction only where advisable to insure stability and prevent leaching.

B. Problem Discussion

Since passage of the Act, technical and practical fulfillment of the requirement to eliminate all highwalls has been problematic. OSM conducted a study in 1988, which found that 25% of the sites evaluated in Tennessee, Kentucky and West Virginia showed an average settlement of 4% of the original height of the highwall. Most of the sites evaluated in this study were on slopes of 20 degrees or more.

The National Academy of Sciences studied highwall elimination in 1984. The study found, for contour mining operations, that if compaction was adequate and there were no excess pore pressure, a safety factor of 1.4 could be attained on slopes as steep as 30 degrees.

Also in 1984, the Shamrock Coal Co. studied the problem of spoil material separating from the highwall after backfilling, in Kentucky. To prevent the backfill material from separating, thereby creating a potential opening for water to saturate the fill and facilitate additional settlement, the uppermost portion of the highwall was treated. The treatment consisted of drilling and shooting a pattern of holes on top of the highwall. This is accomplished when the normal backfilling operation is from 50 to 75 percent complete. The result is a layered backfill of graded spoil and shot material. This form of highwall alteration provided a stair-step keyway into the highwall for the backfilled material.

C. Alternatives

The Office of Surface Mining is considering several alternative methods to prevent the settlement of fill materials at highwalls. For example, in steep slope mining areas, current regulations allow woody materials to be placed in the backfill if the regulatory authority determines that this method of disposal will not affect the stability of the backfill. OSM is considering prohibiting

placing any woody materials in the backfill.

Another means under review for preventing highwall settlement is to limit the thickness allowed for each layer or lift of backfilled material. Presently, fills may be constructed in a single lift, if the stability is certified.

Specifying compaction, along with lift thickness, may also serve to reduce settlement. This measure would ensure that each layer of spoil would be compacted in a specified way before the next layer could be placed in the backfill.

The requirement for a compactive effort to reach a specific moisture-density value for each layer of spoil is also being considered. This value would vary depending on the type of spoil material being used.

II. Multiple Seam and Mountaintop Removal Mining

A. Background

In addition to the problem of highwall settlement, OSM is concerned about the lack of standards for contemporaneous reclamation of multiple seam and mountaintop removal mining operations. Multiple seam mines remove two or more seams of coal that are separated by interburden or partings. The mining of more than one seam of coal is commonly done in both contour and area mining operations. Mountaintop removal mining is a special type of multiple seam mining that removes an entire coal seam or seams from the top of a mountain, ridge, or hill.

In 1988, OSM proposed a rule to specify time and distance schedules to ensure contemporaneous reclamation of area and contour mines (53 FR 43970). Commentors to the proposed rule expressed concern about the absence of similar schedules which would be enforced at multiple seam mining operations. The problem of enforcing contemporaneous reclamation on these operations also arose as a result of OSM and State inspections which observed sites which appeared to be failing to reclaim contemporaneously. However, additional regulatory standards are needed to facilitate a decision.

B. Mining Conditions Affecting the Regulation of Multiple Seam Mines

The particular mining conditions found at individual multiple seam, contour, area, and mountaintop removal operations are as diverse as they are complex. Coal seams vary in thickness and are separated by interburden which itself varies in thickness. The size of the pit, the variation in the quality of coal in the seam and the thickness of the interburden between seams all have a bearing on the method and rate by which coal may economically and safely be mined.

The equipment used by a coal operator will also have a bearing on the mine sequence and the rate of coal removal; some operators are able to mine a given area faster than others.

Frequently, the coal market determines which seam an operator can mine. If the operator has several seams of coal of varying quality available, only one of the seams may be marketable under the existing market factors. Thus, if the operator could not sell the lowest seam of coal, it may not be economical to mine and stockpile the coal just in order to start reclamation.

The diversity and complexity of operations found in multiple seam contour and area operations is often magnified in multiple seam mountaintop removal operations. A report entitled, Evaluation of Current Surface Coal Mining Overburden Handling Techniques and Reclamation Practices describes mining practices used in mountaintop removal situations (U.S. Bureau of Mines, 1976). It reports that mountaintop removal methods vary with the size, shape, and topography of the area, and the number of coal seams. The shape of the mountaintop affects the type of mining equipment and methods the operator chooses. The report found that, in some cases, as many as six pits might be worked simultaneously in a mountaintop removal operation.

C. Proposed Solution

OSM considered several alternatives to ensure contemporaneous reclamation at multiple seam and mountaintop removal mining operations. These alternatives included: National time and distance schedules, additional permit information requirements, and requiring bonds based on the area of maximum disturbance. OSM believes the preferred alternative is to amend the permitting requirements to include the additional information described below.

OSM found that national time and distance schedules are inappropriate and unworkable because of the different mining conditions discussed in the preceding section. Standards which may be appropriate at one mine may be too restrictive at another.

Existing bonding requirements at 30 CFR 800.14(b) require the amount of the bond to reflect the probable difficulty of reclamation and to be sufficient to insure the completion of reclamation. Therefore, the bond is already based on the nature of the mining situation and the requirements of the reclamation.

To resolve this issue, OSM is considering amending the permitting information requirements for multiple seam and mountaintop removal operations to: (a) Specify minimum information on the sequence of cuts to be taken and the mining methods to be used; and, (b) require a detailed plan showing the sequence and schedule for backfilling and grading. Such amendments would go far to ensure that the operation will recover all permitted coal seams and that an enforceable schedule for ensuring contemporaneous reclamation exists. OSM believes the proposal would ensure reclamation at the same pace as coal removal and allow a pit no bigger than necessary for the mining equipment.

III. Reference Materials

Reference material used to develop this notice of inquiry is as follows:

Evaluation of Current Surface Coal Mining Overburden Handling Techniques and Reclamation Practices, Prepared by Mathematica, Inc., Princeton, NJ, 1976 for the U.S. Bureau of Mines.

Engineering and Design Manual for Disposal of Excess Spoil, CTL/Thompson, Inc., Denver, Colorado, November, 1982. Available from the National Technical Information Service, Accession Number PB 90–151440/AS.

Highwall Elimination and Return to Approximate Original Contour as Required in the Surface Mining Control and Reclamation Act of 1977, National Research Council, National Academy Press, Washington, DC, 1984. Available from the National Technical Information Service, Accession Number PB 86–183472.

"A Method for Treating Highwalls to Minimize Separation of Backfill Embankment", G.R. Chalfant, *et al.*, in Symposium on Surface Mining, Hydrology, Sedimentology, and Reclamation, University of Kentucky, Lexington, Kentucky, 1984.

"Investigation into Techniques of Compaction of Opencast Backfill Destined for Development", Singh, R.N., *et al.*, in Symposium on Geotechnical Stability in Surface Mining, Calgary, Alberta, Canada, 1986.

"Backfill Settlement of Restored Strip Mine Sites—Case Histories", Reed, S.M., International Journal of Mining, Geology and Engineering, Vol. 5, No. 2, July, 1987.

Dated: April 10, 1990.

Harry M. Snyder,

Director.

[FR Doc. 90–8691 Filed 4–16–90; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 62

[A-1-FRL-3756-9]

Approval and Promulgation of State Air Quality Implementation Plans for Designated Facilities and Pollutants; Maine; Plan for Controlling Total Reduced Sulfur Emissions From Existing Kraft Pulp Mills

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes to approve Maine's "111(d) plan" for the control of total reduced sulfur (TRS) emissions from existing kraft pulp mills. The plan was submitted by the Maine Department of Environmental Protection (DEP) on February 15, 1990. The plan consists of a regulation entitled "Chapter 124: Total Reduced Sulfur Control From Kraft Pulp Mills." The plan satisfies EPA's requirements for adoption and submittal of a plan to control TRS emissions from designated facilities in accordance with section 111(d) of the Clean Air Act (CAA).

DATES: Comments must be received on or before May 17, 1990. Public comments on this document are requested and will be considered before taking final action on this 111(d) plan.

ADDRESSES: Comments may be mailed to Louis F. Gitto, Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, Room 2313, JFK Federal Bldg., Boston, MA 02203. Copies of the State submittal and EPA's technical support document are available for public inspection during normal business hours at the Air, Pesticies and Toxics Management Division, U.S. Environmental Protection Agency, Region I, Room 2313, JFK Federal Bldg., Boston, MA 02203 and the Bureau of Air Quality Control, Department of Environmental Protection, 71 Hospital Street, Augusta, ME 04333.

FOR FURTHER INFORMATION CONTACT: David B. Conroy (617) 565-3252; FTS 835-3252.

SUPPLEMENTARY INFORMATION: On February 15, 1990, the Maine DEP submitted a 111(d) plan controlling TRS emissions from existing kraft pulp mills in the State. This plan was developed to meet the requirements of section 111(d) of the CAA. Under section 111(d), EPA established procedures whereby States submit plans to control existing sources of designated pollutants. Designated pollutants are defined as pollutants which are not included on a list published under section 108(a) of the CAA (i.e., National Ambient Air Quality Standard pollutants), but to which a standard of performance for new sources applies under section 111. TRS is such a pollutant. Under section 111(d) emission standards are to be adopted by the States and submitted to EPA for approval. The standards limit the emissions of designated pollutants from existing facilities which, if new would be subject to the new source performance standards (NSPS). Such facilities are called designated facilities.

The procedures under which States submit these plans to control existing sources are defined in subpart B of 40 CFR part 60. According to subpart B, the States are required to develop plans within federal guidelines for the control of designated pollutants. EPA publishes guideline documents for development of State emission standards along with the promulgation of any NSPS for a designated pollutant. These guidelines apply to designated pollutants and include information such as a discussion of the pollutant's effects, description of control techniques and their effectiveness, costs and potential impacts. Also as guidance for the States, recommended emission limits and times for compliance are set forth and control equipment which will achieve these emission limits is identified.

In subpart B, two types of designated pollutants are discussed. One type of designated pollutant is the type that may cause or contribute to the endangerment of public health. It is referred to as a health-related pollutant. The other type of designated pollutant is a welfare-related pollutant, for which adverse effects on public health have not been demonstrated.

For welfare-related pollutants such as TRS, States have the option of balancing emission guidelines, times for compliance, and other information provided in a guideline document against other factors of public concern in the establishment of emission standards, compliance schedules and variances, as long as the guidelines document and public hearing information are considered and all the other requirements of subpart B are met. Therefore, States have greater flexibility in establishing plans for the control of TRS. Factors other than technology and costs can be considered in developing a TRS control plan.

In Maine, six kraft pulp mills are affected by this plan for existing facilities. They are International Paper Company in Jay; S.D. Warren Company in Westbrook; Boise Cascade in Rumford; James River Corporation in Old Town; Georgia-Pacific Corporation in Woodland; and Lincoln Pulp and Paper Company in Lincoln. There is one other kraft pulp mill in Maine, S.D. Warren Company in Skowhegan, but this facility is entirely subject to the NSPS for kraft pulp mills and not subject to the plan.

Summary of the Plan

The 111(d) plan consists of a regulation entitled "Chapter 124: Total Reduced Sulfur Control From Kraft Pulp Mills." Chapter 124 was adopted by the State of Maine to control TRS emissions from existing kraft pulp mills on November 29, 1989 and became effective on January 8, 1990. This regulation contains the following emission limitations and requirements for existing processes:

(1) It prohibits gases which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 10 percent oxygen from any digester system, multiple-effect evaporator (MEE) system, condensate stripper system, or brown stock washer system unless the following conditions are met:

(i) The gases are combusted in a lime kiln subject to the provisions of the regulation or the requirements of the kraft pulp mill NSPS (i.e., 40 CFR part 60, subpart BB);

(ii) The gases are combusted in a recovery furnace subject to the provisions of the regulation or the requirements of the kraft pulp mill NSPS;

(iii) The gases are combusted with other waste gases in an incinerator or other device, and are subjected to a minimum temperature of 1200°F. for at least 0.5 seconds; or

(iv) The gases are controlled by a means other than combustion such that no gases are discharged to the atmosphere which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to the actual oxygen content of the untreated gas stream.

(2) It prohibits gases from any new design [1] straight kraft recovery furnace equipped with either a dry-botton ESP or a wet-bottom ESP employing water which contain TRS in excess of 5 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(3) It prohibits gases from any new design straight kraft recovery furnace with a wet-bottom ESP employing black

[1] In the regulation, a "new design straight kraft recovery furnace" is defined as a furnace with membrane wall or welded wall construction designed for low TRS emissions and having stated in its contracts that it was constructed with air pollution control as an objective.

liquor which contain TRS in excess of 15 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(4) It prohibits gases from any old design [2] straight kraft recovery furnace which contain TRS in excess of 20 ppm by volume on a dry basis, corrected to 8 percent oxygen.

(5) It prohibits gases from any smelt dissolving tank which contain TRS in excess of 0.016 g/kg black liquor solids as H_2S).

(6) It prohibits gases from any lime kiln which contain TRS in excess of 20 ppm by volume on a dry basis, corrected to 10 percent oxygen.

The regulation also requires each facility to have a backup system for the control of the TRS emissions from the digester system, MEE system, and condensate stripper system. This control system is to be employed within no later than 40 minutes after the primary control system's malfunction or shutdown. Furthermore, the regulation outlines the monitoring requirements, recordkeeping and reporting requirements, and test methods necessary for each subject TRS-emitting process. It also defines excess emissions for each affected process. Compliance with all of the requirements of the regulation except the emission standard for brown stock washer systems is required by January 8, 1991 (i.e., twelve months after the effective date of the regulation). Compliance with the emission standard for brown stock washer systems is required by January 1, 1994.

EPA has reviewed the plan and has written a technical support document based on the requirements of section 111(d) of the CAA of 1977, as amended; 40 CFR part 60, subpart B; and the EPA guideline document entitled "Kraft Pupling: Control of TRS Emissions from Existing Mills" (EPA–450/2–78–003b). This technical support document is available for inspection during normal business hours at the EPA Regional Office listed in the **ADDRESSES** section of this notice.

EPA's review of Maine's submittal indicates that it meets the requirements of 40 CFR part 60, subpart B. EPA is proposing to approve Maine's 111(d) plan controlling TRS emissions from kraft pulp mills, which was submitted on February 15, 1990. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional Office listed in the **ADDRESSES** section of this notice.

[2] In the regulation, an "old design straight kraft recovery furnace" is defined as a furnace without membrane wall or welded wall construction, or one that was not constructed with air pollution control as an objective.

Proposed Action

EPA is proposing to approve the 111(d) plan controlling TRS emissions from kraft pulp mills submitted by the Maine Department of Environmental Protection. The plan which consists of a regulation entitled "Chapter 124: Total Reduced Sulfur From Kraft Pulp Mills" affects six existing kraft pulp mills in the State of Maine.

Under 5 U.S.C. 605(b), I certify that this action will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 rulemaking actions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future submittal of a 111(d) plan by any State. Each request for approval of a 111(d) plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

List of Subjects in 40 CFR Part 62

Administrative practice and procedure, Air pollution control, Intergovernmental relations, Paper and paper products industry, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7642.

Dated: April 6, 1990.

Julie Belaga,

Regional Administrator, Region I.

[FR Doc. 90–8896 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 261

[SE–FRL–3756–7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Proposed Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule and request for comment.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is proposing to grant a petition submitted by Hoechst Celanese Corporation (formerly Virginia Chemicals), Leeds, South Carolina, to exclude certain solid wastes generated at its facility from the lists of hazardous wastes contained in 40 CFR 261.31 and 261.32. This action responds to a delisting petition submitted under 40 CFR 260.20, which allows any person to petition the Administrator to modify or revoke any provision of parts 260 through 268, 124, 270, and 271 of title 40 of the Code of Federal Regulations, and under 40 CFR 260.22, which specifically provides generators the opportunity to petition the Administrator to exclude a waste on a "generator-specific" basis from the hazardous waste lists. Today's proposed decision is based on an evaluation of waste-specific information provided by the petitioner.

DATES: EPA is requesting public comments on today's proposed decision. Comments will be accepted until June 1, 1990. Comments postmarked after the close of the comment period will be stamped "late".

Any person may request a hearing on this proposed decision by filing a request with Joseph Carra, whose address appears below, by May 2, 1990. The request must contain the information prescribed in 40 CFR 260.20(d).

ADDRESSES: Send three copies of your comments to EPA. Two copies should be sent to the Docket Clerk, Office of Solid Waste (OS–305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A third copy should be sent to Jim Kent, Variances Section, Assistance Branch, PSPD/OSW (OS–343), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. Identify your comments at the top with this regulatory docket number: "F–90–VLEP–FFFFF".

Requests for a hearing should be addressed to Joseph Carra, Director,

Permits and State Programs Division, Office of Solid Waste (OS-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

The RCRA regulatory docket for this proposed rule is located at the U.S. Environmental Protection Agency, 401 M Street SW., (room M2427), Washington, DC 20460, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. Call (202) 475-9327 for appointments. The public may copy material from any regulatory docket at a cost of $0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline, toll free at (800) 424-9346, or at (202) 382-3000. For technical information concerning this notice, contact Robert Keyser, Office of Solid Waste (OS-343, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-2224.

SUPPLEMENTARY INFORMATION:

I. Background

A. Authority

On January 16, 1981, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they typically and frequently exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (*i.e.*, ignitability, corrosivity, reactivity, and extraction procedure [EP] toxicity) or meet the criteria for listing contained in 40 CFR 261.11(a)(2) or (a)(3).

Individuals waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, 40 CFR 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See 40 CFR 260.22(a) and the background documents for the listed wastes. In addition, the Hazardous and Solid Waste Amendments (HSWA) of 1984 require the Agency to consider factors (including additional constituents) other than those for which the waste was listed, if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (*i.e.*, ignitability, reactivity, corrosivity, and EP toxicity), and must present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels. See 40 CFR 260.22(a), 42 USC 6921(f), and the background documents for the listed wastes. Although wastes which are "delisted" (*i.e.*, excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their waste remains non-hazardous based on the hazardous waste characteristics.

In addition to wastes listed as hazardous in 40 CFR 216.31 and 261.32, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing hazardous wastes are also considered hazardous wastes. Such wastes are also eligible for exclusion and remain hazardous wastes until excluded. See 40 CFR 261.3(c) and (d) (2). The substantive standards for "delisting" a treatment residue or a mixture are the same as previously described for listed wastes.

B. Approach Used to Evaluate This Petition

This petition requests a delisting for a listed hazardous waste. In making the initial delisting determination, the Agency evaluated the petitioned waste against the listing criteria and factors cited in 40 CFR 261.11(a)(2) and (a)(3). Based on this review, the Agency agrees with the petitioner that the waste is non-hazardous with respect to the original listing criteria. (If the Agency had found, based on this review, that the waste remained hazardous based on the factors for which the waste was originally listed, EPA would ahve proposed to deny the petition.) EPA then evaluated the waste with respect to other factors or criteria to assess whether there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. The Agency considered whether the waste is acutely toxic, and considered the toxicity of the constituents, the concentration of the constituents in the waste, their tendency to migrate and to bioaccumulate, their persistence in the environment once released from the waste, plausible and specific types of management of the petitioned waste, and the quantities of waste generated. For this delisting determination, the Agency is proposing to use such information to identify plausible exposure routes for hazardous constituents present in the waste.

EPA believes that a reasonable worst-case scenario is appropriate when evaluating whether a waste should be relieved of the protective management constraints of RCRA Subtitle C. Because a delisted waste is no longer subject to hazardous waste control, the Agency is generally unable to predict and does not control how a waste will be managed after delisting. Therefore, EPA currently believes that it is inappropriate to consider extensive site-specific factors. For example, a generator may petition the Agency for delisting of a metal hydroxide sludge which is currently being managed in an on-site landfill and provide data on the nearest drinking water well, permeability of the aquifer, dispersivities, etc. If the Agency were to base its evaluation solely on these site-specific factors, the Agency might conclude that the waste, at that specific location, cannot affect the closest well, and the Agency might grant the petition. Upon promulgation of the exclusion, however, the generator is under no obligation to continue to manage the waste at the on-site landfill. In fact, it is likely that the generator will either choose to send the delisted waste off site immediately, or will eventually reach the capacity of the on-site facility and subsequently send the waste off site to a facility which may have very different hydrogeological and exposure conditions.

The Agency also considers the applicability of ground-water monitoring data during the evaluation of delisting petitions. In this case, the Agency determined that it would be inappropriate to request ground-water monitoring data because Hoechst Celanese sends the petitioned waste off site for material recovery by users in the pulp and paper industry. For petitioners using off-site management, the Agency believes that, in most cases, the ground-water monitoring data collected would not be meaningful. Most commerical land disposal facilities accept wastes from numerous generators. Any ground-water contamination or leachate would be characteristic of the total volume of waste disposed of at the site. In most cases, the Agency believes that it would be impossible to isolate ground-water impacts associated with any one waste disposed of in a commercial landfill. Therefore, the Agency did not request ground-water monitoring data.

Finally, the Hazardous and Solid Waste Amendments of 1984 specifically require the Agency to provide notice and an opportunity for comment before granting or denying a final exclusion. Thus, a final decision will not be made until all public comments (including those at public hearings, if any) on today's proposal are addressed.

II. Disposition of Delisting Petition

A. Hoechst Celanese Corporation (Formerly Virginia Chemicals Company), Leeds, South Carolina

1. Petition for Exclusion

Hoechst Celanese Corporation (Hoechst Celanese) manufacturers sodium hydosulfite at its facility in Leeds, South Carolina. Hoechst Celanese has petitioned the Agency to exclude its distillation (still) bottom waste presently listed as EPA Hazardous Waste No. F003—"The following spent non-halogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; all spent solvent mixtures/blends containing, before use, only the above spent non-halogenated solvents; and all spent solvent mixtures/blends containing, before us, one or more of the above non-halogenated solvents, and, a total of ten percent or more (by volume) of one or more of those solvents listed in F001, F002, F004, and F005; and still bottoms from the recovery of these spent solvents and spent solvent mixtures". This waste is listed as a hazardous waste because of the characteristic of ignitability (see 40 CFR 261.31).

Hoechst Celanese petitioned to exclude its waste because it does not believe that its waste meets the criteria of the listing. Hoechst Celanese also believes that its still bottom waste is not hazardous because the methanol in the waste is present only in low concentrations. Hoechst Celanese further believes that the waste is not hazardous for any other reason (*i.e.*, there are no additional constituents or factors that could cause the waste to be hazardous). Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 USC 6921(f), and 40 CFR 260.22(d)(2)–(4). Today's proposal to grant this petition for delisting is the result of the Agency's evaluation of Hoechst Celanese's petition.

2. Background

Hoechst Celanese Corporation (formerly Virginia Chemicals) originally petitioned the Agency to exclude its still bottom waste on November 17, 1980. EPA granted a temporary delisting for the still bottom waste on December 31, 1980 because the waste had a low methanol content and was not ignitable. In June 1986, the Agency requested new information based on the requirements of HSWA. On October 17, 1986, due to insufficient information in the petition, the Agency published a proposed denial of Hoechst Celanese's petition (see 51 FR 37140 for more details on why the Agency proposed to deny Hoechst Celanese's petition). This was followed by a final denial on November 17, 1986 (see 51 FR 41490). On October 24, 1986, Hoechst Celanese submitted new information on the still bottom waste and requested that the delisting petition be re-evaluated. Therefore, EPA assigned the submission a new petition number and initiated review of this information as a new petition. All relevant information from the original petition (as well as all new information submitted) that EPA evaluated for today's proposal is in the public docket. Today's notice is the result of the Agency's evaluation of Hoechst Celanese's new petition.

In support of its petition, Hoechst Celanese submitted (1) a detailed description of its sodium hydrosulfite production and methanol recovery processes, including a schematic diagram;[1] (2) A list of raw materials used in the manufacturing process; (3) results from total constituent analyses for methanol; (4) results from total constituent analyses for the EP toxic metals, nickel, sulfide, and cyanide from representative samples of the petitioned waste; (5) total oil and grease analysis data from representative samples of the petitioned waste; and (6) results from testing for the characteristics of ignitability, corrosivity, and reactivity.

Hoechst Celanese manufactures sodium hydrosulfite using the sodium formate process. The reaction is run using a methanol solution, with the methanol acting as a solvent and not as a reactant. Methanol is recovered from the water of the reaction by distillation and recycled to the process. Hoechst Celanese states that the design efficiency of the methanol recovery process is over 99.9 percent.

The aqueous solution and dissolved solids derived from recycling methanol in a distillation column (still bottom) is the petitioned waste discussed in today's notice. The still botton waste is composed primarily of sodium and sulfur salts in an aqueous solution. The waste is stored in two above-grade tanks. Hoechst Celanese sells the still bottom waste to users in the pulp and paper industry for its sodium and sulfur content.

To collect representative samples from distillation columns like Hoechst Celanese's, petitioners are normally requested to collect a minimum of four composite samples, each composed of four or five independent grab samples collected over time (*e.g.*, grab samples collected every hour and composited by shift). See "Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods," U.S. EPA, Office of Solid Waste and Emergency Response, Publication SW–846 (third edition), November 1986, and "Petitions to Delist Hazardous Wastes—A Guidance Manual," U.S. EPA, Office of Solid Waste (EPA/530–sw–85–003 , April 1985.

Hoechst Celanese collected ten grab samples of the still bottom waste from the methanol recovery column during February of 1980. These samples were analyzed for percent sodium salts, pH, and percent solids, among other parameters. Hoechst Celanese, however, did not analyze these ten samples for the EP toxic metals, nickel, or cyanide and did not sufficiently document sampling procedures to support a claim that the 1980 samples were representative of the waste.

Therefore, at the Agency's request, Hoechst Celanese collected an additional four grab samples of the still bottom waste at different times on four different days during September 1986 and six more grab samples during October and November of 1987. Samples were collected from the column recycle pump sample valve. Each grab sample was analyzed for total constituent concentrations (*i.e.*, mass of a particular constituent per volume of waste) of the EP toxic metals, nickel, cyanide, total sulfide, and methanol. These grab samples were also analyzed for total oil and grease content and the characteristics of ignitability, corrosivity, and reactivity. For these samples, the Agency determined that the inorganic constituent analyses did not take into account interferences that are known to be caused by waste matrices containing high concentrations of sodium salts.

After consultation with the Agency and clarification of alternate analytical

[1] Hoechst Celanese has claimed their manufacturing and methanol recovery process descriptions as confidential business information (CBI). This information, therefore, is not available in the public docket.

methodologies to reduce the matrix interferences, Hoechst Celanese collected an additional four composite samples during January and February of 1988. Each composite sample was composed of three grab samples collected during each of three different 8-hour shifts. Each composite represented four different days of waste generation. Each composite sample was analyzed for total constituent concentrations of the EP toxic metals, nickel, cyanide, and total sulfides. The Agency wishes to note that Hoechst Celanese was not required to repeat characteristics testing or methanol and oil and grease analyses on the 1988 samples because some of the pre-1988 data were considered consistent and reliable. The 1988 samples were necessary for repeating the constituent metals analyses because matrix interferences in the previous analyses did not allow an accurate determination of total metal concentrations.

Hoechst Celanese claims that the samples collected in 1986, 1987, and 1988 were non-biased and representative of the still bottom waste at any point in time because the production process, including the methanol recovery distillation column, operates continuously over a 24-hour day, 7-day work week and does not vary substantially with time.

3. Agency Analysis

Hoechst Celanese used SW-846 Method 6010 to quantify the total constituent concentrations of barium, chromium, silver, and nickel in the still bottom waste. Total concentrations of arsenic were analyzed using EPA Method 206.4. In analyzing for total concentrations of cadmium, lead, mercury, selenium, cyanide, and sulfides, Hoechst Celanese utilized SW-846 Methods 7130, 7420, 7470, 7741, 9010, and 9030, respectively. A prior extraction procedure using Method 303B of "Methods for Chemical Analysis of Water and Wastes" was needed for the analyses of cadmium and lead. Hoechst Celanese used SW-846 Method 8000 to quantify methanol concentrations.

The still bottom waste was analyzed only for total constituent concentrations because the waste contained less than 0.5 percent dissolved solids. Under this condition, the extraction procedure (EP) leachate concentration (*i.e.*, mass of a particular constituent per unit volume of extract) is considered equivalent to the total concentration. (See SW-846 Method 1310.) Total constituent analyses of the still bottom waste for the hazardous inorganic constituents revealed the maximum concentrations reported in Table 1. The EP toxic metals and nickel data are for samples collected in 1988; these are the only metals data determined to be analytically valid, as explained previously in section 2.

TABLE 1.—MAXIMUM TOTAL CONSTITUENT CONCENTRATIONS (PPM) STILL BOTTOM WASTE

Constituents	Total constituent analyses
Arsenic	<0.08
Barium	0.44
Cadmium	<0.04
Chromium	<0.08
Lead	<0.04
Mercury	<0.002
Selenium	<0.05
Silver	<0.04
Nickel	<0.08
Cyanide	<0.1
Sulfide	<1.0

< Denotes that the constituent was not detected at the detection limit specified in the table.

The detection limits in Table 1 represent the lowest concentrations quantifiable by Hoechst Celanese, when using the appropriate analytical methods to analyze the petitioned waste. (Detection limits may vary according to the waste and waste matrix being analyzed, *i.e.*, the "cleanliness" of waste matrices varies and "dirty" waste matrices may cause interferences, thus raising the detection limits.)

Using SW–846 Method 9070, Hoechst Celanese determined that its still bottom waste had a maximum oil and grease content of 0.03 percent. Hoechst Celanese provided test data indicating that the still bottom waste was not ignitable; the flashpoint of the material was, in all cases, greater than 140°F and the maximum reported concentration of methanol was 1,960 ppm, a value below the 24 percent by volume limit set forth in 40 CFR 261.21(a)(1). Hoechst Celanese also provided data showing that the pH of the still bottom waste was between 6.0 and 6.5. Based on analytical results provided by the petitioner, pursuant to 40 CFR 260.22, the still bottom waste was also determined not to be reactive. See 40 CFR 261.21, 261.22, and 261.23.

Hoechst Celanese submitted a signed certification stating that, based on current annual waste generation, their maximum annual generation rate of still bottom waste is 38,500 cubic yards. The Agency reviews a petitioner's estimates and, on occasion, has requested a petitioner to re-evaluate estimated waste volume. EPA accepts Hoechst Celanese's certified estimate of 38,500 cubic yards.

The Agency conducts a spot-check sampling and analysis program to verify the representative nature of the data for some percentage of delisting petitions. As part of this program, the Agency conducted a spot-check samplying visit to Hoechst Celanese. The results of this visit, including chemical analyses of waste samples from Hoechst Celanese, are discussed later in this notice.

4. Agency Evaluation

Hoechst Celanese's aqueous still bottom waste is currently transported off site for sodium and sulfur recovery by the pulp and paper industry. As shown in Table 1, the only detected constituent in Hoechst Celanese's waste is barium. In its evaluation of barium concentrations in Hoechst Celanese's waste, the Agency compared the detected level directly to the health-based level used for delisting decision-making. Comparing the concentration of a detected constituent directly to the health-based level provides a worst-case evaluation of the waste in the event it were ingested directly. EPA believes that it is highly unlikely that this type of waste would ever be ingested directly. Table 2 summarizes this comparison.

TABLE 2.—EVALUATION OF MAXIMUM DETECTED LEVEL OF BARIUM (PPM) STILL BOTTOM WASTE

Constituent	Concentration	Level of regulatory concern [1]
Barium	0.44	1.0

[1] See "Docket Report on Health-Based Regulatory Levels and Solubilities Used in the Evaluation of Delisting Petitions," November 1989, located in the RCRA public docket.

As shown in Table 2, the maximum reported barium level is below the health-based level used in delisting decision-making and therefore is not of regulatory concern.

The Agency did not evaluate the concentrations of the remaining inorganic constituents (*i.e.*, arsenic, cadmium, chromium, lead, mercury, nickel, selenium, silver, cyanide, and sulfide) from Hoechst Celanese's waste because they were not detected in the waste using the appropriate analytical methods. The Agency believes that it is inappropriate to evaluate non-detectable concentrations of a constituent of concern if the non-detectable value was obtained using the appropriate analytical method. Specifically, if a constituent cannot be detected (when using the appropriate analytical method), the Agency assumes

that the constituent is not present and therefore does not present a threat to either human health or the environment.

The maximum reported concentration of total cyanide in Hoechst Celanese's waste was less than 0.1 ppm. Because reactive cyanide is a specific subcategory of the general class of cyanide compounds, the Agency believes that the maximum level of reactive cyanide in the petitioned waste also will not exceed 0.1 ppm. Thus, the Agency concludes that the concentration of reactive cyanide will be below the Agency's interim standard of 250 ppm. See "Interim Agency Thresholds for Toxic Gas Generation," July 12, 1985, Internal Agency Memorandum in the RCRA public docket. For similar reasons, because the maximum reported concentration of total sulfide in the waste was less than 1 ppm, the Agency also concludes that the concentration of reactive sulfide will be below the Agency's interim standard of 500 ppm. See "Interim Agency Thresholds for Toxic Gas Generation," July 12, 1985, Internal Agency Memorandum in the RCRA public docket.

The Agency concluded, after reviewing Hoechst Celanese's processes and raw materials list, that no other hazardous constituents of concern are being used by Hoechst Celanese and that no other constituents of concern are likely to be present or formed as reaction products or by-products of Hoechst Celanese's waste.

Based on test results provided by Hoechst Celanese, pursuant to 40 CFR 260.22, the Agency does not believe that Hoechst Celanese's waste exhibits the characteristics of ignitability, corrosivity. or reactivity. See 40 CFR 261.21, 261.22, and 261.23, respectively. In addition, as stated previously, the maximum reported concentration of methanol, the listed constituent of concern in Hoechst Celanese's petitioned waste, is 1,960 ppm, which is below the 24 percent volume limit set forth in 40 CFR 261.21(a)(1) for defining the characteristic of ignitability for liquids.

On March 9, 1987 staff under contract to the Agency conducted a site visit to Hoechst Celanese as part of the Agency's spot-check sampling and analysis program. One grab sample of the still bottom waste was collected from Hoechst Celanese' methanol recovery column. Three other samples were also collected from various locations in Hoechst Celanese's co-product and non-hazardous waste handling system.[2] The sample of still bottom waste was analyzed according to EPA-accepted test methods by a laboratory under contract to EPA. The laboratory prepared the sample for inorganic analyses using Method 9.2 of "Methods for Chemical Analysis of Water and Waste," 1983. Total constituent analyses of the waste sample for metals was conducted using SW–846 Method 6010. The sample was also analyzed for total cyanide using SW–846 Method 9010, however, the cyanide analysis is not considered valid because the sample holding time was exceeded. The sample was also analyzed for total constituent concentrations of volatile and semi-volatile organics and pesticides using SW–846 Methods 8240, 8270, and 8080, respectively. Total methanol analysis was conducted by direct aqueous injection.

No inorganic constituent of concern was detected in the spot-check sample of still bottom waste. Methanol was the only organic constituent of concern detected in the sample. Total methanol was found at a level of 170 ppm. This level is not of regulatory concern because it is below the 24 percent volume limit set forth in 40 CFR 261.21(a)(1) for defining the characteristics of ignitability for liquids.

5. Conclusion

The Agency believes that Hoechst Celanese has successfully demonstrated that the still bottom waste generated from its methanol recovery process is non-hazardous. The Agency believes that the samples collected by Hoechst Celanese from the distillation column were non-biased and adequately represent the still bottom waste. The Agency, therefore, is proposing that Hoechst Celanese's waste be considered non-hazardous, as it should not present a hazard to either human health or the environment. The Agency proposes to grant an exclusion to Hoechst Celanese, located in Leeds, South Carolina, for its till bottom waste described in its petition as EPA Hazardous Waste No. F003. If the proposed rule becomes effective, the still bottom waste would no longer be subject to regulation under 40 CFR part 270.

If made final, this exclusion will apply only to the processes and waste volume covered by the original demonstration. The facility would require a new exclusion if either its manufacturing or treatment processes are significantly altered such that a change in waste composition or increase in waste volume occurred. Accordingly, the facility would need to file a new petition for the altered waste. The facility must treat waste generated from changed processes as hazardous until a new exclusion is granted.

Although management of the waste covered by this petition would be relieved from subtitle C jurisdiction upon final promulgation of an exclusion, the generator of a delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permited, licensed, or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation.

III. Effective Date

This rule, if finally promulgated, will become effective immediately upon such final promulgation. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because the rule, if finalized, would reduce the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after promulgation and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this exclusion should be effective immediately upon promulgation. These reasons also provide a basis for making this rule effective immediately, upon final promulgation, under the Administrative Procedures Act, pursuant to 5 USC § 553(d).

IV. Regulatory Impact

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This proposal to grant an

[2] The remaining spot-check samples were collected from two holding tanks and a holding pond. These samples were not considered in the evaluation of Hoechst Celanese's petition because the still bottom waste in the tanks and pond had been mixed with other materials, including non-hazardous wastes. The samples, therefore, are not considered representative of the petitioned waste. Additionally, one of the tanks and the holding pond no longer exist because Hoechst Celanese has since replaced them with a single 200,000-gallon tank.

exclusion is not major, since its effect, if promulgated, would be to reduce the overall costs and economic impact of EPA's hazardous waste management regulations. This reduction would be achieved by excluding waste generated at a specific facility from EPA's lists of hazardous wastes, thereby enabling this facility to treat its waste as non-hazardous. There is no additional impact, therefore, due to today's rule. This proposal is not a major regulation, therefore, no Regulatory Impact Analysis is required.

V. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 USC 601–612, whenever an agency is required to publish a general notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis which describes the impact of the rule on small entities (*i.e.*, small business, small organizations, and small governmental jurisdictions). The Administrator or delegated representative may certify, however, that the rule will not have a significant economic impact on a substantial number of small entities.

This amendment, if promulgated, will not have an adverse economic impact on small entities since its effect would be to reduce the overall costs of EPA's hazardous waste regulations and would be limited to one facility. Accordingly, I hereby certify that this proposed regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities. This regulation, therefore, does not require a regulatory flexibility analysis.

VI. Paperwork Reduction Act

Information collection and recordkeeping requirements associated with this proposed rule have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511, 44 USC § 3501 *et seq.*) and have been assigned OMB Control Number 2050–0053.

List of Subjects in 40 CFR Part 261

Hazardous materials, Waste treatment and disposal, Recycling.

Dated: March 29, 1990.

Jeffery D. Denit,

Deputy Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is proposed to be amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: Secs. 1006, 2002(a), 3001, and 3002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended [42 USC 6905, 6912(a), 6921, and 6922].

2. In Table 1 of appendix IX of part 261, add the following wastestream in alphabetical order:

Appendix IX—Wastes Excluded Under § 260.20 and § 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	*
Hoechst Celanese Company.	Leeds, South Carolina.	Distillation bottoms generated (at a maximum annual rate of 38,500 cubic yards) from the production of sodium hydrosulfite (EPA Hazardous Waste No. F003). This exclusion was published on [insert date of final rule's publication in the FEDERAL REGISTER].
*	*	*

[FR Doc. 90–8897 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 80

[PR Docket No. 90–205; FCC 90–114]

Frequency Coordinator for Puget Sound

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Federal Communications Commission is proposing to amend the Maritime Services Rules in PR Docket No. 90–205, FCC 90–114, to recognize the North Pacific Marine Radio Council (NPMRC) as the frequency coordinator for the Puget Sound area and to establish procedures for recognizing frequency coordinators in the future. This rulemaking was requested by the North Pacific Marine Radio Council.

DATES: Comments are due on or before June 4, 1990 and reply comments on or before June 19, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert DeYoung, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632–7175.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM) adopted March 29, 1990, and released 1990. The full text of this Commission document and the proposed rules are available for full text of this Commission document and the proposed rules are available for inspection and copying during normal hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The full text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 2100 M Street NW., Washington, DC 20037.

SUMMARY OF NOTICE OF PROPOSED RULEMAKING: The proposed rule would recognize the NPMRC as the frequency coordinator in the Puget Sound area. Under the rule, applicants for very high frequency (VHF) private coast station licenses in that area would either have to coordinate their frequency selections through NPMRC or submit a field study to show minimization of interference to other stations.

We have determined that section 605(b) of the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) does not apply to this rule making proceeding because, the only impact of this proposal will be on private coast station applicants and licensees. While the requirement will be an incremental addition to the application, the Commission expects the proposals to be beneficial to small entities in light of the reduced interference potential. There are currently approximately 400 licensees providing private coast station service in the Puget Sound area.

ORDERING CLAUSE: Authority for issuance of this Notice is contained in sections 4(i), 303 (f) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303 (f) and (r). Pursuant to applicable procedures set forth interested parties may file comments on or before June 4, 1990 and reply comments on or before June 19,

1990. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and five copies of all comments, reply comments and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original and nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room (Room 239) of the Federal Communications Commission, 1919 M Street NW., Washington, DC. A copy of this NPRM shall be sent to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 80

Maritime services, Coast stations, Frequencies.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Part 80 of chapter I of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 80—STATIONS IN THE MARITIME SERVICES

1. The authority citation for part 80 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303, unless otherwise noted. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609; 3 UST 3450, 3 UST 4726, 12 UST 2377, unless otherwise noted.

2. Section 80.514 of the rules is amended by adding a new paragraph (b) to read as follows:

§ 80.514 Marine VHF frequency coordinating committee(s).

* * * * *

(b) The North Pacific Marine Radio Council serves the following counties in the State of Washington: Clallam, Island, Jefferson, King, Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and Whatcom.

[FR Doc. 90–8827 Filed 4–16–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252

Federal Acquisition Regulation Supplement; Labor Surplus Area Set-Asides

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule and request for comments.

SUMMARY: The Defense Acquisition Regulatory (DAR) Council is considering a change to the Defense Federal Acquisition Regulation Supplement to delete Combined Small Business-Labor Surplus Area set-asides.

DATES: Comments on the proposed rule should be submitted in writing at the address shown below on or before May 17, 1990 to be considered in the formulation of the final rule. Please cite DAR Case 90–430 in all correspondence related to this issue.

ADDRESSES: Interested parties should submit written comments to: Defense Acquisition Regulatory Council, ATTN: Mrs. Alyce Sullivan, DAR Council, OASD(P&L)DASD(P)/DARS, c/o Room 3D139, The Pentagon, Washington, DC 20301–3062 .

FOR FURTHER INFORMATION CONTACT: Mrs. Alyce Sullivan, DAR Council, (202) 697–7266.

SUPPLEMENTARY INFORMATION:

A. Background

The Department of Defense is conducting a comprehensive review of its regulations in an effort to relieve the burden of overly detailed, confusing and sometimes contradictory guidance. The review of part 219 of the Defense Federal Acquisition Regulation Supplement resulted in recommendations to eliminate combined small business-labor surplus area set-asides.

The combined small business-labor surplus area set-aside is an unnecessarily complex and cumbersome acquisition procedure. The preference accorded small business concerns in labor surplus areas is available through use of partial set-asides for small businesses. Consequently, the text at 219.502–70 and the clauses at 252.219–7001 and 252.219–7002 are proposed for deletion.

B. Regulatory Flexibility Act

An Initial Regulatory Flexibility Analysis has not been performed because we are unable to quantify the economic impact on a substantial number of small entities. Comments are invited from small business and other interested parties. Comments will be considered in accordance with section 610 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

C. Paperwork Reduction Act

This proposed rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 et seq. If this proposed rule results in a final rule, a reduction of 402 hours will be realized. A request for paperwork clearance is being prepared for submission to OMB.

List of Subjects in 48 CFR Parts 219 and 252

Government procurement.

Linda E. Greene,

Deputy Director, Defense Acquisition Regulatory System.

Therefore, it is proposed that 48 CFR parts 219 and 252 be amended as set forth below:

1. The authority for 48 CFR parts 219 and 252 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.302.

PART 219—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

219.502–70 [Removed and Reserved]

2. Section 219–502–70 is removed and the section marked [Reserved].

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.219–7001 and 252.219–7002 [Removed and Reserved]

3. Sections 252.219–7001 and 252.219–7002 are removed and the sections marked [Reserved].

[FR Doc. 90–8884 Filed 4–16–90; 8:45 am]

BILLING CODE 3810–01–M

Notices

Federal Register
Vol. 55, No. 74
Tuesday, April 17, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Meetings

ACTION: Notice of public meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of meetings of the Committee on Rulemaking of the Administrative Conference of the United States.

COMMITTEE: Committee on rulemaking.

DATE: Wednesday, June 6, 1990 at 4:30 p.m.

LOCATION: Library of the Administrative Conference, 2120 L Street NW., Suite 500, Washington, DC.

AGENDA: The committee will meet to discuss possible recommendations on the subject of the Rulemaking process in the Medicaid program.

PUBLIC PARTICIPATION: The committee meetings are open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT: Kevin L. Jessar, Office of the Chairman, Administrative Conference of the United States, 2120 L Street NW., Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.

Dated: April 9, 1990.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 90–8828 Filed 4–16–90; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Intent to Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: Notice is hereby given that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to AgriSense, 4230 West Swift, Suite 106, Fresno, California, 93722, an exclusive license to U.S. Patent No. 4,866,877, "Vertical Wall Mount Trap," issued September 19, 1989.

DATES: Comments must be received on or before June 18, 1990.

ADDRESSES: Send comments to: USDA–ARS–Office of Cooperative Interactions, Beltsville Agricultural Research Center, Baltimore Boulevard, Building 005, Room 401, BARC–W, Beltsville, Maryland 20705.

FOR FURTHER INFORMATION CONTACT: M. Ann Whitehead of the Office of Cooperative Interactions at the Beltsville address given above; telephone: 301/344–2786, (FTS) 344–2786.

SUPPLEMENTARY INFORMATION: Patent rights to said invention are assigned to the United States of America as represented by the Secretary of Agriculture. The exclusive license will be royalty bearing and will comply with the provisions of 35 U.S.C. 209 and 37 CFR 404.7. The license will be granted unless ARS receives written evidence and argument which convincingly establishes that the intended course of action is not in compliance with 35 U.S.C. 209 and 37 CFR 404.7.

William H. Tallent,

Assistant Administrator.

[FR Doc. 90–8811 Filed 4–16–90; 8:45 am]

BILLING CODE 3410–03–M

Federal Grain Inspection

Hard Red Spring Wheat Calibration

AGENCY: Federal Grain Inspection Service.

ACTION: Notice.

SUMMARY: On April 16, 1990, the Federal Grain Inspection Service (FGIS) began implementation of an updated calibration for near infrared reflectance (NIR) instruments for Hard Red Spring (HRS) wheat protein determinations.

FOR FURTHER INFORMATION CONTACT: Paul D. Marsden, Federal Grain Inspection Service, USDA, room 0628–S, P.O. Box 96454, Washington DC 20090–6454; Telephone 202/475–3428.

SUPPLEMENTARY INFORMATION: An updated Hard Red Spring (HRS) calibration for NIR instruments is being implemented for protein determinations. The calibration was developed with the assistance of the Agricultural Marketing Service, Commodities Scientific Support Division, Statistics Branch. New NIR values will be issued for the entire set of ten National Standard Reference Samples. The samples are used to detect instrument drift and keep the NIR instruments aligned with the reference Kjeldahl protein laboratory at the FGIS Technical Center in Kansas City, MO. On Monday, April 16, 1990, the new calibration was implemented in FGIS field offices and the official agencies in their circuits in the following sequence:

1. Kansas City, MO; Moscow, ID; Omaha, NE.
2. Wichita, KS; St. Louis, MO.
3. Grand Forks, ND; Duluth and Minneapolis, MN; Montreal, Canada
4. Pasadena, TX; Belle Chasse, Destrehan, and Lutcher, LA; Portland, OR.
5. Olympia, WA; Sacramento, CA.

A technical review of the new calibration indicates that the effect on the national system should be minimal; however, the precise impact of the new calibration at any given location cannot be accurately predicted. Public Law 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: April 11, 1990.

D.R. Galliart,

Acting Administrator.

[FR Doc. 90–8873 Filed 4–16–90; 8:45 am]

BILLING CODE 3410–EN–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Denial of Export Privileges; Franciscus B. Govaerts et al.

In the matter of: Franciscus B. Govaerts, individually and doing business as Printlas Europa, Torenakker 8–5731 CC, Mierlo, Netherlands, and Goris Christiaan Grandia, individually and doing business as Grandia Project Services, with addresses at Laurierstraat 59 1016 PH, Amsterdam,

Netherlands, Gudrunstrasse 121, A 1100 Vienna, Austria, and F.C.I. Danbury Route 37, Danbury, Connecticut 06811–3099, and Marcel Sanders, individually and doing business as Belgium Trading Company Lokeren S.A., Sijpstraat 6, 9101 Lokeren, Belgium, and Roger Van Alphen, Populieresloantje 8, Huizen, Netherlands, respondents.

Order Temporarily Denying Export Privileges

The Office of Export Enforcement, Bureau of Export Administration, United States Department of Commerce (Department), pursuant to the provisions of § 788.19 of the Export Administration Regulations (15 CFR parts 768–799 (1989)) (the Regulations), issued pursuant to the Export Administration Act of 1979, as amended (50 U.S.C.A. app. sections 2401–2420 (Supp. 1989)), has asked the Assistant Secretary for Export Enforcement to renew an order temporarily denying all United States export privileges to Franciscus B. Govaerts (Govaerts), individually and doing business as Printlas Europa (Printlas Europa); Goris Christiaan Grandia (Grandia), individually and doing business as Grandia Project Services; Marcel Sanders (Sanders), individually and doing business as Belgium Trading Company Lokeren S.A. (Belgium Trading), and Roger Van Alphen (Van Alphen) (collectively referred to as respondents). The initial order was issued on April 6, 1989 (54 FR 14667, April 12, 1989). The first renewal order was issued on October 4, 1989 (54 FR 41660, October 11, 1989).

In its second renewal request of March 13, 1990, the Department states that it continues to have reason to believe that an order temporarily denying the export privileges of Govaerts, individually and doing business as Printlas Europa; Grandia, individually and doing business as Grandia Project Services; Sanders, individually and doing business as Belgium Trading, and Van Alphen is necessary in the public interest to prevent an imminent violation of the Regulations.

In its initial request, as well as in its first request for renewal, the Department stated that, as the result of an investigation conducted with the U.S. Customs Service (Customs), the Department has reason to believe that, from a date unknown to on or about December 9, 1988, Govaerts, Grandia, Sanders and Van Alphen, while doing business under the names of their respective companies, sought to obtain U.S.-origin equipment, controlled for reasons of national security, and to export that equipment from the United States to Bulgaria, knowing that the Department would not likely authorize the export of the equipment to Bulgaria.

The investigation revealed that, on or about December 9, 1988, Govaerts, with the aid of Grandia, Sanders and Van Alphen, in fact attempted to export the equipment from the United States through the Netherlands to Bulgaria, by falsely declaring that the country of ultimate destination was the Netherlands and that the equipment could be exported under general license G–DEST. Each of those individuals has been indicted for his respective role in this matter.

The investigation also has given the Department reason to believe that Govaerts, Grandia, Sanders and Van Alphen have access to large sums of money and that, given the opportunity, they would use that money in the near future to acquire U.S.-origin equipment similar to that which Govaerts attempted to export in December 1988, and export that equipment to Bulgaria. Moreover, the Department has reason to believe that, if necessary, Govaerts, Grandia, Sanders and Van Alphen would use Belgian contacts to effect the export of that equipment to Bulgaria.

Since its initial request and first request for renewal, there have been several developments. On June 28, 1989, Govaerts plead guilty to five counts of transporting monetary instruments for an unlawful purpose (18 U.S.C. 1956(2)(A)); one count of attempting to violate section 2410(b) of the Act, and one count of conspiracy (18 U.S.C. 371). On August 17, 1989, Govaerts was sentenced to time served (approximately four months).

On August 16, 1989, Sanders plead guilty to one count of conspiracy (19 U.S.C. 371), one count of violating section 2410(b) of the Act, and one count of transporting monetary instruments for an unlawful purpose (18 U.S.C. 1956(2)(A)). On October 11, 1989, Sanders was sentenced to time served (approximately nine months).

Sanders was also indicted for trying to bribe Govaerts, in prison in Cambridge, Massachusetts, by offering Govaerts, through a third party, $400,000 not to testify against him. The charges were dismissed and the details of this alleged violation were taken into consideration with respect to the final sentencing of Sanders on the original export violation.

On March 1, 1990, Grandia was extradited to the United States and formally presented with the charges listed in his January 9, 1989, indictment. He was scheduled for a detention hearing on March 7, 1990. Grandia is currently being detained in prison in Danbury, Connecticut. The prosecution is expected to go forward. Van Alphen remains at large.

Govaerts, Grandia, Sanders and Van Alphen are at liberty in Western Europe and, absent the renewal of the temporary denial order the Department is seeking, one or more of them might purchase and export more Teradyne systems to Bulgaria. The Department believes that, viewed as a whole, the past activities of Govaerts, Grandia, Sanders, and Van Alphen demonstrate that they are involved in a scheme to obtain controlled U.S.-origin commodities, and to export that equipment from the United States to Bulgaria.

No opposition was filed, by any respondent, to the Department's second request for renewal of an order temporarily denying export privileges.

Therefore, based on the showing made by the Department, I find that an order temporarily denying export privileges to Franciscus B. Govaerts, individually and doing business as Printlas Europa; Goris Christiaan Grandia, individually and doing business as Grandia Project Services; Marcel Sanders, individually and doing business as Belgium Trading Company Lokeren S.A., and Roger Van Alphen is necessary in the public interest to prevent an imminent violation of the Act and the Regulations and to give notice to companies in the United States and abroad to cease dealing with respondents in goods and technical data subject to the Act and the Regulations in order to reduce the substantial likelihood that respondents will continue to engage in activities which are in violation of the Act and the Regulations.

Accordingly, it is hereby ordered.

I. All outstanding validated export licenses in which Franciscus B. Govaerts, individually and doing business as Printlas Europa; Goris Christiaan Grandia, individually and doing business as Grandia Project Services; Marcel Sanders, individually and doing business as Belgium Trading Company Lokeren S.A., and Roger Van Alphen appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation. Further, all of respondents' privileges of participating, in any manner or capacity, in any special licensing procedure, including, but not limited to, distribution licenses, are hereby revoked.

II. Respondents Franciscus B. Govaerts, individually and doing business as Printlas Europa; Goris Christiaan Grandia, individually and

doing business as Grandia Project Services; Marcel Sanders, individually and doing business as Belgium Trading Company Lokeren S.A., and Roger Van Alphen, their successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are otherwise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any export license application submitted to the Department, (b) in preparing or filing with the Department any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which Govaerts, Grandia, Sanders, Van Alphen or any of their respective companies is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or related services.

IV. No. person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any respondent or any related party, or whereby any respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, direclty or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for any respondent or any related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States and subject to the Act and the Regulations.

V. In accordance with the provisions of section 788.19(e) of the Regulations, respondents may, at any time, appeal this temporary denial order by filing with the Office of Administrative Law Judges, U.S. Department of Commerce, Room H–6716, 14th Street and Constitution Avenue NW., Washington, DC 20230, a full written statement in support of the appeal.

VI. This order is effective immediately and shall remain in effect for 180 days.

VII. In accordance with the provisions of § 788.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. Any respondent may oppose a request to renew this temporary denial order by filing a written submission with the Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

A copy of this order and of parts 787 and 788 of the Regulations shall be served on each respondent and this order shall be published in the **Federal Register**.

Dated: April 2, 1990.

Quincy M. Krosby,

Assistant Secretary for Export Enforcement.

[FR Doc. 90–8831 Filed 4–16–90; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–588–049]

Calcium Pantothenate from Japan, Revocation of Antidumping Finding

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of revocation of antidumping finding.

SUMMARY: The Department of Commerce has determined to revoke the antidumping finding on calcium pantothenate from Japan because it is no longer of interest to interested parties.

EFFECTIVE DATE: January 1, 1990.

FOR FURTHER INFORMATION CONTACT: Sheila Forbes or Robert Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–5255.

SUPPLEMENTARY INFORMATION:

Background

On February 1, 1990, the Department of Commerce ("the Department") published in the **Federal Register** (55 FR 3433) its intent to revoke the antidumping finding on calcium pantothenate from Japan (39 FR 2086, January 17, 1974).

Additionally, as required by 19 CFR 353.25(d)(4)(ii), the Department served written notice of its intent to revoke this finding on each interested party listed on the service list. Interested parties who objected to the revocation were provided the opportunity to submit their comments no later than thirty days from the date of publication.

Scope of Finding

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedules (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this finding are shipments of calcium pantothenate, a member of the B-complex vitamin family, which is produced in two grades: D-Cal Pan (USP Grade, which is used for human nutrition in the form of multi-vitamin tablets) and DL-Cal Pan (Feed Grade, which is used as a food supplement for swine and poultry). Through 1988, such merchandise was classifiable under item number 437.8225 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item number 2936.24.00. The HTS item

number is provided for convenience and Customs purposes. The written description remains dispositive.

Determination to Revoke

The Department may revoke a finding if the Secretary of Commerce concludes that a finding is no longer of interest to interested parties. We received no objections to our intent to revoke and no requests to review the antidumping finding on calcium pantothenate from Japan. Further, we received no requests to conduct an administrative review pusuant to our notices of Opportunity to Request Administrative Review (51 FR 233, January 3, 1986; 52 FR 697, January 8, 1987; 53 FR 46, January 4, 1988; 54 FR 992, January 11, 1989; 55 FR 2398, January 24, 1990).

Since we received no objections to the revocation of this finding by an interested party and no review requests for five consecutive anniversary months (see 19 CFR 353.25(d)(4) (i) and (ii), the Department has concluded that the finding is no longer of interest to interested parties. Therefore, any entries for the period January 1, 1989 through December 31, 1989 will be subject to automatic assessment pursuant to 19 CFR 353.22(e). In addition, we are revoking the antidumping finding on calcium pantothenate from Japan in accordance with 19 CFR 353.25(d)(4)(iii).

The revocation applies to all unliquidated entries of this merchandise of Japanese origin entered, or withdrawn from warehouse, for conumption on or after January 1, 1990. The Department will instruct the Customs Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after January 1, 1990, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries.

This notice is in accordance with 19 CFR 353.25(d)(4)(iii).

Dated: April 9, 1990.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–8804 Filed 4–16–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–588–813]

Initiation of Antidumping Duty Investigation: Certain Light Scattering Instruments and Parts Thereof From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of certain light scattering instruments and parts thereof (hereinafter referred to as LSIs) from Japan are being, or are likely to be, sold in the United States at less than fair value. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of LSIs from Japan are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before May 3, 1990. If that determination is affirmative, we will make preliminary determination on or before August 27, 1990.

EFFECTIVE DATE: April 17, 1990.

FOR FURTHER INFORMATION CONTACT: Bradford L. Ward, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 377–5288.

SUPPLEMENTARY INFORMATION:

The Petition

On March 19, 1990, we received a petition filed in proper form by Wyatt Technology Corporation. In compliance with the filing requirements of the Department's regulations (19 CFR 353.12 (1989)), petitioner alleges that imports of LSIs from Japan are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9) (C) of the Act, and because it has filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

United States Price and Foreign Market Value

Petitioner based United States Price (USP) for LSIs on a 1989 price for sale to end users issued by an unrelated U.S. distributor, adjusted to account for distributor's mark-up.

Petitioner bases foreign market value (FMV) for LSIs on a 1989 home market Otsuka price list. The price list reflects prices for sales directly from the manufacturer to end users in the home market.

We have accepted as the basis for the LTFV allegation petitioner's comparison of United States price with FMV. This methodology results in estimated dumping margins of 84 percent to 267 percent, depending on the USP adjustment to account for distributor's mark-up.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on LSIs from Japan and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating an antidumping duty investigation to determine whether imports of LSIs from Japan are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by August 27, 1990.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after this date will be classified solely according to the appropriate HTS

subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive as to the scope of the product coverage.

The products covered by this investigation are light scattering instruments and parts thereof from Japan that have classical measurement capabilities, whether or not also capable of dynamic measurements. Subject LSIs employ laser light and may use either the single-angle or multi-angle measurement technique. The following parts are included in the scope of the investigation when they are manufactured for use only in an LSI: Scanning photomultiplier assemblies, immersion baths, sample-containing structures, electronic signal-processing boards, molecular characterization software, preamplifier/discriminator circuitry, and optical benches. LSIs may be sold inclusive or exclusive of such accessories as personal computers, cathode ray tube displays, software or printers. LSIs are used primarily for characterization of macromolecules and submicrons in solution. LSIs are currently classifiable under HTS subheading 9027.30.40. LSI parts are currently classifiable under HTS subheading 9027.90.40.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonproprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writing that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Investigations.

Preliminary Determination by ITC

The ITC will determine by May 3, 1990 whether there is a reasonable indication that imports of LSIs from Japan are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c) (2) of the Act.

Dated: April 9, 1990.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-8805 Filed 4-16-90; 8:45 am]

BILLING CODE 3510-DS-M

Consolidated Decision on Applications for Duty-Free Entry of Scientific Aritcles; Baptist Regional Health Services, Inc., et al.

This is a decision consolidated pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 a.m. and 5: p.m. in room 1523, U.S. Department of Commerce, 14th and Constitution Avenue NW, Washington, DC.

Decision: Denied. Applicants have failed to establish that domestic instruments of equivalent scientific value to the foreign instruments for the intended purposes are not available.

Reasons: § 301.5(e)(4) of the regulations requires the denial of applications that have been denied without prejudice to resubmission if they are not resubmitted within the specified time period. This is the case for each of the listed dockets.

Docket number: 80-108. *Applicant:* Baptist Regional Health Services, Inc., Pensacola, FL 32501. *Instrument:* Computer Unit and Sonic Digitizer. *Manufacturer:* Atomic Energy of Canada, Ltd., Canada. *Date of denial without prejudice to resubmission:* September 9, 1980.

Docket number: 80-109. *Applicant:* Baptist Regional Health Services, Inc., Pensacola, FL 32501. *Instrument:* Tumor Registry and Information Management System, G4100A. *Manufacturer:* Atomic Energy of Canada, Ltd., Canada. *Date of denial without prejudice to resubmission:* November 10, 1980.

Docket number: 80-305. *Applicant:* William Marsh Rice University, Houston, TX 77001. *Instrument:* NMR Spectrometer, Model JNM/FX-90Q and Accessories. *Manufacturer:* JEOL, Ltd., Japan. *Date of denial without prejudice to resubmission:* February 5, 1981.

Docket number: 80-332. Ohio University, Athens, OH 45701. *Applicant:* Ohio University, Athens, OH 45701. *Instrument:* NMR Spectrometer, Model FX-90Q(II) and Accessory. *Manufacturer:* JEOL, Ltd., Japan. *Date of denial without prejudice to resubmission:* February 4, 1981.

Docket number: 81-300. *Applicant:* Methodist Hospitals of Memphis, Memphis, TN 38104. *Instrument:* Diagnostic Ultrasound Instrument with Accessories.. *Manufacturer:* Ausonics, Ltd., Australia. *Date of denial without prejudice to resubmission:* March 29, 1982.

Docket number: 89-008. *Applicant:* U.S. Department of Energy, Argonne National Laboratory. *Instrument:* Superconducting Magnet. *Manufacturer:* Oxford Instruments, Inc., United Kingdom. *Date of denial without prejudice to resubmission:* June 15, 1989.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-8806 Filed 4-16-90; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments; V.A. Medical Center et al.

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a) (3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 a.m. and 5 p.m. in room 2841, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC.

Docket number: 89-238R. *Applicant:* V.A. Medical Center, 5901 East Seventh Street, Long Beach, CA 90822. *Instrument:* Electron Microscope, Model, JEM-1200EX/SEG/DP/DP. *Manufacturer:* JOEL, Ltd., Japan. *Intended use:* The instrument will be used for examination of various types of tumors, blood cells, brain, spinal cord, heart muscle, kidneys, lymph nodes. In addition, the instrument will be used for educational purposes in a four year residency program in Pathology. *Original application received by Commissioner of Customs:* September 27, 1989.

Docket Number: 89-143R. *Applicant:* Wayne State University, 75 Chemistry, Detroit, MI 48202. *Instrument:* Mass Spectrometer System, Model MS50 RF. *Manufacturer:* Kratos Analytical, United Kingdom. Original notice of this resubmitted application was published in the **Federal Register** of May 22, 1989.

Docket number: 90-041. *Applicant:* NOAA, National Ocean Service, N/

CG213, 6001 Executive Blvd., Rockville, MD 20852. *Instrument:* Mechanical Optical Controller Analytical Stereoplotter System, Model AS–11PA–3. Manufacturer: Ottico Meccanica Italiana, Italy. *Intended use:* The instrument will be used for studies of unclassified mapping photographs covering shoreline and airports of the United States and its possessions. The output from the instrument is purely digital and of basic nature which can be used by scientific investigators in Geographic Information Systems. *Application received by Commissioner of Customs:* March 2, 1990.

Docket Number: 90–042. *Applicant:* Syracuse University, Department of Geology, 204 Heroy Geology Laboratory, Syracuse, NY 13244–1070. *Instrument:* Mass Spectrometer, Model VG Sector 54. *Manufacturer:* VG Isotopes, Ltd., United Kingdom. *Intended use:* The instrument will be used to measure the isotopic compositions of the elements rubidium, strontium, samarium, neodymium, lead and uranium in terrestrial rocks, minerals and other natural materials. Other uses include determinations of rare-earth elements or other trace elements in natural materials by isotope dilution field data to calculate geologic ages of samples and their geochemical history in the earth's crust. Additional applications may involve study of meteorites, samples of oceanic crust, or mantle samples from inclusions or ophiolites. The instrument will also be used for training graduate students in the techniques of modern isotopic geochemistry. *Application received by Commissioner of Customs:* March 2, 1990.

Docket Number: 90–043. *Applicant:* University of Denver, University Park Campus, Denver, CO 80202. *Instrument:* FTIR Spectrometer, Model DA3. *Manufacturer:* Bomem, Inc., Canada. *Intended use:* The instrument will be used to study the variability of the composition of the stratosphere. This will be accompanied by equipping the FTS with a solar tracking system and using the combination to obtain ground based solar spectra from various locations. *Application received by Commissioner of Customs:* March 21, 1990.

Docket Number: 90–044. *Applicant:* Baylor College of Medicine, Department of Ophthalmology, 6501 Fannin, Houston, TX 77030. *Instrument:* Electron Microscope, Model CEM 902. *Manufacturer:* Carl Zeiss, West Germany. *Intended use:* The instrument will be used by basic and clinical scientists to greatly expand their biomedical investigations on the visual system at the tissue, cellular and molecular levels. The experimental programs include structural analysis in studies of the anatomy, biochemistry physiology, cell biology, genetics, molecular biology and pathology of the neural retina, pigment epithelium and choroid; retinal organization and visual information processing, the role and mechanism of infectious agents in corneal disease; ocular fungal disorders; ocular pharmacology; and visual dysfunction in strabismus and amblyopia. *Application received by Commissioner of Customs:* March 22, 1990.

Docket Number: 90–045. *Applicant:* National Institutes of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709. *Instrument:* Variable Sinusoidal Oscillator for E2 of VG–ZAB–4F. *Manufacturer:* Mass Spectrometry Enterprises, United Kingdom. *Intended use:* The instrument will be used for studies of a means of correcting for the energy loss encountered in collisionally activated fragmentation in mass spectrometry. The experiments to be conducted are initially to progressively rapidly vary the ESA–II voltage over a 10 to 50 mv range at frequencies from 15 Hz to 1 Khz such that ions with a range of energies but the same mass are passed through MS–II and detected. The data from these experiments will then be used in the acquisition of MS/MS data on biomolecules such as peptides and oligonucleotides. *Application received by Commission of Customs:* March 22, 1990.

Docket number: 90–046. *Applicant:* St. Joseph's Hospital & Medical Center, Barrows Neurological Institute, 350 West Thomas Road, Phoenix, AZ 85013. *Instrument:* 3D Motion Analyzer System, Model OPTOTRAK. *Manufacturer:* Northern Digital, Inc., Canada. *Intended use:* The instrument will be used in a study to examine the relation between single-cell discharge in primary motor cortex and skilled arm movement. The instrument measures the position of the limb, at various points on the arm, as the movement takes place through three-dimensional space. The measured arm trajectory, its characteristics, and the relevant joint angles will be compared to single cell and population reponses of motor cortical activity in an attempt to better understand the neuronal substrate of skilled arm movements. *Application received by Commissioner of Customs:* March 23, 1990.

Docket number: 90–047. *Applicant:* U.S. Army Materials Technology Laboratory, Arsenal Street, Watertown, MA 02179. *Instrument:* Laser Induced Mass Analyzer System, Model CONCEPT. *Manufacturer:* Kratos Analytical, Inc., United Kingdom. *Intended use:* The instrument is a high sensitivity, high resolution instrument that will be used for the study of the mass spectra of gaseous species (i.e., ions, atoms anbd molecules). *Application received by Commissioner of Customs:* March 23, 1990.

Docket number: 90–048. *Applicant:* University of Virginia, Department of Environmental Sciences, Clark Hall, Charlottesville, VA. 22903. *Instrument:* Mass Spectrometer, Model PRISM Series II. *Manufacturer:* VG Instrument, United Kingdom. *Intended use:* The instrument will be used to measure naturally occurring stable isotopes of carbon, nitrogen, sulfur and oxygen which will be used as naturally occurring tracers in plants, and animals, geological, hydrologic and atmospheric components. Varied experiments will involve determining a variety of properities of the natural work using stable isotope tracers. In addition, the instrument will be used for educational purposes in a variety of courses in ecology, hydrology, atmospheric sciences and geochemistry. *Application received by Commissioner of Customs:* March 26, 1990.

Docket Number: 90—049. *Applicant:* Union College, 1 Union Avenue, Schenectady, NY 12308. *Instrument:* Electron Microscope, Model JEM–100CXII. *Manufacturer:* JEOL, Ltd., Japan. *Intended use:* The instrument will be used for ultrastructural studies of the following:

(1) Structure and polymerization of microtubules and related microtubule associated proteins,
(2) Worms collected from the Pacific Ocean with particular reference to gametogenesis and
(3) Different conformational shapes of glutamine synthetase under various conditions of pH.

In addition, the instrument will be used by students in a comprehensive course entitled Cytology. *Application received by Commissioner of Customs:* March 26, 1990.

Docket number: 90–050. *Applicant:* The Regents of University of California at San Diego, La Jolla, CA 92093. *Instrument:* Electron Microscope, Model CM10/PC. *Manufacturer:* Philips Electronic Instruments, Inc., The Netherlands. *Intended use:* The instrument will be used for studies of the ultrastructure of various tissues (kidney, liver, pancreas, anterior putuitary blood cells, endothelial cells) and cells in culture (normal and cancer

cells). Most specimens studied will be of biological origin, mostly from experimental animals. *Application received by Commissioner of Customs:* March 27, 1990.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 90-8807 Filed 4-16-90; 8:45 am]

BILLING CODE 3510-DS-M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade's, Proposed Amendments to Rule 350.04; Deletion Rule 350.04A; the Chicago Mercantile Exchange's Proposed Policy Change and Amendments to Rules 527 and 531

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendments and policy change.

SUMMARY: The Chicago Board of Trade ("CBT") and the Chicago Mercantile Exchange ("CME") have submitted, pursuant to section 5a(12) of the Commodity Exchange Act ("Act"), proposed rule and policy changes for approval. The CBT's proposed rule amendment would alter the mechanisms used for the resolution of outtrades and errors made in executing a customer's order. Similarly, the CME's proposed policy change and rule amendments would alter outtrade resolution procedures for certain types of outtrades.

The Exchanges currently require a floor broker or futures commission merchant ("FCM") to accept any loss associated with an outtrade or error made during the trading day. The Exchanges also require that any profits made through resolution of the outtrade belong to the customer. Although both Exchanges intend to continue to require a floor broker or FCM to reimburse a customer for losses associated with an error or outtrade, they have proposed changes which would allow certain exchange members to keep profits in specified cases. The CBT's proposed amendments would allow a floor broker or FCM to keep profits made from the resolution of any outtrade or error. The CME's proposed policy change would allow a floor broker to keep profits made from certain outtrades but would not allow an FCM to keep such earnings. The CME's proposed policy change on outtrade profits would apply only when the outtrade arises from the resolution of an uncleared transaction which a broker has confirmed to his customer.

The CME also has proposed rule amendments that would require a floor broker with an uncleared customer's transaction which has been confirmed to the customer to have the opposite side of the uncleared transaction assigned to his error account. This procedure would allow the floor broker to fill his customer's order by having the trade assigned to the broker's error account at the confirmed price.

DATES: Comments must be received by May 17, 1990.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

FOR FURTHER INFORMATION CONTACT: Shauna L. Turnbull, Staff Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION:

I. Description of Proposals

By letter dated October 6, 1989 and received October 8, 1989, the CBT submitted proposed amendments to rule 350.04 and the deletion of rule 350.04A, pursuant to Commission Regulation § 1.41(c). Based on subsequent discussions between Commission and Exchange staffs, the CBT agreed, by letter dated November 3, 1989, to change the filing status of the proposed amendments to a submission made pursuant to Commission Regulation § 1.41(b). By letter dated January 4, 1990, the CME submitted a proposed policy change and amendments to rules 527 and 531, pursuant to Commission Regulation § 1.41(b). The Commission determined to publish the Exchanges' proposed actions for comment. Both submissions relate to procedures designed to address outtrades.

II. CBT's Proposed Amendments

The CBT proposes to amend its rule 350.04, which addresses situations where a broker of CME commits an error in the execution of a customer's order. Under the Exchange's current rule, any losses resulting from such an error must be borne by the party who made the error, while any profits belong to the customer. Thus, a customer should receive at least the fill required by his order and may receive a better one.

The CBT would amend this rule to continue its current practice of ensuring that "[t]he customer is entitled to the prevailing price at the time the order is or should have been executed." It also proposes to alter current practice by amending rule 350.04 to allow the broker or FCM to keep any profit resulting from the resoluion of an error or the mishandling of an order. Consistent with this proposed change, the Exchange would delete rule 350.04A, which allows a customer to receive profits from the resolution of an error and the mishandling of an order.

The CBT explained that certain principles would apply under the proposed changes in cases where a customer's order is not executed, or is executed incorrectly, due to an error by the floor broker or FCM. First, the floor broker or FCM who made an error while acting on a customer's behalf would be responsible to the customer for rectifying the error according to specifications of the order. Second, the responsible floor broker or FCM would bear the market risk arising from the error. The result of this risk, whether profit or loss, would belong to the responsible floor broker or FCM.

For example, assume that a broker receives a customer's market order to buy one March Treasury Bond futures contract and that the broker immediately buys this contract. Assume further that the broker records a price of 92.12 for the trade but that the opposite side records the price as 92.14, resulting in an outtrade. If the broker rectifies this outtrade by breaking the trade and executing a new trade for the customer during the opening the next day at a price of 92.00, then the proposed CBT rule amendment would allow him to give the trade to the customer at the "prevailing price at the time the order is or should have been executed," or 92.12 in this instance. The 12-tick difference ($375) between the customer's prevailing price and the actual execution price would accrue to the broker's personal account.

The CBT reasoned that, when an error occurs, revised rule 350.04 would protect the customer's interest by codifying the customer's entitlement to the transaction which he requested. At the same time, the amended rule would allow the possibility of profit as well as of loss to the broker or FCM who must bear the risk of the error. Thus, the Exchange asserts that the proposed changes would allow brokers and FCMs to resolve errors and outtrades in a manner more equitable to the party at risk.

III. The CME's Proposed Policy Change and Rule Amendments

The CME's proposed changes would govern situations where a broker holds

an uncleared customer's transaction which he has confirmed to his customer. First, the Exchange would amend its current policy on the resolution of such an outtrade in a manner similar to the CBT's proposed changes. The CME's current written policy requires that a floor broker must bear the risk of loss caused by an outtrade, but may not benefit from any gain. The Exchange provided an example of its current policy:

> Assume that a floor broker, who had confirmed the fill of a 100 lot [Standard & Poor's 500 Stock Index futures contract] buy order at 340.00, had an [outtrade] that could not be resolved with the other side. Currently, he would be required to refill the order in the opening range of the next trading session. Assume further that the new price is 342.00, a worse price. The trade at 340.00 would be replaced with the trade at 342.00, and the floor broker would be required to give the firm a check for $100,000, (100 contracts × 200 points × $5.00 per point), for credit to the customer's account, effectively resulting in a fill to the customer of 340.00, the price to which he was originally entitled and that was confirmed to him. Conversely, if the order had been executed on the opening at 338.00, a more advantageous price, the customer would receive the benefit.

The CME proposes to change this policy to allow a broker to keep any profits gained through the resolution of an uncleared customer's transaction which a broker has confirmed to the customer. When this proposed policy is applied to the example above, the floor broker would have to give the customer a fill at the confirmed price of 340.00, but would be entitled to any profits from resolutions of the outtrade. The CME maintained that its current policy is unfair to floor brokers and constitutes an unwarranted windfall to the customer.

The CME also proposes to amend its rule 527, which governs the procedures followed by a floor broker who resolves certain errors which he discovers after a trading session. Most significantly, in cases where there is an unresolved outtrade which involves a customer's order, the proposed amendments would require assignment of the opposite side of a bona fide outtrade to the floor broker's error account at the confirmation price. A bona fide outtrade would be one where the floor broker has a reasonable belief that he has executed the trade during the trading day.

CME rule 527 currently provides that, whenever possible, a broker who discovers an error after a trading session must resolve the error prior to opening of the following day's market. Accordingly, when there is an outtrade that a member cannot resolve prior to opening of the following day's market, it is the responsibility of a member involved in the trade, or one who has agreed to undertake such responsibility, to establish the loss immediately by making the indicated trade in the market upon the opening. Rule 527 further provides that the opening range of the following day's market is the limit of liability to the opposite side for an outtrade. After a loss has been established, if the matter cannot be resolved between the members in question, the CME provides that the matter may be brought before the Exchange Arbitration Committee.

The CME proposes to amend this rule by adding two sections, one that relates to an outtrade between members who trade for their own accounts or for house accounts over which they exercise discretion and one that relates to an outtrade that involves a customer's order. In the case of an outtrade between members who trade for their own accounts or for house accounts over which they exercise discretion, the proposed amendments would affirm the existing practice of allowing members to resolve such an outtrade by "breaking" it, that is, declaring the trade null and void, or by clearing it using either party's trade data, with any difference subject to arbitration.

In the case of an outtrade which involves a customer's order, CME, likewise, would require members to resolve the outtrade by clearing it using either member's trade data or by "breaking" the trade. If the members resolve the outtrade by using either member's trade data, then the customer would receive that fill with any necessary adjustment in price. If, however, the members break an outtrade which has been confirmed to a customer, then rule 527 provides that the customer's order still must be filled at the confirmation price. The floor broker would fill such a customer's order through assignment of the trade to his error account at the confirmed price.

For example, assume that a customer places a limit order to buy one Standard & Poor's 500 Stock Index futures ("S&P 500") contract at a price of 340.00. Assume further that a floor broker executes this trade in the pit and confirms it to the customer at a price of 340.00, but the trade does not clear because the opposite side recorded the price as 342.00. If the members decide to break this outtrade, then the opposite side of the uncleared transaction would be assigned to the floor broker's error account and the customer would be assigned a fill at the confirmed price of 340.00.

A floor broker who has the opposite side of a customer's uncleared transaction assigned to his error account would have to identify such transaction by appropriate designation. He also would have to identify the error account used for this purpose to the Compliance Department; notify a floor manager who works for the clearing member representing the order that the floor broker has been assigned the opposite side of the outtrade; obtain acknowledgement of such notification from the floor manager; document the circumstances surrounding any such error account transaction; and promptly provide such documentation to the Exchange upon request.

In support of its proposed policy change and amendments, the Exchange stated that the current outtrade resolution system appears to have provided incentives for members to engage in the types of abuses which have been identified in the undercover investigation of the Chicago markets. The Exchange reasoned that, by taking the trade in his error account, the broker would not have a reason to become obligated to pay any other member for losses attributable to the resolution of an outtrade. The CME also noted that the designation of outtrade resolution trades and maintenance of records on such activities should aid in the surveillance of outtrades.

The CME maintained that its proposed amendments are consistent with the Act and Commission regulations. It focused on the proposed amendments to rule 527, which would require a broker to resolve certain outtrades by taking the opposite side of a customer's order. Specifically, the Exchange argued that the amendment is consistent with section 4b(D) of the Act. Section 4b(D) provides in pertinent part that "[i]t shall be unlawful * * * for any member of a contract market * * * to bucket [a customer's] order * * * or willfully and knowingly and without the prior consent of such person to become the buyer in respect to any selling order of such person, or become the seller in respect to any buying order of such person." The CME argued that the proposed rule does not involve bucketing because it would be done with a customer's implied consent and in compliance with contract market rules. The Exchange cited securities law provisions which permit similar activities in the equities markets.[1]

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[1] Specifically, the CME cited section 11(a) of the Securities Exchange Act of 1934, which allows members of securities exchanges to trade for their own accounts to offset transactions made in error, and the corresponding provisions at the New York Stock Exchange and Chicago Board Options Exchange.

IV. Request for Comments

The Commission requests comments on any aspect of the proposed amendments to CBT rules 350.04, deletion of CBT rule 350.04A, CME policy change, and amendments to CME rules 527 and 531 that members of the public believe may raise issues under the Act or Commission regulations. In particular, the Commission invites comment on the following specific matters:

1. The need for new mechanisms to resolve errors and outtrades;
2. The potential for the new mechanisms to create more equitable procedures for the resolution of errors and outtrades;
3. The potential for the new mechanisms to reduce the susceptibility of errors and outtrades to abuse;
4. The potential for the new mechanisms to increase the susceptibility of errors and outtrades to abuse;
5. The consistency of the proposed amendments with sections 4b, 4c(a), and 15 of the Act and Commission Regulations §§ 1.38, 1.39, and 155.2;
6. The effect of the proposed mechanisms on the price discovery function of the market;
7. The adequacy of the CME amendments for notice to and consent from customers;
8. The potential for these amendments to assist in or hinder surveillance of errors and outtrades, including the potential for these amendments to facilitate violations of the Act and Commission regulations;
9. The consistency of the amendments with the fiduciary obligations of brokers to customers;
10. The appropriate procedures to be used in determining the "prevailing price" which a customer should receive for an order that was filled at the CBT after an error or outtrade, including appropriate safeguards which should be associated with the CBT proposal; and
11. The viability of any alternative means to achieve the purposes of the proposed amendments.

Copies of the CBT and CME's submissions are available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies also may be obtained through the Office of the Secretariat at the above address or by telephoning (202)254–6314.

Any person interested in submitting written data, views, or arguments on the proposed rule amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC, on April 11, 1990.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–8839 Filed 4–16–90; 8:45 am]

BILLING CODE 6351–01–M

Agricultural Advisory Committee Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(a) and 41 CFR 101–6.1015(b), that the Commodity Futures Trading Commission's Agricultural Advisory Committee will conduct a public meeting in the Fifth Floor Hearing Room at the Commission's Washington, DC headquarters located at room 532, 2033 K Street NW., Washington, DC 20581, on May 16, 1990, beginning at 9 a.m. and lasting until 3:30 p.m. The agenda will consist of:

Agenda

1. Discussion of various delivery issues;
2. Status report on reauthorization/jurisdiction;
3. Discussion of ongoing regulatory and self-regulatory initiatives;
4. Update on electronic trading;
5. Discussion of international issues affecting agriculture; and
6. Other issues for Committee consideration; timing of next meeting; other Committee business.

The purpose of this meeting is to solicit the views of the Committee on the above-listed agenda matters. The Advisory Committee was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on agricultural issues. The purposes and objectives of the Advisory Committee are more fully set forth in the May 9, 1990, third renewal charter of the Advisory Committee.

The meeting is open to the public. The Chairman of the Advisory Committee, Commissioner Kalo A. Hineman, is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: the Commodity Futures Trading Commission Agricultural Advisory Committee c/o Charles O. Conrad, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Mr. Conrad in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC on April 11, 1990.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90–8840 Filed 4–16–90; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

General Services Administration

National Aeronautics and Space Administration

Federal Acquisition Regulation (FAR); Information Collection Under OMB Review

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection concerning Contract Cost or Pricing Data.

ADDRESS: Send comments to Ms. Eyvette Flynn, FAR Desk Officer, OMB, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson, Office of Federal Acquisition Policy, (202) 523–3781 or Mr. Owen Green, Defense Acquisition Regulatory Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* The Competition in Contracting Act of 1984, title VII of Public Law 98–369, substantially changed the basic statutes underlying the Federal procurement system, with a corresponding major impact on the FAR. Under the Act, agencies are required to provide for full and open competition by soliciting sealed bids or requesting competitive proposals, or use other competitive procedures, unless a statutory exception permits other than full and open competition. In addition, the Act lowered the threshold for

submission of certified cost or pricing data by offerors from $500,000 to $100,000, when adequate price competition does not exist.

The information is used by the Government to perform cost analysis and to ultimately enable the Government to negotiate fair and reasonable prices on contracts.

b. *Annual Reporting Burden:* The annual reporting burden is estimated as follows: Respondents, *14,781*; responses per respondent, *10*; total annual responses, 147,814; hours per response, *4*; and total response burden hours, *591,256*.

OBTAINING COPIES OF PROPOSALS: Requester may obtain copies from General Services Administration, FAR Secretariat (VRS), Room 4041, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0013, Cost or Pricing Data.

Dated: April 6, 1990.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 90–8832 Filed 4–16–90; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF EDUCATION

[CFDA No: 84.040]

Invitation for Fiscal Year 1990 Applications Under the School Construction in Areas Affected by Federal Activities Program for Fiscal Year 1991 Funds

Purpose of Program: Notice is given that the Secretary of Education has established a closing date for the transmittal of applications for assistance under sections 5 and 9 of Public Law 81–815, based on increase periods ending June 1990 or June 1991. (An increase period is a period of four consecutive regular school years during which a school district has experienced a substantial increase in school membership as a result of new or increased Federal activities.) This closing date also applies to applications for assistance under section 14 and for supplemental assistance under section 8 of Public Law 81–815. (Section 14 authorizes assistance for certain school districts that serve children residing on Indian lands, or that are significantly burdened by the presence of nontaxable Federal property. Section 8 authorizes assistance that supplements certain awards made under sections 5, 9, and 14 of Public Law 81–815.)

Approval of these applications is subject to availability of funds.

Deadline for Transmittal of Applications: June 29, 1990.

Deadline for Intergovernmental Review Comments: August 30, 1990.

Available Funds: For fiscal year 1991, the Administration has requested $7 million for sections 5 and 14(c), and $10 million for sections 14(a) and 14(b). However, the actual level of funding is contingent upon final Congressional action. The fiscal year 1990 appropriation was $7.499 million for sections 14(a) and 14(b). No funds were appropriated for sections 5 and 14(c) in fiscal year 1990.

Applications Available: Application forms may be obtained from the State educational agency that serves the applicant local educational agency.

Applicable Regulations: (a) The regulations governing the School Construction Program (34 CFR parts 218 and 221), and (b) the Education Department General Administrative Regulations (EDGAR) (34 CFR parts 75, 77, 79, 80, 82, and 85).

For Information Contact: School Facilities Branch, Impact Aid Program, Program Operations Division, U.S. Department of Education, 400 Maryland Avenue SW., Room 2117, Washington, DC 20202–6244. Telephone: (202) 732–4660.

Authority: 20 U.S.C. 631–645.

(Catalog of Federal Domestic Assistance No. 84.040 School Assistance in Federally Affected Areas—Construction)

Dated: April 9, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90–8820 Filed 4–16–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Proposed Resource Programs; Intent To Prepare an Environmental Impact Statement and Notice of Scoping Meeting

AGENCY: Bonneville Power Administrative (BPA), DOE.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) and conduct a scoping meeting.

SUMMARY: Every 2 years, BPA prepares a Resource Program. Each Resource Program is a comprehensive evaluation of alternative plans to meet BPA's load obligations. Each alternative plan includes a mix of conservation and generation resource actions, together with the timing of the actions. Other means of meeting load, such as contracts with other utilities and increases in system efficiency, are also considered. BPA is proposing to prepare and consider an EIS to evaluate the environmental effects associated with the various resources in its resource stack and to examine the environmental effects of alternative resource plans that could be proposed in future Resource Programs.

DATES: A public meeting will be held on May 1, 1990, at 1 p.m. in Room 106 of the BPA Headquarters Building, 905 NE. 11th Avenue, Portland, Oregon, to discuss the scope of the Resource Programs EIS (RPEIS). During the scoping period, BPA is asking the public to help identify the reasonable range of actions, alternatives, and impacts that should be considered in the EIS and any related significant issues. Comments on the scope of the RPEIS should be submitted to the address below by May 15, 1990.

After the 30-day scoping period, an Implementation Plan for the RPEIS will be prepared and made available to the public for information. The Draft RPEIS is scheduled to be circulated for public review and comment in May 1991, and notice as to how copies may be obtained will be published at that time. A public meeting will be held during the 45-day comment period on the Draft EIS, and advance notice of the meeting will be published in the **Federal Register**. The Final RPEIS should be available in April 1992. A Record of Decision on the 1992 Resource Program is expected to be issued in May or early June 1992.

ADDRESS: Written comments on the scope of the RPEIS should be submitted to the Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Ms. Jerilyn A. Krier, Resource Progams EIS Manager at 503–230–3429, or call the Public Involvement Office at 503–230–3478 in Portland; toll-free 800–452–8429 for Oregon outside Portland; 800–547–6048 for other Western states. Information may also be obtained from:

Mr. George E. Gwinnutt, Lower Columbia Area Manager, Suite 243, 1500 NE Irving Street, Portland, Oregon 97232, 503–230–4551.

Mr. Robert N. Laffel, Eugene District Manager, Room 206, 211 East Seventh Avenue, Eugene, Oregon 97401, 503–687–6952.

Mr. Wayne R. Lee, Upper Columbia Area Manager, Room 561, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518.

Mr. George E. Eskridge, Montana District Manager, 800 Kensington, Missoula, Montana 59801, 406–329–3060.

Mr. Ronald K. Rodewald, Wenatchee District Manager, Room 307, 301 Yakima Street,

Wenatchee, Washington 98801, 509–662–4377, Extension 379.
Mr. Terence G. Esvelt, Puget Sound Area Manager, Suite 400, 201 Queen Anne Avenue North, Seattle, Washington 98109–1030, 206–442–4130.
Mr. Thomas V. Wagenhoffer, Snake River Area Manager, 101 West Poplar, Walla Walla, Washington 99362, 509–522–6225.
Mr. Richard J. Itami, Idaho Falls District Manager, 1527 Hollipark Drive, Idaho Falls, Idaho 83401, 208–523–2706.
Mr. Thomas H. Blankenship, Boise District Manager, Room 494, 550 West Fort Street, Boise, Idaho 83724, 208–334–9137.

SUPPLEMENTARY INFORMATION:

Background

The Pacific Northwest Power Planning Council (Council) is charged by the Pacific Northwest Electric Power Planning and Conservation Act with developing a long-range regional Power Plan for the Pacific Northwest. BPA relies on the Council's most recent Power Plan to provide the long-range context within which BPA's own planning takes place. In developing a Resource Program, the guidance in the Power Plan is translated into a specific set of near-term actions with associated budgets.

BPA's Resource Program is prepared biennially to communicate how BPA intends to meet the Administrator's obligation to serve loads placed on BPA. The Resource Program articulates the plan BPA will use in meeting its load obligations and explains the analytic basis for that plan and the reasons it is preferred over alternative resource plans. The Resource Program also provides the basis for energy resource program budgets and explains how they are derived.

In developing a Resource Program, BPA and the Council jointly prepare a load forecast. A range of five forecasts (low, medium-low, medium, medium-high, and high) is prepared to reflect the uncertainties BPA faces in projecting future load growth. Next a range of load/resource balances are prepared by comparing the capability of the existing Federal System resources to the range of projected Federal System loads over the next 20 years. Then BPA and the Council develop new resource supply forecasts to plan acquisition of cost-effective resources to meet load growth and to assist program design.

Under the most recent medium forecast, the Federal System is now in load/resource balance with sufficient resources to meet BPA's needs throughout the century. However, the exact level of future loads is not known. The Resource Program examines ways for BPA to meet this uncertainty in the most cost-effective manner. Recent load growth underscores the need to plan flexibly to meet whatever need materializes without making unnecessary expenditures.

Environmental Analysis

Each alternative resource plan examined in a Resource Program comprises a different combination of resources from BPA's resource stack. The RPEIS will evaluate the environmental impacts of the individual resources in the resource stack and the environmental impacts of a range of alternative plans for meeting future demands for electricity. Environmental trade-offs among the various resources and among alternative resource plans will also be covered in the RPEIS.

The analysis in the RPEIS will be broad enough to encompass several Resource Programs. BPA will begin using the RPEIS in 1992, along with the results of other analyses, to select the preferred resource plan for each of these Resource Programs. Following the selection of a specific resource plan in each Resource Program, specific resource acquisitions may be proposed. Separate action-specific environmental documents will evaluate the impacts of those resource acquisitions.

Establishment of a Technical Review Panel

BPA is establishing a Technical Review Panel (TRP) to provide assistance in developing the RPEIS. This RPEIS TRP is expected to include representatives from customer groups, State energy offices, the Northwest Power Planning Council, the Washington Public Power Supply System, environmental and other special interest groups, and concerned individuals. The TRP will assist BPA by helping to define the range of alternative resource plans, recommending criteria by which the actions and alternatives should be compared, and offering new information on resources and their risks and impacts. It is likely that specific work groups will be formed to review specific issues. Those interested in participating are encouraged to write to the address above.

Related Processes

In addition to the RPEIS, BPA proposed to prepare two other major programmatic EIS's over the next several years. The first such EIS will cover broad issues related to balanced use of Federal multipurpose hydro facilities in the Columbia River Basin. BPA, the U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation will jointly conduct a comprehensive System Operation Review public process on balancing the multiple uses of these facilities and will prepare an EIS. The process will cover use of the river for navigation, irrigation, power, flood control, fish and wildlife, recreation and other purposes. These issues must be analyzed to allow for decisions by the three Federal agencies on new contracts specifically related to power generation operations. The System Operation Review process could lead to decisions affecting regional hydropower capability or operating flexibility. Because of the dominance of hydropower in the existing Federal System, these decisions could affect BPA's Resource Programs. The RPEIS will be scoped to accommodate potential changes in the hydrosystem.

The other programmatic EIS BPA is considering will focus on marketing and transmission issues, including non-Federal access to the Pacific Northwest-Pacific Southwest Intertie, various types of exchange and capacity sales, and expansion of interregional transmission. Decisions on sales outside and within the Pacific Northwest could influence the need for and timing of resource actions. The RPEIS will include energy and capacity sales in its consideration of resources to meet BPA's load obligations.

Issued in Portland, Oregon, on April 2, 1990.

Roger E. Seifert,

Deputy Assistant Administrator, Bonneville Power Administration.

[FR Doc. 90–9024 Filed 4–13–90; 3:22 pm]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. CP90–1094–000 et al.]

United Gas Pipe Line Co. et al., Natural Gas Certificate Filings

April 10, 1990.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipe Line Company

[Docket No. CP90–1094–000]

Take notice that on March 30, 1990, United Gas Pipeline Company (United), P.O. Box 1478, Houston, Texas 77251, filed in Docket No. CP90–1094–000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a natural gas exchange service with Mid Louisiana Gas Company (Mid La), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

United states that by order issued July 24, 1968, the Commission authorized United under Rate Schedule X–24, to exchange up to 40,000 Mcf of natural gas per day with Mid La. United states that conditions on its system have changed since it entered into the exchange agreement with Mid La. United states that these changes include loss of excess supplies, loss of sales markets, and loss of operational benefits due to significant flow path changes that have occurred on United's system in the last decade. United explains that the changed conditions no longer make the exchange agreement beneficial to United.

United states that it gave 90 days notice to Mid La of its intent to terminate the exchange agreement on March 1, 1990. United explains that Mid La agreed to support the termination. United further explains that it is negotiating with Mid La for United to provide alternate replacement services.

United states the related facilities would be left in place to accommodate continued transportation services. United also requests that the Commission order any imbalances under the exchange agreement to be eliminated within 30 days of issuance of the Commission's order granting abandonment.

Comment date: May 1, 1990, in accordance with Standard Paragraph F at the end of this notice.

2. Colorado Interstate Gas Company

[Docket Nos. CP90–1146–000, CP90–1147–000, CP90–1148–000, CP90–1149–000, and CP90–1150–000]

Take notice that on April 5, 1990, Colorado Interstate Gas Company (Applicant), Post Office Box 1087, Colorado Springs, Colorado 80844, filed in the above referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86–589–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-days transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services, would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: May 25, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket number (date filed)	Shipper name	Peak day,[1] average day, annual	Receipt [2] points	Delivery points	Start up date, rate schedule, service type	Related [3] docket, contract date
CP90–1146–000 (4–5–90)	Northern Central Oil Corporation.	25,000 10,000 3,650,000	WY	OK	3–1–90, TI–1, Interruptible.	ST90–2373–000, 3–1–90.
CP90–1147–000 (4–5–90)	Anadarko Trading Corporation.	25,000 10,000 3,650,000	KS, OK	KS	3–1–90, TI–1, Interruptible.	ST90–2370–000, 1–1–90.
CP90–1148–000 (4–5–90)	Union Pacific Fuels, Inc.	25,000 25,000 9,100,000	CO	CO	3–1–90, TI–1, Interruptible.	ST90–2374–000, 10–1–89.
CP90–1149–000 (4–5–90)	North Central Oil Corporation.	25,000 10,000 3,650,000	WY	TX	3–1–90, TI–1, Interruptible.	ST90–2369–000, 3–1–90.
CP90–1150–000 (4–5–90)	North Central Oil Corporation.	25,000 10,000 3,650,000	WY	KS	3–1–90, TI–1, Interruptible.	ST90–2371–000, 3–1–90.

[1] Quantities are shown in Mcf.
[2] Offshore Louisiana and offshore Texas are shown at OLA and OTX.
[3] If an ST docket is shown, 120-day transportation service was reported in it,

3. Tennessee Gas Pipeline Company, Trunkline Gas Company

[Docket Nos. CP90–1095–000 and CP90–1106–000]

Take notice that on April 2, 1990, Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77252, and Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket Nos. CP90–1095–000 and CP90–1106–000, requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport gas on an interruptible basis for Rangeline Corporation (Rangeline) a marketer, and for Union Exploration Partners, Ltd. a producer, respectively, under Tennessee's blanket certificate issued in Docket No. CP87–115–000 and under Trunkline's blanket certificate issued in Docket No. CP86–586–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

The specific information related to each of the above referenced applications, including the identity of the shipper, volumes, service commencement date, and related docket numbers, have been provided by Tennessee and Trunkline and is summarized in the attached appendix to this notice.

Comment date: May 25, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No.	Shipper	Volumes-MMBtu (peak, average, annual)	Commencement date ST docket	Receipt point (state)	Delivery point (state)
CP90-1095-000	Rangeline	100,000; 100,000; 336,500,000	2-10-90; ST90-2198	TX, OffLA, AL, KY, MS	Multiple States.
CP90-1106-000	UXP	(Dt); 110,000; 80,000; 29,200,000	1-26-90; ST90-2288	IL, LA, TN, TX, OffTX, OffLA	LA.

4. Leapartners, L.P.

[Docket No. CP90-1083-000]

Take notice that on March 30, 1990, Leapartners, L.P. (Leapartners), 201 Main Street, Fort Worth, Texas 76102, filed in Docket No. CP90-1083-000 a petition under Rule 207 of the Commission's Rules of Practice and Procedure (18 CFR 385.207) for a declaratory order requesting that the Commission declare that Leapartners' acquisition, ownership and operation of natural gas gathering, compression, treating, dehydration and processing facilities which are currently or were previously owned by El Paso Natural Gas Company (El Paso) and which are located predominantly in Lea County, New Mexico (the Lea System) will not subject Leapartners or any portion of the Lea System to the jurisdiction of the Commission under section 1(b) of the Natural Gas Act (NGA). It is stated that Leapartners is a Texas limited partnership whose General Partner is Sid Richardson Carbon & Gasoline Co. (SRCG), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

It is stated that the Lea System extends into Andrews, Loving, Gaines and Winkler Counties, Texas and Eddy County, New Mexico, and includes an integrated gathering system which contains approximately 1,500 miles of pipeline. Leapartners states that the system also includes the Jal No. 3 field processing plant and 29 field compressor units. It is further stated that El Paso constructed and operated four field processing plants in the Jal Area and abandoned the Jal Nos. 1 and 4 Plants. Leapartners states that the Jal Nos. 2 and 3 Plants were integrated into one central complex, referred to hereafter as the Jal No. 3 Plant. In accordance with the Agreement of Sale Concerning the Jal Plants and Gathering System (Agreement), Leapartners states that it will own the Jal No. 3 Plant. With the exception of one turbine compressor unit to be removed by El Paso, Leapartners state they will also own the compression facilities at Jal No. 4.

According to Leapartners, approximately 1,400 wells are attached to the Lea System, which has been designed to meet the needs of producers for gathering and processing services in the Lea County Area. As a result of varying underground reservoir pressures, Leapartners state that the Lea System is comprised of two distinct gathering systems, one operating at high pressure (maximum of 100 psig) and another for casinghead gas operating at low pressure (maximum of 40 psig). These two systems together collect approximately 125,000 Mcf per day (Mcfd) at the wellhead, deliver the gas to the Jal No. 3 Plant for compression and processing and redeliver pipeline quality gas at the tailgate of the Jal No. 3 Plant. Additionally, it is stated that certain gas gathered in the Lea System is processed at SRCG's Keystone Plant in Winkler County, Texas, and delivered to El Paso at the tailgate of that plant.

Leapartners state that gas produced from the wells attached to the Lea System is high in Btu content and impurities and thus requires treating in certain of the Lea System facilities (or in SRCG's Keystone Plant) in order to meet the quality specifications for transportation on El Paso's system. The treating facilities also remove carbon dioxide and water vapor from the gas.

It is stated that according to the Agreement dated February 24, 1990, Leapartners agreed to purchase the Lea System from El Paso. Leapartners further states that the non-certificated portion of the Lea System was transferred to it on March 1, 1990. However, the transfer of facilities that are covered by certificates is contingent upon El Paso obtaining the necessary regulatory approval. Leapartners states that, herein, it seek a declaratory order disclaiming jurisdiction over the certificated as well as the non-certificated portions of the Lea System.

Leapartners states that pursuant to a Gathering, Treating, Dehydration and Processing Agreement also dated February 24, 1990, it is to gather, treat, compress, dehydrate and process gas that remains dedicated to El Paso. Also, under an Interim Operating Agreement for Jal System Facilities dated February 24, 1990, Leapartners states it began operating the certificated portions of the Lea System, as agent for El Paso, as of March 1, 1990.

Leapartners avers that in the 1950s, El Paso generally sought certificates from the Commission for various projects which covered the construction and operation of all facilities, including gathering. It is sated that this practice provided additional assurance to El Paso's lenders that the cost of El Paso's facilities could be recovered in its rates. It is further stated that subsequently, El Paso ceased its practice of seeking certificates for non-jurisdictional gathering facilities, including the various expansions and extensions of the Lea System. This explains why certain older portions of the system are certificated and newer portions are not. Also, Leapartners states that El Paso constructed a small number of well-ties pursuant to its budget-type certificate authority. Accordingly, Leapartners submits that the fact that El Paso obtained certificates for certain older and minor portions of the Lea System should not prevent the Commission from considering the Lea System to be non-jurisdicational in the hands of Leapartners.

Leapartners states that throughput in the Lea System is no longer primarily dedicated to El Paso's system supply, but is instead sold mostly to others. Thus, utilization of the system has changed dramatically since the system was constructed. It is stated that the Lea System can no longer be viewed as merely an extension of interstate supply facilities into a production area; rather it must be viewed as a regional gathering and processing complex which can provide residue gas and salable liquids to may markets.

It is stated that the Lea System will complement SRCG's existing gathering and processing operations in the Lea County Area. Moreover, Leapartners avers that its purchase of the Lea System will provide SRCG, and producers and marketers and their customers, with greater operational flexibility, reliability, efficiencies and economies of scale.

Through SRCG, Leapartners proposes to operate the Lea System as an integrated non-jurisdictional gathering and processing complex. Leapartners states that it plans to invest $4-6 million to upgrade the quality and efficiency of the existing facilities so that Leapartners may offer competitive gathering and processing services in the Lea County vicinity. Leapartners believes that its acquisition of the Lea System will have many benefits both for producers in the Lea County production area and consumers in the market area. Leapartners states that it has agreed to

continue to provide El Paso with gathering and processing services for El Paso's remaining dedicated gas supplies and is also willing to provide gathering and processing services under contracts with producers or others with gas in the Lea County production area.

Leapartners states that once the Lea System is accorder non-jurisdictional status, the rates, terms and conditions of service that it will offer will be dictated by the competitive nature of the market for these services in the area.

Leapartners states that the Lea System today operates as an integrated natural gas gathering and processing system and satisfies the pertinent criteria for classification as a non-jurisdictional gathering and processing complex.[2] It is stated that there is no need for the Commission to take jurisdiction over Leapartners or the Lea System to protect the public interest; the competition in the field will more than adequately protect the public interest. Accordingly, Leapartners states that the Commission should disclaim jurisdiction over Leapartners and the Lea System and grant its petition by August 1, 1990.

Comment date: May 1, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

5. Mississippi River Transmission Corporation

Docket Nos. CP90–1135–000, CP90–1136–000, CP90–1137–000, CP90–1138–000, CP90–1139–000, and CP90–1140–000

Take notice that on April 3, 1990, Mississippi River Transmission Corporation (MRT), 9900 Clayton Road, St. Louis, Missouri 63124, filed six requests with the Commission in the above referenced dockets, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorization to transport natural gas on behalf of various shippers, under the blanket certificate issued in Docket No. CP89–1121–000 pursuant to section 7 of the NGA, all as more fully set forth in the requests which are open to public inspection.[3]

MRT proposes an interruptible natural gas transportation service for each of the shippers under its FERC Rate Schedule ITS. MRT has also provided other information applicable to each transaction, including the shipper's identity; the peak day, average day, and annual volumes; service initiation dates; and the related docket numbers of the 120-day transactions under § 284.223(a) of the Regulations, as summarized in the attached appendix.

Comment date: May 25, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket No.	Shipper	Volumes-MMBtu (peak, average annual)	ST Docket start up date	Receipt points (state)	Delivery points (State)
CP90–1135–000	Flat River Glass Co	2,150 2,150 784,750	ST90–2153 2–1–90	AR, IL, LA, TX.	MO.
CP90–1136–000	EnTrade Corp	40,000 40,000 14,600,000	ST90–2144 2–4–90	AR, IL, LA, OK, TX.	AR, IL, LA, MO, TX.
CP90–1137–000	Nimrod Natural Gas Corp	50,000 35,000 12,775,000	ST90–2148 2–1–90	AR, IL, LA, TX.	MO.
CP90–1138–000	Mississippi Lime Co	3,090 3,090 1,127,850	ST90–2150 2–1–90	AR, IL, LA, TX.	MO.
CP90–1139–000	American Steel Foundries Division, AMSTED Industries Inc.	1,000 1,000 365,000	ST90–2154 2–4–90	AR, IL, LA, TX.	IL.
CP90–1140–000	American Central Gas Marketing Co	50,000 50,000 18,250,000	ST90–2140 2–1–90	AR, IL, LA, OK, TX.	AR, IL, LA, MO, TX.

6. El Paso Natural Gas Company

[Docket No. CP90–1084–000]

Take notice that on March 30, 1990, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP90–1084–000 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for: (i) permission and approval to abandon from interstate service by sale to Leapartners, L.P. (Leapartners), certain certified compression, pipeline and processing plant facilities, with appurtenances, principally located in Lea County, New Mexico and hereinafter referred to as the "Lea System", and the related service; and (ii) a certificate of public convenience and necessity authorizing the refunctionalization of a pipeline, hereinafter referred to as the "Eunice-Keystone Line", from gathering to transmission service, respectively, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

El Paso states that the Lea System, as initially constructed in 1929, consisted of approximately 18 miles of gathering pipeline, six high pressure gas wells and one purification plant. From those beginnings, El Paso states that the Lea System has grown into a gathering system which contains over 1,400 wells and 1,500 miles of pipeline, numerous processing facilities and 29 field compressor units. It is further stated that El Paso has sought authorization from the Commission to construct numerous additions to the Lea System consisting of additional compression, pipelines, well-tie piplines and processing plants. In additions, El Paso states that it has constructed certain minor, non-jurisdictional additions to said system.

The Lea System was designed to gather and deliver natural gas from portions of the Lea County production area to four field processing plants: the Jal Nos. 1, 2, 3, and 4 Plants. El Paso states that these plants were in close proximity and were necessary to process the large quantities of gas produced in the area. As a result of differing underground reservoir pressures, El Paso states that it constructed two distinct gathering systems (high and low pressure) to allow for the delivery of greater volumes of natural gas. In addition, El Paso states

[2] See *Farmland Industries, Inc.*, 23 FERC ¶ 61,1,063 (1983).

[3] These prior notice requests are not consolidated.

that it constructed during the 1960's the Eunice-Keystone gathering line. According to El Paso, the Eunice-Keystone Line, which consists of approximately 34 miles of primarily 24-inch O.D. pipeline, was originally constructed to provide gathering services from the outlying high pressure reservoirs to the Jal area processing plants.

El Paso states that the Jal No. 2 and 3 Plants were integrated into one central complex in 1970–71 in order to modernize the operation by replacing functionally obsolete equipment installed in the 1940's; the plant was thereafter referred to as the Jal No. 3 Plant. During the 1980's, El Paso states that it abandoned its Jal No. 1 Plant and its processing facilities at the Jal No. 4 Plant. El Paso states that the Jal No. 4 Plant, comprised of eight field compressor units totaling 11,450 horsepower, is no longer needed in the operation of its system. Under current operations, El Paso states that gas is delivered for processing from throughout the high and low pressure gathering systems in the Lea County production area to the Jal No. 3 Plant. El Paso adds that the natural gas is compressed, processed and delivered into its facilities for transmission to various points on its system. According to El Paso, additional gas is processed for it by Sid Richardson Carbon & Gasoline Company at its Keystone Processing Plant and is then redelivered to El Paso's transmission facilities.

El Paso states that it is continuing its transition from being primarily a gas merchant to being a major gas transporter. Similarly, El Paso states that many of the producers with gas attached to the Lea System no longer make their sales to El Paso and now sell directly to others. Currently, El Paso states that only 43 MMcfd or approximately 29 percent of the residue gas available from the Lea System is dedicated to its system supply for the merchant role. The remaining 107 MMcfd or about 71 percent of such residue gas is owned by others and is transported by El Paso to various delivery points on its interstate pipeline system. El Paso states that approximately 102 MMcfd of natural gas attached to the Lea System has been permanently released by El Paso and the sales to El Paso have been abandoned by the producers. According to El Paso, it has released an additional 12 MMcfd of natural gas on a temporary basis.

Due to the precipitous decline in gas sources historically serving its system supply, El Paso states that the unit cost for gathering and processing its system supply gas through the Lea System has increased dramatically. El Paso states that, for example, the unit cost for gathering and processing its system supply from the Lea County production area was 25¢ per dt in 1986. In contrast, El Paso states that the unit cost for 1988 was 73¢ per dt. EL Paso states that its operating and maintenance costs for the Lea System average approximately $10.7 million per year.

El Paso states that its market environment no longer justifies retention of the Lea System. Moreover, El Paso states that the present and projected low demand for its system supply gas no longer requires the gas supply provided by the Lea System. Considering these conditions, El Paso believes that its continued operation of the Lea System would frustrate its goal of optimizing system operations. Accordingly, El Paso decided to sell the Lea System to Leapartners pursuant to an Agreement of Sale Concerning the Jal Plants and Gathering System (Agreement), dated February 24, 1990.

The operation of the Lea System as an integrated non-jurisdictional gathering system will, according to El Paso, greatly benefit producers in the Lea County production area and El Paso's transportation customers who are end-users of gas produced from the Lea System. Producers in the Lea System will benefit by having an additional non-jurisdictional competitor offering gathering and processing services for their production. Including Leapartners' services, El Paso states that producers in the Lea County production area will have 10 different processing plants (Sid Richardson Carbon & Gasoline Company's Keystone Plant, Union Oil of California's Dollarhide Plant, Leapartners, L. P.'s Jal Plants, Chevron USA, Inc.'s Eunice Plant, Texaco Producing, Inc.'s Eunice Plant, Phillips 66 Natural Gas Company's Fullerton, Eunice, Lee and Hobbs Plants and Warren Petroleum Company's Caliche Plant) and four interstate pipelines (El Paso, Transwestern Pipeline Company, Natural Gas Pipeline Company of America and Northern Natural Gas Company) to choose from for gathering, processing and transmission services.

El Paso states that it currently has total gas purchase obligations of approximately 43 MMcfd of gas remaining in the Lea System. This total includes company owned production of 6 MMcfd of natural gas subject to the NGA and 0.6 MMcfd of natural gas subject to the Natural Gas Policy Act. El Paso states that the related gas purchase contracts expire anywhere from January 1990 to January 1995. After abandonment of the Lea System, El Paso anticipates a significant decline in the quantity of gas dedicated to its system supply from the Lea System. El Paso states that it has recently received a large number of release requests from producers in the Lea County production area who wish to abandon sales to it and contract with Leapartners for gathering, processing and marketing services.

According to El Paso, the sale of the Lea System will not prevent it from honoring its remaining contractual obligations in the area because Leapartners has agreed to provide gathering and processing services for El Paso in the Lea System production area. El Paso states that Leapartners is willing to offer contracts for gathering and processing services to all other producers and shippers with interests in the Lea County production area.

El Paso further states that Leapartners will deliver gas to it from the Jal No. 3 and possibly the Jal No. 4 Plants at existing interconnections on El Paso's Eunice-Keystone Line. El Paso proposes to use its Eunice-Keystone Line to transport pipeline quality gas from the Lea System to its Eunice Compressor Station or to its California Mainlines. El Paso avers that the Eunice Line will be operated as a high pressure line which will carry processed gas from the tailgate of the plant to its mainline facilities.

El Paso states that it will abandon no gas supply as a direct result of the abandonment of the Lea System; therefore, its ability to render existing sales for resale service to its customers will not be impaired. Furthermore, El Paso states that its open access transportation obligations will not be affected by the proposed transfer of facilities. Additionally, it is stated that the abandonment will require no changes in El Paso's FERC Gas Tariff and no significant change in its rates will result therefrom. El Paso states that the sale will result in a book gain to it and a minor reduction in rate base that will be effective in its next general rate proceeding. Therefore, El Paso believes that the present and future public convenience and necessity will be served by the grant of the abandonment and the certificate sought herein.

Comment date: May 1. 1990, in accordance with Standard Paragraph F at the end of this notice.

7. Great Lakes Gas Transmission Company

[Docket No. CP89–335–000]

Take notice that on December 2, 1988, Great Lakes Gas Transmission Company (Great Lakes), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP89–335–000 an application pursuant to section 7(b) of the Natural Gas Act for an order granting permission and approval to (1) abandon its sales service to Natural Gas Pipeline Company of America (Natural), and (2) cancel the existing service agreement under which Great Lakes currently sells natural gas to Natural. Great Lakes also requests the issuance of a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing Great Lakes to provide firm transportation service for Natural and to approve a transportation service agreement to be executed between Great Lakes and Natural.

Great Lakes states that currently, under gas purchase contracts dated July 14, 1967, and October 9, 1970, as amended, between Great Lakes and TransCanada Pipelines Limited (TransCanada), Great Lakes purchases up to 171,325 Mcf of natural gas per day from TransCanada for resale to Natural.

Great Lakes states that it believes that by Natural's negotiating its pricing arrangements directly with TransCanada, Natural is better able to express its concerns relative to its market to TransCanada. Great Lakes further states that this application reflects Great Lakes' commitment to the unbundling process. Great Lakes indicates that this would allow Natural continued flexibility in any future price negotiations and continued communication of market signals between Natural, as a purchaser concerned with local markets, and TransCanada, as a supplier to Natural of natural gas for resale by Natural to such markets. Great Lakes further indicates that discussions are being held by Great Lakes and Natural with TransCanada relative to the unbundling and as soon as the terms and conditions of these arrangements are finalized, Great Lakes would supplement the application with the contracts to enable the Commission to approve the filing in accordance with the terms and conditions of such contractual arrangements.

Great Lakes further requests authorization to abandon Great Lakes' sales service to Natural and to cancel the Great Lakes-Natural service agreement dated November 2, 1981, both to be effective simultaneously in accordance with the terms and conditions of the contracts that would be filed by Great Lakes.

Comment date: May 1, 1990, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a notice to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90–8808 Filed 4–16–90; 8:45 am]

BILLING CODE 6717–01–M

Environmental Restoration and Waste Management; Academic Partnerships Program

AGENCY: Office of Technology Development, Environmental Restoration and Waste Management, Department of Energy (DOE).

ACTION: Notice of program interest (NOPI).

SUMMARY: The Office of Technology Development, DOE, under its environmental restoration and waste management activities, is interested in receiving unsolicited applications for assistance to innovative Academic Partnerships aimed at increasing the number of scientists, engineers, and other professionals, especially technicians, educated in relevant technical and non-technical disciplines to resolve the Nation's environmental restoration and waste management challenges. The objectives of this program are to infuse an environmental restoration and waste management focus into existing curriculums and to increase the participation of minority and educationally disadvantaged students. DOE's interest includes: Faculty development/recruitment; enhancement of inter- and multi-disciplinary educational approaches; student recruitment and career counseling particularly with minority and educationally disadvantaged students; internships; linkages with middle schools, high schools, and 2-year academic institutions, and private sector.

Requirements

Partnerships must include two or more U.S. accredited 2-year or 4-year academic institutions and collaborative linkages with one or more DOE facilities. Applications must be based on an initial cost sharing of 80 percent DOE/20 percent Partnership with plans for industry involvement and self-sufficiency within 5 years since it is expected that DOE support will not exceed 5 years. DOE FY 1990 funds in the amount of $5 million are available. DOE anticipates that there will be up to two awards made this fiscal year.

Applications and Evaluation

Applications must contain the following information: (1) A description of the Partnership's program including its projected impact in such terms as number of students, faculty, minority and educationally disadvantaged students to be affected, number and types of courses to be enhanced or added; (2) evidence of faculty instructional qualifications and capabilities and instructional facilities; and (3) a management plan. The management plan must include the Partnership's management structure and identify the partner with fiscal and overall management responsibility; the proposed budget with 20 percent cost sharing; and schedules for program implementation and achieving self-sufficiency. Additional information may be subsequently requested by DOE during evaluation of a submitted application. A decision to award will be detemined through evaluation of applications received and the availability of funds. Applications will be evaluated according to the following criteria: the application's overall merit in relation to the stated program objectives; the applicant's probability of success in meeting its stated goal; the appropriateness of the facilities and techniques available to the applicant; and the qualifications of the proposed key personnel to carryout the proposed program. DOE will only fund applications which are meritorious, based on the above evaluation, and which represent a unique or innovative idea, method, or approach.

Additional Information

DOE reserves the right to support or not support any portion, all, or none of the applications submitted. DOE assumes no responsibility for any costs associated with the preparation of applications. Unsuccessful applications will be retained by DOE. DOE is anticipating that a cooperative agreement will be awarded as a result of acceptance of an unsolicited application for Academic Partnership assistance. Awards will be subject to 10 CFR parts 600 and 601, copies of which are available from the Superintendent of Documents, USGPO, Washington, DC 20402. Standard Forms 424, 424A, 4242B, and a Drug-Free Certification must be executed prior to any award. The CFDA No. is 81.102. For additional information on efforts related to DOE environmental restoration and waste management activities, copies of the August 1989 Five Year Plan and the November 1989 Draft Research, Development, Demonstration, Testing and Evaluation Plan are available by calling (202) 783–3238 and (301) 353–4000, respectively.

DATES: This notice is effective until July 1, 1990; applications may be submitted before this notice expires.

CONTACT: An original and two copies of application should be submitted to: Department of Energy, Office of Technology Development/ Environmental, Restoration and Waste Management, EM–52, Washington, DC 20545, ATTN: Texas Chee.

Issued at Washington, DC on April 11, 1990.

C. W. Frank,

Acting Associate Director, Office of Technology Development.

[FR Doc. 90–8890 Filed 4–16–90; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. TA90–1–28–003]

Panhandle Eastern Pipe Line Co.; Proposed Changes in FERC Gas Tariff

April 10, 1990.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on March 30, 1990 tendered for filing revised tariff sheets, as listed on the attached Appendix A, to its FERC Gas Tariff, Original Volume No. 1.

Panhandle states that the referenced tariff sheets are being filed in compliance with the Commission's February 28, 1990 Order and Notice of Extension of Time dated March 15, 1990 in the above-referenced dockets. In its February 28, 1990 Order, the Commission accepted and suspended Substitute Seventy-Seventh Revised Sheet No. 3–A and Substitute Fifty-Fourth Revised Sheet No. 3–B (Pages 1 of 2 and 2 of 2) effective March 1, 1990 subject to refiling the sheets to revise the pagination. In addition to refiling the referenced sheets to revise pagination, additional tariff sheets, as listed on Appendix A, are being filed to reflect the revised page references.

The proposed effective date of the tariff sheets is March 1, 1990.

Panhandle states that copies of this filing have been sent to all state jurisdictional customers and applicable state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before April 18, 1990. Protests will be considered by the Commission in determining the appropriate section to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 90–8809 Filed 4–16–90; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 90–18–NG]

Semco Energy Services, Inc.; Application for Blanket Authorization to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on March 21, 1990, of an application filed by Semco Energy Service, Inc. (SEMCO), requesting blanket authority to import up to a maximum of 400 Bcf per year of Canadian natural gas for two years beginning on July 1, 1990, the expiration of its current import authorization granted in DOE/ERA Opinion and Order No. 193 (Order 193), issued September 23, 1987 (ERA Docket No. 87–33–NG.

The application is filed under Section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., May 17, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–Q56, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Allyson C. Reilly, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel,

U.S. Department of Energy, Forrestal Building, room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: SEMCO, a wholly-owned subsidiary of Southeastern Michigan Gas Enterprises, Inc., is a corporation registered in the State of Michigan. SEMCO requests authority to continue to import competitively priced natural gas from reliable Canadian producers for sale to purchasers in the United States on a short-term or spot basis. SEMCO proposes to import natural gas either for its own account or as agent for United States purchasers and/or Canadian suppliers. SEMCO intends to use existing facilities for the transportation of the natural gas. SEMCO also would continue to file reports with FE within 30 days after the end of each calendar quarter giving the details of the individual transactions. SEMCO's prior quarterly reports filed with FE indicate that approximately 1,826 Mcf of natural gas was imported under Order 193 through December 31, 1989.

The decision on the application for import authority will be made consistent with the DOE's natural gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement will be competitive and thus in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), (42 U.S.C. 4321, *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of SEMCO's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., April 12, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–8891 Filed 4–6–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 90–22–NG]

Williams Gas Marketing Co.; Application for Blanket Authorization to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on April 2, 1990, of an application filed by Williams Gas Marketing Company (Williams), requesting blanket authority to import up to a maximum of 200 Bcf of Canadian natural gas over a two-year period beginning June 1, 1990. Williams' current blanket import authorization granted November 4, 1987, in DOE/ERA Opinion and Order No. 205 (Order 205) expires May 31, 1990.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicants, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., May 17, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Thomas Dukes, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–094, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586–9590.

Diane Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–32, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586–20585.

SUPPLEMENTARY INFORMATION: Williams, a wholly/owned subsidiary of Williams Companies, Inc., of Tulsa,

Oklahoma, proposes to import gas for its own account or act as a broker for U.S. purchases as well as Canadian suppliers. The gas would be sold on a short-term or spot basis to U.S. purchasers including intrastate and interstate pipeline and local distribution companies. The specific terms of each import and sale, including prices and volumes, would be negotiated on an individual basis. Because the blanket imports are short-term in nature and will be used to implement alternative supply sources, Williams states that the gas will only be purchased to the extent that it is competitive in the market served and reflects existing market conditions. Williams intends to use existing facilities for the transportation of the gas. Williams states that it would also file reports with FE within 30 days after the end of each calendar quarter giving the details of the individual transactions. Williams' prior quarterly reports filed with FE indicate that approximately 1,171 MMcf of natural gas was imported under Order 205 in 1989.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that this import arrangement will be competitive and thus in the public interest. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notice of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR Part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in disupte that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Williams' application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC., April 12, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–8892 Filed 4–16–90; 8:45 am]

BILLING CODE 6450–01–M

Western Area Power Administration

Program Opportunity Notice for Biomass Energy Projects Proposed for Development Within the Western Regional Biomass Energy Program Region

AGENCY: Western Area Power Administration, DOE.

ACTION: Program opportunity notice.

SUMMARY: The Department of Energy (DOE), Western Area Power Administration (Western), as part of its role in managing the Western Regional Biomass Energy Program (WRBEP), plans to solicit cost-sharing proposals for the development, demonstration, and/or commercialization of biomass energy projects that utilize low- or negative-value biomass feedstocks. Proposals may include projects focused on collection, transportation, upgrade, conversion, utilization, and/or marketing of low value biomass feedstocks for energy use, and may involve efforts related to existing biomass-to-energy projects. Only projects that have progressed beyond the basic research stage will be considered.

Proposals will be solicited by a Program Opportunity Notice (PON) issued by Western. Awards will be made to applicants that propose projects within the WRBEP region and on a cost-shared basis. The WRBEP region consists of the States of Arizona, California, Colorado, Kansas, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming. The selected participants must cost share at least 50 percent of each project awarded.

It is anticipated that four to six project awards in amounts targeted at $65,000 each, for the Western cost-shared portion, will result from the PON solicitation. Project periods of 1 to 5 years will be considered. Projects involving regional biomass feedstocks or biomass-to-energy projects (i.e., directly involving multi-State feedstocks or projects) are particularly encouraged. Awards will be made based on the results of an evaluation of the applicability and technical business management and cost merits of proposals received in response to the

PON. Evaluation criteria will be defined as part of the PON. DOE will select the type of award relationship (contract, grant, or cooperative agreement) following the evaluation process. If the selected relationship is a contract, the regulations defined in the Federal Acquisition Regulation and the DOE Acquisition Regulation will be followed. If the selected relationship is expected to be a financial assistance instrument, the DOE Assistance Regulation will be followed. Specifically, 10 CFR part 600 will apply if the intended relationship is expected to be a cooperative agreement or grant.

DATES: Parties who would like to receive a copy of the PON should submit a written request to the contact listed below. All requests for a PON should be submitted by May 17, 1990. All requests should reference solicitation number DE–PN65–90WA07071.

FOR FURTHER INFORMATION CONTACT: Ms. Jerri J. Adams, Contracting Officer, Western Area Power Administration, P.O. Box 3402, Mail Code A1521, Golden, CO 80401, (303) 231–7287.

Issued at Golden, Colorado, April 4, 1990.

William H. Clagett,

Administrator.

[FR Doc. 90–8893 Filed 4–16–90; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3756–6]

Guidelines Establishing Test Procedures for the Analysis of Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the intentions of the EPA to conduct an interlaboratory study of a "Proposed Test Method for Hexavalent Chromium in Water by Ion Chromatography." This study will be a part of the selection and evaluation process prior to proposal of a hexavalent chromium method under section 304(h) of the Clean Water Act. EPA through the Environmental Monitoring Systems Laboratory-Cincinnati in cooperation with the American Society of Testing and Materials-Philadelphia, Committee D19 on Water will conduct the interlaboratory study. By this notice EPA is soliciting participants for this study.

DATES: Those wishing to participate in this interlaboratory study must respond by May 17, 1990.

ADDRESSES: Those wishing to participate in this study should write to James J. Lichtenberg, Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH 45268.

FOR FURTHER INFORMATION CONTACT: James J. Lichtenberg (513–569–7306).

SUPPLEMENTARY INFORMATION: Copies of the proposed analytical method are available to prospective participants from Environmental Monitoring Systems Laboratory-Cincinnati. Telephone: 513–569–7306.

Dated: April 6, 1990.

Thomas A. Clark,

Director, Environmental Monitoring Systems Laboratory, Cincinnati, OH 45268.

[FR Doc. 90–8898 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

(FRL–3756–8)

Clarification of Scope of Chemicals Sources Covered and Notice of Open Meetings of the Negotiated Rulemaking Advisory Committee—Fugitive Emissions From Equipment Leaks Rule

As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), we are giving notice of open meetings of the Advisory Committee to negotiate a rule to control fugitive emissions of toxic volatile organic compounds (VOCs) from chemical equipment leaks.

The next meeting will be held on May 10, 1990 from 10:30 a.m. to 6:30 p.m., and on May 11, 1990 from 9 a.m. to 4 p.m., at the Conservation Foundation, Suite 500, 1250 Twenty-fourth St. NW., Washington, DC. Note the change in date and time from our March notice. The purpose of the meeting is to attempt to reach agreement on a conceptual framework for reducing fugitive emissions from valves, pumps and flanges. The conceptual framewrok will address issues such as: leak definition, percentage leakers permissable, emission factors and approaches to assessing the cost of the standard.

The scope of this and other rules that are planned for adoption within the first two years after passage of Clean Air Act (CAA) revisions will now include all categories of SOCMI-sources that produce, and possibly all that use (as raw materials or intermediates) chemicals in the CAA list (e.g., the current list of 191). Although organic chemical processess (e.g., benzene/toluene/xylene units) located in refineries or on refinery property would be affected, the Agency does not plan at this time, to include petroleum refinery processes among the source categories affected by this initial phase of rules.

The Committee has tentatively scheduled a meeting from June 6–7 at the Compri Hotel, 4620 S. Miami Blvd., Morrisville, NC (919), 941–6066. The Compri Hotel is at Exit 281 on I–40 just two exits from the Raliegh-Durham Airport.

The meetings are open to the public without advance registration. Persons needing further information on substantive aspects of the rule should call Robert Ajax, Office of Air Quality Planning and Standards, U.S. EPA, (919) 541–5579. Persons needing further information on committee arrangements or procedures should contact Deborah Dalton, Regulatory Negotiation Project, U.S. EPA, (202) 382–5495 or the Committee's facilitator, Philip Harter, (202) 887–1033.

Dated: April 9, 1990.

Paul Lapsley,

Director, Regulatory Management Division, Office of Policy, Planning and Evaluation.

[FR Doc. 90–8899 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3757–1]

Proposed Administrative Settlement Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as Amended by the Superfund Amendments and Reauthorization Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice; request for public comment.

SUMMARY: In accordance with section 122(i) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), notice is hereby given that a proposed administrative cost recovery settlement concerning the Elliott Shooting Park site ("The Site") in Raytown, Missouri was issued by the Agency on February 28, 1990. The settlement resolves an Agency claim under Section 107 of CERCLA against Boatman's First National Bank of Kansas City, Missouri ("The Settling Party"). The settlement requires the Settling Party to pay $40,000 to the Hazardous Substances Superfund.

For thirty (30) days following the date of the publication of this Notice, the Agency will accept written comments relating to the settlement. The Agency's

response to any comments received will be available for public inspection at the EPA Region VII Office, located at 726 Minnesota Avenue in Kansas City, Kansas 66101, and at the local repository for site information: City Hall of Raytown, 10000 East 59th Street, Department of Public Works, Raytown, Missouri 64133, telephone: 816–737–6012.

DATES: Comments must be submitted on or before May 17, 1990.

ADDRESSES: The proposed settlement and additional background information relating to the settlement are available for public inspection during weekday business hours at the EPA Region VII Office at 726 Minnesota Avenue in Kansas City, Kansas 66101. A copy of the proposed settlement may be obtained from Linda McKenzie, Regional Docket Clerk, EPA Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone: 913–551–7477.

Comments on the proposed settlement should reference the Elliott Shooting Park, Raytown, Missouri and EPA Docket No. VII–90–F–0009 and should be addressed to Ms. McKenzie at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Gerhardt Braeckel, Assistant Regional Counsel, EPA Region VII, Office of Regional Counsel, 726 Minnesota Avenue, Kansas City, Kansas 66101, telephone: 913–551–7471.

Dated: March 27, 1990.

David A. Wagoner,

Director, Waste Management Division, U.S. EPA Region VII.

[FR Doc. 90–8900 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–01

[OW–FRL–3755–5]

State Compliance with Clean Water Act Requirements for Adoption of Water Quality Criteria for Toxic Pollutants

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Environmental Protection Agency today announces the results of its preliminary assessment of State compliance with the Clean Water Act's requirement for the adoption of water quality criteria for toxic pollutants. A listing of all States and Territories is provided which indicates which jurisdictions were in full compliance as of February 4, 1990. The Notice also provides a brief narrative description of the compliance status for each jurisdiction.

FOR FURTHER INFORMATION CONTACT: David K. Sabock, Standards Branch (WH–585), Office of Water Regulations and Standards, EPA, 401 M Street, SW., Washington, DC 20460, telephone: 202–475–7315.

SUPPLEMENTARY INFORMATION:

Background

An important amendment to the Clean Water Act (CWA) in February 1987 was the addition of section 303(c)(2)(B) (see 33 USC 1313(c)(2)(B)). This new provision requires that each:

> * * * State shall adopt criteria for all toxic pollutants listed pursuant to section 307(a)(1) of this Act for which criteria have been published under section 304(a), the discharge or presence of which in the affected waters could reasonably be expected to interfere with those designated uses adopted by the State, as necessary to support such designated uses. Such criteria shall be specific numerical criteria for such toxic pollutants.

Never before had Congress given specific direction to States as to what must be considered in a State's periodic water quality standards review and revision. In taking this unusual step, Congress signaled its concern with the rate of adoption of criteria for priority pollutants, despite the fact that State adoption has been a national priority since 1983.

CWA section 303(c)(2)(B) reflects Congressional recognition of the critical importance of State water quality standards in the Nation's water pollution control program. Failure to adopt necessary water quality standards for toxic pollutants is a major deficiency in State water pollution control programs. Contamination by toxic pollutants in surface waters is a serious environmental problem. The most recent national water quality inventory report indicates that one-third of monitored river miles, lake acres, and coastal waters have elevated levels of toxics. Forty-seven States and Territories reported a total of 586 fishing advisories and 135 bans, attributed mostly to industrial discharges and land disposal. Sediment contamination is also posing unacceptable risks to aquatic life, wildlife and human health. Sediments have contaminated surface waters to the point that several States have been forced to post swimming bans and close water supplies.

Water quality standards for toxics are essential to evaluate the quality of surface waters and determine the adequacy of control measures to protect those resources. Formally adopted water quality standards form the legal basis for including water quality-based effluent limitations in National Pollutant Discharge Elimination System (NPDES) permits to control toxic pollutant discharges.

Under CWA section 303(c) and EPA's water quality standards regulation (see 40 CFR part 131), States are required to review their water quality standards at least once every three years and, as appropriate, modify and adopt standards. Pursuant to the amendments quoted above, such review now includes an analysis for toxic pollutants.

EPA transmitted guidance to States on December 12, 1988, describing three acceptable options to achieve compliance with CWA section 303(c)(2)(B). A Notice of Availability of the guidance was published in the **Federal Register** (54 FR 346, January 5, 1989). The three options to achieve compliance, which are discussed fully in the December 1988 guidance, are as follows:

(1) Adopt Statewide numeric water quality criteria for all section 307(a) toxic pollutants for which EPA has issued CWA section 304(a) criteria guidance regardless of whether the pollutants are known to be present (currently EPA has issued aquatic life criteria guidance for 32 priority pollutants and human health guidance for 108 priority pollutants);

(2) Adopt specific numeric water quality criteria for section 307(a) a toxic pollutants (for which EPA has issued CWA section 304(a) criteria guidance) as necessary to support designated uses where such pollutants could reasonably be expected to interfere with designated uses;

(3) Adopt a procedure to be applied to a narrative water quality criterion. This procedure shall be used by the State in calculating derived numeric criteria, which shall be used for all purposes of water quality criteria under section 303(c) of the CWA. Such derived criteria need to be developed for section 307(a) toxic pollutants, as necessary to support designated uses, where the discharge or presence of these pollutants could reasonably be expected to interfere with designated uses.

Since the 1987 amendments, there has been dramatic progress by some States in the adoption, and EPA approval, of water quality standards for toxic pollutants. For freshwater aquatic life uses, the average number of priority toxic pollutants with criteria adopted has tripled from 10 per State (in April 1986) to 30 per State (in February 1990). Also, the number of States with some aquatic life criteria adopted has increased from 33 to 45 since 1986. The States are to be commended for their efforts to strengthen their toxics control programs. However, even with the

progress that has been made, many States are short of full compliance with CWA section 303(c)(2)(B).

Methodology for Assessing State Compliance

EPA reviewed each State's water quality standards to develop a preliminary assessment (as of February 4, 1990) of State compliance with CWA section 303(c)(2)(B). While many States have adopted numeric criteria for toxic pollutants, these may not be sufficient in number or stringency to meet the requirements of the Act. Other States have failed to complete required actions in a timely manner. The results of EPA's analysis are summarized in the table included in this Notice.

In developing this preliminary assessment, EPA first determined if the State had submitted a water quality standards review since passage of the 1987 Clean Water Act Amendments. Second, for those States which had completed water quality standards reviews and submitted the results of those reviews to EPA, it was ascertained if the State had fully complied with the requirements of CWA section 303(c)(2)(B).

EPA defines full compliance as State adoption and EPA approval, pursuant to 40 CFR part 131, of water quality standards that are effective under State law and consistent with one of the three options described in the December 1988 toxics guidance document including appropriate human health and aquatic life criteria for all priority pollutants which can reasonably be expected to interfere with designated uses. At a minimum, such pollutants include those associated with CWA section 304(1) short list waters, but may include other priority pollutants based on an analysis of available data at the time of the triennial review. EPA's December 1988 guidance identified other sources of available data that EPA encouraged the States to review in identifying the need for numeric criteria.

Future EPA Action

The Agency is initiating development of a Federal proposed rulemaking applicable to each State not in full compliance with CWA section 303(c)(2)(B). When finalized, such Federally-promulgated water quality standards would be the basis for any necessary water quality-based effluent limits for such toxic pollutants in NPDES permits.

The Office of Water currently envisions that the proposed rule would include criteria for all priority toxic pollutants for which: (1) The State has not adopted fully acceptable criteria (as determined by the EPA Administrator), and (2) EPA has developed section 304(a) criteria recommendations (when those recommendations are based on toxicity). The criteria would be for the protection of both freshwater and marine aquatic life and for the protection of human health. The Office of Water expects to propose the human health criteria at a 10^{-6} upper bound incremental cancer risk level. The priority toxic pollutant criteria proposed for human health would reflect the most recent formal updates in EPA's Integrated Risk Information System (IRIS) system.

The proposed rule would not include criteria for any priority pollutants for which an acceptable array of State criteria have already been adopted and approved by EPA. An example would be a State which has established fully acceptable aquatic life criteria for all priority pollutants for which EPA has issued CWA section 304(a) criteria guidance, but has not established any human health criteria for priority pollutants. In this case the Office of Water anticipates that the proposed rule would not include any aquatic life criteria, but would include, for appropriate water uses, all the Agency's CWA section 304(a) (toxicity-based) human health recommendations for priority pollutants.

Any State that comes into compliance during the regulation development process will be removed from the proposed rule. Even after the final rulemaking is completed, EPA will withdraw the portion of the rule applicable to a State which adopts criteria to achieve compliance with the statute.

Results of EPA Assessment

Table 1 summarizes the results of EPA's assessment of State compliance with CWA section 303(c)(2)(B). A total of six States are preliminarily judged by EPA to be in full compliance with CWA section 303(c)(2)(B) as of February 4, 1990. EPA notes that most States not in full compliance are in the process of revising their toxics criteria, and many are expected to achieve full compliance during FY 1990 based on current adoption schedules and EPA's understanding of the intended revisions. Below, EPA has included information which helps to explain and support the preliminary assessment for each State and Territory. Additional information concerning the status of State compliance with CWA section 303(c)(2)(B) is contained in "Status Report: State Compliance with CWA section 303(c)(2)(B) as of February 4 1990," copies of which are available from the contact listed at the beginning of this Notice.

TABLE 1.—STATUS OF COMPLIANCE WITH CWA SECTION 303(C)(2)(B) AS OF FEBRUARY 4, 1990

State	Is State in full compliance as of Feb. 4, 1990?
Alabama	No
Alaska	No
Arizona	No
Arkansas	No
California	No
Colorado	No
Connecticut	No
Delaware	No
Florida	No
Georgia	No
Hawaii	No
Idaho	No
Illinois	No[1]
Indiana	No
Iowa	No
Kansas	No
Kentucky	No
Louisiana	No
Maine	No
Maryland	No
Massachusetts	No
Michigan	No
Minnesota	No
Mississippi	No
Missouri	No
Montana	Yes
Nebraska	No
Nevada	No
New Hamsphire	No
New Jersey	No
New Mexico	No
New York	No
North Carolina	No
North Dakota	No
Ohio	No
Oklahoma	Yes
Oregon	Yes
Pennsylvania	No
Rhode Island	No
South Carolina	No
South Dakota	No
Tennessee	No
Texas	No
Utah	No
Vermont	No
Virginia	No
Washington	No
West Virginia	No
Wisconsin	Yes
Wyoming	No
American Samoa	No
Commonwealth of the Northern Marianas Islands.	No
District of Columbia	No
Guam	Yes
Puerto Rico	No
Tr. Territories	No
Virgin Islands	Yes

[1] Illinois achieved full compliance on February 15, 1990.

State-specific Information

Alabama used a combination of Options 2 and 3 in adopting revised standards on January 24, 1990. However, while the criteria are still under review it appears that: (1) an insufficient

number of numeric criteria were adopted, and (2) the translator procedure for human health is not adequate to meet the requirements of CWA section 303(c)(2)(B) via option 3. The State has given no indication to EPA that changes will be made. The State has freshwater aquatic life criteria for 29 priority pollutants and human health criteria for 16 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

Alaska has adopted federal criteria by reference. Because the reference does not specify a risk level for carcinogens, the State is not considered to be in compliance for human health at present. Specification of a risk level and other revisions are expected during FY 1990. The State is expected to acheive full compliance during FY 1990. The State has freshwater aquatic life criteria for 32 priority pollutants and human health criteria for 108 priority pollutants.

Arizona is expected to adopt additional criteria by the end of FY 1990, but is not expected to submit such criteria for EPA approval until early FY 1991. The State currently has freshwater aquatic life and human health criteria for 26 priority pollutants.

Arkansas is not in compliance for aquatic life due to insufficient criteria for metals, and for human health due to lack of criteria for dioxin, PCBs, and pesticides. The State has adopted freshwater aquatic life criteria for 26 priority pollutants and has not adopted any human health criteria for priority pollutants. The State is not expected to achieve full compliance during FY 1990.

California is on schedule to adopt additional criteria by July, 1990, but is not expected to comply for either aquatic life or human health due to insufficient parametric coverage. The State has adopted freshwater aquatic life criteria for 18 priority pollutants and human health criteria for 19 priority pollutants.

Colorado intends to meet the full compliance requirements via option 2. The State has adopted freshwater aquatic life criteria for 64 priority pollutants and human health criteria for 61 priority pollutants. These adopted criteria have been submitted for review, and EPA expects to take action on the toxics portion of the WQS in the spring of 1990. The State needs to: (1) complete a data evaluation to identify pollutants which can reasonably be expected to be interfering with designated uses, and (2) adopt appropriate criteria based on the results of the data evaluation. The State has indicated to EPA that it will reject any application of health-based standards (i.e., criteria which assume human exposure via consumption of contaminated aquatic organisms) to aquatic life classified segments. This approach will probably not result in section 303(c)(2)(B) compliance for human health. Final resolution of this issue will depend, in part, on the results of the data evaluation.

Connecticut has not yet adopted any water quality criteria for priority pollutants, nor has the State demonstrated that criteria are not required. EPA expects the State to develop and adopt numeric criteria and achieve full compliance using an Option 1 approach during FY 1990.

Delaware adopted revised WQS which were received by EPA on February 7, 1990. These standards are now under review by EPA. The State has taken an option 2 approach (i.e., the State adopted freshwater aquatic life criteria for 34 priority pollutants and human health criteria for 92 priority pollutants). The State is expected to achieve full compliance during FY 1990.

Florida has not completed adoption proceedings. The current proposal reflects an option 2 approach. For aquatic life, EPA has approved criteria previously, but these criteria need to be updated using current (i.e., post 1985) information. The State is expected to adopt revised standards in June 1990. Currently, the State has freshwater aquatic life and human health criteria for 43 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Georgia adopted revised criteria on December 6, 1989. However, the State has not finalized formal adoption for PCBs or dioxin health-based criteria. These criteria are still under review by EPA. The State has freshwater aquatic life criteria for 30 priority pollutants and human health criteria for 90 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

Hawaii adopted revised criteria for aquatic life and human health on January 18, 1990. Additional criteria will probably be required to comply for human health. It is expected that Hawaii will adopt such criteria or submit an acceptable rationale for not doing so during FY 1990. Currently, the State has freshwater aquatic life criteria for 75 priority pollutants and human health criteria for 77 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Idaho has adopted human health criteria for 15 priority pollutants, applicable to drinking water only. Dioxin is not included but is identified on the State's section 304(l) list. The State is not expected to achieve full compliance during FY 1990.

Illinois adopted narrative criteria and a translator procedure on January 31, 1990. As of February 4, 1990, EPA had not yet approved the standards, hence the State was not in full compliance as of that date. The State achieved full compliance on February 15, 1990 when EPA approved the standards.

Indiana adopted water quality standards which were designed to satisfy CWA section 303(c)(2)(B) on December 13, 1989. These were signed by the Governor on January 31, 1990 and became effective on March 3, 1990. The State is expected to submit these standards to EPA for review and approval in the near future. The State adopted freshwater aquatic life criteria for 32 priority pollutants and human health criteria for 103 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Iowa has not adopted sufficient aquatic life or human health criteria. However, the State plans adoption in the spring of 1990 of a number of additional aquatic life criteria and is expected to supply information documenting that more criteria are not required (option 2). The State has a workplan to evaluate the need for more human health criteria and has indicated it will adopt necessary additional human health criteria by the end of the Fiscal Year. Currently, the State has freshwater aquatic life criteria for 10 priority pollutants and human health criteria for 11 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Kansas has drafted an extensive revision of both aquatic life and human health criteria that will undergo the State adoption process over the next three months. Bascially the revisions follow an option 1 approach. Currently, the State has freshwater aquatic life criteria for 21 priority pollutants and no human health criteria for priority pollutants. The State is expected to achieve full compliance during FY 1990.

Kentucky has not yet completed adoption proceedings. The present proposal reflects an option 1 approach, and EPA expects adoption in July of 1990. Currently, the State has in effect freshwater aquatic life criteria for 21 priority pollutants and human health criteria for 6 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Louisiana's principal deficiencies are no dioxin criteria, and few metals criteria. The State adopted criteria statewide for the parameters they found could reasonably be expected to interfere with designated uses, and plans to adopt metals criteria by the end

of the year. The State has freshwater aquatic life criteria for 44 priority pollutants and human health criteria for 46 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

Maine has adopted all EPA section 304(a) criteria guidance via an option 1 approach, but EPA has not yet approved the criteria (approval has been withheld due to problems wtih the State's antidegradation policy). EPA action on the Maine standards is expected in the spring of 1990. The State has freshwater aquatic life criteria for 32 priority pollutants and human health criteria for 108 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Maryland chose an option 2 approach and held public hearings in November 1989. The State is now considering changes and may have to hold additional public hearings. A final adoption date has not been determined. Currently, the State has freshwater aquatic life criteria for 13 priority pollutants and human health criteria for 14 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Massachusetts has not yet adopted any water quality criteria for priority pollutants, nor has the State demonstrated that criteria are not required. Draft WQS revisions have been prepared but have not yet been formally proposed. The State is expected to achieve full compliance during FY 1990.

Michigan Rule 57 meets the option 3 technical requirements but not the administrative requirements. The State has drafted changes. The State has been granted an extension to August, 1990 based upon completion of the previous triennial review in August of 1987. The State is expected to achieve full compliance during FY 1990.

Minnesota has initiated public hearings for water quality standards that should comply with section 303(c)(2)(B). The State expects to have these standards in effect by June 1990. Currently, the State has freshwater aquatic life criteria for 4 priority pollutants but no human health criteria for priority pollutants. The State is expected to achieve full compliance during FY 1990.

Mississippi has not completed adoption proceedings. The current proposal reflects a combination of options 2 and 3, and EPA expects adoption in the spring of 1990. Currently, the State has freshwater aquatic life criteria for 1 priority pollutant and human health criteria for 9 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Missouri adopted aquatic life protection criteria for all priority pollutants for which EPA has criteria in December, 1987. The State also adopted a large number of human health criteria at that time but some only applied to drinking water supply segments. The State has not supplied documentation on why other criteria are not required for fish consumption protection or drinking water supply protection. The State plans to add new human health criteria during FY 1990 or supply the documentation on why additional criteria are not required (option 2). Currently, the State has freshwater aquatic life criteria for 39 priority pollutants and human health criteria for 70 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Montana has achieved full compliance by adopting all EPA criteria guidance by reference (i.e., an option 1 approach). EPA approved the Montana toxics criteria on March 8, 1989. The State has freshwater aquatic life criteria for 32 priority pollutants and human health criteria for 108 priority pollutants.

Nebraska adopted all of EPA's aquatic life criteria in August 1988 (option 1). As of February 4, 1990, the State had freshwater aquatic life criteria for 103 priority pollutants and human health criteria for 36 priority pollutants. On February 16, 1990, the State adopted additional human health criteria, and is expected to submit these criteria to EPA by April 1990. The State is expected to achieve full compliance during FY 1990.

Nevada proposes to adopt aquatic life criteria and some human health criteria in the spring of 1990. It is expected that the Nevada standards will not fully comply due to insufficient human health coverage. Currently, the State has freshwater aquatic life criteria for 35 priority pollutants and human health criteria for 30 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

New Hampshire has not yet adopted any water quality criteria for priority pollutants, nor has the State demonstrated that criteria are not required. New Hampshire DES held a hearing in November 1989 on its proposed WQS. The State is on a schedule to adopt numeric criteria in the spring of 1990. The State is expected to achieve full compliance during FY 1990.

New Jersey has adopted numeric criteria for a limited number of priority pollutants. To achieve compliance, the State will be required to adopt additional human health criteria for 14 organic substances due to expected presence and potential impact on designated uses. In addition, the section 304(1) assessment identified the need for additional aquatic life criteria (for metals) in fresh and marine waters. Required criteria are expected to be adopted during FY 1990. Currently, the State has freshwater aquatic life criteria for 19 priority pollutants and human health criteria for 8 priority pollutants. The State is expected to achieve full compliance during FY 1990.

New Mexico is in compliance for human health due to the apparent absence of toxics at levels which could reasonably be expected to pose human health problems. The State still needs to adopt criteria for metals to achieve compliance for aquatic life, and is expected to do so during FY 1990. Currently, the State has no freshwater aquatic life criteria for priority pollutants and human health criteria for 7 priority pollutants.

New York has adopted criteria for 95 substances and classes of substances (not all of which are priority pollutants). However, EPA expects the 304(l) assessment will identify the need for toxic criteria for metals that are priority pollutants in certain classes of marine waters (such criteria are already adopted for some classes of marine waters). The State is expected to achieve full compliance during FY 1990. Currently, the State has freshwater aquatic life criteria for 49 priority pollutants and human health criteria for 43 priority pollutants.

North Carolina used a combination of options 2 & 3 in adopting toxics criteria. Numeric criteria for selected carcinogens were adopted at a 10–6 risk level. In addition, the State adopted a translator mechanism (EPA's criteria equations) for other carcinogens and threshold chemicals which incorporate EPA's section 304(a) criteria assumptions. Such human health criteria have not yet been approved by EPA. Metals criteria for protection of aquatic life are also still under review by EPA. The State adopted freshwater aquatic life criteria for 27 priority pollutants and human health criteria for 35 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

North Dakota intends to comply via option 1. North Dakota originally elected an option 2 approach based on recommendations in EPA's December 1988 toxics guidance and other EPA guidance. Based, in part, on the Agency's announced intent to promulgate an option 1 approach and a reconsideration of the limitations of an option 2 approach, North Dakota is now proposing to achieve compliance via option 1. The State needs to modify their

standards to: (1) Include EPA section 304(a) criteria not already adopted, and (2) specify the information needed to apply the criteria (e.g., risk level). Currently, the State has freshwater aquatic life criteria for 31 priority pollutants and human health criteria for 15 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Ohio adopted water quality criteria for toxics on February 1, 1990. These standards will become effective on May 1, 1990. While the standards are still under review, EPA has reservations concerning a provision which places greater emphasis on biological measures over numerical and whole-effluent measures of water quality. The State adopted freshwater aquatic life criteria for 74 priority pollutants and human health criteria for 105 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Oklahoma is in full compliance. The State used option 1 for aquatic life criteria and adopted human health criteria for all pollutants on 304(l) short list and several others. EPA approved the State's toxics criteria in January of 1990. The State has freshwater aquatic life criteria for 32 priority pollutants and human health criteria for 20 priority pollutants.

Oregon is in full compliance via an option 1 approach (adoption of criteria for all priority pollutants for which EPA has issued section 304(a) guidance). EPA approved Oregon's toxics criteria on March 9, 1988.

Pennsylvania chose to adopt toxics procedures by reference in the State WQS. EPA conditionally approved the procedures due to concerns regarding public participation and enforceability. The State has responded to EPA's conditions and an Agency action is expected in the spring of 1990. The State is expected to achieve full compliance during FY 1990.

Rhode Island has not yet adopted any human health water quality criteria for priority pollutants, nor has the State demonstrated that such criteria are not required. EPA expects that the State will achieve full compliance via an option 1 approach during FY 1990. The State has freshwater aquatic life criteria for 32 priority pollutants.

South Carolina's State Board adopted revisions to water quality standards which included all of EPA's aquatic life criteria in January of 1989. However, the State Legislature did not act on the bill containing these revisions and, therefore, the revised water quality standards did not become effective. The State's schedule for adoption will probably not result in effective standards for human health in FY 1990. Currently, the State has no water quality criteria for priority pollutants. The State is not expected to achieve full compliance during FY 1990.

South Dakota is expected to comply by way of option 1 during FY 1990. The State has adopted standards using an option 1 approach by referencing the Gold Book. EPA expects to take action on the toxic portion of the State's WQS in March 1990. EPA action has been delayed pending completion of the following items: (1) Confirmation of specific values, and (2) specification of information needed to apply the criteria (e.g., risk level). The State has freshwater aquatic life criteria for 32 priority pollutants and human health criteria for 108 priority pollutants.

Tennessee has not completed adoption proceedings. The current proposal reflects an option 2 approach. The State has not provided an adequate documentation explaining why other criteria were not proposed. Also, the rationale supporting the proposed dioxin criteria remains in question. EPA expects State adoption in April of 1990. Currently, the State has human health criteria for 10 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

Texas is in compliance for aquatic life. The State is not in compliance for human health due to lack of criteria for dioxin, PCBs, pesticides, and organics. The State is expected to correct these deficiencies during FY 1990. The State has adopted freshwater aquatic life criteria for 30 priority pollutants, but has not yet adopted any human health criteria for priority pollutants. The State is expected to achieve full compliance during FY 1990.

Utah is expected to achieve full compliance via option 1 during FY 1990. The State originally elected an option 2 approach based on recommendations in EPA's December 1988 toxics guidance and other EPA guidance. Based, in part, on the Agency's announced intent to promulgate an option 1 approach and a reconsideration of the limitations of an option 2 approach, Utah is now proposing to achieve compliance via option 1. The State needs to modify their standards to: (1) Include EPA Section 304(a) criteria not already adopted, and (2) specify the information needed to apply the criteria (e.g., risk level). Currently, the State has freshwater aquatic life criteria for 31 priority pollutants and human health criteria for 10 priority pollutants.

Vermont has not yet adopted any water quality criteria for priority pollutants, nor has the State demonstrated that criteria are not required. EPA is encouraging the State to proceed using an option 1 approach, and expects the State to achieve full compliance during FY 1990.

Virginia's triennial review will be completed in September which will allow for EPA action around December. The option to be used by the State and other details pertaining to the criteria revision have not yet been made available to EPA. Currently, the State has freshwater aquatic life criteria for 41 priority pollutants and human health criteria for 13 priority pollutants. The State is not expected to achieve full compliance during FY 1990.

Washington has adopted aquatic life criteria for 31 priority pollutants. No human health criteria are adopted. The State has provided written rationale for the 31 identified priority pollutants. Adoption of additional criteria is now scheduled for completion in June of 1991. The State is not expected to achieve full compliance during FY 1990.

West Virginia has chosen option 2. EPA has disapproved the State's WQS since criteria for seven priority pollutants were judged insufficiently protective by EPA. The State has agreed to do an emergency rulemaking in FY 1990 to adopt EPA's criteria for these pollutants. The State has freshwater aquatic life criteria for 68 priority pollutants and human health criteria for 63 priority pollutants. The State is expected to achieve full compliance during FY 1990.

Wisconsin has fully complied with CWA section 303(c)(2)(B). The standards were approved by EPA on May 15, 1989. The State adopted freshwater aquatic life criteria for 25 priority pollutants and human health criteria for 100 priority pollutants.

Wyoming intends to achieve full compliance by way of option 1. Wyoming has proposed specific numerical standards for all of the priority pollutants for which EPA has published criteria (with the exception of several pollutants for which listed human health criteria are based solely on organoleptic effects). The Wyoming proposal has been through several public meetings with the final rulemaking hearing now scheduled for May 22, 1990. Currently, Wyoming has no criteria for priority pollutants. The State is expected to achieve full compliance during FY 1990.

American Samoa proposes to adopt toxics criteria in April, 1990. Currently,

American Samoa has no criteria for priority pollutants. American Samoa is expected to achieve full compliance during FY 1990.

The Commonwealth of the Northern Marianas Islands and Trust Territories are expected to adopt additional criteria for aquatic life and human health and achieve full compliance during FY 1990.

The District of Columbia adopted aquatic life and human health criteria for toxics in 1985. However, the human health criteria were for water ingestion only. The District has not adopted any criteria assuming a fish consumption exposure pathway, and has proposed to drop the human health criteria based on water consumption. Apparently the one waterbody designated for public water supply has never been used as one. For aquatic life, the District has some criteria for priority pollutants which are outdated. However, the District has agreed to adopt updated aquatic life criteria during FY 1990. Currently, the District has freshwater aquatic life criteria for 123 priority pollutants and human health criteria for 110 priority pollutants. The District is not expected to achieve full compliance during FY 1990.

Guam has fully complied via an option 1 approach (adoption of all EPA criteria by reference). EPA approved the standards on September 30, 1987.

Puerto Rico has submitted draft water quality standards revisions (including numeric criteria for eight toxics). In addition, the 304(1) assessment identified the need for aquatic life-based criteria for seven metals in fresh waters, and a human health-based criterion for one priority pollutant. These criteria are expected to be adopted during FY 1990. Currently, Puerto Rico has freshwater aquatic life criteria for 12 priority pollutants and human health criteria for 8 priority pollutants. The State is expected to achieve full compliance during FY 1990.

The Virgin Islands has complied due to absence of polutants at levels of concern. There are no perennial streams or surface water impoundments, and relatively few point source discharges. Information collected on levels of toxic substances in the coastal waters failed to document any priority pollutant at levels of concern.

Dated: April 2, 1990.

LaJuana S. Wilcher,

Assistant Administrator for Water.

[FR Doc. 90–8780 Filed 4–16–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

April 10, 1990.

The Federal Communications Commission has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of this submission may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., suite 140, Washington, DC 20037. For further information on this submission contact Judy Boley, Federal Communications Commission, (202) 632–7513. Persons wishing to comment on this information collection should contact Eyvette Flynn, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395–3785.

OMB Number: 3060–0054.
Title: Application for Exemption from Ship Radio Station Requirements.
Form Number: FCC Form 820.
Action: Revision.
Respondents: Individuals or households, businesses or other for-profit (including small businesses).
Frequency of Response: On occasion.
Estimated Annual Burden: 100 Responses; 200 Hours.
Needs ands Uses: FCC Form 820 is submitted by applicants to apply for exemption from radio provisions of statute, treaty, or international agreement. The data is used by FCC examiners to determine the applicants qualifications for the requested exemption.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–8800 Filed 4–16–90; 8:45 am]

BILLING CODE 6712–01–M

Public Information Collection Requirement Approved by Office of Management and Budget; Correction

April 10, 1990.

On Thursday, March 29, 1990, the Commission published a notice at 55 FR 11646 announcing that the following information collection had been sent to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507). The notice was published with erroneous information concerning that collection.

OMB Number: None.
Title: Conditional Temporary Authorization to Operate a part 90 Radio Station.
Form Number: FCC Form 572C
Action: New collection.
Respondents: Individuals or households, state or local governments, businesses or other for-profit (including small businesses), and non-profit institutions.
Frequency of Response: Recordkeeping requirements.
Estimates Annual Burden: 17,023 Recordkeepers; 1,702 Hours.
Needs and Uses: Applicants eligible to hold a radio station authorization below 470 MHz or in the 929–930 MHz band in the Private Land Mobile Radio Service may use this FCC Form 572C as a conditional temporary authorization to operate their equipment during processing of an application for license grant.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–8801 Filed 4–16–90; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 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.: 224–200087–002.
Title: Port of Oakland/Maersk Pacific, Ltd. Terminal Agreement.
Parties:
Port of Oakland (Port),
Maersk Pacific, Ltd. (Maersk).

Synopsis: The Agreement amends the basic agreement to provide for the construction and use of an additional container crane owned by an affiliate of Maersk on the assigned premises. The

Agreement provides the Port an option to purchase the crane upon termination of the basic agreement and to make certain other procedural amendments relating to the extension of the basic agreement.

Agreement No.: 224–200177–001.
Title: Port of Seattle/Matson Terminals, Inc. Terminal Lease Agreement.
Parties:
Port of Seattle,
Matson Terminals, Inc.

Synopsis: The Agreement provides for the following changes in the basic agreement: (1) An increase in the lease premises, (2) modification of provisions pertaining to fueling of cranes, (3) the addition of provisions pertaining to construction phasing, and (4) modification of maintenance provisions relating to fender piling and apron paving.

Agreement No.: 224–200103–003.
Title: Georgia Ports Authority/A/S Ivarans Rederi Terminal Agreement.
Parties:
Georgia Ports Authority,
A/S Ivarans (Ivarans).

Synopsis: The Agreement provides for a revised schedule of consolidated rates for containers loaded/unloaded by Ivarans. The consolidated rate includes wharfage, dockage, crane rental, slot lease toplifts and transstainers.

Agreement No.: 224–010974–007.
Title: Port of Oakland/International Terminal Services, Inc. Terminal Agreement.
Parties:
Port of Oakland (Port),
International Terminal Services, Inc. (ITS).

Synopsis: The Agreement amends paragraph 4 of the basic agreement to provide for the use of alternative Port facilities by long term volume secondary users and the continued application of ITS's tariff retention level for such use by secondary users.

Agreement No.: 224–200078–005.
Title: Maryland Port Administration/Clark Maryland Terminals, Inc./Ceres Marine Terminals Inc. Terminal Agreement.
Parties:
Maryland Port Administration (MPA),
Clark Maryland Terminals, Inc. (Clark),
Ceres Marine Terminals Inc. (Ceres).

Synopsis: The Agreement amends the basic agreement between MPA and Clark for certain premises at the Dundalk Marine Terminal to provide that the assigned premises will be subleased to Ceres, subject to specified conditions.

By Order of the Federal Maritime Commission.

Dated: April 11, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–8796 Filed 4–16–90; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit protests or 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 and protests are found in § 560.602 and/or § 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.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement Nos.: 224–200346, 224–200346–001, 224–200346–002, 224–200346–003 and 224–200346–004.
Title: Port of Houston Authority/International Cargo Network, L.P. Lease Agreement.
Parties:
Port of Houston Authority (Port)
International Cargo Network, L.P. (ICN).

Filing Party: Brien E. Kehoe, Hill, Betts & Nash, 1818 N Street, NW., Suite 700, Washington, DC 20036.

Synopsis: The Agreement No. 224–200346 provides for the lease of designated premises in the Port's Jacinto port public Wharf area for the construction of an import/export refrigerated handling and storage facility. The term of the Agreement is 30 years. Agreement No. 224–200346–001 grants ICN an irrevocable right of entry onto Port property during the construction period beginning February 21, 1990 and ending February 21, 1991. Agreement No. 224–200346–002 provides an option for ICN to lease an additional parcel of land, adjacent to the leased premises. Agreement No. 224–200346–003 provides for ICN to have a non-exclusive right to use the Roadway access to major rail lines and highways within the Port to the Jacinto public Wharf. Agreement No. 224–200346–004 provides that ICN shall deliver to the Port for its approval the final plans, specifications and Engineering Drawings for ICN's improvements, no later than April 20, 1990.

By Order of the Federal Maritime Commission.

Dated: April 11, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–8797 Filed 4–16–90; 8:45 am]

BILLING CODE 6730–01–M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 212–009847–020.
Title: U.S. Atlantic Coast/Brazil Agreement.
Parties: Companhia de Navegacao Lloyd Brasileiro Companhia de Navegacao Maritima Netumar American Transport Lines, Inc.

Synopsis: The proposed amendment would extend certain pooling provisions related to Alternate Coast Service through December 31, 1990, and would clarify the application of the Agreement to cargo moving in intermodal service. It would also make other nonsubstantive changes.

Agreement No.: 212–009848–022.
Title: U.S. Gulf Ports Brazil Agreement.
Parties: Companhia de Navegacao Lloyd Brasileiro, Companhia Maritima Nacional, American Transport Lines, Inc.

Synopsis: The proposed amendment would extend certain pooling provisions related to Alternate Coast Service through December 31, 1990, and would

clarify the application of the Agreement to cargo moving in intermodal service. It would also make other nonsubstantive changes.

Agreement No.: 212–010382–016.

Title: Argentina/U.S. Gulf Ports Agreement.

Parties: American Transport Lines, Inc. Empresa Lineas Maritimas Argentinas S.A.A. Bottacchi S.A. de Navegacao C.F.I.I. Companhia Maritima Nacional. Companhia de Navegacao Lloyd Brasileiro. Reefer Express Lines Pty., Ltd. Transportation Maritima Mexicana S.A.

Synopsis: The proposed amendment would delete Transportacion Maritima Mexicana S.A. as a party to the Agreement, and would extend through December 31, 1990, Alternate Coast Service accounting provisions as well as certain provisions related to pooling. It would also establish a special carrying rate of 60 percent applicable to reefer cargo, and would extend to December 31, 1990, certain provisions related to space chartering. It would also make other nonsubstantive changes.

Agreement No.: 212–010385–015.

Title: Argentina/U.S. Atlantic Coast Agreement.

Parties: American Transport Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I., Companhia de Navegacao Lloyd Brasileiro, Van Nievelt, Goudriaan & Co. (Holland) Pan American Line). Reefer Express Lines Pty., Ltd.

Synopsis: The proposed amendment would add Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck (Columbus Line) as a party to the Agreement, and would extend through December 31, 1990, Alternate Coast Service accounting provisions and certain provisions related to pooling. Likewise, it would add a special increased carrying rate for reefer cargo, and would extend to December 31, 1990, certain provisions related to space chartering. It would also make other nonsubstantive changes.

Agreement No.: 212–010388–012.

Title: U.S. Atlantic Coast/Argentina Agreement.

Parties: American Transport Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I.

Synopsis: The proposed amendment would extend Alternate Coast Service accounting provisions and certain special carrying rates through December 31, 1990, and would extend through May 31, 1990, certain provisions related to space chartering. It would also make other nonsubstantive changes.

Agreement No.: 212–010388–013.

Title: U.S. Atlantic Coast/Argentina Agreement.

Parties: American Transport Lines, Inc., Empresa Lineas Maritimas Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I.

Synopsis: The amendment would extend through December 31, 1990, certain provisions related to space chartering.

Agreement No.: 212–010389–102.

Title: U.S. Gulf Ports/Argentina Agreement.

Parties: American Transport Lines, Inc., Empresa Lineas Maritimas, Argentinas S.A., A. Bottacchi S.A. de Navegacion C.F.I.I.

Synopsis: The proposed amendment would extend through December 31, 1990, Alternate Coast Service accounting provisions and certain provisions related to pool accounting, and would extend to May 31, 1990, certain provisions related to space chartering. It would also make other nonsubstantive changes.

By Order of the Federal Maritime Commission.

Dated: April 12, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–8864 Filed 4–16–90; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License; Revocations

Notice is hereby given that the following ocean freight forwarder licenses have been revoked by the Federal Maritime Commission pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of ocean freight forwarders, 46 CFR part 510.

License Number: 892.
Name: F.L. Kraemer & Co.
Address: 53 Park Place, New York, NY 10007.
Date Revoked: December 7, 1989.
Reason: Failed to maintain a valid surety bond.

License Number: 2516.
Name: Teodomiro J. Perez dba Perez International.
Address: 265 El Dorado Blvd., #2018 Webster, TX 77598.
Date Revoked: December 17, 1989.
Reason: Failed to maintain a valid surety bond.

License Number: 803.
Name: W.R. Filbin & Company, Inc.
Address: 24356 Bagley Ave., Detroit, MI 48216.
Date Revoked: January 1, 1990.
Reason: Surrendered license voluntarily.

License Number: 189.
Name: Panalpina, Inc.
Address: 18600 Lee Road, Humble, TX 77338.
Date Revoked: February 12, 1990.
Reason: Surrendered license voluntarily.

License Number: 2429.
Name: P.V. Burke Associates, Inc.
Address: 203 Carondelet St., Rm. 829, New Orleans, LA 70130.
Date Revoked: March 10, 1990.
Reason: Failed to maintain a valid surety bond.

License Number: 1320R.
Name: Profit Freight Systems, Inc.
Address: 1950 Spectrum Circle, Marietta, GA 30067.
Date Revoked: March 27, 1990.
Reason: Surrendered license voluntarily.

License Number: 509.
Name: United Forwarders Services, Inc.
Address: 15 Maiden Lane, New York, NY 10038.
Date Revoked: March 31, 1990.
Reason: Surrendered license voluntarily.

Bryant L. VanBrakle,

Acting Director, Bureau of Domestic Regulations.

[FR Doc. 90–8863 Filed 4–16–90; 8:45 am]

BILLING CODE 6730–1–M

[Docket No. 90–12]

National Packers Express, Inc. v. Associated Container Transportation/PACE Lines, et al.; Filing of Complaint and Assignment

Notice is given that a complaint filed by National Packers Express, Inc. ("Complainant") against Associated Container Transportation/PACE Lines, et al. (see Attachment 1, hereinafter "Respondents") was served April 11, 1990. Complainant alleges that Respondents have violated certain sections of the Shipping Act, 1916, 46 U.S.C. app. § 801 et seq., the Intercoastal Shipping Act, 1933, 46 U.S.C. app. 843 et seq., and the Shipping Act of 1984, 46 U.S.C. app. 1701 et seq., through implementation of the so-called 50-mile container rules at various East Coast and/or Gulf Coast ports.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other

documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by April 11, 1991, and the final decision of the Commission shall be issued by August 12, 1991.

Joseph C. Polking,

Secretary.

Attachment 1

Boston Shipping Association, Inc., 101 Fargo Street, Boston, Massachusetts 02210
Carriers Container Council, Mr. Donald J. Schmidt, Executive Director, #1 Evertrust Plaza, Jersey City, NJ 07302
Council of North Atlantic Shipping Association (CONASA), Suite 600, Lafayette Building, Philadelphia, PA 19106
New Orleans Steamship Association, Inc., 2240 World Trade Center, #2 Canal Street, New Orleans, LA 70130–1407
New York Shipping Association, Inc. (NYSA), Two World Trade Center, 20th Floor, New York, New York 10048
Southeast Florida Employers Port Association, Post Office Box 011693, Miami, Florida 33101
South Atlantic Employers Negotiating Committee, 2040 East 21st Street, Jacksonville, FL 32206
West Gulf Maritime Association, Suite 200, 1717 East Loop, Mobile, Alabama 36601
Associated Container, Transportation/PACE Lines, Suite 8101, One World Trade Center, New York, New York 10048
Atlantic Container Line BV, 80 Pine Street, New York, New York 10005
Columbus Line, Inc., Harborside Financial Center, Plaza 2, Jersey City, New Jersey 07302
Dart Container Line Co. Ld. (now dba Orient Overseas Container Line (UK) Ltd.), 5 World Trade Center, New York, New York 10048
Evergreen International (USA) Corp., One Evertrust Plaza, Jersey City, New Jersey 07032
Hapag-Lloyd (America), Inc., One Edgewater Plaza, Staten Island, NY 10305
Jugolinija Rijeka, One World Trade Center, Suite 2045, New York, New York 10048
Jugoslvenska Oceanska Plovidba, Kotor, Yugoslavia
Kawasaki Kisen Kaisha, Ltd., 2–9 Nishi-Shinbashi 1 Chome, Minato-Ku, Tokyo 105, Japan
Maersk Line Agency, 211 Main Street, Suite 1450, San Francisco, CA 94105
Nedlloyd Lines, Inc., 5 World Trade Center, New York, New York 10048
NYK Line, 200 Plaza Drive, Secaucus, New Jersey 07096
Polish Ocean Lines/Gdynia America Line, Inc., 39 Broadway, 14th Floor, New York, New York 1006
Claudia E. Stone, Esq., Sea-Land Service, Inc., Post Office Box 800, Iselin, New Jersey 08830
Trans Freight Lines, 65 Willowbrook Blvd., Wayne, New Jersey 07470

[FR Doc. 90–8798 Filed 4–16–90; 8:45 am]

BILLING CODE 6730–01–M

GENERAL SERVICES ADMINISTRATION

Environmental Impact Statement Scoping Meeting for Master Plan for Expanding Inspection Facilities at Del Rio Border Station, Del Rio, TX

Interested parties are hereby notified:

Because of the tremendous traffic growth being generated by crossings arriving from Mexico via the new Del Rio international bridge, the Federal Inspection Services (U.S. Customs Service, Immigration and Naturalization Service (INS), and Animal and Plant Health Inspection Service (APHIS)) and the General Services Administration (GSA) have determined it is necessary to plan for the expansion of the Federal inspection facility at the Del Rio Border Station. The exact time for these expansions have not been determined but it is evident that the commercial cargo processing capability will require expansion within the next 3 years.

The anticipated traffic increases will either require a change in Federal regulations affecting the procedures of the Federal Inspection Services or it will require a physical expansion of the facilities, in excess of those expansions planned for the existing facility during 1990 and 1991. The expansion program underway is considered an interim improvement which will satisfy the needs until the major improvements are required.

The largest recent traffic increase at Del Rio has been commercial vehicles. The construction of the new international bridge between Del Rio and Ciudad Acuna, growth in the "maquiladora" industry between the two nations, and new regulations and procedures related to the examination of trucks and cargo are factors causing the need for additional commercial facilities.

Most of the alternatives being examined by the Federal Government will require the acquisition of real estate outside of existing Federal property. One alternative is to acquire property to the north of Rio Grande Road and east of Highway Spur 239. This acquisition would include parts of those two roads. This appears to be the most feasible alternative.

The purpose of this public notice is to announce that the General Services Administration will hold an Environmental Impact Statement (EIS) scoping meeting in Del Ril, Texas, on May 30, 1990, at 7:30 p.m., in the Council Chambers, Del Rio City Hall, 109 W. Broadway.

This scoping meeting, as required by § 1501.7 of the Council of Environmental Quality's "Regulations for Implementing the Procedural Provisions of the Environmental Policy Act," will be held to:

a. Determine the scope and significant issues to be analyzed in depth in the environmental impact statement;

b. Determine if other public EIS's or environmental assessments contain information relevant to this proposed action;

c. Identify other review and consultation requirements.

Enclosed are a vicinity map and an EIS Topics Outline to assist you in preparing for the meeting. Your comments must be submitted in writing either to the below named address or at the meeting itself. Also, you are invited to present your comments orally at the meeting. Additional information about this meeting and/or its intended purpose may be obtained by calling R B Phillips, of the GSA Public Buildings Service (7PL), at (817) 334–2531, or writing to same at 819 Taylor Street, Fort Worth, TX 76102.

Dated: April 4, 1990.

Earl W. Eschbacher, Jr.,

Assistant Regional Administrator, Public Buildings Service, General Services Administration, Region 7.

[FR Doc. 90–8833 Filed 4–16–90; 8:45 am]

BILLING CODE 6820–23–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Feasibility of Establishment of a National Disease Registry; Meeting

The Agency for Toxic Substances and Disease Registry (ATSDR) announces the following meeting.

Name: Feasibility of Establishment of a National Disease Registry.

Time and Date: 9 a.m.–5 p.m., May 2, 1990.

Place: Sheraton Century Center Hotel, Dogwood Room, 2000 Century Boulevard (off I–85 and Clairmont Road), Atlanta, Georgia 30345.

Status: Open to the public for observation and participation, limited only by the space available. The meeting room accommodates approximately 100 people.

Matters to be Considered: The meeting will convene a group of interested parties to discuss the concept of a disease registry, the relevance of a disease registry in ascertaining the impact of waste sites on public health, the feasibility of establishing a National Disease Registry, costs and benefits, and the identification of supporting literature.

Oral comments will be scheduled at the discretion of the meeting facilitator and as time permits.

Contact Person for More Information: Dr. Je Anne R. Burg, Chief, Exposure and Disease Registry Branch, Division of Health Studies, ATSDR, 1600 Clifton Road, N.E., Mailstop E–31, Atlanta, Georgia 30333. Telephones: FTS 236–0561; Commercial 404/639–0561.

Dated: April 11, 1990.

Elvin Hilyer,

Associate Director for Policy Coordination.

[FR Doc. 90–8866 Filed 4–16–90; 8:45 am]

BILLING CODE 4160–70–M

Food and Drug Administration

[Docket No. 89D–0368]

Action Levels for Residues of Certain Pesticides in Food and Feed

AGENCY: Food and Drug Administration.

ACTION: Notice; general statement of policy.

SUMMARY: The Food and Drug Administration (FDA) is issuing this notice to explain how the agency will use action levels in regulating residues of certain pesticides for which there are no tolerances but that may unavoidably be present in food or feed. These action levels, which are based on recommendations from the Environmental Protection Agency (EPA), represent general guidance with respect to the levels of these pesticide residues in particular foods or feeds that may justify enforcement action. There may be circumstances, however, in which FDA will take action against commodities that contain these pesticide residues at lower levels or in which the agency will choose not to take any action, even though the pesticide residue level exceeds the action level.

DATES: Written comments by June 18, 1990.

ADDRESSES: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: John R. Wessel, Office of Regulatory Affairs (HFC–6), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1815.

SUPPLEMENTARY INFORMATION:

I. Regulation of Pesticides

Pesticides are subject to the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*) and the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 321 *et seq.*).

Pursuant to Reorganization Plan No. 3 of 1970, EPA is responsible under FIFRA for the registration of pesticides intended for use in the United States. EPA is also responsible under section 408 of the FFDCA (21 U.S.C. 346a) for establishing tolerances for pesticide residues in raw agricultural commodities and under section 409 of the FFDCA (21 U.S.C. 348) for establishing food additive regulations for pesticide residues in processed food and feed. FIFRA authorizes EPA to cancel the registered use of a pesticide; the FFDCA authorizes EPA to revoke previously established tolerances for residues of such pesticides. (Tolerances for pesticide residues established pursuant to section 408 of the FFDCA and food additive regulations for pesticide residues established pursuant to section 409 of the FFDCA will hereafter be referred to collectively as "tolerances.")

FDA is responsible under sections 402(a)(2) (B) and (C) of the FFDCA (21 U.S.C. 342(a)(2) (B) and (C)) for enforcing the pesticide tolerances established by EPA. These sections provide that food or feed is adulterated when it contains a pesticide residue that is unsafe within the meaning of section 408(a) or 409(a) of the FFDCA. In the absence of a tolerance for a particular pesticide residue in or on a particular food or feed, the pesticide residue is, as a matter of law, unsafe, and the food or feed is adulterated. Adulterated food and feed that are shipped in interstate commerce are subject to enforcement action (e.g., seizure for domestic shipments and detention and refusal of entry for imported shipments). FDA's enforcement responsibilities extend to all food and animal feed except meat, poultry, and egg products, which are the responsibility of the U.S. Department of Agriculture.

II. Pesticides To Which This Notice Applies

In carrying out its enforcement responsibilities, FDA collects and analyzes samples of food and feed to ascertain whether such food or feed contain pesticide residues that do not comply with established tolerances. Over the years, this sampling effort has revealed, among other things, the occasional occurrence of low level residues of certain pesticides for which no tolerance exists for the particular food or feed. FDA investigations have determined that these residents were usually not the result of purposeful use but rather were attributable to the persistence of the pesticide in the environment.

The pesticides associated with this type of unavoidable contamination are aldrin and dieldrin, benzene hexachloride (BHC), chlordene, chlordecone, DDT and its degradation product DDE, dicofol, endrin, ethylene dibromide (EDB), heptachlor and its metabolite heptachlor epoxide, lindane, mirex, TDE, and toxaphene. With the exception of dicofol and lindane, EPA has cancelled the registered uses of these pesticides. EPA has also revoked all the tolerances for aldrin and dieldrin, BHC, chlordane, chlordecone, DDT, EDB, heptachlor, mirex, and TDE.

Residues of the foregoing pesticides are the subject of this notice. In particular, this notice provides guidance on how FDA will deal with food and feed commodities that are contaminated with residues of these pesticides that persist in the environment.

III. Why Guidance Is Necessary

The FFDCA provides that in the absence of a tolerance, any amount of a pestidice residue in a food or feed is unsafe and therefore renders the food or feed adulterated. FDA has found that contamination of a food or feed with the persistent pesticides listed above is often beyond the control of food or feed producers or manufacturers. FDA has also found that in such cases, the level of the pesticide residue is frequently so low that it is not of any regulatory or public health significance. In many cases where the agency has found such contamination, it has concluded that pursuing enforcement action against the food or feed would provide little or no benefit to the public and would not be the most prudent way to expend the agency's resources. In these situations, the agency has exercised its discretion by not initiating enforcement action. In other instances, however, the agency has considered the level of residue to be of significance and has initiated an enforcement action against the residue-bearing food or feed.

To assure uniformity and consistency by FDA filed offices in the exercise of the agency's enforcements discretion over unavoidable food and feed contaminants for which there were no tolerances, FDA adopted the concept of "action levels." Prior to 1987, action levels announced the amount of a

particular added contaminant that FDA regarded as rendering a food or feed adulterated. These action levels represented an exercise of FDA's discretion under section 306 of the FFDCA to refrain from initiating enforcement action in cases involving minor violations as well as an exercise of the agency's inherent discretion to decide how and when to enforce the FFDCA. The action levels that FDA used for unavoidable pesticide residues were set in accordance with the procedures in 21 CFR 109.6 (human food) and 509.6 (animal feed) and were based on recommendations received from EPA.

In addition, EPA adopted a policy, which it announced in the **Federal Register** of September 29, 1982 (47 FR 42956), of recommending action levels to FDA for residues of pesticides that had had their registrations cancelled and tolerances revoked but that were expected to presist in the environment and thus, could occur as unavoidable contaminants in food and feed. Under the EPA policy, the recommended action levels replaced the revoked tolerances for those foods and feeds that were likely to contain residues of the cancelled pesticide. At that time, EPA stated that it would periodically review and, if appropriate, recommend to FDA changes in existing action levels in light of current information. To date, EPA has revoked tolerances and recommended replacement action levels for aldrin and dieldrin, BHC, chlordane, chlordecone, DDT and its related compounds DDE and TDE, heptachlor and heptachlor epoxide, and mirex. EPA also has periodically recommended updating existing FDA action levels for these residues of pesticides; these revised action levels generally resulted in lowering of the residue limits.

The action levels recommended by EPA were derived primarily from FDA's monitoring data, which provided an indication of the extent to which residues of a particular pesticide could not be avoided by good agricultural or current good manufacturing practice. These recommended action levels also took into account whether FDA had the ability to detect and to measure the amount of the unavoidable pesticide residue present in a food or feed and to confirm the identity of the chemical.

FDA listed the pesticide action levels that it established in an attachment to FDA's Compliance Policy Guide (CPG) 7141.01, which is available to the public. This listing of FDA action levels has been used as guidance by State food and feed regulatory control officials in their pesticide residue enforcement programs and by the food and feed industries as part of their quality assurance efforts.

Several years ago, a consumer interest group filed a legal challenge to FDA's program regulating added poisonous or deleterious substances in foods and feeds, including aflatoxin, through action levels. Subsequently, in May 1987, the U.S. Court of Appeals for the D.C. Circuit held that FDA's action levels for aflatoxin in food and feed were binding legislative or substantive rules and not simply general statements of policy within the meaning of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). *CNI* v. *Young*, 818 F.2d 943 (D.C. Cir. 1987). Because FDA's action levels had not been issued in accordance with APA notice and comment procedures, the court held that they were invalid.

Although *CNI* v. *Young* concerned FDA's use of action levels for regulating the added poisonous or added deleterious substance aflatoxin under section 402(a)(1) of the FFDCA, the agency believes that the court's reasoning also applies to pesticide action levels used by FDA for enforcing sections 402(a)(2) (B) and (C) of the FFDCA. Accordingly, FDA is issuing this notice to explain how the agency intends to use pesticide action levels in the future and to provide the public with an opportunity to comment on this policy. (In the **Federal Register** of February 19, 1988 (53 FR 5043), the agency published a comparable notice describing how FDA intends to use action levels in regulating added poisonous or deleterious substances under section 402(a)(1) of the FFDCA.)

IV. How FDA Intends To Proceed

As set forth above, FDA has concluded that the decision in *CNI* v. *Young* applies to action levels for pesticide residues. Accordingly, the agency is announcing in this notice that its current action levels for pesticide residues are not binding on the courts, the public (including food and feed producers), or the agency (including individual FDA employees) and that these action levels do not have the "force of law" of substantive rules. The limits specified in its current action levels for residues of each of the previously mentioned pesticides will provide guidance for when FDA enforcement action may be warranted. These action levels, which are currently listed in CPG 7141.01, are also set out in section V below for the convenience of the reader.

FDA stresses that these pesticide action levels are not binding on the agency, the regulated food and feed industry, or the courts. Thus, there may be circumstances in which the agency may decide that action is warranted against a food or feed that contains a level of pesticide residue that is lower than the applicable action level. There also may be circumstances in which FDA may decide that an enforcement action is not appropriate even though the level of residue in a food or feed exceeds the applicable action level. Whether FDA initiates an enforcement action in a given case will depend on the extent of contamination, the risk to health presented by the residue, the amount of food or feed involved, and other factors. FDA thus will retain complete discretion as to when it will initiate an enforcement action against a food or feed that bears a residue of one of the pesticides subject to an FDA action level. Likewise, because the action levels set out in this notice are general statements of policy and are not binding rules, they do not create immunity from prosecution for the food or feed industries, nor do they authorize the shipment in interstate commerce of food or feed contaminated with the subject pesticide residues up to the applicable action levels.

However, FDA recognizes that traditionally, action levels have been important to State officials and to the food and feed industries. In particular, State officials often look to FDA for guidance as to when to enforce the law against a product, and industry needs guidance as to when a particular food or feed may be subject to enforcement action. FDA advises the States and the industry that the pesticide residue action levels set forth in this notice represent guidance on how FDA may exercise its enforcement discretion. Although FDA is free to exercise its enforcement discretion by declining to initiate a legal action against a food or feed containing an illegal pesticide residue above the applicable action level, FDA advises that, as a general matter, a raw agricultural commodity or processed food or feed that bears a level of pesticide in excess of that set forth in this notice would be considered for enforcement action under section 402(a)(2) (B) or (C) of the FFDCA. Importantly, however, FDA retains discretion as to when it will bring an enforcement action and requests that if a State, the industry, or any member of the public is aware of circumstances that would justify enforcement action at a level different from any of those set forth in this guidance, it should apprise FDA of those circumstances as quickly as possible.

V. Pesticide Action Levels

The pesticide action levels subject to the policy set out in this notice are listed below and are expressed in terms of parts per million (ppm) or parts per billion (ppb):

A. Aldrin and Dieldrin

Commodity	Action level (ppm)
Alfalfa	0.03
Animal feed, processed	.03
Artichokes	.05
Asparagus	.03
Bananas	.02
Beets (garden and sugar)	.1
Beet tops (garden and sugar)	.05
Broccoli	.03
Brussels sprouts	.03
Bulb vegetables	.1
Cabbage	.03
Carrots	.1
Cauliflower	.03
Cereal grains (except buckwheat, millet, teosinte, and wild rice)	.02
Celery	.03
Clover	.03
Collards	.05
Cowpea hay	.03
Cucumbers	.1
Eggplant	.05
Eggs	.03
Endive (escarole)	.05
Fats and oils (animal feed)	.3
Figs	.05
Fish	[1].3
Forage, fodder, and straw of cereal grains (except those of buckwheat, millet, teosinte, and wild rice)	.03
Grapefruit	.02
Hay	.03
Horseradish	.1
Kale	.05
Kohlrabi	.05
Legume vegetables (except guar, jackbeans, lalab beans, and lentils)	.05
Lemons	.02
Lespedeza	.03
Lettuce	.03
Limes	.02
Mangoes	.03
Melons	.1
Milk	[2].3
Mustard greens	.05
Oranges	.02
Parsnips	.1
Pea hay	.03
Peaches	.02
Peanuts	.05
Peanut hay	.03
Peppers	.05
Pimentos	.05
Pineapple	.03
Pome fruits (except crabapples and loquats)	.03
Potatoes	.1
Radishes	.1
Radish tops	.03
Rutabagas	.1
Salsify roots	.1
Salsify tops	.05
Small fruits and berries	.05
Soybean hay	.03
Spinach	.05
Squash	.1
Stone fruits (except chickasaw, damson, and Japanese plums, and peaches)	.03
Sugarbeet pulp (animal feed)	.1
Sweet potatoes	.1
Swiss chard	.05
Tangerines	.02
Tomatoes	.05
Turnips	.1
Turnip tops	.05

[1] Edible portion.
[2] Fat basis.

B. Benzene Hexachloride (BHC)

Commodity	Action level (ppm)
Animal feed, processed	0.05
Apples	.05
Asparagus	.05
Avocadoes	.05
Beans	.05
Brassica (cole) leafy vegetables (except broccoli, raab, rape greens)	.05
Celery	.05
Carrots	.3
Cereal grains (except buckwheat, millet, popcorn, teosinte, wild rice)	.05
Citrus fruits	.05
Cocoa beans	.5
Cucurbit vegetables (except balsam pears, Chinese waxgourds, gherkins, gourds)	.05
Eggplant	.05
Eggs	.05
Endive	.05
Figs	.05
Frog legs	[1].3
Guavas	.05
Hays	.05
Lettuce	.05
Mangoes	.05
Milk	[2].3
Okra	.05
Onions	.05
Paprika	1.0
Pears	.05
Peas	.05
Pecans	.05
Peppers	.05
Pineapples	.05
Quinces	.05
Rabbits	[2].3
Root and tuber vegetables (except carrots)	.05
Small fruits and berries	.05
Spinach	.05
Swiss chard	.05
Stone fruits (except chickasaw, damson, and Japanese plums)	.05
Tomatoes	.05
Turnip greens	.05

[1] Edible portion.
[2] Fat basis.

C. Chlordane

Commodity	Action level (ppm)
Animal fat, rendered	0.3
Animal feed, processed	.1
Asparagus	.1
Bananas	.1
Beans	.1
Beets (with or without tops)	.1
Beet greens	.1
Brassica (cole) leafy vegetables (except broccoli raab, Chinese mustard cabbage, and rape greens)	.1
Carrots	.1
Celery	.1
Citrus fruits	.1
Corn	.1
Cucumbers	.1
Eggplant	.1
Fish	[1].3
Lettuce	.1
Melons	.1
Okra	.1
Onions	.1
Papayas	.1
Parsnips	.1
Peanuts	.1
Peas	.1
Peppers	.1
Pineapple	.1
Pome fruits (except crabapples and loquats)	.1
Potatoes	.1
Radishes (with or without tops)	.1
Radish tops	.1
Rutabagas (with or without tops)	.1
Rutabagas tops	.1
Small fruits and berries (except cranberries, currants, elderberries, gooseberries, and olallie berries)	.1
Spinach	.1
Squash	.1
Stone fruits (except chickasaw, damson, and Japanese plums)	.1
Sweet potatoes	.1
Swiss chard	.1
Tomatoes	.1
Turnips (with or without tops)	.1
Turnip greens	.1

[1] Edible portion.

D. Chlordecone

Commodity	Action level (ppm)
Crabmeat	[1] 0.4
Fish	[1].3

[1] Edible portion.

E. DDT, TDE, and DDE

Commodity	Action level (ppm)
Animal feed, processed	0.5
Artichokes	.5
Asparagus	.5
Avocados	.2
Beets (roots and tops)	.2
Brassica (cole) leafy vegetables (except broccoli raab, Chinese mustard cabbage, and rape greens)	.5
Carrots	3
Cereal grains (except buckwheat, fresh sweetcorn, millet, popcorn, teosinte, and wild rice)	.5
Celery	.5
Citrus fruits	.1
Cocoa beans	1

Commodity	Action level (ppm)
Corn, fresh sweet	.1
Cottonseed	.1
Cucumbers	.1
Eggplant	.1
Eggs	.5
Endive (escarole)	.5
Fish	[1] 5
Grapes	.05
Guavas	.2
Hay	.5
Hops	.1
Legume vegetables (except guar, jackbeans, lalab beans, and lentils)	.2
Lettuce	.05
Mangoes	.2
Melons	.1
Milk	[2] 1.25
Mushrooms	.5
Okra	.2
Onions (dry bulb)	.2
Papayas	.2
Parsnips (roots and tops)	.2
Peanuts	.2
Peppermint hay	.5
Peppermint oil	1
Peppers	.1
Pineapples	.2
Pome fruits (except crabapples and loquats)	.1
Potatoes	1
Radishes (roots and tops)	.2
Rutabagas (roots and tops)	.2
Small fruits and berries (except elderberries, grapes and olallie berries)	.1
Soybean oil (crude)	1
Spearmint hay	.5
Spearmint oil	1
Spinach	.5
Squash	.1
Stone fruits (except chickasaw, damson, and Japanese plums)	.2
Sweet potatoes	1
Swiss chard	.5
Tomatoes	.05
Tomato pomace	.5
Turnips (roots and tops)	.2

[1] Edible portion.
[2] Fat basis.

F. Dicofol

Commodity	Action level (ppm)
Animal feed, processed	0.5

G. Endrin

Commodity	Action level (ppm)
Animal feed, processed	0.03
Asparagus	.05
Beans	.05
Citrus fruits	.05
Corn, fresh sweet	.05
Eggs	.03
Figs	.05
Fish	[1] .3
Fish byproducts (animal feed)	.3
Guavas	.05
Leafy vegetables	.05
Milk	[2] .3
Mangoes	.05
Melons	.05
Oilseed meal (animal feeds)	.03
Okra	.05
Peas	.05
Pimentos	.05
Pineapples	.05
Pome fruits	.05
Pumpkins	.05
Root vegetables	.05
Small fruits	.05
Stone fruits	.05
Vegetable oils and fats, including soapstocks (animal feed)	.3

[1] Edible portion.
[2] Fat basis.

H. Ethylene Dibromide (EDB)

Commodity	Action level (ppb)
Grain Products:	
Intermediate (milled) grain products (must be cooked prior to consumption). Examples: flour, cake mix, pancake mix, corn meal, grits, quick grits, oatmeal, instant oatmeal, hominy, brown and serve rolls, frozen bread dough	150
Ready-to-eat (cooked) products (require no cooking prior to consumption). Examples: breads, cakes, pancakes, corn bread, hushpuppies, cooked grits, cooked oatmeal, cooked hominy, crispy rice cereal, wheat flakes cereals, puffed oats, corn oil	30
Honey:	
Ready-to-eat (will not undergo further processing prior to consumption)	30

I. Heptachlor and Heptachlor Epoxide

Commodity	Action level (ppb)
Animal feed, processed	0.01
Artichokes	.01
Asparagus	.01
Brassica (cole) leafy vegetables	.01
Bulk vegetables	.01
Cereal grains	.01
Citrus fruits	.01
Cottonseed	.02
Cucurbit vegetables	.02
Eggs	.01
Figs	.01
Fish	[1] .03
Fruiting vegetables	.01
Grass forage, fodder, and hay	.01
Leafy vegetables (except *Brassica*)	.01
Legume vegetables	.01
Milk	[2] .01
Nongrass animals	.01
Peanuts	.01
Pineapple	.02
Pome fruits	.01
Rabbit	[2] .02
Root and tuber vegetables	.01
Salsify tops	.01
Small fruits and berries	.01
Stone fruits	.01
Sugarcane	.01

[1] Edible portion.
[2] Fat basis.

J. Lindane

Commodity	Action level (ppm)
Animal feed, processed	0.1
Artichokes	.5
Barley	.1
Beans	.5
Citrus fruits	.5
Cocoa beans, whole raw bean	.5
Corn, fresh sweet	.5
Corn	.1
Eggs	.5
Endive	.5
Figs	.5
Hay	1
Milk	[1] .3
Oats	.1
Peas	.5
Rice	.1
Root vegetables	.5
Rye	.1
Small fruits	.5
Sorghum (milo)	.1
Turnip greens	.5
Wheat	.1

[1] Fat basis.

K. Mirex

Commodity	Action level (ppm)
Fish	[1] 0.1

[1] Edible portion.

L. Toxaphene

Commodity	Action level (ppm)
Animal feed, processed	0.5
Artichokes	1.0
Asparagus	1.0
Cherries	1.0
Figs	1.0
Fish	[1] 5.0
Melons	1.0
Mustard greens	1.0
Plums	1.0
Pumpkins	1.0
Root vegetables	1.0
Small fruits	1.0
Squash	1.0
Turnip greens	1.0

VI. Comments

Although it has no obligation to do so, FDA is soliciting comments on this general policy. Interested persons may, on or before June 18, 1990, submit to

FDA's Dockets Management Branch (address above) written comments on the foregoing policy regarding the use of action levels for unavoidable residues of pesticides. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 9, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–8825 Filed 4–16–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90E–0022]

Determination of Regulatory Review Period for Purposes of Patent Extension; Diprivan®; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting the notice of its determination of the regulatory review period for purposes of patent extension for Diprivan® (propofol) that published in the **Federal Register** of February 20, 1990 (55 FR 5894). The notice stated, "FDA has verified the applicant's claims that November 27, 1989, is the date the investigational new drug application became effective." It should have stated, "FDA has verified the applicant's claims that November 27, 1983, is the date the investigational new drug application became effective."

FOR FURTHER INFORMATION CONTACT: Nancy E. Pirt, Office of Health Affairs (HFY–20), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1383.

SUPPLEMENTARY INFORMATION: In FR Doc. 90–3854, appearing at page 5894 in the **Federal Register** of Tuesday, February 20, 1990, the following correction is made: On the same page, in the second column, in paragraph "1.", in line 6, "November 27, 1989" is corrected to read "November 27, 1983".

Dated: April 9, 1990.

Stuart L. Nightingale,

Associate Commissioner for Health Affairs.

[FR Doc. 90–8824 Filed 4–16–90; 8:45 am]

BILLING CODE 4160–01–M

National Institutes of Health

National Heart, Lung, and Blood Institute; Meeting of Clinical Applications and Prevention Advisory Committee

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute, National Institutes of Health, on May 10–11, 1990, in building 31, conference room 8, 9000 Rockville Pike, Bethesda, Maryland 20892.

The entire meeting will be open to the public from 9 a.m. to recess on May 10 and 8:30 a.m. to adjournment on May 11 to discuss new initiatives, program policies, and issues. Attendance by the public will be limited to space available.

Terry Bellicha, Chief, Communications and Public Information Branch, National Heart, Lung, and Blood Institute, building 31, room 4A21, National Institutes of Health, Bethesda, Maryland 20892, (301) 496–4236, will provide a summary of the meeting and a roster of committee members upon request.

Dr. William R. Harlan, Director, Division of Epidemiology and Clinical Applications, Federal Building, room 212, Bethesda, Maryland 20892, (301) 496–2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Dated: April 10, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–8823 Filed 4–16–90; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–020–00–4212–11; AZA 24471]

Classification of Public Lands: Arizona

ACTION: Recreation and Public Purposes (R&PP) Act Classification; Arizona.

Maricopa County Board of Supervisors proposes to develop a regional park in the San Tan Mountains on public lands legally described as:

Gila and Salt River Meridian, Arizona

T. 3 S., R. 7 E.,
Sec. 4, S½SW¼, W½SW¼SE¼;
Sec. 8, E½, E½SW¼;
Sec. 9, S½NE¼, W½, SE¼;
Sec. 10, W½NE¼, W½;
Sec. 16, N½;
Sec. 17, E½, E½NW¼;
Sec. 19, lots, 2, 3, 4, E½,SE¼NW¼, E½SW¼;
Sec. 20, E½E½;
Sec. 21, all;
Sec. 22, SW¼, W½W½SW¼SE¼;
Sec. 28 to 32, incl., all.

Aggregating 6908.61 acres, more or less, in Pinal County.

The land has been examined and found suitable for classification for recreation and public purposes under the provisions of the R&PP Act of June 14, 1926, as amended (44 Stat. 741: 43 U.S.C. 869; 869–4) and the regulations contained in 43 CFR 2740 and 43 CFR 2912.

In addition, the land is determined to meet general classification criteria of 43 CFR 2410.1 (a-d) and specific public purposes classification criteria of 43 CFR 2430.4 (a and c).

Classification of this land under the provisions of the above cited R&PP Act segregates them from appropriations under the public lands laws and the mining laws, but not from applications under the mineral leasing laws or the R&PP Act for a period of eighteen months from the date this notice is published in the **Federal Register** (43 CFR 2741.5(2)).

Detailed information concerning this classification is available from the Phoenix District Office, Bureau of Land Management, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

For a period of 45 days from the date of publication of this notice in the **Federal Register** interested parties may submit comments to the Phoenix District Manager.

Dated: April 9, 1990.

Henri R. Bisson,

District Manager.

[FR Doc. 90–8835 Filed 4–16–90; 8:45 am]

BILLING CODE 4310–32–M

Bureau of Reclamation

New Melones Water Supply Project, Tuolumne County, CA

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of cancellation of a notice of intent.

SUMMARY: Pursuant to the requirements of the National Environmental Policy Act (NEPA) and to the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation) evaluated the New Melones Water Supply Project (NMWSP) and determined that the project would not have significant environmental impacts.

This notice cancels the February 26, 1988 (53 FR 5837), Notice of Intent, announcing that Reclamation and Tuolumne County would prepare a joint Supplemental Environmental Impact Statement/Environmental Impact Report (SEIS/EIR) for the New Melones Water Supply Project. A Supplemental Environmental Assessment/ Environmental Impact Report (SEA/EIR) and a Finding of No Significant Impact have been prepared for the project.

FOR FURTHER INFORMATION CONTACT:

John Brooks (MP–405), Environmental Specialist, U.S. Bureau of Reclamation, 2800 Cottage Way, Sacramento, CA 95825, Phone: (916) 978–5049; or

James E. Nuzum, Planning Director, County of Tuolumne, County Administration Office, 2 South Green Street, Sonora, CA 95370, Phone: (209) 533–5511.

SUPPLEMENTARY INFORMATION: The NMWSP is proposed to supply water users in Tuolumne County with water pumped from Reclamation's New Melones Reservoir, a component of the Central Valley Project. The primary water user would be the Sonora Mining Corporation. Other types of water uses that would be supplied by the project include various municipal and industrial needs in the vicinity of Jamestown, Sonora, and Columbia, California. As currently proposed, the Sonora Mining Corporation would finance the project, and the water would be delivered pursuant to a contract to be executed by the Bureau of reclamation and the Tuolumne Regional Water District.

The NMWSP would convey up to 5,000 acre-feet of water annually from New Melones Reservoir via a buried 16-inch-diameter pipeline to the existing water delivery ditch system in Tuolumne County. A submersible pump would be installed in the reservoir and a pump station constructed on the shoreline to bring the water to the pipeline for conveyance.

The SEA/EIR also includes an assessment of one alternative project configuration that is designed to deliver water from the reservoir to Tuolumne County. The potential impacts of the proposed action and the alternative are compared along with the no Act Alternative.

Reclamation originally determined that a supplemental to the original New Melones Reservoir Environmental Impact Statement was needed because the original document did not include an assessment of the proposed new diversion point or location of delivery to the existing conveyance system. Also, under CEQA an EIR was required for the proposed action.

Upon review of the envrionmental impacts described in the SEA, Reclamation has determined that this project would not have significant environmental impacts. In addition, the environmental assessment review process did not demonstrate public controversy. On the basis of these determinations, Reclamation has prepared a Finding of No Significant Impact and will not proceed with an environmental impact statement.

Dated: April 11, 1990.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 90–8865 Filed 4–16–90; 8:45 am]

BILLING CODE 4310–09–M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 744878

Applicant: Institute for Wildlife Studies, Arcata, CA.

The applicant requests an amendment to their current permit to live-trap, bleed for pesticide and genetic analysis, band, and equip with backpack mounted telemetry transmitters bald eagles (*Haliaeetus leucocephalus*) on Shasta and Trinity Lakes in Northern California as part of a study contracted by the U.S. Forest Service to study the effects of recreation on the movements, habitat use and energetics of bald eagles.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) in Room 430, 4401 N. Fairfax Dr., Arlington, VA 22201, or by writing to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 430, Arlington, VA 22201.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submittting comments.

Dated: April 12, 1990.

Karen Willson,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 90–8878 Filed 4–16–90; 8:45 am]

BILLING CODE 4310–55–M

National Park Service

Joshua Tree National Monument General Management Plan; Intent To Prepare an Environmental Impact Statement

SUMMARY: In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91–190, the National Park Service is preparing an environmental impact statement to assess the impacts of proposals and alternatives to be set forth in the proposed General Management Plan for Joshua Tree National Monument. Major issues to be addressed include visitor development and access and location of park facilities.

Public scoping sessions to provide information on the plan process and to elicit comments on issues, alternatives and potential impacts will be held at the following times and locations:

May 8, 1990, 5–7 p.m., Joshua Tree National Monument Visitor Center, Twentynine Palms, CA

May 9, 1990, 5–7 p.m., Blackrock Canyon Campground Visitor Center, Joshua Tree National Monument (near Yucca Valley, CA)

Comments on the preparation of the General Management Plan and environmental statement, and questions or requests for additional information should be addressed to the Superintendent, Joshua Tree National Monument, 74485 National Monument Drive, Twentynine Palms, CA 92277. Scoping comments should be received no later than June 11, 1990. The responsible official is Stanley Albright, Regional Director, Western Region, National Park Service.

Dated: April 9, 1990.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 90–8802 Filed 4–16–90; 8:45 am]

BILLING CODE 4310–70–M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before April 7, 1990. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC

20013–7127. Written comments should be submitted by May 20, 1990.

Marilyn W. Nickels,

Acting Chief of Registration, National Register.

COLORADO

Jefferson County

Red Rocks Park (Denver Mountain Parks MPS), 16351 Co. Rd. 93, Morrison, 90000725

GEORGIA

Floyd County

Chubb Methodist Episcopal Church Chubbtown Rd., Cave Spring vicinity, 90000728

Illinois

Jackson County

Grange Hall, SR 127/13 of Beaucoup Cr., Murphysboro, 90000722

Perry County

Du Quoin State Fairgrounds (Historic Fairgrounds in Illinois MPS), US 51 N of jct. with SR 14, Du Quoin, 90000719

Rock Island County

Wagner, Robert, House, 904 23rd St., Rock Island, 90000721

Sangamon County

Illinois State Fairgrounds (Historic Fairgrounds in Illinois MPS), Jct. of Sangamon Ave. and Peoria Rd., Springfield, 90000720

MARYLAND

Queen Anne's County

Lexon, Corsica Meck Rd. SW of Earle Cove, Centreville vicinity, 90000726

Baltimore Independent City

Mount Washington Mill, 1330–1340 Smith Ave., Baltimore (Independent City), 90000727

MASSACHUSETTS

Worcester County

Shaarai Torah Synagogue (Worcester MRA), 32 Providence St., Worcester, 90000729

MICHIGAN

Gladwin County

Manistee North Pier, W end of Fifth Ave., Manistee, 90000718

MONTANA

Lewis and Clark County

Summit Lodge, 30 mi. NW of Helena in Helena National Forest, Helena vicinity, 90000723

NEVADA

Churchill County

Oats Park Grammar School, 167 E. Park St., Fallon, 90000715

NEW MEXICO

Los Alamos County

White Rock Canyon, Address Restricted, White Rock vicinity, 90000717

TEXAS

Wood County

Med Moody Site, Address Restricted, Hainsville vicinity, 90000724

WEST VIRGINIA

Jefferson County

Rose Hill Farm, Off SR 48 SE of jct. with Warm Springs Rd., Shepherdstown vicinity, 90000716

[FR Doc. 90–8803 Filed 4–16–90; 8:45 am]

BILLING CODE 4310–70–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee on Voluntary Foreign Aid (ACVFA) on Thursday, May 24, 1990. Topic for discussion will be the findings of the committee's 18-month analysis on "Private Voluntary Agencies at the Threshold of the 21st Century: Planning for Change."

Date: May 24, 1990.

Time: 2 p.m.–5:30 p.m.

Place: The National Press Club, 14th and F Streets NW., Washington, DC 20045.

The meeting is free and open to the public. However, notification by May 14, 1990, through the Advisory Committee Headquarters is required.

Persons wishing to attend the meeting must call Melissa Nuwaysir, (202) 647–0219, or write, not later than May 14, 1990 to: Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Room 5314A NS, Washington, DC 20523–0059.

Dated: April 5, 1990.

Sally H. Montgomery,

Deputy Assistant Administrator, Private and Voluntary Cooperation, Food for Peace and Voluntary Assistance.

[FR Doc. 90–8834 Filed 4–16–90; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub-No. 4)]

Railroad Cost Recovery Procedures—Productivity Adjustment

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed action.

SUMMARY: The Commission is proposing to adopt a 1988 value for productivity change and incorporate that value, along with previously calculated data, into a 1982–1988 (seven-year) averaging period. Estimated average productivity growth for 1988 is 1.050. Estimated annual productivity for the 1982–1988 period is 1.044 or 4.4 percent. Addition of 1988 data will lengthen the averaging period and provide a more stable base for productivity measurement. The productivity adjustment is used to adjust the quarterly Rail Cost Adjustment Factor for productivity improvements.

DATES: Comments are due by May 7, 1990. Replies are due 15 days thereafter.

FOR FURTHER INFORMATION CONTACT:

William T. Bono, (202) 275–7354

Robert C. Hasek, (202) 275–0938

[TDD for hearing impaired, (202) 275–1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD Services at (202) 275–1721].

This action will not significantly affect either the quality of the human environment or energy conservation. It will not have a significant impact on a substantial number of small entities.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

Dated: April 10, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Noreta R. McGee,

Secretary.

[FR Doc. 90–8882 Filed 4–16–90; 8:45 am]

BILLING CODE 7035–01–M

[Nos. 25390 and 26429 (Sub-No. 1)]

Official—Southwest Divisions Via Southern Freight Territory

AGENCY: Interstate Commerce Commission.

ACTION: Request for Comments.

SUMMARY: The Commission is requesting comments on whether to grant or deny a petition filed by Consolidated Rail Corporation (Conrail) asking the Commission to vacate joint rate divisions prescriptions on traffic moving between Southwestern and Official Territories via Southern Freight Territory.

DATES: Comments are due on May 17, 1990.

ADDRESSES: Send an original and 10 copies of comments referring to No. 25390 (Sub-No. 1) and No. 26429 (Sub-No. 1) to: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 275–7245 [TDD for hearing impaired: (202) 275–1721].

SUPPLEMENTARY INFORMATION: On January 19, 1990, Consolidated Rail Corporation (Conrail) filed a petition seeking "deprescriptions"of divisions orders in Southwest-Official Divisions, 216 I.C.C. 687 (1936); 219 I.C.C. 439 (1936); 234 I.C.C. 135 (1939); and 241 I.C.C. 193 (1940). In those decisions, the Commission prescribed joint rate divisions for traffic moving between Southwestern and Official Territories via Southern Freight Territory.

Conrail has served copies of its petition on all of the railroad parties in a similar recent proceeding, No. 29886 (Sub-No. 1), Official—Southwest Divisions (not printed), served August 10, 1989, in which the Commission vacated divisions prescriptions ordered on traffic moving between the same territories (but not via the Southern Territory). Burlington Northern Railroad Company has replied to Conrail's petition, not opposing it but requesting that, consistent with No. 29886 (Sub-No. 1), *supra*, and upon deprescription, present divisions remain in effect until the railroads change them through negotiation.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: April 11, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett. Chairman Philbin did not participate in the disposition of this proceeding.

Noreta R. McGee,

Secretary.

[FR Doc. 90–8881 Filed 4–16–90; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–23,647]

Hy Grade Corp., Taylor, PA; Revised Determination on Reconsideration

On April 3, 1990, the Department issued an Affirmative Determination Regarding Application for Reconsideration for former workers of Hy Grade Corporation, Taylor, Pennsylvania. The affirmed notice will soon be published in the **Federal Register.**

Hy Grade Corporation was a contractor for men's and women's dress slacks and uniform slacks.

Findings on reconsideration show that the Hy Grade Corporation in Taylor, Pennsylvania and the Tailor Shop in Old Forge, Pennsylvania had the same owners and their production of slacks was integrated. Both facilities closed in October, 1989. Workers at the Tailor Shop were certified under petition TA–W–23,654. That certification ran from November 14, 1988 to November 30, 1989.

Other findings on reconsideration show that one of Hy Grade's major manufacturers reduced its business with Hy Grade and increased its import purchases of men's and women's slacks in 1989.

Conclusion

After careful review of the additional facts obtained on reconsideration, it is concluded that increased imports of articles like or directly competitive with men's and women's slacks produced at Hy Grade Corporation, Taylor, Pennsylvania contributed importantly to the decline in sales or production and to the total or partial separation of workers at Hy Grade Corporation, Taylor, Pennsylvania. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of Hy Grade Corporation, Taylor, Pennsylvania, who became totally or partially separated from employment on or after November 14, 1988 and before November 30, 1989 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC, this 6th day of April 1990.

Stephen A. Wandner,

Deputy Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 90–8901 Filed 4–16–90; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–23,683]

Sunbeam Appliance Co.; Coushatta, LA; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18 an application for administrative reconsideration was filed with the Director of the Office of Trade Adjustment Assistance for workers at Sunbeam Appliance Company, Coushatta, Louisiana. The review indicated that the application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–23,683; Sunbeam Appliance Company, Coushatta, Louisiana (April 6, 1990)

Signd at Washington, DC, this 10th day of April 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90–8902 Filed 4–16–90; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–23,566]

Wrangler, Inc., Belmont MS; Revised Determinations on Reopening

The Department of Labor, on its own motion, reopened the investigation for workers of Wrangler, Inc. Belmont, Mississippi. The Department's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance was issued on December 29, 1989 and published in the **Federal Register** on January 31, 1990 (55 FR 3286).

New information from the company indicates that a substantial amount of production of the parts Department of Wrangler's Belmont plant was integrated into the production of jeans assembled at the Tishomingo, Mississippi plant whose workers were certified eligible to apply for adjustment assistance. The Parts Department continued operation until the Belmont plant closed in October, 1988. The Tishomingo worker certification (TA–W–23,211) ran from July 14, 1988 to November 26, 1988.

Conclusion

After careful review of the additional facts obtained on reopening, it is concluded that increased imports of articles like or directly competitive with men's denim jeans produced at Wrangler's Tishomingo, Mississippi plant contributed importantly to the declines in production and employment in the Parts Department of Wrangler's Belmont, Misssissippi plant. In accordance with the provisions of the Trade Act of 1974, I make the following revised determination:

All workers of the Parts Department of Wrangler Inc., Belmont, Mississippi plant who became totally or partially separated from employment on or after October 19, 1988 and before November 26, 1988 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

It is further determined that all other workers at the Belmont, Mississippi

plant are denied eligibility to apply for adjustment assistance.

Signed at Washington, DC this 10th day of April 1990.

Robert O. Deslongchamps,

Director, Office of Legislation and Actuarial Services, UIS.

[FR Doc. 90-8903 Filed 4-16-90; 8:45 am]

BILLING CODE 4510-30-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: Office of Records Administration, National Archives and Records Administration.

ACTION: Notice of availability of proposed records schedules; requests for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies for a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) Propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 USC 3303a(a).

DATES: Requests for copies must be received in writing on or before June 1, 1990. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The central number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers prepare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control number assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of the Air Force (N1-AFU-90-31). Routine resources management records.

2. Department of the Navy, Chief of Naval Operations, U.S. Naval Observatory (N1-78-89-1). LORAN roll charts comparing navigational signals against accurate time signal.

3. Department of Commerce, Patent and Trademark Office (N1-241-90-3). Contract files.

4. Department of Commerce, Patent and Trademark Office (N1-241-90-6). Records of the APS Program Management Office.

5. Federal Communications Commission (N1-173-90-2). Records associated with telephone company financial and procedural audits.

6. Federal Energy Regulatory Commission (N1-138-90-1). Office of General Counsel litigation files.

7. Department of Labor, Bureau of Apprenticeship and Training, (N1-300-90-1). Fragmentary program records, 1935-70.

8. Department of Labor, Neighborhood Youth Corps (N1-390-90-1). Fragmentary program records, 1935-70.

9. Tennessee Valley Authority, Human Resources (N1-142-89-12). Segments of the official correspondence file determined to lack sufficient archival value to warrant permanent retention by the National Archives, area and college recruitment register file; notifications to unions of selection of persons to fill positions.

Dated: April 11, 1990.

Claudine J. Weiher,

Acting Archivist of the United States.

[FR Doc. 90-8885 Filed 4-16-90; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Comments on this information collection must be submitted by May 17, 1990.

ADDRESSES: Send comments to Mr. Jim Houser, Office of Management and Budget, New Executive Office Building, 726 Jackson Place NW., room 3002, Washington, DC 20503; (202-395-7316). In addition, copies of such comments may be sent to Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202-682-5401).

FOR FURTHER INFORMATION CONTACT: Mrs. Anne C. Doyle, National Endowment for the Arts, Administrative Services Division, room 203, 1100 Pennsylvania Avenue NW., Washington, DC 20506; (202-682-5401) from whom copies of the documents are available.

SUPPLEMENTARY INFORMATION: The Endowment requests the review of a new collection of information. This entry is issued by the Endowment and contains the following information:

(1) The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) the average burden hours per response; (7) an estimate of that total number of hours

needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: A Study of Choreographers.
Frequency of collection: One time.
Respondents: Individuals or households.
Use: Information on the economic characteristics and working conditions of choreographers, the primary recipients of the Endowment's Dance Program individual grants, is required to support a re-evaluation of Dance Program funding policies. Data will be collected from professional choreographers in four cities, New York, Chicago, San Francisco, and Washington, DC
Estimated number of respondents: 1,500.
Average burden hours per response: 1.
Total estimated burden: 1,500.

Anne C. Doyle,

Administrative Services Division, National Endowment for the Arts.

[FR Doc. 90-8810 Filed 4-16-90; 8:45 am]

BILLING CODE 7537-01-M

RESOLUTION TRUST CORPORATION

Notice of Adoption: Policy Statement Regarding the Payment of Interest on Direct Collateralized Obligations After Appointment of the Resolution Trust Corporation as Conservator or Receiver

SUMMARY: Notice is hereby given that on April 10, 1990, the Resolution Trust Corporation ("RTC") adopted a policy statement regarding the payment of interest on direct collateralized obligations after appointment of the RTC as conservator or receiver. Copies of the policy can be obtained from the RTC.

ADDRESSES: Copies of the policy can be obtained by writing to the Executive Secretary, Resolution Trust Corporation 550 17th Street, NW., Washington, DC 20429. Requests for copies may also be made to Phyllis Beard at (202) 898-3873.

FOR FURTHER INFORMATION CONTACT: Rex Veal, Special Counsel, Resolution Trust Corporation (202) 416-2389.

Dated: at Washington, DC, this 10th day of April, 1990.

Resolution Trust Corporation.

John M. Buckley, Jr.,

Executive Secretary.

[FR Doc. 90-8894 Filed 4-16-90; 8:45 am]

BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27883; File No. SR-CBOE-90-03]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Approval of Proposed Rule Change by Chicago Board Options Exchange, Inc. Relating to IFPC Floor Officials

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 February 14, 1990 the Chicago Board Options Exchange, Incorporated ("CBOE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization.[1] 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 CBOE proposes to amend its rules to allow members of the Index Floor Procedure Committee ("IFPC") to perform the functions of a Floor Official in the Standard & Poor's 100 Stock Index Option ("OEX") and Standard & Poor's 500 Stock Index Option ("SPX") trading crowds for the purpose of enforcing operational and trading decorum policies. The IPFC Floor Officials may also assist in the enforcement of Exchange Rule 8.51 regarding firm quotes. Rule 8.51 ("ten-up rule") requires CBOE trading crowds to provide a market with a depth of ten contracts to non-broker dealer customer orders at the disseminated market quote. *See* Securities Exchange Act Release No. 26924 (June 13, 1989), 54 FR 26284 (Order Approving File No. SR-CBOE-89-04).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule operational change. The text of these statements may be examined at the places specified in Item IV. The self-regulatory organization has prepared summaries, set forth below 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 the Statutory Basis for, the Proposed Rule Change

The CBOE has proposed to amend its rule 6.20 by adding a new Interpretation .08 that would allow members of the IFPC to act as Floor Officials in the OEX and SPX crowds for the purpose of enforcing operational and trading decorum policies. Presently, there are a limited number of Floor Officials in those crowds and many of the operational and trading decorum violations are of the nature that the Floor Official needs to observe the actions. As such, the addition of twenty-two additional Floor Officials seems to be practical and reasonable. Some of the rules the new Floor Officials will be responsible for include, but are not limited to, trading in the aisle, trading outside the crowd, trading with no public outcry, the use of unapproved devices to assist in trading such as boxes or computers, eating in the trading floor, trading outside business hours or failing to supervise an employee. IFPC Floor Officials would also assist Market Performance Floor Officials regarding compliance with the ten-up rule.

The IFPC Floor Officials will have the same powers as regular Floor Officials to issue fines for violations related to operational or trading decorum policies. However, the success of the program will be measured by the resolution or decrease in complaints regarding these types of violations.

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder, and, in particular, section 6(b)(5) of the Act, which provides, among other things, that the rules of the Exchange are to be designed to promote just and equitable principles of trade.

(B) Self-Regulatory Organization's Statement on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solitied nor received.

[1] The CBOE originally filed the proposal pursuant to section 19(b)(3) of the Act. Subsequently, the CBOE amended the filing on March 1, 1990, to seek approval under § 19(b)(2).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange requests that the proposed rule change be given accelerated effectiveness pursuant to section 19(b)(2) of the Act.

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. In particular, the Commission finds that the CBOE's proposal is consistent with section 6(b)(5) of the Act because an increase in the number of persons acting as Floor Officials will allow more vigorous enforcement of operational and trading decorum policies and the ten-up rule. The Commission believes that more vigorous enforcement of operational and trading decorum policies and the ten-up rule will enhance the fair, orderly and efficient operation of the market, thereby promoting just and equitable principles of trade and protecting investors and the public interest.

Because the proposed rule change will provide additional officials to enforce existing effective policies which help to maintain the quality and efficiency of the CBOE's options markets, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register.**

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission 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 alll written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by May 8, 1990.

It it therefore ordered, pursuant to section 19(b)(2) of the Act,[2] that the proposed rule change (SR–CBOE–90–03) is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: April 9, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8858 Filed 4–16–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–27882; File No. SR–MSE–89–07]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by Midwest Stock Exchange, Inc. Regarding Time Frames for Submission Claims for Erroneous Trade Reports

April 9, 1990.

The Midwest Stock Exchange, Inc. ("MSE"), on September 5, 1989, filed a proposed rule change (File No. SR–MSE–89–07) with the Commission under section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on December 22, 1989.[2] No comments were received. This order approves the proposal.

I. Description of the Proposal

The proposal would amend Article XXX, Rule 15 (captioned "Claims for Reports") of MSE's By-Laws.[3] Under MSE's existing rules, MSE members may submit claims of erroneous specialists' reports for up to five business days after the trade date.[4] The proposed rule would shorten the claim period from five business days to three business days after the trade date.

II. MCC's Rationale for the Proposal

MCC states that this proposal is consistent with the Act, particularly sections 6(b) and 17A of the Act, because the proposal is designed to foster prompt and accurate reporting among persons engaged in the clearing, settling, and processing of information relating to transactions in securities.

III. Discussion

The Commission believes that the rule proposal is consistent with the Act. Section 17A(a)(1) of the Act states that inefficient procedures for the clearance and settlement of securities transactions (including the comparison of trades) impose unnecessary costs on investors and on persons facilitating transactions on behalf of investors. Moreover, section 6(b)(5) of the Act expressly encourages efforts by exchanges toward efficiency in exchange rules governing the clearing, settling, and processing of information with respect to and facilitating transactions in securities.[5] The proposal would enhance prompt and accurate reporting of information needed in the clearance and settlement of securities transactions by shortening from five business days to three business days the period within which MSE members may submit claims for erroneous reports.

The Commission believes that shortening MSE's time-frame from five business days to three business days, for the submission of claims will improve marketplace efficiency in connection with the clearance and settlement of securities transactions. The Commission also believes that this effort will be compatible with comparable efforts in other United States securities markets to shorten the time frames for the comparison, error correcton, and the closing out of securities transactions.[6]

IV. Conclusion

For the reasons discussed in this order, the Commission finds that the proposal is consistent with the requirements of the Act, particularly sections 6(b) and 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change (SR–MSE–89–07) be, and hereby is, approved.

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[2] 15 U.S.C. 78s (b)(2) (1982).

[1] See 15 U.S.C. 78s(b) (1982).

[2] See Securities Exchange Act Release No. 27533 (December 12, 1989), 54 FR 52866.

[3] The term "report," in this context, means the report that an MSE specialist is required to provide on each transaction. See MSE's By-Laws, Art. XXX, Rule 5.

[4] MSE states in its filing that the errors leading to such claims may include, *.e.g.* erroneous trade comparison, lack of comparison, and non-issuance of a report by a specialist.

[5] See also, Senate Banking, Housing and Urban Affairs Comm. *Report to Accompany, S. 249; Securities Acts Amendments of 1975,* S. Rep. No. 75, 94th Cong., 1st Sess. 27–28, 96 (1985).

[6] See, *e.g.*, Securities Exchange Act Release No. 26627 (March 14, 1989), 54 FR 11470 [SEC File No. SR–NYSE–88–36], adopting New York Stock Exchange ("NYSE") Rule 130, which, when fully implemented, will require that all NYSE equity transactions be compared or closed out by the day after the trade date. Its full implementation is scheduled for the second half of 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority (17 CFR 200.3(a)(12)).

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8859 Filed 4-16-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27884; [File No. SR-PCC-90-02]

Self-Regulatory Organizations; Pacific Clearing Corporation; Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Post Clearing Charges

April 10, 1990.

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 March 27, 1990, the Pacific Clearing Corporation ("PPC") filed with the Securites and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of Proposed Rule Change

PCC, pursuant to rule 19b-4 of the Act submits this rule filing for the purpose of changing fees for post clearing operations.

The current fee for post clearing is $1,750 per month. The specialist symbol fee is $175 per month. This filing proposes to eliminate the specialist symbol fee category, combine both fees under post clearing, and increase the monthly fee by $370 for a total combined monthly fee of $2,295.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The cost of providing post clearing has increased, in large part due to fee increases for processing services provided by external vendors. The increased costs were discussed by the Equity Governors at the January board meeting of PCC, and with the Equity Concepts and Issues Committee and the Specialist Advisory Committee. It was agreed that an increase in post clearing fees is warranted.

The proposed rule filing is consistent with section 17A(a)(3)(D) of the Act in that it provides an equitable allocation of reasonable dues, fees and other charges among the members using the facilities of the PCC.

(B) Self-Regulatory Organization's Statement on Burden on Competition

PCC does not believe that the proposed rule change imposes a burden on competiton.

(C) Self-Regulatory Organization's Statement on Comments on Proposed Rule Change Received from Members, Participants or Others

The fee was proposed by the Equity Concepts and Issues Committee, which is composed of five Equity Governors, and by the Specialist Advisory Committee, which is composed of one Governor of the Pacific Stock Exchange and specialists from the San Francisco and Los Angeles equity trading floors.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed change is effective on filing pursuant to section 19(b)(3)(A)(ii) of the Act and rule 19b-4 thereunder in that it affects reasonable dues, fees and other charges imposed by PCC among its members. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change 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.

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 communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PCC.

All submissions should refer to file number SR-PCC-90-02 and should be submitted by May 8, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8860 Filed 4-16-90; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

April 11, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Shoney's Inc.
Common Stock, $1.00 Par Value (File No. 7-5836)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 3, 1990, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of

fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8812 Filed 4–16–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

April 11, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Cheyenne Software, Inc.
Common Stock, $.01 Par Value (File No. 7–5837)
G.T. Greater Europe Fund
Shares of Beneficial Interest, $.01 Par Value (File No. 7–5838)
Nuveen Municipal Market Opportunity Fund, Inc.
Common Stock, 1¢ Par Value (File No. 7–5839)
St. Joe Paper Co.
Common Stock, No Par Value (File No. 7–5840)
Snyder Oil Corporation
Common Stock, $.01 Par Value (File No. 7–5841)
Alliance New Europe Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–5842)
Geneva Steel
Class A Common Stock, No Par Value (File No. 7–5843)
New Line Cinema Corporation
Common Stock, $.01 Par Value (File No. 7–5844)
Emerging Germany Fund, Inc.
Common Stock, $.001 Par Value (File No. 7–5845)
Epitope, Inc.
Common Stock, No Par Value (File No. 7–5846)
Kimmins Environmental Service Corp.
Common Stock, $.001 Par Value (File No. 7–5847)
Merry-Go-Round Enterprises, Inc.
Common Stock, $.01 Par Value (File No. 7–5848)
Freeport-McMoran Oil & Gas Company
Common Stock, $.10 Par Value (File No. 7–5849)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 3, 1990, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8813 Filed 4–16–90; 8:45 am]

BILLING CODE 8010–01–M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Inc.

April 11, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder for unlisted trading privileges in the following securities:

Alliance New Europe Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–5850)
G.T. Greater Europe Fund
Shares of Beneficial Interest (File No. 7–5851)
Nuveen Municipal Market Opportunity Fund, Inc.
Common Stock, $.01 Par Value (File No. 7–5852)
Santa Fe Energy Resources, Inc.
Common Stock, $.01 Par Value (File No. 7–5853)
Snyder Oil Corporation
Common Stock, $.01 Par Value (File No. 7–5854)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 3, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8814 Filed 4–16–90; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–9280]

Issuer Delisting; Application To Withdraw From Listing and Registration; Kane Industries, Inc., 12¾ Percent Senior Subordinated Debentures Due October 1, 2001

April 11, 1990.

Kane Industries, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2–2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company considers continued listing and registration of the Senior Subordinated Debentures on the AMEX unduly burdensome because, as of February 15, 1990, there were less than 12 registered holders of Senior Subordinated Debentures; trading volume has been relatively low since the original issuance of the Senior Subordinated Debentures in October of 1986; and continued listing of the Senior Subordinated Debentures is costly to the Company.

Any interested person may, on or before May 3, 1990, submit by letter to the Secretary of the Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the

Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8815 Filed 4-16-90; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-9750]

Issuer Delisting; Application To Withdraw From Listing and Registration; Sotheby's Holdings, Inc., Class A Limited Voting Common Stock, $0.10 Par Value

April 11, 1990.

Sotheby's Holdings, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder to withdraw the above specified security from listing and registration on the American Stock Exchange, Inc. ("AMEX").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The Company's common stock recently was listed on the New York Stock Exchange ("NYSE"). Trading in the Company's stock on the NYSE commenced on March 28, 1990. In making the decision to withdraw its Common Stock from listing on the AMEX, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing of its Common Stock on the NYSE and the AMEX. The Company does not see any particular advantage in the dual trading of its stock and believes that dual listing would fragment the market for its Common Stock.

Any interested person may, on or before May 3, 1990, submit by letter to the Secretary of the Commission, 450 Fifth Street NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8816 Filed 4-16-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17416; 811-5057]

The Horizon Funds; Application for Deregistration

April 10, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: The Horizon Funds.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N-8F was filed on March 22, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 7, 1990 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 156 W. 56th Street, Suite 1902, New York, New York, 10019.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504-2263, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 258-4300).

APPLICANT'S REPRESENTATIONS: 1. Applicant is a Massachusetts business trust and an open-end diversified management investment company registered under the Act, consisting of five series, the Horizon Prime Fund, the Horizon Treasury Fund, the Horizon Tax-Exempt Money Fund, the Horizon Intermediate Government Fund, and the Horizon Intermediate Tax-Exempt Fund. On March 10, 1987, applicant filed a notification of registration on Form N-8A pursuant to Section 8(a) of the Act. On the same date, applicant filed a registration statement on Form N-1A under the Securities Act of 1933. The registration statement became effective on June 18, 1987. Applicant's initial public offering commenced on July 10, 1987, with respect to the Horizon Prime Fund, the Horizon Treasury Fund, and the Horizon Tax-Exempt Money Fund. No public offering was ever made with respect to the Horizon Intermediate Government Fund or the Horizon Intermediate Tax-Exempt Fund.

2. After a series of meetings, the last of which was held on July 21, 1989, applicant's board of directors adopted a plan of reorganization under which the following events would occur: (a) the Horizon Prime Fund would transfer all of its assets and liabilities to an existing portfolio of Pacific Horizon Funds, Inc., a registered open-end management investment company (File No. 811-4293), known as the Money Market Portfolio, in exchange for shares in that portfolio, and then make a liquidating distribution to its shareholders of a like number of full and fractional shares of the Money Market Portfolio; (b) The Horizon Treasury Fund would transfer all of its assets and liabilities to an existing portfolio of Pacific Horizon Funds, Inc., known as the Government Money Market Portfolio, in exchange for shares in that portfolio, and then make a liquidating distributing to its shareholders of a like number of full and fractional shares of the Government Money Market Portfolio; (c) the Horizon Tax-Exempt Money Fund would transfer all of its assets and liabilities to a corresponding "shell" portfolio of Pacific Horizon Funds, Inc., in exchange for shares in the new portfolio, and then make a liquidating distribution to its shareholders of a like number of full and fractional shares of the new portfolio; and (d), the Horizon Intermediate Government Fund and the Horizon Intermediate Tax-Exempt Fund would liquidate their assets and then make liquidating distributions to their shareholders. The shareholders of each of applicant's portfolios approved this reorganization plan by vote at a meeting held on January 5, 1990.

3. The exchange of shares between the Horizon Prime Fund and the Money Market Portfolio, between the Horizon Treasury Fund and the Government Money Market Portfolio, and between

the Horizon Tax-Exempt Money Fund and the "shell" portfolio took place on January 19, 1990. The liquidating distribution to shareholders took place shortly thereafter. The liquidating distributions of the Horizon Intermediate Government Fund and the Horizon Intermediate Tax-Exempt Fund have yet to take place.

4. The share registration expenses incurred in connection with the reorganization were assumed by Pacific Horizon Funds, Inc. One-third of the other reorganization expenses were borne by the applicant, Pacific Horizon Funds, Inc., and the other funds which were parties to the reorganization agreement. The other two-thirds of the expenses were borne by the Concord Holding Corporation, applicant's administrator, and the Security Pacific National Bank, applicant's investment adviser.

5. As of the time of filing the application, except for applicant's Horizon Intermediate Government Fund and Horizon Intermediate Tax-Exempt Fund, both of which applicant intends to liquidate, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8861 Filed 4–16–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC-17417; 811–5193]

Pacific Horizon Funds; Application for Deregistration

April 10, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Pacific Horizon Funds.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application on Form N–8F was filed on March 22, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 7, 1990 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 156 W. 56th Street, Suite 1902, New York, New York 10019.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504–2263, or Jeremy N. Rubenstein, Branch Chief, at (202) 272–3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTAL INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or by contacting the SEC's commercial copier at (800) 231–3282 (in Maryland (301) 258–4300).

APPLICANT'S REPRESENTATIONS: 1. Applicant is a Massachusetts business trust and an openend diversified management investment company registered under the Act, consisting of two series, the Pacific Horizon Convertible Securities Fund, and the Pacific Horizon GNMA Extra Fund. On June 22, 1987, applicant filed a notification of registration on Form N–8A pursuant to Section 8(a) of the Act. On the same date, applicant filed a registration statement on Form N–1A under the Securities Act of 1933. The registration statement became effective on August 31, 1987. Applicant's initial public offering commenced on September 25, 1987, with respect to the Pacific Horizon Convertible Securities Fund, and on January 7, 1988, with respect to the Pacific Horizon GMNA Extra Fund.

2. After a series of meetings, the last of which was held on July 21, 1989, applicant's board of directors adopted a plan of reorganization under which the applicant would transfer all of the assets and liabilities of each of its series to a corresponding "shell" portfolio of Pacific Horizon Funds, Inc., a registered open-end management investment company (File No. 811–4293), in exchange for shares in the new portfolio, and then make a liquidating distribution to its shareholders of a like number of full and functional shares of the new portfolio. The shareholders of each of the applicant's approved this plan by vote at a meeting held on January 5, 1990.

3. The exchange of shares between applicant and Pacific Horizon Funds, Inc. took place on January 9, 1990. The liquidating distribution to the shareholders of each of the applicant's funds took place shortly thereafter.

4. The share registration expenses incurred in connection with the reorganization were assumed by Pacific Horizon Funds, Inc. One-third of the other expenses were borne by the applicant, Pacific Horizon Funds, Inc., and the other funds which were parties to the reorganization agreement. The other two-thirds of the expenses were borne by the Concord Holding Corporation, applicant's administrator, and the Security Pacific National Bank, applicant's investment adviser.

5. As of the time of filing the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8862 Filed 4–16–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Order 90–4–14]

Fitness Determination of Ward Air To Provide Essential Air Service

AGENCY: Office of the Secretary, Transportation.

ACTION: Notice of fitness determination of air carrier to provide essential air service, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Ward Air is fit, willing, and able to provide essential air service at Chatham and Funter Bay, Alaska, under section 419(e)(1) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Service Analysis

Division, P–53, Department of Transportation, 400 Seventh Street, SW., Room 6401, Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than April 26, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. B.A. Calure, Service Analysis Division (P–53, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Room 6401, Washington, DC 20590, (202) 366–1055.

Dated: April 10, 1990.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 90–8817 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–02–M

Air Transportation Personnel Training and Qualifications Advisory Committee

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of Air Transportation Personnel Training and Qualifications Advisory Committee Establishment.

SUMMARY: Notice is hereby given of the establishment of the Air Transportation Personnel Training and Qualifications Advisory Committee. The Executive Director for Regulatory Standards is the sponsor of the Committee, which will consist of members appointed by the Administrator as representatives of a broad perspective of the aviation community. The Committee will examine various means for improving aircrew performance in air transportation with the aim of providing recommendations for the improvement of training methods, aircraft equipment, and operating procedures which will ensure a high degree of safety for the traveling public. The functions of the Committee are solely advisory.

The Secretary of Transportation has determined that the information and use of the Committee are necessary in the public interest in connection with the performance of duties imposed on FAA by law. Meetings of the Committee will be open to the public except as authorized by section 10(d) of the Federal Advisory Committee Act.

FOR FURTHER INFORMATION CONTACT: The Flight Standards Service (AFS), 800 Independence Avenue SW., Washington, DC 20591.

Issued in Washington, DC, April 9, 1990.

Daniel C. Beaudette,

Executive Director, Air Transportation Personnel Training and Qualifications Advisory Committee.

[FR Doc. 90–8843 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration

[Summary Notice No. PE–90–16]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), disposition of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be receive on or before: May 7, 1990.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC–10), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–10), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC. 20591; telephone (202) 267–3132.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on April 10, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

DOCKET NO.: 26178

PETITIONER: Continental Airlines.

SECTIONS OF THE FAR AFFECTED: 14 CFR 121.358.

DESCRIPTION OF RELIEF SOUGHT: To allow an extension of the compliance date by which windshear equipment must be installed.

Dispositions of Petitions

Docket No.: 25494

Petitioner: Bohlke International Airways.

Sections of the FAR Affected: 14 CFR 43.3(g)

Description of Relief Sought: To extend Exemption No. 4911, as amended, that allows appropriately trained and certificated pilots employed by the petitioner to remove and install aircraft cabin seats and certain stretcher and base assemblies in peitioner's Aero Commander Model 681 and Cessna Model 402 aircraft. Grant, March 30, 1990, Exemption No. 4911b.

Docket No.: 25927.

Petitioner: ACBGGC, Inc., dba Golden Goose Company.

Sections of the FAR Affected: 14 CFR 135.267(b)(2) and (c)(2)(ii) and 135.,269(b)(4).

Description of Relief Sought: To allow petitioner to assign a pilot and to permit a pilot to accept an assignment for flight time in excess of 10 hours for a two-pilot crew and in excess of 12 hours for a three-pilot crew. Denial, March 30, 1990, Exemption No. 5168.

Docket No.: 26029.

Petitioner: Airborne Express

Sections of the FAR Affected: 14 CFR 121.503(b) and 121.511(a).

Description of Relief Sought: To allow petitioner to assign pilots to duty who have not received at least 16 hours of rest after having flown more than 8 hours within any consecutive 24 hours. Grant, March 30, 1990, Exemption No. 5167.

[FR Doc. 90–8855 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

Radio Technical Commission for Aeronautics (RTCA) Special Committee 147—Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub.

L. 92–463, 5 U.S.C. App. I), notice is hereby given for the thirty-second meeting of Special Committee 147, Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment, to be held May 7–10 in the RTCA Conference Room, One McPherson Square, 1425 K Street, SW., Suite 500, Washington, DC 20005, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) review of meeting agenda; (3) approval of minutes of the thirty-first meeting held on January 17–19; (4) TCAS Program status reports: (a) status of legislative and rulemaking, (b) FAA TCAS Program, (c) TCAS Transition Program, (d) TCAS III, and (e) FAA concern regarding conformance with SARPS; (5) report of Pilot Working Group activities; (6) review of EUROCAE Working Group 34 activities; (7) further discussion of issues identified by Boeing: (a) CAS logic, (b) independent "end-to-end" MOPS review, and (c) Mode S; (8) review of Mode S issues; (9) review of draft section 2.2 of TCAS III MOPS; (10) review of SC–147 work plan and schedule; (11) other business; and (12) date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTGA Secretariat, One McPherson Square, 1425 K Street, NW., Suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on April 9.

Geoffrey R. McIntyre,

Designated Officer.

[FR Doc. 90–8856 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

Meeting of the Aviation Security Advisory Subcommittee

AGENCY: Federal Aviation Administration.

ACTION: Notice of aviation security advisory subcommittee meeting.

SUMMARY: Notice is hereby given of a meeting of the Security Operations Subcommittee of the Aviation Security Advisory Committee.

DATES: The meeting will be held May 14, 1990, from 9:30 a.m. to 1 p.m.

ADDRESSES: The meeting will be held in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: The Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC, 20591, telephone 202–267–7416.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Security Operations Subcommittee of the Aviation Security Advisory Committee to be held May 14, 1990, in the MacCracken Room, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC.

The Security Operations Subcommittee is chaired by the FAA. The agenda for the meeting is to identify current aviation security issues and to establish task force working groups as might be appropriate to address those issues.

Attendance at the May 14 meeting is open to the public but limited to space available. Oral statements are not anticipated, but written statements may be submitted anytime. Persons wishing to present statements or information should contact the Office of Civil Aviation Security, ACS, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–7416.

Issued in Washington, DC on April 10, 1990.

Raymond A. Salazar,

Director of Civil Aviation Security.

[FR Doc. 90–8857 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 74
Tuesday, April 17, 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

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m. Monday, April 23, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: April 13, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–9040 Filed 4–13–90; 3:09 pm]

BILLING CODE 6210–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–90–07]

TIME AND DATE: Monday, April 23, 1990 at 10:30 a.m.

PLACE: Room 101, 500 E Street, S.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   a. Certain Air Impact Wrenches (D/N 1555).
   b. Certain Dynamic Random Access Memories, Static Random Access Memories, Components Thereof, and Products Containing Same (D/N 1556).
5. Inv. No. 731–TA–435 (F) (Certain Steel Pails from Mexico)-briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMTION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: April 11, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–8973 Filed 4–13–90; 2:03 pm]

BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

[USITC SE–90–08]

TIME AND DATE: Monday, April 30, 1990 at 2:00 p.m.

PLACE: Room 101, 500 E Street SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Process, Apparatus, and Components Thereof, for the Production of Spunbond Nonwoven Fabric, and Fabric Made Therefrom (D/N 1558).
5. Inv. No. 731–TA–455 (P) (Multi-Angle Laser Light Scattering Instruments and Parts Thereof from Japan)—briefing and vote.
6. Inv. No. 731–TA–456 (P) (Phototypesetting and Imagesetting Machines and Subassemblies Thereof from the Federal Republic of Germany)—briefing and vote.
7. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.

Dated: April 11, 1990.

Kenneth R. Mason,

Secretary.

[FR Doc. 90–8974 Filed 4–13–90; 2:03 pm]

BILLING CODE 7020–02–M

DEPARTMENT OF JUSTICE

United States Parole Commission

Public Announcement

Pursuant To The Government in the Sunshine Act
(Public Law 94–409) [5 U.S.C. Section 552b]

DATE AND TIME: Tuesday, April 24, 1990, 2:00 p.m., Eastern Daylight Time.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Open—Meeting.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Adoption of minutes of previous Commission meeting.
2. Reports from the Chairman, Vice Chairman, Commissioners, Legal, Case Operations, Program Coordinator and Administrative Sections.
3. Modification of Guideline Range for Category Five.
4. Long Range Goals and Affirmative Action Plan.
5. Discussion of Training Needs.
6. Consideration of Phasedown Plan and Preparation for Successor Agency.
7. Discussion of Appropriate Circumstances for FAXing Warrant Requests.

Consent Agenda

The following matters have been placed on the consent agenda and will be considered at the open meeting only if a Parole Commissioner requests that they be discussed at the meeting:

1. Addition of Special Condition of Parole in Witness Protection Cases.
2. Proposed Language for Special Condition of Supervision Regarding Financial Disclosure.

AGENCY CONTACT: Linda Wines Marble, Director, Case Operations and Program Development, United States Parole Commission, (301) 492–5952.

Dated: April 11, 1990.

Michael A. Stover,

Acting General Counsel, U.S. Parole Commission.

[FR Doc. 90–9023 Filed 4–13–90; 9:43 am]

BILLING CODE 4410–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Meeting

TIME AND DATE: 9:30 a.m. Monday, April 23, 1990.

PLACE: Board Room 812A, Eighth Floor, 800 Independence Avenue, S.W., Washington, D.C. 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Aviation Accident Report: Evergreen International Airlines, Inc., Flight 931, McDonnell Douglas DC–9–33F, N931F, Saginaw, Texas, March 18, 1989.

News Media PLEASE Contact MELBA MOYE (202) 382–6600

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: April 12, 1990.

Bea Hardesty,

Federal Register Liaison Officer.

[FR Doc. 90–8929 Filed 4–13–90; 9:43 am]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

MEETING

DATE: Weeks of April 16, 23, 30, and May 7, 1990.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of April 16

Monday, April 16

2:00 p.m.
Discussion/Possible Vote on Full Power Operating License for Comanche Peak (Unit 1) (Public Meeting)

Thursday, April 19

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of April 23—Tentative

Thursday, April 26

2:00 p.m.
Briefing on Containment Performance Improvement Program (Other Than Mark I) (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Friday, April 27

9:00 a.m.
Briefing on Evolutionary Light Water Reactor Certification Issues and Related Regulatory Requirements (Public Meeting)

Week of April 30—Tentative

Thursday, May 3

2:00 p.m.
Briefing on EEO Program (Public Meeting)

3:30 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of May 7—Tentative

Thursday, May 10

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

To Verify the Status of Meetings Call (Recording)—(301) 492–0292

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: April 13, 1990.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 90–9044 Filed 1–13–90; 3:31 pm]

BILLING CODE 7590–01–M

TENNESSEE VALLEY AUTHORITY

[Meeting No. 1428]

TIME AND DATE: 10 a.m. (CDT), April 19, 1990.

PLACE: Pennyrile Area Development District Office, 200 Hammond Drive, Hopkinsville, Kentucky.

STATUS: Open.

AGENDA: Approval of minutes of meeting held on March 22, 1990.

ACTION ITEMS:

New Business

B—Purchase Awards
B1. Award of Purchase Contract to Control Data Corporation for Software and Support Services (Negotiation YA–93537C).

E—Real Property Transactions
E1. Deed Modification Affecting 224 Acres of Former Wheeler Reservoir Land in Morgan County, Alabama.

F—Unclassified
F1. Filing of Condemnation Cases.
F2. Supplement No. 7 to Personal Services Contract No. TV–71409A with Thomas A. Ippolito.
F3. Supplement No. 6 to Personal Services Contract No. TV–77645A with The Delta Group, Inc.
F4. Supplement No. 5 to Personal Services Contract No. TV–77636A with Robinson & McAulay.
F5. Supplement No. 1 to Personal Services Contract No. TV–80413T with B&W Nuclear Service Company.
F6. Supplement No. 1 to Personal Services Contract No. TV–77736A with Consultants & Designers Inc.
F7. Supplement No. 1 to Personal Services Contract No. TV–77735A with Midwest Technical, Inc.
F8. Contract No. TV–73696V with Kentucky Transportation Cabinet, Commonwealth of Kentucky.

Information Items

1. Grant of Permanent Easement Rights Affecting Approximately 3.8 Acres to Wheeler Reservoir Land in Morgan County, Alabama.

2. Delegation of Authority to Report Certain Contract Information Through the Federal Procurement Data Center.

CONTACT PERSON FOR MORE INFORMATION: Mary Cartwright. Vice President, Communications, or a member of her staff can respond to requests for information about this meeting. Call (615) 632–8000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479–4412.

Dated: April 12, 1990.

William L. Osteen, Jr.,

Associate General Counsel.

[FR Doc. 90–8980 Filed 4–13–90; 2:04 am]

BILLING CODE 8120–01–M

Corrections

Federal Register
Vol. 55, No. 74
Wednesday, April 17, 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 HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 455

[Docket No. 89N-0495]

Antibiotic Drugs; Mupirocin Ointment

Correction

In rule document 90-1732 beginning on page 2640 in the issue of Friday, January 26, 1990, make the following correction:

§ 455.40 [Corrected]

On page 2641, in the second column, in § 455.40(a)(1) introductory text, in the third from last line, an alpha symbol should appear between the figure "5" and the open bracket that immediately follows.

BILLING CODE 1505-01-D

Health Care Financing Administration

42 CFR Part 405

[HSQ-146-FC]

RIN 0938-AB96

Medicare, Medicaid and CLIA Programs; Revision of the Laboratory Regulations for the Medicare, Medicaid, and Clinical Laboratories Improvement Act of 1967 Programs

Correction

In rule document 90-5765 beginning on page 9539 in the issue of Wednesday, March 14, 1990, make the following correction:

§ 405.2171 [Corrected]

On page 9575, in the first column, in § 405.2171(d)(1), the first and second lines should read "(d) *Standard: laboratory services.* (1) The Renal Transplantation Center".

BILLING CODE 1505-01-D

Food and Drug Administration

Clinical Studies of Safety and Effectiveness of Orphan Products; Availability of Grants/Cooperative Agreements; Request for Applications

Correction

In notice document 90-6065, beginning on page 9976 in the issue of Friday, March 16, 1990, make the following correction:

On page 9977, in the first column, under *B.Informed Consent*, in the fourth line, "PHS 298" should read "PHS 398".

BILLING CODE 1505-01-D

[Docket No. 90E-0089]

Determination of Regulatory Review Period for Purposes of Patent Extension; Fluosol®

Correction

In notice document 90-8044 beginning on page 12913, in the issue of Friday, April 6, 1990, make the following correction:

On page 12913, in the 3rd column, in the 5th complete paragraph, in the 15th line "pp. 41-43", should read "pp. 41-42".

BILLING CODE 1505-01-D

[Docket No. 89M-0357]

Alcon Laboratories, Inc.; Premarket Approval of Models J318, J319, J329, J338, J339, and J349 Ultraviolet-Absorbing Posterior Chamber Intraocular Lenses

Correction

In notice document 90-8040 beginning on page 12914 in the issue of Friday, April 6, 1990, make the following correction:

In the first column, under **SUPPLEMENTARY INFORMATION**, in the third line the zip code should read "37027". In the sixth line "349" should read "J349".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 060-4211-90]

Realty Action; Noncompetitive Sale of Public Lands in Eddy County, NM

Correction

In notice document 90-7247 on page 12064 in the issue of March 30, 1990, make the following correction:

In the second column, in the last line "11" should read "1.1".

BILLING CODE 1505-01-D

[WY-930-00-4214-10; WYW 112132]

Amendment to Withdrawal Application; Segregation of Lands; Opening of Lands; Wyoming

Correction

In notice document 90-7586 appearing on page 12428 in the issue of April 3, 1990, make the following corrections:

1. In the first column, under "**SUMMARY**" the next-to-the-last line should contain "two" instead of "ten".

2. In the second column, in the second complete paragraph, the first line should contain "publication" instead of "application".

BILLING CODE 1505-01-D

INTERNATIONAL TRADE COMMISSION

[Inv. Nos. TA-503(a)-20 and 332-290]

President's List of Articles Which May Be Designated or Modified as Eligible Articles for Purposes of the U.S. Generalized System of Preferences

Correction

In notice document 90-7074 beginning on page 11449 in the issue of Wednesday, March 28, 1990, make the following correction:

On page 11450, in the 3rd column under "**Annex I (HTS Item Subheadings)**" in the 2nd column of the table, in the 15th line "2208.40.10" should read "2208.40.00".

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 544

Control, Custody, Care, Treatment and Instruction of Inmates Minimum Standards for Administration, Interpretation, and Use of Education Tests

Correction

In rule document 90-3941 beginning on page 6178 in the issue of Wednesday, February 21, 1990, make the following correction:

§ 544.12 [Corrected]

On page 6179, in the third column, in § 544.12(a)(2), in the ninth line insert "prior" after "file".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 11, 25 and 95

[RIN 3150-AD28]

Credit Checks-Expanded Personnel Security Investigative Coverage

Correction

In rule document 90-7201 beginning on page 11572 in the issue of March, 29, 1990, make the following corrections:

1. On page 11573, in the first column, in the first complete paragraph, in the fourth line "were" should be inserted after "comments".

§ 11.15 [Corrected]

2. On page 11574, in § 11.15(f)(2), in the last sentence "[effective date of final rule]] should read "April 30, 1990".

§ 11.16 [Corrected]

3. On the same page, in the third column, in the heading of § 11.16 "access" was misspelled.

§ 95.5 [Corrected]

4. On page 11575, in the second column, in the first line, "inquiries" was misspelled.

BILLING CODE 1505-01-D

federal register

Tuesday
April 17, 1990

Part II

Department of Education

National Workplace Literacy Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.198]

National Workplace Literacy Program; Notice Inviting Applications for New Awards for Fiscal Year

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains information, application forms, and instructions needed to apply for a grant under this competition.

Purpose of Program: The National Workplace Literacy Program provides assistance for demonstration projects that teach literacy skills needed in the workplace through exemplary education partnerships between business, industry, or labor organizations and educational organizations.

Deadline for Transmittal of Applications: July 13, 1990.

Deadline for Intergovernmental Review: September 13, 1990.

Available Funds: $19,726,000.

Estimated Range of Awards: $50,000–$400,000.

Estimated Average Size of Awards: $277,831.

Estimated Number of Awards: 71.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 18 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 74 (Administration of Grants to Institutions of Higher Education, Hospitals and Nonprofit Organizations), part 75 (Direct Grant Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 81 (General Education Provisions Act—Enforcement), part 82 (New Restrictions on Lobbying), and part 85 (Government-wide Debarment and Suspension (Nonprocurement) and Government-Wide Requirements for Drug-Free Workplace (Grants)); and (b) The regulations for this program in 34 CFR parts 425 and 432.

Invitational Priority

The Secretary is particularly interested in applications that meet the following invitational priority:

Projects that—

(a) Train adult workers who have inadequate basic skills and who are currently unable to perform their jobs effectively or are eligible for career advancement due to an identified lack of basic skills; and

(b) Incorporate project evaluations, both formative and summative, by third-party evaluators.

However, under 34 CFR 75.105(c)(1) an application that meets this invitational priority does not receive competitive or absolute preference over other applications.

Selection Criteria

The Secretary uses the following selection criteria to evaluate applications for new grants under this competition. The maximum score for all of these criteria is 100 points. The maximum score for each criterion is indicated in parentheses. The Secretary assigns the fifteen points, reserved in 34 CFR 432.21(b), as follows: 10 points to selection criterion (a)—Program factors—in 34 CFR 432.22(a) for a total of 25 points for that criterion; and 5 points to selection criterion (d)—Plan of Operation—in 34 CFR 432.22(d) for a total of 17 points for that criterion.

(a) *Program factors.* (25 points) The Secretary reviews each application to determine the extent to which the project—

(1) Demonstrates a strong relationship between skills taught and the literacy requirements of actual jobs, especially the increased skill requirements of the changing workplace;

(2) Is targeted to adults with inadequate skills for whom the training described is expected to mean new employment, continued employment, career advancement, or increased productivity;

(3) Includes support services, based on cooperative relationships within the partnership and from helping organizations, necessary to reduce barriers to participation by adult workers. Support services could include educational counseling, transportation, and child care during non-working hours while adult workers are participating in a project; and

(4) Demonstrates the active commitment of all partners to accomplishing project goals.

(b) *Extent of need for the project.* (15 points) The Secretary reviews each application to determine the extent to which the project meets specific needs, including consideration of—

(1) The extent to which the project will focus on demonstrated needs for workplace literacy training of adult workers;

(2) The adequacy of the applicant's documentation of the needs to be addressed by the project;

(3) How those needs will be met by the project; and

(4) The benefits to adult workers and their industries that will result from meeting those needs.

(c) *Quality of training.* (15 points) The Secretary reviews each application to determine the quality of the training to be provided by the project, including the extent to which the project will—

(1) Use curriculum materials that are designed for adults and that reflect the needs of the workplace;

(2) Use individualized educational plans developed jointly by instructors and adult learners;

(3) Take place in a readily accessible environment conducive to adult learning; and

(4) Provide training through the partner classified under 34 CFR 432.2(a)(2), unless transferring this activity to the partner classified under 34 CFR 432.2(a)(1) is necessary and reasonable within the framework of the project.

(d) *Plan of operation.* (17 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(1) The quality of the project design, especially the establishment of measurable objectives for the project that are based on the project's overall goals;

(2) The extent to which the plan of management is effective and ensures proper and efficient administration of the project, and includes—

(i) A description of the respective roles of each member of the partnership in carrying out the plan;

(ii) A description of the activities to be carried out by any contractors under the plan;

(iii) A description of the respective roles, including any cash or in-kind contributions, of helping organizations; and

(iv) A description of the respective roles of any sites;

(3) How well the objectives of the project relate to the purposes of the program;

(4) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(5) How the applicant will ensure that project participants, who are otherwise eligible to participate, are selected without regard to race, color, national origin, gender, age, or handicapping condition.

(e) *Applicant's experience and quality of key personnel.* (10 points)

(1) The Secretary reviews each application to determine the extent of the applicant's experience in providing literacy services to working adults.

(2) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project including—

(i) The qualifications, in relation to project requirements, of the project director, if one is to be used;

(ii) The qualifications, in relation to project requirements, of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (e)(2) (i) and (ii) of this section will commit to the project; and

(iv) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or handicapping condition.

(3) To determine personnel qualifications under paragraphs (e)(2) (i) and (ii) of this section, the Secretary considers—

(i) Experience and training in fields related to the objectives of the project;

(ii) Experience and training in project management; and

(iii) Any other qualifications that pertain to the quality of the project.

(f) *Evaluation plan.* (10 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(1) Are clearly explained and appropriate to the project;

(2) To the extent possible, are objective and produce data that are quantifiable;

(3) Identify expected outcomes of the participants and how those outcomes will be measured;

(4) Include evaluation of effects on job advancement, job performance (including, for example, such elements as productivity, safety and attendance), and job retention; and

(5) Are systematic throughout the project period and provide data that can be used by the project on an ongoing basis for program improvement.

(g) *Budget and cost-effectiveness.* (8 points) The Secretary reviews each application to determine the extent to which—

(1) The budget is adequate to support the project;

(2) Costs are reasonable and necessary in relation to the objectives of the project; and

(3) The applicant has minimized the purchase of equipment and supplies in order to devote a maximum amount of resources to instructional services.

(Approved under OMB Control No. 1830–0507)

Additional Factor

In making awards under this program, the Secretary may consider, in addition to the selection criteria, whether funding a particular applicant would improve the geographical distribution of projects funded under this program.

(Authority: 20 U.S.C. 1211(a))

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive Order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive Order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on September 15, 1989, pages 38342–38343.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372–CFDA #84.198, U.S. Department of Education, Room 4161, 400 Maryland Avenue W., Washington, DC 20202–0125.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not send applications to the above address.

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to:

U.S. Department of Education,
Application Control Center, Attention: (CFDA #84.198), Washington, DC 20202–4725

or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to:

U.S. Department of Education,
Application Control Center, Attention: (CFDA #84.198), Room #3633, Regional Office Building #3, 7th and D Streets SW., Washington, DC 20202–4725

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgement to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 732–2495.

(3) The applicant must indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this notice is divided into four parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and

additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions

Part II: Budget Information—Non-Construction Programs (Standard Form 424A) and instructions

Part III: Application Narrative

Part IV: Partner's Agreement Form

Additional Materials

Estimated Public Reporting Burden.

Assurance—Non-Construction Programs (Standard Form 424B).

Certification regarding Debarment, Suspension, and Other Responsibility Matters: Primary Covered Transactions (ED Form GCS–008) and instructions.

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form GCS–009) and instructions. (NOTE: ED Form GCS–009 is intended for the use of grantees and should not be transmitted to the Department.)

Certification Regarding Drug-Free Workplace Requirements: Grantees Other than Individuals (ED 80–0004).

Certification Regarding Lobbying for Grants and Cooperative Agreements (ED 80–0008). (NOTE: This form is required if requesting, making or entering into a grant or cooperative agreement for more than $100,000).

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions, and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL-A.)

An applicant may submit information on a photostatic copy of the application form, budget forms, and Partner's Agreement form, the assurances, and the certifications as printed in this notice. These documents must include original signatures. No grant may be awarded unless a completed application form has been received.

For Further Information Contact: Nancy Smith Brooks, Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (Room 4512, Mary E. Switzer Building), Washington, DC 20202–7242. Telephone (202) 732–2269 or Sarah Newcomb, Program Services Branch, Division of Adult Education and Literacy, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW (Room 4428, Mary E. Switzer Building), Washington, DC 20202–7320. Telephone (202) 732–2390.

Authority: 20 U.S.C. 1211(a).

Dated: March 7, 1990.

Betsy Brand,

Assistant Secretary, Office of Vocational and Adult Education.

Appendix A

BILLING CODE 4000-01-M

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

2. DATE SUBMITTED	Applicant Identifier
3. DATE RECEIVED BY STATE	State Application Identifier
4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

1. TYPE OF SUBMISSION:

Application	*Preapplication*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

5. APPLICANT INFORMATION

Legal Name	Organizational Unit
Address *(give city, county, state, and zip code)*	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify) _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

_____

9. NAME OF FEDERAL AGENCY:

U. S. Department of Education/OVAE

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 • 1 9 8

TITLE: National Workplace Literacy Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
3/1/91	8/31/92		

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

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INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

BUDGET INFORMATION — Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A – BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1 Workplace	84.198	$	$	$	$	$
2.						
3.						
4.						
5. TOTALS		$	$	$	$	$

SECTION B – BUDGET CATEGORIES

6 Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY (1)	(2)	(3)	(4)	Total (5)
a. Personnel	$	$	$	$	$
b. Fringe Benefits					
c. Travel					
d. Equipment					
e. Supplies					
f. Contractual					
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a - 6h)					
j. Indirect Charges					
k. TOTALS (sum of 6i and 6j)	$	$	$	$	$
7. Program Income	$	$	$	$	$

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BILLING CODE 4000-01-C

SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8. National Workplace Literacy Program	$	$	$	$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)	$	$	$	$

SECTION D - FORECASTED CASH NEEDS

	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	$	$	$	$	$
14. NonFederal					
15. TOTAL (sum of lines 13 and 14)	$	$	$	$	$

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

Do not complete Section E

(a) Grant Program	FUTURE FUNDING PERIODS (Years) (b) First	(c) Second	(d) Third	(e) Fourth
16.	$	$	$	$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 -19)	$	$	$	$

SECTION F - OTHER BUDGET INFORMATION

(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
23. Remarks	

SF 424A (4-88) Page 2
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Part II—Budget Information

Instructions for the SF–424A

General Instructions

This form is designed so that application can be made for funds from any one of the grant programs funded by the U.S. Department of Education. For the National Workplace Literacy Program (CFDA No. 84.198) sections A, B, and C should include budget estimates for the entire project period.

Note: Sections D and E need not be completed to apply for this program.

All applications should contain a breakdown by the object class categories shown in sections B, Lines 6a through 6j.

Section A. Budget Summary

Line 1. Columns (a) through (g)—Enter on Line 1 the catalog program title in Column (a) and the catalog program number in column (b). Leave Columns (c) and (d) blank. Enter in Columns (e), (f) and (g), the appropriate amounts of funds needed to support the project for the entire project period.

Section B. Budget Categories

Lines 6a through 6i—Fill in the total requirements for Federal funds by object class categories for the entire project period. Line 6a—Personnel: Show salaries and wages to be paid to personnel employed in the project. Fees and expenses for consultants must be included in Line 6f.

Line 6b—Fringe Benefits: include contributions for Social Security, employee insurance, pension plans, etc. Leave blank if fringe benefits to personnel are treated as part of the indirect cost rate.

Line 6c—Travel: Indicate the amount requested for travel of employees.

Line 6d—Equipment: Indicate the cost of nonexpendable personal property which has a useful life of more than two years and an acquisition cost of $5000 or more per unit.

Line 62—Supplies: Include the cost of consumable supplies to be used in this project. These should be items which cost less than $5000 per unit with a useful life of less than two years.

Line 6f—Contractual: Show the amount to be used for: (a) Procurement contracts (except those which belong on other lines such as supplies and equipment listed above); and (b) payments for consultants.

Line 6g—Constrution: Construction expenses are not allowable under the National Workplace Literacy Program (CFDA No. 84.198).

Line 6h—Other: Indicate all direct costs not clearly covered by Lines 6a through 6g. Trainee costs or stipends are not allowable.

Line 6i—Total Direct Charges: Show total of Lines 6a through 6h.

Line 6j—Show the amount of indirect cost to be charged to the project.

Line 6k—Enter the total of the amounts on Lines 6i and 6j.

Section C. Non–Federal Resources

Line 8—Enter any amounts of non-Federal resources that will be used on the grant. Contributions may be in the form of cash or in-kind contributions. If any in-kind contributions are included, provide a brief explanation of each contribution on a separate sheet.

Column (b)—Enter the contribution to be made by the applicant. For purposes of column (b), the applicant includes all partners and not merely the applicant designated by the Partners' Agreement Form and on the SF 424. If a partner is a State agency, that partner's contribution should be included in column (b), rather than in column (c).

Column (c)—Enter the amount of the cash and in-kind contributions of any State agency that is not a partner. State agencies (that are partners) should list their (contributions in column (b).)

Column (d)—Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e)—Enter the totals of Columns (b), (c), and (d).

Note: If an SEA or LEA is designated as the grantee for a partnership, the grantee may receive 100 percent of its necessary and reasonable administrative costs incurred in establishing a project during a start-up period. Federal funds may provide no more than 70 percent of any other costs in a project: these include a cost incurred during a project's operational period by partnerships where an SEA or LEA is the designated grantee and costs incurred in both a project's start-up and operational periods by a partnership where an entity other than an SEA or LEA is the designated grantee. This means that the amount shown on Line 8, Column (e), must be at least 30 percent of the amount shown in section A, line 1, column (g), unless the first amount is smaller than 30 percent because an SEA or LEA is the designated grantee.

Section E. Budget Estimates of Federal Funds Needed for Balance of the Project

Note: This section does not apply to the National Workplace Literacy Program.

Section F. Other Budget Information

Prepare a detailed Budget Narrative that explains, justifies, and/or clarifies the budget figures shown in section A, B, and C. Explain:

1. The basis used to estimate certain costs (professional personnel), consultants, travel, indirect costs) and any other cost that may appear unusual;
2. How the major cost items relate to the proposed project activities:
3. The costs of the project's evaluation component:
4. What matching occurs in each budget category; and
5. For State or local education agencies claiming 100 percent Federal funding for administrative costs incurred in establishing a project during a start-up period, not to exceed 90 days, provide a breakdown of expenditures in the start-up period and in the subsequent operational period. Organizations claiming 100 percent Federal funding during start-up must meet the definitions of "LEA" and "SEA" contained in section 312(5) or section 312(8) of the Adult Education Act, as amended by title II, part B of Public Law 100–297.

Instructions for Part III—Application Narrative

Before preparing the Application Narrative an applicant should read carefully the purpose of the program, the information regarding the invitational priority, the selection criteria the Secretary uses to evalute applications, and the applicable regulations governing the National Workplace Literacy Program contained in 34 CFR part 432.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract: That is, a summary of the proposed project:
2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application package; and
3. Include the total estimated number of persons expected to be served as well as the estimated number of persons expected to be served by each training location if more than one location is to be included.
4. If adults of limited English proficiency are to be served, describe how the proposed project will meet the provisions of 34 CFR 432.31 governing such projects designed to served adults with limited or no English proficiency.
5. Applicants are encouraged to provide a table of contents and to number the pages of the Application Narrative. Please limit the Application Narrative to 30 double-spaced, typed pages (on one side only). Supporting documentation (e.g., letters of support, footnotes, résumés, etc.) may be submitted as appendices to the Application Narrative. Letters of support may not be used as a substitute for the submission of the Partners' Agreement Form contained in this notice which shall be signed by all partners and

which shall accompany the application when submitted.

6. Applicants are advised that:

(a) under § 75.217 of the Education Department General Administrative Regulations (EDGAR), the Department considers only information contained in the application in ranking applications for funding consideration. Letters of support sent separately from the formal application package are not considered in the review by the technical review panels.

(b) in reviewing applications, the technical review panel evaluates each application solely on the basis of the established technical review criteria. Letters of support contained in the application will strengthen the application only insofar as they contain commitments which pertain to the established technical review criteria, such as commitment of resources.

Include any other pertinent information that might assist the Secretary in reviewing the application under the Adult Education Act, as amended by title II, part B of Pub. L. 100–297.

Instructions for Part IV—Partners' Agreement Form

Partners must submit a signed Partners' Agreement Form and enclose it with the application. Under 34 CFR 432.2, it is essential that the partners sign and submit this document in order for their application to be considered complete. If the document is not signed by all partners and submitted with the application, the Secretary will return the application without further consideration for funding pursuant to 34 CFR 75.216.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing the Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 20 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.

You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, DC 20202-4651; and to the Office of Management and Budget, Paperwork Reduction Project, 1830–0507, Washington, DC 20503.

(Information collection approved under OMB control number 1830–0507. Expiration date: 12/31/91)

Partners' Agreement

As authorized representatives of our organizations, we agree on their behalf to the following terms with respect to our application number V 198 A as a condition of applying for and receiving a grant from the National Workplace Literacy Program. We:

- Designate partner _____ (organization) as the applicant and grantee on behalf of the partnership;
- Are willing to be partners in this project;
- Will perform the role detailed for each of us in the Application;
- Will be bound by every statement and assurance made in the application including, but not limited to, the assurance that any funds provided to the partnership under Section 371 of Public Law 100–297 will be used to supplement and not supplant funds otherwise available for the purposes of the National Workplace Literacy Program.

Name

Title, Organization

Date

Name

Title, Organization

Date

Name

Title, Organization

Date

Name

Title, Organization

Date

Name

Title, Organization

Date

Name

Title, Organization

Date

(add or delete signature spaces as necessary)

BILLING CODE 4000–01–M

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
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10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the U.S. Department of Education, Grants and Contracts Service, 400 Maryland Avenue, S.W. (Room 3633 GSA Regional Office Building No. 3), Washington, D.C. 20202-4725, telephone (202) 732-2505.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

(2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED Form GCS-008, (REV.12/88)

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations may be obtained by contacting the person to which this proposal is submitted.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED Form GCS-009, (REV. 12/88)

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Drug-Free Workplace Requirements Grantees Other Than Individuals

This certification is required by the regulations implementing the Drug-Free Workplace Act of 1988, 34 CFR Part 85, Subpart F. The regulations, published in the January 31, 1989 Federal Register, require certification by grantees, prior to award, that they will maintain a drug-free workplace. The certification set out below is a material representation of fact upon which reliance will be placed when the agency determines to award the grant. False certification or violation of the certification shall be grounds for suspension of payments, suspension or termination of grants, or governmentwide suspension or debarment (see 34 CFR Part 85, Sections 85.615 and 85.620).

The grantee certifies that it will provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing a drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;
(2) The grantee's policy of maintaining a drug-free workplace;
(3) Any available drug counseling, rehabilitation, and employee assistance programs; and
(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will--

(1) Abide by the terms of the statement; and
(2) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;

(e) Notifying the agency within ten days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction;

(f) Taking one of the following actions, within 30 days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination; or
(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

Organization Name PR/Award Number or Project Name

Name and Title of Authorized Representative

Signature Date

ED 80-0004

Certification Regarding Lobbying For Grants and Cooperative Agreements

Submission of this certification is required by Section 1352, Title 31 of the U.S. Code and is a prerequisite for making or entering into a grant or cooperative agreement over $100,000.

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, 'Disclosure Form to Report Lobbying,' in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact on which the Department of Education relied when it made or entered into this grant or cooperative agreement. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Organization Name | PR/Award (or Application) Number or Project Name

Name and Title of Authorized Representative

Signature | Date

ED 80-0008 12/89

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction
Standard Form - LLL-A

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

[FR Doc. 90-8819 Filed 4-16-90; 8:45 am]
BILLING CODE 4000-01-C

federal register

Tuesday
April 17, 1990

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 119, 121, 125, 127, and 135
Passenger-Carrying and Cargo Air Operations for Compensation or Hire; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 119, 121, 125, 127, and 135

[Docket No. 25713; Reference Notice No. 88-16]

RIN 2120-AC08

Passenger-Carrying and Cargo Air Operations for Compensation or Hire

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: This notice reopens the comment period for Notice of Proposed Rulemaking (NPRM) No. 88-16, Passenger-Carrying and Cargo Air Operations for Compensation or Hire. In that notice the FAA proposes a new definition of "scheduled operation" which is different from the definition in SFAR 38-2. Also in that notice the FAA proposes a change to the notification requirement by a certificate holder for amendments to its operating specifications from 15 days to 90 days. This reopening is needed because, on November 30, 1989, representatives of American Trans Air met with representatives of the Department of Transportation and the FAA to restate their comments, originally made during the public comment period, concerning these issues. It is intended to give all interested persons the same opportunity to comment on these issues that was afforded American Trans Air. Comments are invited only on this issue.

DATES: Comments on the definition of a "scheduled operation" and the notification requirement for amendments to operations specifications in Notice No. 88-16 must be received on or before May 17, 1990.

ADDRESSES: Comments on the definition of a "scheduled operation" and the notification requirement for amendments to operations specifications in Notice No. 88-16 may be mailed in triplicate to Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-10), Docket No. 25713, 800 Independence Ave., SW., Washington, DC 20591, or delivered to: Room 916, 800 Independence Ave., SW., Washington, DC. Comments delivered must be marked Docket No. 25713. Comments may be inspected in Room 916 weekdays between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: David Catey, Manager, Air Carrier Branch (AFS-220), Flight Standards Service, Federal Aviation Administration, Washington, DC, 20591, telephone: (202) 267-8094.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in triplicate to the address listed above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. All comments submitted will be available, both before and after the closing date for the comment period, in the Rules Docket for examination by interested persons.

Commenters who desire that the FAA acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to docket number 25713." The post card will be dated, time-stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this notice and Notice No. 88-16 by submitting a request to the Federal Aviation Administration, Office of Public Affairs, ATTN: Public Information Center, APA-430, 800 Independence Ave., SW., Washington, DC 20591. Persons interested in being placed on the mailing list for future NPRMs should request a copy of Advisory Circular 11-2. Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

On October 3, 1988, the FAA issued Notice No. 88-16 (53 FR 39852; October 12, 1988). The FAA proposes in that notice to revise the definition of "scheduled operation" in the existing rule, SFAR 38-2, as amended. Also in that notice the FAA proposes to require that a certificate holder file an application to amend its operations specifications at least 90 days before the applicant's proposed effective date for that amendment. The latter proposal is a change from the current notification requirement of 15 days in §§ 121.79(b) and 135.17(b) of the Federal Aviation Regulations (FAR).

Under SFAR 38-2, "scheduled operation" means "operations that are conducted in accordance with a published schedule for passenger operations which includes dates or times (or both) that is openly advertised or otherwise made readily available to the general public." Notice No. 88-16 proposes to change this definition. The proposed definition reads as follows:

> *Scheduled operation* means any common carriage passenger-carrying operation conducted under part 121 or part 135 of this chapter where—
>
> (1) The certificate holder operates or intends to operate under the authority of section 401(d)(1) (including section 401(d)(1) authority obtained under section 401(d)(8) of the FAAct), except for flights conducted by the certificate holder under part 207 (including those operated under part 380) of this title; or
>
> (2) For operations other than those included in paragraph (1) of this definition, the certificate holder operates 5 or more one-way flights per calendar week over any consecutive 4-calendar-week period which includes the same two points at which any passenger may either enplane or deplane.

Paragraph (1) of the proposed definition concerns certificate holders who operate or intend to operate flights under the scheduled rules regardless of the frequency of those flights. Paragraph (2) concerns those certificate holders who operate or intend to operate charter flights. Under paragraph (2) of the proposal, a charter operator who operates or intends to operate flights on a regular and frequent basis would be considered to be conducting a "scheduled operation" based on the frequency of those flights.

Concerning the definition of a "scheduled operation," the reopening of the comment period is limited to the issue of paragraph (2) of the proposed definition. Paragraph (2) is in bold text to emphasize to the reader that it is the portion of the proposed definition that may be changed after all comments concerning paragraph (2) are received.

Several comments have been received previously on the paragraph (2) portion of the definition of "scheduled operation." The Regional Airline Association objects to this definition because of the one-way criteria; it notes that historically, the definition of a scheduled operation (commuter operation under part 135 of the FAR) has been based on round trip operations. Likewise, charter operators disagree with the one-way criteria of this definition. Ports of Call suggests that seasonal fluctuation in the demand for charter operations may indeed reclassify it into the category of a "scheduled" operator; however, in the great majority of cases, it conducts fewer than 5 flights to each of its markets. In its written comments,

American Trans Air estimates that approximately one-third of its charter operations would have to be reclassified as "scheduled" operations under the proposed definition. This reclassification would necessitate doubling the number of amendments required to its operations specifications, training ground personnel, placing manuals in each airport served, scheduling inspections, etc. American Trans Air estimates that its costs would increase significantly. This carrier believes that the change in definition would give foreign carriers a definite economic advantage. With the economic burden imposed by this change in how it must operate, foreign carriers' opportunity for a competitive advantage would be "built in." This carrier also points to what it believes to be another discrepancy in that scheduled carriers operating under part 207 or 380 may add charter flights to their schedules without amendments to their operations specifications. Thus, this commenter believes that this change in definition would cause it to be at a competitive disadvantage with foreign carriers and U.S. scheduled carriers.

Sections 121.79(b) and 135.17(b) of the FAR require that a certificate holder file an application to amend its operations specifications at least 15 days before the applicant's proposed effective date for that amendment. Under Notice No. 88–16 the FAA proposes to change a certificate holder's notification requirement from 15 days to 90 days.

Several comments have been received previously on the proposed change to the certificate holder's notification requirement to amend its operations specifications. Commenters were critical of the proposed change for a number of reasons related to their estimate of the effect this requirement would have on their ability to respond to the needs of a changing market. Operators noted that 90 days notice would be impossible in the case of pilots giving notice of termination, leasing and purchase of aircraft, changing routes for seasonal operations, or the sudden loss of a facility lease. Most of these commenters also noted that compliance with this 90-day requirement would be extremely costly, perhaps to the point of making many of its previous operations economically unfeasible. These commenters also posited that this requirement would be contrary to the public interest because the responsiveness of their operations would be severely curtailed. The Air Transport Association noted that the 90-day requirement negates the benefit of automated operations specifications. In relation to this requirement, American Trans Air commented that the provision that the Administrator may approve a shorter period "when circumstances warrant" provides no assurance that amendments will be processed by the required time. In addition, this commenter notes that a "finding" by the FAA that changes are minor or routine may turn into a legal jungle, thus absorbing valuable time and resources. This carrier estimates that the overall economic impact of the proposed rule may be as much as $8–10 million when all factors of lost business because of the inability to respond quickly are considered. Most of these commenters suggested that the current 15-day requirement is sufficient, in most cases, and urged the FAA to reinstate this period of time. These commenters argued that if certain complex changes, such as acquisitions or mergers require additional time, the proposed requirement should be amended to state the circumstances in which a longer period is justified.

The comment period for Notice No. 88–16 closed January 10, 1989. In November of 1989, American Trans Air requested, and was subsequently granted, a meeting to discuss its comments on the definition of "scheduled operation." This meeting with Department of Transportation officials, which a representative of the FAA also attended, took place on November 30. At this meeting representatives of American Trans Air submitted written comments that restated ATA's concerns with Notice No. 88–16 including the issue of notification requirements for amending operations specifications. A record summary of this meeting has been placed in Docket No. 25713.

Reopening of Comment Period

Department of Transportation policy encourages full public participation in the development of rules and provides all members of the public an equal opportunity to present their views which may be equally valuable. DOT policy also provides that the general public should be afforded adequate knowledge of contacts made with individual members of the public, especially after the close of a comment period. Since American Trans Air was afforded the opportunity to restate its previous, formal comments to representatives of the DOT and FAA after the close of the public comment period, the FAA has determined that it is appropriate to reopen the comment period for Notice No. 88–16 so that all interested persons may be afforded an equal opportunity to comment specifically on the definition of "scheduled operation" and the change to notification requirements for amending operations specifications that was proposed in that notice. Accordingly, the comment period for Notice No. 88–16 is reopened for 30 days and will close May 17, 1990.

That portion of the proposed definition of "scheduled operation" that pertains to the number of one-way flights which the certificate holder operates or intends to operate, and which affects charter operations, may be changed in light of all comments received, including those submitted during the initial comment period. One of several possibilities is that the FAA may make no change in the definition of "scheduled operation," or change that portion of the definition so that a "scheduled operation" would be based on 7, or even 10, one-way flights per calendar week over a 4-week calendar period that include the same two points at which a passenger may either enplane or deplane. Another possibility is that the portion of the "scheduled operation" definition in question may be based on the total number of operations conducted or intended to be conducted over any consecutive day or week time period, *e.g.*, 28 flights over any 28 consecutive day period. Precedent for this approach for a definition exists in § 121.7 of the Federal Aviation Regulations.

Likewise, the FAA will consider all comments, including those submitted during the initial comment period, concerning the proposed requirement that a certificate holder file an application to amend its operations specifications at least 90 days before the applicant's proposed effective date for that amendment. After consideration of all comments, the FAA may find that the 90-day advance notification requirement is necessary, change that 90-day advance notification requirement to correspond to the 15-day advance notification requirement currently found in parts 121 and 135, or the FAA may develop an advance notification requirement that is based on the type of amendment being requested for operations specifications.

The list of possibilities discussed above is not intended to be exclusive; persons may make other suggestions for the proposed paragraph 2 portion of the definition of "scheduled" and to the proposed 90-day advance notification period for amendments to operations specifications as they deem appropriate.

Conclusion

This document reopens the comment period on a notice of proposed

rulemaking. Therefore, the FAA has determined that this document, like Notice No. 88–16, 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). In addition, it is certified that reopening the docket for Notice No. 88–16 will not have a significant economic impact, positive or negative, on a substantial number of small entities. Because the economic impact of this document is minimal, a full regulatory evaluation is not required.

Issued in Washington, DC, on April 11, 1990.

Daniel C. Beaudette,

Director, Flight Standards Service.

[FR Doc. 90–8842 Filed 4–16–90; 8:45 am]

BILLING CODE 4910–13–M

Reader Aids

Federal Register

Vol. 55, No. 74

Tuesday, April 17, 1990

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, APRIL

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR

Proposed Rules:
305.....13279, 13538

3 CFR

Proclamations:
6111.....12469
6112.....13101
6113.....13495
6114.....13497
6115.....13753

Executive Orders:
12345 (Amended by EO 12709).....13097
12635 (Revoked by EO 12710).....13099
12709.....13097
12710.....13099
12711.....13897

Administrative Orders:
Presidential Determinations:
No. 90-13 (Cancelled by Presidential Determination No. 90-14 due to a clerical error. Not published in **Federal Register**.....14077
No. 90-14 of Mar. 14, 1990.....14077
No. 90-16 of Mar. 31, 1990.....14079

4 CFR

Proposed Rules:
21.....12834

5 CFR

307.....13499
315.....12327
316.....13499
841.....14229
890.....13501

7 CFR

1e.....14231
52.....12805-12990
55.....13251
56.....13251
59.....13251
70.....13251
225.....13454
910.....12805, 13899
911.....14232
915.....14232
946.....12806
959.....12807
989.....12808
1032.....12810
1210.....13253
1823.....13502
1901.....13502
1940.....12811
1942.....12811, 13502
1944.....13502
1948.....13502
1965.....13502

Proposed Rules:
52.....13280
210.....13156
215.....13156
220.....13156
225.....13156
226.....13156
227.....13156
246.....13156
250.....12838, 13156
251.....12838
301.....14037
905.....12367
917.....12663
921.....12846
922.....12846
923.....12846
924.....12846
927.....12368
947.....14287
985.....12498
989.....13540
998.....14096
1001.....12369
1002.....12369
1004.....12369
1005.....12369
1006.....12369
1007.....12369
1011.....12369
1012.....12369
1013.....12369
1030.....12369
1032.....12369
1033.....12369
1036.....12369
1040.....12369
1044.....12369
1046.....12369
1049.....12369
1050.....12369
1064.....12369
1065.....12369
1068.....12369
1075.....12369
1076.....12369
1079.....12369
1093.....12369
1094.....12369
1096.....12369
1097.....12369
1098.....12369
1099.....12369
1106.....12369
1108.....12369

1120.....12369
1124.....12369
1126.....12369
1131.....12369
1132.....12369
1134.....12369
1135.....12369
1137.....12369
1138.....12369
1139.....12369, 12848
1714.....12194, 12199

8 CFR

103.....12627, 12628, 12815
210.....12629
235.....14234
242.....12627
287.....12627
299.....12628
499.....12628

Proposed Rules:

103.....12666

9 CFR

1.....12630
71.....12631
75.....13504
78.....12163
82.....12631
91.....12632
92.....12632

Proposed Rules:

3.....12202, 12667
78.....12848
201.....13796
318.....12203
381.....12203

10 CFR

11.....14288
25.....14288
50.....12163
72.....13883
95.....14288

Proposed Rules:

2.....12370
30.....12374, 13542
40.....12374, 13542
50.....12374, 13542
55.....14288
60.....12374, 13542
61.....12374, 13542, 13797
70.....12374, 13542
72.....12374, 13542
110.....12374, 13542
150.....12374, 13542
708.....12668

11 CFR

110.....13507

Proposed Rules:

106.....12499
9003.....12499
9007.....12499
9033.....12499
9035.....12499
9038.....12499

12 CFR

19.....13010
202.....12471
205.....12635
226.....13103
500.....13507
543.....13507
544.....13507
545.....13507
546.....13507
550.....13507
552.....13507
563.....13507
563b.....13507
563f.....13507
567.....13507
574.....13507
584.....13507
614.....12472
615.....12473
620.....12472
621.....12472
1609.....14081

Proposed Rules:

216.....12850
226.....13282
701.....12852
741.....12852
747.....12855
1611.....13543

14 CFR

21.....12328
23.....12328
25.....13474
39.....12332, 12473–12477, 12815–12817, 13259–13261, 13755–13760
71.....12336, 12482, 13263, 13264, 13761, 14234–14237
73.....13761
91.....13444
95.....13762
121.....13326–13332
125.....13332
129.....13332
135.....13444
382.....12336

Proposed Rules:

Ch. I.....12383, 13798
21.....12857
23.....12857
25.....12316, 13886
29.....12316
39.....12503, 12859–12863, 13284, 13799, 13801, 14290, 14292
71.....12384, 13032, 13285–13287, 13802, 13803, 14293–14295
73.....13804
75.....13287
91.....12316
119.....14404
121.....12316, 13886, 14404
125.....12316, 14404
127.....14404
135.....12316, 13886, 14404
241.....14296
1266.....13912

15 CFR

776.....13121
779.....13121
799.....12635, 13121, 14089

Proposed Rules:

295.....12504

16 CFR

305.....13264
1700.....13123–13127

Proposed Rules:

1027.....13805
1700.....13157

17 CFR

30.....14238

Proposed Rules:

155.....13288
156.....13545

18 CFR

284.....12167
381.....12169, 13899

19 CFR

142.....12342
178.....12342

Proposed Rules:

141.....12385

20 CFR

626.....12992
636.....12992
638.....12992
675.....12992
676.....12992
677.....12992
678.....12992
679.....12992
680.....12992
684.....12992
685.....12992
688.....12992
689.....12992

21 CFR

74.....12171
173.....12171
176.....13518
178.....12171, 12344, 13521
430.....14239
442.....14239
452.....14090
455.....14378
510.....13901, 13902
522.....13768, 13902
544.....13902
610.....14037
640.....14037

23 CFR

Proposed Rules:

1327.....12509

24 CFR

882.....14243
885.....14243

26 CFR

1.....13521, 13769
301.....13289, 13521, 14244
602.....14244

Proposed Rules:

1.....13808
301.....12386

27 CFR

Proposed Rules:

4.....12522

28 CFR

50.....13129
544.....14379

Proposed Rules:

2.....12524

29 CFR

18.....13218, 14038
503.....14231
510.....12778
1601.....14245
1602.....14245
1910.....12818, 13694, 14072
2610.....13770
2622.....13770
2644.....13771
2676.....13772

Proposed Rules:

1910.....13360, 13423

30 CFR

75.....14228
914.....12636
917.....13131
918.....13133
944.....13773
946.....12637

Proposed Rules:

57.....12204
206.....13157
243.....12386
723.....12624
780.....14319
785.....14319
816.....14319
845.....12624
917.....13158
926.....13552
936.....13915
946.....14038

31 CFR

2.....13134
515.....12172

32 CFR

172.....13903
199.....13265
701.....12638
752.....12173

33 CFR

100.....12482, 13134
117.....12819, 12820, 13275, 13522
165.....12348, 13134–13136, 13904

Proposed Rules:

100.....13808, 13916
110.....13917
117.....12668
207.....13448

34 CFR

690.....12784

Proposed Rules:

346.....14220

36 CFR

1155.....12638
1284.....13553

38 CFR

3.....12348, 13522, 13529
17.....13531
21.....12482, 12820, 13529

Proposed Rules:

17.....13554

39 CFR

776.....12821

40 CFR

51.....14246

52.....12822–12827, 13904
61.....12444, 13480, 14037
81.....13906, 14092
180.....12483
271.....14280
373.....14208
798.....12639
799.....12639

Proposed Rules:
52.....12387, 12669
61.....13482
62.....14322
81.....13555
86.....12677
180.....12525, 13917
228.....13289
261.....13556, 14323
281.....12205
716.....13164
761.....12866

41 CFR

60–30.....13137

42 CFR

405.....14376
412.....14282

Proposed Rules:
1000.....12205
1001.....12205
1002.....12205
1003.....12205
1004.....12205
1005.....12205
1006.....12205
1007.....12205

43 CFR

1344.....14283
1535.....14283
3100.....12350
3140.....12350
3160.....12350
4100.....12350
4484.....14284
9180.....12350
9260.....12350

Public Land Orders:

6772.....12352
6773.....14283
6774.....14284
6775.....14284

44 CFR

64.....13534
67.....13784

Proposed Rules:
67.....13568

45 CFR

613.....12644
1611.....12352

Proposed Rules:
96.....12678

46 CFR

201.....12353
203.....12353
510.....13293
580.....13293
582.....13293

Proposed Rules:
221.....14040

47 CFR

1.....12360
15.....13907, 14285
22.....13883
73.....12360–12362, 12485, 12829, 12830, 13792
76.....14285
87.....13535
94.....12360

Proposed Rules:
1.....12390
22.....12390
61.....12526
65.....12526
69.....12526
73.....12390, 12391, 12868–12870, 13810, 13811
74.....13296
80.....12526, 13298, 14328

48 CFR

3.....13277
52.....13277
302.....13535
314.....13535
315.....13535
317.....13535
319.....13536
501.....13277
1552.....13535
1801.....12174
1803.....12174
1806.....12174
1807.....12174
1819.....12174
1822.....12174
1825.....12174
1837.....12174
1839.....12174
1842.....12174
1845.....12174
1852.....12174
2804.....14093

Proposed Rules:
219.....13744, 14329
220.....12870
247.....13574
252.....12870, 13574, 13744, 14329

49 CFR

531.....12485
533.....12487, 13883
571.....13138, 13575
1003.....14285
1160.....14285
1162.....14285
1168.....14285

Proposed Rules:
240.....12236
390.....13812
391.....13812
571.....12871
575.....13165
1039.....12392
1056.....13298
1160.....13814
1244.....12237

50 CFR

17.....12178, 12788, 12831, 13488, 13907
226.....12191
227.....12191, 12645
611.....14286
651.....12362
658.....13792
659.....13153
672.....12832–12990, 14286
675.....14094

Proposed Rules:
17.....13299, 13576, 13578, 13919
36.....13922
80.....13166
641.....12393
651.....12237

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Last List April 16, 1990

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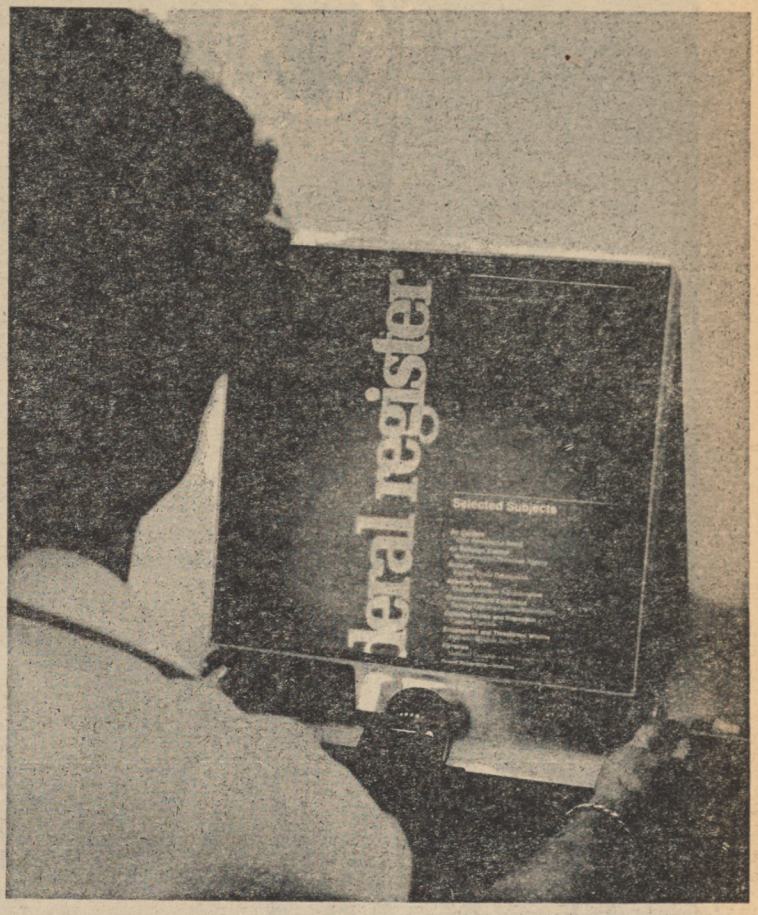

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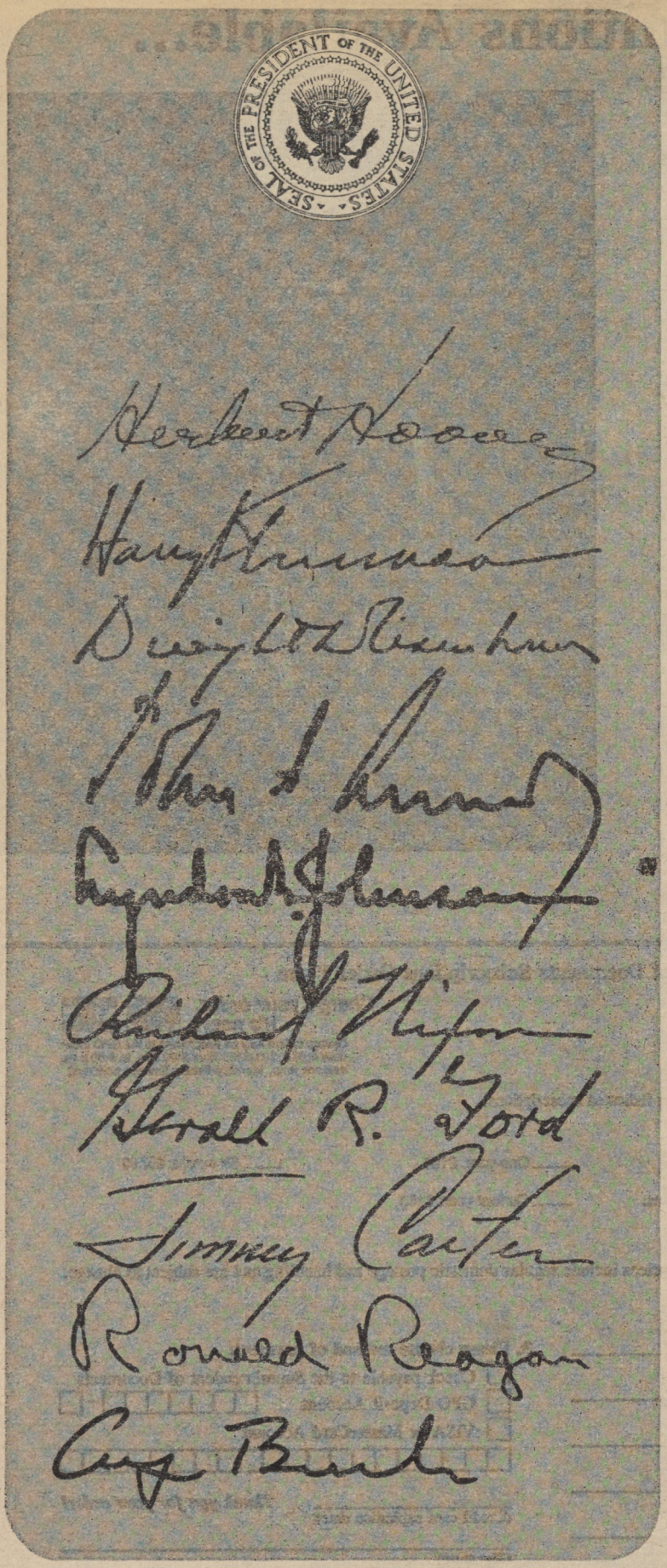

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