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Rules and Regulations

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

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-ASW-33]

Revision of Transition Area; New Orleans, LA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action will revise the transition area located at New Orleans, LA. The development of a new area navigation (RNAV) standard instrument approach procedure (SIAP) to the Waterford Heliport has made this action necessary. In addition, this action will also include minor revisions to the coordinates used to describe the transition area. The intended effect of this action is to provide adequate controlled airspace for aircraft executing this new RNAV SIAP to the Waterford Heliport and to make the minor editorial changes. Coincident with this action will be the changing of the status of the heliport from visual flight rules (VFR) to instrument flight rules (IFR).

EFFECTIVE DATE: 0901 u.t.c., December 13, 1990.

FOR FURTHER INFORMATION CONTACT: Mark F. Kennedy, System Management Branch, Air Traffic Division, Southwest Region, Department of Transportation, Federal Aviation Administration, Fort Worth, TX 76193-0503, telephone (817) 624-5561.

SUPPLEMENTARY INFORMATION:

History

On May 21, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the transition area located at New Orleans, LA (55 FR 23449).

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 amend the transition area located at New Orleans, LA. The development of a new RNAV SIAP to the Waterford Heliport has made this action necessary. This will be a point in space approach, meaning the approach will not be flown all the way to the Waterford Heliport. Aircraft executing this approach will proceed VFR, weather conditions permitting, after the missed approach point (MAP) to the heliport. In addition, this action will make minor editorial changes to the coordinates used to describe the transition area and will correct the name of one of the airports from the former name of New Orleans Airport to New Orleans Lakefront Airport. The intended effect of this action is to provide adequate controlled airspace for aircraft executing this new RNAV SIAP to the Waterford Heliport, make minor editorial changes to the transition area coordinates, and correct the name of the New Orleans Lakefront Airport. Coincident with this action will be the changing of the status of the heliport 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:

New Orleans, LA [Revised]

That airspace extending upward from 700 feet above the surface bounded by a line beginning at latitude 30°06'27" N., longitude 90°16'35" W.; to latitude 30°08'36" N., longitude 90°02'32" W.; thence clockwise along the arc of a 7-mile radius circle centered at the New Orleans Lakefront Airport (latitude 30°02'33" N., longitude 90°01'41" W.), to latitude 30°02'21" N., longitude 89°54'41" W.; to latitude 29°49'39" N., longitude 89°55'07" W.; thence clockwise along the arc of a 7-mile radius circle centered at NAS New Orleans-Alvin Callender Field (latitude 29°49'30" N., longitude 90°02'06" W.); to latitude 29°44'18" N., longitude 90°05'44" W.; to latitude 29°53'51" N., longitude 90°19'55" W.; thence clockwise along the arc of an 8-mile radius circle centered at New Orleans International-Moisant Field (latitude 29°59'34" N., longitude 90°15'20" W.); to the point of beginning; and within 2 miles each side of the Harvey VOR 053 radial extending from the VOR to 8 miles northeast; and within a 6-mile radius of the Waterford Heliport (latitude 29°59'07" N., longitude 90°28'02" W.).

Issued in Fort Worth, TX, on August 6, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-19635 Filed 8-20-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-ANM-2]

Establishment of Transition Area, Tooele, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes the Tooele, Utah, Transition Area to provide controlled airspace for aircraft executing a new instrument approach procedure to the Bolinder Field Tooele Valley Airport. The airspace will be depicted on aeronautical charts for pilot reference. This proposed controlled airspace is intended to ensure segregation of aircraft operating under Instrument Flight Rules from aircraft operating under Visual Flight Rules.

EFFECTIVE DATE: 0901 u.t.c., November 14, 1990.

FOR FURTHER INFORMATION CONTACT: Robert L. Brown, ANM-535, Federal Aviation Administration, Docket No. 90-ANM-2, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2535.

SUPPLEMENTARY INFORMATION:

History

On June 18, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish the Tooele, Utah Transition Area. (55 FR 24581). Interested parties 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. Accordingly, the rule is adopted as proposed. 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 provides controlled airspace in the vicinity of the Bolinder Field—Tooele Valley Airport, Tooele, Utah. The transition area is needed to provide controlled airspace for aircraft executing a new Nondirectional Radio Beacon (NDB) instrument approach to the airport, utilizing the Tooele NDB as a navigational aid. The intended effect is to ensure segregation of aircraft operating under Instrument Flight Rules from aircraft operating under Visual Flight Rules.

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, positive or negative, 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

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:

Tooele Utah Transition Area [New]

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Bolinder Field Tooele Valley Airport (Latitude 40°36'40" N., Longitude 112°21'00" W.,); excluding the portion within the Salt Lake City, Utah, Transition Area.

Issued in Seattle, Washington, August 2, 1990.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 90-19643 Filed 8-20-90; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 202

[Release Nos. 33-6873; 34-28345; 35-25133; 39-2247; IC-17671; IA-1246] [S7-26-84]

Temporary Lockbox Rule

AGENCY: Securities and Exchange Commission.

ACTION: Extension of temporary rule.

SUMMARY: The Commission is extending for two years the effectiveness of a temporary rule, adopted in June, 1984, which permits filing and other fees to be remitted to a U.S. Treasury designated lockbox depository located in Pittsburgh, Pennsylvania.[1] This action will permit registrants to continue to use the lockbox pending: (1) The Commission's consideration of permanent amendments to the lockbox Rule; (2) testing of the operational EDGAR[2] system; (3) proposal and issuance of EDGAR rules, and; (4) revision of the Commission's financial accounting procedures.

The Commission anticipates that, in the next fiscal year, it will issue rules restructuring its financial accounting procedures to improve fee processing. These rules will apply to entities, whether filings are submitted pursuant to EDGAR or in paper form. They will also streamline fee accounting and be compatible with electronic filing procedures under operational EDGAR.[3]

Concurrent with design of the new accounting system and the beginning of the transition to operational EDGAR, the Commission expects to develop permanent, mandatory lockbox rules. These rules will be structured to be compatible with the needs of filers before, during, and after the conversion to electronic filing. The Commission expects that these rules will apply to entities filing in paper and by electronic means.

EFFECTIVE DATE: September 1, 1990 through September 1, 1992.

FOR FURTHER INFORMATION CONTACT: Wilson Butler, (202) 272-7210, Director, Office of Applications and Reports Services, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: In Securities Act Release No. 6540, dated June 27, 1984 [49 FR 27306], the Commission adopted a temporary amendment to rule 202.3a, 17 CFR 202.3a, to permit filing and other fees to be remitted to a lockbox depository. The temporary rule has been extended on four previous occasions: February 3, 1986 (51 FR 4160), November 10, 1986 (51 FR 40791), September 4, 1987 (52 FR 33796) and August 29, 1988 (53 FR 32890).

[1] Use of the lockbox is currently voluntary except for those entities filing on EDGAR by direct transmission.

[2] EDGAR is the acronym for Electronic Data Gathering, Analysis and Retrieval.

[3] The Commission staff expects testing of operational EDGAR to begin in early 1991.

Extension of the temporary August 29, 1988 (53 FR 32890). Extension of the temporary rule permits filers to continue to submit filing and other fees to the Commission or transmit fees to a lockbox depository in Pittsburgh, Pennsylvania, by mail, wire transfer, or hand delivery.

When the temporary rule was first adopted, the Commission stated that in approximately twelve months it would consider whether to eliminate payment of fees directly to the Commission and instead mandate payment of fees to a lockbox. In January 1986, the Commission proposed amendments to rule 202.3a that would have made its provisions mandatory (51 FR 6267). Soon thereafter, the Commission began to restructure its fiscal and accounting procedures, for greater efficiency, consistent with Department of Treasury rules, and for compatibility with operational EDGAR.

Until development and implementation of the corporate accounting system as well as the beginning of the transition to operational EDGAR have occurred, the Commission will not be able to issue permanent lockbox rules. Accordingly, the Commission has determined that the effectiveness of temporary rule 202.3a should be extended for a period of two years, until September 1, 1992.

Administrative Procedure Act

The Commission finds, in accordance with the Administrative Procedure Act, 5 U.S.C. 553(b)(A), that temporary rule 202.3a relates solely to agency organization, procedure or practice and therefore, advance notice and opportunity for comment is unnecessary in connection with this action.

PART 202—AMENDED

§ 202.3a [Amended]

Accordingly, the effectiveness of 17 CFR 202.3a is extended from September 1, 1990 through September 1, 1992.

Dated: August 14, 1990.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–19605 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for use in Animal Feeds; Lincomycin; Correction

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; correction.

SUMMARY: The Food and Drug Administration (FDA) is correcting a final rule that amended the animal drug regulations to reflect approval of supplemental new animal drug application 97–505 which was filed by The Upjohn Co. The supplement essentially provides for removing the 6-day preslaughter drug withdrawal requirement when Type C medicated feeds containing lincomycin at either the 20- or 40-grams-per-ton level are fed to swine. In amending § 558.325(c)(2)(ii)(b) (21 CFR 558.325(c)(2)(ii)(b)) the agency inadvertently removed "withdraw 6 days before slaughter" and the semicolon preceding it and replaced the phrase with "feed containing 100 grams per ton lincomycin hydrochloride should be withdrawn 6 days before slaughter". Two run-on sentences resulted in this charge. This document corrects that error.

EFFECTIVE DATES: August 21, 1990.

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

SUPPLEMENTARY INFORMATION: In FR Doc. 90–13317, appearing at page 23423 in the **Federal Register** of Friday, June 8, 1990, the following correction is made: On page 23424, in the 1st column, under amendment "3", lines 5 and 6 are corrected by removing "the semicolon and".

Dated: August 10, 1990.

Robert C. Livingston,

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

[FR Doc. 90–19627 Filed 8–20–90; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

Ohio Regulatory Program

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment (Program Amendment No. 45) was initiated by Ohio and is intended to eliminate existing provisions requiring the reissuance of outstanding notices of violation and orders to sureties electing to reclaim permits on which bond forfeiture orders have been issued.

EFFECTIVE DATE: August 21, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Nina Rose Hatfield, Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 2242 South Hamilton Road, Room 202, Columbus, Ohio 43232; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program
II. Submission of Amendment
III. Director's Findings
IV. Summary and Disposition of Comments
V. Director's Decision
VI. Procedural Determinations

1. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submission, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982 **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Submission of Amendment

By letter dated May 11, 1990 (Administrative Record No. OH–1310),

the Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted Ohio Program Amendment Number 45. This amendment revised Ohio Administrative Code (OAC) section 1501:13–7–06 by deleting requirements concerning reissuance of notices of violation and orders to sureties and the sureties' compliance with those notices and orders.

OSM announced receipt of the proposed amendment in the June 12, 1990, **Federal Register** (55 FR 23777), and, in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The comment period closed on July 12, 1990.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Ohio program. Only those revisions of particular interest are discussed below. Any revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below concern paragraph letter notations to reflect organizational changes resulting from this amendment.

OAC 1501:13–7–06 Performance Bond Forfeiture Criteria and Procedures

Ohio is proposing to delete the requirements in paragraphs (F)(4) and (F)(6) of this rule. Paragraph (F)(4) requires sureties choosing to complete reclamation on forfeited sites to comply with all notices of violation (NOV) and orders issued to it, and to comply with all outstanding NOV's and orders previously issued to the permittee. Rule (F)(4) also requires that all outstanding NOV's and orders previously issued to the permittee be reissued to the surety and that a reasonable time for compliance be specified. Paragraph (F)(6) requires that the rights of a surety to complete reclamation shall be terminated if the surety fails to comply with paragraph (F)(4).

There are no Federal counterparts to the provisions Ohio proposes to delete. However, the Federal regulations at 30 CFR 800.50 address forfeiture of bonds and conditions under which forfeiture may be avoided. The Federal regulations at 30 CFR 800.50 also address notification requirements. Bond forfeiture is a separate action by the regulatory authority for which separate notice is required in addition to any notice previously issued regarding violations. Section 800.50(a)(2)(ii) authorizes the regulatory authority to allow a surety to complete the reclamation plan or the relevant portion of the reclamation plan, if the surety demonstrates an ability to complete such reclamation. In electing to complete the reclamation plan, the surety would have to meet the permittee's obligations.

The Ohio program contains strong controls regarding surety reclamation. The Ohio statute at 1513:16(H)(4) requires the surety to "* * * perform the surety's obligation and that of the operator," if it chooses to do the required reclamation work. Therefore, although Ohio is deleting the language at OAC 1501:13–7–06(F)(4), the Ohio statute at 1513.16(H)(4) still requires the surety to perform the operator's obligation and this would include the requirement to abate any violations in existence at the time the surety agreed to complete the reclamation plan. In addition, the rules at OAC 1501:13–7–06(F)(1)(b) require the surety to submit a plan, including a timetable, to the Chief for performing reclamation in accordance with the reclamation plan and the requirements of chapter 1513. of the Revised Code and the Ohio rules. The Ohio rules, therefore, make it clear that the surety would have to complete the reclamation in accordance with the reclamation plan. Otherwise, the Ohio rules at OAC 1501:13–7–06(F)(5) (old (F)(7)) require that if the surety fails to perform its obligation and that of the operator, the Chief shall issue an order terminating the right of the surety and demanding payment from the surety for the entire amount of performance bond filed with the Chief by the surety for the entire permit area or the incremental area, when applicable.

For these reasons, the Ohio requirement at OAC 1501:13–7–06 would remain substantively identical to the corresponding Federal regulations at 30 CFR 800.50. Therefore, the Director finds that the proposed amendment which would delete the requirements at (F)(4) and (F)(6) would not render the Ohio bond forfeiture procedures less effective than the Federal requirements.

IV. Summary and Disposition of Comments

Public Comments

The public comment period and opportunity to request a public hearing announced in the June 12, 1990, **Federal Register** ended on July 12, 1990. No public comments were received and the scheduled public hearing was not held as no one requested an opportunity to provide testimony.

Agency Comments

Pursuant to section 503(b) of SMCRA and the implementing regulations at 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Ohio program. The United States Environmental Protection Agency provided the only comments received and they supported the proposed amendment.

V. Director's Decision

Based on the above finding, the Director is approving Program Amendment Number 45, as submitted on May 11, 1990. The Federal regulations at 30 CFR part 935 codifying decisions concerning the Ohio program are being amended to implement this decision.

VI. Procedural Determinations

1. National Environmental Policy Act

The Secretary has determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exception from sections 3, 4, 7 and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of State regulatory programs. Therefore, this action is exempt from preparation of a regulatory impact analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal rules will be met by the State.

3. Paperwork Reduction Act

This rule does not contain information collection requirements which require approval by the Office of management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

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

Dated: August 10, 1990.

Jeffrey D. Jarrett,

Deputy Assistant Director, Program Operations.

For the reasons set out in the preamble, title 30, chaper VII, subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for part 935 continues to read as follows:

Authority: 30 U.S.C 1201 *et seq.*

2. In § 935.15, a new paragraph (qq) is added to read as follows:

§ 935.15 Approval of regulatory program amendments

* * * * *

(qq) The following amendment to the Ohio permanent regulatory program, as submitted by letter dated May 11, 1990, is approved effective August 21, 1990. Revisions to the Ohio Administrative Code at OAC 1501:13–7–06(F) concerning reclamation by the surety after performance bond forfeiture.

[FR Doc. 90–19668 Filed 8–20–90; 8:45 am]

BILLING CODE 4310–05–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL–3813–2]

Approval and Promulgation of Implementation Plan; State of New Mexico Revisions of the New Mexico Air Quality Control Regulations for Particulate Matter (PM_{10})

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: This Federal Register notice approves a revision to the State Implementation Plan (SIP) submitted by the State of New Mexico for (1) Adding new particulate matter definitions, (2) revising the Prevention of Significant Deterioration of Air Quality (PSD) SIP regulations to incorporate the PM_{10} provisions of Federal regulations as in effect on July 1, 1987, (3) revising the State nonattainment regulations to incorporate the PM_{10} provisions as in effect on July 1, 1987, (4) adding a new Emergency Episode Plan, and (5) reviewing and evaluating the State's existing particulate matter regulations for protecting the PM_{10} standards. These revisions update the affected State regulations for meeting the regulatory requirements of particulate matter in terms of PM_{10}.

These revisions are partially in response to the requirements of the PM_{10} National Ambient Air Quality Standards that were promulgated by the EPA in the Federal Register notice of July 1, 1987 (52 FR 24634). This action today only approves the New Mexico PM_{10} Group III SIP (Statewide regulatory requirements) for the State of New Mexico outside of the boundaries of Bernalillo County. The EPA published notices of its final actions on the committal PM_{10} SIPs (Group II SIPs) for the State of New Mexico on May 12, 1989, (54 FR 20577) and for Bernalillo County on June 1, 1989, (54 FR 23475) in the Federal Register. This SIP revision is approved under the statutory requirements of sections 110 and 160–169 of the Clean Air Act as amended August 1977.

Today's notice is published to advise the public that EPA is approving the New Mexico SIP revisions for the subjects mentioned above. The rationale for this approval is contained in this notice.

DATES: This action will be effective on October 22, 1990, unless notice is received within 30 days that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal and other information are available for inspection during normal business hours at the following locations. Interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 before the visiting day.

SIP New Source Section, Air Programs Branch, Air, Pesticides and Toxics Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 655–7214.

Air Quality Bureau, New Mexico Environmental Improvement Division, 1190 St. Francis Drive, Santa Fe, New Mexico 87503, Telephone: (505) 827–0042.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E.; SIP New Source Section, Air Programs Branch, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone: (214) 655–7214.

SUPPLEMENTARY INFORMATION:

Background

The Clean Air Act requires the EPA Administrator to set and periodically reexamine national ambient air quality standards. Section 108 of the Act directs the Administrator to identify widespread pollutants that endanger public health or welfare and to issue air quality criteria for them. The intent of these air quality criteria is to reflect the latest scientific information useful in indicating the kind and extent of all identifiable effects on public health or welfare that may be expected from the presence of a pollutant in the ambient air. In addition, section 109 requires the Administrator to establish "primary" standards to protect public health and "secondary" standards to protect public welfare for pollutants identified under section 108. Once the Federal standards have been set, section 110 of the Act requires that States submit State Implementation Plans (SIP), which contain control measures needed to attain the health based standards within specific statutory deadlines and to attain standards for welfare effects within a reasonable time.

Statutory Requirements

The Clean Air Act (amended August 1977) establishes a joint State and Federal program to control air pollution. Under sections 108 and 109 of the Act, the EPA is responsible for issuing air quality criteria and promulgating National Ambient Air Quality Standards (NAAQS). The States have primary responsibility for implementing the NAAQS. Under section 110 of the Act, each State must develop and submit to EPA a plan that provides for attainment and maintenance of each NAAQS as expeditiously as practicable within three years of the approved date of SIP. The State is required to adopt and submit a SIP revision to the EPA within nine months after the promulgation or revision of a primary NAAQS. The EPA must review each SIP and approve or disapprove its provisions. If the State fails to submit a plan, or the EPA finds the plan inadequate, a Federal program may be instituted in place.

In fulfilling the requirements of the Act, the EPA promulgated the particulate matter (PM_{10}) rules on July 1, 1987. The PM_{10} rules replaced the former standards for total suspended particulate matter (TSP) with a new indicator that includes particulate matters with the aerodynamic diameters less than or equal to a nominal 10 micrometers (PM_{10}) as measured by a reference method established by the EPA. The new 24-hour primary (health-based) standards limit PM_{10} to 150 micrograms per cubic meter of air. In addition to the 24-hour standard, a new annual standard is set at 50 micrograms per cubic meter.

PM–10 SIP Requirements

The EPA implemented the PM_{10} NAAQS under section 110 of the Act. The States and EPA began developing a monitoring network in 1983 to determine the concentrations of PM_{10} at various locations. Initially, the network targeted areas with high concentrations of total suspended particulates (TSP). Since the quantity of good quality ambient PM_{10} data was limited, yet the States had a

significant amount of TSP data, EPA developed a procedure for determining the probability that an area would violate the PM_{10} NAAQS. The EPA has placed all the counties in the nation into three groups based on their probability of violating the PM_{10} NAAQS. Under this scheme, the area of each state was classified as Group I, II, or III. The Group I areas are those areas with a high probability of not attaining the standards, Group II are those areas where existing air quality data are not sufficient to determine if they are attaining the standards, and Group III areas are those with a high probability of attaining the NAAQS without revisions to the existing control strategies. The list of PM_{10} Group I and Group II areas was published in the **Federal Register** notice of August 7, 1987 (52 FR 29383). Under this scheme, the entire State of New Mexico was classified as Group III except for Bernalillo, Dona Ana, Grant, Sandoval, Santa Fe, and Taos counties which were identified as Group II areas. The New Mexico and Bernalillo County PM_{10} Group II SIPs (committal SIPs) were approved under separate actions as cited earlier in this notice.

State Submission

The regulatory revisions submitted by the New Mexico Environmental Improvement Division (NMEID) and being approved by EPA under this notice are applicable to the entire State outside the boundaries of Bernalillo County. The New Mexico Air Quality Control Act (NMAQCA) allows, by ordinance, "A" class counties and any municipality within an "A" class county to create municipal, county, or joint air quality board to administer and enforce the provisions of the NMAQCA. The City of Albuquerque and Bernalillo County have jointly established such a board for administration and enforcement of NMAQCA because Bernalillo County is an "A" class county. Therefore, the City of Albuquerque and Bernalillo County Air Quality Control Board has submitted a PM_{10} SIP (countywide regulations or Group III) through the Governor's office for Bernalillo County that will be processed by the EPA under a separate action at a later date.

On August 19, 1988, the Governor of New Mexico submitted a comprehensive SIP revision of meeting the requirements of the PM_{10} program (52 FR 24634) including the five Group II areas: Dona Ana, Grant, Sandoval, Santa Fe, and Taos counties. Before the Governor's submission, the New Mexico Environmental Improvement Board adopted part of this plan revision on July 7, 1988, and the remainder on July 8, 1988. The State regulatory amendments were filed on August 1, 1988, at the State Records Center and became effective thirty (30) days after filing. The PM_{10} Group II SIP revision for the five Group II areas was approved on May 12, 1989, **Federal Register** (54 FR 20577), by the EPA under a separate notice. The State's submission (so called Group III SIP) contained:

1. Addition of new particulate matter definitions, including PM_{10}, to the State regulations (Air Quality Control Regulation 100).
2. Revisions to the State PSD regulations by incorporating PM_{10} provisions (Air Quality Control Regulation 707).
3. Revisions to the State nonattainment regulations by adoption of the PM_{10} provisions (Air Quality Control Regulation 709).
4. Revisions to the State Prevention of Air Pollution Emergency Episode Contingency Plan for New Mexico.
5. A letter from the Director of New Mexico Environmental Improvement Division to the EPA Regional Administrator, dated July 15, 1988, requesting redesignation of Hurley, New Mexico, particulate matter nonattainment areas to unclassifiable status.
6. Descriptive review of the existing SIP approved State Air Quality Control Regulations (AQCR) that limit particulate matter emissions: AQCR 100—Definitions, AQCR 301—Regulation to Control Open Burning, AQCR 401—Regulations to Control Smoke and Visible Emissions, AQCR 402—Woodwaste Burners, AQCR 501—Asphalt Processing Equipment, AQCR 502—Cement Kilns, AQCR 503—Gypsum Processing Plants, AQCR 504—Particulate Emissions from Coal Burning Equipment, AQCR 505—Pumice and Perlite Process Equipment, AQCR 506—Non-Ferrous Smelters—Particulate Matter, AQCR 507—Oil Burning Equipment—Particulate Matter, AQCR 508—Potash, Salt or Sodium Sulfate Processing Equipment—Particulate Matter, AQCR 509—Lime Manufacturing Plants—Particulate Matter, AQCR 510—Fugitive Particulate Matter from Non-Ferrous Smelters, AQCR 511—Fugitive Particulate Matter Emissions from Roads Within the Town of Hurly, AQCR 601—Regulation Governing Emissions from Kraft Mills, and AQCR 702—Permits.

The Governor's submission of August 19, 1988, also included information and documentation of ambient monitoring network, evidence of public notices, and documentation of public hearing and responses to public comments on the PM_{10} SIP.

Evaluation of State Submission

The EPA has evaluated the State's particulate matter and related regulatory requirements, procedures, and other documents submitted in support of the PM_{10} SIP, and the findings are as follows:

a. *Particulate matter definitions*—The definitions adopted under AQCR 100 for "particulate matter", "particulate matter emissions", "PM_{10}", "PM_{10} Emissions", and "total suspended particulate" are identical to the Federal definitions found in 40 CFR 51.100.

b. *PSD program*—The revisions to the State PSD regulations, AQCR 707—Permits, Prevention of Significant Deterioration which incorporated the PM_{10} provisions are consistent with 40 CFR 51.166.

c. *Nonattainment areas*—The revisions to the State nonattainment regulations, AQCR 709—Permits, Nonattainment Areas, adequately incorporates the PM_{10} provisions of 40 CFR 51.165.

d. *Emergency episode plan*—The NMEID has rewritten its Emergency Episode Plan and incorporated the PM_{10} provisions of the July 1, 1987, **Federal Register** notice. The plan was adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 7, 1988. This plan is consistent with the requirements of 40 CFR part 51, subpart H.

e. *TSP nonattainment redesignation*—The NMEID has requested EPA to redesignate the total suspended particulate (TSP) nonattainment area located in Hurley, New Mexico, to unclassifiable status in conjunction with approval of the PM_{10} SIP. For the reasons discussed in the **Federal Register** notice of July 1, 1987 (52 FR 24634), the EPA is changing the status of this area from TSP "nonattainment" to TSP "unclassifiable" in conjunction with its approval of the PM_{10} SIP. This would allow the State to conduct PSD review for both indicators (TSP and PM_{10}) of particulate matter as applicable and will avoid the complexity of having to conduct a nonattainment review for TSP, while simultaneously conducting PSD review for PM_{10}. In general, the revised "TSP" area designation must be retained as "TSP" until some time after EPA promulgates PM_{10} increments because the existing increments for particulate matter (TSP increments) depend upon the existence of Section 107 designations for TSP. Following EPA's promulgation of the PM_{10} increments and the State's subsequent

adoption of the PM_{10} increments in its PSD regulations, EPA will act on any request by the State to completely delete its TSP area designations.

f. *Existing SIP*—The EPA has reviewed the existing New Mexico AQCRs that control directly or indirectly particulate matter emissions and has determined that the existing SIP-approved regulations are adequate to protect the PM_{10} NAAQS. If the PM_{10} monitoring data show violation of the PM_{10} NAAQS in any area of the State in the future, AQCRs will have to be reviewed again and revised (if necessary) to provide additional control measures along with other control strategies for attaining and maintaining the PM_{10} NAAQS.

Final Action

The EPA has reviewed the State's submittal and determined that the State regulatory controls as adopted, its procedures, and the existing SIP are adequate to protect the PM_{10} NAAQS. Therefore, the EPA is approving the revisions to New Mexico AQCR 100, AQCR 707, AQCR 709, Air Pollution Episode Contingency Plan for New Mexico, and the redesignation of the TSP nonattainment area in Hurley, New Mexico, from the TSP "nonattainment" to TSP "unclassifiable" status. Also, the EPA agrees with the conclusions of the State legal analysis, dated May 25, 1988, which demonstrated that the State has sufficient authority to enforce the Federal NAAQS without adoption of these standards by the New Mexico Environmental Improvement Board. The actions approved in this notice are applicable to the entire State of New Mexico outside the boundaries of Bernalillo County. The EPA will publish its action on the Bernalillo County PM_{10} regulations under a separate notice at a later date.

The EPA is publishing this action without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. This action will be effective 60 days from the date of publication unless, within 30 days of its publication, notice is received that adverse or critical comments will be submitted. If such notice is received, this action will be withdrawn before the effective date by publishing two subsequent notices. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period. If no such comments are received, the public is advised that this action will be effective on October 22, 1990.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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 SIP revisions (54 FR 2222) from the requirements of Section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 22, 1990. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2)).

Under 5 U.S.C. 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities (See 46 FR 8709).

Incorporation by reference of the New Mexico Implementation Plan was approved by the Director of the Federal Register on July 1, 1982.

This rulemaking is issued under the authority of section 110 of the Clean Air Act, 42 U.S.C. 7410.

Lists of Subjects in 40 CFR Part 52

Air pollution control, Particulate matter, Carbon monoxide, Nitrogen oxide, Sulfur dioxide, Ozone, Lead.

Dated: September 7, 1989.

Joe D. Winkle,

Acting Regional Administrator.

Note.—This document received by the Office of the Federal Register on August 15, 1990.

PART 52—[AMENDED]

Title 40, part 52 of the Code of Federal Regulations is being amended as follows:

Subpart GG—New Mexico

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1620 is amended by adding paragraph (c)(41) to read as follows:

§ 52.1620 Identification of plan.

* * * * *

(c) * * *

(41) Revisions to the New Mexico State Implementation Plan for particulate matter (PM_{10} Group III): (1) Air Quality Control Regulation (AQCR) 100—Definitions Sections P, Q, R, S, BB; (2) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3; and (3) AQCR 709—Permits, Nonattainment Areas sections A(1)(b), A(5), and Table 1 as adopted by the New Mexico Environmental Improvement Board (NMEIB) on July 8, 1988, and filed with State Records Center on August 1, 1988; and (4) Air Pollution Episode Contingency Plan for New Mexico, as adopted by the NMEID on July 7, 1988, were submitted by the Governor on August 19, 1988. Approval of the PM10 Group III SIP is partially based on previous approved AQCRs 100, 301, 401, 402, 501, 502, 506, 507, 508, 509, 510, 511, 601, 702, 707, and 709.

(i) Incorporation by reference—

(A) AQCR 100—Definitions Section P, Q, R, S, and BB as filed with State Records Center on August 1, 1988.

(B) AQCR 707—Permits, Prevention of Significant Deterioration (PSD) Sections C, E(8), I(4), I(9)(a), J, P(19) through P(29), P(34), P(40), Table 2, and Table 3, as filed with State Records Center on August 1, 1988.

(C) AQCR 709—Permits, Nonattainment Areas Sections A(1)(b), A(5), and Table 1 as filed with State Records Center on August 1, 1988.

(ii) Additional Material—

(A) A letter dated May 25, 1988, from the NMEID General Counsel to EPA's Region 6 Air Programs Chief indicating that the State of New Mexico has sufficient authority to enforce the NAAQS without adopting the Federal NAAQS as State standards.

3. The table in section 52.1630 is revised to read as follows:

§ 52.1630 Attainment dates for national standards.

* * * * *

40 CFR 52.1630 Table

Air quality control region	Pollutant								
	Particulate matter		Sulfur oxides		Nitrogen dioxide	Carbon monoxide	Ozone	Lead	PM_{10}
	Primary	Secondary	Primary	Secondary					
Albuquerque-Mid Rio Grande Intrastate (AQCR 152):									
a. Bernalillo County	b	b	d	d	d	e	b	b	i
b. Sandoval County	a	a	d	d	d	d	a	c	i
c. Remainder of AQCR	a	a	d	d	d	d	a	c	c
New Mexico Southern Border Intrastate (AQCR 012):									
a. Grant County	b	g	b	b	d	d	d	c	i
b. Remainer of AQCR	a	a	a		d	d	d	c	c
El Paso-Las Cruces Alamogordo Interstate (AQCR 153):									
a. Las Cruces	a	a	a	a	d	b	a	c	c
b. Anapra								h	
c. Dona Ana County	a	a	a	a	d	a	a	c	i
d. Remainder of AQCR	a	a	a	a	d	a	a	c	c
Four Corners Interstate (AQCR 014):									
a. San Juan County	c	a	b		d	d	d	c	c
b. Sandoval County	a	a	d	d	d	d	a	c	i
c. Remainder of AQCR	c	a	f	f	d	d	d	c	c
Northeastern Plains Intrastate (AQCR 154)	d	d	d	d	d	d	d	c	c
Upper Rio Grande Valley Intrastate (AQCR 157):									
a. Santa Fe County	d	d	d	d	d	d	d	c	i
b. Taos County	d	d	d	d	d	d	d	c	i
c. Remainder of AQCR	d	d	d	d	d	d	d	c	c
Pecos-Permian Basin Intrastate (AQCR 155):									
a. Eddy County	b	b	d	d	d	d	d	c	c
b. Lea County	b	b	d	d	d	d	d	c	c
c. Remainder of AQCR	d	d	d	d	d	d	d	c	c
Southwestern Mountains Augustine Plains Intrastate (AQCR 156)	d	d	d	d	d	d	d	c	c

Note 1: Dates or footnotes which are italicized are prescribed by the Administrator because the plan does not provide a specific date.

Note 2: Sources subject to plan requirements and attainment dates established under section 110(a)(2)(A) of the Act prior to the 1977 Clean Air Act Amendments remain obligated to comply with those requirements by the earlier deadlines. The earliest attainment dates are set out at 40 CFR 52.1630. (1978).

a. July 1975.
b. December 31, 1982.
c. Air quality presently below primary standard.
d. Air quality level presently below secondary standard.
e. December 31, 1987.
f. July 31, 1977.
g. 18 months extension granted.
h. Contingent upon approval of Texas lead SIP.
i. Three years from effective date of plan approval.

4. Section 52.1634 is revised to read as follows:

§ 52.1634 Significant deterioration of air quality.

(a) The plan submitted by the Governor of New Mexico on August 19, 1988, and as adopted on July 8, 1988, by the New Mexico Environmental Improvement Board, Air Quality Control Regulation 707—Permits, Prevention of Significant Deterioration (PSD) and its Supplemental document, is approved as meeting the requirements of Part C, Clean Air Act for preventing significant deterioration of air quality.

(b) The requirements of section 160 through 165 of the Clean Air Act are not met for Federally designated Indian lands. Therefore, the provisions of § 52.21 (b) through (w) are hereby incorporated by reference and made a part of the applicable implementation plan and are applicable to sources located on land under the control of Indian governing bodies.

(c) The plan submitted by the Governor on August 19, 1988, for Prevention of Significant Deterioration is not applicable to Bernalillo County. Therefore, the provisions of § 52.21 (b) through (w) are hereby incorporated by reference and made a part of the applicable implementation plan and are applicable to sources located within the boundaries of Bernalillo County (including the City of Albuquerque).

5. A new § 52.1638 is added to read as follows:

§ 52.1639 Prevention of air pollution emergency episodes.

(a) The plan submitted by the Governor of New Mexico on August 19, 1988, and as adopted on July 7, 1988, by the New Mexico Environmental Improvement Board, entitled *Air Pollution Episode Contingency Plan For New Mexico*, is approved as meeting the requirements of section 110 of the Clean Air Act and 40 CFR part 51 subpart H.

PART 81—[AMENDED]

Title 40, part 81 of the Code of Federal Regulations is being amended as follows:

Subpart GG—New Mexico

1. The authority citation for Part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

2. Section 81.332 is amended by revising the attainment status designation table for TSP to read as follows:

§ 81.332 New Mexico.

NEW MEXICO—TSP

Designated Area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
AQCR 012:				
Portion of Grant County			X	
Remainder of AQCR				X
AQCR 014				X
AQCR 152:				
Portions of City of Albuquerque	X			
Remainder of AQCR				X
AQCR 153				X
AQCR 154				X
AQCR 155:				
Portions of Eddy and Lea Counties near industries				X
Remainder of AQCR				X
AQCR 156				X
AQCR 157				X

* * * * *

[FR Doc. 90–19565 Filed 8–20–90; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 145

[FRL–3823–1]

The Nebraska Department of Environmental Control Underground Injection Control Program Revision Aquifer Exemption Determination

AGENCY: Environmental Protection Agency.

ACTION: Program revision: aquifer exemption approval; correction of legal description.

SUMMARY: The purpose of this notice is to correct the legal description of the Chadron Aquifer in the preamble of the rule concerning the Nebraska underground injection control program. An erroneous legal description was listed in the notice of approval of the aquifer exemption (55 FR 21191) published on May 23, 1990. The legal description on page 21192 will now read for land located in Section 24, Township 31 North, Range 52 West, not Township 31 North, Range 51 West as listed.

FOR FURTHER INFORMATION CONTACT: Angela Ludwig, Environmental Protection Agency, Region VII, 726 Minnesota Avenue, Kansas City, Kansas 66101, phone (913) 551–7411.

Dated: August 2, 1990.

William Rice,

Acting Regional Administrator.

[FR Doc. 90–19562 Filed 8–20–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89–492; RM–6900 and RM–7271]

Radio Broadcasting Services; Detroit Lakes and Bagley, MN

AGENCY: Federal Communications Commission.

ACTION: Withdrawal of proposed rule; dismissal of petition.

SUMMARY: This document dismisses a petition filed by Robert D. Spilman (Spilman) proposing the allotment of Channel 272C2 to Detroit Lakes, Minnesota, and a counterproposal filed by James Ingstad (Ingstad), requesting the allotment of Channel 272C2 to Bagley, Minnesota. Spilman and Ingstad have withdrawn their proposals and no other parties have expressed an interest in the allotment of an FM channel at Detroit Lakes or Bagley, Minnesota. See 54 F.R. 48284, November 22, 1989.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–492, adopted August 1, 1990, and released August 15, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the commission's copy contractors, International Transcription Service, (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

Deputy Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90–19549 Filed 8–20–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 90–18; Notice 1]

Passenger Automobile Average Fuel Economy Standards; Final Decision

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final decision.

SUMMARY: This decision is issued in response to a petition filed by Dutcher Motors, Inc. (Dutcher) requesting that it be exempted from the generally applicable average fuel economy standard of 26.0 miles per gallon (mpg) for model year (MY) 1986, 1987, and 1988 passenger automobiles, and that lower alternative standards be established for it. This decision exempts Dutcher and establishes alternative standards of 16.0 mpg for MY 1986, 16.0 mpg for MY 1987, and 16.0 mpg for MY 1988. The decision was preceded by publication of a notice requesting public comments.

DATES: *Effective Date:* August 21, 1990. These exemptions and alternative standards apply to Dutcher for model years 1986, 1987 and 1988. Petitions for reconsideration may be submitted by September 20, 1990.

ADDRESSES: Petitions for reconsideration may be submitted to: Administrator, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. It is requested, but not required, that 10 copies be provided.

FOR FURTHER INFORMATION CONTACT: Mr. Orron Kee, Office of Market Incentives, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Mr. Kee's telephone number is (202) 366–0846.

SUPPLEMENTARY INFORMATION: NHTSA is exempting Dutcher from the generally applicable average fuel economy standard for 1986, 1987 and 1988 model year passenger automobiles and establishing an alternative standard applicable to Dutcher for those model years. This exemption is issued under the authority of section 502(c) of the Motor Vehicle Information and Cost Savings Act, as amended ("the Act") (15 U.S.C. 2002(c)). Section 502(c) provides that a passenger automobile manufacturer which manufactures fewer than 10,000 passenger automobiles annually may be exempted from the generally applicable average fuel economy standard for a particular model year if that standard is greater than the low volume manufacturer's maximum feasible average fuel economy and if NHTSA establishes an alternative standard for the manufacturer at its maximum feasible level. Section 502(e) of the Act (15 U.S.C. 2002(e)) requires NHTSA, in determining maximum feasible average fuel economy, to consider:

(1) Technological feasibility;
(2) Economic practicability;
(3) The effect of other Federal motor vehicle standards on fuel economy; and
(4) The need of the Nation to conserve energy.

This final decision was preceded by a proposed decision announcing the agency's tentative conclusion that Dutcher should be exempted from the generally applicable 1986, 1987 and 1988 passenger automobile average fuel economy standards, and that an alternative standard of 16.0 mpg should be established for Dutcher in each of those model years (55 FR 14439, April 18, 1990). No comments were received on the proposed decision.

The agency is adopting the tentative conclusions set forth in the proposed decision as its final conclusions, for the reasons set forth in the proposed decision. Based on the conclusions that the maximum feasible average fuel economy level for Dutcher in Model Years 1986, 1987 and 1988 is 16.0 mpg, that other Federal motor vehicle standards will not affect achievable fuel economy beyond the extent considered in the proposed decision, and that the national effort to conserve energy will not be affected by granting this requested exemption, NHTSA hereby exempts Dutcher from the generally applicable passenger automobile average fuel economy standard for the 1986, 1987 and 1988 model years and establishes an alternative standard of 16.0 miles per gallon for Dutcher for each of those years.

NHTSA has analyzed this decision, and determined that neither Executive Order 12291 nor the Department of Transportation's regulatory policies and procedures apply, because this decision is not a "rule," which term is defined as "an agency statement of general applicability and future effect." This exemption is not generally applicable, since it applies only to Dutcher. If the Executive Order and the Departmental policies and procedures were applicable, the agency would have determined that this action is neither "major" nor "significant." The principal impact of this exemption is that Dutcher will not be required to pay civil penalties. Since this decision sets an alternative standard at the level determined to be Dutcher's maximum feasible average fuel economy, no fuel would have been saved by establishing a higher alternative standard. The impacts for the public at large will be minimal.

The agency has also considered the environmental implications of this decision in accordance with the National Environmental Policy Act and determined that this decision will not significantly affect the human environment. Regardless of the fuel economy of a vehicle, it must pass the emissions standards which measure the amount of emissions per mile travelled. Thus, the quality of the air is not affected by this exemption and alternative standard. Further, since Dutcher's MY 1986, 1987 and 1988 automobiles cannot achieve better fuel economy than 16.0 mpg, granting this exemption will not affect the amount of gasoline available.

Since the Regulatory Flexibility Act may apply to a decision exempting a manufacturer from a generally applicable standard, I certify that this decision will not have a significant economic impact on a substantial number of small entities. This decision does not impose any burdens on Dutcher. It does relieve the company from being subject to infeasible standards for MYs 1986, 1987 and 1988 and from having to pay civil penalties for noncompliance with those standards. Since the prices of 1986, 1987 and 1988 Dutcher automobiles were not affected by this decision, the purchasers were not affected.

List of Subjects in 49 CFR Part 531

Energy conservation, gasoline, imports, motor vehicles.

In consideration of the foregoing, 49 CFR part 531 is amended as set forth below:

PART 531—[AMENDED]

1. The authority citation for part 531 continues to read as follows:

Authority: 15 U.S.C. 2002, delegation of authority at 49 CFR 1.50.

2. Section 531.5 is amended by republishing paragraph (b) introductory text, adding and reserving paragraph (b)(10), and adding paragraph (d)(11) to read as follows:

§ 531.5 Fuel economy standards.

* * * * *

(b) The following manufacturers shall comply with the standards indicated below for the specified model years:

* * * * *

(10) [Reserved]

(11) Dutcher Motors, Inc.

Model year	Average fuel economy standard (miles per gallon)
1986	16.0
1987	16.0
1988	16.0

Issued on: August 14, 1990.

Jeffrey R. Miller,

Deputy Administrator.

[FR Doc. 90–19498 Filed 8–20–90; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

CFR Part 661

[Docket No. 900511-0111]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of closure.

SUMMARY: NOAA announces the closure of the recreational salmon fishery in the exclusive economic zone (EEZ) from the U.S.-Canada border to Cape Alava, Washington, at midnight, August 12, 1990, to ensure that the coho salmon quota is not exceeded. The Director, Northwest Region, NMFS (Regional Director), has determined that the recreational fishery quota of 24,900 coho salmon for the subarea will be reached by August 12, 1990. The closure is necessary to conform to the preseason announcement of 1990 management measures. This action is intended to ensure conservation of coho salmon.

DATES: *Effective:* Closure of the EEZ from the U.S.-Canada border to Cape Alava, Washington, to recreational salmon fishing is effective at 2400 hours local time, August 12, 1990. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.20, 661.21, and 661.23 (as amended May 1, 1989). *Comments:* Public comments are invited until August 30, 1990.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140.

SUPPLEMENTARY INFORMATION: Regulations governing the ocean salmon fisheries at 50 CFR part 661 specify at § 661.21(a)(1) that "When a quota for the commercial or the recreational fishery, or both, for any salmon species in any portion of the fishery management area is projected by the Regional Director to be reached on or by a certain date, the Secretary will, by notice issued under § 661.23, close the commercial or recreational fishery, or both, for all salmon species in the portion of the fishery management area to which the quota applies as of the date the quota is projected to be reached."

In its preseason notice of 1990 management measures (55 FR 18894, May 7, 1990), NOAA announced that the 1990 recreational fishery for all salmon species in the subarea from the U.S.-Canada border to Cape Alava, Washington, would begin on July 2 and continue through the earliest of September 20 or the attainment of either a subarea quota of 24,900 coho salmon or the overall quota of 37,500 chinook salmon north of Cape Falcon, Oregon. Based on the best available information, the recreational fishery catch in the subarea is projected to reach the 24,900 coho salmon quota by midnight, August 12, 1990. Therefore, the fishery in this subarea is closed to further recreational fishing effective 2400 hours local time, August 12, 1990.

In accordance with the revised inseason notice procedures of 50 CFR 661.20, 661.21, and 661.23, actual notice to fishermen of this closure was given prior to 2400 hours local time, August 12, 1990, by telephone hotline number (206) 526-6667 and by U.S. Coast Guard Notice to Mariners broadcasts on Channel 16 VHF-FM and 2182 KHz. NOAA issues this notice of closure of the recreational salmon fishery in the EEZ from the U.S.-Canada border to Cape Alava, Washington, which is effective 2400 hours local time, August 12, 1990.

The Regional Director consulted with representatives of the Pacific Fishery Management Council and the Washington Department of Fisheries regarding a closure of the recreational fishery between the U.S.-Canada border and Cape Alava, Washington. The State of Washington will manage the recreational fishery in State waters adjacent to this area of the EEZ in accordance with this federal action. This notice does not apply to treaty Indian fisheries or to other fisheries, which may be operating in other areas.

Because of the need for immediate action, the Secretary of Commerce has determined that good cause exists for this notice to be issued without affording a prior opportunity for public comment. Therefore, public comments on this notice will be accepted for 15 days after filing with the Office of the Federal Register, through August 30, 1990.

Other Matters

This action is authorized by 50 CFR 661.23 and is in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 661

Fisheries, Fishing, Indians.

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

Dated: August 15, 1990.

Richard H. Schaefer,

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

[FR Doc. 90-19589 Filed 8-15-90; 4:51 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 55, No. 162
Tuesday, August 21, 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 30

[TB-88-019]

Tobacco Standards and Reports

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Tobacco Statistics Act authorizes and directs the Secretary of Agriculture to collect and publish statistics on the quantity of leaf tobacco held by all dealers, manufacturers, grower cooperative associations, and owners or agents other than the original growers, in the United States and Puerto Rico on a quarterly basis and publish an annual report on tobacco statistics. The Act specifies that the statistics shall show the quantity of tobacco in such detail as the Secretary shall deem to be practical and necessary for the purposes of the Act. This proposal would revise certain sections of regulations relating to Class 7; Miscellaneous Domestic; Class 8; foreign-grown cigar leaf; and Class 9; Foreign-grown types other than cigar leaf. Also, the quarterly report form would be revised.

DATES: Comments are due on or before October 22, 1990.

ADDRESSES: Send comments or requests for information to the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Room 502 Annex, Washington, DC 20090-6456. Comments will be available for public inspection at this location during regular business hours. Comments concerning information collection and recordkeeping requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Agriculture, Room 3201, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Larry L. Crabtree, Chief, Market Information and Program Analysis Branch, Agricultural Marketing Service, United States Department of Agriculture, P.O. Box 96456, Room 506 Annex, Washington, DC 20090-6456, telephone (202) 447-3489.

SUPPLEMENTARY INFORMATION: This proposal would amend the regulations contained in sections 43, 44, and 60 of 7 CFR part 30. Section 43 (Class 8; foreign-grown cigar-leaf types) would be amended to replace type designations by individual countries with type designations based on utilization in the same manner as for domestic leaf. The new types would be wrapper, filler, and binder. The agency believes that reporting cigar stocks by individual countries no longer serves any useful function because production and trade patterns have changed and the country of origin no longer indicates likely utilization. The changes would also facilitate direct comparison with stocks of domestic cigar leaf.

Section 44 (Class 9, foreign-grown type other than cigar leaf) would be amended to add foreign-grown fire-cured and dark air-cured types for stocks reporting purposes. This would bring the section into line with current procedures for the inspection of imported tobacco.

Section 60 (reports) would be amended to provide for the collection of data on stocks of stems and additional data on stocks of sheet tobacco.

The Department is also soliciting comments on proposed changes in the reporting form (TB-26). The proposed changes in Form TB-26 are as follows:

(a) The form would be divided into three sections; section 1—Domestic leaf tobaccos and stems; section 2—Foreign-grown leaf tobacco and stems; and section 3—Stocks and content of manufactured tobacco sheet. Currently the form is divided into two sections, leaf tobacco and leaf tobacco in sheet form.

(b) The current column "unstemmed" would be relabeled as "whole unstemmed leaf" in order to clearly distinguish the item from other categories.

(c) The current column "stemmed and/or scrap" would be divided into two columns labeled "whole stemmed leaf" and "strips and scrap". This change would provide a more accurate accounting of leaf stocks where the stem or midrib has been removed by allowing separate reporting for the older method of removing stems and the current method of "threshing" leaf into small irregular pieces and the removal of stems by gravity and air currents.

(d) The current column labeled "field code" would be eliminated. This was a computer code to separate leaf from sheet and it is no longer needed.

(f) The column labeled "wt Basis" would be eliminated for unstemmed cigar leaf. This was used to arrive at average conversion factors for each type of domestic cigar leaf since there are three possible methods of carrying stocks in the inventory. Experience indicates that many firms now find this requirement confusing and the agency believes that standard conversion factor would be sufficiently accurate.

(g) Type 62 Georgia-Florida shade wrapper tobacco would be eliminated since that type is not currently being produced.

(h) Foreign-grown cigar leaf would no longer be classified by country for stocks reporting purposes but would be classified in the same manner as domestic cigar leaf; i.e. wrapper, filler, and binder. The agency believes that reporting stocks by individual countries no longer serves any useful function.

(i) The addition of foreign-grown stocks of fire and dark air-cured tobacco. This would bring the form into line with the classification of foreign-grown leaf tobacco.

(j) Revision of the current section 2, part 2, where manufacturers of sheet tobacco report the leaf equivalent of their sheet stocks. This would now be section 3, part 2. In addition to the information requested in sections 1 and 2 of the new form, an extra column labeled "Recoveries from Processing Lines" would be added to provide for this possibility. The agency believes that the content as well as the total volume of sheet held in inventory is necessary for a proper analysis of the total stocks picture. The technology available for processing and manipulating manufactured tobacco is now so sophisticated that stems and sheet must be considered in the same light as leaf for stocks reporting purposes in accordance with section 2 of the Tobacco Statistics Act (7 U.S.C. 511 *et seq.*).

This proposed rule has been reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The Administrator, Agricultural Marketing Service, has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities. The proposed rule would not substantially affect the normal movement of the commodity in the marketplace.

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

In compliance with the Office of Management and Budget (OMB) regulations, 5 CFR part 1320 Controlling Paperwork Burdens on the Public, which implements the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35, the information collection and recordkeeping requirements contained in this proposed rule have been submitted to OMB and assigned control number 05810004. Reports must be made by:

(a) All leaf tobacco dealers, grower's cooperative associations, owners and agents, except those specifically exempted, and the original growers of tobacco; and (b) all manufacturers who during the first three quarters of the preceding calendar year manufactured not less than 35,000 pounds of tobacco, or not less than 185,000 cigars, or not less than 750,000 cigarettes. Comments concerning these requirements should be directed to the Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Department of Agriculture, Room 3201, NEOB, Washington, DC 20503.

There are approximately 120 firms who currently must file such reports. It is estimated that the average time to fill out the proposed report would be one hour, which is unchanged from the current form.

List of Subjects in 7 CFR Part 30

Administrative practices and procedure, Advisory committees, Government publications, Imports, Reporting and recordkeeping requirements, Tobacco.

For the reasons set forth in the preamble, it is proposed that the regulations of 7 CFR part 30 be amended as follows:

PART 30—[AMENDED]

1. The authority citation for 7 CFR part 30 is revised to read as follows:

Authority: 7 U.S.C. 502.

2. Section 30.43 is revised to read as follows:

§ 30.43 Class 8; foreign-grown cigar-leaf types.

No group divisions are established for any of the types in Class 8. Type designations for Class 8 tobacco are based on the utilization of the leaf in the manufacture of cigars with no reference to physical characteristics. For tobacco stocks reporting purposes foreign-grown cigar leaf shall be designated as follows:

(a) Type 81 Foreign-grown cigar wrapper.

(b) Type 82 Foreign-grown cigar filler.

(c) Type 83 Foreign-grown cigar binder.

3. In § 30.44 the following types, paragraphs (d) and (e) are added:

§ 30.44 Class 9; foreign-grown types other than cigar-leaf.

* * * * *

(d) Type 95 Foreign-grown fire-cured.

(e) Type 96 Foreign-grown dark air-cured.

4. Section 30.60 (b) is revised to read as follows:

§ 30.60 Reports.

* * * * *

(b) *Tobacco in sheet form.* Stocks of tobacco sheet owned on the first day of the applicable quarter shall be segregated as to whether for cigar binder or wrapper, or for cigarettes, and further broken down by type and category such as whole or stemmed leaf, strips, scrap, stems, or other except that a purchaser of tobacco sheet may, in lieu of the above, report the pounds of sheet owned on the first day of the applicable quarter segregated as to whether for cigar binder or wrapper or for cigarettes and give the name of the firm or firms and which produced such sheet tobacco.

Dated: August 15, 1990.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 90–19671 Filed 8–20–90; 8:45 am]

BILLING CODE 3410–02–M

Agricultural Stabilization and Conservation Service

7 CFR Part 735

Cotton Warehouses—United States Warehouse Act (USWA)

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Agricultural Stabilization and Conservation Service (ASCS) proposes to amend the regulations governing cotton warehousemen licensed under the U.S. Warehouse Act (the Act). The proposed amendments would allow licensed cotton warehousemen to: (1) Issue negotiable warehouse receipts for reginned motes; and (2) insert certain language relating to liens in their schedule of warehouse charges (hereafter referred to as the "tariff"). This proposal responds to several industry requests.

DATES: Comments must be received on or before October 22, 1990, in order to be assured consideration.

ADDRESS: Interested persons are invited to submit written comments to: Director, Licensing Authority Division, U.S. Department of Agriculture (USDA), P.O. Box 2415, Room 5962–S, Washington, DC 20013, Telephone (202) 447–2121.

All submissions will be available for public inspection during regular business hours in Room 5962–S, South Agriculture Building, USDA, 14th and Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Lynda Moore, Agricultural Marketing Specialist, ASCS-USDA, telephone: (202) 475–4028.

SUPPLEMENTARY INFORMATION:

Rulemaking Matters

This proposal has been reviewed in accordance with Executive order 12291 and Departmental Regulation 1512–1 and has been classified as "not major". It has been determined that these program provisions will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individuals, industries, federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprises to compete with foreign-based enterprises on domestic or export markets.

Keith Bjerke, Administrator, ASCS, has certified that this action will not

have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (4 U.S.C. 601 *et seq.*). Consequently, no regulatory flexibility analysis is required.

It has been determined by an environmental evaluation that this action would have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consulting with State and local officials. See the Notice related to 7 CFR, part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Cotton Reginned Motes

The ability to issue warehouse receipts on reginned motes has been an unsettled issue for several years. The proposed amendment would define and identify reginned motes to enable cotton warehousemen licensed under the U.S. Warehouse Act to issue warehouse receipts for reginned motes.

The Act and the regulations promulgated pursuant to the Act state that the grade or other class of the agricultural products shall be stated on the warehouse receipt, except the grade may be omitted upon the depositor's request. Additionally, the Act states that the grade or class shall be stated according to the official United States standards. If no official U.S. standards exist for the product, the grade or class may be stated in accordance with any recognized standard as prescribed by the Secretary. Motes, whether raw or reginned, are non-gradeable under the official United States standards. The term "motes" are commonly used in the trade to refer to gin sweepings, lint cleaner waste, and waste from gin stands. "Reginned motes" are motes which have been reprocessed. "Raw motes" are motes that have not been processed. Currently, federally licensed warehousemen are not permitted to issue warehouse receipts for motes since the product is non-gradeable under the United States Cotton Standards Act of March 4, 1923. On October 23, 1989, in the United States District Court for the Western District of Tennessee, Robert M. McRae, Senior United States District Judge, ruled in part, that motes are cotton for the purposes of the United States Warehouse Act (Musgrove Mills, Inc. et al, and Federal Compress & Warehouse Company, Inc. *et al*, U.S.D.C., W.D. Tennessee, Civil Nos. 88–2400–4A, 2401–4A, 88–2402–4A, 88–2403–4A (October 20, 1989)). This ruling, contrary to long established warehouse practices, requires clarification through rulemaking. The judge's decision did not distinguish reginned motes from motes that have not been reprocessed (raw motes).

This Proposed Rule would amend the current regulations to allow federally licensed cotton warehousemen to issue negotiable warehouse receipts for reginned cotton motes only, not raw motes. Raw motes have little or no commercial value, and are non-gradeable under the official United States standards. ASCS' goal, as the regulator, is to preserve the integrity of the USWA warehouse receipt. The value of the cotton should conform with the description on the warehouse receipt. Thus, the Proposed Rule would require a warehouse receipt for reginned motes to be clearly and conspicuously marked "Reginned Motes".

Tariffs

The proposed amendment to the regulations would also allow cotton warehousemen licensed under the U.S. Warehouse Act to insert specific language in their tariff to permit, in certain circumstances, a warehouseman's lien for unpaid charges for bales already shipped to attach to bales for the same account that remain in the warehouseman's custody.

The intention of the USWA regulations regarding tariffs is to prevent unreasonable, exorbitant, or discriminatory charges for services rendered. The regulations require federally licensed cotton warehousemen to file with the ASCS a copy of their schedule of charges. The schedule is reviewed to determine whether the charges listed are reasonable.

USWA warehouse receipts contain a box that is headed with the statement, "The warehouseman claims a lien for services as follows * * * and any other charges for services requested according to the tariff in effect on the date such services are performed * * *". Within the box, warehousemen quote rates for services such as receiving, storage, shipping, compression, etc. The tariff itself may contain additional charges, and terms and conditions.

In some sectors of the cotton warehouse industry, charges on a bale of cotton are not collected until the owner orders delivery out of the warehouse. Currently, federally licensed cotton warehousemen are not permitted to extend a lien for charges against bales of cotton shipped to other bales of cotton remaining in the warehouseman's custody belonging to the same depositor. Other cotton warehousemen issuing warehouse receipts under certain State authorities do not appear to be so restricted.

This Proposed Rule would allow warehousemen, in certain circumstances, to place a lien on a bale of cotton with respect to unpaid charges incurred on delivered bales of the same depositor, provided that certain language be included on the tariff. The lien allowed is consistent with the Uniform Laws, Annotated version, of the Uniform Commercial Code.

List of Subjects in 7 CFR Part 735

Administrative practice and procedure, agricultural commodities, cotton, surety bonds, warehouses.

Accordingly, it is proposed to amend 7 CFR part 735 as follows:

PART 735—COTTON WAREHOUSES

1. The authority citation for 7 CFR part 735 continues to read as follows:

Authority: 7 U.S.C. 268.

2. Section 735.2 is amended by adding paragraph (bb) to read as follows:

§ 735.2 Terms defined.

* * * * *

(bb) *Reginned motes.* Gin sweepings, lint cleaner waste and waste from gin stands which is reprocessed. Reginned motes are not gradeable under any class recognized in the official United States standards for cotton.

3. Section 735.16 is amended by adding paragraphs (h) and (i) to read as follows:

§ 735.16 Form.

* * * * *

(h) Licensed receipts issued to cover reginned motes shall be clearly and conspicuously marked "REGINNED MOTES".

(i) Warehouse receipts not in compliance with this section shall be deemed to be invalid.

4. Section 735.29 is amended by designating the existing text as paragraph "(a)" and adding paragraph (b) to read as follows:

§ 735.29 Warehouse charges.

* * * * *

(b) No tariff will be approved pursuant to paragraph (a) if it provides that the warehouseman claims a lien on a bale of cotton for charges incurred on other bales of cotton stored by a depositor unless the tariff contains the following statement with respect to all warehouseman liens and no other:

The warehouseman claims a lien on the cotton and on the proceeds thereof for charges owed by the depositor of the cotton

for storage or transportation (including demurrage and terminal charges), labor, services, and expenses, including expenses necessary for preservation of the cotton or reasonably incurred in the sale thereof pursuant to law. If such a person also owes the warehouseman charges and expenses with respect to cotton that has already been delivered, the warehouseman's lien on the cotton being delivered shall extend to such charges. However, such liens are limited with respect to a party to whom a negotiable warehouse receipt is duly negotiated to: 1) an amount specified on the warehouse receipt; 2) the rate specified on the warehouse receipt; or 3) the warehouse storage rate for the time subsequent to the date of the receipt.

5. Section 735.69 is revised to read as follows:

§ 735.69 Official cotton standards of the United States.

(a) The official cotton standards of the United States, established and promulgated under the United States Cotton Standards Act of March 4, 1923 (42 Stat. 1517; 7 U.S.C. 51 *et seq.*), within their scope, are hereby adopted as the official cotton standards for the purposes of the Act and the regulations in this part for use in grading cotton for which grades are established.

(b) Defective/non-gradeable cotton that negotiable warehouse receipts can be issued for, shall be identified as stated in § 735.16 and § 735.70.

(c) Until official United States standards for cotton are established, the identity of certain cotton will be in accordance with standards approved by the Secretary.

6. Section 735.70(a) (15) added to read as follows:

§ 735.70 Defective cotton; designation; terms defined.

(a) * * *

(15) Is reginned motes.

Signed at Washington, DC on August 15, 1990.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 90-19669 Filed 8-20-90; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS Number 1261-90]

8 CFR Parts 214 and 274a

Nonimmigrant Classes; Student Employment Authorization Procedures

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: The Immigration and Naturalization Service's proposed rule that was published on July 13, 1990, 55 FR 28767, inadvertently left out the time period during which the application for employment authorization document may be filed. This rule amends the referenced proposed rule by inserting the filing dates in the relevant paragraphs and by correcting a typographical error.

DATES: Comments must be received no later than September 20, 1990.

ADDRESSES: Please submit written comments in triplicate, to the Director, Office of Policy Directives and Instructions, Immigration and Naturalization Service, room 2011, 425 I Street NW., Washington, DC 20536. Please include INS Number 1261-90 on the mailing envelop to ensure proper handling.

FOR FURTHER INFORMATION CONTACT: Pearl B. Chang, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., Washington, DC 20536, Telephone: (202) 514-3946.

SUPPLEMENTARY INFORMATION: The proposed rule published on July 13, 1990, [FR Vol. 55, Pg. 28767], inadvertently left out the time period during which an F-1 student may apply for an employment authorization document for post-completion practical training. This rule revises the earlier proposed rule by inserting specific filing dates in the relevant paragraphs of the regulation and by correcting a typographical error in paragraph (f)(10)(ii)(B) of § 214.2.

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that this rule will not have significant economic impact on a substantial number of small entities. This rule is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

The information collection requirements contained in this regulation have been cleared by the Office of Management and Budget (OMB) under provisions of the Paperwork Reduction Act. The Office of Management and Budget control numbers for these collections are contained in 8 CFR 299.5.

List of Subjects

8 CFR Part 214

Administrative practice and procedure, aliens, authority delegation, employment, organization and functions, passports and visas.

8 CFR Part 274a

Administrative practice and procedures, Aliens.

Accordingly, part 214 of Chapter I of title 8 of the Code of Federal Regulations will be amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, and 1184, 1186a, 1187, and 8 CFR part 2.

2. Section 214.2 is amended by correcting the typographical error in the first sentence of paragraph (f)(10)(ii)(B), by revising the first sentence in paragraph (f)(10)(ii)(C)(*2*) and the second sentence of paragraph (f)(11)(i), and by deleting paragraph (f)(10)(iii) to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) * * *

(10) * * *

(ii) * * *

(B) * * * A student may request recommendation for practical training during a 90 day period which begins 60 days before and ends 30 days after the completion of the course of study. * * *

(C) * * *

(*2*) Endorse the student's I-20 ID Copy to show that practical training in the student's major field of study is recommended for a six-month period beginning from the date of completion of the course of study; * * *

(11) * * *

(i) * * * A student may apply for an EAD following the completion of the course of study and before the DSO's recommendation for practical training expires; to apply for an EAD, the student must submit, in accordance with the instructions on Form I-765, to the Service office having jurisdiction over his or her school, the following documents: * * *

* * * * *

Dated: July 23, 1990.

James A. Puleo,

Acting Associate Commissioner, Examinations, Immigration and Naturalization Service.

[FR Doc. 90-19624 Filed 8-20-90; 8:45 am]

BILLING CODE 1108-10-M

FARM CREDIT ADMINISTRATION

12 CFR Part 611

RIN 3052-AB12

Organization; Reorganization Authorities for System Institutions; Extension of Comment Period

AGENCY: Farm Credit Administration.

ACTION: Proposed rule; comment period extension.

SUMMARY: The Farm Credit Administration (FCA) Board published for comment proposed regulations relating to the termination of Farm Credit status of Farm Credit associations in the Federal Register on July 12, 1990 (55 FR 28639). The comment period expired on August 13, 1990. The FCA Board hereby gives notice that the original comment period is extended to October 1, 1990.

DATES: The period for receipt of written comments is hereby extended to October 1, 1990.

ADDRESSES: All comments should be submitted in writing, in triplicate, to Anne E. Dewey, General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090. Copies of all communications received will be available for examination by interested parties in the Office of General Counsel, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Larry W. Edwards, Director, Special Examination Division, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4229, TDD (703) 883-4444;

or

Rebecca S. Orlich, Attorney, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102-5090, (703) 883-4020, TDD (703) 883-4444.

SUPPLEMENTARY INFORMATION: On July 12, 1990, the FCA published in the **Federal Register** proposed amendments to its regulations relating to the termination of Farm Credit status of Farm Credit associations. The proposed amendments would implement section 7.10 of the Farm Credit Act of 1971 (Act), which was added by the Agricultural Credit Act of 1987, Public Law 100-233, and which provides that a Farm Credit institution may terminate its status as a Farm Credit institution if it satisfies certain enumerated requirements. The FCA noted in the summary to the proposed regulations that it had determined to promulgate separate regulations for the termination of banks and for the termination of associations whose assets or capital constitute a significant proportion of the assets or capital of the bank from which it is a borrower. The proposed regulations published in the **Federal Register** on July 12, 1990 pertain to the termination of associations whose assets or capital constitute less than 25 percent of the assets or capital of the bank from which it is a borrower.

The comment period expired on August 13, 1990. The FCA has received 11 sets of comments from 5 members of the U.S. Congress, the Farm Credit Council on behalf of its member institutions, one Farm Credit bank, two Farm Credit associations, and one law firm on behalf of six Farm Credit associations. The five members of Congress and two other parties have requested additional time to respond to the proposed regulations. The FCA Board has determined that, in light of the complexity and length of the proposed regulations, an extended comment period would be beneficial in order to ensure that all interested parties have an opportunity to comment on the proposed amendments to the regulations.

Dated: August 15, 1990.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 90-19622 Filed 8-20-90; 8:45 am]

BILLING CODE 6705-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-ACE-10]

Proposed Alteration of Control Zone—Davenport, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the control zone description for the Davenport Municipal Airport, Davenport, Iowa. The Cody RBN has been decommissioned. Accordingly, reference to the Cody RBN would be deleted from the control zone description.

DATES: Comments must be received on or before September 20, 1990.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, System Management Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426-3408.

The official docket may be examined at the Office of the Assistant Chief Counsel, Central Region, Federal Aviation Administration, room 1558, 601 East 12th Street, Kansas City, Missouri. An informal docket may be examined at the Office of the Manager, System Management Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, System Management Branch, Air Traffic Division, ACE-530, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426-3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the System Management Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, System Management Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 426-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs 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 subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR part 71) to alter the control zone description for the Davenport Municipal Airport, Davenport, Iowa. This action proposes to delete reference in the control zone description to the Cody RBN since this navigational aid has been decommissioned.

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. Therefore, 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) 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 proposed 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, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration 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.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Davenport, Iowa [Revised]

Within a 5-mile radius of Davenport Municipal Airport (lat. 41°36'40" N., long. 90°35'20" W.); within 2 miles each side of the Davenport VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Kansas City, Missouri, on August 6, 1990

Clarence E. Newbern,

Manager, Air Traffic Division Central Region.

[FR Doc. 90–19637 Filed 8–20–90; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 90–ACE–08]

Proposed Alteration of Control Zone—North Platte, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the control zone description for Lee Bird Field, North Platte, Nebraska. The Big Nell RBN has been decommissioned. Accordingly, reference to the Big Nell RBN will be deleted from the control zone description.

DATES: Comments must be received on or before September 20, 1990.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, System Management Branch, Air Traffic Division, ACE–530, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426–3408.

The official docket may be examined at the Office of the Assistant Chief Counsel, Central Region, Federal Aviation Administration, room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, System Management Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, System Management Branch, Air Traffic Division, ACE–530, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 426–3408.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the System Management Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, System Management Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 426–3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMS 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 subpart F, § 71.171 of the Federal Aviation Regulations (14 CFR part 71) to alter the control zone description for Lee Bird Field, North Platte, Nebraska. This action proposes to delete reference in the control zone description to the Big Nell RBN since this navigational aid has been decommissioned.

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. Therefore, 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) 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 proposed 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, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration 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.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

North Platte, Nebraska [Revised]

Within a 6-mile radius of Lee Bird Field (lat. 41°07'42" N., long. 100°41'49" W.); within 3 miles each side of the 125° bearing from the Lee Bird RBN, extending from the 6-mile radius zone to 10 miles southeast of the RBN.

Issued in Kansas City, Missouri, on August 6, 1990.

Clarence E. Newbern,

Manager, Air Traffic Division, Central Region.

[FR Doc. 90-19636 Filed 8-20-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 90-ASW-40]

Proposed Revision of Transition Area: Huntsville, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the transition area located at Huntsville, TX. The relocation of the Huntsville Nondirectional Radio Beacon (NDB), requiring the revision of the NDB RWY 18 standard instrument approach procedure (SIAP), has made this proposed revision necessary. The intended effect of this proposal is to provide adequate controlled airspace for aircraft executing this revised SIAP.

DATES: Comments must be received on or before September 24, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Systems Management Branch, Air Traffic Division, Southwest Region, Docket No. 90-ASW-40, 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: Mark F. Kennedy, 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-40". 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 revise the transition area located at Huntsville, TX. The revised location of the Huntsville NDB and subsequent revision of the NDB RWY 18 SIAP to the Huntsville Municipal Airport have necessitated this proposed revision. This proposed revision would expand the transition areas around the Huntsville Municipal Airport to 6.5 miles and revise the arrival extension to the north to 11 miles long and 4 miles wide from the airport. The arrival extension to the northwest would remain unchanged. 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:

Huntsville, TX [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Huntsville Municipal Airport (latitude 30°44'48" N., longitude 95°35'13" W.), within 3 miles each side of the Leona VORTAC (latitude 31°07'26" N., longitude 95°58'04" W.) 139° radial extending from the 6.5-mile radius to 27.5 miles southeast of the Leona VORTAC, and within 2 miles each side of the 001 bearing of the Huntsville NDB, (latitude 30°44'26" N., longitude 95°35'26" W.), extending from the 6.5-mile radius to 11 miles north of the Huntsville Municipal Airport.

Issued in Fort Worth, TX, on August 6, 1990.

Larry L. Craig,

Manager, Air Traffic Division, Southwest Region.

[FR Doc. 90-19634 Filed 8-20-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 75

[Airspace Docket No. 90-ACE-3]

Proposed Alteration of J-151

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of Jet Route J-151 between St. Louis, MO, and Vulcan, AL. This jet route realignment would improve the flow of traffic in the St. Louis terminal area by removing the airway segment that proceeds over Farmington, MO. This action would improve the arrival/departure traffic in the St. Louis area.

DATES: Comments must be received on or before October 5, 1990.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ACE-500, Docket No. 90-ACE-3, Federal Aviation Administration, 601 East 12th Street, Federal Building, Kansas City, MO 64106.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

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

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, aeronautical, 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-ACE-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for commen' 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 Rules Docket 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 Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describe the application procedure.

The Proposal

The FAA is considering an amendment to part 75 of the Federal Aviation Regulations (14 CFR part 75) to alter the description of Jet Route J-151 between St. Louis, MO, and Vulcan, AL. The new alignment of J-151 would shorten and enhance the flow of traffic in the Lambert-St. Louis International Airport terminal area. This action would reduce en route and terminal area delays. Section 75.100 of part 75 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 what will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, 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 75

Aviation safety, Jet routes

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 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

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-151 [Amended]

By removing the word "From Vulcan, AL, via INT Vulcan 335° and Farmington, MO, 139° radials; Farmington;" and by substituting the words "From Vulcan, AL;"

Issued in Washington, DC, on August 14, 1990.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 90-19632 Filed 8-20-90; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-28347; File No. S7-14-90]

RIN 3235-AD79

Net Capital Rule; Prohibited Withdrawal by Registered Broker-Dealers

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments.

SUMMARY: The Securities and Exchange Commission proposes to amend its net capital rule under the Securities Exchange Act with respect to withdrawal of net capital. The proposal would, under certain circumstances, prohibit registered broker-dealers from withdrawing capital directly or indirectly to benefit certain described persons related to the broker-dealer, without first notifying the Commission at least two business days before the withdrawal of capital. The proposed amendments would also permit the Commission, by order, to prohibit any of these withdrawals of capital from the registered broker-dealer, if the Commission believed the withdrawal may be detrimental to the financial integrity of the broker-dealer or might affect the broker-dealer's ability to repay its customer claims or other liabilities. Finally, the proposed amendments would prohibit any of these withdrawals of capital if the effect of such withdrawals would cause the broker-dealer's net capital to be less than 30 percent of its deductions required by the net capital rule as to its readily marketable securities.

The proposed amendments are designed to address the issues arising from the withdrawal of capital from a broker-dealer by a parent or affiliate, and they are intended to improve the Commission's ability to protect the customers and creditors of a broker-dealer in those circumstances where a financial problem in a holding company or other affiliate leads to withdrawals of capital from the broker-dealer. The Commission requests comment on the amendments set forth in the proposed rule. In addition, the Commission is requesting comment on whether additional amendments to the Commission's financial responsibility rules are appropriate in order to address the issues arising from the increased complexity of broker-dealer holding company structures and the higher incidence of proprietary risks undertaken by many broker-dealers.

DATES: Comments to be received on or before October 22, 1990.

ADDRESSES: Persons wishing to submit written comments should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. All comment letters should refer to File No. S7–14–90. All comments received will be available for public inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549.

FOR FURTHER INFORMATION CONTACT: Michael A. Macchiaroli, (202) 272–2904, Michael P. Jamroz, (202) 272–2372 or Roger G. Coffin, (202) 272–2396, Division of Market Regulation, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

The primary purpose of the net capital rule (Securities Exchange Act Rule 15c3–1; 17 CFR 240.15c3–1) is to protect customers and creditors of registered broker-dealers from monetary losses and delays that can occur when a registered broker-dealer fails. In this way, the Rule acts to prevent systemic risk from the failure of a financial intermediary. The Rule requires registered broker-dealers to maintain sufficient liquid assets to enable firms that fall below the minimum net capital requirements to liquidate in an orderly fashion without the need for a formal proceeding. Presently the net capital rule generally requires a registered broker-dealer to maintain net capital in excess of the greater of $25,000 or 6⅔ percent of its liabilities and other obligations ("aggregate indebtedness or basic method"). If the broker-dealer makes an election under paragraph (f) of the Rule, the broker-dealer must maintain net capital in excess of the greater of $100,000 or 2 percent of its so-called aggregate debit items (the "alternative method"). These aggregate debit items generally may be thought of as its customer-related receivables.[1]

Generally, the net capital requirement is computed by deducting from net worth, among other things, the book value of illiquid assets and cetain prescribed percentages from the market value of proprietary securities. These letter deductions are referred to as "haircuts". In the case of many firms, these haircuts require the firm to maintain significant amounts of capital (either equity capital or properly subordinated debt) to carry the positions while maintaining net capital compliance.

Paragraph (e) of the Rule generally prohibits withdrawals of equity capital of the registered broker-dealer by action of any stockholder or partner, or the making of unsecured advances or loans to any stockholder, partner or employee if the effect of such withdrawals, advances or loans is to reduce the broker-dealer's net capital below certain levels. The withdrawals cannot cause the broker-dealer's net capital to be less than, among other things, 120 percent of the applicable minimum dollar amount required under the Rule. If the broken-dealer is computing its requirement under the basic method, the broker-dealer may not allow its net capital to be lowered as the result of equity capital withdrawals and unsecured loans such that its aggregate indebtedness would exceed 1,000 percent of its net capital. If the broker-dealer computes its requirement under the alternative method, it may not allow its net capital to be reduced lower than 5 percent of its aggregate debit items.

These early warning levels in the Rule are set at an amount above the minimum net capital requirement of the broker-dealer. They are designed to provide the Commission and the self-regulatory organizations a margin of safety in which to respond to the potential failure of a firm. These early warning levels restrict the withdrawal of capital below the specified limits, although the Rule does not expressly restrict the broker-dealer from making other distributions of capital to its parent or affiliates. Despite these limitations, the early warning levels of the Rule have generally provide an adequate cushion of net capital before a firm could be considered to be in or approaching financial difficulty. This is particularly true in the case of a large retail firm with a large customer business and little or no dealer business.

II. The Drexel Burnham Bankruptcy

Recent events have indicated that the existing early warning restrictions may not be sufficient to address the problems that have arisen in connection with the development by many broker-dealers of large, complex holding companies. The Division of Market Regulation in its October 1987 Market Break Report anticipated to some degree the problems that might arise:[2]

> The large investment banking firms generally are owned by holding companies that have other subsidiaries engaging in unregulated securities-related or banking related activities. These unregulated entities attain a degree of leverage and take credit risks regulated broker-dealers cannot. In some cases, the registered broker-dealer's parent (without the broker-dealer's capital) or sister affiliates have significantly less capital than the broker-dealer. Moreover, the Division believes that in many cases the

[1] More specifically, the broker-dealer must maintain net capital in excess of 2 percent of its aggregate debit items as computed in accordance with the Formula for Determination of Reserve Requirement for Brokers and Dealers contained in Securities Exchange Act Rule 15c3–3 (17 CFR 240.15c3–3).

[2] *See* The October 1987 Market Break, A Report by the Division of Market Regulation of the U.S. Securities and Exchange Commission, February 1988, pp 5–17, 5–18.

creditors of those entities are indirectly relying on the credit of the broker-dealer and the ability of the holding company to shift capital from broker-dealer to the unregulated entity. * * *

A broker-dealer may be indirectly affected, however, by an insolvency of an affiliate or a parent. Broker-dealers often need short-term financing. The failure of a related entity could have substantial effects on the broker-dealer. In addition, management might seek ways to divert capital from the broker-dealer to the extent permitted by the net capital rule. While this shift of assets would not, by itself, place a firm in net capital violation, it could leave the firm more exposed to failure during volatile market conditions.

The recent bankruptcy of Drexel Burnham Lambert Group Inc. ("Drexel"), the holding company parent of the broker-dealer Drexel Burnham Lambert, Inc. ("DBL"), underscores the need for amendments to the net capital rule that will enable the Commission to control diversions of a broker-dealer's capital within an interlocking financial services structure. In that case, Drexel had over $1 billion in commercial paper and other unsecured short term borrowings. Unsecured borrowing, particularly through the commercial paper market, is a common financing technique used by many large broker-dealer holding companies. As a result of significant losses and a decline in the rating of its commercial paper, Drexel found it more difficult to renew its short-term borrowings. Drexel was then forced to look to the only liquid sources of capital in its assets—the excess net capital of DBL and an affiliate government securities dealer.

In a period of approximately three weeks, and without the knowledge of the Commission or the New York Stock Exchange Inc., (the "NYSE") DBL's designated examining authority, approximately $220 million was transferred to the holding company in the form of short term loans. This action occurred during a period in which the default or financial problems of a number of issuers [3] had adversely impacted the liquidity and pricing reliability in the high-yield securities market and raised difficulties in valuing a substantial portion of the firm's portfolio of securities for purposes of determining capital compliance. Moreover, at the time the Commission became aware of Drexel's financial dilemma, Drexel or its affiliates had more than $400 million in short-term liabilities coming due in the next two weeks and an additional $330 million scheduled to mature in the next month.

Prior to the chapter 11 bankruptcy filing by Drexel, the Commission advised Drexel and DBL of its concerns regarding the substantial withdrawals of capital by Drexel from DBL and an affiliate government securities dealer. In addition, the Division of Market Regulation sent a letter to DBL confirming its understanding that DBL would not make any further loans to Drexel or its affiliates without prior consultation with the Commission. This letter was followed by two letters from the NYSE which: Prohibited DBL from making any loans or advances to any related entity without NYSE approval; increased DBL's haircuts on its high yield inventory position; and prescribed a minimum net capital requirement for DBL of $150,000,000.[4]

Had the Commission and the NYSE not intervened when they did, Drexel would have continued to withdraw funds out of DBL and probably would have continued until the broker-dealer's early warning level was reached. Especially in light of Drexel's precarious financial position and the uncertainty with respect to DBL's valuation of its high yield portfolio, this would have created the risk that the broker-dealer's customers and its counterparties would have been subjected to a liquidation under the Securities Investor Protection Act.

III. The Proposed Rule Amendments

The Commission proposes to address the potential for a holding company parent in financial difficulty from withdrawing a substantial percentage of a broker-dealer's net capital in three different ways. First, the Commission is concerned that the present early warning levels may not be sufficient for firms that primarily do a dealer business. Because such a firm may have relatively few customer debits, the capital level required under the alternative method may be relatively low, and it may not be related to the size or risk of its dealer business. Haircuts provide an approximation of the risk in a dealer's proprietary securities positions. Accordingly, the proposed amendments would establish a new early warning level for a dealer based on the firm's proprietary positions, as represented by the haircuts on those positions. If a firm triggers the proposed new early warning level, that event will indicate to the Commission that the firm's net capital is low in relation to the amount of the firm's securities positions. In such cases, no capital should be removed from the firm to benefit insiders.

In order to assess the impact of the proposed early warning level on large broker-dealer subsidiaries of holding companies, the Commission staff examined data provided by the staff of the NYSE which refelcted NYSE member financial data as of December 31, 1989. The proposed amendments would raise the early warning level of twelve of the twenty largest NYSE member firms. These firms would have a total of approximately $911 million in capital restricted from withdrawal by the proposed amendments, or an average of $76 million per firm.

Additionally, twelve of the twenty NYSE member firms with the largest dollar amount of haircuts would be affected by the proposed amendments. These firms would have approximately $940 million in additional capital restricted from withdrawal. On average, each of these firms would have approximately $78 million in capital per firm that would be subject to restrictions on withdrawal. The twenty NYSE firms that would be most impacted by the proposed early warning level would have approximately $1 billion in additional capital restricted from withdrawal, for an average of approximately $50 million per firm.

Based on this data, the Commission has preliminarily concluded that 30 percent of a firm's haircuts will provide an adequate cushion of net capital to liquidate a firm's positions. If a firm reaches this early warning level, regulatory authorities will be alerted to the need for increased surveillance of the firm and will be able to take appropriate action. This action may include requiring a firm to reduce its securities positions.

Second, the proposed amendments would require a broker-dealer to notify

[3] During 1989, 47 issuers defaulted or were involved in distressed exchange offers (*i.e.*, an exchange of an outstanding debt security for a security with a lower principal amount or a lower interest rate) on approximately $7.3 billion in registered high-yield securities. For example, in June of 1989, Integrated Resources, a major issuer of high-yield securities, defaulted on $1 billion in commercial paper. In July of 1989, the Southmark Corporation filed for bankruptcy, and in September of that year, the Campeau Corporation announced that it lacked sufficient cash to satisfy its debt obligations. In January of 1990, the Campeau Corporation filed for protection from creditors under the federal bankruptcy laws. These failures adversely impacted the high-yield market in two ways. First, secondary trading in high-yield securities fell off sharply. Second, new transactions involving the issuance of high-yield securities began to slow down, with a resultant decline in underwriting and related income.

[4] The NYSE letters were predicated on NYSE Rules 325 and 326, which authorize the NYSE to require a member firm to maintain net capital in an amount necessary to meet a firm's financial obligations, and authorize the NYSE to prohibit a firm from advancing funds to its owners.

the Commission and its designated examining authority at least two business days before it intends to withdraw capital in certain instances. This notification would be required only where the projected withdrawal, along with other withdrawals over the preceding 30 days, would equal or exceed 20 percent of the firm's excess net capital, or where 30 percent of the firm's excess net caiptal was withdrawn over the preceding 90 days. In order to provide smaller broker-dealers flexibility to transfer funds in the ordinary course of business, the notification requirement would not be triggered by aggregate withdrawals of less than $50,000. This exception would not apply to limitation on withdrawals imposed by the other early warning levels.

Finally, the proposed amendments would also allow the Commission in extraordinary circumstances to restrict any withdrawal of capital by insiders of the firm for a period of up to twnety business days at a time. This discretionary authority could be used where the Commission believes that any withdrawal of capital may be detrimental to the finacial integrity of the broker-dealer or might unduly jeopardize the broker-dealer's ability to pay its liabilities to customers or other creditors.

The twenty business day period would enable the Commission and its staff to further examine the broker-dealer's financial condition, net capital position and the risk exposure to the customers and creditors of the broker-dealer. During this period the Commission, after considering the above and other factors, could determine whether, under what circumstances, or in what amounts, withdrawals of net capital from the broker-dealer should be allowed. To continue to restrict withdrawals, however, additoinal orders will have to be issued by the Commission, each with a term of no more than twenty business days.

The Commission does not expect that this authority will be exercised except in those exceptional circumstances where the Commission is concerned that the concentration or lack of liquidity of the assets held by the dealer raise concerns about the firm's ability to liquidate, if necessary, in an orderly fashion.

IV. Request for Comment

The Commission requests comments on the proposed amendments. In particular, commentators are requested to address the issue of whether the proposed amendments will improve the Commission's ability to respond to serious financial and liquidity problems occurring in the holding company of a borker-dealer. Comment is also invited on any potential adverse impact the proposed amendments may have on the willingness of other corporate entities to invest in and to maintain substantial excess net capital in a broker-dealer. Comment is also requested on the adequacy of the specific standards proposed, including, but not limited to, the use of a 30 percent of haircuts test for limiting capital withdrawals and the provision that exempts notification when the anticipated withdrawal is $50,000 or less.

With respect to the provision that would enable the Commission to restrict withdrawals of capital from any particular broker-dealer, the Commission preliminarily believes that the execution of an order under paragraph (e)(4) would fall within section 23(c) of the Securities Exchange Act and, in particular, 17 CFR 201.27 adopted thereunder. More specifically, Rule 201.27 would require the Commission to give prompt notice to the broker-dealer in th event an order restricting a withdrawal of capital is issued. The Commission requests comment on whether proposed paragraph (e)(4) raises issues under either section 23(a) of the Securities Exchange Act or the Administrative Procedure Act.

In addition to requesting comment on the amendments proposed today, the Commission also requests comment on whether additional amendments to the Commission's financial responsibility rules are appropriate in light of the increased complexity of broker-dealer holding company structures and the higher incidence of proprietary risks now taken by many broker-dealers. Specifically, the Commission requests comment on the adequacy of the existing minimum capital levels for broker-dealers, in particular larger broker-dealers that conduct a broad range of activities, both in the broker-dealer and in affiliated enterprises. The Commission asks for alternative aproaches to determining the appropriate required capital for large firms in view of the large degree of leverage that those firms, particularly those that operate under the alternative method, can attain.[5] Insofar as the deductions taken on the firm's securities positions represent the Rule's general measurement of risk related to those positions, the Commission asks for comment regarding whether the net capital Rule should provide for a required level of capital that is based on the haircuts incurred by the firm on its positions.

[5] For example, immediately before Drexel declared bankruptcy, DBL's net capital requirement was approximately $16 million, in addition to aggregate haircuts of approximately $900 million.

V. Summary of Initial Regulatory Flexibility Analysis

The Commission has prepared an Initial Regulatory Flexibility Analysis ("IRFA") in accordance with 5 U.S.C. 630 regarding the proposed amendments. The Analysis notes that the objective of the proposed amendments is to further the purposes of the various financial responsibility rules which provided safeguards with respect to financial responsibility and related practices of brokers and dealers. Smaller broker-dealers will generally not be affected because the new early warning level will generally not be in excess of their present early warning levels. Additionally, a firm may withdraw capital of up to $50,000 without notice if this withdrawal would not pull the firm below other early warning levels. In sum, the Analysis states that the proposed amendments would affect the ability of broker-dealers to distribute capital to related parties. The amendments are designed to prevent insiders from withdrawing capital from the registered broker-dealer to benefit the parent or its ultimate owners to the detriment of the creditors of the broker-dealer. A copy of the IRFA may be obtained by contacting Roger G. Coffin, Division of Market Regulation, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, 20549, (202) 272–2396.

VI. Statutory Analysis

Pursuant to the Securities Exchange Act of 1934 and particularly sections 15(c)(3), 17 and 23 thereof, 15 U.S.C. 78o(c)(3), 78q and 78w, the Commission proposes to amend § 240.15c3–1, of title 17 of the Code of Federal Regulations in the manner set forth below.

VII. List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements; Securities.

VIII. Text of the Proposed Amendments

In accordance with the foregoing, title 17, chapter II of the Code of Federal

Regulations is proposed to be amended as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. The authority citation for part 240 is amended by adding the following citation:

Authority: Sec. 23, 48 Stat. 901, as amended (15 U.S.C. 78w), * * *. § 240.15c3–1 is also issued under secs. 15(c)(3), 15 U.S.C. 78*o*(c)(3).

2. By revising paragraph (e) to § 240.15c3–1 as follows:

§ 240.15c3–1 Net capital requirements for brokers or dealers.

* * * * *

(e)(1) *Limitation on withdrawal of equity capital.* No equity capital of the broker or dealer or a subsidiary or affiliate consolidated pursuant to appendix C (17 CFR 240.15c3–1c) may be withdrawn by action of a stockholder or a partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, employee or affiliate:

(i) Without prior written notice to the Commission in Washington, DC, to the regional office of the Commisison for the region in which the broker or dealer has its principal place of business, to the broker or dealer's designated examining authority and to the Commodity Futures Trading Commission if such broker or dealer is registered with such Commission, received at least two business days prior to the withdrawals, unsecured advances or loans if those withdrawals, advances or loans in the aggregate exceed, in any 30 day period, the greater of $50,000 or 20 percent of the broker or dealer's excess net capital or in any 90 day period, 30 percent of excess net capital; or

(ii) If after giving effect thereto and to any other such withdrawals, advances or loans and any Payments of Payment Obligations (as defined in appendix D (17 CFR 240.15c3–1d) under satisfactory subordination agreements which are scheduled to occur within 180 days following such withdrawal, advance or loan either:

(A) Aggregate indebtedness of any of the consolidated entities exceeds 1000 percent of its net capital; or

(B) Its net capital would be less than:

(*1*) 120 percent of the minimum dollar amount required by paragraph (a); or,

(*2*) 5 percent of aggregate debit items computed in accordance with 17 CFR 240.15c3–3a; or,

(*3*) If registered as a futures commission merchant, 7 percent of the funds required to be segregated pursuant to the Commodity Exchange Act and the regulations thereunder (less the market value of commodity options purchased by option customers on or subject to the rules of a contract market, each such deduction not to exceed the amount of funds in the option customer's account), if greater, or;

(*4*) 30 percent of deductions from net worth in computing net capital required by paragraph (c)(2)(vi) and appendix A; or

(C) If the total outstanding principal amounts of satisfactory subordination agreements of a broker or dealer consolidated pursuant to appendix C (17 CFR 240.15c3–1c) (other than such agreements which qualify as equity under paragraph (d) of this section) would exceed 70% of the debt-equity total as defined in paragraph (d).

(2) Excess net capital is that amount in excess of the amount required under paragraph (a). The term equity capital includes capital contributions by partners, par or stated value of capital stock, paid-in capital in excess of par, retained earnings or other capital accounts. The term equity capital does not include securities in the securities accounts of partners and balances in limited partners' capital accounts in excess of their stated capital contributions.

(3) Paragraphs (e)(1) and (e)(2) shall not preclude a broker or dealer from making required tax payments or preclude the payment to partners of reasonable compensation, and such payments shall not be included in the calculation of withdrawals, advances, or loans for purposes of paragraph (e)(1)(i).

(4) The Commission may by order restrict, for a period up to twenty business days, any withdrawal by the broker or dealer of equity capital or unsecured loan or advance to a stockholder, partner, sole proprietor, employee of affiliate which the Commission believes may be detrimental to the financial integrity of the broker or dealer or which may unduly jeopardize its ability to repay its customers claims or other liabilities of the broker or dealer.

* * * * *

By the Commission.

Dated: August 15, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–19606 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AB52

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Minerals Management Service, Interior.

ACTION: Advance notice or proposed rulemaking; amendment.

SUMMARY: The Minerals Management Service (MMS) established a task in December 1989 to assess the lessons that could be learned as a result of recent accidents in the North Sea and the Gulf of Mexico. The task force examined many contributing causes to the accidents and identified areas where changes in regulations should be considered. One area of concern, the placement of shutdown valves (SDV) on pipelines, raises questions that need to be answered before necessary changes to MMS regulations can be developed. On July 23, 1990, MMS published an advanced notice of proposed rulemaking to solicit the needed information from interested parties. This notice amends the July 23, 1990, notice to add four additional questions to which the public is invited to respond. The information received will help MMS develop proposed amendments to current rules.

DATES: Comments must be received or postmarked by September 21, 1990.

ADDRESSES: Comments should be mailed or hand delivered to the Department of the Interior; Minerals Management Service; Mail Stop 4700; 381 Elden Street; Herndon, Virginia 22070–4817; Attention: Gerald D. Rhodes.

FOR FURTHER INFORMATION CONTACT: John V. Mirabella, Branch of Rules, Orders, and Standards, telephone (703) 787–1600.

SUPPLEMENTARY INFORMATION: The advance notice of proposed rulemaking published on July 23, 1990 (55 FR 29860), included a series of 13 questions concerning the placement of SDV's on platforms and about the related question of pressure relief in pipelines in emergency situations. Four questions were omitted from the list of questions in that notice. The advance notice of proposed rulemaking is amended to add the four questions, which follow as question numbers 14 through 17:

14. What options are available to allow rapid reduction of pipeline pressure in an emergency and what are

the benefits and drawbacks of the techniques?

15. What are the benefits and shortcomings of subsea pipeline diversion?

16. What are the advantages and disadvantages of having the capability to blowdown a pipeline from both ends?

17. Should pipelines be required to have the capability of rapid reduction of pipeline pressure from either end, and if so, what length of time should be specified as the maximum time for pipeline pressure reduction in an emergency situation?

Dated: August 10, 1990.

Barry Williamson,

Director, Minerals Management Service.

[FR Doc. 90-19667 Filed 8-20-90; 8:45 am]

BILLING CODE 4310-MR-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CC Docket No. 90-368; FCC 90-283]

Computer III Remand Proceedings

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission by a Notice of Proposed Rulemaking in Computer III Remand Proceedings (CC Docket No. 90-368) is considering the issues raised by the decision of the United States Court of Appeals for the Ninth Circuit vacating and remanding three decisions in the Computer III proceeding. The Commission proposes (1) To reinstate Open Network Architecture (ONA) obligations on the Bell Operating Companies (BOCs) and the American Telephone and Telegraph Company (AT&T); (2) to permit AT&T to provide collocated enhanced services on an integrated basis pursuant to the nonstructural safeguards adopted in Computer III and (3) to reinstate certain Computer III decisions regarding Network Channel Terminating Equipment (NCTE). The Commission concludes that the public interest would be benefited by the reinstitution of those policies. The Commission defers the issue of the regulatory safeguards necessary to permit the BOCs to provide enhanced services to a separate Notice of Proposed Rulemaking. Finally, the Commission grants a waiver of Computer II for AT&T's provision of enhanced services on an integrated basis, the provision by carriers of remote loopback testing on a regulated basis under the terms and conditions specified in Computer III, and application of the Computer III changes to the multiplexer exception and the NCTE waiver standard, until the conclusion of this proceeding.

COMMENT DATES: Interested persons may file comments on or before September 10, 1990. Reply comments may be filed on or before September 20, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Douglas L. Slotten, Policy and Program Planning Division, Common Carrier Bureau, (202) 632-9342.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission Notice of Proposed Rulemaking proposing to readopt certain Computer III decisions in CC Docket No. 90-368, adopted August 3, 1990, and released August 6, 1990, and an Erratum released August 10, 1990. The full text of this order is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this order may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140 Washington, DC 20037.

Summary of Notice of Proposed Rulemaking

In the Computer III proceeding, the Commission permitted AT&T and the BOCs to offer enhanced services integrated with their basic service offerings, provided that those carriers comply with several nonstructural safeguards designed to protect against possible anticompetitive conduct against competing enhanced service providers (ESPs). The Commission required the BOCs, under ONA, to unbundle basic services useful to ESPs. Before ONA was implemented, the Commission permitted the BOCs to offer specific enhanced services on an integrated basis upon Commission approval of service-specific Comparably Efficient Interconnection (CEI) plans, which are designed to provide competitors with comparably efficient interconnection pending final implementation of ONA. The Commission required AT&T to implement a modified form of ONA under which it is not required to further unbundle its basic services, but is required to file, and obtain approval for, service-specific CEI plans before offering enhanced services integrated or collocated with its basic service facilities. The Computer III decisions also addressed the regulation of protocol processing, Voice Messaging Service (VMS), and NCTE, among other things.

On review, the United States Court of Appeals for the Ninth Circuit found that the Commission had not adequately justified the decision to replace structural separation with nonstructural safeguards for BOC enhanced service operations, and that certain Commission preemption decisions had not been adequately justified. The Court decided to vacate the Computer III orders and remand the case to the Commission for further proceedings consistent with the Court's opinion.

The vacation of the Computer III orders generally returns the industry and the Commission to a Computer II regime. The Commission begins the process here of considering new permanent rules by addressing certain Computer III decisions that were not challenged in the briefs before the Court, decisions that were at most only tangentially mentioned in the Court opinion. In doing so, Commission incorporates the records from CC Docket Nos. 85-229 and 88-2 to the extent relevant to the issues raised by this Notice.

The Commission does not reexamine BOC provision of enhanced services pursuant to nonstructural safeguards rather than structural separation in the Notice. The Commission will issue in the near future a separate Notice of Proposed Rulemaking to consider that issue, which was the focus of the California opinion. The Commission also does not reopen the question of the regulatory status of VMS and NCTE, the classification of protocol processing as an enhanced service, or the cost allocation rules that separate the costs of unregulated services from the costs of regulated services.

The Commission tentatively concludes that it should require the BOCs to implement ONA independently of whether it ultimately concludes that it should permit the BOCs to provide enhanced services on an integrated basis. The availability of unbundled basic service functionalities used in the provision of enhanced services, as required by ONA, should facilitate the efficient provision and widespread availability of enhanced services and promote competition. It would not be in the public interest to delay significantly the benefits of ONA to the American consumer. The Commission has been working on ONA matters of mutual federal/state concern through the section 410(b) Joint Conference. The Commission looks forward to working with the states through the Joint

Conference on the continuing evolution of ONA.

The Commission believes this tentative conclusion is consistent with the Court's decision and with Commission decisions in the Computer III proceeding. The Commission proposes to reinstitute the Commission's prior decisions concerning ONA in Computer III and the ONA Proceeding, and asks interested parties to comment on this proposal.

The Commission also proposes to permit AT&T to provide enhanced services on an integrated basis subject to nonstructural safeguards as those were set forth in Computer III. The Commission believes that the continued regulation of AT&T's provision of enhanced services by nonstructural safeguards enhances the public interest and is consistent with the Court's opinion. The Commission proposes to reinstate our prior decisions concerning the provision of enhanced services by AT&T pursuant to nonstructural safeguards, and request comments on this proposal.

The Phase II Order also concluded that, subject to certain conditions, carriers should be permitted to provide remote loopback testing on a regulated basis through equipment located on the customer premises on the network side of the demarcation point in order to achieve certain technical and efficiency benefits. The Phase II Order also limited the existing multiplexer exception and established a waiver standard for permitting carriers to offer NCTE functions on a regulated basis. None of these decisions was challenged before the California Court, or was implicated in the Computer III deficiencies found by the Court. The Commission tentatively concludes that it should reaffirm these decisions, and seek comment on this proposal.

Finally, the Commission grants a waiver of Computer II for AT&T's provision of enhanced services on an integrated basis, the provision by carriers of remote loopback testing on a regulated basis under the terms and conditions specified in Computer III, and application of the Computer III changes to the multiplexer exception and the NCTE waiver standard until the conclusion of this proceeding.

Regulatory Flexibility Act Analysis

We certify that the Regulatory Flexibility Act 5 U.S.C. 601–612, is not applicable to the rule changes we are proposing in this proceeding. In accordance with the provisions of section 605 of that Act, a copy of this certification will be sent to the Chief Counsel for Advocacy of the Small Business Administration at the time of publication of a summary of this Notice in the **Federal Register.**

Paperwork Reduction Act Analysis

The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements, and will not increase or decrease burden hours imposed on the public.

Ex Parte Requirements

For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* presentations are permitted except during the Sunshine Agenda period. *See generally* § 1.1206(a) of the Commission's Rules, 47 CFR 1.1206(a). The Sunshine Agenda period is the period of time which commences with the release of a public notice that a matter has been placed on the Sunshine Agenda and terminates when the Commission: (1) Releases the text of a decision or order in the matter; (2) issues a public notice stating that the matter has been deleted from the Sunshine Agenda; or (3) issues a public notice stating that the matter has been returned to the staff for further consideration, whichever occurs first. Section 1.1202(f) of the Commission's Rules, 47 CFR 1.1202(f). During the Sunshine Agenda period, no presentations, *ex parte* or otherwise, are permitted unless specifically requested by the Commission or staff for the clarification or adduction of evidence or the resolution of issues in the proceeding. Section 1.1203 of the Commission's Rules, 47 CFR 1.1203.

In general, an *ex parte* presentation is any presentation directed to the merits or outcome of the proceeding made to decision-making personnel which (1) If written, is not served on the parties to the proceeding, or (2), if oral, is made without advance notice to the parties to the proceeding and without opportunity for them to be present. Section 1.1202(b) of the Commission's Rules, 47 CFR 1.1202(b). Any person who makes or submits a written *ex parte* presentation shall provide on the same day it is submitted two copies of same under separate cover to the Commission's Secretary for inclusion in the public record. The presentation (as well as any transmittal letter) must clearly indicate on its face the docket number of the particular proceeding(s) to which it relates and the fact that two copies of it have been submitted to the Secretary, and must be labeled or captioned as an ex parte presentation.

Any person who in making an oral *ex parte* presentation presents data or arguments not already reflected in that person's written comments, memoranda, or other previous filings in that proceeding shall provide on the day of the oral presentation an original and one copy of a written memorandum to the Secretary (with a copy to the Commissioner or staff member involved) which summarizes the data and arguments. The memorandum (as well as any transmittal letter) must clearly indicate on its face the docket number of the particular proceeding and the fact that an original and one copy of it have been submitted to the Secretary, and must be labeled or captioned as an *ex parte* presentation. Section 1.1206 of the Commission's Rules, 47 CFR 1.1206.

All relevant and timely comments and reply comments will be considered by this Commission. In reaching our decision, this Commission may take into account information and ideas not contained in the comments, provided that usch information or a writing containing the nature and source of such information is placed in the public file, and provided that the fact of this Commission's reliance on such information is noted in the Order.

Ordering Clauses

Accordingly, *it is ordered* that *notice is hereby given* of the proposed regulatory changes described above, and that *comment is invited* on these proposals. This action is taken pursuant to sections 1, 4(i), 4(j), 201–205, 218, 220, 303(r) and 403 of the Communications Act as amended, 47 U.S.C. 151, 154(i), 154(j), 201–205, 218, 220, 303(r) and 403.

It is further ordered that pursuant to applicable procedures set forth in §§ 1.415 & 1.419 of the Commissions Rules, 47 CFR 1.415 & 1.419, comments *shall be filed* with the Secretary, Federal Communications Commission, Washington, DC 20554 on or before September 10, 1990, and reply comments *shall be filed* with the Secretary on or before September 20, 1990. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. In addition, parties should file one copy of any such pleadings with the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street NW., Washington, DC. Parties should also file one copy of any

documents filed in this docket with this Commission's copy contractor, International Transcription Services, Inc., Suite 140, 2100 M Street NW., Washington, DC. Comments and reply comments will be available for public inspection during regular business hours in the Dockets Reference Room, Room 239, 1919 M Street NW., Washington, DC 20554.

It is further ordered, that a waiver of *Computer II is granted* to the extent indicated herein.

List of Subjects in 47 CFR Part 64

Communication, Common carriers.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-19700 Filed 8-20-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 663

Pacific Coast Groundfish Fishery

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

ACTION: Notice of availability of amendment to fishery management plan and request for comments.

SUMMARY: NOAA issues this notice that the Pacific Fishery Management Council (Council) has submitted Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP) for review by the Secretary of Commerce (Secretary), and is requesting comments from the public.

DATES: Comments will be accepted until October 15, 1990.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, NMFS, 7600 Sand Point Way NE., BIN C15700, Seattle, Washington 98115-0070; or E. Charles Fullerton, Director, Southwest Region, NMFS, 300 South Ferry Street, Terminal Island, California 90731-7415. Copies of the amendment are available from the Pacific Fishery Management Council, Metro Center, Suite 420, 2000 SW. First Avenue, Portland, Oregon 97201-5344.

FOR FURTHER INFORMATION CONTACT: Rolland A. Schmitten, 206-526-6140; E. Charles Fullerton, 213-514-6196; or the Pacific Fishery Management Council, 503-326-6352.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Act) requires that a Regional Fishery Management Council submit any amendment to a fishery management plan it has prepared to the Secretary for review and approval or disapproval. The Act also requires that the Secretary, upon receiving the amendment, immediately publish a notice stating the amendment is available for public review and comment. Comments received from the public will be considered during the secretarial review.

Although the original FMP provided some flexibility to modify management measures in order to prevent biological stress on a stock, it contained few flexible provisions for making management adjustments for social or economic reasons. This amendment, among other things, provides framework administrative procedures for implementing, modifying, or deleting management measures for all these reasons. It reorganizes and updates the FMP and responds to a variety of problems, which the Council has identified during the past several years. If approved, Amendment 4 would: (1) Update and reorganize the FMP and revise the FMP's goals and objectives; (2) revise the operational definition of optimum yield and establish framework procedures to specify allowable harvest levels for any groundfish species; (3) revise and provide new framework administrative procedures for establishing and adjusting management measures based on resource conservation, social, and economic factors; (4) delete certain outdated management measures and revise other measures to meet current needs of the fishery; (5) revise the process for issuing experimental fishing permits; (6) provide a process for acknowledging scientific research; and (7) establish a process by which state regulations can be reviewed for consistency with the FMP, the Act, and other applicable Federal law. A supplemental environmental impact statement and requirements of other applicable law are incorporated in the amendment.

The receipt date for Amendment 4 was August 14, 1990. Proposed regulations to implement Amendment 4 are scheduled to be filed with the Office of the Federal Register by August 29, 1990, 15 days after the receipt date.

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

Dated: August 14, 1990.

Richard H. Schaefer,

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

[FR Doc. 90-19590 Filed 8-15-90; 4:51 p.m.]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 55, No. 162
Tuesday, August 21, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Intent To Grant an 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 an exclusive license to Phyton Catalytic, Ithaca, New York on U.S. Patent Application Serial No. 07/327,493, "Production of Taxol or Taxol-Like Compounds in Cell Culture," filed March 23, 1989.

DATES: Comments must be received by October 22, 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: The USDA–ARS intends to grant an exclusive license to Phyton Catalytic to practice the invention disclosed in the said U.S. Patent Application Serial No. 07/327,493, "Production of Taxol or Taxol-Like Compounds in Cell Culture," filed March 23, 1989. Notice of Availability was given in the Federal Register on July 26, 1989.

Patent rights to this invention have been assigned to the United States of American as represented by the secretary of Agriculture. It is in the public interest to so license this invention as Phyton Catalytic has submitted a complete, sufficient, and verified application for a license and is negotiating a Cooperative Research and Development Agreement with the Agricultural Research Service providing for further development of the invention.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209, 37 CFR 404.7 and will conform to the intent of 15 U.S.C. 3710a. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, ARS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209, 37 CFR 404.7 and the intent of 15 U.S.C. 3710a.

W. H. Tallent,
Assistant Administrator.

[FR Doc. 90–19698 Filed 8–20–90; 8:45 am]
BILLING CODE 3410–03–M

Agricultural Stabilization and Conservation Service

1990–Crop Peanuts; National Poundage Quota for 1990-Crop Quota Peanuts

AGENCY: Agricultural Stabilization and Conservation Service and USDA.

ACTION: Notice of determination.

SUMMARY: This notice affirms the determination of the national poundage quota for the 1990 crop of quota peanuts. On December 15, 1989, the Secretary of Agriculture announced that the national poundage quota for the 1990–91 marketing year would be 1,560,000 short tons, 120,000 short tons above last year's quota. That determination was made pursuant to the statutory requirements of the Agricultural Adjustment Act of 1938, as amended ("the 1983 Act").

EFFECTIVE DATE: December 15, 1989.

FOR FURTHER INFORMATION CONTACT: Ronald W. Holling, Agricultural Economist, Commodity Analysis Division, Agricultural Stabilization and Conservation Service, room 3741-South Building, USDA, P.O. Box 2415, Washington, DC, 30013, telephone 202–447–7477. The final regulatory impact analysis describing the impact of implementing this determination will be available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major". The notice provided will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual, industries, Federal, State or local governments or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; number 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice because ASCS is not required by 5 U.S.C. 533 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this determination.

This program/activity is not subject to the provisions of Executive Order No. 12372 relating to intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Section 358(q)(1) of the 1938 Act requires that the national poundage quota for peanuts for each of the 1986 through 1990 marketing years be established by the Secretary at a level that is equal to the quantity of peanuts in tons that the Secretary estimates will be devoted in each such marketing year to domestic edible, seed, and related uses. Section 358(q)(1) further provides that the national poundage quota for any such marketing year shall not be less than 1,100,000 short tons (st). The marketing year for the 1990 crop of peanuts will run from August 1, 1990, through July 31, 1991. Poundage quotas for the 1986–1990 crops of peanuts were approved by the producers in a mail ballot held January 27–31, 1986.

On December 15, 1989, the Secretary announced that the national poundage quota for peanuts for the 1990–91 marketing year would be 1,560,000 st. That determination was based on estimates of domestic edible, seed and related uses as determined by the Secretary and identified below:

ESTIMATED DOMESTIC EDIBLE, SEED AND RELATED USES FOR 1990-CROP PEANUTS

Item	Short tons
Domestic Edible:	
Domestic Food	1,174,000
On farm and local sales	20,000
Subtotal	1,194,000
Seed	108,500
Related use:	
Crushing residual	182,400
Shrinkage	54,100
Segregation 2 and 3 transfers	20,000
Product exports	1,000
Subtotal	257,500
Total	1,560,000

The domestic food use estimate is based on the data series published in the Oil Crops Situation and Outlook, Economic Research Service (ERS). Peanuts used to produce exported peanut butter are included in the domestic food use data series published by ERS. However, the domestic food use estimate set forth in the preceding table excludes the peanut equivalent of estimated U.S. exports of peanut butter because such products are not consumed in the U.S. Because the domestic food data does not include farm use, local sales or seed and related uses, estimates of these have been separately set out. The estimates for farm use and local sales were derived by comparing historical data showing the difference between total production and quantities of peanuts that were inspected. Those estimates were further reduced by estimating, based on historical data, actual on-farm seed use from the farm use estimate (since such seed use is included in the overall seed estimate which covers both off-farm and on-farm seed use). Seed use measures the quantity of peanuts expected to be needed to plant the succeeding (1991) crop.

The overall seed-use estimate was derived from survey data. The crushing residual is the inedible portion of farmer stock peanuts separated from the edible kernels during milling. Shrinkage is the weight loss occurring between harvest and production of the product. Both the shrinkage and crushing residual estimates were derived from inspection data. Net exports of peanut products to Canada and Mexico were included in the calculation as such products cannot, under 7 CFR part 1446, be produced from additional peanuts.

Accordingly, such products presumably are made from quota peanuts. Also, an estimate was added from the quantity of peanuts that would otherwise be eligible for use as quota peanuts but which will not qualify for such use due to quality problems. These peanuts are Segregation 2 and 3 peanuts.

Determinations: Accordingly, the national poundage quota for 1990-crop peanuts is 1,560,000 short tons.

Authority: Section 358, 55 Stat. 88, as amended (7 U.S.C. 1358).

Signed at Washington, DC, on August 15, 1990.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 90-19699 Filed 8-20-90; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

[Docket No. 90-156]

Procedures for Importing Animals Through the Harry S Truman Animal Import Center (HSTAIC)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of application period and lottery for importation of animals through HSTAIC.

SUMMARY: We are giving notice of the date and location of the lottery for authorization for the use of the Harry S Truman Animal Import Center in calendar year 1991. We are also giving notice of the period during which applications for the use of HSTAIC will be accepted.

DATES: Applications for the use of HSTAIC in 1991, and accompanying deposits, must be received no earlier than September 1, 1990, and no later than September 15, 1990. The lottery for authorization to use HSTAIC during 1991 will be held October 3, 1990.

ADDRESSES: Completed applications and accompanying deposits must be sent to the Import-Export Animals Staff, Veterinary Services, Animal and Plant Health Inspection Service, United States Department ofAgriculture, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782. Application forms may be obtained by writing to this same address, or by calling the telephone number provided under the heading **"FOR FURTHER INFORMATION CONTACT."** The lottery will be held in the Epic Room, 7th Floor, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Teachman or Ms. Peggy Burke, IEAS, VS, APHIS, Room 764, Federal Building, 6505 Belcrest Road, Hyattsville, Maryland 20782, 301-436-8590.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 92, §§ 92.430, 92.431, 92.522, and 92.523 (referred to below as the regulations), set forth the conditions under which importers may qualify animals to enter the United States through the Harry S Truman Animal Import Center (HSTAIC) in Fleming Key, Florida.

Because the demand for quarantine space at HSTAIC has traditionally exceeded the space available, the regulations provide that a lottery will be held each year during the first 7 days of October, to determine the priority of applications for the following calendar year. To be included in the October lottery, applications must reach the Import-Export Animals Staff no earlier than September 1 and no later than September 15 of the year of the lottery. Additionally, certain applications must include a deposit in the form of an irrevocable letter of credit, in the name of the applicant and in the amount of $50,000, payable to the United States Department of Agriculture, Animal and Plant Health Inspection Service. Those applications which must include this deposit are identified in the regulations.

The regulations provide that applications received will be placed in one of four categories, depending on the type of animal to be imported and the location from which the animal is exported. The categories are ranked in priority order, with applications in each category taking precedence over those in subsequent categories. In the event that none of the four categories receives more than one application, a lottery will not be held.

Authority: 7. U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102-105, 111, 134a, 134b, 134c, 134d, 134f, and 135; 31 U.S.C. 9701; 7 CFR 2.17, 2.51, and 371.2(d).

Done in Washington, DC this 15th day of August, 1990.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90-19670 Filed 8-20-90; 8:45 am]

BILLING CODE 3410-34-M

Commodity Credit Corporation

1990-Crop Peanuts; Determinations Regarding National Average Support Levels for Quota and Additional Peanuts and the Minimum Commodity Credit Corporation Export Edible Sales Price for Additional Loan Peanuts

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of determination.

SUMMARY: This notice affirms the determinations announced by the Secretary of Agriculture on February 15, 1990, that with respect to the 1990 crop of peanuts: (1) The national average level of price support for quota peanuts shall be $631.47 per short ton; (2) the national average level of support for additional peanuts shall be $149.75 per short ton; and (3) the Commodity Corporation (CCC) minimum sales price for export for edible use of additional peanuts which were pledged as collateral for a price support loan shall be $400.00 per short ton.

EFFECTIVE DATES: February 15, 1990.

FOR FURTHER INFORMATION CONTACT: Ronald W. Holling, Agricultural Economist, Commodity Analysis Division, Agricultural Stabilization and Conservation Service, room 3741-South Building, USDA, P.O. Box 2415, Washington, DC, 30013, telephone 202–447–7477. The final regulatory impact analysis describing the impact of implementing this determination will be available on request from the above-named individual.

SUPPLEMENTARY INFORMATION: This notice has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512–1 and has been classified as "not major". The notice provided will not result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual, industries, Federal, State or local governments or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The titles and number of the Federal Assistance Program to which this notice applies are: Title—Commodity Loans and Purchases; number 10.051, as found in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice because ASCS is not required by 5 U.S.C. 533 or any other provisions of law to publish a notice of proposed rulemaking with respect to the subject matter of this determination.

This program/activity is not subject to the provisions of Executive Order No. 12372 relating to intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

Section 1017 of the Food Security Act of 1985 provides that the Secretary of Agriculture shall determine the rate of loans, payment, and purchases under the Agricultural Act of 1949 for the 1986–1990 crops of commodities without regard to the requirements for notice and public participation in rulemaking prescribed in section 553 of title 5 of the United States Code or in any directive of the Secretary.

The announcement of the national support level for the 1990 crop of quota and additional peanut was required by the Secretary of Agriculture no later than February 15, 1990.

1. *Quota Peanuts Support Level.* In accordance with section 108B(1)(ii) of the 1949 Act, the national average price support level for the 1990 crop of quota peanuts must be the corresponding 1989-crop price support level adjusted to reflect any increases in the national average cost of peanut production (excluding any changes in the cost of land) during the calendar year immediately preceding the marketing year for the 1990 crop, except that the price support level cannot exceed the 1989 crop support level by more than 6 percent. The 1989-crop quota peanut price support level was $615.87 per short ton. The 1990-crop support level was determined based on the following estimates:

COST ESCALATOR CALCULATIONS

Variable/ component	1988–crop	1989–crop
Total Cash Expense, Capital Replacement, and Unpaid Labor.	$482.21/acre	$510.67/acre.
Less Net Land Return.	$62.41/acre	$64.52/acre.
Adjusted Costs	$419.80/acre	$446.15/acre
Trend Yields	2,797 lbs/ac	2,825 lbs/ac.
Adjusted Costs per Pound.	$0.1501	$0.1579.
Adjusted Costs per Short Ton.	$300.20	$315.80.
Average Change during 1989 in the Cost of Producing a Short Ton of Peanuts.	$15.60	
1990-Crop Quota Support Level.	$615.87 + $15.60 = $631.47	

As indicated in the chart, which was derived from data of the Department of Agriculture's Economic Research Service, it was determined that relevant peanut production costs, as calculated in accordance with the statute, had increased by $15.60 per short ton. The 1990-crop quota peanut price support level will accordingly be $631.47 per short ton.

2. *Additional Peanut Support Level.* Section 108B(2)(A) of the 1949 Act provides that price support shall be made available for additional peanuts at such level as the Secretary determines will ensure no losses to CCC from the sale or disposal of such peanuts taking into consideration the demand for peanut oil and peanut meal, expected prices of other vegetable oils and protein meals, and the demand for peanuts in foreign markets. Peanuts pledged as collateral for a price support loan are sold to recover the loan and related costs. Peanuts pledged as collateral for price support loans are accounted for by CCC by "pools."

The demand for, and prices for, peanut oil and peanut meal and peanuts in foreign markets is expected to be generally constant regarding 1989 and 1990 crops of peanuts. Prices of other vegetable oils and protein meals are expected to decrease during 1990 from 1989 levels as a result of increased supply. Because of the expectation that there will not be a material change in prices for peanut oil and meal, it was determined that the support level for 1990-crop additional peanuts would remain at the 1989-crop support level of $149.75 per short ton which would continue to ensure that CCC does not experience losses from the sale or disposal of such peanuts.

3. *CCC Minimum Sales Price for Additional Peanuts Sold for Export Edible Use.* The announcement of a minimum price at which additional peanuts owned or controlled by CCC may be sold for use as edible peanuts in export markets is discretionary. This price is announced at the same time that the quota and additional peanut support levels are announced so that producers and handlers have information to facilitate the negotiation of private contracts for the sale of additional peanuts.

An overly high price may create an unrealistic expectation of high pool dividends and discourage private sales. If too low, the price could unnecessarily adversely affect prices paid to producers for additional peanuts.

Current world market conditions are expected to remain constant for the 1990/91 marketing year. The minimum price at which 1989-crop additional peanuts owned or controlled by CCC was established at $400 per short ton. The continued stability of market conditions supports the continued use of this established price.

Determinations

Accordingly, the following determinations, announced by the Secretary of Agriculture on February 15, 1990, are affirmed:

(1) The national average level of price support for the 1990 crop of quota peanuts shall be $631.47 per short ton. This level of price support is applicable to eligible 1990-crop farmer stock peanuts in bulk or in bags, net weight basis.

(2) The national average level of price support for the 1990 crop of additional peanuts shall be $149.75 per short ton. This level of price support is applicable to eligible 1990-crop farmer stock peanuts in bulk or in bags, net weight basis.

(3) The minimum export edible sales price at which CCC will sell 1990-crop additional peanuts shall be $400 per short ton for peanuts which are: (1) Owned by CCC, or (2) pledged as collateral for a price support loan made available by CCC.

Authority: 7 U.S.C. 1359 and 1445c–2; 15 U.S.C. 7146 and 714C.

Signed at Washington, DC, on August 15, 1990.

Keith D. Bjerke,

Executive Vice President, Commodity Credit Corporation.

[FR Doc. 90–19697 Filed 8–20–90; 8:45 am]

BILLING CODE 3410–05–M

Forest Service

Use of Herbicides to Control Undesirable Understory Vegetation Allegheny National Forest, Elk, Forest, McKean and Warren Counties, PA

AGENCY: Forest Service, USDA

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Allegheny National Forest Land and Resource Management Plan, completed in 1986, approved the limited use of herbicide (glyphosate) to control undesirable understory vegetation on some forested lands within the Allegheny National Forest. The Forest Service will prepare a draft and final environmental impact statement (EIS) which will consider limited use of an additional herbicide (sulfometuron methyl) or other vegetation management methods to help achieve better control of grass and fern on selected forested lands.

The decision that will be made in the EIS is of a programmatic nature. The decision will not select specific sites or specific vegetation management projects. The programmatic nature of the EIS establishes guidelines for future project review. Future project decisions will be made after site-specific environmental analysis of the effects of alternative methods to implement the proposed action.

These projects will be developed with full public participation and are appealable under 36 CFR part 217.

The agency invites written comments and suggestions on the scope of the analysis. In addition, the agency gives notice that a full environmental analysis will occur on the proposal so that interested and affected people are aware of how they may participate in and contribute to the final decision. Comments directed to the substance of the proposal, as opposed to the scope, are more appropriately submitted during the comment period following release of the draft environmental impact statement. This EIS will likely result in an amendment to the Allegheny National Forest Land and Resource Management Plan.

DATES: Comments concerning the scope of the analysis should be received in writing by September 13, 1990, to ensure timely consideration.

ADDRESSES: Send written comments to Herbicide Analysis, Allegheny National Forest, 222 Liberty Street, P.O. Box 847, Warren, PA 16365.

FOR FURTHER INFORMATION CONTACT: Contact either Robert L. White, Forest Silviculturist, or Brad B. Nelson, Forest Ecologist, Allegheny National Forest, phone 814/723–5150.

SUPPLEMENTARY INFORMATION: The Allegheny National Forest Land and Resource Management Plan (Forest Plan) was completed and approved in April 1986. One management decision in the Forest Plan provides for the use of the herbicide Roundup® (active ingredient is glyphosate) to control undesirable understory vegetation as a method to help establish adequate tree seedlings which will perpetuate new trees following timber harvesting. Undesirable understory vegetation includes New York and hay-scented fern, grasses, beech brush and striped maple.

The Forest Plan estimates the need to treat approximately 2,000 acres per year for the 10-year management period 1986–1995. Between 1987 and 1989, the Forest treated 2,826 acres with herbicide.

Treatment results have generally been good; however, the Forest has identified a need to achieve better control of ferns within spray vehicle tracks and of grasses which germinate from seed following spraying.

The Forest Plan also states that as research identifies a better herbicide, its appropriateness for use will be evaluated. Based upon the glyphosate spraying results mentioned above and the results of recent local research, sulfometuron methyl (formulated as the herbicide Oust®) has been identified as another desirable agent to help provide the additional needed control of grasses and ferns. Sulfometuron methyl may be used by itself or together with glyphosate.

A range of alternatives for this proposal will be considered including continued use of glyphosate only (the "no action" alternative), the use of glyphosate and/or sulfometuron methyl, and other methods of treating vegetation.

The decision that will be made in the EIS is of a programmatic nature. The decision will not select specific sites or specific vegetation management projects. The programmatic nature of the EIS establishes guidelines for future project review. Future project decisions will be made after site-specific environmental analysis of the effects of alternative methods to implement the proposed action. These projects will be developed with full public participation and are appealable under 36 CFR part 217.

Federal, State and local agencies, and other individuals or organizations who may be interested in or affected by the decision are invited to participate in the scoping process. This process will include: (1) Identification of potential issues; (2) identification of issues to be analyzed in depth; and (3) elimination of insignificant issues or those which have been covered by a previous environmental review.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments should be as specific as possible.

Preliminary issues that have been identified are: (1) What are the human health effects; (2) how should the Forest control undesirable understory vegetation so that adequate tree seedlings can become established and perpetuate the forest; (3) what are the effects on wildlife and fish; and (4) what are the economic costs of various treatment techniques.

The analysis is expected to take one month. The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and available for public review in early October 1990. At that time. EPA will publish a notice of availability of

the draft environmental impact statement in the **Federal Register**.

The comment period on the draft environmental impact statement will be 45 days from the date the EPA notice of availability appears in the **Federal Register**. It is very important that those interested in the management of the Allegheny National Forest participate at that time. To be most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see the Council on Environmental Quality Regulations (CEQ) for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft environmental impact statement stage may be waived if not raised until after completion of the final environmental impact statement, *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1988) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

Comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the CEQ Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

After the comment period ends on the draft environmental impact statement, the comments received will be analyzed and considered by the Forest Service in preparing the final environmental impact statement.

The final environmental impact statement is scheduled to be completed in November 1990. In the final EIS, the Forest Service is required to respond to the comments received (40 CFR 1503.4). The responsible official will consider the comments, responses, environmental consequences discussed in the environmental impact statement, and applicable laws, regulations and policies in making a decision regarding this proposal. The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

The responsible official is David J. Wright, Forest Supervisor, Allegheny National Forest, 222 Liberty Street, P.O. Box 847, Warren, Pennsylvania 16365.

Dated: August 15, 1990.

David J. Wright,

Forest Supervisor.

[FR Doc. 90–19663 Filed 8–20–90; 8:45 am]

BILLING CODE 3410–11–M

Draft Supplement to the Draft Supplemental Environmental Impact Statement for the Caribbean National Forest Land and Resource Management Plan, Commonwealth of Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare a supplement to an environmental impact statement.

SUMMARY: The Forest Service will prepare a draft supplement to the Draft Supplemental Environmental Impact Statement (DSEIS) for the Caribbean National Forest Land and Resource Management Plan (LRMP). The original LRMP was released in February 1986. The Draft Supplemental EIS which is being supplemented in this action was released in March 1990. Because of the timing of Hurricane Hugo, its effects were not reflected in the DSEIS. The Forest Service may also prepare an addendum to the Draft Amended Plan also published for public comment in March 1990. The scope of the analysis currently being undertaken is limited to the changes to Draft Supplemental EIS and Amended Plan necessitated by Hugo. The purpose of the supplement (to the Supplemental EIS) and the possible addendum (to the Draft Amended Plan) is to afford the public the opportunity to comment on those documents, fully considering the effects of Hurricane Hugo, consistent with requirements of the National Forest Management Act and the National Environmental Policy Act.

The Agency invites written comments and suggestions that are within the scope of the proposed action and analysis for the supplement. In addition, the agency gives notice of the full environmental analysis and decisionmaking process that will occur on the proposal so that interested and affected people are aware of how they may participate in the process and contribute to the final decision.

DATES: Comments related to the scope of the analysis should be received by September 12, 1990, to ensure timely consideration.

ADDRESSES: Send written comments and suggestions to Planner, Caribbean National Forest, Call Box 25000, Rio Piedras, Puerto Rico 00928–2500.

FOR FURTHER INFORMATION CONTACT: Jose Salinas, Forest Supervisor, (809) 766–5335.

SUPPLEMENTARY INFORMATION: The Caribbean National Forest and the Luquillo Experimental Forest Land and Resource Management Plan (LRMP) was approved and released in February 1986. Following much controversy over the approved Plan, the Regional Forester directed that a supplement be prepared to consider amending the Plan to eliminate commercial timber harvesting. In March 1990, a draft supplemental EIS and draft amended plan were released. Hurricane Hugo struck shortly before these documents were published and altered the landscape of the Caribbean National Forest in many ways. Because of the timing, the affects of the hurricane were not reflected in these draft documents; therefore, the Forest Service, in compliance with the National Forest Management Act and the National Environmental Policy Act, will conduct an analysis and will supplement the DSEIS released for comment in March 1990. Consistent with NFMA, if the results of the analysis lead to changes in the Draft Amended Plan, and addendum will be prepared reflecting those changes. The addendum to the Draft Amended Plan would be released for public comment concurrently with the draft supplement. The scope of the analysis is limited to the changes necessitated by Hurricane Hugo.

Due to the limited scope of this action no alternatives beyond those already presented in the Draft Supplemental EIS will be developed.

No formal scoping meetings are planned at this time. General notice to the public concerning the scope of analysis will be handled by a newsletter and/or news releases.

The draft supplement to the Draft Supplemental EIS and, if necessary, the addendum to the Draft Amended Plan are expected to be released for public review by October 1990. At that time the draft supplement will be filed with the Environmental Protection Agency (EPA). EPA will publish a notice of availability of these documents in the **Federal Register**. It is very important that those interested in the management of the Caribbean National Forest participate at this time. To be most helpful, comments on the draft supplement should be as specific as possible and may address the adequacy of the supplement (See the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental reviews of the proposal so that it is meaningful and alerts an agency to the reviewer's postion and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC*, 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage my be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel.*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider and respond to them in the final.

After the comment period ends, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final Supplemental EIS and the Final Plan. These final documents are scheduled to be completed by January 1991. The responsible official will consider the comments, responses, environmental consequences discussed in the final supplement, and applicable laws, regulations, and policies in making a decision regarding the proposed amendment. The responsible official will document the decision and reasons for the decision in a Record of Decision. That decision will be subject to appeal under 36 CFR part 217.

The responsible official is John E. Alcock, Regional Forester, Southern Region, 1720 Peachtree Rd., Atlanta, Georgia 30367–9102.

August 10, 1990.

Marvin C. Meier,

Deputy Regional Forester.

[FR Doc. 90–19676 Filed 8–20–90; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Harbor Brook Watershed, CT; Finding of No Significant Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Harbor Brook Watershed, New Haven County, Connecticut.

FOR FURTHER INFORMATION CONTACT: Judith K. Johnson, State Conservationist, Soil Conservation Service, 16 Professional Park Road, Storrs, Connecticut, 06268–1299, telephone (203) 487–4011.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Judith K. Johnson, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for flood prevention in a flood-prone area of downtown Meriden. The plan proposes a combination of structural and nonstructural flood prevention measures to protect 48 buildings containing 70 residents, businesses, industries, and public services.

Structural measures to protect 29 buildings include a concrete box conduit, three concrete wall dikes, one concrete modular block dike, and associated measures (flood shields for pedestrian and vehicular openings, interior drainage, pumping systems, a low diversion wall, waterproofing of existing walls, and window and roof drain modifications). Nonstructural measures include combinations of drainage, dikes and flood walls, sealing, flood shields, pumps and generators, and closures to protect an additional 19 buildings. An automated flood warning system will be installed to ensure the expected flood damage reduction benefits and to augment flood emergency preparedness within the watershed.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available at the above address to fill single copy requests. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Judith K. Johnson.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

Dated: August 9, 1990.

Judith K. Johnson,

State Conservationist.

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

[FR Doc. 90–19648 Filed 08–20–90; 8:45 am]

BILLING CODE 3910–16–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 33–90]

Foreign-Trade Zone 45—Portland, OR; Application for Subzone, Continental Mills, Pendleton, OR

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Portland, grantee of FTZ 45, requesting special-purpose subzone status for the food products processing plant of Continental Mills, Inc., located in Pendleton, Oregon. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on August 3, 1990.

The proposed subzone site (10 acres) is located on Highway 30 and Westgate Road within the Port of Umatilla's 73-acre Pendleton Industrial Park in Pendleton. The subzone operating facility will consist of a 40,000 square-foot food processing plant, which produces baking mixes. Continental

Mills proposes to use subzone status for the blending of foreign skim dried milk powder items with domestically sourced ingredients, including wheat flour, shortening and sugar. The mixes made under zone procedures would be exported. Subzone status would help Continental Mills compete in the premix market in Japan and the Pacific Rim and to expand into the export market for finished retail and food service items. A price differential on skim milk powder that results in a significant cost advantage for foreign competitors is noted.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Thomas Hardy, District Director, U.S. Customs Service, Pacific Region, 511 NW. Broadway, Federal Building, Portland, OR 97209; and, Lt. Colonel James A. Walter, U.S. Army District Engineer, City-County Airport, Walla Walla, Washington 99362–9265.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before September 24, 1990.

A copy of the application is available for public inspection at each of the following locations:

U.S. Department of Commerce, District Office, 1220 S.W. Third Avenue, Room 618, Portland, Oregon 97204

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2835, 14th & Pennsylvania Avenue, NW., Washington, DC 20230

Dated: August 14, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90–19594 Filed 8–20–90; 8:45 am]

BILLING CODE 3570–05–M

[Docket No. 32–90]

Foreign-Trade Zone 122—Corpus Christi, TX; Request for Removal of Certain Restrictions in Grant of Authority

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Corpus Christi Authority (PCC) requesting the removal of certain restrictions applicable to certain subzones associated with FTZ 122 (B.O. 310, 50 FR 38020, 9/19/85). It was subsequently amended and formally filed on August 10, 1990, and further amendments are being considerd.

The application as presently amended requests a one-year temporary extension of authority for SZ 122D—Gulf Marine Fabricators, Inc.; SZ 122E—Berry Contracting, Inc.; SZ 122F—C.C. Distributors, Inc.; and SZ 122H—Hitox Corporation of America (authority would otherwise expire on 9/5/90). These sites are also subject to other restrictions, including export-only provisions, that are covered in the application but require further documentation. Subzone status would be allowed to lapse for SZ 122G (Compressors of Texas, Inc.).

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; Paul Rimmer, Deputy Assistant Regional Commissioner, U.S. Customs Service, Southwest Region, 5850 San Felipe Street, Houston, TX 77057–3012; and, Colonel Brink P. Miller, District Engineer, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553–1229.

Comments are invited in writing from interested parties with regard to the request for a one-year temporary extension (to 9/5/91) on the four sities noted above. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before August 31, 1990. Further notice will be published concerning PCC's request with regard to the other restrictions and further amendments to the application.

A copy of the application is available for public inspection at each of the following locations:

Office of the Port Director, U.S. Customs Service, Government Plaza, 400 Mann Street, Suite 305, Corpus Christi, TX 78401

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Room 2835, Washington, DC 20230

Dated: August 13, 1990.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 90–19595 Filed 8–20–90; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A–412–027]

Diamond Tips for Phonograph Needles from the United Kingdom; 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 diamond tips for phonograph needles from the United Kingdom because it is no longer of interest to interested parties.

EFFECTIVE DATE: April 2, 1990.

FOR FURTHER INFORMATION CONTACT: Dennis Askey or John Kugelman, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–3601.

SUPPLEMENTARY INFORMATION:

Background

On April 2, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 12244) its intent to revoke the antidumping finding on diamond tips for phonograph needles from the United Kingdom (37 FR 6665, April 1, 1972).

Additionally, as required by § 353.25(d)(4)(ii) of the Commerce Regulations, the Department served written notice of its intent to revoke this finding on each interested party listed on the service list. Interested parties who might object to the revocation were provided the opportunity to submit their comments not later than thirty days from the date of publication.

Scope of the 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 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 that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by this finding are shipments of diamond tips for phonograph needles consisting

individually of an almost microscopic chip of diamond bonded to steel and shape to fit into the grooves of a phonograph record. Through 1988 such merchandise was classifiable under item number 685.3400 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item number 8522.90.90. 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 the antidumping finding on diamond tips for phonograph needles from the United Kingdom. Further, we received no requests to conduct an administrative review pursuant to our notices of Opportunity to Request Administrative Review (51 FR 11332, April 2, 1986; 52 FR 10917, April 6, 1987; 53 FR 11540, April 7, 1988; 54 FR 13211, March 31, 1989; 55 FR 13302, April 10, 1990).

Since we received no objections to the revocation of this finding by an interested party, and no review requests for four consecutive anniversary months (*see* § 353.25(d)(4)(iii) of the Commerce Regulations), the Department has concluded that the finding is no longer of interest to interested parties. Therefore, we are revoking the antidumping finding on diamond tips for phonograph needles from the United Kingdom in accordance with § 353.25(d)(4)(iii) of the Commerce Regulations. The revocation applies to all unliquidated entries of this merchandise from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after April 2, 1990. Any entries for the period April 1, 1989 through April 1, 1990, will be subject to automatic liquidation pursuant to § 353.22(e) of the regulations.

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 April 2, 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 § 353.25(d)(4)(iii).

Dated: August 14, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-19596 Filed 8-20-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-029]

Fishnetting of Man-Made Fibers From Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review.

SUMMARY: On September 23, 1988, the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on fishnetting of man-made fibers from Japan. The review covers eight manufacturers and/or exporters and one-third country reseller of this merchandise to the United States, and various periods from June 1, 1982 through May 31, 1987.

We gave interested parties an opportunity to comment on our preliminary results. At the request of certain importers and exporters, we held a hearing on October 31, 1988.

Based on our analysis of the comments received, the final results of review are unchanged from those presented in our preliminary results of review.

EFFECTIVE DATE: August 21, 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 September 23, 1988, the Department of Commerce ("the Department") published in the **Federal Register** (53 FR 37013) the preliminary results of its administrative review of the antidumping finding on fishnetting of man-made fibers from Japan (37 FR 11560, June 9, 1972). We have now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 ("the Tariff Act").

Scope of the Review

Imports covered by this review are shipments of fishnetting of man-made fibers from Japan. During these review periods such merchandise was classifiable under items 355.4520 and 355.4530 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under Harmonized Tariff Schedule ("HTS") items 5608.11.00 and 5608.90.10. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers eight manufacturers and/or exporters and one third-country reseller of Japanese fishnetting of man-made fibers to the United States and various periods from June 1, 1982 through May 31, 1987.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of certain importers and exporters, we held a hearing on October 31, 1988. Several other companies submitted written comments.

Comment 1: Several importers disagree with the Department's selection of best information available ("BIA") when companies failed to respond or when they provided inadequate responses to our requests for information. They believe that the Department unfairly penalizes importers by using the highest rate from either the previous review or the most recent rate for an unresponsive firm. In addition, one importer argues that the high margin for Hakodate/Mitsui is unfair because these costs will be borne by the importer, and the importer cannot be reimbursed by its supplier. The importers also contend that they should not be penalized for Hakodate/Mitsui's failure to meet the Department's reporting standards.

Department's Position: We disagree. The statutory deadlines in the antidumping law make timely cooperation by parties essential. Section 776(c) of the Tariff Act of 1930, as amended, requires the Department "whenever a party or any other person refuses or is unable to produce information requested in a timely manner and in the form required, or otherwise significantly impedes an investigation, [to] use the best information otherwise available." See 19 CFR 353.37. Therefore, when a party fails to provide information requested in a timely manner, the Department has no choice but to proceed with its administrative review and reach its determination using the best information available. *Atlantic Sugar, Ltd.* v. *United States*, 744 F.2d 1556 (Fed. Cir. 1984).

In choosing the information determined to be the best information otherwise available, our purpose is to encourage parties to cooperate with our investigation. We have no effective means other than the best information rule to induce parties to provide the necessary information. We must be able to use this rule to prevent a party from controlling the results of an investigation either by providing partial

or inaccurate information or by delaying or otherwise hindering the investigation. *Rhone Poulenc, Inc.* v. *United States*, Nos. 89–1395, –1402, Slip Op. (Fed. Cir. March 27, 1990).

Comment 2: Transpacific Trading (TP), an importer, Hakodate Seimo Sengu Co., Ltd. (Hakodate), a manufacturer, and Mitsui & Co., Ltd. (Mitsui), a trading company, related to Hakodate, contend that Department requests for supplemental information on Hakodate's third country sales were irrelevant. Respondents argue that the relationship between Hakodate and Mitsui was insubstantial and, even if the relationship were substantial and Hakodate and Mitsui are considered related parties, it would not invalidate use of Hakodate's home market sales as a basis for foreign market value ("FMV"). Because the statute and regulations express a preference for home market sales over third country sales, the Department should have used Hakodate's home market sales to calculate FMV. Therefore, the Department's use of BIA based on an allegedly inadequate third country response was incorrect.

Department's Position: We disagree. Transactions between related parties are ordinarily not used to calculate foreign market value. Section 353.45 of the Department's regulations provides that "(i)f a producer sold such or similar merchandise to a person related as *described in section 771(13) of the Act*, the Secretary ordinarily will calculate foreign market value based on the sale *only* if satisfied that the price is comparable to the price at which the producer or reseller sold such or similar merchandise to a person not related to seller" (emphasis supplied). Mitsui's stock interest in Hakodate makes them related parties within the meaning of section 771(13)(B). Thus, it was inappropriate to use these transactions absent evidence they were made at arm's length prices.

Nor could we base foreign market value on Hakodate's home market sales to unrelated parties because Hakodate's home market sales did not provide a viable market for comparison purposes as they represented less than five percent of the amount sold in third countries. See 19 CFR 353.48(a).

Comment 3: TP claims that sales between Hakodate and Mitsui were arm's length transactions; therefore, these transactions provide an appropriate basis for determining United States price ("USP"). Respondents argue that the Department could have verified their claim that Hakodate's price to Mitsui is an arm's length price by checking to see that Hakodate was profitable. Further, a simple comparison between the prices of Hakodate's sales to Mitsui and its direct sales to the United States would establish that its prices to Mitsui were at arm's length.

Department Position: We disagree. Mitsui and Hakodate are related within the meaning of section 771(13)(B). Therefore, because USP must be based on sales to the first unrelated customer (see sections 771(13) and 772(c) of the Act), we determine that transactions between Hakodate and Mitsui cannot be used to measure USP.

Comment 4: TP and Mitsui argue that the Department's supplemental letter failed to give Mitsui notice that the Department was questioning the arm's length nature of their U.S. and home market transactions. Mitsui was therefore denied the opportunity to show that Hakodate's prices to Mitsui were made at arm's length.

Department's Position: We disagree. Mitsui and Hakodate are related within the meaning of section 771(13)(B) because Mitsui owns an interest in Hakodate. As noted in response to *Comment 3*, because of this relationship, transactions between Hakodate and Mitsui cannot be used to measure USP regardless of whether they are made at arm's length.

Similarly, transactions between related parties are ordinarily not used to calculate foreign market value. See 19 CFR 353.45 and DOC response to *Comment 2*. Mitsui knew of this ownership interest when it responded to the Department's questionnaire. Thus, if Mitsui or Hakodate wanted the Department to use these transactions for FMV purposes, they clearly had the burden first to claim, then prove, that sales between Mitsui and Hakodate were at arm's length.

Comment 5: TP and Mitsui contend that they are not required to submit sales information on computer tape because neither firm maintains computer records nor has access to computer facilities. Respondents contend that recent court decisions, such as *Timken Co.* v. *U.S. Customs Service*, 659 F. Supp. 239, 241 (Ct. Int'l Trade 1987), excuse respondents from submitting information on computer tapes if their records are not maintained on a computer data base.

Moreover, the number of transactions is small. Respondents argue that the Department has conducted several previous administrative reviews of fishnetting without the aid of the computer, and the small number of transactions in this review is substantially the same as in previous reviews. TP also notes that Mitsui had requested Department advice on finding a computer services firm, but that the Department failed to respond. TP maintains that this request implicitly functions as a waiver of the requirement to submit information on computer tape because respondents were unaware of the Department's policy that allows respondents to request a waiver of the computer tape requirement.

Department's Position: We disagree. We cannot complete the vast majority of administrative reviews effectively and in a timely manner without computer tape submissions. As in all our current administrative reviews, we asked Mitsui for computer tape submissions. Unlike most of those reviews, we had to ask Mitsui twice to submit computer tapes. We did not receive Mitsui's request for assistance until it submitted its response to our request for supplemental information.

A large international trading company, such as Mitsui, has at its disposal sufficient legal and technical expertise to arrange for a submission on computer tapes. Instead, Mitsui ignored our requests, and attempted to rely on the submission procedures used in previous reviews, even after we had indicate that we would no longer follow those procedures. As with any of the Department's requests for information, unless we specifically grant an exemption, we consider any response that was not submitted in accordance with our directions to be deficient. Mitsui's response was deficient because it did not supply information on computer tape.

As respondents have pointed out, the Department will entertain a waiver of this requirement if the request is submitted before the questionnaire response. We did not receive Mitsui's request for assistance until it submitted its response to our request for supplemental information. We occasionally grant waivers when the number of transactions is small, and the burden on the Department's time and resources would not be onerous. However, even if Mitsui had filed an adequate and timely request for a waiver, we might not have granted it due to the large number of sales transactions. During the 1986–1987 review, Mitsui failed to provide a detailed sales listing (see *Comment 8*) and, excluding the fishnetting exempted by the ITC's decision, Mitsui's failure to provide computer tapes would have forced the Department to calculate over 900 separate margins for Mitsui's U.S. sales along with the approximately 1,000 other separate U.S. transactions submitted by the other responding exporters. Considering the large number

of transactions required to calculate margins for just this one firm, the use of Mitsui's response without computer tape would have further delayed this administrative review.

Comment 6: Respondents argue that the Department's rejection of Mitsui's entire response because of a failure to quantify adequately cost differentials between U.S. and Canadian merchandise was inappropriate. Respondents contend that Mitsui supplied sufficient information on direct factory overhead in its entry labeled "processing cost." Respondents argue that, according to normal accounting conventions, "processing cost" would consist of labor and overhead. If ITA were uncertain of what was included in "processing cost," it had several months to request clarification. More importantly, in its response, Mitsui stated that Canadian goods have lower production costs than U.S. goods. Since an "adequate" direct factory overhead claim would logically reduce margins, a proper BIA call would have either disallowed the overhead cost differential or substituted another cost differential from a different firm's response, rather than rejecting Mitsui's entire response.

Department's Position: We disagree. As we explicitly stated in our supplemental information letter, we require information on direct factory owerhead to adjust for differences in the physical characteristics of the merchandise sold in different markets. Mitsui admitted that it had failed to identify separately or quantify direct factory overhead cost differences, and the Department is under no obligation to send numerous supplemental request letters to the respondents. Mitsui had the responsibility to identify separately what cost differences were included in the amount entered under "processing cost." We cannot speculate as to what allowable costs, if any, are included in the entry or the appropriate allocation method used to derive the figures included in the amount listed. In response to our supplemental request for cost differences between the product sold to the United States and Canada, Mitsui submitted cost differences for direct material and direct labor identified under "processing cost", but they failed to submit any information on direct factory overhead as requested. Therefore, Mitsui failed to provide sufficient evidence to confirm its assertion that U.S. merchandise was more expensive to produce than Canadian merchandise. Finally, we rejected Mitsui's submission not only because of its failure to provide sufficient information on cost differences, but also for several other deficiencies (See *Comments 1–5, 7–8*).

Comment 7: Respondents and importers claim that the lack of information on the cost differentials between U.S. and Icelandic merchandise does not warrant rejection of Mitsui's response. Respondents and importers alsof point out that the Department did not specifically ask for this information. Moreover, there is not difference in the cost of production between the two markets.

Department's Position: We disagree. We rejected Mitsui's submission based not only on its failure to provide information on the cost differentials between U.S. and Icelandic merchandise, but also on several other deficiencies (see *Comments 1–6,8*). To compare similar but not identical items, we must make an adjustment for the physical differences in the merchandise in accordance with section 773 of the Act. As requested in our questionnaire, all physical differences between the U.S. items and the most similar third country items must be identified and all cost differences attributable to each of these physical differences must also be indicated. In response to our deficiency letter, Mitsui claimed that the merchandise sold in Iceland was much more similar to the merchandise sold in the United States than to that sold in Canada. However, separate lists quantifying the cost differences, if any, between the U.S. and Icelandic merchandise were not provided. As Mitsui failed to provide the information and criteria used to make these selections, we could not confirm whether Mitsui's claims were valid.

Comment 8: Respondents and importers contend that Mitsui's failure to provide a sale-by-sale listing for third country markets was an insufficient basis for the Department to use BIA and reject the entire response. Respondents and importers also note that Mitsui provided a listing of sales to its subsidiary Mitsui/Canada and copies of all Canadian sales invoices. Also, Mitsui provided price lists for sales to the United States and Canada, and the Department uncovered no information indicating that Mitsui had ever deviated from those price lists. Moreover, since the Department averages prices to calculate FMV, sale-by-sale listings are unnecessary.

Department's Position: We disagree. We rejected Mitsui's submission based not only on its failure to provide an adequate sales listings, but also on several other deficiencies (see *Comments 1–7*). Although Mitsui provided a listing of sales contracts between itself and Mitsui/Canada, it did not provide a complete listing of sales to unrelated parties in any export market. A summary listing of sales contracts between two related parties is an insufficient response. Furthermore the listing failed to separately identify the export market. For these reasons, we could not have used the response to calculate properly weight-averaged FMVs.

In addition, Mitsui submitted contradictory information in its responses. In its response to our questionnaire, Mitsui listed sales to Canada as most similar to the merchandise sold to the United States. In response to our deficiency letter, Mitsui stated that sales to Iceland were more similar to the U.S. merchandise than sales to Canada.

Comment 9: Hakodate contends that its failure to supply the Department with a complete listing of its indirect sales (*i.e.*, sales through Mitsui) does not warrant rejection of its response. Hakodate believes that it made a good faith effort to provide the information, supplying figures on total indirect sales through Mitsui and a copy of each indirect sales contract. In addition, the Department's letter requesting a complete listing of indirect sales was unclear. Hakodate assumed that the supplemental information letter was asking for a contract that was inadvertently omitted in the original response. Finally, Hakodate argues that the Department's refusal to use Hakodate's home market sales as a basis for FMV has rendered information on indirect sales through Mitsui to the United States irrelevant.

Department's Position: We agree. Upon further review of Hakodate's response, we conclude that our request for indirect sales information through Mitsui was not necessary for this review. However, we still consider the other portions of Hakodate's response to be inadequate, and our position with respect to Hakodate remains the same (see *Comments 10–11*).

Comment 10: Hakodate contends that, for its direct sales to the United States, its explanations of claimed U.S. and home market expenses and payment terms are adequate and should not be described as deficient.

Department's Position: We disagree. Hakodate provided an inadequate explanation of its claimed U.S. and home market selling expenses because it failed to demonstrate the method used to calculate the expense adjustments as requested in our supplemental questionnaire letter. In addition,

Hakodate stated that payment terms differed for each class of customer, but the brief explanation of these terms did not show how these differences were calculated.

Comment 11: Hakodate argues that the Department's request for dates of payment on third country sales is not necessary for the administrative review.

Department's Position: We disagree. In a proper analysis, credit is imputed for both USP and FMV. Lacking the requested information on dates of payment, we would be unable to calculate imputed credit. However, this point is moot in view of the other deficiencies in the response since the Department used the best information available for this review.

Comment 12: One importer argues that the preliminary 18.30 percent rate set for Mitsui is excessive because there is no domestic industry to protect.

Department's Position: In calculating dumping margins, the Department does not assess the condition of the domestic fishnetting industry. Requests for review of an antidumping finding on the basis of changed circumstances regarding injury to the domestic industry must be directed to the U.S. International Trade Commission.

Comment 13: Importers argue that Momoi is not required to submit sales information on computer tape because it neither maintains computer records nor has access to computer facilities. They contend that Department regulations excuse a respondent from submitting information on computer tapes if its records are not maintained on a computer data base. In addition, the Department's requirement for computer tapes violates its own regulations and the Administrative Procedures Act. Therefore, the importers argue that the Department's requirement is arbitrary, capricious, and contrary to the law.

Importers further argue that the Department has already conducted several administrative reviews of the fishnetting antidumping finding without the aid of computer tape, and the total number of transactions in this review is substantially the same as in previous reviews. In particular, since salmon gill netting is one of the primary imports from Momoi, and the effective date of revocation for salmon gill netting is half-way through the period of review, the number of sales to be analyzed is, in fact, smaller.

Finally, importers contend that the Department's supplemental request letter was the first time that Momoi had received instructions to submit computer tapes and note that the Department failed to inform Momoi of the right to request a waiver of the computer tape requirement. Importers claim that Momoi effectively requested a waiver of submission of computer tapes by stating in its response to the supplemental information letter that it "cannot supply computer tapes."

Department's Position: We disagree. The Department's primary responsibility is to administer the antidumping law effectively. We cannot complete the vast majority of administrative reviews without computer tape submissions. As in all our current administrative reviews, we asked Momoi for computer submissions. Unlike most of those reviews, we had to ask Momoi twice to submit computer tapes. Momoi had sufficient time and resources to contact the Department and ask that we waive the requirement. Instead, Momoi ignored our requests, and attempted to rely on the submission procedures used in previous reviews even after the Department had indicated that it would no longer follow those procedures. As with any of the Department's requests for information, unless we specifically grant an exemption, we consider any response that was not submitted in accordance with our directions to be deficient. Momoi's response was deficient because it refused to supply information on computer tapes.

As importers have pointed out, the Department will entertain a waiver of this requirement if the request is submitted before the questionnarie response. We occasionally grant waivers when the number of transactions is small, and the burden on the Department's time and resources is not onerous. Momoi's statement that it could not provide computer tapes was submitted later in response to our supplemental information letter, not in its original response. In addition, shortly after publication of the preliminary results, Momoi informed the Department that it would request a waiver; however, at that time, Momoi did not indicate a lack of prior knowledge of the procedure.

Moreover, even if Momoi would have filed a request for waiver, we probably would not have granted it. Excluding the fishnetting exempted by the ITC's decision, Momoi's failure to provide computer tapes would have forced the Department to calculate over 700 separate margins for Momoi's U.S. sales along with the approximately 1200 other U.S. transactions submitted by the other responding exporters. Considering the large number of transactions required to calculate margins for just this one firm, the use of Momoi's response would have further delayed this administrative review.

Comment 14: Importers contend that Momoi provided the Department with an adequate listing of home market sales. The importers believe that Momoi relied on model match information submitted in previous reviews to select appropriate home market merchandise to compare with U.S. merchandise. Importers believe that, during a previous review of this case, the Department accepted Momoi's model match selections in a hearing held on June 12, 1981. Importers further complain that the Department did not adequately inform Momoi that the Department was re-evaluating, in the present administrative review, the previous model match selections. Moreover, they believe that any such re-evaluation is unnecessary because the Department requested information on home market sales of netting that was dissimilar to that sold in the United States.

Department's Position: We disagree. Momoi's questionnarie response indicated that it had sold merchandise in the home market and other markets that was dissimilar to merchandise sold in the United States. Our supplemental request letter asked for information on total sales volume and a brief description of the types of netting Momoi sold in the home market but did not report in its response. Momoi stated that detailed information on this netting was unnecessary because it was not sold to the United States. Momoi only reported home market sales of merchandise that it alone had determined to be most similar to that sold in the United States. The Department, not Momoi, has the responsibility to make model match selections. Because Momoi failed to respond fully and completely to our request for information on home market sales, we cannot confirm the accuracy or completeness of its submission.

Comment 15: Importers contend that the BIA rate for Momoi should be 8.08 percent, which was the last BIA rate for Momoi as a non-respondent, instead of 18.30 percent. Importers point out that the Department stated in a previous review of this case (48 FR 43210; September 22, 1983) that a company which is unresponsive will be assigned the BIA rate for assessments in that period and for deposit of estimated antidumping duties in the subsequent period. Importers also note that Momoi's previous BIA rate as 8.08 percent.

Department's Position: Respondents misunderstand the statement made by the Department in the previous review. We stated that an unresponsive firm will be assigned the BIA rate for assessments in that period and for

deposit of estimated antidumping duties on future entries. We may establish a new BIA rate for each period we review. If the company again is unresponsive in periods subsequent to the first period, it will receive its previous rate or a new best information rate if the latter is higher than its previous rate.

Comment 16: Importers argue that Momoi provided adequate information on the physical differences between U.S. and home market merchandise. In particular, importers contend that Momoi supplied sufficient information on direct factory overhead in its entry for "other costs."

Department's Position: We disagree. In our supplemental request letter, we explicitly asked for information on direct factory overhead to adjust for differences in the physical characteristics of the merchandise sold in the different markets. Momoi had the responsibility to explain fully the entry "other costs." It did not do so. We cannot speculate as to what allowable costs, if any, are included in the entry.

Comment 17: Importers argue that the Department violated § 353.51 of its own regulations by failing to notify Momoi that its response was inadequate and that BIA would be the result. Importers also contend that the Department should have given Momoi an opportunity to correct inadequacies in its response to the supplemental request letter, the response to which the Department received approximately five months before publication of its preliminary results of review. Respondents note that the Department has, for example, in the past sent more than one supplemental request letter (Brass Sheet and Strip from Brazil (51 FR 30096, August 22, 1986)) and requested information after publication of the preliminary results, (Porcelain-on-Steel Cooking Ware from Taiwan (51 FR 36425, October 10, 1986)).

Department's Position: We disagree. Section 353.51(b) of the Department's 1987 regulations states, "Whenever information * * * is not submitted in a timely fashion or in the form required, the submitter of the information will be notified and the affected determination will be made on the basis of best information otherwise available * * *." This section further provides that "An opportunity to correct inadequate submissions will be provided if the corrected submission is received in time to permit proper analysis and verification of the information concerned; otherwise no corrected submission will be taken into account."

In our first questionnaire, the Department notified Momoi that should it fail to provide a complete, accurate, and timely response, the Department may have to use the best information available. Momoi subsequently filed an inadequate response. The Department then sent Momoi a second questionnaire to allow it the opportunity to correct its inadequate submission. The Department again notified Momoi that should it fail to provide an adequate response, the Department may have to use the best information available. Even after our supplemental request, Momoi still filed an inadequate response. Thus, as required by our regulations, the Department has notified Momoi that its first response was inadequate and has given it an opportunity to correct its submission. In addition, the Department has notified Momoi in our preliminary determination that its response was inadequate and has given it the opportunity to present written and oral argument on this issue.

The Department has a responsibility to all parties to conclude administrative reviews in the shortest period of time. The Department gave Momoi ample opportunity to correct its deficiencies. Neither the statute nor our regulations require the Department to repeatedly notify respondents of deficiencies in submissions. To the contrary, numerous requests for supplemental information would impair our effective administration of the antidumping law.

Comment 18: Importers argue that, if the Department found Momoi's information on a particular product or adjustment inadequate, then the Department should have applied BIA only to that particular product or adjustment.

Department's Position: We agree that where the information provided is, on the whole, accurate and complete it may be appropriate to apply BIA to a particular product or adjustment. However, because Momoi's response contained substantial deficiencies, we determine that its response was, on the whole, inadequate. Therefore, we applied an overall BIA rate (see, our responses to *Comments 14–18*).

Final Results of the Review

Based on our analysis of the comments received, the final results have not changed from those presented in the preliminary results of review, and we determine that the following margins exist:

Manufacturer/ Exporter	Time period	Margin (percent)
Amikan	6/1/86–5/31/87	18.30
Hakodate	5/1/86–5/31/87	18.30
Hakodate/Mitsui	6/1/83–5/31/86	18.30
Momoi	6/1/86–5/31/87	18.30
Morishita	6/1/86–5/31/87	[1] 12.66
Morishita/Mitsui	6/1/86–5/31/87	[1] 18.30
Nagaura Seimosho	6/1/82–5/31/84	18.30
Nippon Kenmo	6/1/86–5/31/87	18.30
Third-Country Reseller/ (Country): Puretic Fishing Gear/ (Canada)	6/1/86–5/31/87	18.30

[1] No shipments during the period; margin from last period in which there were shipments.

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. The Department will issue appraisement instructions for each manufacturer/ exporter and third country reseller directly to the Customs Service. Individual differences between United States price and foreign market value may vary from the percentages stated above.

As provided for in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above rates shall be required for the above firms. For any shipments from the remaining known manufacturers and/or exporters not covered by this review, the cash deposit will continue to be the same as the rates published in the final results of the last administrative review for each of those firms (49 FR 18339, April 30, 1984, and 53 FR 10264, March 30, 1988).

For any future entries of this merchandise from a new manufacturer/ exporter or third country reseller not covered in this or prior reviews, whose first shipments occurred after May 31, 1987, and who is unrelated to any reviewed firm, no cash deposit shall be required. This is in accordance with our practice of not using the most recently reviewed rate as a basis for a cash deposit for new shippers when we have based that rate on best information available. The highest rate in a prior review for a producer with an acceptable response was zero (53 FR 10264, March 30, 1988). These deposit requirements are effective for all shipments of Japanese fishnetting of man-made fibers entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Commerce Department's Regulations (19 CFR 353.22).

Dated: August 14, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–19597 Filed 8–20–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–351–503]

Certain Iron Construction Castings From Brazil; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to requests by a respondent and an importer, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain iron construction castings from Brazil. The review covers one manufacturer of this merchandise and the period May 1, 1988 through April 30, 1989. COSIGUA failed to provide a complete response to our questionnaire and indicated that they would not cooperate further to complete the response. As a result, we have determined to use the best information otherwise available for cash deposit and appraisement purposes.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: August 21, 1990.

FOR FURTHER INFORMATION CONTACT: Christopher Beach or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On May 9, 1986, the Department of Commerce ("the Department") published in the **Federal Register** (51 FR 17220) an antidumping duty order on certain iron construction castings from Brazil. A respondent and an importer requested in accordance with § 353.53a(a) of the Commerce Regulations (19 CFR 353.53a(a)(1986)) that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on June 21, 1989 (54 FR 26069). The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Tariff Act").

Scope of the Review

The United States 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 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 that date is now classified solely according to the appropriate HTS item number(s).

Imports covered by the review are shipments of certain iron construction castings, limited to manhole covers, rings and frames, catch basins, grates and frames, cleanout covers and frames used for drainage or access purposes for public utility, water and sanitary systems classifiable as heavy castings under *Tariff Schedules of the United States Annotated* ("TSUSA") item number 657.0950, and to valve, service, and meter boxes which are placed below ground to encase water, gas, or other valves, or water or gas meters, classifiable as light castings under TSUSA item number 657.0990. These articles must be of cast iron, not alloyed, and not malleable. Heavy castings are currently classifiable under HTS item numbers 7325.10.00.10 and 7325.10.00.50. Light castings are classifiable under HTS item numbers 8306.29.00.00 and 8310.00.00. The written description remains dispositive.

The review covers one manufacturer/exporter of certain Brazilian iron construction castings and the period May 1, 1988 through April 30, 1989.

Preliminary Results of the Review

COSIGUA submitted an inadequate response to the Department's request for information since it failed to provide any foreign market value information. Therefore, for this firm we relied on the best information otherwise available for purposes of appraisement and cash deposit of estimated antidumping duty. As best information otherwise available we used the highest rate from the antidumping duty order.

As a result of our review, we preliminarily determine the dumping margin to be:

Manufacturer	Period	Margin (Percent
COSIGUA	05/01/88–04/30/89	58.74

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice in the **Federal Register**. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any issues raised in such comments or hearing.

The Department shall determine, and the Customs Service will assess, antidumping duties on all appropriate entries. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margin will be required for COSIGUA. For shipments from the remaining known manufacturers and exporters not covered by this review, the cash deposit will continue to be at the latest rate applicable to each of these firms. Since we do not rely on the best information available for establishing the new exporter rate, for any future entries of this merchandise from a new exporter, not covered in this or prior administrative reviews, whose first shipments of Brazilian iron construction castings occurred after April 30, 1989, and who is unrelated to any reviewed firm, the cash deposit will continue at the rate established in the final results of the last administrative review (55 FR 26238; June 27, 1990).

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 353.22 of the Commerce Department's regulations (19 CFR 353.22 (1989)).

Dated: August 14, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–19639 Filed 8–20–90; 8:45 am]

BILLING CODE 3510–DB–M

CONSUMER PRODUCT SAFETY COMMISSION

Request for Approval of Collection Information, Compliance Survey of Children's Sleepwear Industry

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: In accordance with provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Consumer Product Safety Commission has submitted to the Office of Management and Budget a request for approval through September 30, 1991, of a collection of information involved in a survey of manufacturers and importers of children's sleepwear. The purpose of this survey is to assess the over-all level of compliance by the children's sleepwear industry with the requirements of the children's sleepwear flammability standards (16 CFR parts 1615 and 1616). These standards were issued under provisions of the Flammable Fabrics Act (15 U.S.C. 1193) to reduce unreasonable risks of deaths and burn injuries from fires associated with children's sleepwear. The survey of the children's sleepwear industry is part of a comprehensive plan to assess compliance by regulated industries with 70 rules enforced by the Commission. The Commission will use the information obtained from the survey of the children's sleepwear industry to establish priorities for enforcement of the mandatory standards and regulations which the Commission administers.

Additional Details About the Request for Extension of Approval of Information Collection Requirements

Agency address: Consumer Product Safety Commission, Washington, DC 20207.

Title of information collection: Survey of Compliance with the Flammability Standards for Children's Sleepwear, 16 CFR Part 1615 and 16 CFR Part 1616.

Type of request: New plan.

Frequency of collection: One time.

General description of respondents: Manufacturers and importers of children's sleepwear garments.

Estimated number of respondents: 70.

Estimated average number of hours per respondent: 6.

Estimated number of hours for all respondents: 420.

Comments: Comments on this request for approval of a collection of information should be addressed to Elizabeth Harker, Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503; telephone (202) 395–7340. Copies of the request for approval of a collection of information are available from Francine Shacter, Office of Planning and Evaluation, Consumer Product Safety Commission, Washington, DC 20207; telephone: (301) 492–6416.

This is not a proposal to which 44 U.S.C. 3504(h) is applicable.

Dated: August 15, 1990.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 90–19588 Filed 8–20–90; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

DIA Advisory Board Meeting

AGENCY: Defense Intelligence Agency Advisory Board, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Advisory Board has been scheduled as follows:

DATES: Wednesday and Thursday, September 12–13, 1990 (8 a.m. to 5 p.m.) each day.

ADDRESSES: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John G. Sutay, USAF, Chief, DIA Advisory Board, Washington, DC 20340–1328 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical intelligence matters.

Dated: August 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–19585 Filed 8–20–90; 8:45 am]

BILLING CODE 3810–01–M

DIA Advisory Board Meeting

AGENCY: Defense Intelligence Agency Advisory Board, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of a panel of the DIA Advisory Board has been scheduled as follows:

DATES: Tuesday, September 11, 1990 (8:30 a.m. to 5 p.m.).

ADDRESSES: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John G. Sutay, USAF, Chief, DIA Advisory Board, Washington, DC 20340–1328 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on intelligence support to forces operating in a low-intensity conflict (LIC) environment.

Dated: August 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–19586 Filed 8–20–90; 8:45 am]

BILLING CODE 3810–01–M

Military Appeals Court; Practice and Procedure Rules, Proposed Changes

AGENCY: U.S. Court of Military Appeals, DOD.

ACTION: Notice of proposed changes to the rules of practice and procedures of the United States Court of Military Appeals.

SUMMARY: This notice announces the following proposed rules to be added to the rules of practice and procedure, United States Court of Military Appeals.

Rules for Senior Judges

1. With the Senior Judge's consent, and at the request of the Chief Judge, a Senior Judge may perform judicial duties with the Court if an active Judge of the Court is disabled or has recused himself or if there is a vacancy in an active judgeship on the Court. For the periods of time when performing judicial duties with the Court, a Senior Judge shall receive the same pay, per diem, and

travel allowances as an active Judge; and the receipt of pay shall be in lieu of receipt of retired pay or annuity with respect to these same periods. The periods of performance of judicial duties by a Senior Judge shall be certified by the Chief Judge and recorded by the Clerk of Court. The Clerk of Court shall notify the appropriate official to make timely payments of pay and allowances with respect to periods of time when a Senior Judge is performing judicial duties with the Court and shall notify the Department of Defense Military Retirement Fund to make appropriate adjustments in the Senior Judge's retired pay or annuity. *See* Article 142(e)(2), Uniform Code of Military Justice, 10 U.S.C. 942(e)(2).

2. In addition to the performance of judicial duties with the Court, a Senior Judge may, at the request of the Chief Judge and with the Senior Judge's consent, perform such other duties as the Chief Judge may request or the Court may direct. Such other duties may include, but are not limited to, service as a special master or as an adviser on Court operations, administrative, and rules; representation of the Court at conferences, seminars, committee meetings or other official or professional functions; coordination of or assistance with conferences being conducted by the Court; and assistance in the compilation of history or archives of the Court. A Senior Judge shall not receive pay for the performance of such other duties with the Court but may be paid per diem and travel allowance to reimburse expenses incurred by the Senior Judge while performing such duties.

3. Whether in the performance of judicial duties or other duties, a Senior Judge shall be provided such administration and secretarial assistance, office space, and access to the Courthouse, other public buildings, court files, and related information, as the Chief Judge considers appropriate for the performance of those duties by the Senior Judge.

4. The title of Senior Judge may not be used in any way for personal gain or in connection with any business activity, advertisement, or solicitation of funds. However, the title of a Senior Judge may be referred to in any professional biography or listing and may be used in connection with any judicial or other duties that the Chief Judge requests the Senior Judge to perform.

5. No Senior Judge of the Court may engage in the practice of law in connection with any matter that involves an investigation or trial for any matter arising under the Uniform Code of Military Justice or appellate review of any court-martial proceeding by a Court of Military Review, the United States Court of Military Appeals, or the Supreme Court of the United States.

6. These rules shall apply to "senior judges" as defined by Article 142(e)(1), UCMJ, 10 U.S.C. 942(e)(1), and are promulgated pursuant to Article 142(e)(5), UCMJ, 10 U.S.C. 942(e)(5).

DATES: Comments on the proposed changes must be received by September 20, 1990.

ADDRESSES: Forward comments to Thomas F. Granahan, Clerk of Court, United States Court of Military Appeals, 450 E Street, Northwest, Washington, DC 20442–0001.

FOR FURTHER INFORMATION CONTACT: Thomas F. Granahan, Clerk of Court, telephone (202) 272–1448.

Dated: August 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–19584 Filed 8–20–90; 8:45 am]

BILLING CODE 3810–01–M

Per Diem, Travel and Transportation Allowance Committee

AGENCY: Per Diem, Travel and Transportation Allowance Committee, Defense.

ACTION: Publication of changes in Per Diem rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 151. This bulletin lists changes in per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and possessions of the United States. Bulletin Number 151 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: August 1, 1990.

SUPPLEMENTARY INFORMATION: This document gives notice of changes in per diem rates prescribed by the Per Diem, Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued effective June 1, 1979. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of change in per diem rates to agencies and establishments outside the Department of Defense.

The text of the Bulletin follows:

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES

Locality	Rate	Effective Date
Alaska:		
Adak [5]	$77	08–01–90
Anaktuvuk Pass	140	08–01–90
Anchorage:		
05–16—09–15	141	05–16–90
09–16—05–15	130	03–01–90
Atqasuk	215	08–01–90
Barrow	148	08–01–90
Bethel	143	03–01–90
Bettles	110	08–01–90
Cold Bay	125	08–01–90
Coldfoot	122	08–01–90
Cordova	150	03–01–90
Dillingham	114	08–01–90
Dutch Harbor-Unalaska	145	08–01–90
Eielson AFB:		
05–15—09–15	124	05–15–90
09–16—05–14	109	03–01–90
Elmendorf AFB:		
05–16—09–15	141	05–16–90
09–16—05–15	130	03–01–90
Fairbanks:		
05–15—09–15	124	05–15–90
09–16—05–14	109	03–01–90
Ft. Richardson:		
05–16—09–15	141	05–16–90
09–16—05–15	130	03–01–90
Ft. Wainwright:		
05–15—09–15	124	05–15–90
09–16—05–14	109	03–01–90
Homer	130	03–01–90
Juneau	123	03–01–90
Katmai National Park	148	08–01–90
Kenai:		
05–01—09–30	149	05–01–90
10–01—04–30	127	03–01–90
Ketchikan	127	03–01–90
King Salmon [3]	134	08–01–90
Kodiak	118	03–01–90
Kotzebue [3]	153	03–01–90
Kuparuk Oilfield	127	08–01–90
Murphy Dome: [3]		
05–15—09–15	124	05–15–90
09–16—05–14	109	03–01–90
Noatak	143	04–01–88
Nome	129	03–01–90
Noorvik	143	04–01–88
Petersburg	127	03–01–90
Point Hope	160	08–01–90
Point Lay	179	08–01–90
Prudhoe Bay-Deadhorse	121	08–01–90
Sand Point	103	08–01–90
Seward	102	03–01–90
Shungnak	143	03–01–90
Sitka-Mt. Edgecombe	127	03–01–90
Skagway	127	03–01–90
Spruce Cape	118	03–01–90
St. Mary's	100	08–01–90
St. Paul Island	115	08–01–90
Tanana	129	03–01–90
Tok	112	03–01–90
Umiat	160	08–01–90
Unalakleet	105	01–01–88
Valdez:		
05–01—10–31	169	05–01–90
11–01—04–30	128	03–01–90
Wainwright	165	01–01–88
Walker Lake	136	08–01–90
Wrangell	127	03–01–90
Yakutat	110	08–01–90
Other [3,4]	94	08–01–90

MAXIMUM PER DIEM RATES FOR OFFICIAL TRAVEL IN ALASKA, HAWAII, THE COMMONWEALTHS OF PUERTO RICO AND THE NORTHERN MARIANA ISLANDS AND POSSESSIONS OF THE UNITED STATES BY FEDERAL GOVERNMENT CIVILIAN EMPLOYEES—Continued

Locality	Rate	Effective Date
American Samoa	102	05-01-89
Guam, M.I.	142	08-01-90
Hawaii:		
Island of Hawaii: Hilo	95	08-01-90
Island of Hawaii: Other	106	08-01-90
Island of Kauai	142	05-01-89
Island of Kure [1]	13	05-01-89
Island of Maui: Kihei:		
04-01—12-19	135	05-01-89
12-20—03-31	147	12-20-89
Island of Maui: Other	106	08-01-90
Island of Oahu	126	05-01-89
Other	106	08-01-90
Johnston Atoll [2]	35	02-01-89
Midway Islands [1]	13	01-01-88
Northern Mariana Islands:		
Rota	76	08-01-90
Saipan	115	08-01-90
Tinian	68	08-01-90
Other	20	01-01-88
Puerto Rico:		
Bayamon:		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
Carolina:		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
Fajardo (Including Luquillo):		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
Ft. Buchanan (Incl GSA Serv Ctr, Guaynabo):		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
Mayaguez	167	08-01-90
Ponce	167	08-01-90
Roosevelt Roads:		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
Sabana Seca:		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
San Juan (Incl San Juan Coast Guard Units):		
04-16—12-14	150	08-01-90
12-15—04-15	173	12-15-90
Other	96	08-01-90
Virgin Islands of the U.S.:		
05-01—11-30	158	05-01-90
12-01—04-30	194	03-01-90
Wake Island [2]	21	04-01-89
All Other Localities	20	01-01-88

[1] Commercial facilities are not available. The per diem rate covers charges for meals in available facilities plus an additional allowance for incidental expenses and will be increased by the amount paid for Government quarters by the traveler.

[2] Commercial facilities are not available. Only Government-owned and contractor operated quarters and mess are available at this locality. This per diem rate is the amount necessary to defray the cost of lodging, meals and incidental expenses.

[3] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a per diem rate of $13 is prescribed to cover meals and incidental expenses at Shemya AFB and the following Air Force Stations: Cape Lisburne, Cape Newenham, Cape Romanzof, Clear, Fort Yukon, Galena, Indian Mountain, King Salmon, Sparrevohn, Tatalina and Tin City. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $4 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[4] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a per diem rate of $34 is prescribed to cover meals and incidental expenses at Amchitka Island, Alaska. This rate will be increased by the amount paid for U.S. Government or contractor quarters and by $10 for each meal procured at a commercial facility. The rates of per diem prescribed herein apply from 0001 on the day after arrival through 2400 on the day prior to the day of departure.

[5] On any day when U.S. Government or contractor quarters are available and U.S. Government or contractor messing facilities are used, a per diem rate of $25 is prescribed instead of the rate prescribed in the table.

Dated: August 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-19582 Filed 8-20-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Community College of the Air Force; Meeting

The Community College of the Air Force (CCAF) Board of Visitors will hold a meeting on Thursday, November 15, 1990, at 8 a.m., in Building 836, Maxwell Air Force Base, Montgomery, Alabama.

Purpose of the meeting is to review and discuss academic policies and issues relative to operation of the CCAF. Agenda items include the State of the College, Accreditation, Faculty Credentials, Policy Changes, and a discussion of academic policies.

For further information contact Major Donald P. Tabat, (205) 293-7937, Community College of the Air Force, Maxwell Air Force Base, Montgomery, Alabama 36112-6655.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 90-19573 Filed 8-20-90; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Armed Forces Epidemiological Board; Notice of Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: October 12, 1990.

Time: 0800-1100.

Place: Parson's Island, Chester, Maryland.

Proposed Agenda: Composite health care system update; health care system costs.

2. This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB, Skyline Six, 5109 Leesburg Pike, room 667, Falls Church, Virginia 22041-3258.

William M. Parsons,

Captain, MSC, USN, Executive Secretary.

[FR Doc. 90-19575 Filed 8-20-90; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Epidemiological Board; Notice of Open Meeting

1. In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) announcement is made of the following committee meeting:

Name of Committee: Armed Forces Epidemiological Board, DOD.

Date of Meeting: October 11, 1990.

Time: 0830-1700.

Place: Parson's Island, Chester, Maryland.

Proposed Agenda: Military preventive medicine program reports, overseas infectious disease program review, HIV and AIDS updates, influenza vaccines, Hepatitis C, status of Primaquine supplies, use of Bicillin as prophylaxis for B-hemolytic streptococci.

2. This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before, or file statements with the committee a the time and in the manner permitted by the committee. Interested persons wishing to participate should advise the Executive Secretary, AFEB, Skyline Six, 5109 Lessburg Pike, room 667, Falls Church, Virginia 22041-3258.

William M. Parsons,

Captain, MSC, USN, Executive Secretary.

[FR Doc. 90-19576 Filed 8-20-90; 8:45 am]

BILLING CODE 3710-08-M

Defense Logistics Agency

Privacy Act of 1974; Proposed New Record System and an Alteration of One Existing Record System

AGENCY: Defense Logistics Agency (DLA), Department of Defense (DoD).

ACTION: Notice of a proposed new record system and an alteration of an existing record system subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

SUMMARY: The Defense Logistics Agency proposes to add one new record system and alter one existing record system notice to its inventory of record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The proposed new and altered system notices are provided below for public comment.

DATES: The proposed actions will be effective without further notice on September 20, 1990, unless comments are received which would result in a contrary determination.

ADDRESSES: Ms. Susan Salus, DLA–XAM, Defense Logistics Agency, Cameron Station, Alexandria, VA 22304–6100. Telephone (202) 274–6234 or Autovon 284–6234.

SUPPLEMENTARY INFORMATION: The complete inventory of Defense Logistics Agency record system notices subject to the Privacy Act of 1974, as amended, have been published in the **Federal Register** as follows:

50 FR 22897, May 29, 1985 (DoD Compilation, changes follow)
50 FR 51898, Dec. 20, 1985
51 FR 27443, Jul. 31, 1986
51 FR 30104, Aug. 22, 1986
51 FR 35304, Sep. 18, 1987
52 FR 37495, Oct. 7, 1987
53 FR 04442, Feb. 16, 1988
53 FR 09965, Mar. 28, 1988
53 FR 21511, Jun. 8, 1988
53 FR 26105, Jul. 11, 1988
53 FR 32091, Aug. 23, 1988
53 FR 39129, Oct. 5, 1988
53 FR 44937, Nov. 7, 1988
53 FR 48708, Dec. 2, 1988
54 FR 11997, Mar. 23, 1989
55 FR 21918, May 30, 1990 (DLA Address Directory)

A proposed new and an altered systems reports, as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on August 3, 1990, to the Committee on Governmental Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB) pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52730, December 24, 1985).

Dated: August 9, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

S380.50 DLA–K

SYSTEM NAME:

DLA Drug-Free Workplace Program Records.

SYSTEM LOCATION:

Defense Logistics Agency (DLA) Civilian Personnel Service Support Office (DCPSO), 3990 East Broad Street, Columbus, OH 43216–5000.

DLA Headquarters offices; DLA Primry Level Field Activities (PLFA); and offices of contractors who perform functions such as collection of urine specimens, laboratory analysis, and medical review of confirmed positive laboratory findings. Official mailing addresses are published as an appendix to the agency's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DLA employees and individuals who have applied to DLA for employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records relating to program implementation and administration, including selection, notification, and testing of individuals; collection and chain of custody documents; urine specimens and drug test results; consent forms; rebuttal correspondence; and similar records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 12564, "Drug-Free Federal Workplace" and 9397; Pub. L. 100–71; and 5 U.S.C. 7301.

PURPOSES:

The system is established to maintain records relating to the selection and testing of DLA employees and applicants for DLA employment for use of illegal drugs. The records will provide the basis for taking appropriate action in reference to employees who test positive for use of illegal drugs.

Records may be used by authorized contractors for the collection process; assigned Medical Review Officials; the Administrator of any Employee Assistance Program in which the employee is receiving counseling or treatment or is otherwise participating; and agency supervisory or management officials having authority to take adverse personnel action against such an employee when test results are positive.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF THE USES:

In order to comply with provisions of 5 U.S.C. 7301, the DLA "Blanket Routine Uses" that appear at the beginning of the agency's compilation do not apply to this system.

Records may be disclosed to a court of competent jurisdiction when required by the United States Government to defend against a challenge to related adverse personnel action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on magnetic disk and in paper form.

RETRIEVABILITY:

Records are retrieved by name of activity, name of employee or applicant, position title, position description number, Social Security Number, ID number, or any combination of these.

SAFEGUARDS:

Records are maintained in a secured area or on automated media with access limited to authorized personnel whose duties require access. Records relating to individual positive test results are kept in locked cabinets. Employee and applicant records are maintained and used with the highest regard for employee and applicant privacy.

RETENTION AND DISPOSAL:

Files will be retained until final disposition authority has been established by the National Archives and Records Administration. Contact the system manager for more details.

SYSTEM MANAGER AND ADDRESS:

Deputy Chief, DLA Civilian Personnel Service Support Office, 3990 East Broad Street, Columbus, OH 43216–5000.

NOTIFICATION PROCEDURES:

Individuals seeking to inquire whether this record system contains information about themselves should contact their Office of Civilian Personnel at DLA Primary Level Field Activities where assigned or the Deputy Chief, DLA Civilian Personnel Service Support Office, 3990 East Broad Street, Columbus, OH 43216–5000. Official mailing addresses are published as an appendix to the agency's compilation of record systems notices.

Individuals must provide name; date of birth; Social Security Number; ID number (if known); approximate date of record; and DLA activity and position title.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this record system should contact the Deputy Chief, DLA Civilian Personnel Service Support Office, 3990 East Broad Street, Columbus, OH 43216–5000.

Individuals must provide name; date of birth; Social Security Number; ID number (if known); approximate date of

record; and DLA activity and position title.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from the individual to whom the records pertain; agency employees involved in the selection and notification of individuals to be tested; laboratories that test urine specimens for the presence of illegal drugs; physicians who review test results; and supervisors, managers, and other DLA officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S322.35 DMDC

SYSTEM NAME:

Survey Data Base (50 FR 22919, May 29, 1985).

CHANGES:

SYSTEM NAME:

Delete entire entry and substitute with "Survey and Census Data Base."

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entire entry and substitute with "All individuals targeted for a census and who returned census forms or individuals who were selected at random for survey administration and who completed survey forms. Survey data is collected on a periodic basis. Individuals include both civilians and military members and all persons eligible for DoD benefits. Among civilian respondents are young men and women of military age and applicants to the military services."

CATEGORIES OF RECORDS IN THE SYSTEM:

Add "* * * and census information" to the end of the entry.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add to the end of the entry "10 U.S.C. 2358, Executive Order 9397; and DoD Directive 5124.2, 'Assistant Secretary of Defense (Force Management and Personnel)'."

PURPOSE(S):

Delete entire entry and substitute with "The purposes of the system are to count DoD personnel and beneficiaries for evacuation planning, apportionment when directed by oversight authority and for other policy planning purposes, and to obtain characteristic information on DoD personnel and households to support manpower and benefits research; to sample attitudes and/or discern perceptions of social problems observed by DoD personnel and to support other manpower research activities; to sample attitudes toward enlistment in and determine reasons for enlistment decisions. This information is used to support manpower research sponsored by the Department of Defense and the military services."

* * * * *

RETENTION AND DISPOSAL:

In the second line, after "questionnaires" add "and census forms".

RECORD SOURCE CATEGORIES:

In the first line, after "survey" add "and census".

* * * * *

S322.35 DMDC

SYSTEM NAME:

Survey and Census Data Base.

SYSTEM LOCATION:

Primary location—W.R. Church Computer Center, Naval Postgraduate School, Monterey, CA 93940–5000.

Decentralized locations for back-up files—Department of Defense, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593, and Defense Manpower Data Center, 99 Pacific Street, Suite 155A, Monterey, CA 93940–2453.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals targeted for a census and who returned census forms or individuals who were selected at random for survey administration and who completed survey forms. Survey data is collected on a periodic basis. Individuals include both civilians and military members and all persons eligible for DoD benefits. Among civilian respondents are young men and women of military age and applicants to the military services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Survey responses and census information:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 136 and 2358; Executive Order 9397; DoD Directive 5124.2, "Assistant Secretary of Defense (Force Management and Personnel)".

PURPOSE(S):

The purposes of the system are to count DoD personnel and beneficiaries for evacuation planning, apportionment when directed by oversight authority and for other policy planning purposes, and to obtain characteristic information on DoD personnel and households to support manpower and benefits research; to sample attitudes and/or discern perceptions of social problems observed by DoD personnel and to support other manpower research activities; to sample attitudes toward enlistment in and determine reasons for enlistment decisions. This information is used to support manpower research sponsored by the Department of Defense and the military services.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The information may be used to support manpower research sponsored by other Federal agencies or for any of the Defense Logistics Agency "Blanket Routine Uses" that appear at the beginning of DLA's compilation of record system notices.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic computer tape.

RETRIEVABILITY:

Records can be retrieved by Social Security Number; by institutional affiliation such as service membership; and by individual characteristics such as educational level.

SAFEGUARDS:

Tapes stored at the primary location are kept in a locked storage cage in a controlled access area; tapes stored at the back-up locations are kept in locked strage areas in buildings which are locked after hours.

RETENTION AND DISPOSAL:

Computer records are permanent; survey questionnaires and census forms are destroyed after computer records have been created.

SYSTEM MANAGER(S) AND ADDRESS:

Chief Defense Manpower Data Center, 1600 Wilson Blvd, 4th Floor, Arlington, VA 22209–2593.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Chief, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the individual. In addition, the appropriate data and location where the

survey was completed should be provided.

For personal visits, the individual should able to provide some acceptable identification such as driver's license or military or other identification card.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should inquiries to the Chief, Defense Manpower Data Center, 1600 Wilson Boulevard, 4th Floor, Arlington, VA 22209–2593.

Written requests should contain the full name, Social Security Number, and current address and telephone numbers of the Individual. In addition, the appropriate data and location where the survey was completed should be provided.

For personal visits, the individual should be able to provide some acceptable identification such as driver's license or military or other identification card.

CONTESTING RECORD PROCEDURES:

The Defense Logistics Agency rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, "Personal Privacy and Rights of Individuals Regarding Their Personal Records"; 32 CFR part 1286; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

The survey and census information is provided by the individual; additional data obtained from Federal records are linked to individual cases in some data sets.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

S352.10 DLA-KW

SYSTEM NAME:

Nominations for Awards (50 FR 22930, May 29, 1985).

CHANGES:

SYSTEM NAME:

Delete entire entry and substitute with 'Award, Recognition, and Suggestion File."

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entire entry and substitute with "Individuals assigned to DLA who are nominated for awards or recognition and those who have submitted suggestions".

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entire entry and substitute with "Justifications and background material submitted in support of award and suggestion programs, including evaluation statements, photographs, Social Security Number; reports submitted to the Office of the Secretary of Defense and the Office of Personnel Management."

* * * * *

RETENTION AND DISPOSAL:

Delete entire entry and substitute with "Files are closed upon completion of the action, cut-off at the end of the fiscal year, held for two years, and then destroyed."

* * * * *

S352.10 DLA-KW

SYSTEM NAME:

Award, Recognition, and Suggestion File.

SYSTEM LOCATION:

Organizational elements of Headquarters, Defense Logistics Agency (HQ DLA) DLA Primary Level Field Activities (PLFAs). Official mailing addresses are published as an appendix to the agency's compilation of record system notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals assigned to DLA who are nominated for awards or recognition and those who have submitted suggestions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Justifications and background material submitted in support of award and suggestion programs, including evaluation statements, photographs, Social Security Number; reports submitted to the Office of the Secretary of Defense and the Office of Personnel Management.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 4501–4506; 10 U.S.C. 1124; Chapter 451 of the Federal Personnel Manual.

PURPOSE(S):

Information is maintained in support of actions taken on contributions and award nominations and for preparation of statistical and narrative reports required by the Office of the Secretary of Defense.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Defense Logistics Agency "Blanket Routine Uses" set forth at the beginning of DLA's listing of record system notices.

Information is also used by members of other Federal activities and members of private organizations to evaluate nominations for awards sponsored by them for which DLA personnel are nominated; or to evaluate for possible adoption and use contributions and suggestions made by DLA personnel that concern their operations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records are stored in file folders, card index files, and registers in notebooks.

RETRIEVABILITY:

Filed alphabetically by name.

SAFEGUARDS:

Maintained in locked containers in areas accessible only to DLA personnel.

RETENTION AND DISPOSAL:

Files are closed upon completion of the action, cut-off at the end of the fiscal year, held for two years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Workforce Effectiveness and Development Division, Office of Civilian Personnel, HQ DLA, Cameron Station, Alexandria, VA 22304–6100 and Civilian Personnel Offices of DLA PLFAs. Official mailing addresses are published as an appendix to the agency's compilation of record system notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether informaiton about themselves is contained in this system of records should address inquiries to the Chief, Workforce Effectiveness and Development Division, Office of Civilian Personnel, HQ DLA, Cameron Station, Alexandria, VA 22301–6100 and Civilian Personnel Offices of DLA PLFAs. Official mailing addresses are published as an appendix to the agency's compilation of record system notices.

Individual must provide full name, type of award, suggestion description, and activity at which nomination or suggestion was submitted.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this

system of records should address inquiries to the Chief, Workforce Effectiveness and Development Division, Office of Civilian Personnel, HQ DLA, Cameron Station, Alexandria, VA 22304–6100 and Civilian Personnel Offices of DLA PLFAs. Official mailing addresses are published as an appendix to the agency's compilation of record system notices.

Individual must provide full name, type of award, suggestion description, and activity at which nomination or suggestion was submitted.

CONTESTING RECORD PROCEDURES:

DLA rules for contesting contents and appealing initial agency determinations are contained in DLA Regulation 5400.21, "Personal Privacy and Rights of Individuals Regarding Their Personal Records"; 32 CFR part 1286; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information in this system is obtained from the individual to whom the record pertains; DLA supervisors and managers who initiate and evaluate nominations and suggestions; and members of DLA Recognition and Awards Board.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 90–19583 Filed 8–20–90; 8:45 am]

BILLING CODE 3810–01–M

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent To Award Grant to Carol Balzer

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, it is making a financial assistance award under Grant Number DE–FG01–90CE15402 to Carol Balzer for the construction and development of a trailer-mounted, mobile, biomass processing unit which manufactures burnable logs from waste wood residue.

SCOPE: This grant will provide funding in the estimated amount of $92,000 for an improved trailer-mounted biomass processing unit to manufacture burnable logs from waste wood residue. Wood mass residue as waste biomass is widely available, especially in the western states, in the form of fruit and nut tree and forest residue. This wood mass residue has until now been wasted by trucking it to landfill or by open field burning. Both disposal methods also create environmental problems. In response, EPA in California has banned open field burning of almond pruning. Also, DOE's Bonneville Power Administration has issued a recent request for proposal in Alaska specifying need for "a stand alone biomass recovery system for harvesting, transportation and marketing of biomass product for remote Alaska." * * * The equipment must be "portable or easily transportable." The Balzer Logger meets the requirements. It can therefore be expected that the use of the Balzer invention will help both in resolving some serious environmental problems and by supplying new sources of alternate energy from available waste materials.

ELIGIBILITY: Eligibility for this award is being limited to Carol Balzer, the inventor's wife, based on acceptance of an unsolicited application. The Balzers are in the trailer manufacturing business, and have a 9-man crew and a well equipped shop. They have 15 years of experience and background in this field, and excel in the ability to develop trailer-mounted machines of varying complexities. They also received a variety of expressions of interest from fruit and nut tree growers in California who see disposal of their yearly pruning by the Balzer Logger as their only alternative to expensive landfill, open field burning no longer representing an EPA acceptable alternative.

In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The funding program, Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed project and technology have a strong potential of adding to the national energy resources.

The term of this grant shall be for two (2) years from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Bernard G. Canlas, PR–542, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 90–19655 Filed 8–20–90; 8:45 am]

BILLING CODE 6450–01–M

Eastern Idaho Technical College; Intention to Negotiate a Grant

AGENCY: Department of Energy.

ACTION: Intent to negotiate a grant with the Eastern Idaho Technical College, Idaho Falls, ID.

SUMMARY: "SCIENCE DISCOVERY PROGRAM" The U.S. Department of Energy (DOE), Idaho Operations Office, intends to negotiate, on a noncompetitive basis, a grant for approximately $50,000 in DOE funding with the Eastern Idaho Technical College (EITC), Idaho Falls, ID. EITC proposes to make a cash contribution of approximately $14,100 and to provide facilities, equipment and management assistance for use in the program. This grant will carry the activity through August 31, 1991. This action is authorized by the Stevenson-Wydler Technology Innovation Act of 1980, 15 U.S.C. 3701 et seq., and the Energy Research and Development Administration Act, 42 U.S.C. 5813. The proposed grant will provide funding to EITC to develop science programs to encourage students to pursue further science education. Local science teachers will work with INEL scientists to develop interesting lectures, demonstrations, field trips and hands-on experiments for sixth and eighth grade students. The authority and justification for determination of noncompetitive financial assistance is DOE Financial Assistance Rules 10 CFR part 600.7(b)(2)(i)(D). EITC is uniquely qualified to perform the activities stated above based on their involvement in the Eastern Idaho Vocational Consortium (EIVC). Eastern Idaho Technical College is the sole institute of higher learning which is a member of the consortium consisting of Ririe, Shelly, Firth, Idaho Falls, and Bonneville School Districts. As a result, EITC is the only organization which has the expertise and the network and resources in place to carry out this program. The proposed grant meets the intent of the Department of Energy's Science Outreach Program and addresses a public need. Public response may be addressed to the contract specialist below.

CONTACT: U.S. Department of Energy, Idaho Operations Office, 785 DOE Place, Idaho Falls, Idaho 83402, James McGowan, Contract Specialist (208) 526–8779.

Dated: August 7, 1990.

R. Jeffrey Hoyles,

Acting Director, Contracts Management Division.

[FR Doc. 90–19653 Filed 8–20–90; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award Grant to John B. Long

AGENCY: Department of Energy.

ACTION: Notice of unsolicited assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.14, it is making a financial assistance award under Grant Number DE–FG01–90CE15479 to John B. Long for the purpose of improving his solar cooker so that it is more durable, inexpensive, and readily used by people in underdeveloped countries.

SCOPE: This grant will provide funding in the estimated amount of $83,908 for an improved patented solar cooker, In many parts of the world, people cook with wood or animal dung because other fuels are very expensive or unavailable. Women and children spend a considerable amount of time and endure hardships in gathering wood or dung for cooking. Funding this grant could also help the population in these countries avoid deforestation and desertification. Volunteers in technical Assistance (VITA) will define the geographical areas that have been, or are becoming short of fuel, as well as the world agencies that are currently subsidizing the basic necessities of the poor and the very poor in those regions. Next, at no cost to Energy-Related Inventions Proram (ERIP) or DOE in its own corporate capacity, the Solar Energy Research Institute (SERI) will conduct research on ways to improve this product. After making the necessary improvemetns, Mr. Long intends to identify further market barriers to his invention by having a marketing firm in Puerto Rico conduct field evaluations in Haiti in order to further improve his solar cooker and make it more acceptable to the marketplace. Using the same evaluation techniques, VITA will conduct field evaluations in two African countries. By employing the services of the marketing firm and VITA, Mr. Long will be making maximum use of the Federal grant funds.

ELIGIBILITY: Eligibility for award is being limited to John B. Long, the inventor, based on acceptance of an unsolicited application. Mr. long is a retired engineer from Lawrence Livermore National Laboratory where he was involved in the mechanical design of robots used in handling hazardous materials. He founded several businesses, including one that manufactured robotic systems for hazardous materials handling, and another that manufactured components for both the housing and trucking industry. In addition to the patent on the solar cooker, he has four patents on other mechanical designs. In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The funding program, Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations bcause the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed project and technology have a strong potential of adding to the national energy resources.

The term of this grant shall be for two (2) years from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Bernard G. Canlas, PR–542, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Contract Operations Division "B", Office of Procurement Operations.

[FR Doc. 90–19656 Filed 8–20–90; 8:45 am]

BILLING CODE 6450–01–M

Morgantown Energy Technology Center; Grant; Financial Assistance Award to West Virginia University

AGENCY: Morgantown Energy Technology Center (METC), Department of Energy (DOE).

ACTION: Notice of acceptance of an unsolicited financial assistance application for a research grant.

SUMMARY: Based upon a determination made pursuant to 10 CFR 600.7(b)(2), the DOE, Morgantown Energy Technology Center gives notice of its plans to award a twelve (12) month Research Grant to West Virginia University, Morgantown, West Virginia in the approximate amount of $48,000 for research entitled "A Feasibility Study of Oil Shale fired Pulse Combustors With Applications to Oil Shale Retorting".

FOR FURTHER INFORMATION CONTACT: Thomas L. Martin, I07, U.S. Department of Energy, Morgantown Energy Technology Center, P.O. Box 880, Morgantown, West Virginia 26507–0880, Telephone (304) 291–4087, Procurement Request No. 21–90MC27401.000.

SUPPLEMENTARY INFORMATION: Research will be conducted using pulverized oil shale to fuel a bench scale pulse combustor. The stable operating conditions of the combustor will be identified and a brief fundamental study will be performed to determine the effect of inert mineral matter on the pulse combustor performance using a gaseous fuel. The feasibility of using spent oil shale from a retort will also be investigated.

Dated: August 13, 1990.

Louie L. Calaway,

Director, Acquisition and Assistance Division, Morgantown Energy Technology Center.

[FR Doc. 90–19654 Filed 8–20–90; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award; Intent To Award a Grant to Yale University

AGENCY: Department of Energy.

ACTION: Acceptance of an unsolicited application for a grant award.

SUMMARY: The Department of Energy (DOE), Pittsburgh Energy Technology Center announces that pursuant to 10 CFR 600.14 (D) and (E), it intends to award a Grant based on an unsolicited application submitted by Yale University for research on "Fundamental Aspects of Inorganic Vapor and Particle Deposition in Coal-Fired System."

SCOPE: The objective of this project is to develop fundamentally-based models capable of predicting the dynamics of net deposit growth and thermophysical properties of the resulting ash deposits formed in coal-fired systems.

All prior studies in the ash transport and deposition area have been severely hampered by the experimental difficulties involved in deconvoluting the interactions of many complex physical and chemical phenomena. The computer simulation of this process in conjuction with limited carefully chosen experimentation, might be the only practical means of uncovering important parametric dependencies and developing the necessary constitutive relations.

This unique approach, where modeling guides experimentation and data interpretation, offers the promise of yielding major advances in the state DOE's understanding ash deposition.

In accordance with 10 CFR 600.14 (D) and (E), Yale University has been selected as the grant recipient. DOE support of the activity would enhance

the public benefits to be derived by providing environmentally acceptable means of combusting coal wastes and high-sulfur coal. This activity represents a unique idea and a method which would not be eligible for financial assistance under a recent, current or planned solicitation. Furthermore, DOE has determined that a competitive solicitation would be inappropriate.

The term of the grant is for a thirty-six (36) month period at an estimated value of $300,000.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Pittsburgh Energy Technology Center, Acquisition and Assistance Division, P.O. Box 10940, MS 921-165, Pittsburgh, PA 15236, Attn: Cynthia Y. Mitchell, Telephone: AC (412) 892-4862.

Dated: August 8, 1990.

Carroll A. Lambton,

Deputy Director, Acquisition and Assistance Division, Pittsburgh Energy Technology Center.

[FR Doc. 90-19657 Filed 8-21-90; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of implementation of special refund procedures.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) announces the procedures for disbursement of $99,727, plus accrued interest, in alleged refined petroleum product violation amounts obtained by the DOE under the terms of a consent order entered into with West Coast Oil Co. (West Coast), Case No. KEF-0142. The OHA has determined that the funds will be distributed to customers who purchased refined petroleum products from West Coast during the period September 1, 1973 through June 30, 1976.

DATES AND ADDRESSES: Applications for Refunds must be filed in duplicate and should be addressed to: West Coast Special Refund Proceeding, Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585

All Applications for Refund should display a prominent reference to Case No. KEF-0142, and be postmarked by September 30, 1991.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Deputy Director, Roger Klurfeld, Assistant Director, Office of Hearings and Appeals, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-2094 (Mann); 586-2383 (Klurfeld).

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order sets forth the procedures that the DOE has formulated to distribute to eligible claimants $99,727, plus accrued interest, obtained by the DOE under the terms of a consent order entered into with West Coast Oil Co. (West Coast) on June 28, 1989. The funds were paid by West Coast toward the settlement of alleged violations of the DOE price and allocation regulations relating to transactions by West Coast involving the marketing of refined petroleum products during the period September 1, 1973 through June 30, 1976 (the refund period).

The OHA has determined that it will distribute these funds in two stages. In the first stage, we will accept claims from identifiable purchasers of petroleum products from West Coast who may have been injured by the alleged overcharges. The specific requirements which an applicant must meet in order to receive a refund are set out in Section IV of the Decision. Claimants who meet these specific requirements will be eligible to receive refunds based on the number of gallons of refined petroleum products which they purchased from West Coast.

If any funds remain after meritorious claims are paid in the first stage, they will be used for indirect restitution in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501-07.

Purchasers of regulated petroleum products from West Coast during the period September 1, 1973 through June 30, 1976 may file Applications for Refund from the West Coast consent order fund. Applications for Refunds must be postmarked by September 30, 1991. Instructions for the completion of refund applications are set forth in the Decision that immediately follows this notice. Applications for Refund should be sent to the address listed at the beginning of this notice.

Unless labeled as "confidential," all submissions will be made available for public inspection between the hours of 1 p.m. and 5 p.m., Monday through Friday, except federal holidays, in the Public Reference Room of the Office of Hearings and Appeals, located in Room 1E-234, 1000 Independence Avenue SW., Washington, DC 20585.

Dated: August 15, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

Decision and Order of the Department of Energy; Implementation of Special Refund Procedures

Name of firm: West Coast Oil Co.
Date of filing: August 24, 1989
Case number: KEF-0142

On August 24, 1989, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) filed with the Office of Hearings and Appeals (OHA) a Petition for the Implementation of Special Refund Procedures to distribute funds received from West Coast Oil Co. (West Coast) under the terms of a consent order between the DOE and West Coast. West Coast remitted a total of $92,000 to the DOE. An additional $7,727 in interest has accrued on that amount as of July 31, 1990. In accordance with the provisions of the procedural regulations at 10 CFR part 205, subpart V (subpart V), the ERA requests in its Petition that the OHA establish special procedures to make refunds in order to remedy the effects of alleged regulatory violations which were settled by the West Coast consent order. This Decision and Order establishes procedures for distributing these funds.

I. Background

West Coast owned and operated a refinery in Oildale, California, in which it produced a number of refined petroleum products, primarily heavy fuel oil and diesel fuel during the period of federal price controls.[1] Accordingly, West Coast was a "refiner" as that term is defined in the federal petroleum price and allocations regulations and was, therefore, subject to the refiner price rule set forth in 10 CFR part 212, subpart E, and predecessor regulations in 6 CFR part 150, subpart L.

During the course of federal price controls, the ERA conducted an audit of West Coast's operations and alleged in several administrative proceedings that West Coast had violated certain applicable DOE price and allocation regulations in its sales of refined petroleum products. On September 26, 1984, the OHA issued a Remedial Order which found that West Coast had violated the DOE price regulations pertaining to resellers and retailers. *West Coast Oil Co.*, 12 DOE ¶ 83,018 (1984). Specifically, the OHA found that West Coast had violated DOE regulations concerning the treatment of proceeds from fee-free import licenses, and non-product cost increase.

Subsequently, settlement discussions were held, and on June 28, 1989, the ERA and West Coast entered into a consent order that resolved all regulatory issues pertaining to West Coast's refined petroleum product operations during the period from September 1973 through January 27, 1981 (the consent order period). Pursuant to the consent order, West Coast remitted $92,000 to the DOE, to

[1] West Coast's petroleum products were marketed primarily in the area around Bakersfield, California, and the San Joaquin Valley.

which $7,727 has accrued as of July 31, 1990. Therefore, a total of $99,727 (the consent order fund) is available for distribution through subpart V. These funds are being held in an interest-bearing escrow account maintained at the Department of the Treasury pending a determination regarding their proper distribution.

II. Jurisdiction and Authority

The subpart V regulations set forth general guidelines which may be used by the OHA in formulating and implementing a plan of distribution of funds received as a result of an enforcement proceeding. The DOE policy is to use the subpart V process to distribute such funds. For a more detailed discussion of subpart V and the authority of OHA to fashion procedures to distribute refunds, see Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. §§ 4501–07, *Office of Enforcement,* 9 DOE ¶ 82,508 (1981), and *Office of Enforcement,* 8 DOE ¶ 82,597 (1981) (*Vickers*).

We have considered the ERA's petition that we implement a subpart V proceeding with respect to the West Coast consent order fund and have determined that such a proceeding is appropriate. This Decision and Order established the OHA's plans to distribute the consent order fund.

III. The Proposed Decision and Order

On April 5, 1990, the OHA issued a Proposed Decision and Order (PD&O) establishing tentative procedures to distribute the West Coast consent order fund. Although this PD&O was published in the **Federal Register** and a 30-day period was provided for the submission of comments regarding our proposed refund plan, no interested party has filed comments regarding the PD&O. Therefore, we will adopt the refund procedures of the PD&O, set forth below, in final form.

IV. The Refund Procedures

We will implement a two-stage refund process by which purchasers of West Coast refined products during the period September 1, 1973 through June 30, 1976 (the refund period) [2] may submit Applicants for Refund in this initial stage, and any monies remaining after the payment of all valid first-stage claims will be dispersed to the state governments for indirect restitution. From our experience with subpart V proceedings, we expect that potential applicants generally will fall into the following categories: (1) End-users; (2) regulated entities, such as public utilities, and cooperatives; and (3) refiners, resellers and retailers (hereinafter collectively referred to as "resellers").

A. Claims Based Upon Alleged Overcharges

In order to receive a refund, each claimant will be required to submit a schedule of its monthly purchases of West Coast refined petroleum products during the refund period. If the product was not purchased directly from West Coast, the claimant must establish that the product originated with West Coast. Additionally, a reseller claimant, except one who chooses to utilize the injury presumptions set forth below, will be required to make a detailed showing that it was injured by West Coast's alleged overcharges. This showing will generally consist of two distinct elements. First, a reseller claimant will be required to show that it had "banks" of unrecouped increased product costs in excess of the refund claimed.[3] Second, because a showing of banked costs alone is not sufficient to establish injury, a claimant must provide evidence that market conditions precluded it from increasing its prices to pass through the additional costs associated with the alleged overcharges. *See* Vickers Energy Corp./Hutchens Oil Co., 11 DOE ¶ 85,070, at 88,105 (1983). Such a showing could consist of a demonstration that a firm suffered a competitive disadvantage as a result of its purchases from West Coast. *See* National Helium Co./Atlantic Richfield Co., 11 DOE ¶ 85,257 (1984), *aff'd sub nom. Atlantic Richfield Co.* v. *DOE,* 618 F. Supp. 1199 (D. Del. 1985).

1. The Use of Presumptions

Our experience also indicates that the use of certain presumptions permits claimants to participate in the refund process without incurring inordinate expense and ensures that refund claims are evaluated in the most efficient manner possible. *See, e.g.,* Marathon Petroleum Co., 14 DOE ¶ 85,269 (1986) (Marathon). The use of presumptions in refund cases is specifically authorized by the applicable subpart V regulations at 10 CFR 205.282(e). Accordingly, we adopt the presumptions set forth below.

a. *Calculation of Refunds.* First, we will adopt a presumption that the alleged overcharges were dispersed equally in all of West Coast's Sales of refined petroleum products during the refund period. In accordance with this presumption, refunds are made on a per gallon or volumetric basis.[4] In the absence of better information, a volumetric refund is appropriate because the DOE price regulations generally required a regulated firm to account for increased costs on a firm-wide basis in determining its prices.

Under the volumetric approach, a claimant's "allocable share" of the consent order fund is equal to the number of gallons purchased from West Coast during the refund period multiplied by the per gallon refund amount. In the present case, the per gallon refund amount is $.0013. We derived this figure by dividing the consent order fund, $99,727, by 77,252,112 gallons, the approximate number of gallons of covered refined products which West Coast sold from September 1, 1973, through the date of decontrol of the relevant product.[5] A firm that establishes its entitlement to a refund will receive all or a portion of its allocable share plus a pro-rata share of the interest that has accrued on the West Coast consent order fund since August 1, 1990.[6]

Road oil and asphalt...	April 1, 1974.
Residual fuel	June 1, 1976.
No. 1, No. 2 heating oil, and diesel fuel.	July 1, 1976.

In addition to the volumetric presumption, we will adopt a number of presumptions regarding injury for claimants in each category listed below.

b. *End-Users.* In accordance with prior subpart V proceedings, we will adopt the presumption that an end-user or ultimate consumer of West Coast petroleum products whose business is unrelated to the petroleum industry was injured by the alleged overcharges settled by the consent order. *See, e.g.,* Texas Oil and Gas Corp., 12 DOE ¶ 85,069, at 88,209 (1984) (TOGCO). Unlike regulated firms in the petroleum industry, members of this group generally were not subject to price controls during the refund period, and were not required to keep records which justified selling price increases by reference to cost increases. Consequently,

[2] Although the West Coast consent order period ends January 27, 1981, refund applications may only be based upon purchases of refined products between September 1, 1973 and the day preceding the relevant decontrol date for each product sold by West Coast. By July 1, 1976, all petroleum products sold by West Coast had been deregulated. *See* Note 4 *infra.*

[3] Claimants who have previously relied upon their banked costs in order to obtain refunds in other special refund proceedings should subtract those refunds from the cumulative banked costs submitted in this proceeding. *See* Husky Oil Co./Metro Oil Products, Inc., 16 DOE ¶ 85,090, at 88,179 (1987). Additionally, a claimant may not receive a refund for any month in which it has a negative cumulative bank (for that product) or for any preceding month. *See* Standard Oil (Indiana)/Suburban Propane Gas Corp., 13 DOE ¶ 85,030 at 88,082 (1985). If a claimant no longer has records showing its banked costs, the OHA may exercise its discretion to allow approximations of those banks prepared by the applicant. *See* Gulf Oil Corp./Sturdy Oil Co., 15 DOE ¶ 85,187 (1986).

[4] Because we realize that the impact on an individual claimant may have been greater than the volumetric refund amount, we will allow any purchaser to file a refund application based upon a claim that it suffered a disproportionate share of West Coast's alleged overcharges. *See, e.g.,* Standard Oil (Indiana)/Army and Air Force Exchange Service, 12 DOE ¶ 85,015 (1984). Such an application will be granted only if an applicant makes a persuasive showing that: (1) it was "overcharged" by a specific amount, and (2) it was injured by those overcharges. *See* Panhandle Eastern Pipeline Co./Western Petroleum Co., 19 DOE ¶ 85,705 (1989); Mobil Oil Co./Cantro Petroleum Corp., 19 DOE ¶ 85,076 (1989), and cases cited therein. To the exent that a claimant makes this showing, it will receive a refund above the volumetric refund level. In computing the appropriate refund amount, we will prorate the alleged overcharge amounts by the ratio of the West Coast consent order amount as compared to the aggregate overcharge amount alleged by the ERA. Amtel Inc./Whitco, Inc. 19 DOE ¶ 85,319 (1989) *Amtel/Whitco).*

[5] Refund applications may only be based upon purchases of refined products between September 1, 1973 and the day preceding the relevant decontrol date for each product as summarized below:

[6] As in previous cases, we will establish a minimum refund amount of $15. In this determination, any potential claimant which purchased less than 11,539 gallons of petroleum products would have an allocable share of less than $15. We have found through our experience that the cost of processing claims in which refunds for amounts less than $15 are sought outweighs the benefits of restitution in those instances. *See* Exxon Corp., 17 DOE ¶ 85,590 at 89,150 (1988) (Exxon).

analysis of the impact of the alleged overcharges on the final prices of goods and services produced by members of this group would be beyond the scope of the refund proceeding. *Id.* we have concluded, therefore, that the end-users of West Coast refined petroleum products need only document their purchase volumes from West Coast during the refund period to make a sufficient showing that they were injured by the alleged overcharges.

c. *Regulated Firms and Cooperatives.* A claimant whose prices for goods and services are regulated by a governmental agency (*e.g.*, a public utility), or an agricultural cooperative which is required by its charter to pass through cost savings its member purchasers, need only submit documentation of purchases used by itself or, in the case of a cooperative, sold to its members in order to receive a full volumetric refund. However, a regulated firm or a cooperative will also be required to certify that it will pass through any refund received to its customers or member-customers, provide us with a full explanation of how it plans to accomplish the restitution, and certify that it will notify the appropriate regulatory body or membership group of the receipt of the refund. *See* Marathon, 14 DOE at 88,514–15. These requirements are based upon the presumption that, with respect to a regulated firm, any overcharges would have been routinely passed through to its customers. Similarly, any refunds received should be passed through to its customers. With respect to a cooperative, in general, the cooperative agreement which controls its business operations would ensure that the alleged overcharges, and similarly refunds, would be passed through to its member-customers. Accordingly, these firms will not be required to make a detailed demonstration of injury.[7]

d. *Refiners, resellers and retailers*—i. *Small claims presumption.* We will adopt a "small claims" presumption that a firm which resold West Coast products and requests a small refund was injured by the alleged overcharges. Under the small claims presumption, a refiner, reseller or retailer seeking a refund of $5,000 or less, exclusive of interest, will not be required to submit evidence of injury beyond documentation of the volume of West Coast products it purchased during the refund period. *See* TOGCO, 12 DOE at 88,210. This presumption is based on the fact that there may be considerable expense involved in gathering the types of data necessary to support a detailed claim of injury; for small claims the expense might possibly exceed the potential refund. Consequently, failure to allow simplified refund procedures for small claims could deprive injured parties of their opportunity to obtain a refund. Furthermore, use of the small claims presumption is desirable in that it allows the OHA to process the large number of routine refund claims expected in an efficient manner.[8]

ii. *Mid-level claim presumption.* In addition, a refiner, reseller or retailer claimant whose allocable share of the refund pool exceeds $5,000, excluding interest, may elect to receive as its refund either $5,000 or 40 percent of its allocable share, up to $50,000, whichever is larger.[9] The use of this presumption reflects our conviction that these larger, mid-level claimants were likely to have experienced some injury as a result of the alleged overcharges. *See* Marathon, 14 DOE at 88,515. In some prior special refund proceedings, we have performed detailed analyses in order to determine product-specific levels of injury. *See, e.g.*, Getty Oil Co., 15 DOE ¶ 85,064 (1986). However, in Gulf Oil Corp., 16 DOE ¶ 85,381, at 88,737 (1987), we determined that based upon the available data, it was more accurate and efficient to adopt a single presumptive level of injury of 40 percent for all mid-level claimants, regardless of the refined product that they purchased, based upon the results of our analyses in prior proceedings. We believe that approach generally to be sound, and we therefore will adopt a 40 percent presumptive level of injury for all mid-level claimants in this proceeding. Consequently, an applicant in this group will only be required to provide documentation of its purchase volumes of West Coast refined petroleum products during the refund period in order to be eligible to receive a refund of 40 percent of its total allocable share, up to $50,000, or $5,000, whichever is greater.[10]

iii. *Spot purchasers.* We will adopt a rebuttable presumption that a reseller that made only spot purchases from West Coast did not suffer injury as a result of those purchases. As we have previously stated, spot purchasers generally had considerable discretion as to the timing and market in which they made their purchases, and therefore would not have made spot market purchases from a firm at increased prices unless they were able to pass through the full amount of the firm's selling price to their own customers. *See, e.g.*, Vickers, 8 DOE at 85,396–97. Accordingly, a spot purchaser claimant must submit specific and detailed evidence to rebut the spot purchaser presumption and to establish the extent to which it was injured as a result of its spot purchases from West Coast.[11]

B. Allocation Claims

We may also receive claims based upon West Coast's alleged failure to furnish petroleum products that it was obliged to supply under the DOE allocation regulations that became effective in January 1974. *See* 10 CFR part 211. Any such applications will be evaluated with reference to the standards set forth in subpart V implementation cases such as Office of Special Counsel, 10 DOE ¶ 85,048 at 88,220 (1982), and refund application cases such as Mobil Oil Corp./Reynolds Industries, Inc., 17 DOE ¶ 85,608 (1988); Marathan Petroleum Co./Research Fuels, Inc., 19 DOE ¶ 85,575 (1989), action for review pending, No. CA3–89–2983G (N.D. Tex. filed Nov. 22, 1989) (Marathon/RFI). These standards generally require an allocation claimant to demonstrate the existence of a supplier/purchaser relationship with West Coast and the likelihood that West Coast failed to furnish petroleum products that it was obliged to supply to the claimant under 10 CFR part 211. In addition, the claimant should provide evidence that it had contemporaneously notified the DOE or otherwise sought redress from the alleged allocation violation. Finally, the claimant must establish that it was injured and document the extent of the injury.

In our evaluation of whether allocation claims meet these standards, we will consider various factors. For example, we will seek to obtain as much information as possible about the agency's treatment of complaints made to it by the claimant. We will also look at any affirmative defenses that West Coast may have had to the alleged allocation violation. *See* Marathan/RFI. In assessing an allocation claimant's injury, we will evaluate the effect of the alleged allocation violation on its entire business operation, with particular reference to the amount of product that it received from suppliers other than West Coast. In determining the amount of an allocation refund, we will utilize any information that may be available regarding the portion of the West Coast consent order amount that the agency attributed to allocation violations in general and to the specific allocation violation alleged by the claimants. Finally, since the West Coast consent order reflects a negotiated compromise of the issues involved in the enforcement proceedings against West Coast and the consent order amount is less than West Coast's potential liability in those proceedings, we will prorate those allocation refunds that would otherwise be disproportionately large in relation to the consent order fund. *Cf.* Amtel/Whitco.

C. Refined Product Application Requirements

To apply for a refund from the West Coast Oil Co. consent order fund, a claimant should

[7] A cooperative's purchases of West Coast products which were resold to non-members will be treated in a manner consistent with purchases made by other resellers. *See* Total Petroleum, Inc./Farmers Petroleum Cooperative, Inc., 19 DOE ¶ 85,215 (1989).

[8] In order to qualify for a refund under the small claims presumption, a refiner, reseller, or retailer must have purchased less than 3,846,154 gallons of West Coast refined petroleum products during the refund period.

[9] That is, claimants who purchased more than 3,846,154 gallons of West Coast refined petroleum products during the refund period (mid-level claimants) may elect to utilize this presumption.

[10] A claimant who attempts to make a detailed showing of injury in order to obtain 100 percent of its allocable share but, instead, provides evidence that leads us to conclude that it passed through all of the alleged overcharges, or that it is eligible for a refund of less than the applicable presumption-level refund may not then be eligible for a presumption-based refund. Instead, such a claimant may receive a refund which reflects the level of injury established in its application. No refund will be approved if its submission indicates that it was not injured as a result of its purchases from West Coast. *See* Exxon, 17 DOE at 89,150 n.10.

[11] In prior proceedings, we have stated that refunds will be approved for spot purchasers who demonstrate that: (1) They made the spot purchases for the purpose of ensuring a supply for their base period customers rather than in anticipation of financial advantage as a result of those purchases, and (2) they were forced by market conditions to resell the product at a loss.

submit an Application for Refund containing all of the following information:

(1) Identifying information including the claimant's name, address, social security number or employer identification number, an indication whether the claimant is a corporation, the name, title, and telephone number of a person to contact for any additional information, and the name and address of the person who should receive any refund check;

(2) The applicant's use(s) of the West Coast petroleum products: e.g., retail gasoline station, petroleum jobber, petroleum refiner, consumer (end-user), cooperative, or public utility;

(3) For each petroleum product which the applicant purchased from West Coast, a separate monthly purchase schedule covering the period between the beginning of the refund period (September 1973) and the date of decontrol of the petroleum product. The applicant should specify the source of this gallonage information. In calculating its purchase volumes, an applicant should use actual records from the refund period, if available. If these records are not available, the applicant may submit estimates of its petroleum purchases, but the estimation methodology must be reasonable and must be explained in detail;

(4) If the applicant was a direct purchaser from West Coast, it should provide its customer number. If the applicant was an indirect purchaser from West Coast (*e.g.*, it purchased West Coast petroleum products through another supplier), it should submit the name, address, and telephone number of its immediate supplier and should specify why it believes that the petroleum products claimed were originally sold by West Coast;

(5) If the applicant is a regulated utility or a cooperative, certfications that it will pass on the entirety of any refund received to its customers, will notify its state utility commission, other regulatory agency, or membership body of the receipt of any refund, and a brief description as to how the refund will be passed along;

(6) If the applicant is a retailer, reseller, or refiner whose allocable share exceeds $5,000 (i.e., whose purchases equal or exceed 3,846,154 gallons), it must indicate whether it elects to rely on the appropriate reseller injury presumption and receive the larger of $5,000 or 40% of its allocable share. If it does not elect to rely on the injury presumption, it must submit a detailed showing that it absorbed West Coast's alleged overcharges. *See* Section IV.A *supra.*

(7) A statement as to whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in the West Coast refund proceeding. If so, an explanation of the circumstances of the other filing or authorization should be submitted;

(8) If the applicant is or was partially or entirely owned by West Coast, it should explain this affiliation, including the years in which it was affiliated with West Coast.[12]

(9) A statement as to whether the ownership of the applicant's firm changed during or since the refund period. If an ownership change occurred, the applicant should list the names, addresses, and telephone numbers of any prior or subsequent owners. The applicant should also provide copies of any relevant Purchase and Sale Agreements, if available. If such written documents are not available, the applicant should submit a description of the ownership change, including the year of the sale and the type of sale (*e.g.*, sale of corporate stock, sale of company assets);

(10) A statement as to whether the applicant has ever been a party in a DOE enforcement action or a private Section 210 action. If so, an explanation of the case and copies of relevant documents should also be provided;

(11) The statement listed below signed by the individual applicant or a responsible official of the company filing the refund application:

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. 1001. I understand that the information contained in this application is subject to public disclosure. I have enclosed a duplicate of this entire application which will be placed in the OHA Public Reference Room.

All applications should be either typed or printed and clearly labeled "West Coast Special Refund Proceeding, Case No. KEF–0142." Each applicant must submit an original and one copy of the application. If the applicant believes that any of the information in its application is confidential and does not wish for this information to be publicly disclosed, it must submit an original application, clearly designated "confidential," containing the confidential information, and two copies of the application with the confidential information deleted. All refund applications should be postmarked no later than September 30, 1991, and sent to:

West Coast Special Refund Proceeding Office of Hearings and Appeals, Department of Energy, 1000 Independence Avenue, S.W., Washington, DC 20585

D. Distribution of Funds Remaining After First Stage

Any funds remaining in the refined product pool of the West Coast consent order fund after the payment of all valid first stage claims will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. 4501–07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in supbart V proceedings and make those funds available to state governments for use in four identified energy conservation programs. The Secretary has delegated these responsibilities to the OHA, and any funds in the West Coast consent order escrow account that the OHA determines will not be needed to effect direct restitution to injured customers will be distributed in accordance with the provisions of PODRA.

It is therefore ordered that:

(1) Applications for refined product refunds from the funds remitted to the Department of Energy by West Coast Oil Co. pursuant to the consent order finalized on June 28, 1989, may now be filed.

(2) Applications for Refund from the West Coast Oil Co. consent order fund must be postmarked no later than September 30, 1991.

Dated: August 15, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

Appendix A

West Coast Oil Co. Customer List

Advanced Prod. Service
American Forest Products
Amorient
Apache Oil Scouts
Apex Oil Company
Armour Oil Company
Armstrong Nurseries
B.C. Chemical
Bear Mt. Properties
British Petroleum
Bulldog Trucking Company
Cain Trucking Company
Carnation Company
Century Oil Management
Corcoran Const. Co.
Corn Construction Co.
Crest Trading Company
Crystal Energy
Dept Water Resources
St. of CA. Dep't of Transp.
Davies Oil Company
Jess Douglas Drilling
Energy Production & Sales
ENEXCO
F.M. Western Oilwell
Fabian Oil Co.
Fishing Tools Inc.
The Flintkote Co.
County of Fresno
Fruit Growers Supply
Fuel Distribution Co.
V.J. Ganduglia
Gasco Gasoline Inc.
Getty Oil Company
Giumarra Vineyards
Golden Bear Oil Co.
Golden Gate Petro

[12] As in other refund proceedings involving alleged refined product violations, the OHA will presume that affiliates or subsidiaries of West Coast were not injured by West Coast's alleged overcharges. *See, e.g.*, Marathon Petroleum Co./EMRO Propane Co., 15 DOE ¶ 85,228 (1987). This is so because West Coast presumably would not have sold petroleum products to an affiliate or subsidiary if such a sale would have placed the purchaser at a competitive disadvantage. *See* Marathon Petroleum Co./Pilot Oil Corp., 16 DOE ¶ 85,611 (1987), amended claim denied, 17 DOE ¶ 85,291 (1988), reconsideration denied, 20 DOE ¶ 85,236 (1990). Additionally, if an affiliate or subsidiary of West Coast was granted a refund, West Coast would be indirectly compensated from a consent order fund remitteed to settle its own alleged violations.

Jack Griggs
Hitchcock Trans. Co.
Holden Truck Stop
Holland Oil Company
Holland Southwest
Houchin Bros. Cattle
Howard Supply Co.
I–Go Van & Storage
Inoy County Rd. Dep't
I.V.E.C.
Jackson Truck Stop
James Petroleum Co.
Jeffries Bros.
K.V. Energy
Kachina Petroleum, Inc.
Don Keith Trucking
Co. of Kern-Hwys & Bridges
LaJet Crude Oil of CA. Inc.
John R. Lawson
M.P. Oil Company Inc.
McAuley Oil Company
Ken McClanahan & Son
McFarland Energy
Metco Farms
Miles Tank Line
Mock Petrochemical Co.
Mohawk Petro Corp.
W.F. Moore & Son
P.H.D. Corp.
Par Petroleum Company
R.M. Parks
Parton Oil Company
Pauley Trading
Petroleum Transportation
Frank Pozar Co.
Quad Refinery
Rainbow Oil Co.
R.B.J. Transport, Inc.
Refinery Service Co.
Regency Petroleum Corp.
Road Oil Sales Inc.
S & W Construction
Sabre Oil Co.
Sabre Transportation Inc.
Sammons Truck Stop
Santa Fe Energy Prod.
San Joaquin Refining Co.
Self Enterprises Inc.
Sequoia Forest Inc.
Shell Oil Co.
Sierra Forest Products
Sierra Pacific Ind.
Simmons Oil Company
Smith Tank Line
Snider Lumber Co.
Southern Counties
Southern Inyo Hospital
Southern Pacific Co.
Talley Oil Company
Tanner Const. Co.
Tech Oil Company
Telum Inc.
Tenneco Oil Co.
Tenneco West Inc.
Tesoro Petroleum
Time Oil Co.
County of Tulare
Turner Crane Co.
Union Asphalt Inc.
U.S.A. Petrochem
Walt's Truck Stop
City of Wasco
West Lake Petroleum
Western State Brokers
Weyerhaeuser Company
Wicks Forest Industries
Jack Williams Farms

[FR Doc. 90–19658 Filed 8–20–90; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket Nos. ER90–540–000, et al.]

Virginia Electric and Power Co., et al; Electric Rate, Small Power Production, and Interlocking Directorate Filings

August 13, 1990.

Take notice that the following filings have been made with the Commission:

1. Virginia Electric and Power Company

[Docket No. ER90–540–000]

Take notice that Virginia Electric and Power Company (the Company) on August 7, 1990 tendered for filing proposed changes in its electric wholesale rate schedules presently on file with the Federal Energy Regulatory Commission (Commission) that are applicable to Rural Electric Cooperatives, Wholesale Municipalities, and Old Dominion Electric Cooperative (ODEC). The proposed changes would increase revenues from jurisdictional sales and service by $8.5 million, based on conditions existing during the test period, 12 months ending December 31, 1991.

The Company states that the increase in wholesale rates is necessary to reflect projected cost increases in rate base, labor, materials, supplies, services and purchased power since its filing in Docket No. ER86–372–000, its last general rate case, and to achieve a reasonable overall rate of return.

Copies of the filing were served upon all of the Company's jurisdictional Wholesale Customers, the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: August 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. PSI Energy, Inc.

[Docket No. ER90–538–000]

Take notice that PSI Energy, Inc., on August 6, 1990, tendered for filing the Second Supplemental Agreement, dated July 11, 1990, to the Interim Scheduled Power Agreement, as amended (1989 Agreement), dated May 24, 1989, between PSI Energy, Inc., formerly named Public Service Company of Indiana, Inc. (PSI), and Wabash Valley Power Association, Inc. (Wabash Valley). Such 1989 Agreement has been designated as PSI's Rate Schedule FERC No. 241.

The Second Supplemental Agreement modifies the 1989 Agreement by changing the term of the 1989 Agreement, including the General Motors plant load in Allen County, Indiana and conforming changes.

Copies of the filing were served on Wabash Valley Power Assoication, Inc. and the Indiana Utility Regulatory Commission.

The parties have requested a waiver of the Commission's Rules and Regulations to permit the proposed services to become effective August 1, 1990.

Comment date: August 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Dayton Power and Light Co.

[Docket No. ER90–464–000]

Take notice that the Dayton Power and Light Company (DP&L) tendered for filing on August 3, 1990, a proposed amendment to the Interconnection agreement dated as of September 15, 1967, between DP&L and the Ohio Edison Company (Ohio Edison).

The proposed amendment provides a cap on third-party wheeling rates in existing rate schedule D. There is no estimate of increased revenues since transactions will occur only as load and capacity conditions dictate. An August 2, 1990, effective date has been requested.

A copy of the filing was served upon Ohio Edison and the Public Utilities Commission of Ohio.

Comment date: August 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. Dayton Power and Light Co.

[Docket No. ER90–466–000]

Take notice that the Dayton Power and Light Company (DP&L) tendered for filing on August 3, 1990, a proposed amendment to the Interconnection Agreement dated as of January 1, 1979, between DP&L and the Cincinnati Gas & Electric Comapny (CG&E).

The proposed amendment provides a cap on third-party wheeling rates in existing rate schedule B. There is no estimate of increased revenues since transactions will occur only as load and capacity conditions dictate. An August 2, 1990, effective date has been requested.

A copy of the filing was served upon CG&E and the Public Utilities Commission of Ohio.

Comment date: August 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Dayton Power and Light Co.

[Docket No. ER90-465-000]

Take notice that the Dayton Power and Light Company (DP&L) tendered for filing on August 3, 1990, a proposed amendment to the Interconnection Agreement dated as of May 1, 1967, between DP&L and the Ohio Power Company (Ohio Power).

The proposed amendment provides a cap on third-party wheeling rates in existing rate schedule E. There is no estimate of increased revenues since transactions will occur only as load and capacity conditions dictate. An August 2, 1990, effective date has been requested.

A copy of the filing was served upon Ohio Power and the Public Utilities Commission of Ohio.

Comment date: August 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Dayton Power and Light Co.

[Docket No. ER90-400-000]

Take notice that the Dayton Power and Light Company (DP&L) tendered for filing on August 3, 1990, a proposed amendment to the Interconnection Agreement dated as of May 10, 1972, between DP&L and the City of Piqua, Ohio (Piqua).

The proposed amendment provides a cap on third-party wheeling rates in existing rate schedule D. There is no estimate of increased revenues since transactions will occur only as load and capacity conditions dictate. An August 2, 1990, effective date has been requested.

A copy of the filing was served upon Piqua and the Public Utilities Commission of Ohio.

Comment date: August 28, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. Catalyst Crisstad Corp.

[Docket No. EL90-44-000]

Take notice that on August 8, 1990, Catalyst Crisstad Corporation (Crisstad), tendered for filing a Petition for Declaratory Order pursuant to Rule 207(a)(2) of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.207(a)(2). By this Petition, Crisstad requests a Commission declaration regarding the method of determining the power output of its qualified facility for purposes of the avoided-cost pricing rule, and confirmation that the power output of Crisstad's facility is not reduced by the electricity requirements of Crisstad's fuel supplier, all as more fully set forth in the Petition which is on file with the Commission and open to public inspection.

Comment date: August 31, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (19 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-19600 Filed 8-20-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-1864-000, et al.]

Cornerstone Pipeline Co., et al.; Natural Gas Certificate Filings

Take notice that the following filings have been made with the Commission:

1. Cornerstone Pipeline Co.

[Docket No. CP90-1864-000]

August 8, 1990.

Take notice that on August 1, 1990, Cornerstone Pipeline Company (Cornerstone), 8080 North Central Expressway, Twelfth Floor, L.B. 47, Dallas, Texas 75206, filed in Docket No. CP90-1864-000, an application pursuant to section 7(c) of the Natural Gas Act and subpart E of part 157 and subpart G of part 284 of the Commission's Regulations for an optional certificate of public convenience and necessity and a blanket certificate of public convenience and necessity authorizing Cornerstone to: (1) Engage in the transportation of natural gas in interstate commerce as a natural gas company; (2) to construct, own and operate a new natural gas pipeline to be used in the transportation of up to 600,000 Mcf per day; (3) to transport gas on a self-implementing basis with pregranted abandonment authority; and (4) approval for initial rates to be charged for transportation through the proposed facilities, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Cornerstone requests authority to construct, own and operate an interstate natural gas pipeline system consisting of approximately 45 miles of 36-inch pipeline extending from Richland Parish, Louisiana to Warren County, Mississippi. Cornerstone proposes to establish the following points of interconnection: (1) A receipt point into one or more existing pipelines at the commencement of the pipeline in Richland Parish, including ANR Pipeline Company and Arkla Energy Resources, Inc.; (2) Columbia Gulf Transmission Company and Tennessee Gas Pipeline Company at points in Madison Parish, Louisiana; and (3) a delivery point into the existing intrastate system of Mississippi Fuel Company at the end of the pipeline in Warren County, Mississippi.

Specifically, Cornerstone proposes:

(1) To engage in the receipt, transmission and redelivery of natural gas in interstate commerce and thus become a natural gas company, as defined in the NGA, subject to the jurisdiction of the Commission;

(2) To construct, own and operate a new transmission system;

(3) To perform self-implementing transportation under blanket authority pursuant to § 284.221 of the Commission's Regulations;

(4) For pregranted authority to abandon service upon expiration of the applicable transportation service agreements subject to the notice requirements of § 157.103(F)(2) of the Commission's Regulations; and

(5) For approval of initial rates as provided in pro forma Rate Schedules FTS and ITS.

Cornerstone states that the estimated cost of the proposed facilities is $49,028,446. Cornerstone proposes to finance the project utilizing a capital structure consisting of 50% debt and 50% equity.

Cornerstone proposes to transport up to 600,000 Mcf per day of natural gas on both a firm and interruptible basis by providing transportation service on an open-access basis pursuant to a part 284, subpart G blanket certificate. It is explained that firm and interruptible transportation would be provided pursuant to proposed Rate Schedules

FTS and ITS, respectively. Cornerstone proposes the following maximum rates:

Service	Reservation fee	Commodity charge
FT	$1.96 per Mcf per month.	$0.144 per Mcf.
IT		$0.1044 per Mcf.

The corresponding minimum rates would be:

Service	Reservation fee	Commodity charge
FT	$0.000 per Mcf per month.	$0.01 per Mcf.
IT		$0.0100 per Mcf.

Cornerstone's proposed facilities it is asserted would inject new competition into the transportation markets in this region. It is averred that gas consumers in the northeast would be provided additional and a more reliable means of accessing natural gas from the south, gulf coast and southeast and that producers would have substantially expanded access to many new markets for minimal incremental transportation costs.

Comment date: August 29, 1990, in accordance with Standard Paragraph F at the end of this notice.

2. Alabama-Tennessee Natural Gas

[Docket No. CP90–1916–000]

August 8, 1990.

Take notice that on August 7, 1990, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), Post Office Box 918, Florence, Alabama 35631, filed in Docket No. CP90–1916–000 a request pursuant to § 157.205 of the Commission's Regulations for authorization to provide transportation service on behalf of Goodyear Tire and Rubber Company (Goodyear), under Alabama-Tennessee's blanket certificate issued in Docket No. CP89–2201–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Alabama-Tennessee requests authorization to transport, on an interruptible basis, up to a maximum of 1,545 dekatherms of natural gas per day for Goodyear from receipt points located in Alabama and Mississsippi to delivery points located in Decatur, Alabama. Alabama-Tennessee anticipates transporting 1,545 dekatherms of natural gas on an average day and an annual volume of 563,925 dekatherms.

Alabama-Tennessee states that the transportation of natural gas for Goodyear commenced July 2, 1990, as reported in Docket No. ST90–3812–000, for a 120-day period pursuant to § 284.223(a) of the Commission's Regulations and the blanket certificate issued to Alabama-Tennessee in Docket No. CP89–2201–000.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. Natural Gas Pipeline Co. of America, Colorado Interstate Gas Co.

[Docket No. CP90–1907–000; Docket No. CP90–1911–000]

August 8, 1990.

Take notice that on August 6, 1990, Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148, and Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944 (Applicants), filed 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 certificates issued in Docket No. CP86–582–000 and Docket No. CP86–589 et al., respectively, pursuant to section 7 of the NGA, all as more fully set forth in the requests which are open to public inspection.[1]

The Applicants have provided applicable information for each transaction, including the shipper's identity; the peak day, average day, and annual volumes; the receipt and delivery points; contract date; the appropriate transportation rate schedule for the service; the related ST docket numbers and service initiation dates of the 120-day transactions under § 284.223(a) of the Regulations, as summarized in the attached appendix.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Appendix

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipt points [1]	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP90–1907–000 (8–6–90)	Chevron USA, Inc. (Producer).	35,000 20,000 7,300,000	AR, CO, IL, IA, KS, LA, OLA, MO, NE, NM, OK, TX, OTX	CO, IL, IA, LA, OLA, NM, OK, TX, OTX	5–31–90, ITS–1 Interruptible	ST90–4029, 6–4–90
CP90–1911–000 (8–6–90)	PSI, Inc. (Marketer)	[2] 25,000 15,000 5,475,000	WY	KS	10–1–88, TI–1 Interruptible	ST90–4078, 7–3–90

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] Mcf.

4. United Gas Pipe Line Co.

[Docket No. CP90–1887–000, Docket No. CP90–1888–000, Docket No. CP90–1889–000, Docket No. CP90–1890–000, Docket No. CP90–1891–000, Docket No. CP90–1892–000, Docket No. CP90–1893–000, Docket No. CP90–1895–000, Docket No. CP90–1896–000]

August 8, 1990.

Take notice that on August 2, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251–1478, filed in the respective 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 United's blanket certificate issued in Docket No. CP88–6–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120–day transactions under section 284.223 of the Commission's Regulations, has been provided by United and is summarized in the attached appendix.

[2] These prior notice requests are not consolidated.

United states that each of the proposed services would be provided under an executed transportation agreement, and that United would charge the rates and abide by the terms and conditions of the applicable rate schedules. It is stated that the transportation services would be performed on an interruptible basis, with the exception of transportation for Arkla Energy Marketing Company in Docket Nos. CP90–1887–000 and Docket No. CP90–1890–000, which would be performed on a firm basis.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

Appendix

Docket number	Shipper name	Peak day, [1] average annual	Start-up date	Related [2] Dockets
CP90–1887–000	Arkla Energy Marketing Company	206,000 206,000 75,190,000	7–9–90	ST90–4035.
CP90–1888–000	Texaco Gas Marketing Inc.	206,000 206,000 75,190,000	7–5–90	ST90–3911.
CP90–1889–000	Union Texas Petroleum Corporation	14,265 14,265 5,206,725	7–1–90	ST90–3915.
CP90–1890–000	Arkla Energy Marketing Company	206,000, 206,000, 75,190,000	4–26–90	ST90–4034.
CP90–1891–000	Enermark Gas Gathering Corporation	103,000 103,000 37,595,000	7–6–90	ST90–3917.
CP90–1892–000	Eagle Natural Gas Company	25,750 25,750 9,398,750	7–12–90	ST90–3994.
CP90–1893–000	Sonat Marketing Company	91,670 91,670 33,459,550	6–3–90	ST90–3912.
CP90–1895–000	Cornerstone Production Corporation	103,000 103,000 37,595,000	7–1–90	ST90–3967.
CP90–1896–000	Centran Corporation	80,312 80,312 29,313,880	7–1–90	ST90–3916.

[1] Quantities are shown in MMbtu equivalent.
[2] United reported its 120-day transportation service in the referenced ST dockets.

5. ANR Pipeline Co.

[Docket Nos. CP90–1908–000, CP90–1909–000, CP90–1910–000]

August 8, 1990.

Take notice that the above referenced company (Applicant) filed in respective 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 blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[3]

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 docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

[3] These prior notice requests are not consolidated.

The Applicant also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

Appendix

Docket No.	Applicant	Shipper name	Peak day,[1] Average Annual	Points of Receipt	Points of Delivery	Start up date, rate schedule	Related [2] dockets
CP90-1908-000 8/6/90	ANR Pipeline Company, 500 Rennaissance Center, Detroit, MI 48143.	Entrade Corporation	35,000 35,000 12,775,000	LA, WI, OK, KS, TX, KY, IN, OH, MI, IL.	Offshore LA, TX.	ITS, Interruptible 6/9/90.	CP88-532-000 ST90-3709-000
CP90-1909-000 8/6/90	ANR Pipeline Company, 500 Rennaissance Center, Detroit, MI 48143.	Coastal Gas Marketing Company.	150,000 121,041 44,179,965	LA, MI, IL, WI, OK, KS, TX.	Offshore LA, TX.	ITS, Interruptible 6/3/90.	CP88-532-000 ST90-3691-000
CP90-1910-000 8/6/90	ANR Pipeline Company, 500 Rennaissance Center, Detroit, MI 48143.	Tarpon Gas Marketing Ltd.	150,000 150,000 54,750,000	LA, WI, OK, KS, TX.	Offshore LA, TX.	ITS, Interruptible 6/6/90.	CP88-532-000 ST90-3707-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

6. Natural Gas Pipeline Co. of America, Equitrans, Inc., Algonquin Gas Transmission Co.

[Docket No. CP90-1901-000, Docket No. CP90-1902-000, Docket No. CP90-1903-000]

August 8, 1990.

Take notice that the above referenced companies (Applicants filed in respective 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 blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[4]

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 docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

[4] These prior notice requests are not consolidated.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] average annual	Points of Receipt	Points of Delivery	Start up date, rate schedule	Related [2]
CP90-1901-000 (8-3-90)	Natural Gas Pipeline Co. of America, 701 E 22nd St., Lombard, IL 60148.	OXY USA Inc	10,000 5,000 1,625,000	OK	OK	6-1-90, ITS	CP86-582-000 ST90-3656-000
CP90-1902-000 (8-3-90)	Equitrans, Inc., 3500 Park Lane, Pittsburgh, PA 15275.	Citizens Gas Company.	153,615 98 392	PA	PA	5-22-90, ITS	CP86-553-000 ST90-3905-000
CP90-1903-000 (8-3-90)	Algonquin Gas Transmission Company, 1284 soldiers Field Road, Boston, MA 02135.	Paragon Gas Corp	50,000 50,000 18,250,000	NJ, NY, CT, MA.	CT	4-7-90, AIT-1	CP89-948-000 ST90-4026-000
CP90-1903-000 (8-3-90)	Algonquin Gas Transmission Company, 1284 Soldiers Field Road, Boston, MA 02135.	Paragon Gas Corp	45,000 45,000 16,425,000	NJ, NY, MA CT.	MA	4-13-90, AIT-1	CP89-948-000 ST90-4022-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificae. If an ST docket is shown, 120-day transportation service was reported in it.
[3] Quantities are shown in MMBtu unless otherwise indicated.
[4] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

7. The Washington Water Power Co.

[Docket No. CP90-1849-000]

August 9, 1990.

Take notice that on July 31 1990, The Washington Water Power Company ("Water Power"), East 1411 Mission Avenue, Spokane, Washington 99202, filed an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing the release of a portion of the Jackson Prairie Storage Project deliverability and capacity to Cascade Natural Gas Corporation (Cascade), all as more fully set forth in the application which is on file with the Commission and open to the public inspection.

Water Power states that it is a local distribution company engaged in the business of distributing natural gas within the states of Washington and Idaho Water Power explains that is a one-third owner of a natural storage field located in Lewis Project. Water Power explains that the remaining undivided ownership interests belong to Northwest Pipeline Corporation and Washington Natural Gas Company, with the latter designated as the Project Operator.

It is explained that, Water Power and Cascade have entered into an greement dated July 23, 1990, entitled "Release of Jackson Prairie Storage Capacity" hereinafter "Release Agreement"). Water Power explains that the Release Agreement calls for the release of 150,000 therms per day of firm deliverability, 55,328 therms per day of "best efforts" deliverability, and 4,800,000 therms of seasonal capacity to Cascade, for the five (5) year term of the Release Agreement. Water Power states that Cascade will pay an annual payment in order to enable Water Power to recover the cost of service associated with its released share of the Jackson Prairie Storage Project.

Water Power also requests, as a transitional measure, limited term sales-for-resale authority, expiring on December 31, 1990, with pre-granted abandonment, in order to provide for the sale of working gas inventory in place in the Storage Project to Cascade, for purposes of meeting Cascade's requirements during the 1990-91 heating season. Water Power states that Cascade would pay for this gas a charge per therm equal to Water Power's weighted average cost of gas.

Comment date: August 30, 1990, in accordance with Standard Paragraph F at the end of this notice.

8. El Paso Natural Gas Co. Transcontinental Gas Pipe Line Corp.

[Docket No. CP90-1920-000, Docket No. CP90-1921-000,[5] Docket No. CP90-1921-000] August 9, 1990.

Take notice that the above referenced companies (Applicants) 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 their blanket certificates issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

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 docket numbers and initiation dates of the 120-day transactions under § 284.223 of the Commission's Regulations has been provided by the Applicants and is included in the attached appendix.

The Applicants also states that each would provide the service for each shipper under an executed transportation agreement, and that the Applicants would charge rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

[5] These prior notice requests are not consolidated.

Applicant: El Paso Natural Gas Company, P.O. Box 1492. El Paso, Texas 79978.

Filing Date August 7, 1990

Blanket Certificate Issued in Docket No.: CP88-433-000.

Information provided in Prior Notice Request

Docket No.	Transportation rate schedule (type of service)	Shipper	Volumes (DTH): Peak day average day, annual	Docket number associated with 120-day transaction	Points of receipt	Points of delivery	Initiation date of 120-day transaction
CP90-120--000	FT (firm)	Williams Gas Marketing Company.	25,750 25,750 9,398,750	ST90-3818-000	Colorado, Texas, Utah	Texas	6-15-90

Applicant: Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77251.

Filing Date: August 7, 1990.

Blanket Certificate Issued in Docket No.: CP88-328-000.

Information Provided in Prior Notice Request

Docket No.	Transportation rate schedule (type of service)	Shipper	Volumes (MMBTU): Peak day average day, annual	Docket number associated with 120-day transaction	Points of receipt	Points of delivery	Initiation date of 120-day transaction
CP90-1921-000	IT (interruptible)	Direct Gas Supply Corporation.	9,600 9,600 3,504,000	ST90-362-000	Texas, Offshore Texas, Louisiana.	Louisiana, Texas, New York, New Jersey, Virginia, Maryland, Delaware, Pennsylvania, South Carolina, North Carolina, Georgia.	6-1-90

9. El Paso Natural Gas Co.

[Docket No. CP90-1905-000]

August 9, 1990.

Take notice that on August 6, 1990, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas, 79978, filed a request with the Commission in Docket No. CP90-1905-000, pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA), for authorizaton to construct and operate a meter station in McKinley Country, New Mexico, in order to deliver gas to the Navajo Tribal Utility Authority (NTUA) for resale to customers in the Coyote Canyon Community area, in McKinley County, New Mexico, under its blanket certificate issued in Docket No. CP82-435-000, all as more fully set forth in the request which is open for public inspection.

El Paso proposes to install one sales meter station, with appurtenances, at a cost of $22,760. It is stated that initial deliveries of gas are contemplated to

begin September 30, 1990. It is further stated that the estimated annual and maximum peak day delivery requirements of the Coyote Canyon Community area during the third year of service would be 16,818 Mcf per year and 170 Mcf per day, respectively.

It is asserted that the additional quantities proposed herein would not alter the NTUA's entitlements under El Paso's Permanent Allocation Plan.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

10. K N Energy, Inc.

[Docket No. CP90-1897-000]

August 9, 1990.

Take notice that on August 3, 1990, K N Energy, Inc. (K N), P.O. Box 150265, Lakewood, Colorado 80215, filed in Docket No. CP90-1897-000 a request pursuant to §§ 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR §§ 157.205(b) and 157.212) for authorization to add a new wholesale delivery point to Public Service Company of Colorado (PSCo) under K N's blanket certificate issued in Docket Nos. CP83-140-000 and CP83-140-001, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the commission and open to public inspection.

K N states the PSCo has requested a new delivery point from K N, referred to as the Glenrock delivery point, at an existing point of interconnection between the facilities of K N and Colorado Interstate Gas Company east of Glenrock, Wyoming, in section 34, Township 33 North, Range 73 West, Converse County, Wyoming. It is further stated that the quantity of gas proposed to be sold and delivered to PSCo at the Glenrock delivery point shall be up to 30,000 Mcf per day of natrual gas for its system supply. K N states that there will be no change in the total volume presently authorized for delivery to PSCo as a result of the addition of the Glenrock delivery point. K N further states that there will be no adverse impact on K N's peak day and annual deliveries and that K N has sufficient capacity to accomplish the deliveries without detriment or disadvantage to K N's other customers.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

11. Natural Gas Pipleline Co. of America

[Docket No. CP88-312-007]

August 9, 1990.

Take notice that on August 1, 1990, Natural Gas Pipeline Company of America (Natural), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP88-312-007 pursuant to section 7(c) of the Natural Gas Act a petition to amend the order of December 20, 1988, 45 FERC ¶ 61,465, as amended June 7, 1989, 47 FERC ¶ 61,334, (hereinafter referred to as the IS Order), issuing to Natural a certificate of public convenience and necessity for interruptible sales in Docket No. CP88-312-000. Natural states that the amendment requested herein would authorize, inter alia, the elimination of the minimum rate requirements contained in Ordering Paragraph A(7) of the IS Order, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Natural states that the IS Order authorized it to make interruptible sales pursuant to its Rate Schedule IS-1, and any rate for IS-1 sales must fall within a range bounded by a maximum and a minimum rate. Natural avers that the maximum rate equals the 100 percent load factor derivative of its Rate Schedule DMQ-1 demand and commodity rates. It is states that the minimum rate equals the sum of (i) actual WACOG of gas purchsed for the month in which the gas was sold, (ii) a representative amount for out-of-period adjustments, (iii) all variable costs incurred to provide the service, and (iv) applicable GRI and ACA charges. Natural requests elimination of any minimum on the rate it can charge for sales made under its Rate Schedule IS-1.

Natural also proposes to limit its IS-1 sales to supply points where Natural has gas available for its account and prior to transportation on its system and to update the creditworthiness provisions of its IS-1 tariff.

Natural states that in order for its interruptible sales service program to be viable and useful, it must have flexibility to price IS-1 at a level which is competitive at the specific point of sale. To accomplish this objective, Natural proposes eliminating the minimum rate limitation described above. Natural states that requiring it to price its IS-1 sales gas at a rate at least equal to its overall WACOG plus other variable costs places it at a significant and unreasonable competitive disadvantage. Natural avers that it purchases long-term firm supply to serve its firm sales customers requested needs and that producers require a premium be paid for committing such supplies. Natural states that this premium is part of tis WACOG. Natural submits that the premium paid for long-term supplies has no value to an IS-1 customer since the IS-1 sale is interruptible and is akin to spot supplies. Therefore, Natural states that it is ordinarily unable to sell temporary excess long-term system supplies into the spot market at its WACOG. Likewise, Natural submits that the requirements that it must include out-or-period adjustments in its minimum rate puts Natural at a competitive disadvantage vis-a-via producers and marketers who sell month to month at a negotiated price not subject to adjustment.

According to Natural, while it must acquire long-term supplies to serve the requirements of its firm sales customers, those customers are under no obligation to purchase Natural's gas, and Natural will incur costs of holding firm supply even if its customers do not purchase gas from it. Natural states that these costs may take the form of fixed charges, premiums or settlement of take-or-pay (TOP) claims. Whatever the form, Natural states that these costs will be reflected in a gas inventory charge (GIC) mechanism. However, Natural avers that with an effective IS-1 program in place, it can minimize these costs. For example, by selling gas under the IS-1 program at a discount, Natural states that it may be able to avoid more costly TOP. Natural states that if the IS-1 discount that it must incur is less than the otherwise applicable costs of settling TOP claims, then the IS-1 sale is the prudent action to take. In addition, Natural states that such IS-1 sales can help aviod physical operating problems created by low sales under traditional firm rate schedules. Thus, Natural submits that a flexible IS-1 program can serve as a valuable tool for managing supply and supply costs. However, Natural avers that the current IS-1 program with a minimum rate limitation does not provide the needed flexibility.

For all IS-1 sales, Natural states that it would continue to credit the PGA for the WACOG for the month in which the sale takes place. To the extent that Natural prices the IS-1 gas at a rate less than its WACOG, Natural proposes that this difference be classified as a gas inventory cost eligible for recovery under a GIC mechanism. Natural states that it has specifically included such discounts as an appropriate element of inventory cost in its permanent GIC filing in Docket No. CP89-1281-000.

Natural states that elimination of the minimum rate would not result in an improper cost subsidization of IS-1 sale by firm sales customers. According to Natural, the need to make IS-1 sales to reduce excess supplies is the result of the fact that long-term supplies have

been reserved for, but not utilized by, firm sales customers. Natural submits that an inability to make the IS–1 sale because of the minimum rate limitation would only result in the accrual of more expensive inventory costs, such as TOP amounts. Natural believes that the discount required to make IS–1 sales is therefore correctly borne by firm sales customers for whom the excess firm supplies sold as IS–1 are reserved. Natural states that procedures have been proposed as part of the GIC reconciliation in Docket No. CP89–1281–000 to ensure that firm sales customers bear only the costs of IS–1 sales properly assigned to them, thus avoiding subsidization.

Natural submits tht eliminating the minimum rate requirement would not give it the unfettered right to price IS–1 gas without regard for its cost. Natural states that it only seeks to price IS–1 gas at a rate which will compete with comparable interruptible supplies. According to Natural, the prudence of its actions, the level of discounting required, and whether IS–1 sales result in a "net benefit" for firm sales customers would all be examined as a part of its GIC reconciliation procedure. Natural states that it is at risk for recovery of any discounts because of these GIC reconciliation procedures and also because total inventory costs may exceed GIC revenues. Therefore, Natural believes that it has every incentive to reduce IS–1 rates only to a level which minimizes overall gas supply inventory costs.

Natural is also seeking to limit the buyer's purchase point for gas under Rate Schedule IS–1 to supply points where Natural as gas supplies available for its account. Since the IS–1 sales would be made at supply points, Natural states that any subsequent transportaton by it or any other pipeline of IS–1 sales gas would be unbundled from the sale. As such, any transportation of IS–1 gas would be governed by the terms of the transporter's transportation tariff. Natural avers that unbundling would eliminate the potential for problems that some perceive to exist with regard to the correlative discount requirements of the present regulations.

Under unbundling, Natural submits that no questions exist as to whether Natural is or is not discounting the transportation component of its IS–1 sales because the transportation will be provided and paid for separately. Further, Natural states that sales at supply points should also prevent any allegations that IS–1 sales are being improperly made when interruptible transportation has been interrupted. Natural also states that this approach has been favored by other parties who allege problems exist with regard to discounting and scheduling of interruptible sales.

Whether gas is being sold by Natural or by any other seller, Natural states that transportation from the sales point will be dependent on the buyer's priority for transportation on its transporter's system. Natural submits that this proposed unbundling of transportation from its IS–1 sales, in conjunction with the elimination of the minimum rate, is consistent with the Commission's decision in Transwestern Pipeline Company, 50 FERC ¶ 61,362 (1990).

Comment date: August 30, 1990, in accordance with the first subparagraph of Standard Paragraph F at the end of this notice.

12. Transwestern Pipeline Co.

[Docket No. CP90–1923–000]

August 10, 1990.

Take notice that on August 8, 1990, Transwestern Pipeline Company (Transwestern), 1400 Smith Street, P.O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP90–1923–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate one new delivery point and to provide an interruptible transportation service for NGC Transportation, Inc. (NGC), under its blanket certificates issued in Docket Nos. CP82–534–000, and CP88–133–000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Transwestern proposes to accommodate natural gas deliveries for NGC to Mewbourne Oil Company (Mewbourne), a producer, under a July 16, 1990, transportation service agreement subject to its Rate Schedule ITS–1. Transwestern advises that the gas would be used by Mewbourne for an enhanced oil recovery project. Transwestern estimates that it would transport 25,000 Mcf on a peak day, 25,000 Mcf on an average day and 9,125,000 annually. It is indicated that the receipt points would include all receipt points listed by Transwestern in its transportation point catalog. It is stated that the service would commence upon completion of the construction of the required facilities.

Transwestern would create a new delivery point at an existing Mewbourne meter station. Transwestern states that the Mewbourne meter station was originally installed in May 1984 as a receipt point pursuant to section 157.208 of the Commission's Regulations. It is stated that the Mewbourne meter station has two existing four-inch meter runs on Transwestern's six-inch Mary Lee Loop line located in Ellis County, Oklahoma. Transwestern requests authorization to turn around one of these meter runs to accommodate the proposed deliveries of gas.

Transwestern estimates that the construction cost would be $1,500, which construction cost and filing fee would be reimbursed by Mewbourne.

Transwestern states that the meter run to be turned around would be abandoned under the authorization provided in § 157.216(a)(2) of the regulations. It is also stated that the NGPA gas from the wells behind the Mewbourne meter station under a Transwestern gas purchase contract would continue to be measured by the remaining meter run without detriment to the existing service as authorized in Docket No. CP82–534–084.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

13. Sabine Pipe Line Co.

[Docket No. CP90–1932–000, Docket No. CP90–1933–000, Docket No. CP90–1934–000, Docket No. CP90–1935–000, Docket No. CP90–1936–000, Docket No. CP90–1937–000, Docket No. CP90–1938–000, Docket No. CP90–1939–000, Docket No. CP90–1940–000]

August 10, 1990.

Take notice that Sabine Pipe Line Company, P.O. Box 4781, Houston, Texas 77210–4781, (Sabine), 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. CP86–522–000, 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.[6]

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 ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by

[6] These prior notice requests are not consolidated.

Sabine and is summarized in the attached appendix.

Comment date: September 24, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMBtu	Receipts points	Delivery points	Contract date rate, schedule, service type	Related docket, start up date
CP90-1932-000... (8-9-90)	Enron Gas Marketing, Inc. (Marketer).	7,302 7,302 2,665,230	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90,[1] FT-1, Firm.....	ST90-3948-000, 6-1-90.
CP90-1933-000... (8-9-90)	Exxon Corporation (Producer)	1,043 1,043 380,695	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90,[2] FT-1, Firm.....	ST90-3667-000, 6-1-90.
CP90-1934-000... (8-9-90)	Exxon Corporation (Producer)	1,043 1,043 380,695	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90,[3] FT-1, Firm.....	ST90-3668-000, 6-1-90.
CP90-1935-000... (8-9-90)	Exxon Corporation (Producer)	1,043 1,043 380,695	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90,[4] FT-1, Firm.....	ST90-3665-000, 6-1-90.
CP90-1936-000... (8-9-90)	Coast Energy Group (Marketer)	1,043 1,043 380,695	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90, FT-1, Firm	ST90-3955-000, 6-1-90.
CP90-1937-000... (8-9-90)	Phibro Energy, Inc. (Marketer).....	7,302 7,302 2,665,230	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90, FT-1, Firm	ST90-3950-000, 6-1-90.
CP90-1938-000... (8-9-90)	Energy Marketing Exchange, Inc. (Marketer).	626 626 228,490	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90, FT-1, Firm	ST90-3952-000, 6-1-90.
CP90-1939-000... (8-9-90)	Enron Gas Marketing, Inc. (Markerter).	5,216 5,216 1,903,840	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90,[5] FT-1, Firm.....	ST90-3947-000, 6-1-90.
CP90-1940-000... (8-9-90)	Enron Gas Marketing, Inc. (Marketer).	3,130 3,130 1,142,450	Jefferson County, Texas.	Vermilion Parish, Louisiana.	6-1-90,[6] FT-1, Firm.....	ST90-3946-000, 6-1-90.

[1] Agreement No. 672175.
[2] Agreement No. 672177.
[3] Agreement No. 672178.
[4] Agreement No. 672176.
[5] Agreement No. 672174.
[6] Agreement No. 672173.

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 intevene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90-19602 Filed 8-20-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-1919-000 et al.]

United Gas Pipeline Co. et al., Natural Gas Certificate Filings

August 13, 1990.

Take notice that the following filings have been made with the Commission:

1. United Gas Pipeline Co.

[Docket No. CP90-1919-000]

Take notice that on August 7, 1990, United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478, filed in Docket No. CP90-1919-000, a request pursuant to §§ 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act, to abandon approximately 2,900 feet of pipeline, a 1-inch regulator station and a 2-inch blow-off, which were used to service Entex, Inc. (Entex), all as more fully set forth in the request on file with

the Commission and open to public inspection.

United proposes to abandon the Rollins Rural Service line which consist of the facilities mentioned above, because it is no longer needed. Entex, the only customer serviced from the Rollins Rural line, has converted the Rollins Rural Service to its distribution system which is serviced at Longview City Gate No.

Comment date: September 27, 1990, in accordance with Standard paragraph G at the end of the notice.

2. Stingray Pipeline Co.

[Docket No. CP90–1898–000, Docket No. CP90–1899–000, Docket No. CP90–1900–000]

Take notice that Stingray Pipeline Company, 701 East 22nd Street, Lombard, Illinois 60148, filed in the respective 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 the blanket certificate issued in Docket No. RP89–70–000, 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-day 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: September 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name	Peak day [1] average, annual	Points of		Start up date rate schedule	Related [2] dockets
			Receipt	Delivery		
CP90–1898–000 (8–03–90)	Howell Gas Management Company	20,000 5,000 1,825,000	LA, Offshore LA and Offshore TX.	LA, Offshore TX.	6–01–90, ITS	ST90–3659–000
CP90–1899–000 (8–03–90)	Diamond Shamrock Offshore Partners	30,000 10,000 3,650,000	LA, Offshore LA and Offshore TX.	LA, Offshore TX.	6–01–90, ITS	ST90–3660–000
CP90–1900–000 (8–03–90)	Clinton Gas Transmission, Inc	15,000 5,000 1,825,000	LA, Offshore LA and Offshore TX.	LA, Offshore TX.	6–01–90, ITS	ST90–3662–000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an ST docket is shown, 120-day transportation service was reported in it.

3. Tennessee Gas Pipeline Co.

[Docket No. CP90–1925–000]

Take notice that the above referenced company (Applicant) filed in Docket No. CP90–1925–000 a prior notice request 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 a shipper under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice request which is on file with the Commission and open to public inspection.

Information applicable to the 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 docket number and initiation date of the 120-day transaction under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for the shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule.

Comment date: September 27, 1990, in accordance with Standard paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak Day,[1] average, annual	Points of		Start up date rate schedule	Related dockets [2]
				Receipt	Delivery		
CP90–1925–000 (8–8–90)	Tennessee Gas Pipeline Co., P.O. Box 2511, Houston, Texas 77252.	Coast Energy Group	50,000Dt. 50,000Dt. 18,250,000Dt.	LA, TX, CO	LA, TX, AL, MS, GA, IL, IN, KY, NJ, NY, OH, PA, TN, WV, ME	7–4–90, IT	CP87–115–000 ST90–3920–000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

4. Panhandle Eastern Pipe Line Co.

[Docket No. CP90–1924–000]

Take notice that the above referenced company (Applicant) filed in Docket No. CP90–1924–000 a prior notice request 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 a shipper under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice request which is on file with the Commission and open to public inspection.

Information applicable to the 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 docket number and initiation date of the 120-day transaction under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for the shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule.

Comment date: September 27, 1990, in accordance with Standard paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] average annual	Points of		Start up date rate schedule	Related [2] dockets
				Receipt	Delivery		
CP90–1924–000 (8–8–90)	Panhandle Eastern Pipe Line Company, P.O. Box 1642, Houston, Texas 77251–1642.	Energy Dynamics, Inc.	50,000Dt. 35,000Dt. 12,775,000Dt.	KS, OK, TX, CO	KS	6–8–90, PT–I	CP86–585–000 ST90–3943–000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

5. East Tennessee Natural Gas Co.

[Docket No. CP90–1906–000]

Take notice that on August 6, 1990, East Tennessee Natural Gas Company, P.O. Box 10245, Knoxville, Tennessee 379839–0245, (Applicant), filed in the above-referenced docket a prior notice request pursuant to §§ 157.205 and 157.216(b) of the Commission's Regulations under the Natural Gas Act for authorization to construct and operate new delivery points for its existing customers—the Oak Ridge Utility District (ORUD); the Sevier County Utility District (Sevier); and the United Cities Gas Company (United Cities), under its blanket certificate issued in Docket No. CP82–412–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that are on file with the Commission and open to public inspection.

It is stated that the total volumes of gas delivered would not exceed the total volumes currently authorized for delivery to such customers. It is further stated that the total peak day volumes delivered would be 15,960 Mcf. It is maintained that the three delivery points are expected to cost $164,000 which would be paid from funds on hand.

Comment date: September 27, 1990, in accordance with STandard Paragraph G at the end of this notice.

6. Midwestern Gas Transmission Co.

[Docket No. CP90–1918–000]

Take notice that on August 7, 1990, Midwestern Gas Transmission Company (Midwestern), Post Office Box 2511, Houston, Texas 77252, filed in Doicket No. CP90–1918–000 a request pursuant to §§ 157.205 and 284.223 of the Commission's Regulations for authorization to transport natural gas for Enserch Gas Company (Enserch), a marketer, under Midwestern's blanket certificate issued in Docket No. CP90–174–000 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.

It is explained that the service commenced July 1, 1990, under the automatic authorization provisions of § 284.223 of the Commission's Regulations, as reported in Docket No. ST90–4124. Midwestern indicates that no new facilities would be necessary to provide the subject service.

Comment date: September 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

7. Columbia Gas Transmission

[Docket No. CP90–1959–000, Docket No. CP90–1960–000, Docket No. CP90–1961–000, Docket No. CP90–1962–000, Docket No. CP90–1963–000, Docket No. CP90–1964–000, CP90–1965–000]

Take notice that Columbia Gas Transmission Corporation, 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314, (Applicant), 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. CP86–240–000, 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.[2]

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 ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: September 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

APPENDIX

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual MMbtu	Points of		Contract date rate schedule service type	Related docket, start up date
			Receipt[1]	Delivery		
CP90-1959-000 (8-10-90)	Texas Ohio Gas Inc. (Marketer)	1,000 800 365,000	various	NJ	4-18-90, ITS, Interruptible.	ST90-3208-000 5-3-90
CP90-1960-000 (8-10-90)	CNG Trading Company (Marketer)	60,000 48,000 21,900,000	various	various	5-19-89, ITS, Interruptible.	ST90-3185-000 4-27-90
CP90-1961-000 (8-10-90)	Kidder Exploration Inc. (Marketer)	600 480 219,000	various	various	3-10-90, ITS, Interruptible.	ST90-3265-000 5-18-90
CP90-1962-000 (8-10-90)	East Ohio Gas Company (Marketer)	100 80 36,500	various	various	4-23-90, ITS, Interruptible.	ST90-3207-000 5-5-90
CP90-1963-000 (8-10-90)	Mason Producing Inc. (Marketer)	5,000 4,000 1,825,000	various	various	6-10-90, ITS, Interruptible.	ST90-3758-000 6-1-90
CP90-1964-000 (8-10-90)	Atlas Gas Marketing Inc. (Marketer)	1,500 1,200 547,500	various	various	3-5-90, ITS, Interruptible.	ST90-3797-000 6-4-90
CP90-1965-000 (8-10-90)	Consolidated Fuel Corporation (Marketer)	20,000 16,000 7,300,000	various	various	6-6-90, ITS, Interruptible.	ST90-3696-000 6-21-90

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.

8. Colorado Interstate Gas Co.

[Docket No. CP90-1927-000]

Take notice that the above referenced company (Applicant) filed in Docket No. CP90-1927-000 a prior notice request 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 a shipper under its blanket certificate issued pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice request which is on file with the Commission and open to public inspection.

Information applicable to the transaction including the indentiy of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket number and initiation date of the 120-day transaction under § 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for the shipper under an executed transportation agreement, and that the Applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule.

Comment date: September 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Applicant	Shipper name	Peak day,[1] average annual	Points of		Start up date rate schedule	Related [2] dockets
				Receipt	Delivery		
CP90-1927-000 (8-9-90)	Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, CO. 80944.	Union Oil Company of California.	5,000Mcf 5,000Mcf 1,400,000Mcf	OK	OK	6-1-90, IT	CP86-589-000 ST90-3409-000

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

9. Natural Gas Pipeline Co. of America

[Docket No. CP90-1886-000]

Take notice that on August 2, 1990, Natural Gas Pipeline Company of America (NGPL), 701 East 22nd Street, Lombard, Illinois 60148, filed in Docket No. CP90-1886-000 an application pursuant to section 7(b) of the Natural Gas Act, for permission and approval to abandon certain facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

NGPL proposes to abandon certain facilities located at its Compressor Station 11 in Hutchinson County, Texas. Specifically, NGPL proposes to abandon the following:

1. 15 horizontal engine compressors which were in place when a grandfather certificate was issued to NGPL and its predecessor, Texoma Natural Gas Company, on October 13, 1942, in Docket No. G-235, 3 FPC 830.

2. The connecting facilities required to allow NGPL to receive natural gas purchased through 2 gas supply lines known as CIG-MAPCO and CIG-Stanford, located within the property line of Compressor Station 111 and directly connected to the horizontal compressors, described as follows:

a. 1,100 feet of the 24-inch pipeline (CIG-MAPCO) in place when the aforementioned certificate was issued in order to receive natural gas purchased from Canadian River Gas Company, the predecessor of Colorado Interstate Gas Company (CIG); and,

b. 1,100 feet of 20-inch pipeline (CIG-Stanford) installed in 1957 as modifications required for the piping at Compressor Station 111 when NGPL's Oklahoma Extension was constructed, to allow NGPL to continue to receive gas delivered to Compressor Station 111 by CIG from the Stanford area of the Panhandle gas field.

3. Processing Plant 161 located at Compressor Station 111 in Hutchinson County, Texas, which replaced the original refrigerated oil plant (Gasoline Plant 151) in place when the aforementioned certificate was issued in Docket No. G–235.

NGPL does not propose to abandon Compressor Station 111 but only proposes to abandon facilities at Compressor Station 111 which are obsolete, uneconomical to use and inefficient to operate. Furthermore, NGPL states that it would not be replacing the horizontal engine compressors or Processing Plant 161 since there are other facilities in place which can, and do perform, the currently required levels of treatment and compression. Natural also states that it would not be replacing the facilities required to connect its system to the two sales laterals owned by CIG inasmuch as the service agreement underlying the purchase of gas from CIG has expired under its own terms, and NGPL has not, and does not plan to, enter into a new gas purchase arrangement with CIG at this location.

Natural proposes to dismantle and scrap the facilities proposed to be abandoned in a timely manner. NGPL states that there would be no change in the daily design capacity of its system as a result of the proposed abandonment. It is also stated that there would be no impact on NGPL's customers or existing tariffs caused by the proposed abandonment.

Comment date: September 4, 1990, in accordance with Standard Paragraph F at the end of this notice.

10. ANR Pipeline Co.

[Docket Nos. CP90–1928–000, CP90–1929–000, CP90–1930–000]

Take notice that on August 9, 1990 ANR Pipeline Company (Applicant), 500 Renaissance Center, Detroit, Michigan 48243, 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. CP88–532–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[3]

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-day transactions under section 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 rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: September 27, 1990, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name	Peak day,[2] average, annual	Points of [3] Receipt	Points of [3] Delivery	Start up date, rate schedule, service type	Related [1] docket, contract date
CP90–1928–000 (8–9–90)	Manville Sales Corp	20,000 20,000 7,300,000	KS, LA, OK, TX, OLA, OTX	OH	6–13–90, ITS, Interruptible.	ST90–3783–000 1–7–89
CP90–1929–000 (8–9–90)	NGC Transportation, Inc	305,476 303,210 110,671,650	KS, MI, OK, TX, WI	IL, IN, KY, LA, MI, OH, WI	6–13–90, ITS, Interruptible.	ST90–3780–000 6–11–90
CP90–1930–000 (8–9–90)	Boyd Rosene & Associates, Inc	30,000 30,000 10,950,000	KS, LA, OK, TX, OLA, OTX	KS, OK, TX	6–13–90, ITS, Interruptible.	ST90–3790–000 12–1–89

[1] If an ST docket is shown, 120-day transportation service was reported in it.
[2] Quantities are shown in Dth.
[3] Offshore Louisiana and Offshore Texas are shown as OLA and OTX.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the

time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90–19601 Filed 8–20–90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. EL90–46–000]

Cincinnati Gas & Electric Company v. Buckeye Power, Inc.; Notice of Filing

August 14, 1990.

Take notice that on August 10, 1990, the Cincinnati Gas & Electric Company tendered for filing a Complaint and Request for Summary Disposition and Expedited Proceedings against Buckeye Power, Inc. The complaint is filed pursuant to procedures adopted by the Commission in American Municipal Power-Ohio, Inc. v. Dayton Power & Light Co., 37 FERC ¶ 61,311 (1986), on rehearing, 38 FERC ¶ 61,175 (1987). CG&E seeks an order from the Commission that it is not required by the Buckeye Power Delivery Agreement to deliver Buckeye power and energy to the City of Hamilton, Ohio.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 384.211, 384.214). All such motions or protests should be filed on or before September 13, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to the complaint shall be due on or before September 13, 1990.

Lois D. Cashell,

Secretary.

[FR Doc. 90–19599 Filed 8–20–90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP90–12–000]

Colorado Interstate Gas Co.; Filing and Opportunity for Comment

August 14, 1990.

Take notice that on May 29, 1990, Colorado Interstate Gas Company (CIG) filed with the Commission staff a request for clarification of certain provisions of the Commission's regulations. CIG's filing was docketed on August 2, 1990 in Docket No. GP90–12–000. CIG states that as a result of its efforts to comply with Order Nos. 423 and 515, CIG notified various producers that their stripper wells disqualified under § 271.805(b). CIG further states that some producers have filed motions contesting CIG's notices of disqualification and, as a result of those filings and CIG's collection efforts, several questions of interpretation of the Commission's regulations have been raised before the jurisdictional agencies. Accordingly, CIG requests that the Commission clarify how the regulations apply in the following situations:

(1) A stripper well disqualifies for a three month period, requalifies for a six month period and then disqualifies for another three month period. When the operator files a petition pursuant to § 271.805(e) of the regulations at the end of the second disqualifying period, is the operator entitled to collect the maximum lawful price, subject to refund, during the second disqualifying period or has the operator lost his right to the 150-day grace period provided by § 271.805(f)(1) because the petition was not filed within 150 days of the first disqualifying period?

(2) Section 271.805(e) provides that a producer may file with the jurisdictional agency either a motion contesting the disqualification or a petition for continued qualification after the producer receives a notice of disqualification from the purchaser. The regulations also provide that the jurisdictional agency is to treat the producer's motion or petition as an application for an initial determination. CIG asks if the jurisdictional agency affirms the producer's motion does that determination have the same effect as finding that the well never disqualified or does it apply only to production within the 150-day grace period.

(3) If the purchaser has not recovered all refunds through billing adjustments after a year, may the purchaser continue to recover the refunds through billing adjustments and what notification, if any, must be made to the FERC.

(4) CIG states that the Commission stated, in Order No. 44, "that several important administrative considerations make it appropriate that 90-day production periods be calculated on a 90-calendar basis, without bringing additional days into the period in cases where some days are excluded pursuant to the statutory definition." CIG asks if the producer can seek to rebut the presumption created in Order No. 44 by starting the 90-day production period at some time other than the first of the month.

Any person wishing to file comments on CIG's request for clarification should file an original and 14 copies of such comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426 within thirty days of publication of this notice in the **Federal Register.** Copies of CIG's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–19598 Filed 8–20–90; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3823–3]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: National Water Quality Inventory Reports (ICR #1560.01).

Abstract: ICR number 1560.01 seeks to reinstate OMB clearance of the information requirements associated with the National Water Quality Inventory Reports. Previously, these requirements had been approved under ICR number 0375 (OMB control number 2040–0071), which expired on 6/30/87.

Under section 305(b) of the Clean Water Act (CWA), 50 States, 5 Territories and 2 River Basin Commissions must submit information on the quality of their water resources to EPA every two years. EPA uses this information to assess nationwide water quality, existing water quality problems and progress made in restoring and

maintaining water quality. In addition, EPA must analyze the reports and summarize nationwide water quality in a report to Congress.

Section 205(b) of the CWA requires the States, Territories, and River Basin Commissions to submit a water quality report in those years that it does not prepare the biennial 305(b) report. Under EPA regulations, the respondents can satisfy this requirement by submitting an update of the 305(b) report or by certifying that the previous report is still current.

The 305(b) reports from the 57 respondents must include a discussion of the current monitoring program and a description of the water quality of all navigable waters in the State, Territory, or River Basin during the preceding year. This description must include an analysis of the extent to which the waters meet CWA goals of "fishable and swimmable waters" and must identify and discuss those water bodies not meeting these criteria. Futhermore, respondents are required to analyze the economic and social impact of seeking to meet the criteria. They must describe the nonpoint pollutant sources and discuss their control. They are also required to compile and analyze data on groundwater and to discuss its contamination. In addition, publicly-owned lakes which are trophic or impaired, or have acidity problems, must be listed. The reports are to include water quality information on estuaries and near-coastal waters, and discuss the respondents' wetlands resources and their wetlands management programs.

Burden Statement: The annual reporting burden imposed on respondents by the National Water Quality Inventory Report requirements is 4639 hours per respondent. This total includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: States, Territories, River Basin Commissions.

Estimated No. of Respondents: 58.

Estimated Total Annual Burden on Respondents: 269,040 hours.

Frequency of Collection: Biennially.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM–223), 401 M Street SW., Washington, DC 20460.

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

Dated: August 15, 1990.

David Schwarz,

Acting Director, Regulatory Management Division.

[FR Doc. 90–19687 Filed 8–20–90; 8:45 am]

BILLING CODE 6560–50–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 Nos.: 224–200256–002 and 224–200256–003.

Title: City of Long Beach/Hanjin Shipping Company, Ltd. Terminal Agreement.

Parties: City of Long Beach (City), Hanjin Shipping Company, Ltd. (Hanjin).

Synopsis: Agreement No. 224–200256–002 amends the parties' basic agreement to provide for: (1) Hanjin to exercise its option to take a non-exclusive preferential assignment of wharf and contiguous wharf premises, together with improvements to be constructed thereon, and the water area adjacent thereto for berthing of vessels; (2) a different compensation formula; and (3) extending the completion of construction date as specified at paragraph 2.3 of the Agreement. Agreement No. 224–200256–003 amends the parties' basic agreement to provide for: (1) The City to grant Hanjin a non-exclusive preferential assignment of three container cranes, which are to be installed on the terminal facilities, for a period of 15 years; and, (2) Hanjin to pay to the City a monthly rent for the use of the cranes, equal to the City's costs of acquiring, erecting, installing and testing the cranes multiplied by 14.4% and that product divided by 12.

Agreement Nos.: 224–002758–010, 224–002758–011 and 224–002758C–004.

Title: Port of Oakland/American President Lines, Ltd. Terminal Agreement.

Parties: Port of Oakland (Port), American President Lines, Ltd. (APL).

Synopsis: Agreement No. 224–002758–010 amends the basic agreement to adjust the minimum and maximum annual compensation payable by APL to $2,061,989 and $2,305,530, respectively, in accordance with the land value and rate of return factors set forth in the basic agreement. Agreement No. 224–002758–011 amends the basic agreement to provide for the parties to share equally reimbursement fees received from Union Pacific Railroad for the use of certain rail access improvements to the Port's Middle Harbor Terminal Area. Agreement No. 224–002758C–004 amends the basic agreement to adjust the rental payable by APL to $4,969.83 per month in accordance with the land value and rate of return factors set forth in the basic agreement.

By Order of the Federal Maritime Commission.

Dated: August 15, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–19603 Filed 8–20–90; 8:45 am]

BILLING CODE 6730–01–M

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. App. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

Joseph I. Naso dba Jinco, 1920 Highland Ave., suite 218, Lombard, IL 60148, Sole Proprietor.

I.M.S., Inc. dba International Moving Service, 4416 Wheeler Ave., Alexandria, VA 22304. Officers: Peter E. Kirn, President, George L. Harrington, Vice President/Director.

Coral Transport and Distribution Systems, Inc., dba Coral, 142 Mine Lake Court, Raleigh, NC 27615. Officers: Marc Ivens, President/Director, Lawrence Bauer, Secretary/Stockholder, Ernest Henry Beauregard, Vice President/Director.

T.R.A.C.E. International, Inc., 3 B Reldas Ct., Cockeysville, MD 21030. Officer: Paul Damon, President.

Jet International Forwarding, Inc., 4420 NW. 73 Ave., Miami, FL 33166. Officers: Francisco D. Ferrey, President, Christina Santana, Vice President, Maria A. Ferrey, Secretary.

Global Lanes International Corp., 45–17 Springfield Blvd., Bayside, New York 11361. Officer: Thomas P. Penna, President.

Roy Andrew Regis, dba Pacific Trade Forwarding, 13713 90th Ave., NE., Kirkland, WA 98034, Sole Proprietor.

R & R Forwarders Inc., 2714 NW. 72nd Ave., Miami, FL 33122. Officer: Ronald Rodrigue, President.

Dated: August 15, 1990.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90-19581 Filed 8-20-90 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R-0705]

Federal Reserve Bank Services; Interdistrict Transportation System Price Structure

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Request for comment.

SUMMARY: The Board is requesting comment on a proposed change to the price structure for shipping checks using the Interdistrict Transportation System (ITS). The modification would introduce a cap on the cumulative amount of per-item from one Reserve Bank office to another office via ITS. Currently, depository institutions are charged a per-item surcharge in addition to check collection processing fees for each item shipped on ITS. The Board proposes retaining the per-item surcharges and establishing a dollar cap on the total amount charged for each shipment. The proposed price structure is designed to better reflect the underlying cost function of interdistrict check transportation. If approved, the modified price structure would be implemented in mid-1991.

DATES: Comments must be submitted on or before October 19, 1990.

ADDRESSES: Comments, which should refer to Docket No. R-0705, may be mailed to the Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Attention: Mr. William W. Wiles, Secretary; or may be delivered to Room B-2223 between 8:45 a.m. and 5 p.m. All comments received at the above address will be included in the public file and may be inspected at Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Louise L. Roseman, Assistant Director (202/452-3874), Gayle Brett, Manager (202/452-2934), or Kathleen M. Connor, Senior Financial Services Analyst (202/452-3917), Division of Federal Reserve Bank Operations; for the hearing impaired *only*: Telecommunications Device for the Deaf, Earnestine Hill or Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: Among the goals of the Federal Reserve's check collection service are ensuring an adequate level of service nationwide and developing improvements to accelerate the collection of checks. Pursuant to these goals, the Federal Reserve developed the Interdistrict Transportation System (ITS) network to facilitate and accelerate the transportation and collection of checks between the 48 Federal Reserve Bank offices. Currently, a depository institution can collect checks drawn anywhere in the United States by depositing checks at its local Federal Reserve Bank office, with the Federal Reserve System assuming "end-to-end" accountability for collection. A depository institution generally can receive funds availability for those checks within one or two business days from the date of deposit at the institution.

The ITS network is solely an internal delivery system connecting Federal Reserve offices, transporting primarily checks collected by the Federal Reserve as well as other Federal Reserve materials. The network segments the country into six regional zones. Within each zone, planes fly into and out of a "hub" city to deliver checks to and from the Federal Reserve "spoke" cities in the region. A national "connector zone" carries checks between the hub cities. Close coordination and timing among the various air couriers under contract to the Federal Reserve is essential for the network to operate smoothly.

The ITS network has separate weekday and weekend schedules. The weekday schedule operates Monday through Thursday and accounts for the majority of network volume. The weekend schedule is less time-critical; typically, ITS picks up checks at Reserve Bank offices on Saturday afternoon or evening and delivers them to other Reserve Bank offices by Sunday afternoon or evening. Much of the weekend ITS transportation uses ground couriers, with some use of air couriers.

Under the current ITS price structure, the amount of Federal Reserve charges paid by depository institutions that collect checks shipped on ITS varies according to the number of checks shipped. Each Federal Reserve Bank office maintains a weekday and weekend schedule of per-item surcharges to ship checks to each of the other 47 offices. ITS surcharges are in two forms: (1) Explicit surcharges paid by depository institutions for checks shipped via consolidated shipments,[1] and (2) surcharges imbedded in the mixed or Other Fed per-item check collection processing fees charged by Reserve Bank offices.

ITS network costs are essentially fixed. Of total 1990 network costs, more than 90 percent do not vary with volume. Once the Federal Reserve enters into multi-year contracts with couriers to provide aircraft, pilots, ground operations, and other components of the network, those costs are fixed. The only significant costs that vary with volume are for fuel and for the limited use of commercial flights to ship checks. Thus, the Federal Reserve uses an entirely variable price structure to recover largely fixed costs.

Current ITS pricing differs significantly from the price structures of the major private sector providers of air courier services for check collection. Numerous companies provide regional air delivery services to collect checks for banks. A few of these companies offer multi-regional or national courier services. As far as the Board can determine, none of these couriers uses an entirely variable price structure. In most cases, weekday pricing is entirely fixed: either a fixed dollar amount per endpoint, or a fixed dollar amount per night to deliver checks to a certain maximum number of endpoints. This market practice reflects the essentially fixed cost structure of a large air transportation network. It also reflects a preference among many banks for relative simplicity in estimating their check transportation costs.

The objective of modifying the price structure for ITS surcharges is to ensure that the price structure reflects the underlying cost function of interdistrict check transportation. A price structure with some fixed element would enable depository institutions, and particularly shippers of large volumes, to enjoy the benefits of the largely fixed cost ITS network. Such a structure would also

[1] Depository institutions that choose to collect checks through Reserve Bank offices outside of their local Federal Reserve territory can send their checks to other Reserve Bank offices as direct-send shipments transported by a private courier or as consolidated shipments transported on the ITS network.

bring the Federal Reserve closer to prevailing market pricing practice and would simplify decision-making for banks evaluating check transportation alternatives.

The proposed ITS price structure would retain the current per-item surcharges and would establish a fixed dollar cap on the cumulative surcharges assessed for each shipment. Thus, a user of ITS would experience no change in the total price of a shipment unless the volume of checks shipped to a particular Reserve Bank office would generate per-item charges in excess of the cap. Small-volume depositors would continue to pay per-item surcharges as they do currently and would not be affected by the price structure modification. The proposed structure would give large-volume depositors the opportunity to reduce expenses for large shipments. It also would simplify the pricing and analysis of transportation options for large-volume depositors. If approved, the modified price structure would be implemented in mid-1991.

The Board believes that the proposed price structure strikes the best balance among the goals of adding a fixed element to the ITS price structure, while avoiding disruption and increased costs for current ITS users. In the initial implementation of the proposed structure, Reserve Banks would use one cap for every weekday shipment, and a lower cap for every weekend shipment. The Board anticipates that the initial weekday cap would likely be in the range of $25 to $35 per Reserve Bank office endpoint, and the initial weekend cap would likely be in the range of $20 to $30.

The weekday or weekend cap would be the same for every check shipment, regardless of origination point or destination.[2] A more sophisticated approach might use different caps for different destinations, similar to the different per-item surcharges now employed. Over time, the price structure could evolve in that direction if the benefits of a more sophisticated approach outweighed the simplicity of a standard cap. In particular, the Federal Reserve may consider setting caps at the district or office level, rather than nationally, as the new ITS price structure evolves.

[2] For example, if the cap were set at $35, an institution shipping 6,000 checks from the Federal Reserve Bank in Boston to the Federal Reserve Bank of Philadelphia at a per item surcharge of $0.005 per item would pay $30 ($0.005×6,000) for the shipment. The same institution shipping 6,000 checks to the Federal Reserve Bank of Dallas at a per item surcharge of $0.009 per item would pay $35, rather than $54 (6,000×$0.009) for this shipment.

For the short-term, a standard cap would lend some desirable simplicity to ITS pricing. In addition, a standard cap is more consistent with private sector pricing practices than an array of caps would be. Moreover, an array of fixed fees would require a level of sophistication in setting such caps that would not exist prior to actual experience with this price structure.

In its analysis, the Board also considered the following two alternative price structures:

1. An entirely fixed-price structure; e.g., $X per shipment to each Reserve Bank office, regardless of the volume in each shipment; and

2. A fixed-plus-variable price structure, similar to the use of cash letter fees and per-item fees currently used for other components of the check collection service; e.g., $X per shipment, plus Y cents per item.

The first alternative reflects the underlying fixed costs of the network and would emulate current market practice. This alternative, however, would be disruptive for most current users of ITS. Many cash letters sent by consolidated shippers to distant Reserve Bank offices contain small volumes of checks. A realistic fixed fee surcharge would constitute a large increase in Federal Reserve charges to such consolidated shippers. The Board estimates that nearly all consolidated shippers using ITS would pay considerably more under this pricing approach than they pay currently.

The second alternative would add a fixed element to ITS pricing and provide for lower effective per-item surcharges as volumes increased. This alternative, however, has two significant problems. It adds complexity to an already large array of more than 4,500 individual prices. Moreover, in the Board's judgment, it would not be possible to implement this structure in a way that would provide appreciable benefits to large-volume depositors without adding significantly to the cost borne by smaller-volume depositors.

Competitive Impact Analysis. The Board formalized its procedures for assessing the competitive impact of changes that have a substantial effect on payments systems participants.[3] Under these procedures, the Board will assess whether proposed changes in services or prices would have an adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing similar services due to differing legal powers or constraints or due to a dominant market position of the Federal Reserve deriving from such legal differences.

[3] These procedures are described in the Board's policy statement titled "The Federal Reserve in the Payments System," which was revised in March 1990.

The Board believes that this proposal would not have a direct and material adverse effect on the ability of other service providers to compete effectively with the Federal Reserve in providing check collection services. Private-sector correspondent banks that provide check collection services would be the principal potential beneficiaries of this modification to the ITS price structure. Correspondent banks currently use either ITS or direct-send arrangements to ship checks to nonlocal Reserve Bank offices. The proposed modification would give these banks a simpler and potentially more favorable option for their large check shipments and new opportunities to reduce their shipping expenses.

The modified ITS price structure may induce a shift in volume from direct-send arrangements through private air couriers to consolidated shipments on ITS. The Federal Reserve does not compete directly with private sector air couriers. The ITS network transports only checks that are accounted for on the books of the Reserve Banks and other Federal Reserve materials between Federal Reserve Bank offices. Thus, ITS is an integral part of the Federal Reserve's check collection service. Private air couriers provide a broad range of services, including delivery of checks to correspondent banks and transportation of many other types of cargo.

Even if the Federal Reserve were perceived to be in competition with private air couriers, the proposed ITS price structure would not have a direct and material adverse effect on the ability of air couriers to compete effectively. The proposed price structure is consistent with the current pricing practices of most air couriers.

By order of the Board of Governors of the Federal Reserve System, August 15, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90–19619 Filed 8–20–90; 8:45 am]

BILLING CODE 6210–01–M

First Western Bancorp, Inc.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities; Correction

This notice corrects a previous **Federal Register** Notice (FR Doc. 90–18238) published as page 31896 of the issue for Monday, August 6, 1990.

Under the Federal Reserve Bank of Cleveland, the entry for First Western Bancorp, Inc. is amended to read as follows:

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *First Western Bancorp, Inc.*, New Castle, Pennsylvania; to acquire First Federal of Western Pennsylvania, Sharon, Pennsylvania, and thereby engage in savings and loan activities pursuant to § 225.25(b)(9); and certain trust activities pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Comments on this application must be received by August 30, 1990.

Board of Governors of the Federal Reserve System, August 15, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-19260 Filed 8-20-90; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp., New York, NY; Application To Engage de Novo in Leasing Activities

Manufacturers Hanover Corporation, New York, New York ("MHC"), has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage *de novo* directly or indirectly, through its existing subsidiary, the CIT Group Holdings, Inc., New York, New York ("CIT Holdings"), or any of CIT Holdings' existing subsidiaries or any of its subsidiaries yet to be formed (together with CIT Holdings, "CIT"), in certain leasing activities involving the leasing of personal property, and acting as agent, broker, or advisor in leasing such property. These activities will be conducted throughout the United States and in foreign countries.

In this application, MHC proposes to expand CIT's leasing activities to including leasing transactions that comply with all of the conditions of Regulation Y, 12 CFR 225.25(b)(5), except as set out below. MHC is requesting the Board's prior approval to engage in leasing transactions the terms of which will allow CIT to rely for its compensation on the estimated residual value of the property at the expiration of the initial term of the lease up to 100 percent of the acquisition cost of the property. MHC has stated that it will limit such leases with estimated residual values in excess of 25 percent of acquisition cost to no more than 10 percent of MHC's total consolidated assets. MHC will also limit leases with estimated residual values in excess of 70 percent of acquisition cost to no more than the lesser of (i) 0.5 percent of MHC's total consolidated assets, or (ii) 10 percent of MHC's total consolidated shareholders' equity. Regulation Y currently limits residual value reliance to no more than 20 percent of the acquisition cost of the property to the lessor. 12 CFR 225.25(b)(5)(iv)(C).

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity which the Board has determined to be "so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n* v. *Board of Governors*, 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984).

MHC believes that its proposed leasing activities, including the less restrictive residual value requirement, are closely related to banking, and cities as authority two recent orders of the Board. *Security Pacific Corporation*, 76 Fed. Res. Bull. ____ (1990) (Order dated April 30, 1990); *The Mitsui Taiyo Kobe Bank, Limited*, 76 Fed. Res. Bull. ____ n.2) (Order dated May 7, 1990). In addition, MHC cites the expanded statutory authority for national banks to engage in leasing transactions on a net lease basis. 12 U.S.C. 24 (Tenth). The regulations proposed by the Office of the Comptroller of the Currency to implement this statutory authority do not contain any maximum residual value.

In determining whether an activity meets the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices."

MHC contends that CIT's conduct of the proposed activities will result in significant public benefits that will outweigh possible adverse effects. MHC states that such public benefits will take the form of increased competition in the leasing industry, improved services to leasing customers, increase safety and soundness through strengthening of MHC's portfolio and increased earnings, and gains in efficiency.

Comments regarding the application must be received at the office of the Board of Governors no later than September 10, 1990.

Board of Governors of the Federal Reserve System, August 15, 1990.

Jennifer J. Johnson,

Associate Secretary to the Board.

[FR Doc. 90-19617 Filed 8-20-90; 8:45 am]

BILLING CODE 6210-01-M

Pocahontas Bankstock, Inc., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than September 11, 1990.

A. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. *Pocahontas Bankstock, Inc.*, Pocahontas, Arkansas; to become a bank holding company by acquiring 100

percent of the voting shares of Bank of Pocahontas, Pocahontas, Arkansas.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Midwest R&S Corporation,* Brookings, South Dakota; to become a bank holding company by acquiring 99.39 percent of the voting shares of Home Trust Savings and Loan Association, Vermillion, South Dakota.

2. *Staples Financial Services, Inc.*, Staples, Minnesota; to become a bank holding company by acquiring 97.18 percent of the voting shares of Staples State Bank, Staples, Minnesota.

Board of Governors of the Federal Reserve System, August 15, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–19618 Filed 8–20–90; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–24]

Notice of Availability of Draft Guidance Documents of Chemically Contaminated Patients

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: This notice announces the availability of two (2) Draft Guidance Documents for a public comment period. These documents are for use as a measurement to assess the capabilities of communities to respond to potential chemical release emergencies, and to develop response plans utilizing national and community-specific resources.

AVAILABILITY: This notice is to announce that one copy of each of the draft guidance documents listed below will be provided free of charge by writing Emergency Response Consultation Branch, ATSDR, Mailstop E–32, 1600 Clifton Road NE., Atlanta, Ga. 30333, telephone (404) 639–0615:

"Chemical Emergencies: Hospital Emergency Department Guidelines"

"Chemical Emergencies: Guidance for the Management of Chemically Contaminated Patients in the Prehospital Setting".

SUPPLEMENTARY INFORMATION: Section 104(i)(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, provides the Administrator of ATSDR with authority to assemble, develop as necessary, and distribute to the States, and upon request to medical colleges, physicians, and other health professionals, appropriate educational materials (including short courses) on the medical surveillance, screening, and methods of diagnosis and treatment of injury or disease related to exposure to hazardous substances, through such means as the Administrator of ATSDR deems appropriate.

These documents have been developed to assist hospital and community emergency response systems to respond to hazardous chemical release incidents. They may be used as a measure to assess capabilities with respect to potential community hazards, and to develop response plans utilizing national and community-specific resources. Worker health and safety and training are presented as one of the key factors in effective management of medical emergencies. These documents are also intended to provide primary source material for development of local training and safety protocols.

DATES: Comments on these draft guidance documents should be submitted in writing to the above address on or before September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Scott V. Wright, Environmental Health Scientist, Emergency Response Consultation Branch, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Mailstop E–32, Atlanta, Ga. 30333, (404) 639–0615, FTS 236–0615.

Dated: August 14, 1990.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 90–19665 Filed 8–20–90; 8:45 am]

BILLING CODE 4160–70–M

[ATSDR–23]

Request for Peer Reviewers for ATSDR-Sponsored Research Projects

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (DHHS).

ACTION: Notice of request for nominations for reviewers.

SUMMARY: The Agency for Toxic Substances and Disease Registry (ATSDR), United States Public Health Service, Department of Health and Human Services, is seeking nominations for peer reviewers for studies and research projects conducted or sponsored by ATSDR. Experts in areas such as biostatistics, environmental health, epidemiology, ethics, internal medicine, pediatrics, public health, reproductive health, and toxicology are needed.

SUPPLEMENTARY INFORMATION: ATSDR in carrying out the health-related authorities of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA) (42 U.S.C. 9601 *et seq.*), conducts epidemiological studies of persons exposed to hazardous substances and toxicological studies of hazardous substances. Protocols and final reports of studies and results of research funded, sponsored, or conducted by ATSDR will be peer-reviewed in accordance with the mandates of CERCLA, section 104(i)(13), which requires that "All studies and results of research conducted under this subsection (other than health assessments) shall be reported or adopted only after appropriate peer review. Such peer review shall be completed, to the maximum extent practicable, within a period of 60 days. * * * such peer review shall be conducted by panels consisting of no less than three nor more than seven members, who shall be disinterested scientific experts selected for such purpose by the Administrator of ATSDR * * * on the basis of their reputation for scientific objectivity and the lack of institutional ties with any persons involved in the conduct of the study or research under review * * *." Peer reviewers will be asked to sign statements indicating they acknowledge compliance with the conflict of interest provision of CERCLA, section 104(i)(13).

Peer reviewers will be sent protocols and final reports of studies and results of research and asked to provide written comments within an agree-to time frame. Peer reviewers will categorize these protocols and final reports as approved, approved with required changes, or disapproved. After categorization, protocols and final reports of studies and results of research will be returned to ATSDR. Individual peer review comments will be released to principal investigators and the appropriate ATSDR Divisions and may be subject to release under the Freedom of Information Act.

Reviewers will be paid a consultation fee for their reviews. In general, the persons who review the protocol for a particular study or research will also be asked to review the final report for the study or research.

FOR FURTHER INFORMATION CONTACT: Persons interested in serving as peer reviewers or seeking further information should send the following information: name, address, telephone number, FAX number, and a curriculum vitae, to John S. Andrews, Jr., M.D., Associate Administrator for Science (E–28), ATSDR, 1600 Clifton Road, NE., Atlanta, Georgia 30333 (telephone: 404–639–0700 (FTS–236–0700)).

Dated: August 14, 1990.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 90–19666 Filed 8–20–90; 8:45 am]

BILLING CODE 4160–70–M

Food and Drug Administration

[Docket No. 90M-0251]

Sorin Biomedica, S.P.A.; Premarket Approval of HA–IGMK

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA is announcing its approval of the application by Sorin Biomedica, S.p.A., Saluggia (VC) Italy, c/o Incstar Corp., Stillwater, MN, for premarket approval, under the Medical Device Amendments of 1976, of the HA–IGMK. After reviewing the recommendation of the Microbiology Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of July 24, 1990, of the approval of the application.

DATES: Petitions for administrative review by September 20, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph L. Hackett, Center for Devices and Radiological Health (HFZ-440), Food and Drug Administration, 1390 Piccard Dr. Rockville, MD 20850, 301-427-1096.

SUPPLEMENTARY INFORMATION: On September 28, 1989, Sorin Biomedica, S.p.A., Saluggia (VC) Italy, c/o Incstar Corp., Stillwater, MN 55082, submitted to CDRH an application for premarket approval of HA-IGMK. The HA–IGMK is intended for the qualitative determination of IgM immunoglobulin directed against hepatitis A virus (IgM anti-HAV) in human serum or plasma, for use as an aid in the diagnosis of hepatitis A virus infection.

On February 8, 1990, the Microbiology Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On July 24, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Joseph L. Hackett, (HFZ-440), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 20, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: August 10, 1990.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 90–19625 Filed 8–20–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90M-0243]

OcuTec Corp.; Premarket Approval of Novalens (Rosilfocon A) Rigid Gas Permeable Contact Lens (Clear and Blue Tinted)

AGENCY: Food and Drug Administration HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by OcuTec Corp., Raleigh, NC, for premarket approval, under the Medical Device Amendments of 1976, of the spherical NOVALENS (rosilfocon A) rigid Gas Permeable Contact Lens (clear and blue tinted). After reviewing the recommendation of the Ophthalmic Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of July 13, 1990, of the approval of the application.

DATES: Petitions for administrative review by September 20, 1990.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions and petitions for adminstrative reveiw to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: David M. Whipple, Center for Devices and Radiological Health (HFZ–460), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1080.

SUPPLEMENTARY INFORMATION: On October 5, 1989, OcuTec Corp., Raleigh, NC 27615, submitted to CDRH an application for Premarket approval of the NOVALENS (rosilfocon A) Rigid Gas Permeable Contact Lens. (clear and blue tinted). The spherical lens is

indicated for daily wear for the correction of visual acuity in not-aphakic persons with nondiseased eyes that are nearsighted (myopic) or farsighted (hyperopic). The lens may be worn by persons who exhibit astigmatism of 4.00 diopters (D) or less that does not interfere with visual acuity. The spherical lens ranges in powers from −20.00 D to +12.00 D and is to be disinfected using a chemical lens care system. The blue tinted lens contains the color additive D&C Green No. 6 in accordance with the color additive listing provisions of 21 CFR 74.3206.

On January 26, 1990, the Ophthalmic Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On July 13, 1990, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact David M. Whipple (HFZ–460), address above. The labeling of the NOVALENS (rosilfocon A) Rigid Gas Permeable Contact Lens (clear and blue tined) states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses only.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b)(21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the pesons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before September 20, 1990, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food and Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: August 10, 1990.

Walter E. Gundaker,

Acting Deputy Director, Center for Devices and Radiological Health.

[FR Doc. 90–19626 Filed 8–20–90; 8:45 am]

BILLING CODE 4160–01–M

Small Business participation; Notice of Open Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a forthcoming small business exchange meeting to be chaired by Edward T. Warner, Director, New York District. The topic to be discussed is small business relationships with FDA.

DATES: The meeting will be held on Tuesday, September 18, 1990, 9 a.m. to 12 m.

ADDRESSES: The meeting will be held at the Ramada Inn, 1515 Veterans Memorial Highway, Hauppauge, NY 11788.

FOR FURTHER INFORMATION CONTACT: George R. Walden, Small Business Assistance Program, Food and Drug Administration, 830 Third Ave., Brooklyn, NY 11323, 718–965–5528.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to promote dialogue between small businesses and FDA officials. The meeting will provide a forum for the owners and managers of small businesses to express their concerns about the FDA, discuss the effects of regulation and regulatory alternatives, convey knowledge about the agency's operations and procedures, and increase participation by small business persons in FDA's decisionmaking process.

Dated: August 14, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90–19628 Filed 8–20–90; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Notice of Hearing: Reconsideration of Disapproval of Wisconsin State Plan Amendment (SPA)

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

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on October 2, 1990, in the 16th floor Conference room, 105 West Adams, Chicago, Illinois to reconsider our decision to disapprove Wisconsin State Plan Amendment 90–0011.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk September 5, 1990.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, 300 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 966–4471.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Wisconsin State Plan amendment (SPA) number 90–0011.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within

15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Wisconsin's SPA proposes to delay the effective date of section 6411(e)(1) of the Omnibus Budget Reconciliation Act (OBRA) of 1989. The State proposes to amend the effective date of section 6411(e)(1) of OBRA 1989, as prescribed by section 6411(e)(4)(A), from December 20, 1989, to July 1, 1990.

The issue in this matter is whether the State's proposed effective date of July 1, 1990, complies with the requirements of sections 6411(e)(1) and 6411(e)(4)(A) of OBRA 1989.

HCFA believes the State's proposed effective date of July 1, 1990, does not comply with the requirements of sections 6411(e)(1) and 6411(e)(4)(A) of OBRA 1989. Section 6411(e)(4)(A) provides that the amendment in section 6411(e)(1) is effective with respect to transfers occurring after the date of enactment of OBRA 1989. OBRA 1989 was enacted on December 19, 1989. HCFA is aware of no provision in OBRA 1989, nor title XIX of the Social Security Act, nor elsewhere in Federal law which authorizes a delay in the effective date of this provision. Even though State law may require legislation in order to implement this provision, HCFA believes that the authority in Federal law with respect to the effective date supersedes Stae law to the extent that the State law frustrates the purpose of the Federal law. In this instance, Congress intended that section 6411(a)(1) would go into effect immediately after December 19, 1989. HCFA believes that any delay in the effective date would frustrate this intent. Since HCFA is aware of no authority in the Federal law to delay the effective date, HCFA disapproved the delay requested in SPA 90–0011.

The notice to Wisconsin announcing an administrative hearing to reconsider the disapproval of its State plan amendment reads as follows:

Ms. Patricia A. Goodrich, Secretary,
Department of Health and Social Services, 1 West Wilson Street, Madison, Wisconsin 53702.

Dear Ms. Goodrich: I am responding to your request for reconsideration of the decision to disapprove Wisconsin State Plan Amendment (SPA) 90–0011. The amendment proposes to delay the effective date of section 6411(e)(1) of the Omnibus Budget Reconciliation Act (OBRA) of 1989. The State proposes to amend the effective date of section 6411(e)(1) of OBRA 1989, as prescribed by section 6411(e)(4)(A), from December 20, 1989, to July 1, 1990.

The issue in this matter is whether the State's proposed effective date of July 1, 1990, complies with the requirements of sections 6411(e)(1) and 6411(e)(4)(A) of OBRA 1989.

I am scheduling a hearing on your request to be held on October 2, 1990, at 10 a.m. in the 16th floor conference room, 105 West Adams, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR part 430.

I am designating Mr. Stanley Krostar as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 966–4471.

Sincerely,

Gail R. Wilensky,

Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18)

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

Dated: August 15, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90–19629 Filed 8–20–90; 8:45 am]

BILLING CODE 4120–03–M

[BPD–682–N]

RIN 0938–AF08

Medicaid Program; Deadline for Submitting Moratorium State Plan Amendments

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

ACTION: Notice.

SUMMARY: This notice announces the deadline for Medicaid State agencies to submit State plan amendments requesting moratorium protection under section 2373(c) of the Deficit Reduction Act of 1984, as amended by the Medicare and Medicaid Patient and Program Protection Act of 1987. Section 2373(c) initiated a moratorium period during which HCFA cannot take any compliance, disallowance, penalty or other regulatory action against a State agency whose State plan contains an income or resource methodology or standard for determining eligibility for medically needy and certain categorically needy groups that is less restrictive than the required standard or methodology. This notice provides formal notification to States that plan amendments requesting moratorium protection will not be accepted after the last day of the first full calendar quarter following publication of this notice in the **Federal Register**.

EFFECTIVE DATE: This notice is effective December 31, 1990.

FOR FURTHER INFORMATION, CONTACT: Kathleen Blume, (301) 966–4455.

SUPPLEMENTARY INFORMATION:

I. Background

Under the provisions of sections 1902(a)(10) and 1905(a) of the Social Security Act (the Act), Medicaid is available to categorically needy and medically needy individuals. With certain specified exceptions, the financial requirements and methods used to determine eligibility for these groups are those of the most closely related cash assistance programs, Aid to Families with Dependent Children and the Supplemental Security Income program.

Section 2373(c)(1) of the Deficit Reduction Act of 1984 (Pub. L. 98–369, enacted on July 18, 1984), as amended by section 9 of the Medicare and Medicaid Patient and Program Protection Act (MMPPPA) of 1987 (Pub. L. 100–93, enacted on August 18, 1987), placed a moratorium on certain actions the Secretary can take against States whose Medicaid programs employ for certain eligible groups more liberal income and resource requirements than permitted under section 1902(a)(10) of the Act. Specifically, the Secretary cannot take disallowances, penalties, or other regulatory actions against States because a plan (or its operation) employed financial eligibility standards and methods the Secretary finds to be less restrictive than required under sections 1902(a)(10)(A)(ii) (IV), (V), or (VI) or section 1902(a)(10)(C)(i)(III) of the Act during the moratorium period. These sections of the Act pertain to optional categorically needy groups who are institutionalized, receiving optional State supplementary payments or receiving home and community based waiver services, and the medically needy.

Section 2373(c)(2) of Public Law 98–369, states that the moratorium period begins on the date of enactment of Public Law 98–369 (that is, July 18, 1984), and ends 18 months after the date on which the Secretary submits the report to Congress as required under section 2373(c)(3) of Public Law 98–369. Section

9 of Public Law 100–93, amended Public Law 98–369 and clarified the moratorium period as beginning on October 1, 1981.

Section 2373(c)(3) of Public Law 98–369, requires the Secretary to submit a report to Congress on the use of cash assistance standards and methods for eligibility groups which do not receive cash assistance. The Secretary submitted the report to Congress on August 17, 1987. Thus, the moratorium period ended on February 17, 1989 (or March 1, 1989 in States which provide full month coverage).

We advised States of the moratorium and how to seek moratorium protection through the issuance of instructions: Action Transmittal 85–1; and State Medicaid Manual (SMM) instruction, Transmittal 25, published in June, 1988. The SMM instruction incorporated the policy detailed in Action Transmittal 85–1 and updated the instructions to incorporate changes required by the MMPPPA.

II. Provisions of this Notice

This notice announces to State agencies that requests for moratorium protection of State plan amendments will not be accepted after December 31, 1990, which is the last day of the first full calendar quarter following publication of this notice.

One and one half years will have lapsed from the date the moratorium ended and the date the Secretary proposes to cease accepting moratorium plan amendments. While the moratorium period has ended, there is no date for the Secretary to cease reviewing policies for States that wish to be protected under the moratorium. However, the Secretary does not believe the Congress intends for the Secretary to be in the position of making decisions in regard to moratorium protection indefinitely. It is the agency's belief that sufficient time has passed for States to identify policies for which it believes moratorium protection is needed and to have submitted such policies to HCFA to have a determination made as to whether such policies are eligible for moratorium protection. There is also sufficient time between this formal notice and the last day of the first full calendar quarter following publication of this notice for any States which have not submitted all of their policies for review to do so.

It is important to note that any moratorium plan amendments pending, on October 1, 1990, or which have been denied and for which States have requested reconsideration in accordance with procedures described at 42 CFR 430.18 will not be affected by the October 1, 1990, date. This date is solely for the purpose of accepting new moratorium plan amendments.

III. Regulatory Impact Statement

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a requlatory impact analysis for any notice that meets one of the E.O. 12291 criteria for a "major rule"; that is, that would be likely to result in——

- An annual effect on the economy of $100 million or more;
- A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition, we generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a notice would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, States and individuals are not considered to be small entities.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a notice may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital which is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

We have determined that this notice, in itself, will not produce any effects that will meet any cf the criteria of E.O. 12291 or of the RFA since this notice merely announces the deadline for Medicaid State agencies to submit State plan amendments requesting moratorium protection under section 2373(c) of the Deficit Reduction Act of 1984 (Public Law 98–369). Section 2373(c)(2) of Public Law 98–369 states that the moratorium period begins on the date of enactment of Public Law 98–369 (that is, July 18, 1984), and ends 18 months after the date on which the Secretary submits the report to Congress as required under section 2373(c)(3) of Public L 93 amended Public Law 98–369. Section 9 of Public Law 93–100 and clarified the moratorium period as beginning on October 1, 1981. The moratorium period ended February 17, 1989, (or March l, 1989 in States which provide full month coverage). Instructions governing the moratorium protection process were issued in the State Medicaid Manual, Part 3, Transmittal 25, dated June 1988. Therefore, we believe States have been provided a reasonable period of time to submit requests for consideration. Also, States which submit a request for moratorium protection will not be affected by this notice.

This notice does not meet the $100 million criterion nor do we believe that it meets the other E.O. 12291 criteria. Therefore, this notice is not a major rule under E.O. 12291 and a regulatory impact analysis is not required.

Further, we have determined and the Secretary certifies that this notice will not result in a significant economic impact on a substantial number of small entities and will not have a significant economic impact on the operations of a substantial number of small rural hospitals. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act.

IV. Information Collection Requiremen

This notice contains no information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

(Sec. 1902(a)(10)(A)(ii)(IV), (V) or (VI), and 1902(a)(10)(C)(i)(III) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)(IV), (V) or (VI), and 1396a(a)(10)(C)(i)(III))

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

Dated: May 31, 1990.

Gail R. Wilensky,

Administrator, Health Care, Financing Administration.

[FR Doc. 90–19630 Filed 8–20–90; 8:45 am]

BILLING CODE 4120–01–M

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Meeting of the National Deafness and Other Communication Disorders Advisory Council

Pursuant to Public Law 92–463, notice is is hereby given of the meeting of the National Deafness and Other Communication Disorders Advisory Council September 5 and 6, 1990. The Council will meet in Conference room 6, Building 31C, National Institutes of

Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The Council meeting will be open to the public on September 5 from 8:30 a.m. to recess at 5 p.m. to discuss administrative details relating to Council business and specal reports. Attendance by the public will be limited to space available.

The meeting of the Council will be closed to the public on September 6 from 8:30 a.m. to adjournment at approximately 5 p.m. in accordance with provisions set forth in secs. 552(c)(4) and 552b(c)(6), title 5 U.S.C and section 10(d) of Public Law 92–463, for the review, discussion and evaluation of individual grant applications. These deliberations could reveal confidential trade secrets or commercial property, such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Further information concerning the full Concil meeting may be obtained from Dr. Earleen F. Elkins, Exective Secretary, National Institute on Deafness and Other Communication Disorders, Federal Building, room 1C09, National Institutes of Health, Bethesda, Maryland 20892, 301–496–1806. A summary of the meeting and roster of the members may also be obtained from her office.

The Research Working Group of the Council will meet in closed session on September 4, 1990, from 1 p.m. to 3 p.m., to review, discuss, and evaluate individual grant applications. The meeting will be closed in accordance with sections 552b(c)(4) and 552b(c)(6) of title 5 U.S. Code. A summary of the working group's meeting and roster of participants may be obtained from Ms. Monica Davies, Research Working Group Coordinator, NIDCD, NIH, Building 31C, room B2C06, 9000 Rockville Pike, Bethesda, Maryland 20892, 301–402–1129.

(Catalog of Federal Domestic Assistance Program No. 13.173 Biological Research Related to Deafness and Other Communicative Disorders)

Dated: August 9, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–19613 Filed 8–20–90; 8:45 am]

BILLING CODE 4140–01–M

National Institute on Deafness and Other Communications Disorders; Notice of Meeting of the National Deafness and Other Communication Disorders Advisory Board

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Deafness and Other Communication Disorders Advisory Board on September 17, 1990. The meeting will take place from 9 a.m. to 5 p.m. in Conference room 9, Building 31C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland 20892.

The meeting will be open to the public from 9 a.m. to 11 a.m. and from 1 p.m. to adjournment at 5 p.m. to discuss the Board's activities. Attendance by the public will be limited to space available.

The meeting will be closed to the public from 11 a.m. to 1 p.m. for discussion and recommendation of individuals to serve on scientific panels to update the National Strategic Research Plan in the vestibular and language areas.

Summaries of the Board's meeting and a roster of members may be obtained from Mrs. Monica Davies, National Institute on Deafness and Other Communication Disorders, Building 31, room B2C06, National Institutes of Health, Bethesda, Maryland 20892, 301–402–1129, upon request.

Dated: August 9, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90–19614 Filed 8–20–90; 8:45 am]

BILLING CODE 4140–01–M

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) a request for approval of a new information collection for Comprehensive Child Development Program (CCDP) Management Information System.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245–6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Comprehensive Child Development Program Management Information System.

OMB No: N/A.

Description: Part E of Public Law 100–297 requires that each applicant for an operating grant "collect and provide data on groups of individuals and geographic areas served, including types of services to be furnished, estimated cost of providing comprehensive services on an average per user basis, types and nature of conditions and needs identified and met, and such other information as the Secretary may require." Public Law 100–297 also requires a process evaluation and an impact evaluation for a report to Congress on the effects of the program for consideration of further legislation.

In order to collect these data in a standard format, ACYF has developed an automated Management Information System (MIS). This system prescribes the collection, recording, storing, retrieving, tabulating and reporting of data from CCDP-recipient grantees on children, families, programs, services, and costs. The system was designed to fulfill the mandate of part E, Public Law 100–297 and to most effectively manage the 24 participating projects.

Annual number of respondents: 13,400

Annual frequency: 26.50

Average burden hours per response: 0.12

Total burden hours: 44,177

Dated: August 13, 1990.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 90–19591 Filed 8–20–90; 8:45 am]

BILLING CODE 4130–01–M

Public Health Service

National Toxicology Program (NTP) Electromagnetic Field Exposures Protocol Review Meeting—September 19, 1990

A public meeting will be held to hear comments on the proposed protocol of the National Toxicology Program (NTP) to evaluate the potential reproductive toxicity and potential long-term toxicity

or carcinogenicity of exposures of laboratory animals to 60 Hz magnetic fields on September 19, 1990, at the National Institutes of Environmental Health Sciences. The meeting will begin at 10 a.m. and continue to approximately 12:30 p.m., in Conference room 101A, Building 101, South Campus, 111 Alexander Drive, Research Triangle Park, NC 27709. The meeting is open to the public as space is available. If you have comments or questions about the meeting, you may contact Dr. Gary A. Boorman at 919/541–3440 or FTS 629–3440.

Background

The NTP was established as a DHHS cooperative effort to coordinate and manage the Department's program to develop the scientific information necessary to protect the health of the American public from exposure to hazardous chemicals and agents. The NTP consists of relevant toxicology activities of the National Institutes of Health's National Institute of Environmental Health Sciences (NIH/NIEHS), the Centers for Disease Control's National Institute for Occupational Safety and Health (CDC/NIOSH), and the Food and Drug Administration's National Center for Toxicological Research (FDA/NCTR). The NTP conducts short-term and long-term studies of rodents to determine which chemicals or environmental agents may be potentially hazardous to man.

Recently, public and scientific concern has been raised about the possible hazard to man of the weak, extremely low frequency electromagnetic fields (EMF) associated with electric power transmission and use. People in modern societies are exposed to alternating (50 Hz in Europe, 60 Hz in the United States) EMF in addition to the earth's static ambient electromagnetic fields. These complex interactive fields are found along power lines, in the home and in occupational settings. Since the energy in EMF fields produced by alternating currents is below that necessary to cause genetic damage or heat the tissues, it was long considered that EMF exposure could pose no threat to human health. The results of several recent epidemiologic studies have suggested an association between EMF exposures and the occurrence of cancer in man while other epidemiological studies have failed to show such an association. Experimental EMF exposures of cellular systems have produced alterations in some but not all systems. In whole animals, decreased nocturnal melatonin secretion seems to be a consistent finding with EMF exposure.

Reviews of epidemiological studies and experimental evidence have resulted in documents from the World Health Organization (1) and the United States Office of Technology Assessment (2) suggesting that animal studies are necessary to evaluate potential hazard, if any, of prolonged exposures to higher intensities of EMF. The Department of Energy (DOE) and the Electric Power Research Institute (EPRI) have nominated EMF to the NTP for evaluation in rodent studies. After reviewing the available data, the NTP proposes to subject rodents to prolonged exposures of alternating magnetic fields to determine the possible effect on reproductive parameters and to determine any effect on the rats and patterns of tumors that develop in B6C3F1 mice and F344/N rats. While the NTP has had extensive experience in the evaluation of potential toxicity of environmental chemicals using long-term animal studies, its EMF experience is more limited.

The NTP is soliciting advice and comments on its proposed protocols, especially with regard to the EMF fields. For example, the current protocol proposes the highest magnetic field intensity of 10 Gauss. Can higher field intensities be obtained for long periods of time and are they scientifically justified? Are continuous fields to be preferred over intermittent or pulsed fields? What should be the polarity of the fields? What are the best methods to determine whether EMF exposure alters melatonin secretion? Given the complexity and variables of EMF associated with home and work place exposure, lacking defined mechanism(s) of action for EMF, if they exist, and not knowing which EMF parameters may be important, the current NTP position is to limit exposure variables and begin with magnetic fields. If appropriate, the results of these and other ongoing studies can be used to design future studies which will involve more complex exposure scenarios.

The NTP would welcome receiving toxicological information from completed, ongoing or planned studies by others. A summary of the proposed NTP protocol is attached. A complete protocol can be obtained by writing to Dr. Gary A. Boorman, NTP, P.O. Box 12233, Research Triangle Park, NC 27709 or by FAX 919/541–22. Written comments are welcome and those received by September 17 will be made available to the public at the meeting. Persons wanting to make remarks from the floor during the public comment period must notify Dr. Boorman by telephone 919/541–3340; FTS 629–3440; or by mail no later than September 12, 1990, and provide a written copy of remarks by September 17 to permit distribution to attendees. Oral presentations should supplement the written statement to accommodate all the speakers and allow time for discussion.

1. Nonionizing Radiation Protection. 2nd edition, WHO Regional Publications, European Series No. 25, ISBN 92 890 11165, 1989.

2. U.S. Congress, Office of Technology Assessment, Biological Effects of Power Frequency Electric and Magnetic Fields—Background Paper, OTA–BP–E–53, Washington, DC, U.S. Government Printing Office, May 1989.

Dated: August 15, 1990.

David P. Rall,

Director, National Toxicology Program.

Brief Summary of Proposed Protocol for the NTP Chronic Toxicity/Carcinogenicity Evaulation of Alternating Magnetic Fields (EMF)

Objectives: To determine the chronic toxicity and carcinogenicity of alternating magnetic fields (EMF) exposures to B6C3F1 mice and F344 rats and to determine if exposures to these magnetic fields can alter reproduction of rats or embryonic/fetal development of rats and rabbits.

For the carcinogenicity studies F344 rats and B6C3F1 mice will be exposed to continuous circularly polarized sine wave magnetic fields for 20 hours/day, seven days/week for up to two years. The field intensities will be 2 milliGauss (mG), 20 mG, 200 mG, 2 Gauss and 10 G. Groups will consist of 70 rats and mice of each sex. Serum melatonin levels will be performed in 10 animals/group at 3 and 12 months of exposure. The study will be conducted according to the NTP General Statement of Work for the conduct of toxicity and carcinogenicity studies in laboratory animals Revised April 1987 (with modifications), with complete histopathological evaluation of 10 animals/sex/group/species at 3 and 12 months plus all natural deaths, animals killed in a moribund state and all remaining animals after 104 weeks of exposure.

For the reproductive and developmental toxicity studies, exposure conditions will be the same as for the carcinogenicity studies. The reproductive toxicity study will be conducted in Sprague-Dawley rats using the NTP Reproductive Assessment Continuous Breeding protocol. Developmental toxicity studies will be conducted in Sprague-Dawley rats and New Zealand rabbits exposed from the time of implantation until one day

before normal delivery when the pups will be taken by Caesarean-section for examination for the type and prevalence of malformations, variations, and other evidence of developmental toxicity. The results will be reported in the NTP Report Series.

[FR Doc. 90–19612 Filed 8–20–90; 8:45 am]
BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Privacy Act of 1974—Revision of Notice of System of Records

Pursuant to the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552a), notice is hereby given that the Department of the Interior proposes to revise four notices describing records maintained by the Bureau of Indian Affairs. Except as noted below, all changes being published are editorial in nature, clarify and update existing statements, and reflect other miscellaneous administrative revisions which have occurred since the previous publication of the material in the Federal Register. The four notices being revised, which are published in their entirety below, are:

1. Indian Social Services Case Files—Interior, BIA–8; (formerly published on September 13, 1983; 48 FR 41103).
2. Law Enforcement Services—Interior, BIA–18; (formerly published on September 13, 1983; 48 FR 41109).
3. Indian Student Records—Interior, BIA–22; (formerly published on September 13, 1983; 48 FR 41111).
4. Employment Assistance Case Files—Interior, BIA–23; (formerly published on September 13, 1983; 48 FR 41112).

In three notices (BIA–8), (BIA–18), and (BIA–23) the existing routine disclosure statement is revised to include release to another Federal, State, local or tribal government officials for the purpose of administering child protective services; to agencies authorized to care for, treat or supervise abused or neglected children; and to members of community child protective teams for the purposes of establishing a diagnosis, formulating a treatment plan, and/or investigating reports of suspected physical child abuse or neglect. Also in two of the notices, (BIA–8) and (BIA–18) the routine disclosure statement is revised to include release to a guardian or guardian ad litem of a child named in the report. In one notice (BIA–22) the existing routine disclosure statement is revised to include release to appropriate persons, in the event of an emergency, if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

5 U.S.C. 552a(e)(11) requires that the public be provided 30-days in which to comment on the intended use of the information in the systems of records. Therefore, written comments on this notice can be addressed to the Department Privacy Act Officer, U.S. Department of the Interior, Office of the Secretary (PMI), Room 2242, 1849 C Street NW., Washington, DC 20240. Comments received on or before September 20, 1990, will be considered. The notice shall be effective as proposed without further publication at the end of the comment period, unless comments are received which would require a contrary determination.

Dated: August 16, 1990.

Oscar W. Mueller, Jr.,

Director, Office of Management Improvement.

INTERIOR/BIA–8

SYSTEM NAME:

Indian Social Services Case Files—Interior, BIA 8.

SYSTEM LOCATION:

All Area, Agency and Field Offices of the BIA. (For a listing of specific locations, contact the System Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who apply and receive social services and direct assistance from the Bureau of Indian Affairs on Indian reservations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files and related card files giving history of social services and direct assistance to individual Indians; and records concerning, individuals which have arisen as a result of that individual's receipt of payment or overpayment of direct assistance funds which the individual was not entitled and/or for the misuse of funds disbursed under the direct entitlement program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 13.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) provides permanent individual records on social services and direct assistance to individual Indians; (b) provides management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made (1) granting access or transfer to another Federal agency, a State or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for social services programs now controlled by the BIA, (2) to the U.S. Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local, foreign or tribal agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to Federal, State, local or tribal agencies where necessary and relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit, (6) to federal, state, local or tribal governmental officials responsible for administering child protective services in carrying out his or her official duties, (7) to a guardian or guardian ad litem of a child named in the report, (8) to agencies authorized to care for, treat, or supervise abused or neglected children whose policies also require confidential treatment of information, and (9) to members of community child protective teams for the purposes of establishing a diagnosis, formulating a treatment plan, monitoring the plan, investigating reports of suspected physical child abuse or neglect and making recommendations to the appropriate court of competent jurisdiction, whose policies also require confidential treatment of information.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual; letter files; computer-maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

(a) Indexed alphabetically by name of applicant and/or recipient.

(b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Transfer inactive files to GSA Federal Records Center in five years.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy to the Assistant Secretary—Indian Affairs (Tribal Services), Bureau of Indian Affairs, 1849 C Street, MS 4614 MIB, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system write to the System Manager, or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area or Field Office Director. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the Notification procedure. Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. (See CFR 2.71.)

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained.

INTERIOR/BIA–18

SYSTEM NAME:

Law Enforcement Services—Interior, BIA–18.

SYSTEM LOCATION:

(1) All Area, Agency and Field Offices of the BIA. (2) Deputy to the Assistant Secretary—Indian Affairs (Tribal Services), Bureau of Indian Affairs, 1849 C Street, MS 4614 MIB, Washington, DC 20240. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals violating laws on Indian Reservations and those who appear in court for violations of 25 CFR regulations. (2) Individuals primarily interested in Indian Affairs who advocate violence as a means of obtaining their goals.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documentation includes statements of witnesses, statutes involved, evidence seized, photographs, final disposition reports and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 1, 1a, 13; 18 U.S.C. 3055; Act of May 10, 1939, 58 Stat. 693; 53 Stat. 520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is to identify individuals who have been arrested on Indian Reservations and who have appeared in court for violations of 25 CFR regulation: Disclosures outside the Department of the Interior may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation, (2) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, foreign or tribal agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (3) from the record of an individual in response to an inquiry from Congressional office made at the request of that individual, (4) to Federal, State, local or tribal agencies where necessary and relevant to the hiring or retention of an employee or the issuance of a security clearance, contract, license, grant or other benefit, (5) to Federal, State, local or tribal governmental officials responsible for administering child protective services in carrying out his or her official duties, (6) to a guardian or guardian ad litem of a child named in the report, (7) to agencies authorized to care for, treat, or supervise abused or neglected children whose policies also require confidential treatment of information, and (8) to members of community child protective teams for the purposes of establishing a diagnosis, formulating a treatment plan, monitoring the plan, investigating reports of suspected physical child abuse or neglect and making recommendations to the appropriate court of competent jurisdication, whose policies also require confidential treatment of information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in manual form in file folders and computers in Central Office, Area and Agency offices.

RETRIEVABILITY:

Cross referenced by individual's name, case number and docket number.

SAFEGUARDS:

Maintained with safeguards meeting the requirements of 43 CFR 2.51 for records.

RETENTION AND DISPOSAL:

Transfer to GSA Federal Records Center five years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy to the Assistant Secretary—Indian Affairs (Tribal Services), Bureau of Indian Affairs, 1849 C Street, MS 4614–MIB, Washington, DC 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR Part 2, Subpart D, except subsections (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR part 2, subpart D, implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37317 (August 26, 1975).

INTERIOR/BIA–22

SYSTEM NAME:

Indian Student Records—Interior, BIA–22.

SYSTEM LOCATION:

(1) All Area and Agency Offices and BIA schools. (2) Indian Education Resources Center, Bureau of Indian Affairs, 123 Fourth Street SW., Albuquerque, NM 87103. (3) Division of ADP Services, Bureau of Indian Affairs, 500 Gold Ave., SW., Albuquerque, NM 87103. (4) Washington Computer Center Department of the Interior, 1849 C Street NW., Washington, DC 20240. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Student case files, attendance and performance records, banking records and expenditures of tribal benefit funds, and applications for grants and grant agreements; and records concerning an individual's misuse of BIA scholarship; or educational grant funds or as a result of that individual's receipt of payment or overpayment of funds for which the individual was not eligible or entitled.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 271, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to provide permanent individual student records on all phases of the education of Indians in BIA schools or under Government Education Grants. Disclosures outside the Department of the Interior may be made (1) to another federal agency, a State or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumptions of trust responsibilities or by other means for school programs now controlled by the BIA, (2) to any domestic recognized school, whether public, private, parochial or other, of those portions of students' records specified by the requesting school as being necessary for the acceptance, placement or satisfactory performance of the student at the requesting school, (3) to an individual or establishment of those portions of students' records specified by the requester as necessary for a decision concerning the hiring or retention of the student as an employee of the requester, (4) to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, (5) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit, (6) to persons having official involvement in conjunction with a student's application and/or grant of financial aid, (7) to parents of a dependent student as defined in section 152 of the Internal Revenue Code of 1954, as amended, (8) to accreditation agencies in order to carry out their accrediting functions, (9) to the Department of Health, Education and Welfare and other governmental education officials when necessary to carry out their function, (10) to an education testing center or similar institution as part of validation research authorized by the school involved, (11) to the U.S. Department of Justice when related to litigation or anticipated litigation, (12) of information indicating a violation or for enforcing or implementing the statute, rule, regulations, order or license, (13) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, and (14) in connection with an emergency, appropriate persons if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Pursuant to 5 U.S.C. 552a(b)(12), disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: Student case letter files at the schools; Computer: student identification data on mag-tape/disk.

RETRIEVABILITY:

(a) Indexed by name of student and filed by student identification number. (b) Retrieved by manual search and through batch inquiries of computer.

SAFEGUARD:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Records permanently retained.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy to the Assistant Secretary—Indian Affairs (Tribal Services), Bureau of Indian Affairs, 1849 C Street, MS 4614–MIB, Washington, DC 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Area Director, and Agency or School Superintendent or a School Principal. (See 43 CFR 2.60.)

RECORD ACCESS PROCEDURE:

To see your records, write the System Manager or the offices cited under "Records Location." Describe as specifically as possible the records sought. If copies are desired, indicate the maximum you are willing to pay. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material for your files, write the System Manager. (See 43 CFR 2.63.)

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, his parents, teachers, counselors, school principals, doctors, etc.

INTERIOR/BIA–23

SYSTEM NAME:

Employment Assistance Case Files—Interior, BIA–23.

SYSTEM LOCATION:

Central Office, Area, Agency and Employment Assistance Program Contractors of the BIA. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual Indians who are given assistance in connection with direct employment service or adult vocational training.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for assistance, departure and arrival schedules, records documenting financial assistance, training plans, contact sheets recording counseling and guidance service, employment referral and placement records, and reports on progress. Case history of employment assistance for individual Indians; records on an individual's receipt of payment or overpayment of direct employment services or vocational training grant funds for which the individual was not entitled, payment exceeded entitlement or as a result of the individual's misuse of employment assistance funds granted.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 13.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to identify individual Indians who are given direct employment or vocational training, (b) to provide permanent records on Employment Assistance to individual Indians, and (c) provide management with an automated information system for program planning, reporting and management utilization. Disclosures outside the Department of the Interior may be made: (1) To another Federal agency, a State or local government, Indian tribal group or to any individual or establishment that will have jurisdiction whether by contract to the BIA, by assumption of trust responsibilities or by other means, for Employment Assistance now controlled by the BIA, (2) to the U.S.

Department of Justice when related to litigation or anticipated litigation, (3) of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, foreign or tribal agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order or license, (4) from the record of an individual in response to an inquiry from a Congressional office made at the request of that individual, (5) to Federal, State, local or tribal agencies where necessary and relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract license, grant or other benefit, (6) to Federal, State, local or tribal governmental officials responsible for administering child protective services in carrying out his or her official duties, (7) to agencies authorized to care for, treat, or supervise abused or neglected children whose policies also require confidential treatment of information, and (8) to members of community child protective teams for the purposes of establishing a diagnosis formulating a treatment plan, investigating reports of suspected physical child abuse or neglect and making recommendations to the appropriate court of competent jurisdiction, whose policies also require confidential treatment of information.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures may be made to a consumer reporting agency as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: letter files. Computer: Maintained in computer translatable form on magnetic tape for automated areas.

RETRIEVABILITY:

(a) Indexed alphabetically by name of applicant and/or recipient.

(b) Retrieved by manual search.

SAFEGUARDS:

In accordance with 43 CFR 2.51.

RETENTION AND DISPOSAL:

Transfer inactive files to GSA Federal Records Center five years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Deputy to the Assistant Secretary—Indian Affairs (Tribal Services), Bureau of Indian Affairs, 1849 C Street, MS 4614–MIB, Washington, D.C. 20240.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or, with respect to records maintained in the office for which he is responsible, an Agency Superintendent or an Area of Field Office Director.

RECORD ACCESS PROCEDURES:

To see your records, write the officials listed in the notification procedure. Describe as specifically as possible the record sought. If copies are desired, indicate the maximum you are willing to pay. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

To request corrections or the removal of material from your files, write the System Manager. (See 43 CFR 2.71.)

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, schools, law enforcement agencies, employers, doctors, other Bureau of Indian Affairs activities having dealings with the applicant, others with whom applicant has dealt.

[FR Doc. 90–19638 Filed 8–20–90; 8:45 am]

BILLING CODE 4310–02–M

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved tribal-state compact.

SUMMARY: Pursuant to 25 U.S.C. 2710, of the Indian Gaming Regulatory Act of 1988 (Pub. L. 100–497), the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purposes of engaging in Class III (casino) gambling on Indian reservations. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority has approved a Tribal-State Compact between the Leech Lake Band of Chippewa Indians and the State of Minnesota executed on 6/6/90.

DATES: This action is effective on August 20, 1990.

ADDRESSES: Office of Legislative Affairs, Bureau of Indian Affairs, Department of the Interior, MS–4641, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joel Starr, Bureau of Indian Affairs, Washington, DC (202) 208–5706.

Dated: August 15, 1990.

Eddie F. Brown,

Assistant Secretary—Indian Affairs.

[FR Doc. 90–19621 Filed 8–20–90; 8:45 am]

BILLING CODE 4310–22–M

Bureau of Land Management

[UT–050–00–4320–14]

Richfield District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Richfield District Advisory Council Meeting.

SUMMARY: The Richfield District Advisory Council Meeting will start at 10 a.m. September 18, 1990, in the District Office, 150 East 900 North, Richfield, Utah. The agenda will be:

1. Drought condition update.
2. Henry Mountain Off Road Vehicle Plan.
3. Status of planning for Resource Management Plan.
4. Chaining.
5. R.S. 2477 Participation of Counties in road maintenance.
6. Work load for F.Y. 1991.
7. Yuba Recreation Plan.

Interested persons may make oral statements to the council between 1 p.m. and 2 p.m. or file written comments for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701, (801) 896–8221. For further information, contact Roy Edmonds, Environmental Coordinator, at the same address.

Larry R. Oldroyd,

Associate District Manager.

[FR Doc. 90–19647 Filed 8–20–90; 8:45 am]

BILLING CODE 4310–DQ–M

[UT–020–00–4212–13]

Pony Express Resource Management Plan; Intention To Amend Plan

AGENCY: Bureau of Land Management (BLM), Utah, Interior.

ACTION: Notice of intent to amend the Pony Express Resource Management Plan (RMP) to allow for the disposal of 120 acres of land.

SUMMARY: The Salt Lake District proposes to amend planning decision number 1, Lands Program, page 3, Pony Express Resource Management Plan.

The proposed amendment would add 120 acres of land to be disposed of under this decision. These lands are described as follows:

Salt Lake Meridian

T. 1 N., R. 19 W.,
Sec. 34, SW¼NE¼.

The area described contains 40 acres in Tooele County.

T. 10 S., R. 17 W.,
Sec. 26, SW¼SE¼;
Sec. 35, NW¼NE¼.

The area described contains 80 acres in Tooele County.

The amendment would allow for the disposal of 40 acres of land to the city of Wendover, Utah, for a new landfill in the first case and 80 acres for a desert land entry. An environmental assessment will be done to evaluate the proposed amendment. The existing plan does not identify these lands as suitable for disposal. However, because of the resource values, public values, and objectives involved, the public interest may be well served by disposing of these lands.

For 30 days from the date of publication of this notice, the BLM will accept comments on this proposal to do a plan amendment.

Existing planning documents and information are available at the Pony Express Resource Area Office, 2370 South 2300 West, Salt Lake City, Utah 84119.

FOR FURTHER INFORMATION CONTACT: Terry Catlin, Pony Express Resource Area, 2370 South 2300 West, Salt Lake City, Utah 84119, phone (801) 977–4300.

Dated: August 14, 1990.

James M. Parker,

State Director.

[FR Doc. 90–19664 Filed 8–20–90; 8:45 am]

BILLING CODE 4310–DQ–M

[CO–932–00–4214–10; C–43908]

Notice of Proposed Withdrawal; Opportunity for Public Meeting; Colorado

August 13, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw an additional 2,609 acres of National Forest System lands adjacent to two existing withdrawals near Breckenridge, Colorado, to protect recreational facilities and resource values at the Breckenridge Ski Area. This proposed action will modify these existing withdrawals and withdraw the entire 6,329 acres of National Forest System land for 20 years. This notice closes the 2,609 acres to location and entry under the mining laws for up to two years. The lands remain open to mineral leasing and to Forest Service management.

DATES: Comments on this proposed withdrawal must be received on or before November 20, 1990.

ADDRESSES: Comments should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215–7076.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, (303) 239–3706.

SUPPLEMENTARY INFORMATION: On July 16, 1990, the Department of Agriculture, Forest Service, filed application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Sixth Principal Meridian

Arapaho National Forest

T. 6 S., R. 78 W.,
Sec. 26, lots 4 to 12, inclusive, and S½ NW¼;
Sec. 27, S½NE¼ and SE¼;
Sec. 28, E½SE¼;
Sec. 33, E½E½;
Sec. 34, W½W½.
T. 7 S., R. 78 W.,
Sec. 3, Nominal N½NW¼, N½S½NW¼, S½N½SW¼, and S½SW¼ (Protraction Diagram No. 9 accepted 4/26/65);
Sec. 10, S½NE¼, NW¼ and S½;
Sec. 11, NW¼SW¼ and S½SW¼;
Sec. 13, Nominal W½NW¼ (Protraction Diagram No. 9 accepted 4/26/1965);
Sec. 14, N½.

The areas described aggregate approximately 2,608.62 acres in Summit County.

The purpose of this withdrawal is to protect recreational facilities and high resource values at the Breckenridge Ski Area. If approved, the final order will incorporate two existing withdrawals with these requested lands and withdraw a total of 6,329 acres of National Forest System land for 20 years. For a period of 90 days from the date of publication of this notice, persons who wish to submit comments in connection with this action should submit their comments or requests in writing to the Colorado State Director at the address shown above.

A public meeting will be scheduled and held on this proposed action as required by regulation and will be conducted in accordance with Bureau of Land Management Manual, Section 2351.16B. A notice of the date, time, and place of the meeting will be published in the **Federal Register** at least 30 days prior to the meeting.

This application will be processed in accordance with the regulations set forth in 43 CFR 2310.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated from the mining laws as specified above unless the application is denied or cancelled or the withdrawal is approved prior to that date. During this period the Forest Service will continue to allow those discretionary uses that do not conflict with use by the ski area.

Andrew J. Senti,

Acting Chief, Branch of Realty Programs.

[FR Doc. 90–19574 Filed 8–20–90; 8:45 am]

BILLING CODE 4310–JB–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290; Sub. 2]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Request for comments and replies.

SUMMARY: The Commission has recently decided to change the methodology for calculating the fuel component of the index used to calculate the quarterly Rail Cost Adjustment Factor. A data collection form and a set of guidelines for completing that form are necessary to implement the changed methodology. Comments and replies on a proposed data collection form and reporting guidelines are requested. A properly designed form and set of guidelines will insure accurate reporting of fuel data.

DATES: Comments are due by September 20, 1990. Replies are due by October 10, 1990.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275–7354
Robert C. Hasek, (202) 275–0938
[TDD for hearing impaired, (202) 275–1721]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call, or pick up in person from: Dynamic concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289–4357 or 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.

Authority: 49 U.S.C. 10321, 10707a, 5 U.S.C. 553.

DECIDED: August 10, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-19674 Filed 8-20-90; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31594]

Indiana Hi-Rail Corp.—Trackage Rights Exemption—Indiana Rail Road Co.

Indiana Rail Road Company (IRRC) has agreed to grant interim local trackage rights to Indiana Hi-Rail Corporation (IHR) over a 42.8-mile line between milepost 161.5 near Newton, IL and milepost 204.3 near Brown, IL. IRR is in the process of purchasing this line along with contiguous rail properties in Indiana and Illinois (totalling 98 miles) from the Illinois Central Railroad. (IRR's purchase of the line was approved in another docket.[1]) IRR will then sell the involved portion of the line to IHR. The trackage rights will allow IHR to provide local service over the line pending its purchase from IRRC.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time.[2] The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: John D. Heffner and Mary Todd Carpenter, suite 1107, 1700 K Street, NW., Washington, DC 20006.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

Dated: August 16, 1990.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-19790 Filed 8-20-90; 8:45 am]

BILLING CODE 7035-01-M

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[1] *See* Finance Docket No. 31472, *Indiana Rail Road Company—Petition For Exemption—Acquisition And Operation—Illinois Central Railroad Company—Line Between Sullivan, IN, And Browns, IL* (not printed), served August 7, 1989, in which we reversed the initial decision of an Administrative Law Judge and granted the requested exemption allowing the purchase. The effective date of the exemption in Finance Docket No. 31472 is August 22, 1990.

[2] On July 24, 1990, Patrick S. Simmons, Illinois legislative director for the United Transportation Union, filed a Protest And Petition To Reject Or Revoke And For Stay of the notice in this docket. We will dispose of the requests to revoke and stay in a subsequent decision. For the reasons that will be stated in the subsequent decision, we will not reject this notice.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 89-25]

Ozie T. Faison, Jr., d/b/a Smith Discount Drugs; Granting of Restricted Registration

On March 23, 1989, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued on Order to Show Cause to Ozie T. Faison, Jr., d/b/a Smith Discount Drugs (Respondent), 1046 Broad Street, New Bern, North Carolina 28560. The Order to Show Cause proposed to deny Respondent's application for registration. The statutory basis for the Order to Show Cause was that Respondent's proposed registration would be inconsistent with the public interest as set forth in 21 U.S.C. 823(f) and 824(a)(4). The specific grounds for the Order to Show Cause included Respondent's Federal felony conviction for conspiracy to distribute Schedule II controlled substances, two previous denials of his applications for DEA registration based on this conviction and the lack of any change in circumstances since the conviction.

Respondent requested a hearing on the issues raised in the Order to Show Cause. Following prehearing procedures, a hearing was held on October 13, 1989, in Washington, DC. On May 17, 1990, Administrative Law Judge Mary Ellen Bittner issued her opinion and recommended ruling, findings of fact, conclusions of law and decision in which she recommended granting the Respondent's application. The Government filed exceptions. On June 20, 1990, Judge Bittner transmitted the record of these proceedings to the Acting Administrator. The Acting Administrator has considered the record in its entirety, including the exceptions filed by the Government and various posthearing submissions by both parties, and, pursuant to 21 CFR 1316.67, hereby enters his final order in this matter based upon the findings of fact and conclusions of law as hereinafter set forth.

The administrative law judge found that on each of three separate occasions in June of 1981, agents for the North Carolina State Bureau of Investigation (Bureau) and the DEA purchased 100 dosage units of Dilaudid from an unwitting informant who had, in turn, purchased the Dilaudid from a physician named Dr. Littman. Dilaudid is a Schedule II narcotic controlled substance. Dr. Littman had obtained the Dilaudid from Respondent, Ozie T. Faison, Jr., who was the pharmacy manager at the time of the purchases. An audit conducted at the pharmacy by the Bureau revealed material shortages of Dilaudid and other Schedule II controlled substances. The audit also revealed that prescriptions for Dilaudid written by Dr. Littman and filled at the pharmacy were not issued for a legitimate medical purpose.

Both Respondent and Dr. Littman were convicted in the United States District Court for the Eastern District of North Carolina on October 8, 1981, of conspiracy to distribute a Schedule II narcotic controlled substance. Respondent was sentenced to eight years in person. He was incarcerated in the Petersburg Federal Correction Institute for 20 months; he then served four months in a halfway house and was released from confinement and placed on parole in June of 1984. Respondent successfully completed his parole in June of 1988. Respondent's North Carolina pharmacy license, previously suspended and then placed on probation based on his conviction, was fully reinstated on January 19, 1989.

Following Respondent's conviction, Smith Discount Drugs was sold to a new owner. It went out of business in 1985. One month later, Respondent leased the premises of the pharmacy from its owner and purchased its inventory. He has been the sole owner and operator of Smith Discount Drugs for approximately five years.

Respondent has previously submitted two applications for DEA registration. These were denied in 1986 and 1987. Currently, Respondent is operating without a DEA registration and thus cannot handle controlled substances. As a result, business at the pharmacy is marginal and it is likely to fail in the near future. Respondent has submitted affidavits stating that the pharmacy services a low income public housing area in New Bern and that the pharmacy's failure to stay in business would cause a hardship on the community. He asserts that the elderly residents rely on the pharmacy's proximity to their neighborhood and that the low income individuals rely on his allowing them to purchase needed items on credit. Further, several affidavits from local law enforcement members attest to Respondent's good character

and reputation as a law abiding member of the community since the pharmacy reopened in 1985

The Government contends that based on Respondent's conviction, as well as the lack of a change of circumstances since the denial of his last application for registration, his proposed registration would be inconsistent with the public interest. The Government further argues that since there are other pharmacies located in the same area as the subject pharmacy, the closing of the pharmacy would cause no undue hardship to the community.

The administrative law judge found that based on Mr. Faison's felony conviction, there is a lawful, statutory basis for the denial of Respondent's application for registration. However, based upon Mr. Faison's expressions of remorse regarding the events underlying his conviction, the pharmacy's importance to the community in which it is located, the reinstatement of Mr. Faison's state pharmacy license, the passage of time since Mr. Faison's conviction together with his successful completion of parole, the administrative law judge recommended that Respondent be registered, but only in Schedules III, IV and V. In reaching her conclusion, the judge took into consideration her finding that Mr. Faison's past misconduct was almost exclusively tied to his unusual relationship with Dr. Littman who, though now deceased, was Faison's lifelong mentor and co-owner of the pharmacy at the time Mr. Faison worked there as manager. While not in any manner excusing or lessening Mr. Faison's personal responsibility for his past criminal conduct, the judge found that his unusual relationship supplanted that which normally exists between doctor and pharmacist and concluded that it was unlikely that such a relationship would ever again occur.

The Acting Administrator adopts the opinion and recommended ruling of the administrative law judge, and finds that Respondent's registration in Schedules III–V would be consistent with the public interest. Accordingly, the Acting Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 28 CFR 0.100(b), hereby orders that Respondent's application for registration in Schedules III–V be granted. This order is effective upon date of publication in the **Federal Register.**

Dated: August 10, 1990.

Terrence M. Burke,

Acting Administrator.

[FR Doc. 90–19604 Filed 8–20–90; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523–6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue, NW., room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (Telephone (202) 395–6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

Bureau of Labor Statistics
Point of Purchase Survey
1220–0044

Form No.	Affected public	Respondents	Frequency	Average time per response
Regular Interviews:				
CPP 1 and CPP 2A	Individuals or Households	2403	Annual	70 minutes.
CPP 1 and CPP 2B	Individuals or Households	2404	Annual	70 minutes.
Reinterview:				
CPP 1 and CPP 2A	Individuals or Households	264	Annual	15 minutes.
CPP 1 and CPP 2B	Individuals or Households	265	Annual	15 minutes.
				5740 total hours.

Based on data obtained from the Point of Purchase Survey, the Bureau of Labor Statistics has implemented a systematic statistical process that updates each year the outlet samples for one fifth of the 88 urban areas that are being priced for the Consumer Price Index (CPI). This methodology, over a 5-year cycle, ensures that the outlet samples, from which price changes are compiled for the CPI, are kept current and continue to properly represent the places in which consumers are purchasing goods and services.

The CPP 1 questionnaire is the basic record for reporting responses during the CPP survey interview. It contains questions on the demographic characteristics of and purchases made by occupants of the sample unit. The two checklists, CPP 2A and CPP 2B, each contain 143 separate expenditure categories. Each interview results in the completion by a Census field representative of a CPP 1 questionnaire and either a CPP 2A or CPP 2B checklist. The CPP 3 respondent letter is mailed to all respondents prior to the survey.

Extension

Mine Safety and Health Administration
Training Plan Regulations (30 CFR 48.3 and 48.23)
1219–0009
On occasion for revisions and one-time for new mines
Businesses and other for profit; small businesses or organizations
1,300 respondents; 8 hours per response; 10,400 total burden hours

Requires mine operators to have an MSHA approved plan containing programs for training new miners, training newly-employed experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Employment and Training Administration
Governor's Request for Advances from the Federal Unemployment Account or Request for Voluntary Repayment of Such Advances
1205–0199
As needed
State or local governments
5 respondents; 16 total hours; 30 mins. per response; no forms

When State unemployment funds become insolvent, funds needed to continue unemployment benefits without interruption can be borrowed from the Federal Unemployment Account. To trigger a request for advances or a voluntary repayment the Governor or the person so delegated by the Governor must forward a formal letter to the Secretary of Labor.

Signed at Washington, DC this 16th day of August, 1990.

Theresa M. O'Malley,

Acting Department Clearance Officer.

[FR Doc. 90–19683 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–23–M

Office of the Assistant Secretary for Veterans' Employment and Training

Secretary of Labor's Committee on Veterans' Employment; Meeting; Correction

The Secretary's Committee on Veterans' Employment was established under section 308, title III, Public Law 97–306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

This notice corrects the day previously published in the **Federal Register** August 15, 1990 (55 FR 33390) for the Secretary of Labor's Committee on Veterans' Employment. The day for the meeting is Wednesday in Rooms N3437B and C of the Frances Perkins Building.

The date and time for the meeting remain unchanged: September 12, 1990, at 10:00 a.m.

The public is invited.

Signed at Washington, DC, this 16th day of August 1990.

Thomas E. Collins,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 90–19685 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–79–M

Secretary of Labor's Committee on Veterans' Employment; Meeting; Correction

The Secretary's Committee on Veterans' Employment was established under section 308, title III, Public Law 97–306 "Veterans Compensation, Education and Employment Amendments of 1982," to bring to the attention of the Secretary, problems and issues relating to veterans' employment.

This notice corrects the day previously published in the **Federal Register** on August 14, 1990 (55 FR 33184) for the Secretary of Labor's Committee on Veterans' Employment, Subcommittee on Veterans' Employment and Training Policy. The day for the meeting is Wednesday in rooms N–3437B and C of the Frances Perkins Building.

The date and time for the meetring remain unchanged: September 12, 1990, at 9:00 a.m.

The public is invited.

Signed at Washington, DC, this 16th day of August 1990.

Thomas E. Collins,

Assistant Secretary for Veterans' Employment and Training.

[FR Doc. 90–19684 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–79–M

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period August 1990.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–24,496; Duke Manufacturing Co., St. Louis, MO
TA–W–24,485; Schlegel Corp., Bloomington, IN
TA–W–24,386; Kabba Dress, Nutley, NJ
TA–W–24,510; Napco Scientific, Tualatin, OR
TA–W–24,581; Lorilee Sportswear, Inc., El Paso, TX
TA–W–24,470; Chrysler Corp., New Venture Gear, Inc., Syracuse, NY
TA–W–24,535; Superwear Manufacturing Co., Inc., (Also Known as Karla Looms, Inc.,), Newark, NJ
TA–W–24,476; Liberty Circle F, Trenton, NJ

TA–W–24,530; Michele Handbag, Inc., New York, NY

TA–W–24,501; Future Cedar Products, Inc., Amanda Park, WA

TA–W–24,522; Conifer Pacific Plywood, Inc., Willimina, OR

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA–W–24,527; Loren Cook Co., Berea, OH

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,517; AT&T Network Service Div., Clarksburg, WV

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–24,552; Hunt Oil Co., Headquarters, Dallas, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certificaton.

TA–W–24,553; Hunt Oil Co., Gulf Coast Div., Houston, TX

The investigation revealed that criterion (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–24,538; Todd Shipyard Corp., Galveston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–24,539; Yale Material Handling Corp., Flemington, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–24,526; Joseph Markovits & Son, Totowa, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–24,548; Gladen Corp., Bay City, MI

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,484; Ronson Metals Corp., Newark, NJ

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,523; Extel Corp., Northbrook, IL

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,504; Independent Oil Well Cementing, Fairfield, IL

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–24,497; Exxon Co. U.S.A., Denver Office, Englewood, CO

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,498; Exxon Co. U.S.A., Midland Office, Midland, TX

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,500; Force Outboards, Gallipolis, OH

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,564; Westinghouse Air Brake Co. (Formerly Ohio Brass), Mansfield, OH

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,493; Clarke American, Baltimore, MD

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,502; The Gary-Williams Co., Denver, CO

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,516; Semiconductor Test System Div., Tektronix, Inc., Beaverton, OR

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,503; Harbor Wood Treating, Aberdeen, WA

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,508; McDonald Oil Co., Smackover, AR

The investigation revealed that criterion (1) has not been met. A significant number or proportion of the workers did not become totally or partially separted as required for certification.

TA–W–24,509; McDowell Brothers Oil Co., Albion, IL

The worker's firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–24,482; Patterson Lake Products, Pickering, MI

Increased imports did not contribute importantly to workers separations at the firm.

TA–W–24,524; General Electric Co., Morristown, TN

Increased imports did not contribute importantly to workers separations at the firm.

Affirmative Determinations

TA–W–24,515; Texaco, Inc., Exploration & Production Technology Div., Bellaire, TX

A certification was issued covering all workers separated on or after May 25, 1989.

TA–W–24,615; Montgomery Distribution Center, Montgomery, AL

A certification was issued covering all workers separated on or after July 2, 1989.

TA–W–24,491; Chatham County of Ohio, Heath, OH

A certification was issued covering all workers separated on or after May 31, 1989.

TA–W–24,533; Pennsylvania Optical, Reading, PA

A certification was issued covering all workers separated on or after June 5, 1989.

TA–W–24,494; Crucible Materials Corp., Trent Tube Div., Carrollton, GA

A certification was issued covering all workers separated on or after January 1, 1990.

TA–W–24,490; American Tree Co., West Coxsackie, NY

A certification was issued covering all workers separated on or after May 31, 1989.

TA–W–24,512; The Playmill of Mine, Dover Foxcraft, ME

A certification was issued covering all workers separated on or after May 30, 1989.

TA–W–24,495; Dixon Ticonderoga Co., Sandusky, OH

A certification was issued covering all workers separated on or after June 1, 1989.

TA–W–24,513; Quality Cedar, Neilton, WA

A certification was issued covering all workers separated on or after May 15, 1989.

TA–W–24,566; Boart Hardmetals, Inc., Cleona, PA

A certification was issued covering all workers separated on or after June 8, 1989.

TA–W–24,519; Atlantic Pajama Co., New York, NY

A certification was issued covering all workers separated on or after June 5, 1989.

TA–W–24,492; Circle Dress Co., East Orange, NJ

A certification was issued covering all workers separated on or after May 16, 1989.

I hereby certify that the aforementioned determinations were issued during the month of August 1990. Copies of these determinations are available for inspection in room 6434, U.S. Department of Labor, 601 D Street NW., Wasington, DC 20213 during normal business hours or will be mailed to persons to write to the above address.

Dated: August 14, 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90–19682 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–30–M

Mine Safety and Health Administration

[Docket No. M–90–117–C]

Consolidation Coal Co., Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a peitition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Arkwright No. 1 Mine (I.D. No. 46–01452) located in Monongalia County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that return aircourses be examined in their entirety on a weekly basis.

2. Due to deteriorating roof, examination of two seals in the 10-North area would expose the examiner to hazardous conditions.

3. As an alternate method, the petitioner proposes to establish evaluation points where the air quantity and quality would be measured.

4. In support of this request, the petitioner states that—

(a) All measuring stations and travelways would be maintained in a safe condition at all times;

(b) Tests for methane and the quantity of air would be determined weekly by a certified person at each station; and

(c) The person making such examinations and tests would place his/her initials and the date and time at each station. A record of these examinations, tests and actions taken would be recorded in a book kept on the surface and made available for inspection by interested persons.

4. Petitioner states that the proposed alternate method will provide the same degree of safety for miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 20, 1990. Copies of the petition are available for inspection at that address.

Dated: August 14, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90–19678 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–43–M

Mine Safety and Health Administration

[Docket No. M–90–121–C]

Hanna Coal Contractors; Petition for Modification of Application of Mandatory Safety Standard

Hanna Coal Contractors, 2030 Tioga Street, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its Glen Burn Drift Mine (I.D. No. 36–07813) located in Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries and the last open crosscut in any pair or set of rooms be 9,000 cubic feet a minute, and the minimum quantity of air reaching the intake end of a pillar line be 9,000 cubic feet a minute. The minimum quantity of air reaching each working face is required to be 3,000 cubic feet a minute.

2. Air sample analysis history reveals that harmful quantities of methane are nonexistent in the mine. Ignition, explosion, and mine fire history are nonexistent for the mine. There is no history of harmful quantities of carbon monoxide and other noxious or poisonous gases.

3. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

4. Requiring extremely high velocities in small cross-sectional airways and manways in friable anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners and cause extremely uncomfortable damp and cold conditions in the mine.

5. As an alternate method, petitioner proposes that:

(a) The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

(b) The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

(c) The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 20, 1990. Copies of the petition are available for inspection at that address.

Dated: August 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90–19679 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–90–123–C]

Hanna Coal Contractors, Petition for Modification of Application of Mandatory Safety Standard

Hanna Coal Contractors, 2030 Tioga Street, Shamokin, Pennsylvania 17872 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its Glen Burn Drift Mine (I.D. No. 36–07813) located in

Northumberland County, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that cages, platforms or other devices which are used to transport persons in shafts and slopes be equipped with safety catches or other approved devices that act quickly and effectively in an emergency.

2. Effective safety catches or other devices are not available for the conveyances used on the steeply pitching and undulating slopes with numerous curves and knuckles in the main haulage slopes of this anthracite mine.

3. If "makeshift" safety devices were installed they would activate on knuckles and curves when no emergency exists and cause a tumbling effect on the conveyance.

4. As an alternate method, petitioner proposes to operate the man cage or steel gunboat with secondary safety connections securely fastened around the gunboat, and to the hoisting rope above the main connecting device. The hoisting ropes would have a factor of safety in excess of the design factor as determined by the formula specified in the American National Standard for Wire Rope for Mines.

5. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 20, 1990. Copies of the petition are available for inspection at that address.

Dated: August 14, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90–19680 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–43–M

[Docket No. M–90–119–C]

Wolf-Creek Collieries Co., Petition for Modification of Application of Mandatory Safety Standard

Wolf-Creek Collieries Company, Caller No. 802, Lovely, Kentucky 41231 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its No. 4 Mine (I.D. No. 15–04020) located in Martin County, Kentucky. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to clean out and plug oil and gas wells using specific techniques and procedures as outlined in the petition.

3. In addition, petitioner proposes to mine through the plugged oil or gas well. Prior to mining through, the petitioner would confer with the MSHA District Manager for approval of the specific mining procedures, and appropriate officials would be allowed to observe the process and all mining would be under the direct supervision of a certified official.

4. Methane monitors would be calibrated prior to the shift and tests would be made during mining approximately every 20 minutes.

5. When the wellbore is intersected, all equipment would be deenergized and safety checks would be made before mining would continue in by the well a sufficient distance to permit adequate ventiliation around the area of the wellbore.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before September 20, 1990. Copies of the petition are available for inspection at that address.

Dated: August 14, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90–19681 Filed 8–20–90; 8:45 am]

BILLING CODE 4510–43–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

international Exhibitions; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Federal Advisory Committee on International Exhibitions will be held on September 19, 1990, from 9 a.m.–4:30 p.m. at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 9 a.m. to 10:30 a.m. The topic for discussion will be general discussion including a report on the Venice Conference.

The remaining session from 10:30 a.m. to 4:30 p.m. is for the purpose of reviewing final proposals for the Sao Paulo Bienal in 1991 and for two other international exhibitions in Turkey and Ecuador under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants.

In accordance with the determination of the Chairman of August 7, 1990, this session will be closed to the public pursuant to subsections (c)(4), (6) and 9(B) of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: August 10, 1990.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 90–19646 Filed 8–20–90; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

The cognizant Assistant Directors of the committees listed below have determined that the establishments are necessary and in the public interest in connection with the performance of duties imposed upon the Director,

National Science Foundation (NSF) by 42 USC 1861 *et seq.*

Names of Committees:

Special Emphasis Panel in Advanced Scientific Computing
Special Emphasis Panel in Biological and Critical Systems
Special Emphasis Panel in Biotic Systems and Resources
Special Emphasis Panel in Celluar Biosciences
Special Emphasis Panel in Chemical and Thermal Systems
Special Emphasis Panel in Computer and Computational Research
Special Emphasis Panel in Electrical and Communications Systems
Special Emphasis Panel in Industrial Science & Technological Innovation
Special Emphasis Panel in Information, Robotics, and Intelligent Systems
Special Emphasis Panel in Instrumentation and Resources
Special Emphasis Panel in Materials Research
Special Emphasis Panel in Mathematical Sciences
Special Emphasis Panel in Microelectronic Information Processing Systems
Special Emphasis Panel in Molecular Biosciences
Special Emphasis Panel in Networking & Communications Research & Infrastructure
Special Emphasis Panel in Polar Programs
Special Emphasis Panel in social and Economic Science

Purpose: To advise on the merit of special emphasis proposals or applications submitted to NSF for financial support.

Balanced Membership Plan: Membership will be selected on an "as needed" basis in response to specific proposals, applications, sites to be reviewed. Members will be selected for their demonstrated scientific and engineering expertise so as to represent a reasonable balance of capability in the various subfields of the proposals to be reviewed. Consideration will also be given to achieving geographic balance and the enhancing representation for women, minority, younger and disabled scientists.

Waiver: Because of the necessity for these panels to meet before the end of September, GSA has waived the 15-day requirement for publication of the Notice of Establishment.

Dated: August 15, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–19610 Filed 8–20–90; 8:45 am]

BILLING CODE 7557–01–M

Meeting

Name: Advisory Committee for Biological & Critical Systems Division.

Date and Time: September 6, 8:30 a.m.–5 p.m.; September 7, 8:30 a.m.–12 p.m.

Place: National Science Foundation, 1800 G Street, NW.—rm 543, Washington, DC 20550.

Type: Open.

Contact: Dr. Robert D. Hanson, Division Director, Biological & Critical Systems, National Science Foundation, 1800 G. Street NW.—rm 1132, Washington, DC 20550, Phone: 202/357–9545.

Minutes: "May be obtained from contact person listed above".

Purpose of Meeting: To provide advice and recommendations conerning fundamental research for biological and critical engineering systems.

Agenda: Review research content of the Division research programs and discuss plans for the future.

Dated: August 15, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–19607 Filed 8–20–90; 8:45 am]

BILLING CODE 7555–01–M

Division of Earth Sciences; Notice of Meeting

The National Science Foundation announces the following meeting:

Name: Earth Sciences Proposal Review Panel.

Date: September 12, 13, and 14, 1990.

Time: 8 a.m. to 6 p.m. each.

Place: room 543, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed

Contact Person: Dr. Alan M. Gaines, Section Head, Division of Earth Sciences, room 602, National Science Foundation, Washington, DC (202) 357–9591.

Purpose of Meeting: To provide advice and recommendations concerning support for research in Earth Sciences.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Reason For Closing: The proposal being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(c) Government in the Sunshine Act.

Dated: August 15, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–19608 Filed 8–20–90; 8:45 am]

BILLING CODE 7555–01–M

Task Force on Persons with Disabilities; Meeting

Name: Task Force on Persons with Disabilities.

Place: National Science Foundation, 1800 G Street NW., Washington, DC 20550.

Date: September 6 and 7, 1990.

Time/Room: September 6: 1 p.m.–5 p.m., room 540. September 7: 9 a.m.–5 p.m., room 540.

Type of Meeting: Open.

Contact: Brenda M. Brush, Executive Secretary of the Task Force, National Science Foundation, room 546. Telephone Number: 202–357–5012; TDD: 357–9867.

Purpose of Meeting: To revise the task force' draft final report on data about persons with disabilities and on findings and recommendations for Foundation action to catalyze removal of barriers to participation in science and engineering careers for persons with disabilities.

Minutes: May be obtained from the Executive Secretary at the above address.

Agenda: Working session throughout the times specified above.

Accommodation: If you plan to attend the meeting and require any kind of accommodation, please notify the Executive Secretary.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–19609 Filed 8–20–90; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panels; Notice of Meetings

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting(s) to be held at 1800 G Street NW., Washington, DC 20550 (except where otherwise indicated).

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to provide advice and recommendations to the National Science Foundation concerning the support of research, engineering, and science education. The agenda is to review and evaluate proposals as part of the selection process for awards. The entire meeting is closed to the public because the panels are reviewing proposals that include information of a

proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

CONTACT PERSON: M. Rebecca Winkler, Committee Management Officer, room 208, 357–7363.

Dated: August 15, 1990.

M. Rebecca Winkler,

Committee Management Officer.

Committee name	Agenda	Date(s)	Times	Room*
Special Emphasis Panel for Social and Economic Sciences	SBIR Proposals	09/06/90	8:30 a.m.–5 p.m..	536
Special Emphasis Panel for Biological and Critical Systems	SBIR Proposals	08/30/90	8:30 a.m.–5 p.m..	1133
Special Emphasis Panel for Polar Programs	SBIR Proposals	09/05/90 09/07/90	8 a.m.–5 p.m. 8 a.m.–5 p.m.	523

*At 1800 G Street NW., Washington, DC.

[FR Doc. 90–19611 Filed 8–20–90; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Backfitting and Event Reporting Workshops

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The United States Nuclear Regulatory Commission (NRC) is planning to hold four public meetings to discuss Backfitting and Event Reporting. The purpose of these meetings is to dicuss NRC requirements and policies in the subject areas, and industry's experience and problems with their implementation. Constructive suggestions will also be solicted on possible improvements in these areas. The recent report on the results of NRC's Regulatory Impact Survey (Draft NUREG–1395) and the recently issued guidance document "Backfitting Guidelines" (NUREG–1409) provide useful background for the planned dicussions at these meetings; copies of those reports are available to interested parties (see ADDRESSES: below). The format for the meetings, (reflected in the agendas provided with this Notice) will include several brief formal presentations by NRC staff members and industry representatives, and detailed discussion by a panel of cognizant NRC staff members of specific questions or comments directed to the panel during the meetings and/or submitted in writing prior to the meetings. The first day of meeting time at each location will be devoted to the subject of backfitting, and the second day to event reporting.

DATES AND LOCATIONS: The schedules and locations for the meetings are as follows.

Region I: Stouffer Valley Forge Hotel, 480 North Gulph Road; King of Prussia, PA 19406, (215) 337–1800.

Backfitting Workshop: October 1, 1990; 9 a.m.–5 p.m.

Event Reporting Workshop: October 2, 1990; 9 a.m.–5 p.m.

Region II: Omni Hotel, 100 CNN Center; Atlanta, GA 30335, (404) 659–0000.

Backfitting Workshop: September 27, 1990; 9 a.m.–5 p.m.

Event Reporting Workshop: September 28, 1990; 5 a.m.–5 p.m.

Region III: Ramada Hotel O'Hare, 6600 North Mannheim Road; Rosemont, IL 60018, (708) 827–5131.

Backfitting Workshop: October 15, 1990; 9 a.m.–5 p.m.

Event Reporting Workshop: October 16, 1990; 9 a.m.–5 p.m.

Regions IV/V: Sheraton CentrePark Hotel, 1500 Stadium Drive East; Arlington, TX 76011, (817) 261–8200.

Backfitting Workshop: November 7, 1990; 1:30 p.m.–5:30 p.m.; November 8, 1990; 9 a.m.–12:30 p.m.

Event Reporting Workshop: November 8, 1990; 1:30 p.m.–5:30 p.m.; November 9, 1990; 9 a.m.–12:30 p.m.

AGENDA FOR BACKFITTING WORKSHOPS

Topic	Presentation/discussion
Summary of NUREG–1409, "Backfitting Guidelines".	Brief presentation by NRC and general discussion.
Legal Aspects of Backfitting:	
—NRC Perspectives	Brief presentation by NRC.
—Industry Perspectives.	Brief presentations by NUBARG and NUMARC.
—Questions/ Comments on Presentations.	General discussion.
Bulletins and Generic Letters.	Brief presentation by NRC and general discussion.

AGENDA FOR BACKFITTING WORKSHOPS—Continued

Topic	Presentation/discussion
Utility Perspectives on Backfit Issues and Description of Utility Backfit Evaluation.	Presentations by Utilities and general discussion.
IPE/IPEEE—Severe Accident Closure Status.	Brief presentation by NRC and general discussion.
NRC Guidance on Regulatory and Backfit Analyses.	Brief presentation by NRC and general discussion.
Rulemaking vs More Informal Issuance of Requirements.	General Discussion.
Backfit Appeal Process Plant Specific/Generic.	General Discussion.

AGENDA FOR EVENT REPORTING WORKSHOPS

Topic	Presentation/discussion
NRC Criteria for Event Reporting. —50.72 —50.73 —50.9 —73.71	Presentation by NRC and general discussion.
Purpose and Use of Event Reporting. —50.72 —50.73 —50.9 —73.71	Presentation by NRC and general discussion.
Reporting Thresholds (Set too low?). —Safety Events —Safeguards Events	Presentation by NRC and general discussion.
Necessary/Unnecessary Event Reports? —Emergency Diesel Actuation —BWR Reactor Water Cleanup System Isolation —Control Room Isolation	Presentation by NRC and general discussion.
Types of Events Being Reported.	Presentation by NRC and general discussion.

AGENDA FOR EVENT REPORTING WORKSHOPS—Continued

Topic	Presentation/discussion
—ESF Actuations —Tech Spec Shutdowns —Safety System Failures —Other	
Actions Proposed to Eliminate Unnecessary Reporting.	Presentation by NRC and general discussion.

Note: To facilitate the general discussions in the workshops of the last four agenda topics, there may be formal presentations (to be coordinated by NUMARC) of industry experiences views in those areas.

FOR FURTHER INFORMATION CONTACT: James H. Conran, Office for Analysis and Evaluation of Operational Data, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone (301) 492–9855 or (301) 492–4148.

SUPPLEMENTARY INFORMATION: Questions or comments that individuals wish to direct to the NRC for discussion at the meetings may be submitted in advance; to assist in preparations for the meetings, submit questions or comments two weeks before the date of the meeting in which they are to be considered. Nuclear power plant licensees may submit their questions or comments through their respective NRC licensing project managers; others may submit their questions or comments directly to the NRC at the address indicated below. Questions or comments may also be directed to speakers and/or discussion panels during the meetings without prior submittal.

ADDRESSES:

—A free single copy of draft NUREG–1395 may be requested by writing to the U.S. Nuclear Regulatory Commission, ATTN: Distribution Section, room P–130A, Washington, DC 20555. A copy is also available for inspection and/or copying at the NRC Public Document room, 2120 L Street NW. Wasington, DC.

—Copies of NURG–1409 may be purchased from the Superintendent of Documents, U.S. Government Printing Office. P.O. Box 37082, Washington, DC 20013–7082. Copies are also available from the National Technical Information Service, 5285 Port Royal Road, Springfiled, VA 22161. A copy is also available for public inspection and/or copying at the NRC Public Document room, 2120 L Street NW; Washington DC.

—Submit questions or comments to U.S. Nuclear Regulatory Commission, ATTN: James H. Conran, Office for Analysis and Evaluation of Operational Data, Washington, DC 20555.

Dated in Rockville, Maryland, this 13th day of August 1990.

For the Nuclear Regulatory Commission.

Denwood F. Ross,

Deputy Director, Office for Analysis and Evaluation of Operational Data.

[FR Doc. 90–19660 Filed 8–20–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–416]

Entergy Operations, Inc.; Notice of Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 69 to Operating License No. NPF–29 issued to Entergy Operations, Inc., which revised the Technical Specifications for operation of the Grand Gulf Nuclear Station, Unit No. 1 located in Caliborne County, Mississippi.

The amendment is effective as of the date of issuance.

The amendment revised the Technical Specifications in accordance with the guidance provided in Generic Letter (GL) 87–09, "Section 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operation and Surveillance Requirements." The general requirements in TS 3.0.4 applicable to each Limiting Condition for Operation (LCO) within section 3.0 are changed to allow operational condition changes without meeting the LCO requirements provided the remedial actions in the associated action statements do not require reactor shutdown if the LCO is not met in a specified time. For those TSs which previously had an exception to TS 3.0.3, the exception has been deleted because the change in TS 3.0.4 achieves the same effect by itself. For applicable TS which did not previously have an exception to TS 3.0.4, the change in TS 3.0.4 provides increased operational flexibility. TS 4.0.3 was changed to allow up to 24 hours additional time to run missed surveillance tests. TS 4.0.4 was changed to clarify that it does not prevent changing operationsl conditions to comply with action requirements. The Bases for TS 3.0 and 4.0 were changed to reflect the changes in the TS.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the **Federal Register** on October 19, 1988 (53 FR 40980). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated August 19, 1988, as supplemented November 9, 1988, December 14, 1988, March 28, 1989, July 27, 1989, April 6, 1990, May 23, 1990, and August 10, 1990, (2) Amendment No. 69 to License No. NPF–29, and (3) the Commission's related Safety Evaluation and Environmental Assessment. All of these items are available for public inspection at the Commission's Public Document room, 2120 L Street NW., Washington, DC, and at the Hinds Junior College, McLendon Library, Raymond, Mississippi 39154.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 14th day of August 1990.

For the Nuclear Regulatory Commission.

Lester L. Kintner,

Project Manager, Project Directorate IV–1, Division of Reactor Projects III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–19661 Filed 8–21–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–322]

Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing; Long Island Lighting Co.

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment

to Facility Operating License No. NPF–82 issued to Long Island Lighting Company (the licensee), for operation of the Shoreham Nuclear Power Station, Unit 1, located in Suffolk County, New York.

The proposed amendment would remove the licensee's authority to operate the Shoreham facility. The licensee proposes that its current full-power operating license be amended to become a "defueled operating license" and remove the licensee's authority to operate the facility. In a telephone communication of June 5, 1990, as confirmed by letter from the NRC Staff to the licensee on July 13, 1990 the licensee advised that its proposed amendments may be treated as a request for a "possession only" license.

The request for amendment contains numerous subparts, as set forth below. As the Commission progresses in its review and finds acceptable selected portions of the application, it may issue license amendments authorizing various approved portions of the application while it continues to review the remaining portions of the application. The granting of any portion of the January 5, 1990 proposed license amendment will be published in the Federal Register and will reference this notice.

The requested license amendment is comprised of the following proposed changes to the license.

1. Paragraph 2.B.(1).: Delete the word "and" prior to the word "operate" and replace with the words "but not".

2. Paragraph 2.C.: Delete the following language, "except as exempted from compliance as described in section 2.D. below;".

3. License Condition 2.C.(1), *Maximum Power Level:* Delete the following language:

> The licensee is authorized to operate the facility at core power levels not to exceed 2,436 megawatts thermal (100 percent rated power) in accordance with the conditions specified herein and other items identified in Attachments 1 and 2 to this license. The items identified in Attachments 1 and 2 to this license shall be completed as specified. Attachments 1 and 2 are hereby incorporated into this license.

This deleted language is to be replaced with, "The licensee is not authorized to operate the facility at any core power level."

4. License Condition 2.C.(2), *Technical Specifications and Environmental Protection Plan:* Delete the following language, "as revised through Amendment No. _____."

5. License Condition 2.C.(3), *Fire Protection Program (Section 9.5, SER, SSER1, SSER2, SSER9):* Delete current "License Condition 2.C.(3)", and replace with a new license Condition 2.C.(3) which would provide:

> *Requirement to Obtain NRC Approval to Place Fuel in the Reactor Vessel*
>
> The licensee shall not place any fuel assemblies in the reactor vessel without the prior approval of the NRC Staff.

6. Licensee Condition 2.C.(4), *Flux Monitor (Section 22, SER): Delete.*

7. Licensee Condition 2.C.(5), *Instrumentation and Controls Systems Required for Safe Shutdown (Section 7.4.3 SSER3, SSER4, SSER8):* Delete.

8. Licensee Condition 2.C.(6), *Steam Condensing Mode of RHR (Section 3.8.2. SER, SSER1, SSER3, SSER4):* Delete.

9. License Condition 2.C.(7), *Emergency Diesel Generator License Condition (Section 8.3 SSER 9):* Delete.

10. License Condition 2.C.(8), *Fission Gas Release and Ballooning and Rupture (Sections 4.2.3.2 and 4.2.3.3 SER):* Delete.

11. License Condition 2.C.(9), *Strike Shutdown License Condition (Section 13.3.5.7 SSER 10):* Delete.

12. License Condition 2.C.(10), *Hurricane Shutdown License Condition (NRR Director's Findings Re: EP Dated 4/17/89):* Delete.

13. License Condition 2.C.(11), *County Liaison License Condition (NRR Director's Finding Re: EP Dated 4/17/89):* Delete.

14. License Condition 2.C.(12), *Brentwood Staffing License Condition (NRR Director's Finding Re: EP Dated 4/17/89):* Delete.

15. License Condition 2.C.(13), *Quarterly Drills License Condition (NRR Director's Finding Re: EP Dated 4/17/89):* Delete.

16. Paragraph 2.D., delete and replace with a new 2.D. which would provide:

> The licensee shall implement and maintain in effect all provisions of the approved fire protection program as described in the Fire Hazards Analysis Report and the Defueled Safety Analysis Report for the facility and as approved in the SER dated April 1981 and Supplements 2 dated February 1982 and 9 dated December 1985, subject to the following provision:
>
> The licensee may make changes to the approved fire protection program without prior approval of the Commission only if these changes would not adversely affect the ability to maintain the fuel in the Spent Fuel Pool in a safe condition in the event of a fire.

17. Paragraph 2.E.: Delete the following language, "Physical Security Plan," with revisions submitted through December 20, 1988;", and replace with "Security Plan for Fuel Storage in the Spent Fuel Pool, as submitted January 5, 1990".

18. Paragraph 2.F.: Delete.

19. Attachment 1, *Changes to the Remote Shutdown Panel (RSP) (Section 7.4.3 SSER3, SSER4):* Delete.

20. Attachment 2, *Emergency Diesel Generator (EDG) 101, 102, and 103 License Conditions:* Delete.

21. Appendix A, *Technical Specifications:* Revise to reflect a possession-only status.

22. Appendix B , *Environmental Protection Plan:* Revise to reflect a possession-only status.

Before issuance of any portion of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that the proposed change does not involve a significant hazards consideration for the Shoreham Nuclear Power Station, Unit 1, on the basis of the following analysis, which was provided in its submittal of January 5, 1990:

A. The Proposed Amendment Does Not Involve a Significant Increase in the Probability or Consequences of an Accident Previously Evaluated.

The proposed amendment to NPF–82 does not involve a significant increase in either the probability or the consequences of an accident previously evaluated. The proposed amendment, if granted, would remove the [licensee's] operating authority and recognize Shoreham's current non-operating and permanently defueled condition.

With Shoreham remaining in a defueled condition, the probability of previously analyzed accidents has, in fact, been significantly reduced. As is noted in the chapter 15 of the [Defueled Safety Analysis Report] DSAR, Shoreham's spent fuel [is in] a low burnup condition, and the amount of decay heat being generated by the fuel as of June 1989 is negligible—approximately 550 watts. With the fuel in such a low burnup condition, the DSAR indicates that active systems for pool water makeup are not required and that passive cooling in the fuel pool is sufficient to maintain fuel cladding integrity.

The DSAR also establishes that the consequences of previously evaluated accidents are greatly decreased with

Shoreham in a defueled status. The DSAR reviews the spectrum of accidents evaluated in the Shoreham Updated Safety Analysis Report (USAR) and identifies those events that apply to the storage and handling of spent fuel. Two events have been found to be relevant: (1) Fuel Handling Accident (USAR section 15.1.36), and (2) Liquid Radwaste Tank Rupture (USAR section 15.1.32). For the Fuel Handling Accident, The DSAR calculates that the integrated whole body and skin doses are less than .00005% of the 10 CFR part 100 limits. For the Liquid Radwaste Tank Rupture, the integrated whole body, skin, and maximum organ (lung) doses are less than .0000004% of the 10 CFR part 100 limits. In addition, the DSAR also postulates a "worst case" radiological event, in which the entire gaseous inventory of the entire core is released to the reactor building. For this event the integrated whole body and skin doses are less than .031% of the dose limits established by 10 CFR part 100.

B. The Proposed Amendment Will Not Create the Possibility of a New or Different Kind of Accident from Any Accident Previously Evaluated.

The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated. The amendment does not affect the function or operation of any system or equipment that has been determined to remain in an OPERABLE condition but, rather, conforms Shoreham's license with the plant's *existing* non-operating and defueled condition. The removal of LILCO's operating authority clearly does not create the possibility of a new or different kind of accident, since, as noted above, the only remaining credible events are those associated with fuel handling and storage activities, which have already been analyzed in the USAR and which are reanalyzed for a new set of initial conditions in the DSAR.

C. The Proposed Amendment Does Not Involve a Significant Reduction in a Margin of Safety.

The proposed amendment does not involve a reduction in a significant margin of safety. While the amendment, if approved, would remove a large portion of Shoreham's technical specifications, including the Safety Limits section, those technical specifications that would be eliminated are relevant only to activities that would not be permitted under the amended license. The proposed new set of technical specifications represent those technical specifications that are needed to store and handle safely Shoreham's irradiated fuel. Since fuel storage and handling are the only activities that will be permitted at Shoreham under the amended license, it necessarily follows that the proposed changes will not reduce the margin of safety that currently exists under the license.

Based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission has determined that the above significant hazards consideration analysis is applicable to each proposed change to the license, items 1 through 21 (as listed above) or to the aggregate of the proposed license changes. As stated above, the Commission may decide to issue license amendments authorizing various portions of the application while it continues to review the remaining portions of the application.

The Commission is seeking public comment on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not formally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P–223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By September 20, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceedings must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786–9697. If the request for a hearing or petition for leave to intervene is filed by the above date, the Commission on an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceedings on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler, Director, Project Directorate I-2, Division of Reactor Projects I/II: (petitioner's name and telephone number), (date petition was mailed), (Plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Hunton and Williams, P.O. Box 1535, Richmond, Virginia 23121, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 5, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Shoreham-Wading River Public Library, Route 25A, Shoreham, New York 11786-9697.

Dated at Rockville, Maryland, this 15th day of August 1990.

For the Nuclear Regulatory Commission.

Walter R. Butler,

Director, Project Directorate I-2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-19662 Filed 8-20-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

List of Designated Federal Entities and Federal Entities

Public Law 100-504, "The Inspector General Act Amendments of 1988", requires the Office of Management and Budget to publish a list of "Designated Federal Entities" and "Federal Entities" and the heads of such entities. Designated Federal Entities were required to establish an Office of Inspector General before April 17, 1989. Federal Entities are required to report annually on October 31 to each House of the Congress and the Office of Management and Budget on audit and investigative activities in their organizations.

The following list was prepared in consultation with the U.S. General Accounting Office.

Susan Gaffney,

Acting Assistant Director, Financial Management Division.

Designated Federal Entities

1. ACTION—Director
2. Amtrak—Chairman
3. Appalachian Regional Commission—Federal Co-Chairman
4. The Board of Governors, Federal Reserve System—Chairman
5. Board for International Broadcasting—Chairman
6. Commodity Futures Trading Commission—Chairman
7. Consumer Product Safety Commission—Chairman
8. Corporation for Public Broadcasting—Board of Directors
9. Equal Employment Opportunity Commission—Chairman
10. Farm Credit Administration—Chairman
11. Federal Communications Commission—Chairman
12. Federal Deposit Insurance Corporation—Chairman
13. Federal Election Commission—Chairman
14. Federal Housing Finance Board—Chairman
15. Federal Labor Relations Authority—Chairman
16. Federal Maritime Commission—Chairman
17. Federal Trade Commission—Chairman
18. Interstate Commerce Commission—Chairman
19. Legal Services Corporation—Board of Directors
20. National Archives and Records Administration—Archivist of the United States
21. National Credit Union Administration—Board of Directors
22. National Endowment for the Arts—Chairman
23. National Endowment for the Humanities—Chairman
24. National Labor Relations Board—Chairman
25. National Science Foundation—National Science Board
26. Panama Canal Commission—Chairman
27. Peace Corps—Director
28. Pension Benefit Guaranty Corporation—Chairman
29. Securities and Exchange Commission—Chairman
30. Smithsonian Institution—Secretary
31. Tennessee Valley Authority—Board of Directors

32. United States International Trade Commission—Chairman
33. United States Postal Service—Postmaster General

Federal Entities

1. Administrative Conference of the United States—Chairman
2. Advisory Committee on Federal Pay—Chairman
3. Advisory Commission on Intergovernmental Relations—Chairman
4. Advisory Council on Historic Preservation—Chairman
5. African Development Foundation—Chairman
6. American Battle Monuments Commission—Chairman
7. Architectural and Transportation Barriers Compliance Board—Chairman
8. Barry Goldwater Scholarship and Excellence in Education Foundation—Chairman
9. Christopher Columbus Quincentenary Jubilee Commission—Chairman
10. Commission for the Preservation of America's Heritage Abroad—Chairman
11. Commission for the Study of International Migration and Cooperative Economic Development—Chairman
12. Commission of Fine Arts—Chairman
13. Commission on Agricultural Workers—Chairman
14. Commission on the Bicentennial of the United States Constitution—Chairman
15. Commission on Civil Rights—Chairman
16. Committee for Purchase from the Blind and other Severely Handicapped—Chairman
17. Competitiveness Policy Council—Chairman
18. Defense Nuclear Facilities Safety Board—Chairman
19. Delaware River Basin Commission—U.S. Commissioner
20. Export-Import Bank—President and Chairman
21. Farm Credit System Assistance Board—Chairman
22. Farm Credit System Insurance Corporation—Board of Directors
23. Federal Mediation and Conciliation Service—Director
24. Federal Mine Safety and Health Review Commission—Chairman
25. Federal Retirement Thrift Investment Board—Chairman
26. Franklin D. Roosevelt Memorial Commission—Chairman
27. Harry S Truman Scholarship Foundation—Chairman
28. Illinois and Michigan Canal National Heritage Corridor Commission—Chairman
29. Institute of American Indian and Alaska Native Culture and Arts Development—Chairman
30. Institute of Museum Services—Director
31. Inter-American Foundation—Chairman
32. Interagency Council on the Homeless—Chairman
33. International Cultural and Trade Center Commission—President
34. Interstate Commission on the Potomac River Basin—Chairman
35. James Madison Memorial Fellowship Foundation—Chairman
36. Japan-U.S. Friendship Commission—Chairman
37. Marine Mammal Commission—Chairman
38. Martin Luther King, Jr. Federal Holiday Commission—Chairman
39. Merit Systems Protection Board—Chairman
40. National Capital Planning Commission—Chairman
41. National Commission on Libraries and Information Science—Chairman
42. National Commission on Migrant Education—Chairman
43. National Commission on Responsibility for Financing Postsecondary Education—Chairman
44. National Commission to Prevent Infant Mortality—Chairman
45. National Council on Disability—Chairman
46. National Endowment for Democracy—President
47. National Gallery of Art—Board of Trustees
48. National Institute on Building Sciences—Chairman
49. National Mediation Board—Chairman
50. National Transportation Safety Board—Chairman
51. Neighborhood Reinvestment Corporation—Chairman
52. Occupational Safety and Health Review Commission—Chairman
53. Office of Government Ethics—Director
54. Offices of Independent Counsels—Independent Counsels
55. Office of Navajo and Hopi Indian Relocation Commission—Chairman
56. Office of Special Counsel—Special Counsel
57. Office of the Nuclear Waste Negotiator—Negotiator
58. Overseas Private Investment Corporation—President
59. Pennsylvania Avenue Development Corporation—Chairman
60. Postal Rate Commission—Chairman
61. Resolution Trust Corporation Oversight Board—Chairperson
62. Selective Service System—Director
63. State Justice Institute—Director
64. Susquehanna River Basin Commission—U.S. Commissioner
65. U.S. Holocaust Memorial Council—Chairman
66. U.S. Institute of Peace—Chairman
67. U.S. Soldier's and Airman's Home—Governor
68. Woodrow Wilson International Center for Scholars—Board of Trustees

[FR Doc. 90-19677 Filed 8-20-90; 8:45 am]
BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

Request for Extension of SF-177 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a proposed unchanged extension to a form which collects information from the public. Standard Form 177, Statement of Physical Ability for Light Duty Work, is used to collect information from applicants for positions in the competitive service about their physical capacity to perform the duties of sedentary and moderately active jobs. The SF 177 is used by agencies in lieu of requesting or requiring medical examinations to determine qualifications for these positions. There are 678 individuals who respond annually for a total burden of 113 hours. For copies of this proposal, call C. Ronald Trueworthy on (202) 606-2261.

DATES: Comments on this proposal should be received within 10 working days from the date of this publication.

ADDRESSES: Send or deliver comments to:

C. Ronald Trueworthy, Agency Clearance Officer, U.S. Office of Personnel Management, room 6410, 1900 E Street NW., Washington, DC 20415.

and

Joseph Lackey, Information Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, room 3235, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Raleigh Neville, (202) 606-0200.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90–19649 Filed 8–20–90; 8:45 am]

BILLING CODE 6325–01–M

Request for Approval of Form RI 92–19 Submitted to OMB for Clearance

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces a new request to use form RI 92–19, Application for Deferred or Postponed Retirement. RI 92–19 will be used by separated employees to apply for either a deferred or a postponed FERS annunity benefit. The information collected via this application is used by the Office of Personnel Management, Federal Employees' Retirement System, to determine if a deferred or postponed annuity is payable to an employee separated from the Federal service.

Approximately 400 forms are processed annually, each requiring approximately 60 minutes to complete, for a total public burden of 400 hours. For copies of this proposal, call C. Ronald Trueworthy on (202) 606–2261.

DATES: Comments on this proposal should be received September 20, 1990.

ADDRESSES: Send or deliver comments to—Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW., room 3235, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606–0623.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90–19650 Filed 8–20–90; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–28337; File No. S7–8–90]

Options Price Reporting Authority; Filing and Immediate Effectiveness of Amendment To Extend Until September 30, 1990, Certain Professional Subscriber Fees Under OPRA's National Market System Plan

Pursuant to Rule 11Aa3–2 under the Securities Exchange Act of 1934 ("Act"), notice is hereby given that on July 31, 1990, the Options Price Reporting Authority ("OPRA") submitted to the Securities and Exchange Commission ("Commission") an extension to a previous amendment[1] to the Plan for Reporting of Consolidated Options Last Sale Reports and Quotation Information.[2]

OPRA has designated this proposal as one establishing or changing a fee pursuant to Rule 11ASa3–2(c) (3) (i) under the Act, which renders the fee effective upon the Commission's receipt of the filing. The Commission is publishing this notice to solicit comments from interested persons on the amendment.

I. Description and Purpose of the Amendment

The Plan for Reporting of Consolidated Last Sale Reports and Quotation Information of the Options Price Reporting Authority was previously amended to provide a temporary monthly surcharge of three hundred dollars ($300) payable by those persons (vendors, direct-connect subscribers, news services and exchanges) who have direct access to OPRA's consolidated high-speed service at OPRA's processor, for each month or portion thereof during which such persons obtain such access by means of OPRA's old 2-line service, instead of the new 4-line service. As originally filed on April 16, 1990, this surcharge was to expire at the end of July, 1990, when the 2-line service was scheduled to be discontinued. This filing extends the temporary surcharge and the availability of the 2-line service through September 30, 1990.

The purpose of the amendment is to continue to encourage those few remaining persons who have not already converted to the new 4-line service to do so as promptly as possible, and to extend until September 30, 1990, the date when the 2-line service will be discontinued. The existing surcharge payable by users of the 2-line service will likewise be extended to fairly allocate the added burdens of maintaining the 2-line service to those persons who are still using it.

II. Solicition of Comments

Pursuant to Rule 11Aa3–2(c) (3) under the Act, the amendment became effective upon filing with the Commission. The Commission may summarily abrogate the amendment within 60 days of its filing and require refiling and approval of the amendment by Commission order pursuant to Rule 11Aa3–2(c) (2), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors and maintenance of fair and orderly markets, to remove impediments to and perfect the mechanisms of a National Market System, or otherwise in furtherance of the purposes of the Act.

Interested persons are invited to submit written data, views and arguments conerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the principal office of OPRA. All submissions should refer to File No. S7–8–90 and should be submitted by September 11, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: August 13, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–19689 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

[1] *See* Securities Exchange Act Release No. 27951 (April 27, 1990).

[2] *See* Securities Exchange Act Release No. 17638 (March 18, 1981).

[Rel. No. 34–28336; File No. SR–MSRB–88–5]

Self-Regulatory Organizations; Filing of Amendment to Proposed Rule Change and Order Granting Accelerated Approval of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Arbitration

On July 31, 1990, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") Amendment No. 3 to its arbitration filing (File No. SR–MSRB–88–5), pursuant "to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and rule 19b–4 thereunder. The Amendment is described in Items I, II, and III below, which Items have been prepared by the Board. The Commission is publishing this notice to solicit comments from interested people, and is publishing an

order granting accelerated approval of the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is proposing Amendment No. 3 to rule G–35, the Board's arbitration code, concerning the definitions of public and industry arbitrators and related challenges for cause.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Board included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The Board 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

On November 23, 1988, the Board filed certain amendments to rule G–35, the Board's arbitration code (File No. SR–MSRB–88–5), which were intended to conform the provisions of rule G–35 to amendments to the Uniform Arbitration Code requested by the Commission and approved by the Securities Industry Conference on Arbitration. On March 2 and June 12, 1989, the Board filed Amendments No. 1 and No. 2 to SR–MSRB–88–5 in response to certain suggestions by the Commission staff. In October 1989, the Commission approved these amendments, except for the provisions concerning the definitions of public and industry arbitrators and related challenges for cause.

After reviewing SR–MSRB–88–5 and Amendments No. 1 and 2, the Commission staff suggested an additional amendment to the proposed rule change to make it consistent with the proposed rule changes of other self-regulatory organizations ("SROs"). The Board has adopted, and hereby amends its filing to incorporate, the definitions of industry and public arbitrator requested by Commission. These definitions will prohibit the use of retired industry persons and certain attorneys, accountants and other professionals as public arbitrators. Also, the proposed rule change deletes the provision granting customers a challenge for cause to the use of such persons as public arbitrators, and the provision allowing the use of current public arbitrators, who will no longer come within the new public arbitrator definition, until September 1, 1991.

The Board has adopted these amendments to rule G–35 pursuant to sections 15B(b)(2)(C) and 15B(b)(2)(D) of the Act. Section 15B(b)(2)(C) requires, in pertinent part, that the Board's rules be designed

> to promote just and equitable principles of trade * * * to remove impediments to and perfect the mechanism of a fee and open market in municipal securities, and, in general, to protect investors and the public interest * * *.

Section 15B(b)(2)(D) states that the Board shall, if it deems appropriate

> provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities: Provided, however, That no person other than a municipal securities broker, municipal securities dealer, or person associated with a municipal securities broker or municipal securities dealer may be compelled to submit to such arbitration except at his instance and in accordance with section 29 of this title.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Board does not believe that the proposed rule change will effect any burden on competition in the municipal securities industry because the proposed rule change will be equally applicable to all participants in the industry.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Board did not solicit comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Board requests that the Commission find good cause, pursuant to section 19(b)(2) of the Act, for approving this Amendment prior to the thirtieth day after publication in the **Federal Register**. As stated earlier, Amendments No. 1 and 2 to the Board's arbitration code were previously approved by the Commission. At the suggestion of the Commission staff, the Board has duly filed this Amendment No. 3 in order to bring the Board's definitions of public and industry arbitrators, and related challenges for cause, in line with the definitions of other SROs. The Board believes that accelerated aproval of this Amendment will promote greater uniformity and efficiency in the Board's arbitration program.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Board and, in particular, the requirements of section 15B and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of the notice of filing, because accelerated approval is appropriate to promote uniformity and efficiency in the Board's arbitration program.

IV. Solicitation of Comments

Interested people are invited to submit written data, views, and arguments concerning the foregoing. People making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 fifth Street, NW., Washington, DC 20549. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's principal offices. All submissions should refer to File No. SR–MSRB–88–5 and should be submitted by September 11, 1990.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that Amendment No. 3 to the proposed rule change (File No. SR–MSRB–88–5), be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: August 13, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–19692 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34-28334; File No. SR-NASD-90-43]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing and Immediate Effectiveness of Proposed Rule Change Relating to Assessments and Fees

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 July 31, 1990, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The NASD has designated this proposal as one establishing or changing a fee under section 19(b)(3)(A)(ii) of the Act, and it is therefore effective upon the Commission's receipt of this filing. 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 proposed rule change of section 2(c) of Schedule A of the By-Laws of the National Association of Securities Dealers, Inc. would delete the language referring to persons qualifying as SECO brokers and dealers under section 15(b)(8) of the Act.[1] Below is the text of the proposed rule change. The proposed deletion is in brackets.

Schedule A

* * * * *

Section 2—Fees

(c) There shall be an examination fee of $110.00 assessed as to each individual who is required to take an examination for registration as a registered representative pursuant to the provisions of Schedule "C" of the By-Laws. This fee is in addition to the registration fee decribed in Item (b). [In a case where a broker/dealer applicant for membership in the Corporation who was previously, and at the time of his application for membership is currently, qualified pursuant to the provisions of section 15(b)(8) of the Securities Exchange Act of 1934, and rule 15b8–1 thereunder, to act as a broker/dealer, is required to register contemporaneously 100 or more registered representatives who were previously and are currently qualified pursuant to the aforementioned section 15(b)(8) and rule 15b8–1 the examination fee to be assessed pursuant to this subparagraph (c) shall be determined by the President of the Corporation, or his delegate. The fee shall be based upon a stated amount per applicant, a flat fee to the member or some other equitable basis which recognizes the reduced cost per examination of administering examinations to a large number of applicants within a relativly short period of time. In the case shall the amount agreed upon be less than the equivalent of $20.00 per applicant and such reduced fee shall not apply to any individual not falling within the scope of the provisions of subparagraph (2) of paragraph II of Schedule C of the By-Laws.]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Section 2(c) contains two provisions: the first imposes a fee on persons required to sit for the examination in order to become registered representatives; the second provision is a means of calculating the fee in situations where large groups of Securities and Exchange Commission Only-registered ("SECO") broker/dealers wish to become Association members. In 1983, the SECO program was eliminated. The proposed rule change to section 2(c) of Schedule A removes the unnecessary language which refers to persons qualifying as SECO brokers and dealers. The Board of Governors has determined that in light of the demise of the SECO program, the additional language is no longer appropriate.

The proposed rule change is consistent with and in furtherance of section 15(A)(b)(6) of the Act, which requires that the rules of the Association be designed "to foster cooperation and coordination with persons engaged in regulating * * * transactions is securities." Therefore, the deletion of language which specifically applied to repealed and/or amended provisions is not contrary to the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The rule change is effective upon filing, pursuant to section 19(b)(3)(A)(ii) of the Act in that it affects assessments and fees imposed by the Association exclusively upon its members.

At any time within 60 days of the filing of a rule change pursuant to section 19(b)(3)(A) of the Act, the Commission may summarily abrogate the 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 Secretay, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be avaiable for inspection and copying at the principal office of the NASD. All

[1] The SECO program, a program of direct regulation of broker-dealers by the SEC, was eliminated by Congress in 1983. *See* Public Law No. 98–38, 97 Stat. 205 (1983). In addition, all rules relating to the SECO program were eliminated or revised after SECO was eliminated. *See* Securities Exchange Act Release No. 20409 (November 22, 1983), 48 FR 53688 (November 29, 1983).

submissions should refer to the file number in the caption above and should be submitted by September 11, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: August 13, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–19693 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–28335; File No. SR–PSE–90–09]

Self-Regulatory Organizations; the Pacific Stock Exchange; Order Approving Proposed Rule Change Relating to Electronic Access Memberships

On February 14, 1990, the Pacific Stock Exchange ("PSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder,[2] a proposed rule change to add a new Section 14 to Exchange Rule IX of the Rules of the Board of Governors to establish an electronic access membership, known as Automated System Access Privilege ("ASAP"), for broker-dealers that are not members of the Exchange.[3]

The proposed rule change was published for comment in Securities Exchange Act Release No. 27773 (March 6, 1990), 55 FR 9391 (March 13, 1990). The Commission received one comment letter regarding the proposal.[4]

I. Description of the Proposal

The PSE is proposing to amend Rule IX, Exchange Memberships, of the Rules of the Board of Governors, to add a new Section 14 that would create an electronic access membership for non-member broker-dealers. The new ASAP system would allow certain qualified broker-dealers ("ASAP Members") access to the Exchange's automated trading systems, including its electronic execution system, Securities Communication Order Routing and Execution System ("SCOREX") [5] and its automated options trading system, Pacific Options Exchange Trading System ("POETS"),[6] as well as any other electronic systems approved by the PSE Board of Governors. ASAP Members would have direct physical access to the Exchange floor and would be prohibited from having telephone access, except on an emergency basis.[7] In addition, the hours of ASAP Member access would be from the opening of trading at 6:30 a.m. until the closing of trading on the applicable systems, which currently is 1:00 p.m. (p.s.t.).

In order to become an ASAP Member, a broker-dealer would be required to meet certain conditions and to accept certain obligations imposed by the Exchange. The PSE proposal would require an ASAP Member to be a broker-dealer registered under section 15 of the Act. An ASAP Member must agree to abide by the Constitution, Rules, and procedures of the Exchange, and consent to the disciplinary and arbitration jurisdiction of the Exchange, to the extent that such jurisdiction would relate to the dealings of the ASAP Member on the Exchange.

With regard to the clearance and settlement of transactions, the PSE's proposal would provide that an ASAP Member be required to accept responsibility for the clearance and settlement of transactions resulting from orders the ASAP Member enters on the Exchange. Each ASAP Member would be required to enter into a written agreement with the Exchange that would authorize the Exchange to give up the ASAP Member's name for the purpose of clearance and settlement of transactions resulting from orders it entered on the automated system of the Exchange.[8] Thus, in the case of self-clearing firms, the ASAP Member would give up its own name for clearance and settlement purposes. In instances where the ASAP Member desires to clear its trades through an Exchange clearing member, the ASAP Member would be required to enter into an agreement with, and receive authorization from, the Exchange clearing member to give up the Exchange clearing member's symbol for clearance and settlement purposes. The agreements between the Exchange and the self-clearing firm and those between the ASAP Member and the Exchange clearing member would be required to be filed with the Exchange Corporate Secretary.

Under the PSE proposal, in order to receive electronic access, the ASAP Member would be subject to a non-refundable, non-transferable annual fee, which the Exchange's Board of Governors would be empowered to amend each year at its discretion. The proposal provides, however, that if an ASAP Member becomes a regular member of the Exchange, the fee paid for the current year would be subject to rebate, prorated to the date of approval as a full member. The proposal would require that the ASAP Member's annual fee be paid prior to the Exchange's approval of an applicant for ASAP Membership and prior to renewal of such membership at the end of the period for which such fee has been paid. In addition to an annual fee, ASAP Members also would be subject to all applicable transaction and comparison fees. Further, ASAP Members would be subject to all applicable capital requirements.

Finally, the PSE proposal states that ASAP Members would be entitled to enjoy the rights and privileges (other than floor access) provided for regular members, except certain specifically enumerated rights. PSE ASAP Members would not be entitled to any voting rights and would be ineligible for election to the PSE Board of Governors. Further, ASAP Members would not be entitled to any distribution of Exchange assets, would not be entitled to the rights and privileges defined in Article V, sections 2 and 3 of the PSE Constitution and would not be entitled

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1989).

[3] The Exchange submitted two minor clarifying amendments to the filing. The first amendment clarified certain language in subsection (4) of new Section 14. *See* letter from Rosemary A. MacGuinness, Senior Counsel, PSE, to Judy Poppalardo, Branch Chief, Division of Market Regulation, SEC, dated June 27, 1990. *See infra* note 8 for a description of this amended language. The second amendment clarified certain language to make clear that ASAP Members will not be entitled to enjoy the same rights and privileges provided for regular members in the PSE Constitution. *See* letter from Rosemary A. MacGuinness, Senior Counsel, PSE, to Mary Revell, Branch Chief, Division of Market Regulation, dated July 26, 1990. *See infra* note 9 for a description of this amended language.

[4] *See infra* note 10 and accompanying text.

[5] SCOREX automatically routes market and limit orders of up to 1,099 shares from member firms to specialist posts, and guarantees execution of orders up to 1,099 shares at the best bid or offer displayed on the Intermarket Trading System ("ITS"). *See* Securities Exchange Act Release No. 27727 (February 22, 1990), 55 FR 7396 (March 1, 1990).

[6] POETS is an automated options trading system comprised of an options order routing system ("ORS"), an automatic and semi-automatic execution system ("Auto-Ex"), an on-line limit order book system ("Auto-Book"), and an automatic market quote update system ("Auto-Quote"). POETS was initially approved by the Commission for a six-month pilot period ending July 22, 1990. *See* Securities Exchange Act Release No. 27633 (January 18, 1990), 55 FR 2466 (January 24, 1990). The Commission recently approved extension of the pilot program for an additional three-month period ending October 22, 1990, in order to allow the PSE time to complete the installation of POETS. *See* Securities Exchange Act Release No. 28264 (July 26, 1990), 55 FR 31272 (August 1, 1990).

[7] Under the proposal, the PSE Board of Governors would determine when a situation constitutes an emergency. An ASAP member would be allowed telephone access to the floor only in these emergency situations.

[8] The Exchange submitted to the Commission an amendment which makes clear that for self-clearing firms, the ASAP Member would give up its own name to the Exchange for clearance and settlement purposes. *See supra* note 3.

to any interest in the PSE Signature Guarantee Program.[9]

II. Comments Received

The Commission received one comment letter from the Philadelphia Stock Exchange ("Phlx") in response to its request for comments on the proposed rule change.[10] The Phlx urges that the Commission delay approval of the PSE proposal because it states that the PSE proposal creates something other than a membership and the Exchange cannot properly assert disciplinary jurisdiction over a non-member. To support its assertion that the PSE proposal creates something other than a membership, the Phlx states that PSE ASAP Members would be entitled to few, if any, of the entitlements that traditionally are associated with memberships on the PSE.[11] The Phlx also argues that the PSE proposal creates a type of hybrid membership that the PSE does not have the corporate authority to create.[12]

In response to the Phlx's comment letter, the PSE submitted a letter to the Commission stating that its proposal creates a new type of limited membership at the PSE, with certain restrictions that are applicable to regular members of the PSE.[13] In its response, the PSE states that, pursuant to its Constitution, it has the right to create special types of memberships for specific purposes that do not have all the rights and privileges of a regular PSE member.[14] Specifically, the PSE cites to article V, section 1 of its Constitution, which distinguishes between the regular types of PSE memberships (referred to in the Constitution as "authorized memberships") and other types of memberships (referred to in the Constitution as "rights to trade on any facility of the Exchange similar to memberships"). The PSE letter states that, in creating ASAP Memberships, the Exchange properly followed the procedures set forth in this section of its Constitution, namely it obtained the approval of the Board of Governors and a majority of the PSE regular members. In fact, the PSE letter states that the Exchange has already created a new membership classification by submitting the Board-approved proposal to its members, who approved it by an overwhelming majority. In addition, the letter states that the PSE structured ASAP Memberships as a limited form of membership to ensure that the PSE would retain regulatory and disciplinary jurisdiction over ASAP Members.

III Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of sections 6(b) (2), (5), (6), and (7) and 6(c)(1) of the Act.[15] In particular, the Commission believes that the proposal, which provides that registered broker-dealers may become ASAP Members, is consistent with section 6(b)(2) and 6(c)(1). The Commission believes that the requirement that ASAP Members consent to the disciplinary jurisdiction of the Exchange is consistent with sections 6(b)(6) and (7). The Commission also believes that the fact that ASAP Members do not have any voting rights is not inconsistent with section 6(b)(3). Finally, the Commission believes that, by making available electronic access annual memberships the PSE ASAP proposal is designed to remove impediments to and perfect the mechanism of a free and open market, consistent with section 6(b)(5) of the Act.

The term "member," when used in respect to a national securities exchange, is defined in the Act as "(i) any natural person permitted to effect transactions on the floor of the exchange without the services of another person acting as broker, (ii) any registered broker or dealer with which such a natural person is associated, (iii) any registered broker or dealer permitted to designate as a representative such a natural person, and (iv) any other registered broker or dealer which agrees to be regulated by such exchange and with respect to which the exchange undertakes to enforce compliance with the provisions of this title, the rules and regulations thereunder, and its own rules."[16] The Commission notes that this definition suggests that the term "member" should be interpreted broadly under the Act. The Commission finds that, under the PSE proposal, ASAP Members meet the definition of member in the Act. Although ASAP Members may not physically be present on the Exchange floor, they still are permitted to effect transactions on the Exchange floor via the Exchange's automated trading systems without the services of another person acting as broker. In addition, upon becoming ASAP Members, broker-dealers must agree to abide by the Constitution, Rules, and procedures of the Exchange and to submit to its disciplinary and arbitration jurisdiction, to the extent that such jurisdiction relates to the dealings of the ASAP Member on the Exchange. For all of the above reasons, the Commission finds that ASAP Members meet the definition of member set out in section 3 of the Act.

The Commission further finds that the creation of ASAP Members on the PSE is consistent with the PSE Constitution. article V, section 2 of the PSE Constitution provides that members are entitled to all rights and privileges of the Exchange, except as the Constitution may otherwise provide. Article V, section 1 of the Constitution provides for the creation of trading rights similar to memberships, but does not require that those memberships contain all the rights and privileges of regular, authorized memberships on the Exchange.[17] Thus, the PSE Constitution envisions Exchange memberships which may not be entitled to the same rights and privileges as regular Exchange members.

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[9] The Exchange submitted to the Commission an amendment which makes clear the specific rights in the PSE Constitution available to regular members that will not be available to ASAP Members. This amendment also corrects an error in the original rule filing and renumbers the provisions in the new Section 14. *See supra* note. 3.

[10] *See* letter from Thomas Wynn, Chairman of the Floor Procedure Committee, Phlx, to Jonathan G. Katz, Secretary, SEC, dated April 3, 1990.

[11] Specifically, the Phlx states that, among other things, ASAP Members cannot vote or be elected to the Board of Governors, have no right to the distribution of assets to members, and cannot utilize the PSE Signature Guarantee Program.

[12] The Phlx also states that the PSE's filing raises serious competitive concerns because the Phlx believes it is nearly identical to a proposal previously filed with the Commission by the Phlx regarding non-member direct access (File No. SR-Phlx-89-51). That filing has not been approved by the Commission. The Commission does not agree with the Phlx's assertion that the PSE proposal is anti-competitive because it is similar to a Phlx filing that was filed sooner in time and is being approved by the Commission prior to that proposal.

[13] *See* letter from John C. Katovich, Vice President and General Counsel, PSE, to Jonathan G. Katz, Secretary, SEC dated May 3, 1990.

[14] The PSE letter states that, although ASAP Membership is called a "privilege" by the Exchange, this is primarily for marketing purposes. Also, by calling this type of membership a privilege, the Exchange states that it is providing notice that this type of membership is different from regular memberships on the PSE.

[15] 15 U.S.C. 78f (1989).

[16] 15 U.S.C. 78c(a)(3)(A) (1982). The Commission also notes that it is empowered by section 6(f), 15 U.S.C. 78f(f) (1982), to require that non-members be allowed to effect transactions on an exchange subject to such rules of the exchange as the Commission specifies.

[17] The PSE Constitution, article V, section 1, authorizes the Exchange to sell or lease rights to trade on any facility of the Exchange similar to memberships upon proper approval by the Board of Governors and Exchange membership. *See* Securities Exchange Act Release No. 19838 (June 2, 1983), 48 FR 26573 (June 8, 1983) (approving File No. SR-PSE-83-8).

The Commission believes that the creation of ASAP Members on the PSE which are members that are not entitled to all the rights and privileges granted regular Exchange members, is consistent with the PSE Constitution which allows the Exchange to create special types of memberships. In addition, no existing PSE rule or stated policy requires full membership as a prerequisite to the establishment of automated system access to the PSE floor.

The Commission believes that it is an appropriate exercise of the Exchange's authority, as well as consistent with section 6(b)(2) of the Act, for the PSE to create special classes of memberships. In the past, the Commission has approved, on various securities exchanges, the creation of special classes of memberships, which do not have the same rights and privileges granted to regular members of these exchanges. For example, in 1987, the Commission approved the creation of special options memberships ("Special Memberships") on the PSE that permitted members to trade only the Financial News Composite Index, the PSE Technology Index, and any such other new products as may be determined by the Exchange's Board of Governors.[18] Like the proposed ASAP Memberships, these PSE Special Memberships have specific restrictions and do not carry all the privileges that an authorized PSE member is entitled to. For example, holders of PSE Special Memberships are not entitled to vote at meetings of the Exchange, and are not eligible to be elected as members of the PSE Board of Governors. Similarly, under the current PSE proposal, ASAP Members would not be entitled to vote at Exchange meetings and are ineligible to become members of the Board of Governors. In addition, holders of Special Memberships are subject to Exchange trading and disciplinary rules and fees; similarly ASAP Members would be subject to Exchanges rules and procedures and must consent to disciplinary and arbitration jurisdiction of the Exchange, and must pay an annual fee for receiving electronic access and also would be subject to all applicable transaction and comparison fees. Finally, as is the case with the proposed ASAP Memberships, holders of PSE Special Memberships are not entitled to participate in any liquidation of Exchange assets.

In addition, the Commission has approved the creation of certain electronic access limited memberships on the New York ("NYSE") and American ("Amex") Stock Exchanges. The NYSE allows qualified broker-dealers to have electronic access to the NYSE floor without becoming regular members of the Exchange.[19] The Amex has memberships, called Associate Memberships, which allow holders direct access to the Amex's automated order routing systems, the Post Execution Reporting Service ("PERS") and the Amex Options Switching System ("AMOS"), and other electronic systems that may become available in the future.[20]

Both the NYSE and the Amex electronic access memberships are substantially similar to the PSE ASAP proposal. As is the case with the PSE proposal, NYSE and Amex electronic access members are not entitled to the rights and privileges granted to regular members on these exchanges. For example, ASAP Members would have similar ownership rights to electronic access members on the NYSE. ASAP Members would not be entitled to any distribution in Exchange assets. Similarly, NYSE electronic access members have no ownership interest in the assets of the NYSE, nor any transferrable interest in their membership.[21]

The PSE proposal differs, however, from the NYSE's proposal with respect to the voting rights accorded electronic access members. As discussed *supra*, under the PSE proposal, ASAP Members would not be entitled to any voting rights and are ineligible for election to the Exchange's Board of Directors. By contrast, NYSE electronic access members are entitled to certain limited voting rights, although these voting rights are not coextensive with those of regular seatholders. NYSE electronic access members have no vote with regard to any amendment to certain enumerated provisions of the NYSE Constitution, matters pertaining to any proposed disposition of the NYSE's assets, *e.g.*, liquidation, or upon a merger or consolidation, or any matter concerning the NYSE's Gratuity Fund. Unlike PSE ASAP Members, however, NYSE electronic access members are entitled to vote on all other matters on which regular seatholders would vote, including selection of the NYSE Board of Directors. NYSE electronic access members, however, have only a one-half vote.

Although PSE ASAP Members are not entitled to the limited voting rights given NYSE electronic access members, the Commission finds this aspect of the PSE proposal consistent with section 6(b)(3) of the Act. Because ASAP Members are not entitled to any ownership rights or distribution of Exchange assets, they are less affected by matters subject to an Exchange vote. Further, because the rights and obligations of ASAP Members are a subset of those of full members, and ASAP Members would represent a small portion of all PSE members, the PSE can still assure a fair representation of its members in the selection of directors and administrators without the votes of ASAP Members.

The Commission further notes that it has approved limited memberships on the Phlx and the Amex. In 1987, the Commission approved the creation of Limited Trading Permits ("LTPs") on the Amex which allowed holders to execute transactions in index options initiated by the holder for his or her own account and submit orders in index options for his or her own account to regular members for execution.[22] Holders of Amex LTPs are considered members of the Exchange, but are limited with respect to the rights and privileges granted to regular Amex members. For example, Amex LTP holders are subject to the Amex Constitution and rules, but they are not entitled to any voting rights.

In addition, in 1982, the Commission approved the creation of Foreign Currency Options Participations ("FCO Participations") on the Phlx that provided holders, who could be either Exchange members or non-members, with the right to enter into foreign currency options transactions as a floor broker or retail member, and with certain approval, as a specialist or registered options trader.[23] As is the

[18] Securities Exchange Act Release No. 24516 (May 27, 1987, 52 FR 20659 (June 2, 1987) (approving File No. SR–PSE–87–06). IN 1989, the Commission approved a proposal by the PSE which described more clearly the trading privileges of holders of PSE Special Memberships *See* Securities Exchange Act Release No. 27171 (August 23, 1989), 54 FR 35968 (August 30, 1989).

[19] Securities Exchange Act Release No. 14535 (March 7, 1978) 43 FR 10659 (approving File No. SR–NYSE–77–21). Electronic access members on the NYSE are entitled to maintain electronic or telephonic access to (i) the floor facilities of a member or member corporation; (ii) the Designated Order Turnaround System ("DOT" or "SuperDot"), the NYSE's network of electronic order processing and post-trade systems, and (iii) any such other automated trading systems of the Exchange as the Board of Directors may from time to time determine.

[20] *See* Securities Exchange Act Release No. 27169 (August 23, 1989), 54 FR 35957 (August 30, 1989) (order approving the extension of the privileges of holders of Amex Associate Memberships to include access to the Exchange's automated order routing systems).

[21] NYSE Constitution, Article II, section 1.

[22] *See* Securities Exchange Act Release No. 24303 (April 6, 1987), 52 FR 11789 (April 10, 1987). The rights and obligations of Amex LTP holders are set forth in the Amex Constitution, article IV, section 1(j)(3).

[23] *See* Securities Exchange Act Release No. 19134 (October 14, 1982), 47 FR 46949 (October 21, 1982).

Continued

case with PSE Special Memberships, and holders of electronic access memberships on the NYSE and Amex, holders of Phlx FCO Participations are subject to Phlx's rules and by-laws, but are not entitled to all the rights and privileges granted to regular Phlx members.[24]

The Commission finds the other terms and conditions of the PSE proposal consistent with the Act. In order to become an ASAP Member and have access to the Exchange's electronic access trading systems, a registered broker-dealer must agree to abide by the Constitution, Rules, and procedures of the Exchange. In addition, ASAP Members must consent to the disciplinary and arbitration jurisdiction of the Exchange, to the extent that such jurisdiction relates to the ASAP Members' dealings on the Exchange. These provisions create the same obligations for ASAP Members that currently exist for regular members of the PSA.[25] The Commission believes that subjecting ASAP Members to the same obligations as regular PSE members will ensure that any broker-dealer who will have access to the Exchange's automated trading systems as an ASAP Member must comply with the PSE Rules. By providing for direct regulatory supervision of trading by ensuring that ASAP Members adhere strictly to Exchange rules, the Commission believes that the Exchange's ASAP rules are designed to ensure fair and orderly markets and to prevent fraudulent and manipulative acts and practices, as well as to provide for appropriate discipline of ASAP Members who violate Excahnge rules and procedures, consistent with sections 6(b) (5), (6), and (7) of the Act.

The Commission believes that the provisions making ASAP Members responsible for the clearance and settlement of transactions resulting from orders entered on the Exchange by ASAP Members will ensure that the Exchange does not become liable for any of the financial obligations incurred by an ASAP Member with regard to clearance and settlement of trades. Under the PSE proposal, self-clearing firms would be required to execute an agreement with the Exchange giving up the name of the ASAP Member for clearance and settlement purposes. Alternatively, for ASAP Members who desire to clear their trades through an Exchange clearing member, the PSE proposal requires the ASAP Member to execute an agreement with the Exchange clearing member giving up the Exchange clearing member's symbol for clearance and settlement of trades. The Commission believes that these provisions are consistent with the section 6(b)(5) requirements that the rules of an Exchange be designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, and foster cooperation and coordination with the persons engaged in clearing and settling transactions in securities, in that they will ensure that the ASAP Member accepts responsibility for the clearance and settlement of transactions it enters into on the Exchange, thereby protecting the Exchange from liability regarding the clearance and settlement of trades resulting from orders executed by the ASAP Member on the Exchange.

The Commission further believes that the creation of electronic access memberships is consistent with section 6(b)(5) because it may help facilitate transactions by allowing more broker-dealers direct access to the PSE market and attracting greater order flow. In addition, allowing electronic access to the PSE floor should enhance the depth and liquidity of the PSE market by bringing additional capital and market participants to the trading floor. Finally, the Commission believes that providing this limited type of membership with direct access to the PSE trading market will assist public customers in getting the best execution of their orders by providing them with additional firms through which orders to the PSE can be routed.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[26] that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[27]

Dated: August 13, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-19695 Filed 8-20-90; 8:45 am]

BILLING CODE 8010-01-M

(Release No. 34-28339; File No. NSCC-89-14)

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Reconfirmation and Repricing Service on a Permanent Basis

August 13, 1990.

On August 30, 1989, the National Securities Clearing Corporation ("NSCC") filed a proposed rule change (SR-NSCC-89-14) with the Commission pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] concerning NSCC's Reconfirmation and Repricing Service ("RECAPS"). Notice of the proposal was published in the **Federal Register** on September 14, 1989, [2] to solicit comments from interested parties. No comments were received. The Commission approved the proposed rule change on a temporary basis until December 31, 1989.[3] This order approves NSCC's proposal on a permanent basis.

I. Description

NSCC's RECAPS service is a facility through which NSCC members voluntarily submit data to NSCC's main office or one of NSCC's branch offices regarding transactions in RECAPS—eligible securities which have previously been compared, but have failed to settle. NSCC advises members of transactions eligible for RECAPS no less then three months prior to the next RECAPS cycle, and of the age of fails eligible for submission no less than six weeks prior to such cycle. NSCC runs RECAPS cycles quarterly, or more frequently as circumstances may require.

Currently, NSCC members input RECAPS fail information ("RECAPS) Input") on Friday. NSCC distributes RECAPS contract sheets and settlement information on Sunday for compared RECAPS Input. These compared transactions then settle on Tuesday.

The Commission notes that in creating FCO Participants, the Phlx amended its By-Laws to authorize the Phlx Board of Governors to issue FCO Participations. *See* Phlx Constitution, Article XXVII, sections 27-1 through 27-3.

[24] For example, upon liquidation of the Phlx, non-member holders of FCO Participations only would acquire an equity interest in exchange assets or property to the extent that the exchange assets are directly attributable to earnings from the exchange's foreign currency options market. *See* Securities Exchange Act Release No. 19666 (April 11, 1983), 48 FR 16793 (April 19, 1983). In addition, when FCO Participations were first created, non-member participants did not have the right to nominate and vote for Exchange officials, or to serve as members of the Board of Governors. The Commission notes that in 1989 the Phlx By-Laws were amended to permit holders of FCO Participations to be elected to the Phlx Board of Governors. *See* Securities exchange Act Release No. 27054 (July 24, 1989), 54 FR 31755 (August 1, 1989).

[25] PSE regular members are subject to the Constitution, Rules, and procedures of the Exchange, and are subject to the disciplinary and arbitration jurisdiction of the Exchange. *See* PSE Constitution, Article VIII, section 6(c); article XI, sections 2 and 5; and article XII, section 1.

[26] 15 U.S.C. 78s(b)(2) (1982).

[27] 17 CFR 200.30-3(a)(12) (1989).

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] *See* Securities Exchange Act Release No. 27212 (September 1, 1989), 54 FR 38023.

[3] *See* Securities Exchange Act Release No. 27246 (September 13, 1989), 54 FR 39071 ("Temporary Approval Order").

Members submit deletes of RECAPS Input, advisories and as of trades on Monday ("Supplemental RECAPS Input").[4] On Tuesday, NSCC distributes RECAPS contract sheets and settlement information for compared Supplemental RECAPS Input. These compared transactions settle on Wednesday.[5]

NSCC proposes to make participation in RECAPS mandatory for NSCC members whose RECAPS—eligible transactions have already been compared though NSCC's facilities or other facilities, and seeks permanent approval of the dual settlement cycle built into RECAPS.

In addition, NSCC proposes to allow its members to submit RECAPS information through personal computer on a permanent basis.[6] Finally, to enable NSCC to assess the extent to which trades submitted to RECAPS actually settle, NSCC proposes to add an additional field to its RECAPS Input requirements which would indicate whether the item being submitted was a fail previsiously submitted to RECAPS.[7] This will allow NSCC to measure the extent to which RECAPS is successful in promoting the settlement of its members' outstanding fails.

II. Rationale

In its filing, NSCC stated that its proposal is consistent with section 17A of the Act because it facilitates the prompt and accurate clearance and settlement of securities transactions for which NSCC is responsible.

III. Discussion

Section 17A provides that the rules of a clearing agency must be designed to promote the prompt and accurate clearance and settlement of securities transactions.[8] As discussed below, the Commission believes that NSCC's proposal meets this standard.

As an initial matter, the Commission believes that requiring NSCC members to participate in RECAPS on a mandatory basis is consistent with section 17A. Sections 17A and 19 of the Act require clearing agencies to enforce compliance with their rules, including the financial responsibility requirements established by clearing agencies for participation. A significant rise in a member's failed transactions can be the cause of significant losses to that member and can threaten a member's financial viability. NSCC's RECAPS program, as modified to track recycling RECAPS submissions, provides a mechanism for reducing member fails and adding discipline to clearing up outstanding fails. Thus, assuming RECAPS is successful in reducing outstanding fails, participation in RECAPS can serve a useful purpose in reducing the potential for member financial difficulites.[9] Moreover, mandatory participation will maximize the effectiveness of RECAPS by increasing the likelihood that the fails submitted by one member will be recompared, repriced and settled against members on the other side of those fails during a RECAPS cycle. In addition, because NSCC has added a settlement reporting mechanism to RECAPS, mandatory RECAPS participation by NSCC members will permit NSCC to gauge accurately the extent to which RECAPS promotes the settlement of outstanding fails, thus permitting NSCC to analyze the efficacy of RECAPS on an objective basis.[10]

The Commission also believes that the dual settlement cycle built into RECAPS is consistent with the purposes of section 17A. As described above, NSCC members will submit trade data on Friday and settle those trades that recompare on Tuesday. In addition, NSCC members submit deletes of RECAPS input, advisories and as-of trades on Monday and settle those trades that recompare on Wednesday. Thus, unlike NSCC's continuous net settlement processing system, the RECAPS settlement process does not attempt to merge all of a member's RECAPS—related settling trades into a single net settlement obligation. However, notwithstanding this departure from NSCC's usual procedures, the Commission believes that this process is consistent with section 17A.

The Commission believes that settling outstanding fails quickly is of primary importance. The dual settlement cycle built into RECAPS promotes this goal by permitting failed trades that have been repriced and recompared to settle as quickly as possible without imposing significant burdens on NSCC or its members. For example, those trades that have recompared and repriced over the weekend settle on Tuesday. Those trades that may require extra research on the part of NSCC members settle separately on Wednesday. Because most NSCC members settle with NSCC on a daily basis, and because NSCC combines those trades that recompare and settle through RECAPS with its members' other daily settlement obligations, the bifurcated settlement process would not appear to impose significant additional processing burdens on NSCC or its members. On the contrary, this process allows NSCC members to clean up their fails as quickly as possible, thus bolstering their

[4] A "delete" is a process used to delete trades mistakenly compared through NSCC. An "Advisory" is a procedure by which one firm's version of a trade is accepted by the firm named by such firm as the counterparty to such trade. The term "as-of" is used to describe a trade submitted for processing after the actual trade date that related back to such date.

[5] NSCC's proposed rule describes the time frames for RECAPS Input, distribution of contract sheets and settlement information, and settlement days in general terms to allow NSCC to vary the RECAPS processing schedule according to its members' needs. The time frames discussed herein are those NSCC currently intends to use after the Commission permanently approves its proposal.

[6] Members who want to submit such information through personal computer must have computers that meet certain minimum hardware and software requirements. NSCC will supply the modem and software package containing the menu of controls and RECAPS program. Members must have a personal computer that is compatible with NSCC's specifications. Members must have a computer with the capability to add an additional modem that is designed to transfer information through dial-up lines to NSCC. Members must also have a wide carriage printer which is capable of printing 132 positions per line. Once this system is operational, members will transmit RECAPS data through dial-up line for processing with other RECAPS data. Under NSCC's proposal, members may only inut RECAPS data via personal computer; output of data will not be available through this medium, but will be available in hard copy, microfiche and computer-to-computer transmission. *See* the discussion of NSCC's telecommunications system in Securities Exchange Act Release Nos. 27381, 27863 and 28172 (October 25, 1989, March 29, 1990 and July 3, 1990), 54 FR 46174, 55 FR 12762 and 55 FR 28493, respectively.

[7] *See* letter from Allison Hoffman, Associate Counsel, NSCC, to Jonathan Kallman, Assistant Director, Division of Market Regulation, Commission, dated June 1, 1990.

[8] *See* 15 U.S.C. 78q-1(B)(3)(F) (1982).

[9] In October 1989, NSCC surveyed ten firms to determine the percentage of fails reconfirmed through RECAPS that did not settle on the RECAPS settlement date during the September, 1989 RECAPS cycle. The percentage of these firms' recompared fails that did not settle ranged from 0% to 10% of such fails. *See* letter from Allison Hoffman, Associate Counsel, NSCC, to Jonathan Kallman, Assistant Director, Division of Market Regulation, Commission, dated November 2, 1989.

[10] Commencing December, 1990, NSCC will provide the Commission with the following information after each RECAPS cycle: (1) The total number of fails submitted to RECAPS; (2) the extent to which such fails were recompared in a previous RECAPS cycle but did not settle; and (3) the ratio of previously recompared items to number of total fails submitted on an individual member and aggregate basis. *See* letter from Allison Hoffman, Associate Counsel, NSCC, to Ross Pazzol, Attorney, Division of Market Regulation, Commission, dated July 23, 1990.

net capital positions [11] and reducing their reporting obligations.[12]

Finally, the Commission believes that NSCC's proposal to allow members to input RECAPS data via personal computer warrants permanent approval. In the Temporary Approval Order, the Commission stated that allowing NSCC members to submit information via personal computer on a temporary basis would aid it in anaylyzing NSCC's telecommunications system.[13] The Commission notes that NSCC's experience with its telecommunication system over the past year indicates that its configuration and design is satisfactory.[14] Thus, the Commission does not believe, based on NSCC's experience to date, that use of NSCC's telecommunication system for this service raises any concerns that may not also exist with respect to other services accessible through NSCC's telecommunication systems. Accordingly, the Commission believes it is appropriate to address those issues in the context of that filing, rather than this filing. Accordingly, the Commission believes that NSCC's proposal to permit submission of RECAPS data via personal computer should be approved on a permanent basis.

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that NSCC's proposed rule change (SR–NSCC–89–14) be, and hereby is, approved on a permanent basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–19691 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–17670; 811–4442]

Dreyfus Corporate Cash Trust; Application for Deregistration

August 13, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "Act").

APPLICANT: Dreyfus Corporate Cash Trust.

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 July 31, 1990.

HEARING OR NOTIFICIATION 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 September 10, 1990 and should be accompanied by proof of service on 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 issue 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, 666 Old Country Road, Garden City, NY 11530.

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 at 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

Applicant is a Massachusetts business trust and an open-end non-diversified management investment company registered under the Act. On October 24, 1985, 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–1 under the Securities Act of 1933. The registration statement was declared effective on May 30, 1986. Applicant's initial public offering took place on June 13, 1986.

2. At a meeting held on September 15, 1988, applicant's board of trustees adopted a plan of dissolution under which all of applicant's assets would be liquidated, all liabilities would be paid, and the remaining assets would be distributed to applicant's shareholders. Accordingly, on October 31, 1988, applicant distributed $12.50 per share to all of its shareholders except The Dreyfus Corporation, applicant's investment adviser. On December 30, 1988, The Dreyfus Corporation's shares were redeemed at $12.50 per share.

3. Applicant's unamortized organizational expenses and liquidation expenses were paid by applicant's investment adviser, The Dreyfus Corporation.

4. As of the date of 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.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–19690 Filed 8–20–90; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approved Airport Equipment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of the revised Advisory Circular (AC) 150/5345–1V, Approved List of Airport Equipment, and cancellation of AC 150/5354–1U, Approved Airport Equipment, dated 2/20/89.

SUMMARY: The Federal Aviation Administration (FAA) announces the availability of AC 150/5345–1V, Approved List of Airport Equipment, which reflects the ETL Aviation Lighting Equipment Certification Program. Notification of the ETL Aviation Lighting Equipment Certification Program was published in the **Federal Register** on November 8, 1989 (FR Doc. 89–26257), and became effective January 1, 1990. The manufacturers were then notified that in order to be listed in AC 150/5345–1V, they were required to join the ETL program by April 30, 1990. Publication of AC 150/5345–1V automatically cancels AC 150/5345–1U, dated 2/20/89. We have delayed the effective date of these actions in order to receive comments of concern/

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[11] Under the Commission's net capital rule, broker-dealers must make certain deductions from their net worth with respect to any failed to deliver contract which is outstanding five business days or longer. *See* 17 CFR 240.15c3–1(c)(2)(viii) (1989).

[12] Under Securities Exchange Act Rule 17a-3, broker-dealers must maintain current books and records reflecting all of their securities failed to receive and failed to deliver obligations. *See* 17 CFR 240.17a3–3(a)(4)(v) (1989).

[13] *See* Temporary Approval Order at 39072.

[14] *See* note 6, *supra.*

agreement/disagreement with these actions from the manufacturers, airport sponsors, and the aviation community. The effective date will depend on review of comments received.

DATES: Comments must be received by September 20, 1990.

ADDRESSES: Comments should be sent to the Federal Aviation Administration; Manager, Engineering & Specifications Division (AAS–200); 800 Independence Ave., SW.; Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Retta M. Cameron at (202) 724–0324 (Voice Mail Box (202) 267–8746).

SUPPLEMENTARY INFORMATION: Notice of a change in the airport lighting equipment certification program was published in the **Federal Register** on November 8, 1989. The notice stated that an independent testing laboratory would verify whether a product met the applicable FAA specifications, and the FAA would continue to publish a listing of certified manufacturers' products that was verified by the testing laboratory. This change was due to limited available resources at the FAA. We did not have personnel or funding to administer the program and were in effect accepting certifications from manufacturers that their products met the specifications.

Industry representatives were initially advised that the FAA was considering discontinuation of the entire approval program. The airport lighting equipment approval process would then be treated in the same manner as other procurements funded by the grant programs, i.e., certification by airport sponsors. The manufacturers of airport lighting equipment did not want the FAA to eliminate the approval process and the "Approved Airport Equipment" list. In order to retain the process, the manufacturers proposed an alternative approach wherein their products would be inspected by a commercial test laboratory rather than FAA personnel, and the FAA would continue to publish a list of certified equipment based on findings by the test laboratory. The FAA agreed to this proposal. A volunteer group of lighting equipment manufacturers, state engineers, and consultants began acting on this proposal in November 1988. In March 1989, they held a meeting in Chicago, Illinois, for all manufacturers on the approved list, to discuss their findings and recommendations. They then went forth with their resolution to the FAA. On May 24, 1989, another meeting was held for all approved manufacturers and those in attendance supported the concept of using ETL Testing Laboratories, Inc., Cortland, New York, as an administrator of the approval program, provided that: (1) Presently approved equipment be "grandfathered", (2) FAA continues to publish the approval listing, (3) Program of approval does not otherwise change and the intent of the approval system and listing remains intact. The FAA had agreed to these provisions, and based on the May 24 meeting, was under the impression that all affected equipment manufacturers were willing to join the new program.

To date, thirty-two of the forty-five manufacturers (both large and small) of this equipment have joined the ETL program. The initial quality control audits and plant inspections have been underway since January 1990, and many favorable comments have been made by those who have dealt with ETL. In an effort to keep costs at a minimum, ETL plans their visits by geographic location so that more than one plant is visited per trip.

All manufacturers who join this program automatically become members of the Industry Technical Advisory Committee (ITAC). ITAC will assist ETL in program activities and negotiate fee schedules. Also, in the event ETL becomes unacceptable either to ITAC or the FAA, ITAC will select a new test laboratory. A meeting was held in Washington, DC, on May 15, 1990, and was open to all manufacturers whether or not they had joined the program. The primary purpose of this meeting was to give an update on the progression of the program and to clarify or answer any statements/questions raised by those in attendance. A representative from the FAA participates in all ITAC meetings and reserves the right to accompany ETL on any of the plant visits or testing of equipment in their own facility.

The ETL program, in the opinion of the FAA, offers the airport sponsor, the aviation community, as well as the manufacturers, a fair and equitable program for the assurance of quality equipment. However, due to concerns expressed by a few of the manufacturers over cancelling AC 150/5345–1U, dated 2/20/89, which lists manufacturers' equipment approved by the FAA under the old approval program, we are keeping this AC open pending review of comments received.

Leonard E. Mudd,

Director, Office of Airport Safety and Standards, AAS–1

[FR Doc. 90–19631 Filed 8–20–90; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–90–35]

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 applications, 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), dispositions 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 received on or before: September 11, 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 Indpendence 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 August 13, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 26251.

Petitioner: American Cyanamid Company.

Sections of the FAR affected: 14 CFR 135.117 and 135.129.

Description of relief sought: To relieve the petitioner of the requirement that a program be established to qualify passengers to occupy exit row seating in petitoner's G–1159A aircraft.

Docket No.: 26303.
Petitioner: Florida Aircraft Leasing Corp.
Sections of the FAR affected: 14 CFR 91.31(a) (new 91.9(a)).
Description of relief sought: To allow petitioner to operate its DC–6A and DC–6B cargo aircraft at increased zero fuel weights and landing weights when operating for cargo operations only.

Dispositions of Petitions

Docket No.: 23653.
Petitioner: University of North Dakota.
Sections of the FAR affected: 14 CFR part 141, Appendixes A, C, D, F, and H.
Description of relief sought: To extend Exemption No. 3825, as amended, that allows aviation students of the petitioner to graduate from the appropriate courses when they have been trained to specific performance standards, rather than the minimum flight time requirements of Part 141, subject to certain conditions and limitations. Grant, August 6, 1990, Exemption No. 3825E

Docket No.: 24741.
Petitioner: United Airlines, Inc.
Sections of the FAR affected: 14 CFR part 121, appendix H.
Description of relief sought/disposition: To allow petitioner to use instructors who have not met the 1-year employment requirement and to permit that requirement to be met by employment with any other part 121 air carrier or in military high-performance jet operations. Partial Grant, April 13, 1990, Exemption No. 5219 [Corrected number]

Docket No.: 25566.
Petitioner: Eastern Air Lines, Inc.
Sections of the FAR affected/disposition: 14 CFR 91.27 (new 91.203).
Description of relief sought: To allow petitioner to use, for a period not to exceed 72 hours, company-generated teletype messages pending receipt of a replacement airworthiness or registration certificate from the FAA. Denial, August 7, 1990, Exemption No. 5227

Docket No.: 25799.
Petitioner: Zambia Airways Corporation Ltd.
Sections of the FAR affected: 14 CFR 43.3, 43.5, and 43.7.
Description of relief sought/disposition: To allow petitioner to operate its DC–10–30 aircraft with certain engines, components, appliances, and spare parts that have been repaired, overhauled, or inspected by persons outside of the United States who do not hold U.S. airman certificates, but who may possess appropriate authorization from the aeronautical authority of another ICAO member state. Denial, April 10, 1990, Exemption No. 5171.

Docket No.: 25809.
Petitioner: City and County of Denver, Colorado.
Sections of the FAR affected: 14 CFR 107.14.
Description of relief sought/disposition: To allow petitioner to continue using existing security programs and equipment in place of a computer-controlled card access system. Denial, August 3, 1990, Exemption No. 5222

Docket No.: 26093.
Petitioner: AeroVesta, Inc.
Sections of the FAR affected: 14 CFR 43.3(g).
Description of relief sought/disposition: To allow petitioner's pilots to change the configuration of its aircraft N2623Y from a passenger configuration to an air ambulance configuration when needed. Partial Grant, July 19, 1990, Exemption No. 5215

Docket No.: 26154.
Petitioner: City of Los Angeles Fire Department.
Sections of the FAR affected: 14 CFR 45.29(b)(3).
Description of relief sought/disposition: To allow petitioner to operate its six helicopters using 24-inch identification numbers and 3-inch registration markings, instead of the required 12-inch registration markings. Denial, July 30, 1990, Exemption No. 5220

Docket No.: 26160.
Petitioner: Massachusetts Institute of Technology, Lincoln Laborabory.
Sections of the FAR affected: 14 CFR 91.42(c) (new 91.319(c)).
Description of relief sought/disposition: To allow petitioner to operate its experimental category aircraft over a densely populated area in a congested airway. Partial Grant, July 19, 1990, Exemption No. 5210

Docket No.: 26231.
Petitioner: Gulkana Air Service.
Sections of the FAR affected: 14 CFR 43.3(g).
Description of relief sought/disposition: To allow petitioner's pilots to remove and/or replace passenger seats of its aircraft used in Part 135 operations. Grant, July 20, 1990, Exemption No. 5214

[FR Doc. 90–19642 Filed 8–20–90; 8:45 am]
BILLING CODE 4910–13–M

Flight Service Station at North Bend, OR; Closing

Notice is hereby given that on or about September 1, 1990, the flight service station at North Bend, Oregon, will be closed. Services to the aviation public formerly provided by this facility will be provided by the automated flight service station in McMinnville, Oregon. This information will be reflected in the FAA Organization Statement the next time it is issued. Section 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Seattle, Washington, on August 1, 1990.

Frederick M. Isaac,
Regional Administrator, Northwest Mountain Region.

[FR Doc. 90–19640 Filed 8–20–90; 8:45 am]
BILLING CODE 4910–13–M

Flight Service Station at Wenatchee, WA; Closing

Notice is hereby given that on or about September 1, 1990, the flight service station at Wenatchee, Washington, will be closed. Services to the aviation public formerly provided by this facility will be provided by the automated flight service station in Seattle, Washington. This information will be reflected at the FAA Organization Statement the next time it is issued. Section 313(a) of Federal Aviation Act of 1958, as amended, 72 Stat. 752; 49 U.S.C. App. 1354(a).

Issued in Seattle, Washington, on August 1, 1990.

Frederick M. Isaac,
Regional Administrator, Northwest Mountain Region.

[FR Doc. 90–19641 Filed 8–20–90; 8:45 am]
BILLING CODE 6450–01–M

Research and Special Programs Administration

Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has

received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before September 21, 1990.

ADDRESSES COMMENTS TO: Dockets Branch, Reserach and Special Programs, Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate. If confirmation of receipt of comments is desired, include a self-addressed stamped postcard showing the exemption application number.

FOR FURTHER INFORMATION: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

NEW EXEMPTIONS

Application no.	Applicant	Regulation(s) affected	Nature of exemption thereof
10429—N	Nalco Chemical Company, Naperville, IL	49 CFR 177.834(h), part 107 appendix B(1), part 173 subpart D and F.	To reissue exemption originally issued on an emergency basis to authorize shipment of flammable liquids, organic peroxide and corrosive materials in DOT specification 57 portable tanks to be unloaded without being removed from the vehicle. (mode 1)
10430–N	M1 Engineering Limited, Bradford, West Yorkshire, EN.	49 CFR 178.338–10(c) and (d), 178.338–13(1)(c), 178.338–14(c), 178.338–2(e).	To manufacture, mark and sell non-DOT specification portable tanks for shipment of liquefied oxygen, nitrogen and argon. (modes 1, 2, 3)
10431–N	Bowater Drums Limited, Cheshire, United Kingdom.	49 CFR 173.127, 173.175, 173.184, 178.224.	To authorize shipment of nitrocellulose wet in non-DOT specification 55 gallon fiber drums similar to DOT specification 21 except for polyethylene base. (modes 1, 2, 3)
10432–N	Florida Drum Company, Inc., Pine Bluff, AK	49 CFR 173.116–7(a),	To manufacture, mark and sell a non-DOT specification 17E drums with concave top heads not to exceed 35 gallon capacity for shipment of those commodities presently authorized under CFR part 173 for shipment in 17E drums. (modes 1, 2)
10433–N	Allied—Signal Aerospace Co., Tempe, AZ	49 CFR 173.302, 178.44	To manufacture, mark and sell a non-DOT specification stainless steel pressure vessel similar to a DOT 3HT cylinder with 10,000 psig service pressure for transportation of helium, classed as compressed gas. (modes 1, 2, 3, 4, 5)
10434–N	S.C. Johnson & Son, Inc., Racine, WI	49 CFR 173.245	To authorize shipment of corrosive liquids in an individually shrink-wrapped non-DOT specification fibreboard box containing one inside non-rigid double-wall bag with a capacity not exceeding 5 gallons. (modes 1, 2, 3)
10437–N	Williams International, Walled Lake, MI	49 CFR 173.106(a), 173.306	To authorize transportation of an igniter class C explosive and oxygen bottle assembly, oxidizer, non-flammable gas intalled on a gas turbine engine overpacked in a polyethylene type container. (modes 1, 2, 4)
10438–N	Vulcan, Emballages, Inc., Lachine, Quebec, Canada.	49 CFR 173 subpart D, 173 subpart F, 178.19.	To manufacture, mark and sell a non-DOT specification removable head polyethylene container, without overpack having a rated capacity of up to 5 gallons for transportation of corrosive liquids classed as corrosive materials and flammable liquids with a flash point above 20%. (modes 1, 2, 3)
10439–N	U.S. Department of the Army, Falls Church, Va.	49 CFR 173.22(a), 174.3, 175.3, 176.3, 177.801.	To authorize transportation of ammunition for Cannon with solid projectile, classed as Class C explosive instead of Class B packaged in accordance with DOD procedures. (modes 1, 2, 3)
10440–N	Mass Systems, Inc., Baldwin Park, CA	49 CFR 173.304(a)(1), 175.3, 178.47	To authorize use of a non-DOT approved stainless steel in the construction of a cylinder patterned after a DOT 4DS specification cylinder for shipment of nonflammable gas. (modes 1, 2, 4, 5)
10441–N	Rollins Chempak, Inc., Wilmington, DE	49 CFR 177.848	To authorize shipment of lab pack quantities of cyanides on the same motor vehicle with various amounts of non-lab packed acidic material not to exceed 55 gallons per container. (mode 1)
10442–N	Whittaker Ordnance, Inc., Hollister, CA	49 CFR 172.101	To authorize transportation of hazardous wastes contaminated with high explosive material not otherwise provided for in CFR. (mode 1)

This notice of receipt of applications for new exmeptions is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on August 10, 1990.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 90–19616 Filed 8–20–90; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF THE TREASURY

Customs Service

Further Dissemination of Existing Information Product

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: The U.S. Customs Service provides rulings on a variety of subjects for the guidance of the importing public. These rulings have been available in the past in a variety of formats. This document advises the public of the availability of certain Customs rulings in an additional format. Dissemination of the Customs rulings in this additional format, floppy disks, shall not constitute publication for purposes of part 177, Customs Regulations (19 CFR part 177).

DATES: The rulings in a new automated format will be available September 20, 1990.

FOR FURTHER INFORMATION CONTACT: Howard Plofker or Karl Means, General Classification Branch, (202)–566–8181.

SUPPLEMENTARY INFORMATION: The U.S. Customs Service has, pursuant to section 103.4, Customs Regulations (19 CFR 103.4), made compilations of its rulings available to the importing community. These rulings have been available in microfiche and handbook formats, on a subscription basis. They have also been available to subscribers to LEXIS, a legal information retrieval system operated by Mead Data Central, Inc., as the result of a pilot project between Customs and that company.

In light of advancements in Customs automated capabilities, including advancements in the Customs Automated Commercial System (ACS), we are now able to make rulings in the following subject areas available in an automated format:

1. Bonds
2. Carriers
3. Classification
4. Drawback
5. Entry/Liquidation
6. Marking
7. Quota
8. Restricted Merchandise
9. Trademark, Copyright and Patent
10. Valuation
11. Other

These rulings will be contained in 2 separate data bases, one covering rulings issued by Customs Headquarters and another covering rulings issued by the Customs N.Y. Seaport Area Office or by district directors pursuant to the Customs District Rulings Program. Only the rulings issued by the Headquarters office will be available for subscription at this time. The opening of separate subscriptions for the New York rulings will be announced when that data base is available. We anticipate that both of these data bases will be available for use in the Customs public reading rooms noted in section 103.1, Customs Regulations (19 CFR 103.1), as budgetary resources permit.

The rulings will be available on both 5¼" and 3½" double sided/double density floppy disks. The text files contained therein will be indexed (noncumulative) and will be in a compressed form in order to permit the storage of a greater quantity of files than may normally be stored on such disks. Instructions on how to use the disks as well as a computer software program to permit the reconstruction or extraction of these files in an uncompressed form will be furnished, without charge, to subscribers. In order to use these floppy disks subscribers will need a computer, with a hard disk, capable of utilizing the MS–DOS operating system, and a commercially available text database retrieval software package suitable for their needs.

We anticipate that the initial distribution of the ruling disks will be about 30 days after publication of this notice and that they will be issued on a semimonthly basis thereafter. Although each disk will not be cumulative and will normally cover only rulings issued during the prior two weeks period, the first shipment to subscribers will include all rulings issued since January 1, 1989, as well as some rulings issued prior thereto, which are on the automated system. It is anticipated that this first shipment will contain approximately 2000 rulings. Additional rulings, including some issued before the above date, will be included on the disk covering the period when they are entered into the automated system.

The initial annual subscription fee will be $280 (domestic); $350 (foreign). It will cover rulings issued through September 30, 1990. Thereafter, subscriptions will be on an October 1–September 30 annual basis, at a fee to be annually determined. A notice of the annual fee will be published in the Customs Bulletin.

Persons interested in subscribing should send their request, with a check or money order, made payable to the U.S. Customs Service, for $280 ($350 foreign) to: Chief, Legal Reference Staff, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue NW., room 2321, Washington, DC 20229.

The order should include the following typed or printed information:

1. Company or personal name
2. Additional address/attention line
3. Street address
4. City, State, ZIP code
5. Daytime phone, including area code
6. Disk size—5¼" or 3½"

Approved: July 18, 1990.

Carol Hallett,

Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 90–19686 Filed 8–20–90; 8:45 am]

BILLING CODE 4820–02–M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85–5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit "Acquisitions in Focus: Gericault's *Evening: Landscape with Aqueduct*" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at The Metropolitan Museum of Art, New York, NY, beginning on or about November 6, 1990, to on or about January 13, 1991, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: August 15, 1990.

Alberto J. Mora,

General Counsel.

[FR Doc. 90–19644 Filed 8–20–90; 8:45 am]

BILLING CODE 8230–01–M

[1] A copy of this list may be obtained by contacting Ms. Lorie J. Nierenberg of the Office of the General Counsel of USIA. The telephone number is 202/619–6975, and the address is U.S. Information Agency, 301 Fourth Street SW., room 700, Washington, DC 20547.

Sunshine Act Meetings

Federal Register
Vol. 55, No. 162
Tuesday, August 21, 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).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Commission Meeting, Thursday, August 23, 1990, 10 a.m.

LOCATION: Room 556, Westwood, Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:
Compliance Status Report.

The staff will brief the Commission on various compliance matters.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301–492–6800.

Dated: August 16, 1990.

Sheldon D. Butts,
Deputy Secretary.
[FR Doc. 90–19812 Filed 8–17–90; 2:42 pm]
BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: Oral Argument, Friday, August 24, 1990, 10 a.m.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: CPSC Docket No. 88–1—Oral Argument.

The Commission will hold an Oral Argument in the Matter of Philip A. Dye and Marilyn J. Dye d/b/a P&M Enterprises.

For a recorded message containing the latest agenda information, call: 301–492–5709.

CONTACT PERON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, MD 20207, 301–492–6800.

Dated: August 16, 1990.

Sheldon D. Butts,
Deputy Secretary.
[FR Doc. 90–19813 Filed 8–17–90; 2:42 pm]
BILLING CODE 6355–01–M

FEDERAL RESERVE SYSTEM

TIME AND DATE: 11 a.m., Monday August 27, 1990.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: August 17, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 90–19793 Filed 8–17–90; 1:29 pm]
BILLING CODE 6210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 1 p.m., Monday, August 27, 1990.

PLACE: Filene Board Room, 7th Floor, 1776 G Street NW., Washington, DC 20456.

STATUS: Closed.

MATTER TO BE CONSIDERED:
Administrative Hearing under section 207 of the Federal Credit Union Act. Closed pursuant to exemptions (6) and (8).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,
Secretary of the Board.
[FR Doc. 90–19786 Filed 8–17–90; 1:56 pm]
BILLING CODE 7535–01–M

NATIONAL CREDIT UNION ADMINISTRATION

TIME AND DATE: 2:30 p.m., Monday, August 27, 1990.

PLACE: Filene Board Room, 7th Floor, 1776 G Street, NW., Washington, DC 20456.

MATTERS TO BE CONSIDERED: 1. Approval of Minutes of Previous Closed Meeting.

2. Administrative Action under section 208 of the Federal Credit Union Act. Closed pursuant to exemptions (8) and (9)(A)(ii).

3. Administrative Action under section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682–9600.

Becky Baker,
Secretary of the Board.
[FR Doc. 90–19787 Filed 8–17–90; 1:56 pm]
BILLING CODE 7535–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

TIME AND DATE: 9:30 a.m., Tuesday, August 28, 1990.

PLACE: Board Room, Eighth Floor, 800 Independence Avenue, SW., Washington, DC 20594.

STATUS: Open.

MATTERS TO BE CONSIDERED: 1. Marine Accident Report: Sinking of the U.S. Tug *Barcona* by the U.S. Navy Nuclear Attack Submarine USS *Houston*, San Pedro Channel, California, June 14, 1989.

2. Recommendations: "Ten Most Wanted" List.

News Media Contact: Alan Pollock, 382–6606.

FOR MORE INFORMATION CONTACT: Bea Hardesty, (202) 382–6525.

Dated: August 17, 1990.

Bea Hardesty,
Federal Register Liaison Officer.
[FR Doc. 90–19832 Filed 8–17–90; 3:33 pm]
BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

DATES: Weeks of August 20, 27, September 3, and 10, 1990.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of August 20

There are no meetings scheduled for the week of August 20.

Week of August 27 (Tentative)

Thursday, August 30

10:30 a.m.—Affirmative/Discussion and Vote (Public Meeting) (if needed)

Week of September 3 (Tentative)

There are no meetings scheduled for the week of September 3.

Week of September 10 (Tentative)

There are no meetings scheduled for the week of September 10.

Note.—Affirmation sessions 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: August 16, 1990.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 90–19821 Filed 8–17–90; 2:39 pm]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold the following meeting during the week of August 20, 1990.

A closed meeting will be held on Tuesday, August 21, 1990, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Lochner, as duty officer, voted to consider the items listed for the closed meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, August 21, 1990, at 2:30 p.m., will be:

Institution of injunctive actions.

Formal order of investigation.

Institution of administrative proceedings of an enforcement nature.

Settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Holly Smith at (202) 272–2100.

Dated: August 15, 1990.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–19742 Filed 8–16–90; 4:31 pm]

BILLING CODE 8010–01–M

Corrections

Federal Register
Vol. 55, No. 162
Tuesday, August 21, 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 558

New Animal Drugs for Use in Animal Feeds; Certain Drug Combinations Involving Melengestrol Acetate, Monensin, Lasalocid, and Tylosin

Correction

In rule document 90-18190 beginning on page 31827 in the issue of Monday, August 6, 1990, make the following correction:

On page 31827, in the second column, under "**SUPPLEMENTARY INFORMATION**" in the second line of item (1), the parenthetical should read "(NADA 139-192)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

National Park Service

Boundary Change; Sleeping Bear Dunes National Lakeshore, MI

Correction

In notice document 90-18322 beginning on page 32156, in the issue of Tuesday, August 7, 1990, make the following corrections:

1. On page 32157, in the second column, under *Tract 02-158*, in the 12th line, "North 15" should read "North 16".

2. On the same page, in the same column, in the same paragraph, in the 22nd line "Southeasterly" was misspelled.

BILLING CODE 1505-01-D

federal register

Tuesday
August 21, 1990

Part II

Environmental Protection Agency

40 CFR Parts 80 and 86

Regulation of Fuels and Fuel Additives: Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80 and 86

[AMS-FRL-3761-5]

RIN 2060-AC00

Regulation of Fuels and Fuel Additives: Fuel Quality Regulations for Highway Diesel Fuel Sold in 1993 and Later Calendar Years

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: Today's final rule implements a new national program of diesel fuel quality control, completing action on a recent EPA proposal (54 FR 35276, August 24, 1989). This action requires that refiners reduce the sulfur content of on-highway diesel fuel from current average levels of approximately 0.25 weight percent to levels not exceeding 0.05 weight percent. This action also requires that on-highway diesel fuel have a minimum cetane index specification of 40 (or meet a maximum aromatics level of 35 percent). Both requirements will take effect at all points throughout the distribution system on October 1, 1993. Special provisions providing for a phasing-in of these requirements for small domestic refineries are also included.

Certification diesel fuel will also be changed beginning with both the 1991 and 1994 model years to reflect the above mentioned changes in commercial diesel fuel quality. Vehicles sold in model years 1991 through 1993 will be certified using 0.10 weight percent sulfur fuel, reflecting the average fuel sulfur level expected to be used over these vehicles' useful lives. Beginning with the 1994 model year, the certification fuel sulfur level would be that of commercial diesel fuel (i.e., not to exceed 0.05 weight percent) and a minimum cetane index value of 40 will be established.

DATES: This final rule is effective on September 20, 1990. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of September 20, 1990.

Judicial Review—Under section 307(b)(1) of the Clean Air Act, EPA hereby finds that these regulations are of national applicability. Accordingly, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit within 60 days of publication. Under section 307(b)(2) of the Act, the requirements which are the subject of today's notice may not be challenged later in judicial proceedings brought by EPA to enforce these requirements.

ADDRESSES: Material relevant to this final rule is contained in Public Docket No. A–86–03. The docket is located in Room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket may be inspected between 8 a.m. and 3 p.m. Monday through Friday. A reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Mr. William Damico, Emission Control Technology Division, U.S. Environmental Protection Agency, 2565 Plymouth Road, Ann Arbor, MI 48105, Telephone (313) 668–4278.

SUPPLEMENTARY INFORMATION:

I. Background and Review of Proposal

In March of 1985, EPA promulgated particulate emission standards of 0.25 gram per brake horsepower-hour (g/BHP-hr) for heavy-duty diesel trucks (greater than 8,500 lbs.) and 0.10 g/BHP-hr for urban buses, effective in the 1991 model year; and 0.10 g/BHP-hr for heavy-duty diesel trucks beginning in the 1994 model year (50 FR 10606, March 15, 1985). During the rulemaking process, engine manufacturers expressed concern that sulfur in diesel fuel could either plug the trap-oxidizers that EPA projected would be needed to meet the proposed particulate standards or generate significant particulate sulfate emissions that would make it difficult to meet the standards. Thus, commenters recommended that EPA regulate the sulfur content of diesel fuel. In the preamble to the final rule, EPA responded that not enough was then known about the effect of diesel fuel sulfur on traps or particulate emissions to take regulatory action at that time, but that it would continue to study the issue and, if warranted, consider regulating diesel fuel sulfur content.

In June of 1986, EPA released for public comment a study prepared under contract for EPA by Energy and Resource Consultants, Inc. (ERC) and Sobotka and Company, Inc. (SCI), entitled "Diesel Fuel Quality Effects on Emissions, Durability, Performance, and Costs" (51 FR 23437, June 27, 1986). In addition to showing that a reduction in diesel fuel sulfur content would directly reduce SO_2 and sulfate particulate emissions, this study showed that reducing fuel aromatics would reduce carbonaceous and organic particulate. Also, a 30 percent extension of engine life was estimated due to reduced engine wear with low sulfur fuel. The cost of reducing the fuel sulfur level to 0.05 weight percent was estimated to be 1.2 cents per gallon.

Further studies of the refinery cost and engine life issues were undertaken and a report by Southwest Research Institute (SwRI) entitled "Study of the Effects of Reduced Diesel Fuel Sulfur Content on Engine Wear" as well as a report by Bonner and Moore Consultants, Inc. (B&M) entitled "A Study on Restriction of Sulfur and Aromatics Content on Highway Diesel Fuel" were released. The SwRI report further substantiated the possibility of reduced engine wear with lower sulfur fuel. The B&M report assessed the costs of controlling sulfur to 0.05 weight percent, controlling aromatics to 20 volume percent, and controlling both simultaneously. Also assessed in the B&M report was the effect of the degree of segregation of heating oil and "highway" diesel fuel on control cost.

Subsequent to these studies, in a landmark initiative, members of the diesel engine manufacturing and petroleum refining industries submitted a joint proposal for on-highway diesel fuel modification to EPA. This proposal included a maximum sulfur level of 0.05 weight percent and a minimum cetane index of 40 (as a means of capping aromatics at current levels) to be implemented by October 1, 1993. Also included was a provision to allow engine certification on low sulfur fuel beginning with the 1991 model year to reflect upcoming changes in commercial fuel.

All of this activity culminated in the publication of a Notice of Proposed Rulemaking (NPRM) pertaining to on-highway diesel fuel quality (54 FR 35276, August 24, 1989). This proposal included a maximum sulfur content of 0.05 weight percent and a minimum cetane index of 40 for all on-highway diesel fuel beginning on October 1, 1993. The control options considered; cost, benefits, and cost-effectiveness of fuel control; leadtime; enforcement issues; and certification fuel were all discussed in the NPRM preamble as summarized below. These topics were evaluated in detail in the Draft Regulatory Impact Analysis (Draft RIA) which was published in support of the NPRM.

A variety of control options were considered in the rulemaking development process. Sulfur control of varying levels down to 0.05 weight percent were considered with no change in aromatics. Additionally, aromatics-control options ranging from no control to a reduction to 20 volume percent were evaluated. Based upon analyses of costs, benefits and cost effectiveness,

the Agency decided to propose sulfur control to 0.05 weight percent. Significant aromatics control below current levels was not proposed since the analysis of the benefits of associated particulate reductions, which did not include cancer benefits, did not demonstrate the cost effectiveness, from a national perspective, of reducing the content of aromatics in diesel fuel at this time. EPA proposed instead to cap aromatics at current levels so as to prevent a rise in the future. This was proposed to be done by establishing a minimum cetane index specification of 40.

The cost of controlling diesel-fuel quality is dependent on a number of things, most notable the degree to which segregation would occur between on-highway and off-highway diesel fuel and the amount of desulfurization equipment currently in place in the refining industry. In the NPRM the cost of sulfur control (to 0.05 weight percent) was projected to be about 2.3 cents per gallon at current rates of segregation and 1.8 cents per gallon for the complete (100 percent) segregation scenario. These figures represent annual costs to the refining industry of $830 million and $360 million, respectively.

There are a number of benefits (both financial and environmental) which can be attributed to diesel fuel sulfur control. The first area of benefits is in exhaust aftertreatment technology. The 0.1 g/BHP-hr particulate standard promulgated for heavy-duty diesel vehicles for the 1994 model year will likely necessitate the use of exhaust aftertreatment devices. Reductions in fuel sulfur would result in small reductions in engine-out particulate, making it somewhat easier to comply with the stringent 1994 particulate standard. Additionally, the use of some aftertreatment devices such as flow-through catalysts and catalyzed traps is effectively prohibited by current fuel sulfur levels as these devices tend to generate sulfate particulate from the fuel sulfur. Reducing fuel sulfur for 1994 was projected to result in per vehicle fuel economy, hardware, and maintenance cost savings of $324 for light heavy-duty diesels (LHDDEs), $651 for medium heavy-duty diesels (MHDDEs), $752 for heavy heavy-duty diesels (HHDDEs) and $700 for urban buses.

The second area of benefits from fuel quality control was that of reduced engine wear with low sulfur fuel. Depending upon the method used to evaluate these benefits, and the vehicle class evaluated, EPA estimated cost savings from sulfur control ranging from 0.8¢/gal to 30¢/gal.

The third area of benefits attributed to fuel quality control was that of emissions and air quality. Substantial reductions in SO_2 and particulate matter emissions beyond the reductions resulting from the 1994 0.1 g/BHP-hr particulate standard were projected to result from fuel sulfur control.

Additionally, some reductions of HC and CO were expected as an indirect result due to the changes in aftertreatment technology strategies used by the engine manufacturers to comply with the 1994 particulate standards. The reductions estimated in the NPRM are shown in Table 1.

TABLE 1.—PROJECTED NATIONWIDE EMISSION REDUCTIONS DUE TO DIESEL FUEL SULFUR CONTROL

[1000 tons/yr]

Pollutant	1995 [1]	Percent	2015 [1]	Percent
Total particulate	99–196	[2] (19–38)	159–321	(23–46)
Directly emitted	10–29	(3–10)	3–35	(1–10)
Indirect	89–167	(43–80)	156–286	(44–80)
SO_2	310–580	(43–80)	542–993	(44–80)
HC	14	[3] 3	88	12
CO	141	8	916	27

[1] Lower end of range result of 100 percent distillate segregation, upper end result of current segregation practices.
[2] Figures in parenthesis represent percent reduction from baseline emissions of number two fuel oil use.
[3] Figures represent percent reduction from baseline for mobile sources.

The resulting air quality impacts of fuel control were also analyzed in the NPRM. It was projected that by the year 2015, in large metropolitan areas (greater than 1,000,000 residents), sulfur control would reduce annual arithmetic mean concentrations of particulate by 2.3–6.3 $\mu g/m^3$ (in comparison to current levels of 18–90 $\mu g/m^3$ and SO_2 by 7.0–16.7 $\mu g/m^3$ (in comparison to current levels of up to 67 $\mu g/m^3$). Air quality benefits in the areas of health effects and visibility were also described.

The final environmental analysis does not contain an assessment of the potential for affecting cancer risks by regulating diesel fuel quality. The Draft Regulatory Impact Analysis did contain a preliminary analysis; however, this analysis has been removed due to significant errors found in the methodology. The effect of diesel fuel quality on cancer risks will be addressed by the Agency in a study of the health effects and control costs of fuel related air toxics. The results of this study will serve as the basis for any subsequent regulatory action.

Cost-effectiveness of pollution control is defined as the control cost (net of cost credits) per ton of pollutant removed. It can be used to identify the least cost way of achieving a given pollution control objective. In this regulation, cost-effectiveness analysis is used to rank pollution control alternatives. Since particulate control was the major focus of the proposal, the cost-effectiveness of particulate reduction attributable to diesel fuel quality control was estimated using a calendar-year approach discounted over a 33-year period. Particulate emission reductions were discounted in the same fashion as the costs, neglecting any factors which might tend to increase the value of those reductions in future years. The cost-effectiveness of sulfur control as developed in the proposal is shown in Table 2.

TABLE 2.—33-YEAR URBAN COST-EFFECTIVENESS ANALYSIS OF SULFUR CONTROL [1]

Wear credit scenario	Cost-effectiveness ($/ton)
Maximum wear credit included.	−68,148 to −19,253.
Minimum wear credit included.	−3,906 to 4,304.
No wear credit included	2,826 to 6,773.

[1] Analysis is per ton of particulate matter with no credits taken for other emissions reductions. Ranges reflect impact of segregation. See draft RIA.

The effective date of the diesel fuel regulations was proposed to be October 1, 1993. This date was consistent with the joint industry proposal submitted to EPA by the engine manufacturers and oil refiners. Additionally, an EPA

contracted study by SCI on the leadtime issue concluded that the proposed regulations could be met by late 1993. Finally, it was highly desirable to have the regulations in effect prior to the introduction of the 1994 model year in order to expand the technological options available to the engine manufacturers for compliance with the 1994 heavy-duty diesel particulate regulations.

A variety of enforcement options were presented in the NPRM, covering point of application, legal responsibility and compliance monitoring. It was proposed that the fuel quality regulations should be applicable at all points in the distribution network from refiners and importers to retail outlets. In terms of liability, a liability scheme was chosen whereby the regulated party anywhere in the distribution chain offering for sale, supplying or transporting a noncomplying fuel would be held liable. Additionally, a vicarious liability provision was included such that parties upstream in the distribution chain can be held responsible for violations which are found at downstream facilities over which they could exercise some control. A provision was also included whereby off-highway diesel fuel not meeting the proposed on-highway fuel standards must be visibly dyed in order to distinguish it from on-highway diesel fuel.

Finally, the proposed fuel to be used for certification testing was defined. For 1994 and later model-year engines, certification fuel would meet the same specifications proposed for in-use fuel. That is, it would contain no more than 0.05 weight percent sulfur and would have a minimum cetane index of 40. For 1991–1993 model-year engines, the certification fuel would contain 0.10 weight percent sulfur fuel. This value represented EPA's estimate of the average commercial fuel sulfur level these engines would see over their useful life given that commercial fuel would have about 0.25 weight percent sulfur in 1991–1993 and no more than 0.05 weight percent sulfur for 1994 and later.

II. Public Participation

Following the August 24, 1989 publication of EPA's proposal (54 FR 35276), a public hearing was held to solicit comments. This hearing was held on October 11, 1989 and was followed by a thirty day comment period. During the public comment period, which ended November 10, 1989, comments were received from more than 40 parties. Some additional comments were also received after the close of the comment period and are included in the discussions below.

EPA has carefully reviewed all of the comments received. In general, the comments were supportive of the rulemaking although many of the comments requested that modifications to the proposed rulemaking be made. More than twenty of the entities commenting on the proposed rulemaking expressed strong support. Commenters supporting the rule included four government agencies including the states of New York, Colorado and California; eight refiners and refiners organizations including the American Petroleum Institute (API), the National Petroleum Refiners Association (NPRA), and the Rocky Mountain Oil and Gas Association; seven manufacturers or manufacturers organizations including the Engine Manufacturers Association (EMA), Ford, General Motors, Navistar, and Volkswagen; the American Truckers Association (ATA); and two private citizens. The following sections review the substantive issues raised concerning changes to the proposal and provide EPA's responses to each. Major issues addressed include: the potential for adverse impacts on small marketers; impacts on small refiners; the appropriateness of the levels of control proposed; the use of lighter grades of fuel as a blendstock to improve fuel properties in cold weather; methods of testing fuel sulfur levels; the use of the cetane index as a method of capping aromatics levels; dyeing of off-highway fuels; the schemes of liability chosen for enforcement; the importation of dyed Canadian fuel; variability in compliance testing methodologies; enforcement against misfuelers; and the applicability to Hawaii and the Pacific Territories.

Issue: Small Marketer Impacts

In the notice of proposed rulemaking and the draft regulatory impact analysis, EPA did not specifically analyze the potential impacts of the rule on the segments of the distribution system downstream of the bulk terminals. Commenters argued that the rule does indeed have the potential for some severe impacts on small marketers in the downstream segment of the distribution system.

Summary of the Comments

Commenters submitted extensive comments on this issue, touching on many aspects of the rule's potential impacts. In its review, EPA identified five basic issues which seem to underlie the concerns of small independent marketers. These issues are: a belief that EPA had not adequately evaluated the potential impacts of the rule on small marketers, the costs for small marketers to comply with EPA's proposal, the possibility of small marketers being placed at a competitive disadvantage compared to the major integrated petroleum companies, a desire for a uniform standard for the entire pool of number two diesel, and concerns about the supply of fuels after the rule goes into effect. Comments were also received on the impact of the vicarious liability enforcement provisions on small marketers. These enforcement-related comments are discussed later in connection with other enforcement issues.

The Independent Fuel Terminal Operators Association (IFTOA), Empire State Petroleum Association (ESPA), New England Fuel Institute (NEFI), Petroleum Marketers Association of America (PMAA), Small Business Administration (SBA), and Society of Independent Gasoline Marketers Association (SIGMA) all argued that EPA must conduct an analysis of the potential impacts of the rule on downstream marketers. All of these various entities claimed that the rule would have potentially severe impacts on the segments of the industry downstream of bulk terminals. Most notably, they called for a study of the impacts of having a segregated fuel system and the impacts this system would have on the competitive situation of the various entities in the petroleum marketing industry.

PMAA, NEFI, and ESPA all argued that the financial impacts of the rule on small marketers could be great. The primary concern was increased costs in storing, transporting, and marketing segregated number two distillate fuels. PMAA argued that it would cost an average of $40,000 to upgrade storage facilities to handle segregated fuel and an average of $60,000 to handle the delivery of segregated fuels with the average cost to handle segregated fuels being about 1.5 cents per gallon. Marketers for whom the increased cost to handle segregated fuels would be prohibitive would be faced with significant losses of customers accompanied with significant losses of revenues according to PMAA.

Both ESPA and PMAA believe that the rule will place small marketers at a competitive disadvantage compared to their larger competitors. PMAA claims that larger terminals and plants are more likely to be able to handle segregated fuels and would therefore have a considerable advantage in being able to add to their customer base by picking up customers lost by other marketers. Furthermore, they claim that

it is rather commonplace for small marketers to compete directly with their suppliers. The main fear associated with this situation is that suppliers may be able to restrict the availability of one or both fuels to the small marketers and use this leverage to take over some of the markets served by the small marketers.

For a variety of reasons, many commenters expressed a desire for the entire pool of diesel fuel to be subject to uniform standards. ESPA, PMAA, SBA, Gresham Petroleum Co., SIGMA, and the Delta Council all would like to see a uniform standard because of the benefits small marketers would derive. Since the majority of the potential small marketer impacts result from the need to handle two segregated diesel fuels, the adoption of uniform standards was seen as desirable since it avoids the need to segregate diesel fuels. ATA and a private citizen both expressed concern about intentional misfueling as a means of gaining competitive advantages and wanted uniform standards to prevent this. ATA also expressed concern that the creation of a price differential between on-highway and off-highway fuels would upset the current competitive balance between truck transportation and rail and ship transportation. Finally, many commenters expressed a desire to have the new standards extended to off-highway fuels so that further environmental and other benefits can be captured. ESPA cited a letter from a manufacturer of heating equipment which stated that reducing the sulfur content of the fuel would not only reduce emissions but also greatly extend the useful life of heating equipment. PMAA, SBA, the City of New York, the State of New York and the State of Colorado all argued that the opportunity to gain further environmental benefits by extending the regulations should be pursued. New York and Colorado even went so far as to argue that the rule should be phased in early as low-sulfur fuel becomes available. On the other hand, NEFI felt that the extension of fuel sulfur regulations to the entire pool could push up the price of heating oil to a point where it would be less competitive with other heating fuels and therefore opposed a uniform fuel standard.

The comments on the issue of supply shortages were wide-ranging. PMAA noted several ways in which supply could be affected. First, they stated that larger working inventories will be needed since shifting heating oil to on-highway use will no longer be possible, and shifting low-sulfur fuel to home heating will probably not be economical. Second, they suggested that, due to capital constraints, many refiners may choose to not produce on-highway fuel; and that many of these refiners may be concentrated in a single region of the country, resulting in regional shortages. Finally, PMAA stated that many marketers will discontinue sales of one or the other grades of diesel. This could be regionally problematic, they suggest. For example, they noted that, in the Northeast, on-highway diesel fuel comprises a relatively small fraction of both the total distillate sales and the distillate sales of many individual marketers. Thus, PMAA believes that many of these marketers may discontinue sales of on-highway fuel, which PMAA argues would result in shortages. Furthermore, ESPA argued that EPA had not evaluated the capabilities of lateral pipelines to handle segregated fuels and that the smaller lateral pipelines may not be able to handle two grades of diesel fuel, which would create supply shortages of one or the other grade of fuel.

Analysis of Comments

Given the potential for impacts on the distribution system identified by commenters and the general lack of solid information with which to make sound analyses, EPA decided to fund a contractor study of the potential effects of the rule on small marketers.[2] The study used a "model plant" approach to analyze the potential impacts of the rule on small marketers. Using this approach, data was gathered on the characteristics of small marketers, key attributes of the marketers were identified, the industry was grouped into a number of model plants according to trends in the key traits, and the potential impact of the rule was analyzed for each model plant under various likely marketing scenarios. Overall, the study concluded that the impacts on small marketers would be low. The following paragraphs briefly describe the ICF study and its results.

The contractor first gathered data on the size and operating characteristics of petroleum marketing firms as well as the overall attributes of the market. In addition, information was gathered on the various costs associated with purchasing new equipment and carrying on operations with segregated fuel. Based on the data gathered, several key attributes of the marketers were identified. One of the most important was the marketer's size. To gauge the effects of firm size, four different size classifications were developed. Marketers were modeled as having annual distillate sales of $400,000, $1 million, $2.5 million, or $5 million. Given that the annual distillate sales of some marketers can be as high as $20 million, it can be seen that the study was focused on smaller firms more likely to be adversely impacted by the new rule. In addition, firms were classified as being in either a strong or weak financial position. "Strong" firms were modeled using median financial data for each group while "weak" firms represent the lowest quartile data. Other characteristic variables which were used in the modeling included existing equipment (single or multiple distillate storage tanks, possession or nonpossession of compartmentalized delivery trucks), degree of fit between the sizes of any existing multiple tanks and the sales distribution of the fuels, and the proportion of distillate sales coming from on-highway fuel.

In terms of the marketing environment, it was decided that there were two main market characteristics which needed to be modeled. These two characteristics were the density of marketers in the given market area and the relative sales of on- and off-highway fuels in the region. Markets were described as having either a high density of marketers (typical of urban areas) or a low density of marketers (i.e., rural areas). This parameter affected the competitive environment faced by individual firms and was also associated with such things as the ability of a marketer to find alternative customers should it wish to specialize in only one type of fuel. As for the sales split between on- and off-highway fuel, ICF identified two characteristic markets. One was the New England area, where widespread use of home heating oil results in on-highway fuel being a relatively small portion of total sales. For other areas of the country, sales are more nearly balanced, although off-highway use still has a small edge for the customers serviced by small marketers. Based on the collected data, ICF identified sales splits of 80 percent off-highway/20 percent on-highway and 60 percent off-highway/40 percent on-highway as being appropriate for modeling the relative sales. Therefore, the four characteristic markets used in the analysis consist of markets with a high concentration of marketers with either predominantly off-highway sales or relatively even sales splits and markets with a low concentration of marketers with either of the two splits between on- and off-highway sales.

[2] Impacts of Fuel Desulfurization on Distillate Marketers, March 13, 1990, ICF Incorporated.

Cost estimates were developed for a number of factors necessary to analyze the possible responses of marketers. These included costs of adding new tanks, costs of modifying piping so that existing multiple tanks could handle segregated fuels, costs of compartmentalizing delivery trucks, additional costs of operating compartmentalized trucks, and costs of finding and servicing new customers over a wider area. These cost estimates were combined with the various market characteristics to calculate the incremental cost in cents per gallon of fuel handled to maintain sales of an equal amount of fuel using three possible responses to the introduction of low-sulfur fuel. These responses were: specializing in only one fuel, segregating products by adding piping to demanifold existing multiple tanks, or segregating by adding a new tank. In each of the four market scenarios, the most prevalent groupings of marketer characteristics were analyzed for costs of responses.

In general, the study found that in areas with a high density of marketers and predominantly off-highway sales, most marketers would find specializing in off-highway fuel and expanding delivery areas to make up for lost customers to be the least cost option. This approach was found to add about one tenth of a cent per gallon to the fuel cost. However, there would be insufficient demand for off-highway fuel for all marketers to select this option. Segregating was also a fairly inexpensive option with costs of as low as one fourth of a cent per gallon, so that a premium for on-highway fuel of as little as one third of a cent per gallon above any differences in base fuel costs would be sufficient to entice many marketers to segregate or to specialize in on-highway fuels. Marketers in urban areas with relatively even demand for both on- and off-highway fuels would generally find specializing in either on- or off-highway fuels to be the lowest cost option at about one fourth of a cent per gallon, although larger marketers would find segregating to be a cost competitive option. Marketers in rural and predominantly off-highway sales areas would face costs ranging from fifteen hundredths of a cent per gallon to four tenths of a cent per gallon. Some marketers would find specializing in off-highway sales to be the lowest cost option while others would find segregating to be the cheapest response. In areas with a low density of marketers and relatively even sales of on- and off-highway fuels, most marketers would find segregating to be the least costly option with costs ranging from two to four tenths of a cent per gallon. Thus, in all cases the costs were relatively small.

ICF's analysis of the market conditions showed that most of the cost increases should pass through to consumers without significant decreases in the demand for fuel. Consequently, most marketers should be able to cope with the additional costs without significant impacts on their businesses, although some of the weaker firms may experience some difficulties. It should also be noted that there were two possible market responses not specifically analyzed by ICF which would represent lower cost solutions for marketers in some cases. First, marketers located near terminals could increase the amount of deliveries made directly from terminals, thus bypassing some of the need for investments in capital equipment and possibly reducing handling costs for the fuel. Second, depending on the responses of refiners and pipeline/terminal operators, it is possible that some markets or even regions of the country will switch exclusively to using low-sulfur fuel, thereby completely eliminating the need for marketers to change the way distillate fuels are handled. The extent to which these two options will occur is difficult to predict. Further, at least for increasing deliveries direct from terminals, it is difficult to estimate their cost impact. Therefore, these two options were not included in the analysis done by ICF. However, it should be noted that, due to their omission from the study, the results of the study may overstate the potential impacts of the rule on small marketers.

To summarize the results of the study, costs to small marketers associated with the introduction of low-sulfur on-highway fuel should be fairly low, generally in the range of a few tenths of a cent per gallon even when installing new storage tanks. For the most part, additional costs to the marketers will pass through to the consumers. Therefore, most marketers will see very little impact from this rule. These conclusions were reached even though, as noted earlier, the analysis focused on the small end of the market where the changes would have the greatest potential for adverse impacts.

As discussed later in this preamble, today's action contains a two-year extension for qualifying small refiners. This small refiner extension is not expected to adversely affect small marketers. Although a third class of diesel fuel will be created, marketers will not be required to carry this fuel, so they will only do so if it is to their advantage. Furthermore, the volume of this third class of fuel sold during the short period of the exemption is not expected to be great enough to disadvantage marketers choosing to not carry the fuel.

Regarding the possibility for competitive disadvantages with larger marketers and terminals, results of the ICF study show that the competitive position of small marketers is not likely to be degraded compared to larger marketers as a result of this rule. ICF found that these two groups serve characteristically different portions of the diesel fuel market. Larger marketers and terminal operators serve mainly large accounts capable of receiving full tank truck loads of 3,000 to 7,000 gallons on a regular basis. On the other hand, small marketers primarily serve smaller accounts receiving partial truck loads of as little as 200 gallons. Furthermore, larger marketers have historically shown little interest in expanding their operation into markets currently served by smaller marketers. Even if they were so inclined, the ICF study found that larger marketers appear to be at least as ill-equipped to handle segregated fuels as small marketers. Therefore, the study concludes that no significant shift in the competitive environment should result from this rule.

Concerning the issue of establishing a uniform standard for the entire pool of diesel fuel, EPA does not find this to be a feasible option at present. First of all, while EPA has authority to regulate emissions from stationary sources under certain circumstances, EPA currently lacks direct authority to set national standards with respect to the content of fuel not used for highway purposes. Furthermore, the available leadtime between now and 1994 is probably insufficient for refiners to make the required capital investments to desulfurize the entire fuel pool. Finally, no assessment has been done of the appropriate control to implement for the off-highway market. This would involve the development of additional cost and benefit information for dealing with off-highway fuels. In addition, since no such action has been proposed, it would involve developing a new rulemaking proposal. This is a lengthy process, and it would clearly not be possible to regulate the sulfur content of these fuels by 1994. Nor could the Agency delay implementation of on-highway fuel control beyond 1994. Implementation of control by 1994 is necessary because of the expected introduction in that year of control hardware on heavy-duty diesel engines which will require low-sulfur fuel for proper functioning.

While it is not feasible to require the entire pool to be desulfurized, it should be pointed out that there is no prohibition against the off-highway use of low-sulfur fuel. Low-sulfur fuel can be used for any desired application. Indeed, if the market forces are such that it is more economical for much of the fuel pool to meet the standards for on-highway fuel, then that is what will likely happen. The rule as proposed provides the maximum flexibility for the handling of off-highway fuels and heating oils.

Concerning the possible upsetting of the competitive balance between on-highway truck transportation and rail and ship transportation, EPA does not believe that the rule will have a significant effect on this balance. EPA has seen no evidence that a small difference in fuel prices would lead to truck transportation being noncompetitive with other means of transportation. More importantly, in many instances, rail or ship transportation would not be able to replace truck transportation.

Regarding the issue of misfueling, EPA agrees that having a uniform standard would greatly simplify the prevention of misfueling. However, as has already been explained, it is not possible to mandate a uniform standard at this time. Therefore, EPA has constructed an enforcement scheme (described later in this preamble) which should minimize the potential for misfueling.

Marketers have argued that setting-up a segregated fuel system would involve an increase in inventory since the two products would not be readily interchangeable. No quantitative estimates of the need for increased inventory were made by marketers, nor was the claim of resultant shortages substantiated. EPA believes that the factors affecting the amount of inventory kept by marketers are complex and that increases in inventory are not an inevitable outcome of this rule. However, assuming that increases in inventory might occur, the Agency has attempted to estimate their potential impacts. According to the ICF small marketers study, marketers presently keep an average inventory of approximately a two-week supply (or about 3.8 percent of the annual volume sold). For the worst case, the Agency assumed that all marketers would add the same type of fuel (i.e., on-highway) as a new segregated fuel without decreasing inventories of off-highway distillate. The Agency further assumed that inventories of on-highway fuel would be established over approximately a three-month period as tanks were constructed and the new fuel became available. For this case, demand for on-highway fuel would not increase more than fifteen percent above the normal baseline for that period. Such an increase in demand should be readily manageable for the short time before inventories were established and demand returned to normal levels.

With respect to regional production, the only area which has been identified that appears to be potentially affected is the Rocky Mountain region. This area, unlike the rest of the country, is fairly reliant on fuel produced by small independent refiners, which may have some difficulty meeting the sulfur requirement by October 1993. However, the extension being provided for small refineries to alleviate leadtime constraints should also mitigate shortages in the Rocky Mountains. (See discussion in separate section.) For other regions, API comments indicate that the producers of the fuel will be able to supply sufficient amounts of low-sulfur fuel. In fact, according to API, in its July 19, 1988 statement, many refiners will produce only low-sulfur fuel (which can be used in all applications) to avoid the burdens of segregation. Thus, EPA is convinced that refiners will be able to produce enough on-highway fuel for all regions of the country.

According to PMAA, many small marketers would discontinue sale of one product if faced with segregated products, leading to shortages of on-highway fuel due to too many marketers specializing in off-highway fuel. However, results of the ICF small marketer study do not support this contention. According to the ICF study, the costs of either segregation or specialization should be small. Thus, even in those areas where many marketers might favor specialization, only a small increase in the price of on-highway fuel should be sufficient to ensure that marketers will continue to supply both types of fuels. It is also worth noting that ICF found that in areas with low competition, segregation to supply both types of fuels was often the lowest cost option. Additionally, the urbanized areas where specialization is most likely to occur are characterized by nearness to terminals and the presence of major marketers. Both of these elements should act as stabilizing forces since on-highway fuel sales could be made directly from the terminal or through marketing outlets of the major oil companies.

The last issue raised concerned the effect of this rule on small lateral pipelines. Contrary to ESPA's claims, the report done by SCI examining the effect of EPA's proposal on the product distribution network did look at the ability of lateral pipelines to handle segregated fuels.[3] SCI indicated that if these entities were to have a problem with compliance, it would be in storing the segregated products at the end of the pipeline, a problem similar to that faced by small marketers. However, SCI found that segregation of high- and low-sulfur distillate throughout the product distribution and storage chain of pipelines and terminals was feasible at low cost. Furthermore, pipeline companies are also generally larger entities than the small marketers described earlier. Thus, the conclusion of the small marketer study that small marketers should be able to handle products with little impact should also be valid for lateral pipelines. Therefore, no problems with the capability of lateral pipelines to handle segregated products is anticipated.

Issue: Small Refiner Impacts

Prior to issuing the notice of proposed rulemaking, EPA contracted with Sobotka Consultants Inc. (SCI) to evaluate the impacts of sulfur control on small refiners. Using an aggregate refining model, this study concluded that, for those small refineries capable of financing the necessary equipment, costs to produce low-sulfur fuel should be comparable to those of the rest of the U.S. refining industry. However, this same report also acknowledged that some segments of the industry would be economically unable to comply or could be somewhat economically disadvantaged. In any case, it was reasoned that refiners unable to comply with the rule would still be able to continue production by selling the fuel produced into the off-highway market. Comments on the proposal argued strongly that the small refiners impacts would be much worse than projected by EPA, and that adequate off-highway markets would not exist.

Summary of Comments

Many commenters, all of whom either were or represented small refiners, took issue with the SCI analysis of the situation of small refiners. A total of eleven commenters claimed the SCI study had significantly underestimated the costs for small refiners to produce low-sulfur fuel. For example, Frontier Refining estimated its cost to produce low-sulfur fuel at four cents per gallon rather than the 1.8 cents per gallon

[3] Effects of Diesel Fuel Standards on Transportation and Bulk Terminal Storage of Distillate Fuels, SCI, December 17, 1987.

estimated for the controlled fuel under 100 percent segregation estimated in the NPRM. The Sunbelt/Huntway Refining Company further claimed that capital costs would be $4,000 per barrel of capacity for small refiners compared to $650 per barrel of capacity for larger refineries based on survey data from NPRA.

Small refiners commenting on the NPRM also indicated that many of the small refiners desiring to comply with the rule would not be able to do so by October 1, 1993. Most notably, small refiners complained that they would have difficulty getting permits and arranging financing.

According to the American Independent Refiners Association (AIRA), small refiners are at a disadvantage in generating capital or arranging financing to purchase needed equipment. Frontier Refining argued that it could finance the equipment but that its capital budget was already under strain from gasoline volatility (RVP) and RCRA requirements. Frontier argued that EPAs own leadtime analysis indicated that small refiners would find it more difficult than large refiners to comply with both RVP and sulfur control in the same time period. Witco further requested that EPA allow extensions for cases in which delays are caused by difficulties in obtaining necessary construction permits.

Reflecting an overall concern with leadtime, small refiners as a group seemed to believe that an extension or exemption would be the most appropriate form of relief. Fifteen commenters asked for either an extension or an exemption. Requests for extensions argued for as much as five additional years (Frontier Refining). The AIRA submitted a proposal for a three year extension for small refineries and indicated a willingness to segregate fuels and allow sales to be limited to 1993 model year and earlier vehicles. Sinclair Oil Co., representing a group of Rocky Mountain refiners consisting of Crysen Refining Inc., Flying J Petroleum Inc., Frontier Refining, and Sinclair Oil, submitted a proposal for a three year extension which included caps on the allowable sulfur levels starting at 0.15 weight percent in the first year and declining to 0.10 weight percent in the third year. This proposal, however, did not require the fuels to be segregated.

In addition to commenters requesting some form of extension or exemption, four refiners expressed an interest in banking, trading, and/or averaging of sulfur credits, while the API and the Engine Manufacturers Association (EMA) opposed any banking and trading programs. Sinclair Oil Co. proposed a detailed sulfur banking and trading program to be applied to small refiners as an alternate form of relief. On the other hand, API opposed any such plan as being too difficult to put into place and as being open for abuse, while EMA objected to banking and trading programs on the grounds that such programs would allow fuels with potentially damaging levels of sulfur to be sold to 1994 and later vehicles. Furthermore, API and NPRA both objected to extension of any form of relief to small refiners on the basis that these refiners were participants in developing the original agreement and were sufficiently protected by its provisions leaving the off-highway market unregulated.

Furthermore, commenters argued that some regions of the country do not have significant off-highway markets for diesel fuel and that the off-highway market is likely to become depressed in price due to a projected increase in competition for off-highway markets. For instance, AIRA claimed that many of its members would find it very difficult to find off-highway markets. Also, Sunbelt/Huntway Refining Co. stated that off-highway markets are very limited in Arizona. Witco, on the other hand, already serves a large off-highway market but is hoping to be able to switch to the on-highway market because of a belief that the off-highway market will become uneconomical.

Analysis of Comments

The SCI study indicated that it was possible that the ability of small refiners to remove sulfur from the fuel at costs comparable to the rest of the industry may have been overstated. On the other hand, API as well as some major refiners argued that the costs for major refiners to remove sulfur from the fuel may have been underestimated also. EPA has not undertaken new analyses to confirm or deny any of the cost estimates presented. However, it is apparent that even if the fuel costs were substantially higher, the rule would still be quite cost effective.

Regardless of uncertainties on costs, EPA concurs with small refiner groups arguing that small refiners may need more leadtime beyond 1994 to comply with the rule. Even for major refineries, the leadtime is already short. API, Chevron, and Phillips all indicated in comments submitted to the docket that the failure to finalize the rule prior to 1990 has already made it difficult for larger refineries to purchase and install the necessary capital equipment in time to meet the requirements of the rule. In fact, in a January 10, 1990 letter to EPA, Phillips further indicated its belief that continuing delays will force refiners to purchase foreign-made equipment. According to Phillips, "US engineers, shop fabricators and constructors will be strained to simultaneously fill all orders resulting from EPA's final rule."

EPA believes that in such an environment small refiners would be at a definite disadvantage and may indeed face greater delays in arranging for construction and engineering expertise and in getting permits than larger refiners. The EPA leadtime analysis pointed to construction and engineering availability constraints as being a possible bottleneck in the procurement of equipment to comply with the rule, especially with simultaneous demands from RVP requirements. This indication that construction and engineering resources are likely to be taxed supports the argument that small refiners would have difficulty arranging for these services in time to comply with the rule. Again, the comments from Phillips would indicate that the construction and engineering industry is going to be strained to meet the demands of the major refiners for new equipment prior to October 1, 1993. Furthermore, many small refiners may not have been aware of the agreement being developed by the engine manufacturers and the oil industry and therefore were unable to begin advanced planning and design until quite recently.

Finally, smaller refiners are more likely to face delays in raising capital or arranging financing for the necessary engineering and construction of the desulfurizing equipment than are major refiners. The EPA leadtime analysis was based on the assumption that raising capital would not be a constraint because it presumed integrated companies where capital spending for refinery upgrades is only a portion of the total capital budget. However, this assumption is less applicable to small refiners than it is to major oil companies. Indeed, the EPA leadtime analysis acknowledged that firms that operate purely or principally in refining would tend to have the greatest difficulty in raising the capital required by environmental regulations. Furthermore, smaller refineries are less likely to have any existing desulfurization capacity and therefore are faced with a proportionately bigger task at proportionately greater expense than major refiners.

Given these facts, the Agency believes it would be appropriate to provide small refiners a limited extension before requiring full compliance with the rule. However, EPA believes that the amount of time requested by small refiners is

excessive and that the situation does not justify an extension of more than two years. For example, actions taken by the California Air Resources Board (CARB) indicate that small refiners in California are expected to need only a one year extension to meet the same sulfur standard in that State. In the 1989 rulemaking in which CARB established a diesel fuel sulfur standard of 0.05 weight percent scheduled to go into effect at the same time as this rule, small refiners were allowed a one year extension for meeting the sulfur specification. However, it should be noted that, in the case of California, small refiners not able to comply by the end of the extension period could still sell into the on-highway markets in neighboring states. Thus, some time beyond that provided by California may be appropriate for the case of a Nationwide standard.

On the other hand, two additional years should be fully adequate to meet the needs of small refiners. A two year extension would provide a total of five years of leadtime, which the SCI report indicated would be sufficient to allow enough facilities to be built to desulfurize the entire fuel pool. The rule, therefore, allows up to a two year extension, although it seeks to provide significant incentives, in the form of interim caps on the sulfur content, for refiners to comply as quickly as possible.[4]

In addition to requiring small refiners to meet some interim levels of control, either through use of existing desulfurization capacity or through fuel blending with low-sulfur blendstock, EPA believes it is necessary to prevent the use of this fuel in vehicles equipped with 1994 or later model year diesel engines. Many of these engines are expected to employ advanced emissions control technology which is sensitive to excess sulfur in the fuel. The use of fuel with sulfur levels above 0.05 weight percent could seriously impair the functioning of these devices and must, therefore, be prevented. It is also important to limit the extension to those small refiners who will actually use it to aid in complying with the rule. That is, refiners who plan to eventually discontinue sale of on-highway fuel rather than install new equipment should not be eligible for an extension. Finally, any extension should be structured to prevent small refiners from selling more on-highway fuel under the terms of the extension than they sold in prior years. This is needed both to limit the excess emissions from the use of higher sulfur fuel and to guard against any incentive for small refiners to increase sales and profits because of possibly favorable market positions created by the extension. With these goals in mind, EPA has developed a limited small refinery extension. The details of the extension follow.

Fuel with a sulfur content greater than 0.05 weight percent but which meets the appropriate sulfur limit described in Table 3 and meets the other specifications for on-highway diesel fuel described in this rule, may be produced by small refiners according to the eligibility requirements described below. Such fuel will be referred to as exempted on-highway diesel fuel.

TABLE 3

Sulfur limits for small refiners

Date	Sulfur limit
October 1, 1993	0.25 weight percent.
October 1, 1994	0.10 weight percent.
October 1, 1995	0.05 weight percent.

The sulfur levels specified in Table 3 actually represent significant reductions from the current sulfur levels of small refiners. Current sulfur levels of diesel fuels produced by small refiners average more than 0.25 weight percent and in many cases approach 0.5 weight percent, so these levels will force small refiners to make interim reductions in the sulfur content of their fuels. Small refiners will be forced to either make better use of existing desulfurization equipment or blend their output with low-sulfur diesel stock in order to comply with the interim sulfur standards. Thus, although the full benefit of the 0.05 weight percent standard will not be realized for small refiners during the extension period, there will be significant reductions from current levels.

Small refineries will be defined according to the size criteria established for small refiners in the lead phase-down provisions of the Clean Air Act Amendments of 1977. This definition is spelled out in section 211(g) of the Act and requires that:

a. The total crude oil or bonafide feedstock capacity of the refiner be 137,500 barrels per day or less, and

b. The crude oil or bonafide feedstock capacity of individual qualifying refineries be 50,000 barrels per day or less.

The above capacities shall be measured in terms of the average of the actual daily feedstock use of the affected refiners or refineries during the period January 1, 1988 to December 31, 1989. These averages will be calculated as barrels per calendar day.

The extension will be limited to qualifying U.S. domestic small refineries. In order to qualify, a small refiner must also demonstrate a commitment to produce diesel fuel with a maximum sulfur content of 0.05 weight percent by October 1, 1995, as follows. By July 1, 1993, the refiner must show that capital commitments to make the necessary modifications to supply low sulfur fuel have been made. Evidence of capital commitments to make modifications shall include copies of executed and binding contracts for design and construction, and copies of approved permits for construction of the equipment. In addition, to qualify for the second year of the extension, the small refiner must provide evidence by July 1, 1994 that on-site construction has begun. These provisions will ensure that only refiners intending to make modifications allowing them to produce complying fuel at the end of the extension period will be allowed to make use of the extension period.

To ensure that the volume of on-highway fuel sold does not increase under the terms of the extension, the exempted volume sold by a refinery during either of the two years of the exemption will be limited to the average of the annual amount of on-highway fuel produced at the refinery during the period October 1, 1989 to September 30, 1990. On-highway fuel production will be estimated from amounts reported as on-highway diesel fuel for Federal excise tax purposes. This amount can include fuels for which the refinery reported the sales as well as a portion of the fuel sold through licensed re-sellers. The on-highway portion of the fuels sold through licensed re-sellers may be assumed to be the same as the average on-highway fraction of sales reported by that customer, unless suitable evidence, acceptable to the Administrator, indicates otherwise.

In addition, to prevent the use of fuels with sulfur contents of more than 0.05 weight percent in 1994 and later model year vehicles, any exempted fuel produced for on-highway consumption which has a sulfur content of greater than 0.05 weight percent will be segregated from fuel of sulfur content of less than 0.05 weight percent. The segregation program will contain the following provisions:

1. The fuel must be dyed to distinguish it from both fuel intended for off-highway use and fuel intended for

[4] It should be clear from this discussion that EPA is not takin gthe position that small refiners are regularly entitled to extra leadtime. EPA's decision is a narrow one, based solely on consideration of the merits of this particular situation.

general on-highway use; the dye for this purpose is a purple dye mixture of approximately 38 percent by volume xylene, 50 percent by volume Color Index (CI) solvent blue 99 and 12 percent by volume CI solvent red 166 at a minimum concentration of 20 parts per million by volume.

2. Any wholesaler or retailer who sells exempted on-highway fuel must also offer for sale fuel with a sulfur content of less than 0.05 weight percent.

3. In addition, retailers carrying exempted fuel must meet the following requirements:

—Prominently label diesel fuel pumps as to the type of fuel dispensed from each.

—Place low and high sulfur fuel pumps on separate fuel dispensing islands at facilities which dispense diesel fuel at more than one fuel dispensing island. In this case, retailers must also prominently label the islands as to the type of diesel fuel at the given island.

4. It should also be noted that no marketer or retailer is required to carry exempted on-highway diesel fuel under these regulations.

EPA believes that the proposed extension for small refineries provides relief that is fair and equitable while still recognizing manufacturer concerns regarding recall liability. This extension should permit small refiners who intend to comply with the rule but who may need additional time to comply to do so without seriously disrupting their operations. On the other hand, small refiners would not gain a windfall in profits from expanding sales or by selling lower grade products into a premium market on an equal footing.

At the same time, EPA recognizes that there may be some increase in the possibility of misfueling in the short term. However, the Agency believes that the segregation provisions, the limits on sulfur content and the vehicle labeling provisions will minimize both the likelihood and the impacts of misfueling. It is plausible that recall actions where possible sulfur contamination is an issue could be complicated because it could be difficult for manufacturers to determine whether or not a vehicle had been misfueled. EPA will consider this factor in working with manufacturers in resolving such implementation issues.

In an analogous setting, EPA exempted small refineries from the lead content rules for a limited time, in regulations issued under CAAs section 211, "in recognition of the special leadtime problems faced by this group." 38 FR 33740 (1976), see 40 CFR 80.–20(b)(1976). The lead regulation was unheld with respect to several other issues in *Ethyl Corp.* v. *EPA*, 541 F.2d (D.C. Cir) (en banc), cert. denied, 426 U.S. 941 (1976). Congress later specifically provided by statute for a limited exemption for small refiners from the lead content requirements under CAA section 211(g), see *Small Ref. Lead Phase-Down Task Force* v. *EPA*, 705 F.2d 506 (D.C. Cir. 1983).

In connection with the lead content regulations, the Agency required retailers to sell unleaded fuel and also issued other provisons applicable to the retailer. See 40 CFR 80.22 (1989). This affirmative sale requirement was upheld in *Amoco Oil Co.* v. *EPA*, 501 F.2d (D.C. Cir. 1974). In the present case, the retailer has the option whether or not to sell exempted fuel, but if exempted fuel is sold both types of fuel must be sold and be properly labeled for the reasons discussed above. These and the other requirements applicable to retailers already in the rule as proposed are needed to promote the air of section 211(c) of preventing impairment of the emission control systems from the sulfur content of diesel fuel. Thus, as these regulatory examples indicate, section 211(c) of the CAA provides clear authority for the small refiner exemption and the requirements governing retailers who sell fuel covered by the exemption, as well as for the other provisions included in this final rule.

The above extension to the rule should provide small refiners with sufficient additional leadtime so that those refiners actually intending to comply with the rule will be able to do so. Therefore, a sulfur banking and trading program is not necessary to assist small refiners in complying with the rule. Such a program is also undesirable from the standpoint that it would be difficult to implement and enforce in this setting where different types of fuel are available at the same time.

The proposed extension should also alleviate some of the problems faced by refiners located in regions with limited off-highway markets. However, it should also be pointed out that lack of a local market for off-highway fuel would not necessarily preclude a refiner from selling fuel intended for off-highway uses. As ESPA and IFTOA have pointed out, regions with large demands for off-highway fuel also tend to import large amounts of such fuel over great distances. With the conversion of many of the larger refineries to production of low-sulfur fuel, it should be possible for small refiners to ship off-highway fuels to these regions and still be able to recapture the increased shipping costs.

Issue: Levels of the Standards

In the notice of proposed rulemaking, EPA presented justifications for the levels of control selected for both sulfur and aromatics. Some commenters, however, expressed the opinion that the levels of control selected may not have been the optimal ones.

Summary of the Comments

Most commenters believed that the levels of control selected for both sulfur and aromatics were appropriate. EMA, API, most manufacturers and most refiners supported both the 0.05 weight percent limit for sulfur and the 40 cetane index cap for aromatics. However, there were a few commenters who would have liked to have seen a higher limit on sulfur content as well as a few government agencies who requested tighter controls on aromatics.

IFTOA, ESPA, NEFI, and Frontier Refining all questioned whether or not the sulfur level of 0.05 weight percent was optimized. IFTOA and NEFI both claimed that having a uniform sulfur level for the entire pool would be desirable but only if the allowable sulfur level was higher than 0.05 weight percent. Both organizations indicated that requiring heating oil to meet a sulfur standard of 0.05 weight percent would increase the cost of heating oil too much to be tolerable. ESPA claimed that EPA had failed to live up to its obligation to find the optimal sulfur level citing the Energy and Resources Consultants and Sabotka Consultants Inc. report stating that the sulfur level of 0.05 weight percent was not optimized. Frontier Refining (referring to the difficulties faced by small refiners in complying with the rule) asked EPA to evaluate the feasibility of a higher limit for sulfur claiming that any loosening of the sulfur requirements would ease the burdens on small refiners.

The States of Colorado and California as well as the City of Denver requested that tighter controls be placed on aromatics (in addition to asking for direct measurement of aromatics levels as the means of control). California would like to see consistency with its own rules for diesel fuel quality which specify a maximum aromatics content of 10 volume percent. Denver and the State of Colorado are attempting to gain the emissions benefits of reduced aromatics contents as a means of combating their serious air pollution problem.

Analysis of Comments

EPA believes that, from a national perspective, the sulfur level of 0.05 weight percent is indeed the best level of sulfur control which can be selected

with currently available knowledge. A primary driving force for the proposal of this rule was to enable engine manufacturers to use aftertreatment technology which is crucial to meeting the stringent particulate emissions standards which will go into effect in 1994. Currently, there is insufficient knowledge of the workings of these devices to know precisely what sulfur level will be tolerable in the long term. However, EMA, in supporting this rule, indicates its belief that a 0.05 weight percent standard is sufficiently low to provide the necessary protection. EMA also believes that higher levels would not be acceptable. From the refiners' perspective, API has supported the proposed standard as reasonable and cost effective. Nor does EPA believe it is appropriate to raise the sulfur level in order to ease compliance by small refiners (see separate discussion of the small refiner issue). Finally, with respect to establishing a single standard for all middle distillate, as has previously been discussed, EPA would not be able to rely on the authority it has used for this rule and it would need to institute a new proceeding if any such effort were to be undertaken. Therefore, this final rule retains the sulfur standard as proposed.

Regarding the selection of a more stringent standard for aromatics control, as indicated in the proposal, EPA believes that, on a national basis, the costs of reducing the aromatics level are not currently justified by the concomitant reduction in particulate emissions. EPA concluded that reducing the aromatics level to 20 volume percent would cost an incremental 3.24 cents per gallon. At the same time, the additional reductions in particulate matter emissions would be only marginal. EPA calculated the cost effectiveness of reducing the aromatics level to 20 volume percent to be between $310,751 and $560,378 per ton of particulate matter compared to a maximum of $6,773 per ton of particulate matter for sulfur control. In 1995, for instance, control of sulfur content to 0.05 weight percent is expected to result in a net reduction of 19 percent of the particulate attributable to the on-highway use of diesel fuel while control of aromatics content to 20 volume percent would result in a reduction of only two percent. However, this analysis does not include an assessment of the potential impact on cancer risk, which is an issue that, as noted earlier, will be addressed by EPA in a separate action. Therefore, EPA is not attempting to reduce aromatics content in diesel fuel with this action. Furthermore, additional leadtime would be required if such a requirement were to be imposed, which would further delay the effective date of this rule.

Issue: Winter-time blending of jet-A, kerosene, or number one fuel oil to reduce the cloud point and pour point of number two diesel fuel

During winter months, diesel fuel is typically blended with jet-A, kerosene, or number one fuel oil to lower the cloud point in cold climate regions. Undiluted number two diesel fuel typically has a cloud point (the temperature at which a cloud of wax crystals first appears) of around 12°F. Since the consequences of such solids plugging fuel lines or other engine parts are catastrophic, operators and fuel suppliers take the precaution of blending number two diesel fuel with lighter fuels to ensure that the mixture will not reach its cloud point. In the notice of proposed rulemaking, EPA required that all fuels used as on-highway diesel fuel meet the sulfur and aromatics specifications, regardless of the time of year, without specifically stating how fuels blended with on-highway diesel fuels would be handled.

Summary of the Comments

The Empire State Petroleum Association (ESPA) and the Petroleum Marketers Association of America (PMAA) expressed concern about the availability of a sufficient supply of low-sulfur kerosene, jet-A, and number one diesel for blending into on-highway diesel fuel. PMAA points out that the amount of fuel blended can be quite substantial, reaching 30 percent blendstock in New Jersey and 40 percent blendstock in Minnesota.

Phillips Petroleum, the Tosco Corporation, Chevron, and the Rocky Mountain Oil and Gas Association all submitted comments requesting a winter-time exemption to allow the blending of kerosene-type fuels, which may have a sulfur content of greater than 0.05 weight percent, into the on-highway diesel fuel market. Chevron pointed out that, while the ASTM sulfur specification for jet-A fuel is 0.3 weight percent, the national average for sulfur content of this common blending fuel has remained nearly constant averaging between 0.05 and 0.06 weight percent for the past ten years. Chevron proposed that EPA finalize the rule with a winter-time blending exemption for blended on-highway fuels. The exemption would be in effect from November 1 to March 31 with a maximum sulfur content for the blended fuel to be set by a cooperative testing program with EMA to determine the maximum fuel sulfur content which 1994 and later engines and aftertreatment devices can tolerate without permanent damage. The California Air Resources Board, on the other hand, commented that there was no technical need for winter exemptions for blended fuels.

The American Petroleum Institute included a discussion of the handling of winter-time blending of kerosene-type fuels into number two diesel fuel in its comments. API addressed the possibility of the dyeing requirement for fuels not meeting the 0.05 weight percent sulfur standard including the pool of fuels used for winter-time blending. API urged that the dyeing requirement not be extended to this pool pointing out that the blended fuel would still be required to meet the sulfur limit of 0.05 weight percent.

Analysis of Comments

EPA believes that it is necessary for all on-highway diesel fuels to meet the 0.05 weight percent sulfur limit at all times. First of all, to relax this requirement for part of the year would jeopardize many of the environmental benefits of this rule. More importantly, though, the use of on-highway diesel fuel with a sulfur content of more than 0.05 weight percent could damage the emissions control technology of 1994 and later model year vehicles. Therefore, EPA will not allow any seasonal exemptions from the sulfur levels.

Concerning the handling of kerosene and jet-A, EPA generally agrees with the position put forth by API. The ASTM specifications and average properties of jet-A, kerosene, and number one diesel tend to group these fuels into a separate classification from number two diesel fuel. Since the proposed regulations only include fuels intended for use as an on-highway motor fuel, jet-A and kerosene will not be covered by the regulations unless they have been designated as being intended for use as a diesel fuel. The dyeing requirement is to distinguish diesel fuel which, but for the sulfur content or cetane index/aromatics level not meeting the specifications for on-highway fuel, would be indistinguishable from on-highway diesel fuel. Since the jet-A and kerosene blendstocks have physical properties which naturally distinguish them from number two diesel fuel, and as such inherently require them to be segregated from number two diesel fuel, they would not need to be dyed to distinguish them from on-highway diesel fuel. In addition, since kerosene and jet-A type fuels cost about five cents per gallon more than number two diesel fuel, dyeing should not be needed as an incentive for keeping those fuels segregated from the on-highway diesel fuel market. Number one diesel fuel, however, would be

covered by the dyeing requirements due to its designation as a diesel fuel.

EPA also believes that there will be sufficient stocks of fuels for blending which have a low enough sulfur level to be blended into the on-highway market. Surveys taken by the National Institute for Petroleum and Energy Research (NIPER) indicate that the average sulfur contents of jet-A and number one diesel are fairly close to 0.05 weight percent, which would indicate that there is a sufficient supply of these fuels with a sulfur content of less than 0.05 weight percent to cover the needs for winter blending with on-highway diesel fuel. The national average for sulfure content in jet-A fuel in 1988 was 0.054 weight percent and, as API pointed out, this sulfur content has been fairly consistent over the past decade. For number one diesel, which has an ASTM specification for sulfur content of 0.5 weight percent, the national average for sulfur content in 1989 was 0.064 weight percent. However, only the area designate by NIPER as the central region had an average sulfur content of greater than 0.06 weight percent. Given the broad national distribution of fuels suitable for blending with number two diesel fuel, EPA believes that the market will be able to supply sufficient quantities of blending fuels with low sulfur contents to meet the needs of the on-highway market. Therefore, winter-time exemptions of blended fuels from the sulfur requirements do not appear to be necessary and all on-highway diesel fuel, blended or not, will be required to meet the 0.05 weight percent sulfur standard.

Issue: Testing of Fuel Sulfur Levels

EPA proposed using ASTM standard test method D–2622 for its own determination of sulfur levels in diesel fuel. It was also specified as the appropriate method for establishing a defense to an alleged violation. However, other test methods not specifically mentioned, with varying complexity and accuracy, are available.

Summary of the Comments

Navistar supported the Agency's selection of D–2622, saying it was the "best method" for these regulations. Amoco also supported this selection. Penzoil and Princeton Gamma-Tech (PGT), however, suggested that EPA allow the use of ASTM D–4294, which is an energy dispersive x-ray technique. They claimed that it is less expensive and provides equivalent accuracy. Chevron also suggested that D–4294 is acceptable for use with careful quality control. PGT also suggested that round robin testing of such alternative test procedures be performed to establish equivalency to ASTM D–2622. Chevron, Conoco and PGT recommended that EPA use the ASTM D–2622 test as the reference test. Amoco and Phillips also suggested that the Agency allow the use of other methods.

Analysis of the Comments

The test method proposed by EPA represents the method which will be used by the Agency for enforcement compliance purposes. Defenses contained in the proposed regulations required that sulfur testing according to ASTM D–2622 be completed by refiners or importers to establish a defense to an alleged violation of the rule. No specific test method requirements were proposed for other affected parties. As noted by the commenters, the equipment necessary to complete ASTM D–2622 is costly. The alternative test method recommended by Penzoil and Princeton Gamma-Tech, ASTM D–4294, may be essentially as accurate as ASTM D–2622, yet costs are significantly less. The Agency recognizes that it may be desirable for many of the regulated parties to be able to procure the ASTM D–4294 equipment for oversight testing. Therefore, EPA has decided that for purposes of establishing a defense to an alleged violation of the sulfur percentage, a regulated party may use the ASTM standard test method D–4294. The defendant will be responsible to support its data with a quality control plan and demonstrate the ability to accurately perform this test method. Furthermore, parties using this test method for defense purposes must have evidence from the manufacturer or others that it reliably produces results substantially equivalent to the test method specified by EPA. EPA will continue to use the ASTM D–2622 test for enforcement purposes and will rely on those test results in any enforcement action.

All regulated parties are free to use any test procedure for determining, to their own satisfaction, compliance with the regulation. Only the ASTM D–2622 method will be used by EPA for enforcement purposes and the ASTM D–4294 test method will be considered as a defense only if it can be properly qualified with supporting documentation.

Issue: Use of Cetane Index to Cap Aromatics Levels

In its proposal, the Agency cited evidence that higher aromatics levels in diesel fuel could potentially contribute to higher emissions. The Agency thus saw it as desirable to prevent the aromatics levels of diesel fuels from increasing in the future. However, since direct measurement of aromatics is a somewhat complicated procedure, EPA chose to use a minimum cetane index of 40 as a surrogate for capping aromatics.

Summary of the Comments

Witco Corporation suggested that the minimum cetane index would be inappropriate for its on-highway diesel fuel because it uses a highly napthenic San Joaquin crude as a feedstock. Diesel fuels distilled from this crude, it was argued, have naturally low cetane indices, and require cetane improvers to be marketable; and that lowering aromatics would do nothing to increase the cetane index above the minimum value of 40. Witco, therefore, requested that a maximum aromatics level of 45 percent be established as an alternative to the minimum cetane index of 40.

Phillips Petroleum was also concerned about the use of the cetane index; arguing that when sulfur is removed from diesel fuel, the cetane index may be a very poor estimate of the actual cetane rating of the fuel. (The cetane rating, or cetane number, of a fuel is a measure of engine performance using the fuel and is taken directly from engine tests, while the cetane index is an estimate of the cetane rating that is calculated from fuel properties.) To prevent the occurrence of in-use fuels with low cetane ratings, Phillips suggested that EPA might raise its minimum cetane index. Mobil also stated that the cetane index is not the best indicator of engine combustion performance, and that EPA should establish an optional minimum cetane *number* specification of 40. Under this option, Mobil added that cetane improver additives should be allowed. Volkswagen of America also requested the addition of a cetane number specification, although Volkswagen suggested that the appropriate cetane number should be 45.

Navistar supported the minimum cetane index standard, and the use of ASTM–D976 for its determination. It went further, however, to suggest that, because of the minimum cetane index (which was established to cap aromatics levels), the Agency should also include a maximum aromatics level of 43% for its diesel test fuels.

Analysis of the Comments

The Agency's goal in establishing a minimum cetane index of 40 for on-highway diesel fuel was to control the aromatics content of the fuel at approximately current levels. The cetane index, as measured by ASTM test method D 976, was selected because

of its simplicity in use, acceptance by the industry, and the fact that it is most directly controlled by the density of the fuel which is strongly influenced by the aromatics content of the fuel. However, there is nothing unique about the cetane index which would preclude the alternative use of other methods of controlling the aromatics content of diesel fuel. Thus, in response to Witoc's comment, EPA has no objections to the establishment of an optional maximum aromatics specification. The Agency cannot, however, establish the maximum as 45 percent since this is well above current average levels. The results of MVMA's surveys of diesel fuel show that the average aromatics levels in recent years have been in the 30 to 35 percent range. Therefore, this final rule provides an optional standard for the maximum aromatics content of on-highway fuel of 35 percent as an alternative to meeting the cetane index specification. The aromatics content shall be determined using ASTM test method D–1319, as is currently used for EPA test fuel specification.

Concerning the comments by Phillips, Mobil and Volkswagen, EPA notes that the purpose of the cetane *index* specfication established here is to cap aromatics at approximately current levels. The Agency, therefore, sees no reason for it to establish a performance-based specification; either a higher cetane *index,* or a cetane *number* specification. These concerns have, in the past, been addressed by the market, and EPA sees no reason that this should be changed by this rule.

Finally, EPA disagrees with Navistar who argued that it is appropriate to include a maximum aromatics level of 43 percent for certification fuels to maintain consistency with the minimum cetane index of 40 which was proposed. The Agency's goal for test fuels is that they be representative of in-use fuels. Thus, since the only limit on the aromatics content of in-use fuels is that imposed by the minimum cetane index specification, the Agency will establish no other limit for its certification test fuels.

Issue: Dyeing of Off-Highway Fuel

The Agency proposed that any diesel fuel which does not show visible evidence of being dyed shall be considered to be available for use in diesel motor vehicles and motor vehicle engines. Since the diesel fuel standards are proposed to be applicable at all sites in the distribution network, this implies that the dye must be added at the refiner or importer facility to avoid noncompliance by undyed product which may be used for other purposes.

Summary of the Comments

The Mobil Corporation stated that they "fully support" the dyeing proposal. Amoco, Phillips Petroleum, the Rocky Mountain Oil and Gas Association, and the Petroleum Marketers Association of America (PMAA) all expressed support for dyeing of off-highway diesel fuel at the refinery. The American Independent Refiners Association believed that dyeing at the refinery level would be difficult whereas the Independent Fuel Terminal Operators Association (IFTOA) recommended that dyeing be done at the terminal level to prevent supply problems. The New England Fuel Institute (NEFI) was concerned about the point of dyeing. The IFTOA and Amoco recommended that the Agency specify required dye concentrations.

IFTOA and Amoco believed the dye named in the proposal is an appropriate dye. Amoco stated that no adverse health effects are known for the proposed dye while NEFI expressed concern over the potential cost and health effects of the dye but cited no specific information to show there were adverse health effects. The American Trucking Association believed the dye chosen may not be a good one since it believes the dye is expensive. The Indiana Farm Bureau Cooperative Association (IFBCA) and Amoco both pointed out that the specified dye will appear green when mixed with diesel fuel and not blue as stated in the proposal. Both the IFBCA and the IFTOA indicated that current premium diesel fuel is dyed red or purple to distinguish it as a premium product to their customers. The Empire State Petroleum Association (ESPA) and PMAA questioned possible contamination of low sulfur fuel with either sulfur or dye from residual amounts of off-highway fuel left in trucks and lines following deliveries.

Phillips Petroleum recommended that the specified dye comply with pipeline standards for water haze in diesel fuel.

PMAA and NEFI both expressed concern that the use of dye for off-highway diesel fuel is being done for tax purposes. PMAA suggested that the regulation state that dye not be indicative for tax purposes as undyed fuel is not exclusively for on-highway uses.

Analysis of the Comments

EPA proposed the dyeing of off-highway diesel fuel as a means to visually determine if diesel fuel was intended for off-highway use and not in compliance with the sulfur percentage and minimum cetane index standards. The intent was for the dye to be added at the earliest point in the distribution network, namely by the refiner or importer, so that this visual clue would facilitate detection of misfueling or blending of noncomplying diesel fuels at all points. Although the presence of dyed fuel will be an indicator of off-highway, or potentially noncomplying, diesel fuel, it will not be the basis for enforcement action. Enforcement will be based on actual analysis of diesel fuel samples according to the ASTM test methods specified in this regulation.

Support by Mobil, Phillips, and Amoco clearly indicates that the refining industry supports the dyeing concept. This approach has been widely used in Europe and Canada, although for other reasons, for many years. Available information shows no adverse health effects or mechanical problems attributable to the specific dye required by the regulations. Cost of the dye and dyeing equipment is kept minimal if it is added at the refinery or importer facility. This will reduce the potential cost burden at the terminal or distributor level. Supply problems or shortages should also not occur as the clear diesel fuel may also be sold for off-highway use if a temporary shortage of dyed fuel occurs.

EPA is aware that the specific dye required by the regulations will not normally be blue when added to diesel fuel. Due to the characteristic yellowish color of diesel fuel, upon dyeing the fuel will appear green. This is satisfactory, as it will indicate that the required dye has been added and will be the color which field personnel will be looking for. The Agency will not recommend specific dye concentrations to be used, as the regulation requires visible evidence of the dye being added. Liable parties bear the burden of adding sufficient dye to accomplish the goal of the dyeing program or risk fuel being tested as on-highway fuel. As several commenters pointed out, red or purple dye is currently added to their premium diesel fuel for customer recognition. Assuming that these fuels comply with the sulfur percentage and cetane index requirements, the practice will not be prohibited. These colors will clearly not be confused with blue or green and alleged violations will, in any case, be based on analysis and not colors.

Several parties pointed out that the possibility exists that residual dye may be present from deliveries of off-highway fuel when a truck is subsequently used for on-highway fuel. However, based upon typical dye concentrations used, the presence of the dye will not be a problem as a small amount diluted in a subsequent truck

load would not generally be visible. In fact, again based upon typical dye concentrations and sulfur levels, if enough residual fuel were present to cause visible coloration, the 0.05 weight percent sulfur standard would also be exceeded. In any event, for enforcement purposes, color alone would not be used to establish a violation. A fuel sample would be analyzed and if the sulfur or cetane standards were exceeded, then a violation would have occurred. If residual sulfur content is high enough to raise the level of the on-highway shipment above the standard, then a violation has occurred.

Phillips Petroleum's concern regarding water haze in diesel fuel caused by the dye was not raised by any other commenters. Furthermore, Phillips failed to supply any data to support its concerns. There is no information available to the Agency which indicates that this is a significant problem and therefore, unless specific data is provided by Phillips or other parties to support this issue in the future, it will not be considered further.

Although the addition of dye to diesel fuels is used by other countries as a means to discourage tax evaders, it is not EPA's function to initiate such a program here. EPA agrees with the commenters pointing out that undyed fuel will in many cases be used for off-highway applications as well as on-highway. Therefore, it would not be accurate to consider all undyed fuel to be on-highway fuel for tax purposes.

Issue: Enforcement Liability Scheme

EPA proposed an option for the presumption of legal liability for diesel fuel standards violations which covered all parties in the distribution chain. The scheme also included a vicarious liability provision whereby parties upstream in the distribution chain can be held responsible for violations which are found at downstream facilities over which they could exercise some control. Specific defenses were outlined in the proposal to rebutt the presumption of liability, including sampling and testing of product.

Summary of the Comments

The Mobil Corporation and Phillips 66 Company opposed the vicarious liability provision where upstream parties could be held responsible for violations at downstream facilities over which they could exercise some control. Phillips stated that these provisions will present a far greater burden to industry than similar provisions of the RVP and lead phasedown regulations. Phillips had additional concerns over the huge paper trail and complex certifications program which may be necessary to oversee downstream distributors and unbranded dealers to prevent a large, uncontrolled liability potential. Buckeye Pipeline stated that the accountability of sulfur is easier than volatility, so the full enforcement program from the RVP program is not needed.

The Society of Independent Gasoline Marketers of American (SIGMA) and the Petroleum Marketers Association of America (PMAA) believed that the proposed enforcement scheme would require costly oversight testing programs to prove compliance with the standards and create an unfair economic burden. Both SIGMA and PMAA believed that spurious claims will take enormous amounts of time and money to defend against claims of contamination or marketing noncomplying diesel fuel. SIGMA specifically opposed an oversight program as part of a defense to a violation and PMAA concurred that this oversight program to test each incoming and outgoing load will be an enormous cost burden.

ARCO Transportation Company was concerned that testing requirements will cause delays while waiting for test results. They recommended that liability be only on the party which originally introduced the noncomplying product. If needed, additional testing and sampling at retail distributor terminals and pumps could be done. The Small Business Administration (SBA) recommended that the proposed testing requirements be shifted from the retail station to the terminal or pipeline to alleviate an unreasonable cost burden on the retailers. This would reduce the number of tests required from what would occur if SBA's perceived EPA requirement that every shipment be tested were enacted. Likewise, the National Automobile Dealers Association (NADA) did not want liability on wholesale purchaser-consumers as improvements to engine life and performance outweigh, in NADA's opinion, any incentive to cheat on fuel use. NADA recommended that the distributor should be required to certify that their fuel deliveries of on-highway diesel fuel are "on-spec". They also supported requiring EPA to detect a violation of the regulations and prove that the wholesale purchaser-consumer caused the noncompliance.

Phillips pointed out that enforcement of the proposed liability scheme will be a difficult and complex challenge. Therefore, they recommended that the proposed vicarious liability provisions should be deleted in the final rule.

Analysis of Comments

The liability provisions proposed by EPA for the diesel fuel regulations are basically identical to those used in the Agency's lead contamination regulations and volatility regulations. They place responsibility for complying with the standards for sulfur percentage and cetane index at all levels in the distribution chain. This includes the vicarious liability of upstream parties for violations found at downstream facilities over which they can exercise some control.

Phillips believes that these regulations place a heavier burden on the industry than the lead or RVP regulations, particularly where the downstream distributors or unbranded retailers are concerned. However, these industry parties are the identical parties over which the RVP regulations currently impose the same scheme. There is no evidence that the diesel fuel program will involve any different aspects of control which would necessitate the Agency to consider a different scheme. The availability of an oversight program as part of a defense against presumptive and vicarious liability is necessary to encourage the industry to ensure that diesel fuel will comply at all levels and the consumer will get the fuel needed.

SIGMA, PMAA, and the Small Business Administration believe that EPA's proposal will require the testing of each shipment of fuel by carriers or distributors. EPA agrees that such testing would impose a significant expense and time delay on these parties. However, there is no requirement in the regulations which imposes such a testing scheme. If a party subject to vicarious liability wishes to use a defense to any violation, some oversight program will be necessary. However, the specific nature of the oversight program or the frequency of any sampling is not defined. These parameters are to be determined by the party involved, but they should be sufficient to allow true quality control.

Testing as part of an oversight program requires refiners and importers to use the ASTM standard test method D–2622 in the proposed regulations. As already stated, EPA will allow the use of ASTM test method D–4294 results for an oversight program defense by all parties covered by these regulations.

As part of an oversight program, there are no requirements that any party hold the product until test results are available. If test results revealed the presence of noncomplying product it would be necessary to attempt to retrieve the fuel or divert it to an off-highway use. It is possible that the paperwork and invoices which currently are associated with diesel fuel distribution will be sufficient to track

the flow of fuel through the chain. This paperwork trail can also be used by upstream parties to specify the fuel quality of deliveries to downstream parties.

EPA believes that there will be economic incentives to attempt to use off-highway fuel for on-highway markets. Many wholesale purchaser-consumers will be tempted by the expected price differential to switch on- and off-highway fuel for immediate economic gain. Only the potential of enforcement action at all points in the distribution chain will provide the necessary deterrence. The Agency expects to implement a comprehensive enforcement program similar to those currently used in the leaded fuel and RVP programs. It is not anticipated that these programs will prove to be too complex for effective enforcement action to occur. Therefore, the enforcement provisions outlined in the proposed rule will be retained for this Final Rule, including the presumptive and vicarious liability provisions.

Issue: Dyeing of Imported Canadian Fuel

EPA proposed that any undyed diesel fuel would be considered on-highway fuel while off-highway fuel would be dyed with a blue dye. Some independent marketers import off-highway diesel fuel from Canada which has already been dyed red.

Summary of the Comments

The Society of Independent Gasoline Marketers of America (SIGMA) was concerned with EPA's requirements that off-highway diesel fuel be dyed blue. This concern arose from the fact that off-highway diesel fuel imported from Canada will be dyed red. Likewise, many independent marketers import heating oil which is undyed or clear. The undyed fuel could be confused by U.S. Customs Service agents as "motor fuel" at a higher duty rate.

Analysis of the Comments

Any imported diesel fuel intended for off-highway use will have to be dyed with the blue dye specified in today's regulations. Apparently, the red dye which is added to off-highway diesel fuel in Canada is added at the terminal prior to shipping. Therefore, fuel destined for importation to the United States can have the red dye omitted at the shipping point. Importers of heating oil which is undyed will have to add blue dye to the fuel at the point and time of importation, regardless of the source. Otherwise, the fuel would be considered to be on-highway fuel subject to the on-highway fuel standards.

Issue: Testing Variability for Compliance

EPA proposed a sulfur standard of 0.05 weight percent and proposed ASTM test method D–2622 for enforcement testing. Due to test variability and the fact that EPA did not identify a test tolerance level against the standard, manufacturers will have to produce below the standard.

Summary of the Comments

The American Petroleum Institute (API), Phillips, and Amoco all raised concerns that the sulfur standard of 0.05 weight percent does not take test method variability into account for compliance purposes. The Rocky Mountain Oil and Gas Association (RMOGA) also expressed concern that no fuel test tolerance limits are established in the proposed regulations. Conoco and Phillips both pointed out that the reproducibility of the ASTM test method D–2622 is 0.008 weight percent at the 95 percent confidence limit. This fact would effectively require refiners to meet a 0.042 weight percent standard for sulfur at all times if they would expect to always test below 0.05 weight percent. API, Amoco and RMOGA agreed that this will require lower end "stacking" of margins and will require blending below the standard, which could be a serious and costly disadvantage to the manufacturer and an additional cost to the consumer. RMOGA pointed out that even greater margins would be required for downstream compliance due to vicarious liability.

Conoco stated that this would actually result in a twenty percent penalty below the standard, which is severe and not supported by engine manufacturers' requirements. The resultant 0.04 weight percent sulfur maximum thus needed to show compliance is outside the agreement reached by the concerned industries. Amoco stated that many refiners will use less expensive instruments which will have precision and reproducibility inferior to that required by ASTM test method D–2622. The final regulations therefore needed a statement to establish a confidence level so refiners could establish quality control specifications. API suggested that refiners or suppliers substantiate, through record keeping, that each blend tested is less than the EPA standard, and in addition, the average of all blends was below the standard by the test compliance margin. API believed this would be a reasonable and effective basis for compliance.

Analysis of the Comments

The Agency recognizes that test variability exists with the ASTM test method D–2622. The issue of what enforcement tolerance should be allowed when using these methods will be addressed in a manner consistent with other mobile source related standards. The diesel fuel refiners and other regulated parties will be expected to meet the applicable sulfur and cetane limits as established by the regulations. They must take test variability into account in producing and marketing diesel fuel and cannot rely on the Agency to automatically provide an enforcement tolerance in addition to the absolute standards established for sulfur or cetane limits. For example, if the sulfur content of motor vehicle diesel fuel were found to contain 0.06 weight percent sulfur, this would be considered a violation of the regulatory standard that could subject liable parties to enforcement action.

Issue: Enforcement for Misfueling

EPA proposed an enforcement scheme which would require that all parties in the distribution chain comply with the diesel fuel standards for sulfur weight percent and cetane index. Not explicitly included were persons who may misfuel by using noncomplying fuel in their equipment designed to operate on complying fuel.

Summary of the Comments

The American Petroleum Institute (API), the Rocky Mountain Oil and Gas Association (RMOGA), and the National Petroleum Refiners Association (NPRA) all believed that enforcement of the fuel standards should focus on potential misfuelers. NPRA was disappointed that EPA did not include in the proposed rule any enforcement mechanisms for reducing intentional misfueling. They pointed out that EPA did not address what enforcement action it plans to take when a party purposely introduces noncomplying dyed material into highway vehicles.

API, RMOGA and NPRA all believe that dyeing of noncomplying material by fuel suppliers coupled with strict enforcement action by EPA against misfuelers would be very effective to ensure the benefits of the program are realized. NPRA states that strict enforcement against end-user misfueling could also reduce the loss of federal tax revenues.

Analysis of the Comments

The proposed regulations established an enforcement scheme which includes all parties in the distribution chain.

Similar to other fuel regulations enforced by EPA, the individual who misfuels their own vehicle is not specifically covered by this proposal. The current language in the Clean Air Act (Act) does not cover individuals as parties to whom these prohibitions apply. However, those parties who do their own fueling who are fleet operators or persons in the business of servicing or leasing motor vehicles or motor vehicle engines (which would include nearly all heavy-duty operation) would be covered by the tampering prohibition contained in section 203(a)(3) of the Act.

In the terms of section 203(a)(3), the introduction of noncomplying fuel may render inoperative those specific devices or elements of design for which complying fuel is required. This constitutes tampering and is a violation of the Act for which the Agency does pursue enforcement. If instances arise where misfueling is occurring where the party doing the misfueling is a covered party under section 203(a)(3), the Agency may undertake enforcement action.

Issue: Applicability to Hawaii and Pacific Territories

As proposed, the diesel fuel requirements would have applied to the 50 states, the District of Columbia and U.S. Territories. No consideration was given to the possibility of exempting any regions from the rule in either the NPRM or in the draft regulatory impact analysis. The American Samoa government and Pacific Resources, Inc. have raised the issue of a possible exemption for Hawaii and the Pacific territories.

Summary of Comments

Pacific Resources, Inc. and the American Samoa government have requested that Hawaii and the Pacific territories be exempted from the rule. They argue that these islands are attainment areas for particulate matter and are likely to remain so due to geographic isolation and naturally occurring trade winds. Furthermore, the region uses very little on-highway diesel fuel, with Hawaii consuming only approximately 1,000 barrels per day of on-highway diesel fuel (7% of the daily consumption of diesel fuel) and about 4,500 barrels per year of on-highway diesel fuel being used in American Samoa (0.5% of the annual consumption of diesel fuel). The commenters argued that exemption of these areas would not impact the remainder of the country due to geographic isolation. Furthermore, American Samoa has no indigenous production of diesel fuel, relying solely on imports for fuel. Forty-five percent of the fuel is imported from Pacific Resources, Inc. and the remaining fifty-five percent is imported from three companies in Singapore. The American Samoa government believes availability of low-sulfur fuel from Singapore is unlikely and the government, which is the sole owner of fuel storing tankage, has facilities for storing only one grade of fuel without good prospects for being able to add additional storage.

Analysis of Comments

While recognizing the attainment status of these areas and potential difficulties in complying, the Agency believes it is necessary to include them in the final rule. A primary reason for promulgating the rule is to provide low-sulfur fuel necessary for the proper operation of 1994 and later diesel vehicles. Without low-sulfur fuel, emission control equipment on these vehicles could be rendered permanently inoperative. Since vehicles with advanced technology will be operating in Hawaii and the Pacific territories in the future, low-sulfur fuel must be made available. Therefore, the original scope of the proposal is retained for this final rule.

III. Description of the Final Rule

This section summarizes the control measures contained in today's final rule. The detailed requirements may be found in their entirety in the regulations published with today's final rule.

A. Commercial Fuel Requirements

1. Standards

After September 30, 1993, all diesel fuel sold, supplied, offered for sale or supply, dispensed, or transported in any state for use in on-highway diesel vehicles shall contain no more than 0.05 percent sulfur by weight, and shall have either a minimum cetane index of 40 or a maximum aromatics content of 35 percent by volume.

The only exception to these requirements is a two year extension of the effective date, with various interim restrictions, applicable to qualifying small domestic refiners. Under this extension any fuel produced by small refiners for on-highway use is required to have a sulfur content of 0.25 weight percent or less after September 30, 1993, 0.10 weight percent or less after September 30, 1994, and 0.05 weight percent or less after September 30, 1995. Any fuel of sulfur content greater than 0.05 weight percent produced under this extension must be dyed and segregated from fuel with a sulfur content of 0.05 weight percent or less, as described earlier in Section II—Public Participation.

2. Enforcement Provisions

a. *Overall Enforcement Scheme.* All parties in the distribution network are covered by these regulations, including refiners, importers, distributors, carriers, resellers, retail and wholesale purchaser-consumers. Any diesel fuel for use in motor vehicles must comply with the applicable standards when introduced into commerce, sold, offered for sale, supplied, offered for supply, dispensed, or transported. Once diesel fuel has been introduced into the distribution network, the fuel must comply with these standards at all points up to and including the time it leaves the pump. Additionally, under EPA's antitampering provisions, any fleet operator or other party subject to the requirements of section 203(a)(3) of the Clean Air Act who misfueled any heavy-duty diesel vehicle with non-on-highway diesel fuel, or any heavy-duty diesel vehicle equipped with a 1994 or later model year diesel engine with fuel produced under the small refiner extension, would be liable for prosecution.

The regulations define cetane, cetane index, diesel fuel, sulfur percentage, refinery, retail outlet, distributor, reseller, wholesale purchaser-consumer, importer, carrier, aromatic content, small refinery, and exempted on-highway diesel fuel. They also contain special provisions governing the production and sale of fuel under the small refiner extension. Reference methods for determining cetane index, sulfur percentage and aromatics content are also included.

This final rule also sets forth regulations establishing presumptions of liability for parties found with noncomplying fuel. There is also a presumptive and vicarious liability provision which holds certain upstream parties in the distribution network responsible for violations at downstream facilities over which they could have exercised some control. Defenses to presumptive and vicarious liability are included in the regulations.

Finally, this final rule includes a vehicle labeling provision. Under this provision, any diesel vehicle produced for on-highway use in model year 1994 or later is required to be clearly labeled with nonremovable labels bearing the words "low-sulfur diesel fuel only" at both the filler pipe area and on the dashboard.

b. *Sampling Methodology.* The sampling methodology is set forth in appendix G. The sampling procedures

include nozzle sampling, bottle sampling, tap sampling, and manual line sampling. The purpose of the sampling methodology is to assure that the sample taken is true and unaltered and is representative of the diesel fuel being tested.

c. *Testing Methodologies.* Four testing methodologies are included in this final rule. The first one, ASTM standard test method D 2622–87, determines the percentage of sulfur in the diesel fuel by means of X-ray spectrometry. The second test, ASTM standard test method D 4294–83, determines the percentage of sulfur in the diesel fuel by means of nondispersive x-ray fluorescence spectrometry. The third test, ASTM standard method D 976–80, is a method for estimating the ASTM cetane index of the diesel fuel from the API gravity and mid-boiling point. Finally, ASTM standard test method D 1319–88 is provided for use in determining fuel aromatic content. While the first, third and fourth methods are identified as the reference methods to be used by EPA in its enforcement testing programs, the regulations provide for use of the second test method for sulfur by regulated parties upon sufficient showing of equivalence.

The issue of what enforcement tolerance should be allowed when using these test methods will be addressed in a manner consistent with other mobile source related standards. The diesel fuel refiners and other regulated parties will be expected to meet the applicable sulfur and cetane limits as established by the regulations. They must take test variability into account in producing and marketing diesel fuel and cannot rely on the Agency to automatically provide an enforcement tolerance in addition to the absolute standards established for sulfur or cetane limits. For example, if the sulfur content of motor vehicle diesel fuel were found to contain 0.06 weight percent sulfur, this would be considered a violation of the regulatory standard that could subject liable parties to enforcement action.

d. *Liability Provisions.* The liability provisions (40 CFR 80.30) are patterned after the liability scheme used in the Agency's lead contamination regulations, at 40 CFR 80.23 and are almost identical to the volatility regulations, at 40 CFR 80.27. One of the main features of these provisions is the presumption of liability where regulated parties are found offering for sale, supplying, or transporting diesel fuel which fails to meet the requirements for sulfur percentage or cetane index. It is the responsibility of each regulated party to monitor the diesel fuel which is being offered for sale, supplied or transported to verify that the fuel complies with standards.

Another important feature of the diesel fuel enforcement provisions is the inclusion of vicarious liability provisions, much like those used successfully in the lead contamination regulations and recently promulgated in the volatility regulations. Vicarious liability means that parties upstream from the site of the violation can be held responsible for violations found at downstream facilities over which they can exercise some control. The proposed regulations will also extend vicarious liability for violations at nonbranded retail outlets and wholesale purchaser-consumers to refiners and importers. This change from previous schemes places all parties on the same level in terms of oversight for assuring product quality. Years of enforcement experience with the gasoline regulations have shown that a far larger percentage of violations occur at nonbranded facilities.

Defenses to vicarious liability are set forth in the regulations. Basically, an upstream party can avoid vicarious liability if that party can show that the violation was caused by actions of someone other than that party's employees or agents. For the purpose of these regulations, carriers will be presumed to be the agents of distributors and are also presumptively liable. The specific evidence required to support this defense varies depending on which party is raising the defense, but in general a party must show proof of some kind of oversight program, such as records of testing of the diesel fuel or a contractual obligation between the upstream and the downstream parties involved.

When this rule was proposed on August 24, 1989, carriers, distributors and resellers were required as part of the affirmative defense to show bills of lading, invoices, delivery tickets, loading tickets or other documents from the refiner or importer which represented that the fuel was in compliance with on-highway diesel fuel standards. This provision has not been included in the final rule. In *National Tank Truck Carriers Inc.* v. *United States Environmental Protection Agency and William K. Reilly, Administrator,* (D.C. Cir. June 26, 1990), the U.S. Court of Appeals for the District of Columbia Circuit struck down an identical provision in the Volatility Regulations for Gasoline and Alcohol Blends Sold in Calendar Years 1989 and Beyond, 54 FR 11,868 (1989). The court held that EPA had not adequately explained the reason why carriers had "to produce documentation from the shippers attesting to the lawfulness of each shipment even though the regulations do not impose a corresponding obligation on shippers that they provide the carriers with such documentation." The court remanded the case to EPA to consider further action. The provision in the proposed regulation that imposed this requirement has been deleted from the final rule. Among the options the Agency is considering is adding a new provision to the rule which would require shippers as well as carriers to maintain and provide the necessary documentation.

3. Small Refiner Provisions

A two-year extension for small refiners, which includes interim sulfur level caps, is included in today's Final Rule. Qualifying U.S. domestic small refiners are required, for any on-highway diesel fuel they produce, to not exceed 0.25 weight percent sulfur beginning October 1, 1993, 0.10 weight percent sulfur beginning October 1, 1994, and 0.05 weight percent sulfur beginning October 1, 1995. In addition, any on-highway diesel fuel produced under this extension must be segregated from other on-highway diesel fuel. To provide for effective segregation, the regulations call for dyeing of the fuel, dispensing from separate pumps (and separate islands where more than one island is used for diesel fuel) and the prominent labeling of pumps and islands. They also require any retailer selling fuel under the extension provisions to also sell on-highway fuel with a sulfur content of 0.05 weight percent or less.

To be eligible for this extension, small refineries must meet certain limitations for refiner and refinery capacity, must demonstrate a commitment to comply with the 0.05 weight percent limit by the end of the extension period, and will be limited as to the maximum amount of on-highway fuel produceable under the extension.

Small refinery capacity limitations are as follows. First, the refinery in question must have a crude oil or bona fide feedstock capacity of 50,000 barrels per day or less. Second, the refinery must be owned or controlled by a refiner with a total combined crude oil or bona fide feedstock capacity of 137,500 barrels per day or less. These capacities are to be measured in terms of the average of the actual daily crude oil or bona fide feedstock use during the period January 1, 1988 through December 31, 1989, calculated as barrels per calendar day. Furthermore, only refineries located in a State, the District of Columbia, the

Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa or the Commonwealth of the Northern Mariana Islands are eligible for an extension. Refiner capacity relative to the 137,500 barrels per day or less limit refers to worldwide capacity owned or controlled by that refiner.

Participating small refiners will also be required to demonstrate by July 1, 1993 a commitment to produce diesel fuel meeting the 0.05 weight percent limit by October 1, 1995. This demonstration will require copies of contracts entered into for design and construction of the necessary equipment and copies of approved permits to construct the equipment. Additionally, to qualify for the second year of the extension, small refiners must submit evidence by July 1, 1994 demonstrating that on-site construction has begun.

Lastly, the amount of fuel sold under this extension by each qualifying small refiner will be limited to no more than the average of its annual production of on-highway fuel during the period October 1, 1989 to September 30, 1990. On-highway fuel production will be estimated from amounts reported as on-highway diesel fuel for Federal excise tax purposes. This amount can include fuels for which the refinery reported the sales as well as a portion of the fuel sold through licensed re-sellers. The on-highway portion of the fuels sold through licensed re-sellers may be assumed to be the same as the average on-highway fraction of sales reported by that customer, unless suitable evidence, acceptable to the Administrator, indicates otherwise.

B. Fuel Specifications for Vehicle Certification and Other Compliance Testing

Certification fuel used for 1991–1993 model year engines shall contain 0.10 sulfur percentage by weight ±0.02 weight percent). Beginning with the 1994 model year, certification fuel shall have a sulfur content ranging from 0.03 to 0.05 sulfur percentage by weight and a minimum cetane index of 40. All other compliance testing (e.g., recall, selective enforcement audits) will be conducted using test fuels meeting the same sulfur specifications as the test fuel used in certifying the particular model year vehicle beng tested. That is, 1991–1993 model year engines would be tested with fuel containing 0.10 sulfur percentage by weight (±0.02 weight percent) and 1994 and later model year engines would be tested with fuel having a sulfur content ranging from 0.03 to 0.05 sulfur percentage by weight and a minimum cetane index of 40.

In general, properties specified for fuels used in emissions testing are intended to be representative of the properties of fuels commercially available and in-use during the time period of the testing. The only exception to this is the sulfur level specified for 1991–93 test fuels, which is selected to represent the average sulfur content of fuels used over the lifetimes of engines manufactured during these years. This rule also clarifies the fact that the commercial grade of fuel (i.e., "Type 1–D" or "Type 2–D") used for emissions testing shall be the grade which will be the predominant fuel burned in actual use of the engine family. The regulations establish a presumption that this grade will be Type 2–D diesel fuel. Type 1–D diesel fuel may be substituted provided the manufacturer has submitted evidence to the Administrator sufficient to establish that such fuel will be the predominant fuel in-use for that engine family. Evidence could include such things as copies of executed contracts from customers indicating the intent to purchase and use Type 1–D diesel fuel as the primary fuel.

Two other minor changes are included in the test fuel specifications to correct errors in the proposal. The first adds a minimum cetane index specification of 40 to 1994 and later service accumulation fuels. This value was inadvertently omitted from the proposal. The second change corrects the cetane index range for 1994 and later Type 1–D diesel test fuel to read 40–54. Due to a typographical error the proposed range was listed as 40–42.

IV. Regulatory Flexibility Analysis

Section 605 of the Regulatory Flexibility Act requires EPA to perform an analysis of the impact of regulations on small entities when a significant impact on a substantial number of such entities would occur. Based on its analysis of the comments received EPA has concluded that, as originally proposed, this rule could have had significant impacts on small refiners, and thus has included a limited two-year extension in the Final Rule to ease the regulatory burden on these small entities. EPA believes that with this extension the potential adverse impact on small refiners is effectively mitigated. A full discussion of the small refiner issue is included in the Public Participation section of this Preamble.

In response to comments on its proposal from small marketers, EPA has also conducted a Regulatory Flexibility Analysis of the potential impacts on small marketers.[5] As discussed in more detail earlier in this Preamble, the small marketer analysis found that the cost and competitive impacts of this action on small marketers would generally be small and that all but the financially weakest firms would be able to handle the extra grade of fuel resulting from this rule.

V. Administrative Designation and Regulatory Analysis

The Administrator has determined that this action will constitute a major regulation and, therefore, is subject to the requirement that a Regulatory Impact Analysis be prepared. In support of the NPRM a Draft Regulatory Impact Analysis was prepared which included detailed assessments of the estimated economic and environmental impacts of the proposed regulations, as well as thorough analyses of the technological feasibility of the proposed emission standards and other regulatory provisions and the alternatives that were considered in the development of the NPRM. Since the regulations in today's final rule are largely the same as proposed in the NPRM, and since little substantive comment was received on the analyses contained in the Draft Regulatory Impact Analysis, the Agency has conducted no further analyses of the costs and benefits of today's Final Rule. The only change for the final Regulatory Impact Analysis involves the deletion, noted earlier in this preamble, of the cancer risk assessment which was found to contain significant errors.

The Regulatory Impact Analysis has been placed in the public docket referenced at the beginning of today's notice. In addition, interested parties may obtain single copies through a written request to the public contact listed previously.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any written comments from OMB and any EPA response to those comments are in the public docket for this rulemaking.

VI. Reporting and Recordkeeping Requirements

The information collection requirements contained in this final rule have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and have been assigned OMB Control Number 2060–0200. The public reporting requirements

[5] Impacts of Fuel Desulfurization on Distillate Marketers, March 13, 1990, ICF Incorporated.

of this rule will affect small refiners applying for benefits under the small refiner provisions. The public reporting burden for this collection is estimated to be 737 hours per response, including time for reviewing instructions and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to:

Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460
and to the:
Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, "Attention Desk Officer for EPA."

VII. Statutory Authority

Authority for the actions included in today's final rule is granted to EPA by sections 114, 202, 206, 207, 208, 211, and 301 of the Clean Air Act (42 U.S.C. 7414, 7521, 7525, 7541, 7542, 7545, and 7601).

VIII. List of Subjects

40 CFR Part 80

Fuel additives, Diesel fuel, Incorporation by reference, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 86

Administrative practice and procedures, Air pollution control, Diesel fuel, Motor vehicles, Labeling, Motor vehicle pollution, Reporting and recordkeeping requirements.

Dated: August 8, 1990.

William K. Reilly,

Administrator.

For the reasons set out in the preamble, parts 80 and 86 of title 40 of the Code of Federal Regulations are amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The Authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act as amended, 42 U.S.C. 7414, 7545 and 7601(a).

2. Section 80.2 is amended by revising paragraphs (h), (j), (l), (n), (o), (r), and (t), and by adding new paragraphs (w), (x), (y), (z), (aa), and (bb) to read as follows:

§ 80.2 Definitions.

* * * * *

(h) *Refinery* means a plant at which gasoline or diesel fuel is produced.

* * * * *

(j) *Retail outlet* means any establishment at which gasoline or diesel fuel is sold or offered for sale for use in motor vehicles.

* * * * *

(l) *Distributor* means any person who transports or stores or causes the transportation or storage of gasoline or diesel fuel at any point between any gasoline or diesel fuel refinery or importer's facility and any retail outlet or wholesale purchaser-consumer's facility.

* * * * *

(n) *Reseller* means any person who purchases gasoline or diesel fuel identified by the corporate, trade, or brand name of a refiner from such refiner or a distributor and resells or transfers it to retailers or wholesale purchaser-consumers displaying the refiner's brand, and whose assets or facilities are not substantially owned, leased, or controlled by such refiner.

(o) *Wholesale purchaser-consumer* means any organization that is an ultimate consumer of gasoline or diesel fuel and which purchases or obtains gasoline or diesel fuel from a supplier for use in motor vehicles and receives delivery of that product into a storage tank of at least 550-gallon capacity substantially under the control of that organization.

* * * * *

(r) *Importer* means a person who imports gasoline, gasoline blending stocks or components, or diesel fuel from a foreign country into the United States (including the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands).

* * * * *

(t) *Carrier* means any distributor who transports or stores or causes the transportation or storage of gasoline or diesel fuel without taking title to or otherwise having any ownership of the gasoline or diesel fuel, and without altering either the quality or quantity of the gasoline or diesel fuel.

* * * * *

(w) *Cetane index* or "Calculated cetane index" is a number representing the ignition properties of diesel fuel oils from API gravity and mid-boiling point as determined by ASTM standard method D 976–80, entitled "Standard Methods for Calculated Cetane Index of Distillate Fuels". ASTM test method D 976–80 is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. A copy may be inspected at the Air Docket Section (A–130), Room M–1500, U.S. Environmental Protection Agency, Docket No. A–86–03, 401 M Street SW., Washington, DC 20460 or at the Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, DC 20005.

(x) *Diesel fuel* means any fuel sold in any State and suitable for use in diesel motor vehicles and diesel motor vehicle engines, and which is commonly or commercially known or sold as diesel fuel.

(y) *Sulfur percentage* is the percentage of sulfur as determined by ASTM standard test method D 2622–87, entitled "Standard Test Method for Sulfur in Petroleum Products by X-Ray Spectrometry". ASTM test method D 2622–87 is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. A copy may be inspected at the Air Docket Section (A–130), room M–1500, U.S. Environmental Protection Agency, Docket No. A–86–03, 401 M Street SW., Washington DC 20460 or at the Office of the Federal Register, 1100 L Street NW., room 8401, Washington, DC 20005.

(z) *Aromatic content* is the aromatic hydrocarbon content in volume percent as determined by ASTM standard test method D 1319–88, entitled "Standard Test Method for Hydrocarbon Types in Liquid Petroleum Products by Fluorescent Indicator Adsorption". ASTM test method D 1319–88 is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. A copy may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. A copy may be inspected at the Air Docket Section (A–130), room M–1500, U.S. Environmental Protection Agency, Docket No. A–86–03, 401 M Street SW., Washington, DC 20460 or at the Office of the Federal Register, 1100 L Street NW., room 8401 Washington, DC 20005.

(aa) *Small refinery* means a domestic diesel fuel refinery

(1) Which has a crude oil or bonafide feedstock capacity of 50,000 barrels per day or less, and

(2) Which is not owned or controlled by any refiner with a total combined crude oil or bonafide feedstock capacity greater than 137,500 barrels per day.

The above capacities shall be measured in terms of the average of the actual daily utilization rates of the affected refiners or refineries during the period January 1, 1988 to December 31, 1990. These averages will be calculated as barrels per calendar day.

(bb) *Exempted on-highway diesel fuel* means any diesel fuel which is produced by a small refinery under the provisions of sections 80.29(a)(2) and 80.29(c).

3. New § 80.29 is added, to read as follows:

§ 80.29 Controls and prohibitions on diesel fuel quality.

(a) *Prohibited activities.* (1) Except as provided in paragraph (a)(2) of this section, beginning October 1, 1993, no refiner, importer, distributor, reseller, carrier, retailer or wholesale purchaser-consumer shall manufacture, introduce into commerce, sell, offer for sale, supply, dispense, offer for supply, or transport any diesel fuel for use in motor vehicles unless the diesel fuel is free of visible evidence of the dye 1,4-dialkylamino-anthraquinone and has a cetane index of at least 40, or a maximum aromatic content of 35 volume percent, and a sulfur percentage no greater than 0.05 percent.

(2) On-highway diesel fuel produced under the small refiner provisions of paragraph (c) of this seciton may exceed the sulfur standard of paragraph (a)(1) of this section during the period from October 1, 1993 through September 30, 1995 so long as it meets the following alternative standards: 0.25 weight percent from October 1, 1993 through September 30, 1994, and 0.10 weight percent from October 1, 1994, through September 30, 1995. Such on-highway diesel fuel shall be produced in conformity with all of the provisions of paragraph (c) of this section and shall not be sold, supplied or dispensed to 1994 or later model year motor vehicles.

(b) *Determination of compliance.* Any diesel fuel which does not show visible evidence of being dyed with 1,4-dialkylamino-anthraquinone (which has a characteristic blue-green color in diesel fuel) shall be considered to be available for use in diesel motor vehicles and motor vehicle engines, and shall be subject to the prohibitions of paragraph (a) of this section. Compliance with the standards listed in paragraph (a) of this section shall be determined by the use of one of the sampling methodologies specified in appendix G to this part.

(c) *Small refinery compliance.* (1) Where a small refinery intends to use the sulfur standard extension in paragraph (a)(2) of this section, the refiner shall submit to the Administrator by July 1, 1993, evidence of capital commitments to make the necessary modifications to supply low sulfur diesel fuel on or before October 1, 1995. Such evidence shall include copies of executed and binding contracts for design and construction, and copies of approved permits for construction of the equipment. In order to qualify for the second year of the extension, the refiner shall provide evidence by July 1, 1994, that on-site construction has begun. The Administrator shall, upon review and acceptance of this evidence, provide a letter to the refinery which qualifies it as a small refinery allowed to produce and sell exempted on-highway diesel fuel. A separate qualification letter shall be obtained for each of the following one-year periods: October 1, 1993 to September 30, 1994; and October 1, 1994 to September 30, 1995.

(2) The volume of exempted on-highway diesel fuel sold by a small refinery during each one-year period October 1, 1993 to September 30, 1994, and October 1, 1994 to September 30, 1995, shall be limited to the average of the annual amount of on-highway diesel fuel produced at the refinery during the period October 1, 1989 to September 30, 1990. On-highway diesel fuel production shall be that amount reported as on-highway diesel fuel for Federal excise tax purposes. This amount can include fuels for which the refinery reported the sales as well as a portion of the fuel sold through licensed re-sellers. The on-highway portion of the fuels sold through licensed re-sellers may be assumed to be the same as the average on-highway fraction of sales reported by that customer, unless suitable evidence, acceptable to the Administrator, indicates otherwise.

(3) Refiners who produce exempted on-highway diesel fuel shall dye it to distinguish it from other diesel fuel. The dye for this purpose shall be a purple dye mixture of approximately 38 percent by volume Xylene, 50 percent by volume Color Index (CI) solvent blue 99 and 12 percent by volume CI solvent red 166. The dye shall be added to exempted on-highway diesel fuel at a minimum concentration of 20 parts per million by volume.

(4) Any retailer who sells or offers for sale exempted on-highway diesel fuel shall:

(i) Also offer for sale diesel fuel meeting the standards of paragraph (a)(1) of this section; and

(ii) Prominently label with a permanent legible label each diesel fuel pump stand as follows:

(A) For diesel fuel pump stands for introduction of exempted on-highway diesel fuel into motor vehicles, the label shall state: Exempt High Sulfur Diesel Fuel. Not Legal for use in 1994 and Later Diesel Engines.

(B) For diesel fuel pump stands for introduction of diesel fuel meeting the standards of paragraph (a)(1) of this section into motor vehicles, the label shall state: Low Sulfur Diesel Fuel. Suitable for Use in Any Diesel Engine.

(5) Any retailer who sells or offers for sale exempted on-highway diesel fuel and who dispenses diesel fuel at more than one fuel dispensing island shall:

(i) Place exempted on-highway diesel fuel and low sulfur diesel fuel on separate fuel dispensing islands.

(ii) Prominently label with a permanent legible label each fuel dispensing island as follows:

(A) For a fuel dispensing island where exempted on-highway diesel fuel is dispensed into motor vehicles, the sign shall state: Exempt High Sulfur Diesel Fuel. Not Legal for use in 1994 and Later Diesel Engines.

(B) For a fuel dispensing island where low-sulfur diesel fuel meeting the standards of paragraph (a)(1) of this section is dispensed into motor vehicles, the sign shall state: Low Sulfur Diesel Fuel. Suitable for Use in Any Diesel Engine.

(6) No retailer shall sell, supply, dispense, introduce or allow the introduction of exempted on-highway diesel fuel into any motor vehicle which is labeled "low sulfur diesel fuel only".

(7) These regulations do not require any retail outlet, distributor, reseller, or carrier to sell, supply, offer for sale or supply, or transport exempted on-highway diesel fuel. However, any of these entities handling exempted on-highway diesel fuel must also handle complying on-highway diesel fuel.

(d) *Liability.* Liability for violations of paragraphs (a) and (c) of this section shall be determined according to the provisions of § 80.30.

(e) *Penalties.* Penalties for violations of paragraphs (a) and (c) of this section shall be determined according to the provisions of § 80.5.

(4) New § 80.30 is added, to read as follows:

§ 80.30 Liability for violations of diesel fuel control and prohibitions.

(a) *Violations at refiners or importers facilities.* Where a violation of a diesel fuel standard set forth in § 80.29 is detected at a refinery or importer's facility, the refiner or importer shall be deemed in violation.

(b) *Violations at carrier facilities.* Where a violation of a diesel fuel standard set forth in § 80.29 is detected at a carrier's facility, whether in a

transport vehicle, in a storage facility, or elsewhere at the facility, the following parties shall be deemed in violation:

(1) The carrier, except as provided in paragraph (g)(1) of this section; and

(2) The refiner or importer at whose refinery or import facility the diesel fuel was produced or imported, except as provided in paragraph (g)(2) of this section.

(c) *Violations at branded distributor or reseller facilities.* Where a violation of a diesel fuel standard set forth in § 80.29 is detected at a distributor or reseller's facility which is operating under the corporate, trade or brand name of a refiner or any of its marketing subsidiaries, the following parties shall be deemed in violation:

(1) The distributor or reseller, except as provided in paragraph (g)(3) of this section;

(2) The carrier (if any), if the carrier caused the diesel fuel to violate the standard by fuel switching, blending, mislabeling, or any other means; and

(3) The refiner under whose corporate, trade, or brand name (or that of any of its marketing subsidiaries) the distributor or reseller is operating, except as provided in paragraph (g)(4) of this section.

(d) *Violations at unbranded distributor facilities.* Where a violation of a diesel fuel standard set forth in § 80.29 is detected at the facility of a distributor not operating under a refiner's corporate, trade, or brand name, or that of any of its marketing subsidiaries, the following shall be deemed in violation:

(1) The distributor, except as provided in paragraph (g)(3) of this section;

(2) The carrier (if any), if the carrier caused the diesel fuel to violate the standard by fuel switching, blending, mislabeling, or any other means; and

(3) The refiner or importer at whose refinery or import facility the diesel fuel was produced or imported, except as provided in paragraph (g)(2) of this section.

(e) *Violations at branded retail outlets or wholesale purchaser-consumer facilities.* Where a violation of a diesel fuel standard set forth in § 80.29 is detected at a retail outlet or at a wholesale purchaser-consumer facility displaying the corporate, trade, or brand name of a refiner or any of its marketing subsidiaries, the following parties shall be deemed in violation:

(1) The retailer or wholesale purchaser-consumer, except as provided in paragraph (g)(5) of this section;

(2) The distributor and/or reseller (if any), except as provided in paragraph (g)(3) of this section;

(3) The carrier (if any), if the carrier caused the diesel fuel to violate the standard by fuel switching, blending, mislabeling, or any other means; and

(4) The refiner whose corporate, trade, or brand name, or that of any of its marketing subsidiaries, is displayed at the retail outlet or wholesale purchaser-consumer facility, except as provided in paragraph (g)(4) of this section.

(f) *Violations at unbranded retail outlets or wholesale purchaser-consumer facilities.* Where a violation of a diesel fuel standard set forth in § 80.29 is detected at a retail outlet or at a wholesale purchaser-consumer facility not displaying the corporate, trade, or brand name of a refiner or any of its marketing subsidiaries, the following parties shall be deemed in violation:

(1) The retailer or wholesale purchaser-consumer, except as provided in paragraph (g)(5) of this section;

(2) The distributor (if any), except as provided in paragraph (g)(3) of this section;

(3) The carrier (if any), if the carrier caused the diesel fuel to violate the standard by fuel switching, blending, mislabeling, or any other means; and

(4) The refiner or importer at whose refinery or import facility the diesel fuel was produced or imported, except as provided in paragraph (g)(2) of this section.

(g) *Defenses.* (1) In any case in which a carrier would be in violation under paragraph (b)(1) of this section, the carrier shall not be deemed in violation if he can demonstrate:

(i) Evidence of an oversight program conducted by the carrier, for monitoring the diesel fuel stored or transported by that carrier, such as periodic sampling and testing of the cetane index and sulfur percentage of incoming diesel fuel, or any other evidence that shows that care was taken to avoid blending the diesel fuel with anything which would change its cetane index or sulfur percentage; and

(ii) That the violation was not caused by the carrier or his employee or agent.

(2) In any case in which a refiner or importer would be in violation under paragraphs (b)(2), (d)(3), or (f)(4) of this section, the refiner or importer shall not be deemed in violation if he can demonstrate:

(i) That the violation was not caused by him or his employee or agent; and

(ii) Test results, performed in accordance with the sampling and testing methodologies set forth in Appendix G to this part, ASTM standard test method D 2622–87 or ASTM standard test method D 4294–83 for sulfur percentage (Entitled "Standard Test Method for Sulfur in Petroleum Products by Non-Dispersive X-Ray Fluorescence Spectrometry". ASTM standard test method D 4294–83 is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. A copy may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103. A copy may be inspected at the Air Docket Section (A–130), room M–1500, U.S. Environmental Protection Agency, Docket No. A–86–03, 401 M Street, SW., Washington, DC 20460 or at the Office of the Federal Register, 1100 L Street, NW., room 8401, Washington, DC 20005. Parties using this method must be able to support their data with a quality control plan and demonstrate the ability to accurately perform this test method. They must also have evidence from the manufacturer or others that it reliably produces results substantially equivalent to those produced by ASTM standard test method D 2622–87.), and ASTM standard test method D 1319–88 for aromatic content or ASTM standard method D 976–80 for cetane index, which evidence that the diesel fuel determined to be in violation was in compliance with the diesel fuel standards when it was delivered to the next party in the distribution scheme.

(3) In any case in which a distributor or reseller would be in violation under paragraphs (c)(1), (d)(1), (e)(2) or (f)(2) of this section, the distributor or reseller shall not be deemed in violation if he can demonstrate:

(i) That the violation was not caused by him or his employee or agent; and

(ii) Evidence of an oversight program conducted by the distributor or reseller, such as periodic sampling and testing of diesel fuel, for monitoring the sulfur percentage and cetane index of the diesel fuel that the distributor or reseller sells, supplies, offers for sale or supply, or transports.

(4) In any case in which a refiner would be in violation under paragraphs (c)(3) or (e)(4) of this section, the refiner shall not be deemed in violation if he can demonstrate all of the following:

(i) Test results, performed in accordance with the sampling and testing methodologies set forth in Appendix G to this part, ASTM standard test method D 2622–87 or ASTM standard test method D 4294–83 for sulfur percentage (Parties using ASTM standard test method D 4294–83 must be able to support their data with a quality control plan and demonstrate the ability to accurately perform this test method. They must also have evidence

from the manufacturer or others that it reliably produces results substantially equivalent to those produced by ASTM standard test method D 2622–87.) and ASTM standard test method D 1319–88 for aromatic content or ASTM standard method D 976–80 for cetane index at the refinery at which the diesel fuel was produced, which evidence that the diesel fuel was in compliance with the diesel fuel standards when transported from the refinery;

(ii) That the violation was not caused by him or his employee or agent; and

(iii) That the violation:

(A) Was caused by an act in violation of law (other than the Act or this part), or an act of sabotage or vandalism, whether or not such acts are violations of law in the jurisdiction where the violation of the requirements of this part occurred, or

(B) Was caused by the action of a reseller or a retailer supplied by such reseller, in violation of a contractual undertaking imposed by the refiner on such reseller designed to prevent such action, and despite reasonable efforts by the refiner (such as periodic sampling and testing) to insure compliance with such contractual obligation, or

(C) Was caused by the action of a retailer who is supplied directly by the refiner (and not by a reseller), in violation of a contractual undertaking imposed by the refiner on such retailer designed to prevent such action, and despite reasonable efforts by the refiner (such as periodic sampling and testing) to insure compliance with such contractual obligation, or

(D) Was caused by the action of a distributor subject to a contract with the refiner for transportation of diesel fuel from a terminal to a distributor, retailer or wholesale purchaser-consumer, in violation of a contractual undertaking imposed by the refiner on such distributor designed to prevent such action, and despite reasonable efforts by the refiner (such as periodic sampling and testing) to ensure compliance with such contractual obligation, or

(E) Was caused by a carrier or other distributor not subject to a contract with the refiner but engaged by him for transportation of diesel fuel from a terminal to a distributor, retailer or wholesale purchaser-consumer, despite reasonable efforts by the refiner (such as specification or inspection of equipment) to prevent such action, or

(F) Occurred at a wholesale purchaser-consumer facility: *Provided, however,* That if such wholesale purchaser-consumer was supplied by a reseller, the refiner must demonstrate that the violation could not have been prevented by such reseller's compliance with a contractual undertaking imposed by the refiner on such reseller as provided in paragraph (g)(4)(iii)(B) of this section.

(iv) In paragraphs (g)(4)(iii) (A) through (E) of this section, the term *was caused* means that the refiner must demonstrate by reasonably specific showings, by direct or circumstantial evidence, that the violation was caused or must have been caused by another.

(5) In any case in which a retailer or wholesale purchaser-consumer would be in violation under paragraphs (e)(1) or (f)(1) of this section, the retailer or wholesale purchaser-consumer shall not be deemed in violation if he can demonstrate that the violation was not caused by him or his employee or agent.

(6) In paragraphs (g)(1)(iii), (g)(2)(i), (g)(3)(i), (g)(4)(ii) and (g)(5) of this section, the respective party must demonstrate by reasonably specific showings, by direct or circumstantial evidence, that it or its employee or agent did not cause the violation.

5. New § 80.31 is added, to read as follows:

§ 80.31 Controls applicable to motor vehicle manufacturers.

The manufacturer of any diesel fueled motor vehicle which is equipped with a 1994 or later model year diesel engine shall affix two or more permanent legible labels reading "Low Sulfur Diesel Fuel Only" to such vehicle at the time of its manufacture, as follows:

(a) One label shall be located on the instrument panel so as to be readily visible to the operator of the vehicle. The required statement may be incorporated into the design of the instrument panel rather than provided on a separate label. Such label shall not consist of a decal which can be removed by the vehicle operator.

(b) One label shall be located immediately adjacent to each diesel fuel filler tank inlet, outside of any filler inlet compartment, and shall be located so as to be readily visible to any person introducing diesel fuel into such filler inlet. The Administrator may, upon application from a motor vehicle manufacturer, approve other label locations that achieve the purpose of this paragraph. This label shall not be a decal.

(c) Such labels shall be in the English language in block letters which shall be of a color that contrasts with their background.

6. New appendix G to part 80 is added to read as follows:

Appendix G—Sampling Procedures for Diesel Fuel

1. Scope

1.1 This method covers procedures for obtaining representative samples of diesel fuel for the purpose of testing for compliance with the cetane index and sulfur percentage standards set forth in § 80.29.

2. Summary of Method

2.1 It is necessary that the samples be truly representative of the diesel fuel in question. The precautions required to ensure the representative character of the samples are numerous and depend upon the tank, carrier, container or line from which the sample is being obtained, the type and cleanliness of the sample container, and the sampling procedures that are to be used. A summary of the sampling procedures and their application is presented in Table 1. Each procedure is suitable for sampling a material under definite storage, transportation, or container conditions. The basic principle of each procedure is to obtain a sample in such manner and from such locations in the tank or other container that the sample will be truly representative of the diesel fuel.

3. Description of Terms

3.1 *Average sample* is one that consists of proportionate parts from all sections of the container.

3.2 *All-levels sample* is one obtained by submerging a stoppered beaker or bottle to a point as near as possible to the draw-off level, then opening the sampler and raising it at a rate such that it is about ¾ full (maximum 85 percent) as it emerges from the liquid. An all-levels sample is not necessarily an average sample because the tank volume may not be proportional to the depth and because the operator may not be able to raise the sampler at the variable rate required for proporationate filling. The rate of filling is proportional to the square root of the depth of immersion.

3.3 *Running sample* is one obtained by lowering an unstoppered beaker or bottle from the top of the gasoline to the level of the bottom of the outlet connection or swing line, and returning it to the top of the top of the diesel fuel at a uniform rate of speed such that the beaker or bottle is about ¾ full when withdrawn from the diesel fuel.

3.4 *Spot sample* is one obtained at some specific location in the tank by means of a thief bottle, or beaker.

3.5 *Top sample* is a spot sample obtained 6 inches (150 mm) below the top surface of the liquid (Figure 1 of appendix D).

3.6 *Upper sample* is a spot sample taken at the mid-point of the upper third of the tank contents (Figure 1 of appendix D).

3.7 *Middle sample* is a spot sample obtained from the middle of the tank contents (Figure 1 of appendix D).

3.8 *Lower sample* is a spot sample obtained at the level of the fixed tank outlet or the swing line outlet (Figure 1 of appendix D).

3.9 *Clearance sample* is a spot sample taken 4 inches (100 mm) below the level of the tank outlet (Figure 1 of appendix D).

3.10 *Bottom sample* is a spot sample obtained from the material on the bottom surface of the tank, container, or line at its lowest point.

3.11 *Drain sample* is a tap sample obtained from the draw-off or discharge valve. Occasionally, a drain sample may be the same as a bottom sample, as in the case of a tank car.

3.12 *Continuous sample* is one obtained from a pipeline in such manner as to give a representative average of a moving stream.

3.13 *Nozzle sample* is one obtained from a diesel pump nozzle which dispenses diesel fuel from a storage tank at a retail outlet or a wholesale purchaser-consumer facility.

4. Sample Containers

4.1 Sample containers may be clear or brown glass bottles, or cans. The clear glass bottle is advantageous because it may be examined visually for cleanliness, and also allows visual inspection of the sample for free water or solid impurities. The brown glass bottle affords some protection from light. Cans with the seams soldered on the exterior surface with a flux of rosin in a suitable solvent are preferred because such a flux is easily removed with diesel fuel, whereas many others are very difficult to remove. If such cans are not available, other cans made with a welded construction that are not affected by, and that do not affect, the diesel fuel being sampled are acceptable.

4.2 Container closure. Cork or glass stoppers, or screw caps of plastic or metal may be used for glass bottles; screw caps only shall be used for cans to provide a vapor-tight closure seal. Corks must be of good quality, clean and free from holes and loose bits of cork. Never use rubber stoppers. Contact of the sample with the cork may be prevented by wrapping tin or aluminum foil around the cork before forcing it into the bottle.

Glass stoppers must be a perfect fit. Screw caps must be protected by a cork disk faced with tin or aluminum foil, or other material that will not affect petroleum or petroleum products. In addition, a phenolic cap with a teflon coated liner may be used.

4.3 Cleaning procedure. The method of cleaning all sample containers must be consistent with the residual materials in the container and must produce sample containers that are clean and free of water, dirt, lint, washing compounds, naphtha, or other solvents, soldering fluxes or acids, corrosion, rust, and oil.

New sample containers should be inspected and cleaned if necessary. Dry the container by either passing a current of clean, warm air through the container or by allowing it to air dry in a clean area at room temperature. When dry, stopper or cap the container immediately.

5. Sampling Apparatus

5.1 Sampling apparatus is described in detail under each of the specific sampling procedures. Clean, dry, and free all sampling apparatus from any substance that might contaminate the material, using the procedure described in 4.3.

6. Time and Place of Sampling

6.1 When loading or discharging diesel fuel, take samples from both shipping and receiving tanks, and from the pipeline if required.

6.2 Ship or barge tanks. Sample each product after the vessel is loaded or just before unloading.

6.3 Tank cars. Sample the product after the car is loaded or just before unloading.

Note: When taking samples from tanks suspected of containing flammable atmospheres, precautions should be taken to guard against ignitions due to static electricity. Metal or conductive objects, such as gage tapes, sample containers, and thermometers, should not be lowered into or suspended in a compartment or tank which is being filled or immediately after cessation of pumping. A waiting period of approximately one minute will generally permit a substantial relaxation of the electrostatic charge; under certain conditions a longer period may be deemed advisable.

7. Obtaining Samples

7.1 Directions for sampling cannot be made explicit enough to cover all cases. Extreme care and good judgment are necessary to ensure samples that represent the general character and average condition of the material. Clean hands are important. Clean gloves may be worn but only when absolutely necessary, such as in cold weather, or when handling materials at high temperature, or for reasons of safety. Select wiping cloths so that lint is not introduced, contaminating samples.

7.2 As many petroleum vapors are toxic and flammable, avoid breathing them or igniting them from an open flame or a spark produced by static. Follow all safety precautions specific to the material being sampled.

8. Handling Samples

8.1 Container outage. Never completely fill a sample container, but allow adequate room for expansion, taking into consideration the temperature of the liquid at the time of filling and the probable maximum temperature to which the filled container may be subjected.

9. Shipping Samples

9.1 To prevent loss of liquid during shipment, and to protect against moisture and dust, cover with suitable vapor tight caps. The caps of all containers must be screwed down tightly and checked for leakage. Postal and express office regulations applying to the shipment of flammable liquids must be observed.

10. Labeling Sample Containers

10.1 Label the container immediately after a sample is obtained. Use waterproof and oilproof ink or a pencil hard enough to dent the tag, since soft pencil and ordinary ink markings are subject to obliteration from moisture, oil smearing and handling. An indelible identification symbol, such as a bar code, may be used in lieu of a manually addressed label. The label shall reference the following information:

10.1.1 Date and time (the period elapsed during continuous sampling);

10.1.2 Name of the sample;

10.1.3 Name or number and owner of the vessel, car, or container;

10.1.4 Brand and grade of material; and

10.1.5 Reference symbol or identification number.

11. Sampling procedures

11.1 The standard sampling procedures described in this method are summarized in Table 1. Alternative sampling procedures may be used if a mutually satisfactory agreement has been reached by the party(ies) involved and EPA and such agreement has been put in writing and signed by authorized officials.

TABLE 1.—SUMMARY OF DIESEL FUEL SAMPLING PROCEDURES AND APPLICABILITY

Type of container	Procedure	Paragraph
Storage tanks, ship and barge tanks, tank cars, tank trucks.	Bottle sampling	11.2
Storage tanks with taps.	Tap sampling	11.3
Pipe and lines	Continuous line sampling.	11.4
Retail outlet and whole-sale purchaser-consumer facility storage tanks.	Nozzle sampling	11.5

11.2 Bottle or beaker sampling. The bottle or beaker sampling procedure is applicable for sampling liquids of 16 pounds (1.12 kgf/cm²) RVP or less in tank cars, tank trucks, shore tanks, ship tanks, and barge tanks.

11.2.1 Apparatus. A suitable sampling bottle or beaker as shown in Figure 2 of appendix D is required.

11.2.2 Procedure.

11.2.2.1 All-levels sample. Lower the weighted, stoppered bottle or beaker as near as possible to the draw-off level, pull out the stopper with a sharp jerk of the cord or chain and raise the bottle at a uniform rate so that it is about ¾ full as it emerges from the liquid.

11.2.2.2 Running sample. Lower the unstoppered bottles or beaker as near as possible to the level of the bottom of the outlet connection or swing line and then raise the bottle or beaker to the top of the gasoline at a uniform rate of speed such that it is about ¾ full when withdrawn from the diesel fuel.

11.2.2.3 Upper, middle, and lower samples. Lower the weighted, stoppered bottle to the proper depths (Figure 1 of appendix D) as follows:

Upper sample..... middle of upper third of the tank contents

Middle sample..... middle of the tank contents

Lower sample..... level of the fixed tank outlet or the swing-line outlet

At the selected level pull out the stopper with a sharp jerk of the cord or chain and allow the bottle or beaker to fill completely, as evidenced by the cessation of air bubbles. When full, raise the bottle or beaker, pour off a small amount, and stopper immediately.

11.2.2.4 Top sample. Obtain this sample (Figure 1 of appendix D) in the same manner as specified in 11.2.2.3 but at six inches (150 mm) below the top surface of the tank contents.

11.2.2.5 Handling. Stopper and label bottle samples immediately after taking them, and deliver to the laboratory in the original sampling bottles.

11.3 Tap sampling. The tap sampling procedure is applicable for sampling liquids of twenty-six pounds (1.83 kgf/cm²) RVP or less in tanks which are equipped with suitable sampling taps or lines. The assembly for tap sampling is shown in Figure 3 of appendix D.

11.3.1 Apparatus

11.3.1.1 Tank taps. The tank should be equipped with at least three sampling taps placed equidistant throughout the tank height and extending at least three feet (0.9 meter) inside the tank shell. A standard ¼ inch pipe with suitable valve is satisfactory.

11..3.1.2 Tube. A delivery tube that will not contaminate the product being sampled and long enough to reach to the bottom of the sample container is required to allow submerged filling.

11.3.1.3 Sample containers. Use clean, dry glass bottles of convenient size and strength or metal containers to receive the samples.

11.3.2 Procedure

11.3.2.1 Before a sample is drawn, flush the tap (or gage glass drain cock) and line until they are purged completely. Connect the clean delivery tube to the tap. Draw upper, middle, or lower samples directly from the respective taps after the flushing operation. Stopper and label the sample container immediately after filling, and deliver it to the laboratory.

11.4 Continuous sampling. The continuous sampling procedure is applicable for sampling liquids of 16 pounds (1.12 kgf/cm²) RVP or less and semiliquids in pipelines, filling lines, and transfer lines. The continuous sampling may be done manually or by using automatic devices.

11.4.1 Apparatus

11.4.1.1 Sampling probe. The function of the sampling probe is to withdraw from the flow stream a portion that will be representative of the entire stream. The apparatus assembly for continuous sampling is shown in Figure 4 of Appendix D. Probe designs that are commonly used are as follows:

11.4.1.1.1 A tube extending to the center of the line and beveled at a 45 degree angle facing upstream (Figure 4(a) of appendix D).

11.4.1.1.2 A long-radius forged elbow or pipe bend extending to the center line of the pipe and facing upstream. The end of the probe should be reamed to give a sharp entrance edge (Figure 4(b) of appendix D).

11.4.1.1.3 A closed-end tube with a round orifice spaced near the closed end which should be positioned in such a way that the orifice is in the center of the pipeline and is facing the stream as shown in Figure 4(c) of appendix D.

11.4.1.2 Probe location. Since the fluid to be sampled may not in all cases be homogeneous, the location, the position and the size of the sampling probe shoud be such as to minimize stratification or dropping out of heavier particles within the tube or the displacement of the product within the tube as a result of variation in gravity of the flowing stream. The sampling probe should be located preferably in a vertical run of pipe and as near as practicable to the point where the product passes to the receiver. The probe should always be in a horizontal position.

11.4.1.2.1 The sampling lines should be as short as practicable and should be cleared before any samples are taken.

11.4.1.2.2 Where adequate flowing velocity is not available, a suitable device for mixing the fluid flow to ensure a homogeneous mixture at all rates of flow and to eliminate stratification should be installed upstream of the sampling tap. Some effective devices for obtaining a homogeneous mixture are as follows: Reduction in pipe size; a series of baffles; orifice or perforated plate; and a combination of any of these methods.

11.4.1.2.3 The design or sizing of these devices is optional with the user, as long as the flow past the sampling point is homogeneous and stratification is eliminated.

11.4.1.3 To control the rate at which the sample is withdrawn, the probe or probes should be fitted with valves or plug cocks.

11.4.1.4 Automatic sampling devices that meet the standards set out in 11.4.1.5 may be used in obtaining samples of diesel fuel. The quality of sample collected must be of sufficient size for analysis, and its composition should be identical with the composition of the batch flowing in the line while the sample is being taken. An automatic sampler installation necessarily includes not only the automatic sampling device that extracts the samples from the line, but also a suitable probe, connecting lines, auxiliary equipment, and a container in which the sample is collected. Automatic samplers may be classified as follows:

11.4.1.4.1 Continuous sampler, time cycle (nonproportional) type. A sampler designed and operated in such a manner that it transfers equal increments of liquid from the pipeline to the sample container at a uniform rate of one or more increments per minute is a continuous sampler.

11.4.1.4.2 Continuous sampler, flow-responsive (proportional) type. A sampler that is designed and operated in such a manner that it will automatically adjust the quantity of sample in proportion to the rate of flow is a flow-responsive (proportional) sampler. Adjustment of the quantity of sample may be made either by varying the frequency of transferring equal increments of sample to the sample container, or by varying the volume of the increments while maintaining a constant frequency of transferring the increments to the sample container. The apparatus assembly for continuous sampling is shown in Figure 4 of appendix D.

11.4.1.4.3 Intermittent sampler. A sampler that is designed and operated in such a manner that it transfers equal increments of liquid from a pipeline to the sample container at a uniform rate of less than one increment per minute is an intermittent sampler.

11.4.1.5 Standards of installation. Automatic sampler installations should meet all safety requirements in the plant or area where used, and should comply with American National Standard Code for Pressure Piping, and other applicable codes (ANSI B31.1). The sampler should be so installed as to provide ample access space for inspection and maintenance.

11.4.1.5.1 Small lines connecting various elements of the installation should be so arranged that complete purging of the automatic sampler and of all lines can be accomplished effectively. All fluid remaining in the sampler and the lines from the preceding sampling cycle should be purged immediately before the start of any given sampling operation.

11.4.1.5.2 In those cases where the sampler design is such that complete purging of the sampling lines and the sampler is not possible, a small pump should be installed in order to circulate a continuous stream from the sampling tube past or through the sampler and back into the line. The automatic sampler should then withdraw the sample from the sidestream through the shortest possible connection.

11.4.1.5.3 Under certain conditions, there may be a tendency for water and heavy particles to drop out in the discharge line from the sampling device and appear in the sample container during some subsequent sampling period. To circumvent this possibility, the discharge pipe from the sampling device should be free of pockets or enlarged pipe areas, and preferably should be pitched downward to the sample container.

11.4.1.5 To ensure clean, free-flowing lines, piping should be designed for periodic cleaning.

11.4.1.6 Field calibration. Composite samples obtained from the automatic sampler installation should be verified for quantity performance in a manner that meets with the approval of all parties concerned (including EPA), at least once a month and more often if conditions warrant. In the case of time-cycle samplers, deviations in quantity of the sample taken should not exceed ± five percent for any given setting. In the case of flow-responsive samplers, the deviation in quantity of sample taken per 1,000 barrels of flowing stream should not exceed ± 5 percent. For the purpose of field-calibrating an installation, the composite sample obtained from the automatic sampler under test should be verified for quality by comparing on the basis of physical and chemical properties, with either a properly secured continuous nonautomatic sample or tank sample. The tank sample should be taken under the following conditions:

11.4.1.6.1 The batch pumped during the test interval should be diverted into a clean tank and a sample taken within one hour after cessation of pumping.

11.4.1.6.2 If the sampling of the delivery tank is to be delayed beyond one hour, then the tank selected must be equipped with an adequate mixing means. For valid comparison, the sampling of the delivery tank must be completed within eight hours after cessation of pumping, even though the tank is equipped with a motor-driven mixer.

11.4.1.6.3 When making a normal full-tank delivery from a tank, a properly secured sample may be used to check the results of the sampler if the parties (including EPA) mutually agree to this procedure.

11.4.1.7 Receiver. The receiver must be a clean, dry container of convenient size to receive the sample. All connections from the sample probe to the sample container must be free of leaks. Two types of container may be used, depending upon service requirements.

11.4.1.7.1 Atmospheric container. The atmospheric container shall be constructed in such a way that it retards evaporation loss and protects the sample from extraneous material such as rain, snow, dust, and trash. The construction should allow cleaning, interior inspection, and complete mixing of the sample prior to removal. The container should be provided with a suitable vent.

11.4.1.7.2 Closed container. The closed container shall be constructed in such a manner that it prevents evaporation loss. The construction must allow cleaning, interior inspection and complete mixing of the sample prior to removal. The container should be equipped with a pressure-relief valve.

11.4.2 Procedure.

11.4.2.1 Nonautomatic sample. Adjust the valve or plug cock from the sampling probe so that a steady stream is drawn from the probe. Whenever possible, the rate of sample withdrawal should be such that the velocity of liquid flowing through the probe is approximately equal to the average linear velocity of the stream flowing through the pipeline. Measure and record the rate of sample withdrawal as gallons per hour. Divert the sample stream to the sampling container continuously or intermittently to provide a quantity of sample that will be of sufficient size for analysis.

11.4.2.2 Automatic sampling. Purge the sampler and the sampling lines immediately before the start of a sampling operation. If the sample design is such that complete purging is not possible, circulate a continuous stream from the probe past or through the sampler and back into the line. Withdraw the sample from the side stream through the automatic sampler using the shortest possible connections. Adjust the sampler to deliver not less than one and not more than 40 gallons (151 liters) of sample during the desired sampling period. For time-cycle samplers, record the rate at which sample increments were taken per minute. For flow-responsive samplers, record the proportion of sample to total stream. Label the samples and deliver them to the laboratory in the containers in which they were collected.

11.5 Nozzle sampling. The nozzle sampling procedure is applicable for sampling diesel fuel from a retail outlet or wholesale purchaser-consumer facility storage tank.

11.5.1 Apparatus. Sample containers conforming with 4.1 should be used. A spacer, if appropriate (Figure 6 of appendix D), and a nozzle extension device similar to that shown in Figures 7 or 7a of appendix D shall be used when nozzle sampling. The nozzle extension device does not need to be identical to that shown in Figure 7 or 7a of appendix D but it should be a device that will bottom fill the container.

11.5.2 Procedure. Immediately after diesel fuel has been delivered from the pump and the pump has been reset, deliver a small amount of product into the sample container. Rinse sample container and dump product into waste container. Insert nozzle extension (Figure 7 or 7a of appendix D) into sample container and insert pump nozzle into extension with slot over air bleed hole. Fill slowly through nozzle extension to 70–80 percent full (Figure 8 of appendix D). Remove nozzle extension. Cap sample container at once. Check for leaks.

12. Special Precautions and Instructions.

12.1 Precautions. Official samples should be taken by, or under the immediate supervision of, a person of judgment, skill, and sampling experience. Never prepare composite samples for this test. Make certain that containers which are to be shipped by common carrier conform to applicable Interstate Commerce Commission, state, and local regulations. When flushing or purging lines or containers, observe the pertinent regulations and precautions against fire, explosion, and other hazards.

12.2 Sample containers. Use containers of not less than one quart (0.9 liter) nor more than two gallons (7.6 liters) capacity, of sufficient strength to withstand the pressure to which they may be subjected. Open-type containers have a single opening which permits sampling by immersion. Closed-type containers have two openings, one in each end (or the equivalent thereof), fitted with valves suitable for sampling by water displacement or by purging.

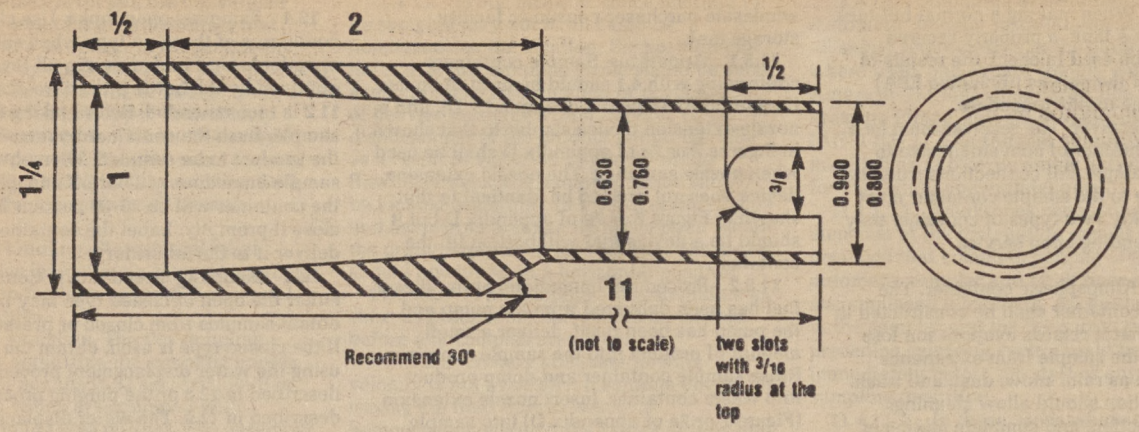
12.3 Transfer connections. The transfer connection for the open-type container consists of an air tube and a liquid delivery tube assembled in a cap or stopper. The air tube extends to the bottom of the container. One end of the liquid delivery tube is long enough to reach the bottom of the diesel fuel chamber while the sample is being transferred to the chamber. The transfer connection for the closed-type container consists of a single tube with a connection suitable for attaching it to one of the openings of the sample container. The tube is long enough to reach the bottom of the diesel chamber while the sample is being transferred.

12.4 Sampling open tanks. Use clean containers of the open type when sampling open tanks and tank cars. An all-level sample obtained by the bottle procedure described in 11.2 is recommended. Before taking the sample, flush the container by immersing it in the product to be sampled. Then obtain the sample immediately. Pour off enough so that the container will be 70–80 percent full and close it promptly. Label the container and deliver it to the laboratory.

12.5 Sampling closed tanks. Containers of either the open or closed type may be used to obtain samples from closed or pressure tanks. If the closed type is used, obtain the sample using the water displacement procedure described in 12.8 or the purging procedure described in 12.9. The water displacement procedure is preferable because the flow of product involved in the purging procedure may be hazardous.

12.6 Water displacement procedure. Completely fill the closed-type container with water and close the valves. While permitting a small amount of product to flow through the fittings, connect the top or inlet valve of the container to the tank sampling tap or valve. Then open all valves on the inlet side of the container. Open the bottom or outlet valve slightly to allow the water to be displaced slowly by the sample entering the container. Regulate the flow so that there is no appreciable change in pressure within the container. Close the outlet valve as soon as diesel fuel discharges from the outlet; then in succession close the inlet valve and the sampling valve on the tank. Disconnect the container and withdraw enough of the contents so that it will be 70–80 percent full. If the vapor pressure of the product is not high enough to force liquid from the container, open both the upper and lower valves slightly to remove the excess. Promptly seal and label the container, and deliver it to the laboratory.

12.7 Purging procedure. Connect the inlet valve of the closed-type container to the tank sampling tap or valve. Throttle the outlet valve of the container so that the pressure in it will be approximately equal to that in the container being sampled. Allow a volume of product equal to at least twice that of the container to flow through the sampling system. Then close all valves, the outlet valve first, the inlet valve of the container second, and the tank sampling valve last, and disconnect the container immediately. Withdraw enough of the contents so that the sample container will be 70–80 percent full. If the vapor pressure of the product is not high enough to force liquid from the container, open both the upper and lower valves slightly to remove the excess. Promptly seal and label the container, and deliver it to the laboratory.



All Dimensions in inches (full scale except as noted)
All decimal dimensions represent minimum and maximum
Tolerance for all other dimensions is ± 1/32"
Made of non-ferrous material, uneffected by gasoline

Figure 7a. Nozzle Extension for Nozzle Sampling

(Compatible with narrow neck sample containers)

PART 86—[AMENDED]

For the reasons set forth in the Preamble, part 86 of title 40 of the *Code of Federal Regulations* is amended as set forth below:

6. The authority citation for part 86 continues to read as follows:

Authority: Secs. 202, 203, 206, 207, 208, 215, 301(a), of the Clean Air Act as Amended; 42 U.S.C. 7521, 7522, 7524, 7525, 7541, 7542, 7549, 7550 and 7601(a).

7. A new § 86.113–91 is added to subpart B, to read as follows:

§ 86.113–91 Fuel specifications.

(a) *Otto-cycle test fuel.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing of petroleum-fueled Otto-cycle vehicles. Gasoline having the following specification or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing except that octane specifications do not apply.

Item		ASTM test method No.	Value
Octane, research.	min.	D2699	93
Sensitivity	min.		7.5
Lead (organic).	g/U.S. gal. (g/liter).	D3237	[1] 0.050 [1] (0.013)
Distillation Range:			
IBP [2]	°F	D86	75–95
	(°C)		(23.9–35)
10 pct. point.	°F	D86	120–135
	(°C)		(48.9–57.2)
50 pct. point.	°F	D86	200–230
	(°C)		(93.3–110)
90 pct. point.	°F	D86	300–325
	(°C)		(148.9–162.8)
EP, (max.).	°F	D86	415
	(°C)		(212.8)
Sulfur, weight pct.	max.	D1266	0.10
Phosphorus, max.	g/U.S. gal. (g/liter).	D3231	0.005 (0.0013)
RVP [3,4]	psi (kPa)	D323	8.7–9.2 (60.0–63.4)
Hydrocarbon composition:			
Olefins,	max. pct.,	D1319	10
Aromatics.	max. pct.,	D1319	35
Saturates		D1319	[5]

[1] Maximum.
[2] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 75°–105°F (23.9°–40.6°C).
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2 psi (55.2–63.4 kPa).
[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9–9.2 psi (54.5–63.4 kPa).
[5] Remainder.

(2) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation for petroleum-fueled Otto-cycle vehicles. Leaded gasoline will not be used in service accumulation.

(i) The octane rating of the gasoline used shall be no higher than 1.0 Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in

which the service accumulation takes place.

(3) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled Otto-cycle vehicles shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (a)(3) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(4) Other methanol fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraph (a)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (a)(2), (a)(3), and (a)(4) of this section shall be reported in accordance with § 86.090–21(b)(3).

(b) *Diesel test fuel.* (1) The petroleum fuels employed for testing diesel vehicles shall be clean and bright, with pour and cloud points adequate for operability. The petroleum fuel may contain nonmetallic additives as follows: cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant and biocide. Except for the sulfur content of "Type 2–D" fuel, fuels specified for emissions testing are intended to be representative of commercially available in-use fuels.

(2) Petroleum fuel for diesel vehicles meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of petroleum fuel recommended by the engine manufacturer, commercially designated as "Type 2–D" grade diesel, shall be used.

Item		ASTM test method No.	Type 2–D
Cetane Number.		D613	42–50
Distillation range:			
IBP	°F	D86	340–400
	(°C)		(171.1–204.4)
10 pct. point.	°F	D86	400–460
	(°C)		(204.4–237.8)
50 pct. point.	°F	D86	470–540
	(°C)		(243.3–282.2)
90 pct. point.	°F	D86	560–630
	(°C)		(293.3–332.2)
EP	°F	D86	610–690
	(°C)		(321.1–365.6)
Gravity	°API	D287	32–37
Total sulfur	pct.	D2622	0.08–0.12
Hydrocarbon composition.		D1319	
Aromatics, min.	pct.		27
Paraffins, naphthenes, olefins.			(1)
Flashpoint, min.	°F	D93	130
Viscosity, centistokes.		D445	2.2–3.4

[1] Remainder.

(3) Petroleum fuel for diesel vehicles meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of petroleum diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2–D" grade diesel fuel, shall be used.

Item		ASTM test method No.	Type 2–D
Cetane Number.		D613	38–58
Distillation range:			
90 pct. point.	°F	D86	540–650
	(°C)		(282.2–343.3)
Gravity	°API	D287	30–39
Total sulfur	pct	D2622	0.08–0.12
Flashpoint, min.	°F	D93	130
	(°C)		(54.4)
Viscosity	centistokes.	D455	1.5–4.5

(4) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled diesel vehicles shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (b)(4) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(5) Other fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) or (b)(4) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(6) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section shall be reported in accordance with § 86.090–21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

(d) *Mixtures of petroleum and methanol fuels for flexible fuel vehicles.* (1) Mixtures of petroleum and methanol fuels used for exhaust and evaporative emission testing and service accumulation for flexible fuel vehicles shall be within the range of fuel mixtures for which the vehicle was designed.

(2) Manufacturer testing and service accumulation may be performed using only those mixtures (mixtures may be different for exhaust testing, evaporative testing, and service accumulation expected to result in the highest emissions, provided:

(i) The fuels which constitute the mixture will be used in customer service, and

(ii) Information, acceptable to the Administrator, is provided by the manufacturer to show that the designated fuel mixtures would result in the highest emissions, and

(iii) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(3) The specification range of the fuels to be used under paragraph (d)(1) of this section shall be reported in accordance with § 86.090–21(b)(3).

8. A new § 86.113–94 is added to Subpart B, to read as follows:

§ 86.113–94 Fuel specifications.

(a) *Otto-cycle test fuel.* (1) Gasoline having the following specifications will be used by the Administrator in exhaust and evaporative emission testing of petroleum-fueled Otto-cycle vehicles. Gasoline having the following specification or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust and evaporative testing except that octane specifications do not apply.

Item		ASTM test method No.	Value
Octane, research.	min.	D2699	93
Sensitivity	min.		7.5
Lead (organic).	g/U.S. gal. (g/liter).	D3237	[1] 0.050 [1] (0.013)
Distillation Range:			
IBP [2]	°F	D86	75–95
	(°C)		(23.9–35)
10 pct. point.	°F	D86	120–135
	(°C)		(48.9–57.2)
50 pct. point.	°F	D86	200–230
	(°C)		(93.3–110)
90 pct. point.	°F	D86	300–325
	(°C)		(148.9–162.8)
EP, (max.).	°F	D86	415
	(°C)		(212.8)
Sulfur, weight pct.	max.	D1266	0.10
Phosphorus, max.	g/U.S. gal. (g/liter).	D3231	0.005 (0.0013)
RVP [3,4]	psi (kPa)	D323	8.7–9.2 (60.0–63.4)
Hydrocarbon composition:			
Olefins	max. pct	D1319	10
Aromatics.	max. pct	D1319	35
Saturates		D1319	[5]

[1] Maximum.
[2] For testing at altitudes above 1,219 m. (4,000 ft) the specified range is 75°–105°F (23.9°–40.6°C).
[3] For testing which is unrelated to evaporative emission control, the specified range is 8.0–9.2 psi (55.2–63.4 kPa).
[4] For testing at altitudes above 1,219 m (4,000 ft) the specified range is 7.9–9.2 psi (54.5–63.4 kPa).
[5] Remainder.

(2) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation for petroleum-fueled Otto-cycle vehicles. Leaded gasoline will not be used in service accumulation.

(i) The octane rating of the gasoline used shall be no higher than 1.0 Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled Otto-cycle vehicles shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (a)(3) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(4) Other methanol fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraph (a)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (a)(2), (a)(3), and (a)(4) of this section shall be reported in accordance with § 86.090–21(b)(3).

(b) *Diesel test fuel.* (1) The petroleum fuels employed for testing diesel vehicles shall be clean and bright, with pour and cloud points adequate for operability. The petroleum fuel may contain nonmetallic additives as follows: cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant and biocide. Fuels specified for emissions testing are intended to be representative of commercially available in-use fuels.

(2) Petroleum fuel for diesel vehicles meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emission testing. The grade of petroleum fuel recommended by the engine manufacturer, commercially designated as "Type 2–D" grade diesel, shall be used.

Item		ASTM test method No.	Type 2–D
Cetane Number.		D613	40–48
Cetane Index.		D976	40–48
Distillation range:			
IBP	°F	D86	340–400
	(°C)		(171.1–204.4)
10 pct. point.	°F	D86	400–460
	(°C)		(204.4–237.8)
50 pct. point.	°F	D86	470–540
	(°C)		(243.3–282.2)
90 pct. point.	°F	D86	560–630
	(°C)		(293.3–332.2)
EP	°F	D86	610–690
	(°C)		(321.1–365.6)
Gravity	°API	D287	32–37
Total sulfur	pct.	D2622	0.03–0.05
Hydrocarbon composition.		D1319	
Aromatics, min.	pct.		27
Paraffins, naphthenes. olefins			[1]
Flashpoint, min.	°F	D93	130
	(°C)		(54.4)
Viscosity, centistokes.		D445	2.2–3.4

[1] Remainder.

(3) Petroleum fuel for diesel vehicles meeting the following specifications, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of petroleum diesel fuel recommended by the engine manufacturer, commercially designated as "Type 2–D" grade diesel fuel, shall be used.

Item		ASTM test method No.	Type 2–D
Cetane Number.		D613	38–58
Cetane Index.		D976	min. 40
Distillation range:			
90 pct. point.	°F	D86	540–630
	(°C)		(282.2–343.3)
Gravity	°API	D287	30–39
Total sulfur	pct.	D2622	0.03–0.05
Flashpoint, min.	°F	D93	130
	(°C)		(54.4)
Viscosity	centistokes.	D455	1.5–4.5

(4) Methanol Fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled diesel vehicles shall be representative of

commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (b)(4) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(5) Other fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) or (b)(4) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(6) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section shall be reported in accordance with § 86.090–21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

(d) *Mixtures of petroleum and methanol fuels for flexible fuel vehicles.*

(1) Mixtures of petroleum and methanol fuels used for exhaust and evaporative emission testing and service accumulation for flexible fuel vehicles shall be within the range of fuel mixtures for which the vehicle was designed.

(2) Manufacturer testing and service accumulation may be performed using only those mixtures (mixtures may be different for exhaust testing, evaporative testing, and service accumulation) expected to result in the highest emissions, provided:

(i) The fuels which constitute the mixture will be used in customer service,

(ii) Information, acceptable to the Administrator, is provided by the manufacturer to show that the designated fuel mixtures would result in the highest emissions, and

(iii) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(3) The specification range of the fuels to be used under paragraph (d)(1) of this section shall be reported in accordance with § 86.090–21(b)(3).

9. A new § 86.1313–91 is added to subpart N, to read as follows:

§ 86.1313–91 Fuel specifications.

(a) *Otto-cycle test fuel.* (1) Gasoline having the specifications listed in Table N91–1 will be used by the Administrator in exhaust emission testing petroleum-fueled substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust emission testing, except that the octane specification does not apply.

TABLE N91–1

Item		ASTM	Value
Octane, research, min.		D2699	93
Sensitivity, min.			7.5
Lead (organic).	g/U.S. gal. (g/liter).	D3237	[1] (0.050) [1] (0.013)
Distillation range:			
IBP	°F	D86	75–95
	(°C)		(23.9–35)
10 pct. point.	°F	D86	120–135
	(°C)		(48.9–57.2)
50 pct. point.	°F	D86	200–230
	(°C)		(93.3–110)
90 pct. point.	°F	D86	300–325
	(°C)		(148.9–162.8)
EP	max. °F,	D86	415
	(°C)		(212.8)
Sulphur	max. wt. pct.	D1266	0.10
Phosphorus, max.	g/U.S. gal. (g/liter).	D3231	0.005 (0.0013)
RVP	psi, (kPa)	D323	8.0–9.2 (60.0–63.4)
Hydrocarbon composition:			
Olefins	max. pct.	D1319	10
Aromatics.	max. pct.	D1319	35
Saturates		D1319	[2]

[1] Maximum.
[2] Remainder.

(2) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation.

(i) The octane rating of the gasoline used shall be not higher than one Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled Otto-cycle engines shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (a)(3) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(4) Other methanol fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraph (a)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (a)(2), (a)(3), and (a)(4) of this section shall be reported in accordance with § 86.090–21(b)(3).

(b) *Diesel Test fuel.* (1) The petroleum fuels for testing diesel engines employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The petroleum fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant, and biocide. Except for the sulfur content of "Type 2–D" fuel, fuels specified for emissions testing are intended to be representative of commercially available in-use fuels.

(2) Petroleum fuel for diesel engines meeting the specifications in Table N91–2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of petroleum fuel used shall be commercially designated as "Type 2–D" grade diesel fuel except that fuel commercially designated as "Type 1–D" grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use "Type 1–D" grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator, which the Administrator finds provides equivalent assurance.

TABLE N91-2

Item		ASTM	Type 1-D	Type 2-D
Cetane		D613	48-54	42-50
Distillation range:				
IBP	°F	D86	330-390	340-400
	(°C)		(165.6-198.9)	(171.1-204.4)
10 pct. point	°F	D86	370-430	400-460
	(°C)		(187.8-221.1)	(204.4-237.8)
50 pct. point	°F	D86	410-480	470-540
	(°C)		(210-248.9)	(243.3-282.2)
90 pct. point	°F	D86	460-520	560-630
	(°C)		(237.8-271.1)	(293.3-332.2)
EP	°F	D86	500-560	610-690
	(°C)		(260.0-293.3)	(321.1-365.6)
Gravity	°API	D287	40-44	32-37
Total sulfur	pct.	D2622	0.08-0.12	0.08-0.12
Hydrocarbon composition:				
Aromatics	pct.	D1319	[1] 8	[1] 27
Paraffins, Naphthenes, Olefins	D1319	[2]	[2]	
Flashpoint, min	°F	D93	120	130
	(°C)		(48.9)	(54.4)
Viscosity, centistokes		D445	1.6-2.0	2.2-3.4

[1] Minimum.
[2] Remainder.

(3) Petroleum fuel for diesel engines meeting the specifications in Table N91-3, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of petroleum fuel used shall be commercially designated as "Type 2-D" grade diesel fuel except that fuel commercially designated as "Type 1-D" grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use "Type 1-D" grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator.

TABLE N91-3

Item	ASTM	Type 1-D	Type 2-D
Cetane Number	D613	42-56	30-58
Distillation range:			
90 pct. point, °F	D86	440-530	540-630
(°C)		(226.7-276.7)	(282.2-332.2)
Gravity, °API	D287	39-45	30-42
Total sulfur, pct.	D2622	0.08-0.12	0.08-0.12
Flashpoint, min., °F	D93	120	130
(°C)		(48.9)	(54.4)
Viscosity, centistokes	D455	1.2-2.2	1.5-4.5

(4) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled diesel engines shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (b)(4) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(5) Other fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) or (b)(4) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(6) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section shall be reported in accordance with § 86.090-21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

(d) *Mixtures of petroleum and methanol fuels for flexible fuel vehicles.* (1) Mixtures of petroleum and methanol fuels used for exhaust and evaporative emission testing and service accumulation for flexible fuel vehicles shall be within the range of fuel mixtures for which the vehicle was designed.

(2) Manufacturer testing and service accumulation may be performed using only those mixtures (mixtures may be different for exhaust testing, evaporative

testing, and service accumulation) expected to result in the highest emissions, provided:

(i) The fuels which constitute the mixture will be used in customer service, and

(ii) Information, acceptable to the Administrator, is provided by the manufacturer to show that the designated fuel mixtures would result in the highest emissions, and

(iii) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(3) The specification range of the fuels to be used under paragraph (d)(2) of this section shall be reported in accordance with § 86.090–21(b)(3).

10. A new § 86.1313–94 is added to subpart N, to read as follows:

§ 86.1313–94 Fuel specifications.

(a) *Otto-cycle test fuel.* (1) Gasoline having the specifications listed in Table N94–1 will be used by the Administrator in exhaust emission testing petroleum-fueled Otto-cycle engines. Gasoline having these specifications or substantially equivalent specifications approved by the Administrator, shall be used by the manufacturer in exhaust emission testing, except that the octane specification does not apply.

TABLE N94–1

Item	ASTM	Value
Octane, research, min	D2699	93
Sensitivity, min		7.5
Lead (organic), g/U.S. gal	D3237	[1] (0.050)
(g/liter)		[1] (0.013)
Distillation range:		
IBP, °F	D86	75–95
(°C)		(23.9–35)
10 pct. point, °F	D86	120–135
(°C)		(48.9–57.2)
50 pct. point, °F	D86	200–230
(°C)		(93.3–110)
90 pct. point, °F	D86	300–325
(°C)		(148.9–162.8)
EP, max. °F	D86	415
(°C)		(212.8)
Sulphur, max. wt. pct	D1266	0.10
Phosphorus, max., g/U.S. gal		0.005
(g/liter)	D3231	(0.0013)
RVP, psi	D323	8.0–9.2
(kPa)		(60.0–63.4)
Hydrocarbon composition:		
Olefins, max. pct	D1319	10
Aromatics, max. pct	D1319	35
Saturates	D1319	[2]

[1] Maximum.
[2] Remainder.

(2) Unleaded gasoline representative of commercial gasoline which will be generally available through retail outlets shall be used in service accumulation.

(i) The octane rating of the gasoline used shall be not higher than one Research octane number above the minimum recommended by the manufacturer and have a minimum sensitivity of 7.5 octane numbers, where sensitivity is defined as the Research octane number minus the Motor octane number.

(ii) The Reid Vapor Pressure of the gasoline used shall be characteristic of the motor fuel used during the season in which the service accumulation takes place.

(3) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled Otto-cycle engines shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (a)(3) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(4) Other methanol fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraph (a)(3) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(5) The specification range of the fuels to be used under paragraphs (a)(2), (a)(3), and (a)(4) of this section shall be reported in accordance with § 86.090–21(b)(3).

(b) *Diesel test fuel.* (1) The petroleum fuels for testing diesel engines employed for testing shall be clean and bright, with pour and cloud points adequate for operability. The petroleum fuel may contain nonmetallic additives as follows: Cetane improver, metal deactivator, antioxidant, dehazer, antirust, pour depressant, dye, dispersant, and biocide. Fuels specified for emissions testing are intended to be representative of commercially available in-use fuels.

(2) Petroleum fuel for diesel engines meeting the specifications in Table N94–2, or substantially equivalent specifications approved by the Administrator, shall be used in exhaust emissions testing. The grade of petroleum fuel used shall be commercially designated as "Type 2–D" grade diesel fuel except that fuel commercially designated as "Type 1–D" grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's

satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use "Type 1–D" grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator.

TABLE N94–2

Item	ASTM	Type 1–D	Type 2–D
Cetane Number	D613	40–54	40–48
Cetane Index	D976	40–54	40–48
Distillation range:			
IBP, °F	D86	330–390	340–400
(°C)		(165.6–198.9)	(171.1–204.4)
10 pct. point, °F	D86	370–430	400–460
(°C)		(187.8–221.1)	(204.4–237.8)
50 pct. point, °F	D86	410–480	470–540
(°C)		(210–248.9)	(243.3–282.2)
90 pct. point, °F	D86	460–520	560–630
(°C)		(237.8–271.1)	(293.3–332.2)
EP, °F	D86	500–560	610–690
(°C)		(260.0–293.3)	(321.1–365.6)
Gravity, °API	D287	40–44	32–37
Total sulfur, pct	D2622	0.03–0.05	0.03–0.05
Hydrocarbon composition:			
Aromatics, pct	D1319	[1] 8	[1] 27
Paraffins, Naphthenes,			
Olefins	D1319	([2])	([2])
Flashpoint, min., °F	D93	120	130
(°C)		(48.9)	(54.4)
Viscosity, centistokes	D445	1.6–2.0	2.0–3.2

[1] Minimum.
[2] Remainder.

(3) Petroleum fuel for diesel engines meeting the specifications in Table N94–3, or substantially equivalent specifications approved by the Administrator, shall be used in service accumulation. The grade of petroleum fuel used shall be commercially designated as "Type 2–D" grade diesel fuel except that fuel commercially designated as "Type 1–D" grade diesel fuel may be substituted provided that the manufacturer has submitted evidence to the Administrator demonstrating to the Administrator's satisfaction that this fuel will be the predominant in-use fuel. Such evidence could include such things as copies of signed contracts from customers indicating the intent to purchase and use "Type 1–D" grade diesel fuel as the primary fuel for use in the engines or other evidence acceptable to the Administrator.

TABLE N94–3

Item	ASTM	Type 1–D	Type 2–D
Cetane Number	D613	40–56	30–58
Cetane Index	D976	min. 40	min. 40
Distillation range:			
90 pct. point, °F	D86	440–530	540–630
(°C)		(226.7–276.7)	(282.2–332.2)
Gravity, °API	D287	39–45	30–42
Total sulfur, pct.	D2622	0.03–0.05	0.03–0.05
Flashpoint min., °F	D93	120	130
(°C)		(48.9)	(54.4)
Viscosity, centistokes	D455	1.2–2.2	1.5–4.5

(4) Methanol fuel used for exhaust and evaporative emission testing and in service accumulation of methanol-fueled diesel engines shall be representative of commercially available methanol fuel and shall consist of at least 50 percent methanol by volume.

(i) Manufacturers shall recommend the methanol fuel to be used for testing and service accumulation in accordance with paragraph (b)(4) of this section.

(ii) The Administrator shall determine the methanol fuel to be used for testing and service accumulation.

(5) Other fuels may be used for testing and service accumulation provided:

(i) They are commercially available, and

(ii) Information, acceptable to the Administrator, is provided to show that only the designated fuel would be used in customer service, and

(iii) Use of a fuel listed under paragraphs (b)(2) and (b)(3) or (b)(4) of this section would have a detrimental effect on emissions or durability, and

(iv) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(6) The specification range of the fuels to be used under paragraphs (b)(2), (b)(3), (b)(4), and (b)(5) of this section shall be reported in accordance with § 86.090–21(b)(3).

(c) Fuels not meeting the specifications set forth in this section may be used only with the advance approval of the Administrator.

(d) *Mixtures of petroleum and methanol fuels for flexible fuel vehicles.* (1) Mixtures of petroleum and methanol

fuels used for exhaust and evaporative emission testing and service accumulation for flexible fuel vehicles shall be within the range of fuel mixtures for which the vehicle was designed.

(2) Manufacturer testing and service accumulation may be performed using only those mixtures (mixtures may be different for exhaust testing, evaporative testing, and service accumulation) expected to result in the highest emissions, provided:

(i) The fuels which constitute the mixture will be used in customer service, and

(ii) Information acceptable to the Administrator, is provided by the manufacturer to show that the designated fuel mixtures would result in the highest emission, and

(iii) Written approval from the Administrator of the fuel specifications must be provided prior to the start of testing.

(3) The specification range for the fuels to be used under paragraph (d)(2) of this section shall be reported in accordance with § 86.090–21(b)(3).

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Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 577, 578, and 579

Supportive Housing Demonstration Program and Supplemental Assistance for Facilities To Assist the Homeless (SAFAH); Waiver Provisions; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Parts 577, 578, and 579

[Docket No. R-90-1490; FR-2848-F-01]

Supportive Housing Demonstration Program and Supplemental Assistance for Facilities To Assist the Homeless (SAFAH); Waiver Provisions

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule amends the final rules for the Supportive Housing Demonstration (SHD) and the Supplemental Assistance for Facilities to Assist the Homeless (SAFAH) programs by adding provisions to allow the Secretary to waive any requirements of the rules not required by law when undue hardship will result from applying a requirement, or where application of a requirement will adversely affect the purpose of the programs.

EFFECTIVE DATE: September 20, 1990.

FOR FURTHER INFORMATION CONTACT: James Forsberg, Department of Housing and Urban Development, room 7262, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-4300. Hearing or speech-impaired individuals may call the TDD number (202) 708-2565. (These numbers are not toll-free.).

SUPPLEMENTARY INFORMATION: The SHD and SAFAH programs were authorized by title IV of the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, aproved July 22, 1987) to provide assistance to governmental entities and private nonprofit organizations that assist the homeless. The SHD program, which consists of the transitional housing and the permanent housing for the handicapped homeless programs, was initially managed by the Office of the Assistant Secretary for Housing, and the SAFAH program by the Office of the Assistant Secretary for Policy Development and Research. The two programs were combined under the Office of the Assistant Secretary for Community Planning and Development in 1989.

The final rule for the SHD program was first published on June 24, 1988 (53 FR 23898), and codified as 24 CFR part 840 (transitional housing) and 841 (permanent housing for the handicapped homeless). Separate waiver provisions were not included in the rule, because a waiver provision for all of 24 CFR chapter VIII is contained in part 899. When the program was subsequently moved to the Office of the Assistant Secretary for Community Planning Development, the final rule was amended to incorporate changes to the program required by the Stewart B. McKinney Homeless Assistance Amendments Act (Pub. L. 100-628, approved November 7, 1988), and was codified, without waiver provisions, as parts 577 and 578 (54 FR 47024 (Nov. 8, 1989)). Since chapter V does not contain a general waiver provision comparable to part 899, it is necessary to include separate waiver provisions in each Part. Guidelines for the SAFAH program were initially published on October 19, 1987 (53 FR 38880), and a final rule on November 7, 1989 (54 FR 46812). A waiver provision was also inadvertently omitted from that final rule.

The purpose of the waiver provisions is to give the Secretary the authority to waive any requirement of the rules that is not required by law, whenever it is determined that undue hardship would result from applying the requirement, or where application of the requirement would adversely affect the purposes of the program. All waiver actions are required to be published in the **Federal Register**.

Waiver provisions are routinely included in HUD regulations. They were inadvertently omitted from these final rules. Because of the routine nature of these provisions, and the circumstances surrounding their omission from the SHD and SAFAH rules, HUD believes public comment is unnecessary and that this change may be promulgated in a final rule.

Other Matters

The findings of the Department with regard to the Paperwork Reduction Act of 1980, the National Environmental Policy Act of 1969, Executive Orders 12291 (Federal Regulation), 12606 (The Family), and 12612 (Federalism), and the Regulatory Flexibility Act contained in the final rules for these programs published on November 7 and 8, 1989, are unaffected by these amendments to the rules. These rules were not listed on the Department's Semiannual Agenda of Regulations published on April 23, 1990 (55 FR 16226).

The Catalog of Federal Domestic Assistance program numbers are 14.178 (SHD program) and 14.510 (SAFAH program).

List of Subjects

24 CFR Part 577

Grant programs, Housing and community development, Housing, Homeless.

24 CFR Part 578

Grant programs, Housing and community development, Housing, Handicapped, Homeless.

24 CFR Part 579

Grant programs, Housing and community development, Housing, Homeless.

For the reasons stated in the preamble, title 24, chapter V of the Code of Federal Regulations is amended as follows:

PART 577—TRANSITIONAL HOUSING

1. The authority citation for part 577 continues to read as follows:

Authority: Sec. 426, Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11386); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

2. Subpart A of part 577 is amended by adding § 577.10, to read as follows:

§ 577.10 Waivers.

The Secretary may waive any requirement of this part that is not required by law, whenever it is determined that undue hardships will result from applying the requirement, or where application of the requirement would adversely affect the purposes of the transitional housing program. Each waiver will be in writing and will be supported by documentation of the pertinent facts and grounds. The Secretary periodically will publish notice of granted waiver in the **Federal Register.**

PART 578—PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS

3. The authority citation for part 578 continues to read as follows:

Authority: Sec. 426, Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11386); sec. 7(d), Housing and Urban Development Act (42 U.S.C. 3535(d)).

4. Subpart A of part 578 is amended by adding § 578.10, to read as follows:

§ 578.10 Waivers.

The Secretary may waive any requirement of this Part that is not required by law, whenever it is determined that undue hardship will result from applying the requirement, or where application of the requirement would adversely affect the purposes of

the permanent housing for the handicapped homeless program. Each waiver will be in writing and will be supported by documentation of the pertinent facts and grounds. The Secretary periodically will publish notice of granted waivers in the **Federal Register.**

PART 579—SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS

4. The authority citation for part 579 continues to read as follows:

Authority: Sec. 485 of the Steward B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 11301 note); sec. 7(d) of the Housing and Urban Development Act (42 U.S.C. 3535(d)).

5. Subpart A of part 579 is amended by adding § 579.10, to read as follows:

§ 579.10 Waivers.

The Secretary may waive any requirement of this part that is not required by law, whenever it is determined that undue hardship will result from applying the requirement, or where application of the requirement would adversely affect the purposes of the SAFAH program. Each waiver will be in writing and will be supported by documentation of the pertinent facts and grounds. The Secretary periodically will publish notice of granted waivers in the **Federal Register.**

Dated: August 14, 1990.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 90–19672 Filed 8–20–90; 8:45 am]

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federal register

Tuesday
August 21, 1990

Part IV

Congressional Budget Office

Initial Sequestration Report for Fiscal Year 1991 to Office of Management and Budget and Congress; Transmittal

CONGRESSIONAL BUDGET OFFICE

Initial Sequestration Report for Fiscal Year 1991 to Office of Management and Budget and Congress; Transmittal

AGENCY: Congressional Budget Office.

ACTION: Report transmittal.

SUMMARY: This notice transmits the initial sequestration report for Fiscal Year 1991 to the Office of Management and Budget and the Congress in accordance with the procedures of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, Public Law 100–119.

Stanley L. Greigg,

Director, Office of Intergovernmental Relations, Congressional Budget Office.

BILLING CODE 1450-01-M

INITIAL SEQUESTRATION REPORT FOR FISCAL YEAR 1991

A Congressional Budget Office Report to the Congress and the Office of Management and Budget

August 20, 1990

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NOTES

All years referred to in this report are fiscal years, unless otherwise noted.

Details in the text and tables of this report may not add to totals because of rounding.

The Balanced Budget and Emergency Deficit Control Act of 1985 (commonly known as Gramm-Rudman-Hollings) is referred to in this report more briefly as the Balanced Budget Act. This act was amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987.

The source for all data in this report is the Congressional Budget Office, unless otherwise noted.

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Robert D. Reischauer
Director

August 20, 1990

Honorable Richard G. Darman
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Darman:

I herewith submit to you my *Initial Sequestration Report for Fiscal Year 1991*, in accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119).

Based on our July economic and technical assumptions and on budgetary policies in effect on August 15, 1990, we estimate that the budget deficit in fiscal year 1991 will reach $165.2 billion, which exceeds by $101.2 billion the $64 billion target specified in the act.

This report presents the assumptions underlying CBO's deficit estimate, and calculates the amounts and percentages by which various budgetary resources would need to be sequestered to reduce the deficit to the target level under these assumptions.

I would be pleased to provide you with any assistance that you may require in preparing your own initial sequestration report.

Sincerely,

Robert D. Reischauer
Director

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Robert D. Reischauer
Director

August 20, 1990

Honorable Dan Quayle
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

I herewith submit to the Congress my *Initial Sequestration Report for Fiscal Year 1991*, in accordance with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119).

The act specifies a 1991 deficit target of $64 billion. An across-the-board reduction of budgetary resources will be triggered if the deficit estimate made by the Office of Management and Budget exceeds the target by more than $10 billion. Based on our July economic and technical assumptions and on budgetary policies in effect on August 15, 1990, we estimate that the budget deficit in fiscal year 1991 will reach $165.2 billion, which exceeds the target by $101.2 billion.

This report presents the assumptions underlying CBO's deficit estimate, and calculates the amounts and percentages by which various budgetary resources would need to be sequestered to reduce the deficit to the target level under these assumptions.

I would be pleased to provide the Congress with any assistance it may require in responding to this report, or to the initial report by the Director of the Office of Management and Budget.

Sincerely,

Robert D. Reischauer
Director

CONGRESSIONAL BUDGET OFFICE
U.S. CONGRESS
WASHINGTON, D.C. 20515

Robert D. Reischauer
Director

August 20, 1990

Honorable Thomas S. Foley
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

I herewith submit to the Congress my *Initial Sequestration Report for Fiscal Year 1991*, in accordance with the requirements of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177) as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100-119).

The act specifies a 1991 deficit target of $64 billion. An across-the-board reduction of budgetary resources will be triggered if the deficit estimate made by the Office of Management and Budget exceeds the target by more than $10 billion. Based on our July economic and technical assumptions and on budgetary policies in effect on August 15, 1990, we estimate that the budget deficit in fiscal year 1991 will reach $165.2 billion, which exceeds the target by $101.2 billion.

This report presents the assumptions underlying CBO's deficit estimate, and calculates the amounts and percentages by which various budgetary resources would need to be sequestered to reduce the deficit to the target level under these assumptions.

I would be pleased to provide the Congress with any assistance it may require in responding to this report, or to the initial report by the Director of the Office of Management and Budget.

Sincerely,

Robert D. Reischauer
Director

INITIAL SEQUESTRATION REPORT FOR FISCAL YEAR 1991

A CONGRESSIONAL BUDGET OFFICE REPORT TO THE CONGRESS AND THE OFFICE OF MANAGEMENT AND BUDGET

August 20, 1990

SUMMARY

The Congressional Budget Office (CBO) projects that, under current taxing and spending policies, the federal government deficit will total $165.2 billion in fiscal year 1991. This estimate exceeds the target of $64 billion specified in the Balanced Budget Act by $101.2 billion. If CBO's estimates were controlling, and if no changes were made in policies, across-the-board reductions of 41.8 percent in defense programs and 38.0 percent in nondefense programs would be required to achieve the target.

On August 25, 1990, the Director of the Office of Management and Budget (OMB) will issue an initial independent estimate of the projected deficit, and will determine the necessity of across-the-board spending cuts. Based on the Administration's *Mid-session Review of the 1991 Budget* and subsequent developments, it appears that OMB's initial deficit will exceed the target by about $85 billion.

Neither the CBO nor OMB baseline deficit estimate includes sufficient resources to resolve the hundreds of insolvent savings and loan associations whose deposits are federally insured. New legislation will be required to provide for these additional spending needs, which if included would push the projected 1991 deficit over $230 billion. The estimates also do not include any deficit reduction that may emerge from budget negotiations currently under way between the Congress and the Administration.

INTRODUCTION

The Balanced Budget Act became law in December 1985 and established a series of annual budget deficit targets for the federal government that would lead to a balanced budget over five years. As amended in 1987, the Balanced Budget Act eased these annual targets and delayed the attainment of a balanced budget by one year, to fiscal year 1993. The deficit targets specified by the act are (in billions of dollars):

Fiscal Year	Maximum Deficit	Sequestration Threshold
1991	64	74
1992	28	38
1993	0	0

For 1991 and 1992, the deficit projection may exceed the target by as much as $10 billion. If the Administration's deficit projection exceeds the target by more than this $10 billion margin, the act provides a procedure--known as sequestration--to cut federal spending automatically. For 1993, sequestration would be triggered if any deficit is estimated in the Administration's October 15, 1992, report.

Sequestration involves the permanent cancellation of new budget authority and other authority to obligate and expend funds, except for special and trust funds, where the sequestered amounts of spending authority remain in the funds. The sequestration of budgetary resources is designed to achieve outlay reductions sufficient to reach the annual deficit targets.

The Balanced Budget Act specifies roles for the Congressional Budget Office, the Office of Management and Budget, and the Comptroller General. CBO's role is to advise OMB and the Congress, while the Director of OMB must determine whether or not sequestration is necessary and, if so, the amount of reductions in budgetary resources and outlays required to achieve the deficit target. Each year, CBO and OMB are required to prepare independently two sets of sequestration reports. The CBO reports, which are transmitted to the Director of OMB and to the Congress, are a benchmark against which the Congress and others may assess the OMB reports. The OMB reports, which are made to the President and to the Congress, provide the basis for sequestration orders to be issued by the President. The timetable for the agency reports and sequestration orders is shown on page 3.

TABLE 1. SUMMARY OF CBO BUDGET ESTIMATES FOR FISCAL YEAR 1991
(In billions of dollars)

	Revenues	Outlays	Deficit
Budget Baseline as of January 1, 1990	1,123.2	1,286.6	163.4
Effect of New Laws and Regulations			
Dire Emergency Supplemental Appropriations Act of 1990 (P.L. 101-302)	0.0	0.7	0.7
Iraqi sanctions	a	1.1	1.1
Other laws and regulations	a	a	a
Debt service costs	0.0	0.1	0.1
Subtotal	a	1.8	1.8
Budget Baseline as of August 15, 1990	1,123.2	1,288.4	165.2
Balanced Budget Act Deficit Target			64.0
Excess Deficit			101.2

a. Less than $0.05 billion.

The initial CBO and OMB sequestration reports are based on laws that are enacted and regulations that are final at the time of a common snapshot date, August 15. The revised reports, however, must be based on laws enacted and regulations promulgated by the latest possible date before they are issued. Therefore, because the snapshot date may be different in the two agencies' final reports, some legislation and regulations reflected in one report may not be reflected in the other.

The role of the Comptroller General under the amended Balanced Budget Act is threefold: to prepare a report each year to the Congress and the President that certifies whether the final sequestration order issued by the President complies with the requirements of the Balanced Budget Act; to assess the compliance and accuracy of the OMB sequestration reports; and to make recommendations for improving sequestration procedures. The Comptroller's report is due on November 15.

This document is the initial CBO report for 1991. The report:

- Estimates budget baseline levels as of January 1, 1990, and August 15, 1990, the amount of net deficit change that has occurred between the two dates, and the outlay reductions required for 1991;
- Provides CBO economic assumptions used for the two baseline estimates, including the estimated rate of real economic growth for fiscal year 1991 by quarter; and
- Calculates the amounts and percentages by which various budgetary resources must be sequestered in order to achieve the required outlay reductions.

BUDGET BASELINE TOTALS

The CBO budget baseline estimates of total revenues, outlays, and the deficit for fiscal year 1991 are shown in Table 1. Two sets of budget baseline estimates are provided--one for laws and regulations in effect on January 1, 1990, and the other for laws and regulations in effect on August 15, 1990. The economic and technical assumptions used for the August 15 budget baseline estimates are identical to those used for the January 1 estimates. The differences between the two sets of estimates, therefore, result only from laws enacted and final regulations promulgated since January 1.

These estimates are made in accordance with the specifications set forth in the Balanced Budget Act. When appropriations for the new fiscal year have not been enacted--and, as of August 15, none of the 1991 appropriation bills had been completed--the CBO and OMB budget baseline estimates under the act

are to be based on the appropriations enacted for the previous year, with an adjustment for inflation and increased pay costs. The act specifies the inflation adjustment as the estimated annual increase in the gross national product implicit price deflator, estimated by CBO to be 4.0 percent. For 70 percent of personnel costs, this inflation factor is increased to allow for higher agency retirement costs and for pay absorption in the previous fiscal year, and is reduced to account for pay absorption in the upcoming fiscal year.

For nonappropriated spending accounts and revenues, the baseline estimates assume that current laws and regulations will continue unchanged, and that expiring provisions of law will terminate as scheduled. The Balanced Budget Act, however, provides an exception to the general treatment of expiring provisions in the cases of excise taxes dedicated to trust funds, Commodity Credit Corporation agricultural price support programs, and contract authority for transportation trust funds. As required by the act, the budget baseline estimates include the receipts and outlays of the Social Security trust funds, even though they are legally off-budget.

The Balanced Budget Act provides that asset sales and loan prepayments shall neither be included in the budget baseline estimates nor count toward any net deficit reduction. The act makes an exception for asset sales and loan prepayments that are routine and ongoing according to the practices followed in fiscal year 1986 and for asset sales mandated by law as of September 17, 1987. The budget baseline estimates may not, however, assume or reflect an acceleration of routine asset sales or loan prepayments. The baseline therefore excludes $0.4 billion in prepayments of Rural Electrification Administration loans expected in fiscal year 1991. The act also prohibits the inclusion of savings resulting from the transfer of outlays, receipts, or revenues from one year to an adjacent year, except for certain types of transfers identified in law. No such savings apply to fiscal year 1991. Under these specifications, CBO's estimate as of August 15, 1990, of the budget baseline deficit for 1991 is $165.2 billion.

Snapshot date for initial CBO and OMB reports	August 15
Initial CBO report	August 20
Initial OMB report	August 25
Initial sequestration order	August 25
Revised CBO report	October 10
Revised OMB report	October 15
Final sequestration order	October 15

Table 1 shows the estimated budgetary effect of laws enacted and final regulations promulgated since January 1, 1990. The estimated increase in the deficit since January 1 of $1.8 billion stems almost entirely from two items: the Dire Emergency Supplemental Appropriations Act of 1990 and the imposition of sanctions on Iraq. In response to the sanctions by the United States, Iraq is expected to default on its loans obtained from U.S. lenders. Some of those loans were guaranteed by the Commodity Credit Corporation and the Export-Import Bank, which will have to spend an estimated $1.1 billion in 1991 to make good on the guarantees.

ECONOMIC ASSUMPTIONS

The economic assumptions underlying the CBO budget baseline estimates for fiscal year 1991 are shown in Tables 2 and 3. The Balanced Budget Act requires the Directors of OMB and CBO to estimate the rate of real economic growth for the fiscal year covered by their reports, for each quarter of the fiscal year, and for the last two quarters of the preceding fiscal year. If either OMB or CBO projects real economic growth to be less than zero for any two

TABLE 2. CBO ECONOMIC ASSUMPTIONS FOR FISCAL YEAR 1991

Gross National Product	
Billions of current dollars	5,832
Percent change, year over year	6.6
Billions of constant (1982) dollars	4,307
Percent change, year over year	2.4
GNP Implicit Price Deflator (Percent change, year over year)	4.0
CPI-U (Percent change, year over year)	4.3
Civilian Unemployment Rate (Percent, fiscal year average)	5.4
Interest Rates (Fiscal year average)	
91-day Treasury bills	6.9
10-year Treasury notes	7.9

consecutive quarters, or if the Department of Commerce reports actual real growth to have been less than 1 percent for two consecutive quarters, the Congress and the President may suspend many of the provisions of the act.

Table 2 provides CBO's principal economic assumptions for fiscal year 1991. Table 3 shows the quarterly estimates for real economic growth. These assumptions are the same as those contained in the CBO report, *The Economic and Budget Outlook: An Update*, which was released in July, and do not entail real economic growth of less than zero in any quarter of 1991. Several developments since the completion of these estimates have significantly reduced the rate of economic growth that seems likely during the next year. While there is an increased risk that the rate of growth could fall below zero during fiscal year 1991, neither CBO nor the consensus of economists currently projects negative rates of economic growth.

TABLE 3. REAL ECONOMIC GROWTH RATES FROM PREVIOUS QUARTER (Percentage growth at annual rates)

Fiscal Year 1990	
Actual[a]	
January-March 1990	1.7
April-June 1990	1.2
CBO Estimate	
July-September 1990	2.2
Fiscal Year 1991	
CBO Estimate	
October-December 1990	2.6
January-March 1991	2.3
April-June 1991	2.6
July-September 1991	2.6

a. As reported by the Department of Commerce (July 27, 1990).

REQUIRED OUTLAY REDUCTIONS

Sequestration of budgetary resources will be necessary for 1991 if the deficit estimated by OMB exceeds the $64 billion target by more than the $10 billion margin. Once sequestration is triggered, budget outlays must be reduced by the entire amount by which the deficit exceeds $64 billion. One-half of the required outlay reduction must be taken from defense programs (budget accounts in the national defense function, 050, excluding the Federal Emergency Management Agency) and the other half from nondefense programs. CBO's deficit projection of $165.2 billion would call for outlay reductions of $101.2 billion in 1991. Table 4 shows how budget outlays in defense and nondefense programs would be cut back to achieve this reduction.

If sequestration is required, the law provides that the automatic spending increases in three programs --the National Wool Act, the special milk program, and vocational rehabilitation--be eliminated and the resulting savings be applied to the required reduction in outlays for nondefense programs. Eliminating these increases would produce $56 million in outlay savings in 1991. The outlay savings to be obtained by applying four special rules are also credited to the required spending reductions in nondefense programs. These special rules are for guaranteed student loans, foster care and adoption assistance, Medicare, and certain health programs, and are described in a later section of this report. Applying the special rules to these programs would achieve $2 billion in outlay savings in 1991.

TABLE 4. CBO SEQUESTRATION CALCULATIONS FOR FISCAL YEAR 1991 (In millions of dollars)

	Defense Programs	Nondefense Programs
Total Required Outlay Reductions	50,620	50,620
Savings from Eliminating Automatic Spending Increases	0	56
Savings from the Application of Special Rules		
Guaranteed student loans	0	26
Foster care and adoption assistance	0	8
Medicare	0	1,757
Other health programs	0	215
Subtotal	0	2,006
Remaining Reductions Required	50,620	48,558
Estimated Sequestration Outlay Base	121,233	127,774[a]
Uniform Percentage Reduction	41.8	38.0

a. Includes $6,440 million in estimated 1992 outlays for the Commodity Credit Corporation that can be affected by a 1991 sequestration (see discussion of special rule for CCC). Also includes an estimated $1,944 million in outlays from the spending of offsetting collections.

The outlay reductions of $50.6 billion in defense programs and the remaining reductions of $48.6 billion in nondefense programs must be taken as a uniform percentage of all sequesterable budgetary resources in each category. The uniform reduction percentages are computed from outlay estimates: the required outlay savings to be achieved through across-the-board reductions are divided by the total estimated outlays from sequesterable budgetary resources in each category. The resulting uniform reduction percentages are then applied to all of the sequesterable budgetary resources (budget authority, credit authority, and other spending authority) for defense and nondefense programs.

According to CBO estimates, the 1991 outlays associated with sequesterable budgetary resources for defense programs are $121.2 billion. From this base amount, $50.6 billion in across-the-board outlay reductions must be made. The uniform percentage to be applied to sequesterable defense budgetary resources is 41.8 percent, as shown in Table 4. The Balanced Budget Act allows the President to exempt military personnel spending from sequestration, and he has chosen to do so this year. The exemption of military personnel spending reduces sequesterable outlays by $77 billion. If military personnel were not exempt, the required reduction in defense spending would have been 25 percent.

The 1991 outlays associated with budgetary resources for nondefense programs subject to across-the-board reduction are estimated to be $127.8 billion. To achieve $48.6 billion in nondefense outlay reductions, a 38.0 percent across-the-board reduction in nondefense sequesterable resources is required.

Table 5 lists budget baseline outlays for 1991. Defense outlays total $306.1 billion, of which $121.2 billion is subject to sequestration. In defense programs, unlike nondefense programs, the law specifies that spending from unobligated balances is subject to sequestration. In addition to military personnel spending, the only defense outlays that are not subject to sequestration are those resulting from previously appropriated budget authority that has already been obligated.

Nondefense baseline outlays for 1991 total $982.3 billion. Of this amount, only $121.3 billion is subject to across-the-board reduction. An additional $6.4 billion in 1992 Commodity Credit Corporation (CCC) outlays is counted under Balanced Budget Act specifications; together, these amounts yield the nondefense outlay base of $127.8 billion shown in Table 4. As Table 5 shows, a large percentage of nondefense outlays is exempted by law from the sequestration process. Social Security benefits, net interest payments, certain low-income programs, most federal retirement and disability benefits, veterans compensation and pensions, and regular state unemployment insurance benefits account for the largest exemptions. Outlays from appropriations for nondefense programs made in previous years are also not subject to sequestration.

AUTOMATIC SPENDING INCREASES

The three programs with automatic spending increases currently subject to sequestration by the Balanced Budget Act are listed in Table 6. The scheduled percentage increases are shown as well as the amount of estimated outlay savings to be gained by eliminating these increases.

SPECIAL RULES

The Balanced Budget Act provides special rules for the sequestration of budgetary resources for certain federal programs. This section describes these special rules and their application to the 1991 sequestration calculations. The estimated outlay savings derived from the first four rules are shown separately in Table 4. Any outlay savings resulting from the remaining special rules are included in the amount to be obtained from the uniform percentage reductions.

Guaranteed Student Loan Program

The Balanced Budget Act requires two changes in the guaranteed student loan (GSL) program to occur automatically under sequestration. First, the statutory factor for calculating the quarterly special allowance payments to lenders will be reduced by the lesser of 0.40 percentage point or the amount by which the statutory factor exceeds 3 percent for the first four quarters after the loan is made. Under the current program, the reduction will be 0.25 percentage point. Second, a student's origination fee will increase by 0.50 percentage point. In both cases, sequestration affects only GSL loans disbursed during the applicable fiscal year, but after the order is issued. For 1991, these changes are estimated by CBO to reduce outlays by $26 million.

Foster Care and Adoption Assistance Programs

The Balanced Budget Act limits the amount to be sequestered in the foster care and adoption assistance programs to increases in foster care maintenance payment rates or adoption assistance payment rates taking effect during the current fiscal year.

TABLE 5. COMPOSITION OF BASELINE OUTLAYS FOR FISCAL YEAR 1991

Category	Estimate (In billions of dollars)	Percentage of Total
Defense Programs[a]		
Subject to across-the-board reduction	121.2	9.4
Exempt from sequestration		
Military personnel	77.5	6.0
Other programs[b]	107.4	8.3
Total, defense programs	306.1	23.8
Nondefense Programs		
Subject to sequestration		
Certain programs with automatic spending increases[c]	1.8	0.1
Certain special rule programs[d]	133.4	10.4
Subject to across-the-board reduction[e]	121.3	9.4
Subtotal, subject to sequestration	256.5	19.9
Exempt from sequestration		
Social Security	264.4	20.5
Federal retirement, disability, and workers compensation	70.0	5.4
Earned income tax credit	4.3	0.3
Low-income programs[f]	97.9	7.6
Veterans compensation and pensions	15.9	1.2
State unemployment benefits	15.7	1.2
Offsetting receipts	-59.4	-4.6
Net interest	189.5	14.7
Other	127.5	9.9
Subtotal, exempt from sequestration	725.8	56.3
Total, nondefense programs	982.3	76.2
Total Outlays	1,288.4	100.0

a. Budget function 050, excluding Federal Emergency Management Agency programs.
b. Outlays from obligated balances.
c. National Wool Act, special milk, and vocational rehabilitation programs.
d. Guaranteed student loans, foster care and adoption assistance, Medicare, veterans medical care, and other health programs.
e. Excludes 1992 outlays for the Commodity Credit Corporation.
f. Family Support payments; child nutrition; Medicaid; Food Stamps; Supplemental Security Income; Special Supplemental Food Program for Women, Infants, and Children; Commodity Supplemental Food program; and Nutrition Assistance to Puerto Rico.

Moreover, the amounts are limited to the extent that the reduction can be made by reducing federal matching payments by a uniform percentage across states. The increases in payment rates for these programs are made by the states and localities. Any increases planned by the states for fiscal year 1991 were included in the CBO calculations for sequestration reductions. The estimated outlay savings in 1991 from sequestration are $8 million.

Medicare

The sequestration reductions in the Medicare program are to be achieved by reducing payment amounts for covered services. No changes in coinsurance or deductible amounts are to be made, and covered services are unaffected under a sequestration order. Under such an order, each payment amount for services provided during the fiscal year would be reduced by a maximum of 2 percent relative to whatever level of payment would otherwise be made under Medicare laws and regulations. According to CBO estimates, the outlay savings to be achieved in 1991 by applying this special rule are $1.8 billion.

Veterans Medical Care and Other Health Programs

The Balanced Budget Act limits reductions in budget authority for the nonadministrative expenditures for veterans medical care, community and migrant health centers, and Indian health services and facili-

TABLE 6. AUTOMATIC SPENDING INCREASES FOR FISCAL YEAR 1991 SUBJECT TO SEQUESTRATION

Program	Scheduled Increase (Percent)	Outlay Reduction (Millions of dollars)
National Wool Act[a]	1.7	3
Special Milk Program[b]	1.3	c
Vocational Rehabilitation[d]	4.2	53
Total		56

a. Payment increases are based on changes in the wool parity price.
b. Benefits are indexed to the producer price index for fresh processed milk.
c. Less than $0.5 million.
d. The program is indexed to the change in the consumer price index (CPI-U) from October of the previous year.

ties to 2 percent in 1991 and any subsequent year. The estimated outlay savings to be achieved in 1991 by applying this special rule to these programs are $215 million.

Child Support Enforcement Program

In the child support enforcement (CSE) program, the Balanced Budget Act provides that sequestration of entitlement payments to states is to be accomplished by reducing the federal matching rates for state administrative expenses. For 1991, the federal matching rates on most expenditures under CBO estimates would be reduced from 66 percent to 35 percent, and the rate for computer-related and laboratory expenditures would be reduced from 90 percent to 47 percent. These reductions in the matching rates are necessary to achieve the same reduction applied to other nondefense programs.

If states increase their share of CSE spending to maintain total program spending at the expected 1991 level, this reduction in the federal matching rate will lower federal outlays by the same percentage as other nondefense programs. If states do not increase their 1991 budgeted amounts to compensate for lower matching rates, however, the lower federal matching rate would result in a larger percentage reduction in federal spending than the act requires. The estimated outlay savings that are to be achieved in 1991 by applying this special rule are $603 million.

Unemployment Compensation Programs

The Balanced Budget Act provides that the following items are not to be sequestered: regular state unemployment benefits, the state share of extended unemployment benefits, unemployment benefits paid to former federal employees and former members of the armed services, and loans and advances to the state and federal unemployment accounts. The federal share of extended benefits, unemployment insurance for railroad employees, other federally paid benefits, and state and federal administrative expenses are subject to sequestration.

Commodity Credit Corporation

Under the Balanced Budget Act, payments and loan eligibility under any contract entered into by the Commodity Credit Corporation (CCC) after a sequestration order has been issued for a fiscal year are subject to a percentage reduction. The act requires that reductions for all farm commodities supported by the CCC be made in a uniform manner, including all noncontract programs, projects, and activities within the CCC's jurisdiction. The act further stipulates that outlay reductions in the post-sequestration year that are the result of contract adjustments in the sequestration year should be credited to the overall outlay reduction required in the sequestration year. The outlay savings to be achieved by applying this special rule are estimated by CBO to be $1.8 billion in 1991, and $2.4 billion in 1992. The actual amount of savings realized in each year will depend upon how the sequestration is carried out for the various CCC programs. In accordance with the act, however, all of these estimated outlay savings are credited toward the required reduction in nondefense spending.

Federal Pay

The Balanced Budget Act provides that rates of pay or any scheduled pay increases may not be reduced following a sequestration order. For members of the armed services, this provision applies to rates of basic pay, basic subsistence allowances, and basic quarter allowances. Budgetary resources available for federal pay, however, will be subject to sequestration as part of the reduction of administrative expenses, which include travel, printing, supplies, and other services. The total amount of government-wide savings to be achieved in 1991 from employee compensation cannot be estimated because program managers are expected to be urged not to resort to personnel furloughs and reductions in force until

other administrative expenses are reduced as much as possible.

CONCEPTUAL ISSUES

CBO's estimate of the 1991 baseline deficit includes funding for the Food Stamp program. The Balanced Budget Act specifies that the baseline shall assume full funding of all laws that provide spending authority as defined in section 401(c)(2) of the Congressional Budget Act. The Food Stamp program is explicitly included in this category. Because the enabling statute for the Food Stamp program continues, CBO includes the program in its baseline, even though the authorization for appropriations expires in 1990. OMB, however, does not include the Food Stamp program in its baseline. CBO and OMB also continue to make different assumptions about pay absorption and about the treatment of the Railroad Retirement Board's supplemental annuity pension fund.

SEQUESTRATION REDUCTIONS

A summary of CBO's calculations for the sequestration of budgetary resources and the estimated outlay savings for 1990 is provided for national defense programs in Table 7 and for nondefense programs by function in Table 8. The tables show CBO's budget baseline estimates for new budget authority and outlays, reductions in outlays caused by sequestration, and post-sequestration spending levels. In most instances, additional outlay savings would be gained in 1992 and later years as a result of the cancellation of 1991 budget authority. Interest costs would also be permanently lowered as a result of reduced federal borrowing needs. Savings in later years have not been estimated for this report. A detailed list of the sequestration base and reductions by agency and budget account by type of spending authority is provided as an appendix to this report.

The CBO sequestration calculations and post-sequestration spending levels are advisory only. OMB will determine whether a sequestration is triggered and, if so, the actual sequestration amounts. OMB's initial determination will be issued on August 25.

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TABLE 7. DEFENSE PROGRAM SEQUESTRATIONS FOR FISCAL YEAR 1991
(In billions of dollars)

Budget Function 050	August Budget Baseline	CBO Estimated Sequestration	Post-Sequestration
Department of Defense-Military			
Military personnel			
Budget authority	81.5	0	81.5
Outlays	81.1	0	81.1
Operation and maintenance			
Budget authority	90.4	37.9	52.5
Outlays	88.9	29.9	59.0
Procurement			
Budget authority	85.2	48.9	36.4
Outlays	80.5	6.8	73.8
Research, development, test, and evaluation			
Budget authority	37.9	17.2	20.7
Outlays	37.4	9.7	27.7
Military construction and other			
Budget authority	8.0	4.8	3.2
Outlays	8.1	1.4	6.7
Subtotal, DoD--military			
Budget authority	303.1	108.9	194.2
Outlays	296.0	47.8	248.2
Atomic Energy Defense Activities			
Budget authority	10.0	4.4	5.6
Outlays	9.8	2.9	6.9
Other Defense-related Activities[a]			
Budget authority	0.6	0.2	0.5
Outlays	0.6	0.1	0.5
Total			
Budget authority	313.8	113.5	200.3
Outlays	306.5	50.8	255.7

a. Includes the function 050 portion of Federal Emergency Management Agency budget accounts, which are reduced at the same rate as nondefense programs.

TABLE 8. NONDEFENSE PROGRAM SEQUESTRATIONS FOR FISCAL YEAR 1991 BY FUNCTION (In billions of dollars)

Budget Function		August Budget Baseline	CBO Estimated Sequestration	Post-Sequestration
150	International Affairs			
	Budget authority	20.1	7.8	12.3
	Outlays	17.9	4.1	13.7
250	General Science, Space, and Technology			
	Budget authority	15.2	5.8	9.4
	Outlays	15.2	3.5	11.7
270	Energy			
	Budget authority	6.4	3.1	3.3
	Outlays	4.4	1.6	2.8
300	Natural Resources and Environment			
	Budget authority	18.8	8.4	10.4
	Outlays	18.9	5.3	13.6
350	Agriculture [a]			
	Budget authority	18.9	2.9	16.1
	Outlays	15.1	3.1	12.0
370	Commerce and Housing Credit			
	Budget authority	23.5	1.4	22.2
	Outlays	25.0	1.8	23.2
400	Transportation			
	Budget authority	32.3	12.1	20.2
	Outlays	30.7	4.3	26.4
450	Community and Regional Development			
	Budget authority	9.2	2.8	6.5
	Outlays	8.6	0.9	7.6
500	Education, Training, Employment, and Social Services			
	Budget authority	43.0	13.0	30.0
	Outlays	41.8	4.8	37.0
550	Health			
	Budget authority	66.3	7.1	59.2
	Outlays	65.5	2.8	62.7
570	Medicare			
	Budget authority	122.4	0	122.4
	Outlays	104.9	2.7	102.3
600	Income Security			
	Budget authority	196.8	6.7	190.1
	Outlays	160.5	3.4	157.1
650	Social Security			
	Budget authority	339.5	0	339.5
	Outlays	266.3	0.7	265.7
700	Veterans Benefits and Services			
	Budget authority	31.9	1.5	30.5
	Outlays	31.7	1.1	30.6
750	Administration of Justice			
	Budget authority	13.9	5.2	8.6
	Outlays	12.8	3.9	9.0
800	General Government			
	Budget authority	11.7	4.5	7.2
	Outlays	11.7	4.0	7.6
900	Net Interest [b]			
	Budget authority	189.5	3.9	185.6
	Outlays	189.5	3.9	185.6
950	Undistributed Offsetting Receipts			
	Budget authority	-38.6	0	-38.6
	Outlays	-38.6	0	-38.6
	Total			
	Budget authority	1,121.0	86.2	1,034.9
	Outlays	982.0	52.0	930.0

a. Excludes $2.4 billion in estimated 1992 outlay savings for programs of the Commodity Credit Corporation that are credited toward the 1991 sequestration (see discussion of special rule for the CCC).

b. Includes $3.9 billion savings in debt service costs as a result of 1991 outlay reductions through sequestration.

APPENDIX

SEQUESTRATION REDUCTIONS BY AGENCY AND BUDGET ACCOUNT

(Fiscal year 1991, in thousands of dollars)

Percentages used:

Defense	41.8 percent
Nondefense	38.0 percent

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Legislative Branch		
Senate		
Salaries, officers and employees		
00 0110 0 1 801		
Budget Authority	394,687	149,981
Outlays	375,402	142,653
Congressional use of foreign currency, Senate		
00 0188 0 1 801		
401(C) Authority	1,560	593
Outlays	1,560	593
House of Representatives		
Mileage of Members		
00 0208 0 1 801		
Budget Authority	217	82
Outlays	109	41
Salaries and expenses		
00 0400 0 1 801		
Budget Authority	564,551	214,529
Outlays	541,969	205,948
Congressional use of foreign currency, House of Representatives		
00 0488 0 1 801		
401(C) Authority	3,313	1,259
Outlays	3,313	1,259
Joint Items		
Capitol Guide Service		
00 0170 0 1 801		
Budget Authority	1,425	542
Outlays	1,368	520
Joint Committee on Printing		
00 0180 0 1 801		
Budget Authority	1,266	481
Outlays	1,165	443
Joint Economic Committee		
00 0181 0 1 801		
Budget Authority	3,727	1,416
Outlays	3,541	1,346
Special services office		
00 0190 0 1 801		
Budget Authority	254	97
Outlays	233	89
Office of the Attending Physician		
00 0425 0 1 801		
Budget Authority	1,455	553
Outlays	583	222
Joint Committee on Taxation		
00 0460 0 1 801		
Budget Authority	4,659	1,770
Outlays	4,426	1,682
Salaries, Capitol Police		
00 0474 0 1 801		
Budget Authority	58,548	22,248
Outlays	56,792	21,581
General expenses, Capitol police		
00 0476 0 1 801		
Budget Authority	1,951	741
Outlays	1,656	629
Statements of appropriations		
00 0499 0 1 801		
Budget Authority	21	8
Official mail costs		
00 0825 0 1 801		
Budget Authority	102,978	39,132
Outlays	102,978	39,132
Congressional Budget Office		
Salaries and expenses		
08 0100 0 1 801		
Budget Authority	20,568	7,816
Outlays	18,511	7,034
Architect of the Capitol		
Salaries and expenses		
01 0100 0 1 801		
Budget Authority	131,921	50,132
401(C) Auth--Off. Coll.	120	46
Outlays	100,828	38,317
Library of Congress		
Salaries and expenses		
03 0101 0 1 503		
Budget Authority	165,977	63,071
401(C) Auth--Off. Coll.	5,060	1,923
Outlays	141,161	53,641
Copyright Office: Salaries and expenses		
03 0102 0 1 376		
Budget Authority	12,895	4,900
401(C) Auth--Off. Coll.	14,509	5,513
Outlays	25,470	9,678
Congressional Research Service: Salaries and expenses		
03 0127 0 1 801		
Budget Authority	49,236	18,710
Outlays	44,312	16,839
Books for the blind and physically handicapped: Salaries and expenses		
03 0141 0 1 503		
Budget Authority	38,769	14,732
Outlays	17,446	6,629
Furniture and furnishings		
03 0146 0 1 503		
Budget Authority	2,674	1,016
Outlays	1,390	528
Gift and trust fund accounts		
03 9971 0 7 503		
401(C) Other--incl ob lim	328	125
Outlays	328	125
Government Printing Office		
Office of Superintendent of Documents: Salaries and expenses		
04 0201 0 1 808		
Budget Authority	25,389	9,648
Outlays	15,995	6,078
Congressional printing and binding		
04 0203 0 1 801		
Budget Authority	77,115	29,304
Outlays	64,005	24,322
Government Printing Office revolving fund		
04 4505 0 4 808		
401(C) Auth--Off. Coll.	38,383	14,586
Outlays	38,383	14,586
General Accounting Office		
Salaries and expenses		
05 0107 0 1 801		
Budget Authority	388,326	147,564
Outlays	337,844	128,381
United States Tax Court		
Salaries and expenses		
23 0100 0 1 752		
Budget Authority	29,810	11,328
Outlays	23,848	9,062
Tax courts independant counsel, U.S. Tax Court		
23 5023 0 2 752		
401(C) Authority	10	4
Outlays	10	4
Legislative Branch Boards and Commissions		
Commission on Security and Cooperation in Europe: Salaries and expenses		
09 0110 0 1 801		
Budget Authority	899	342
Outlays	808	307
Copyright Royalty Tribunal: Salaries and expenses		
09 0310 0 1 376		
Budget Authority	108	41
Outlays	36	14

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Biomedical Ethics: Salaries and expenses		
09 0400 0 1 801		
Budget Authority	624	237
Outlays	451	171
International conferences and contingencies: House and Senate expenses		
09 0500 0 1 801		
401(C) Authority	335	127
Outlays	335	127
National Commission on Children		
09 1050 0 1 801		
Budget Authority	1,406	535
Outlays	251	95
United States Bipartisan Commission on Comprehensive Health Care		
09 1100 0 1 801		
Budget Authority	500	190
Outlays	500	190
National commission on acquired immune deficiency syndrome		
09 1300 0 1 801		
Budget Authority	1,063	404
Outlays	850	323
Office of Technology Assessment		
Salaries and expenses		
09 0700 0 1 801		
Budget Authority	19,557	7,432
Outlays	15,450	5,871
U.S. Capitol Preservation Commission		
Capitol Preservation Commission Trust Fund		
09 8300 0 7 801		
401(C) Authority	1,500	570
John C. Stennis Center for Public Service Training and Development		
John C. Stennis Center for Public Service Development trust fund		
09 8275 0 7 801		
401(C) Authority	656	249
Outlays	656	249
TOTAL FOR LEGISLATIVE BRANCH		
Budget Authority	2,102,576	798,982
401(C) Authority	7,374	2,802
401(C) Auth--Off. Coll.	58,072	22,068
401(C) Other--incl ob lim	328	125
Outlays	1,943,963	738,709

The Judiciary

Supreme Court of the United States		
Salaries and expenses		
10 0100 0 1 752		
Budget Authority	17,506	6,652
Outlays	14,004	5,321
Care of the buildings and grounds		
10 0103 0 1 752		
Budget Authority	4,592	1,745
Outlays	3,444	1,309
United States Court of Appeals for the Federal Circuit		
Salaries and expenses		
10 0510 0 1 752		
Budget Authority	7,991	3,037
Outlays	7,192	2,733
United States Court of International Trade		
Salaries and expenses		
10 0400 0 1 752		
Budget Authority	7,781	2,957
Outlays	7,003	2,661
Courts of Appeals, District Courts, and other Judicial Services		
Salaries and expenses		
10 0920 0 1 752		
Budget Authority	1,336,533	507,882
401(C) Authority	7,500	2,850
401(C) Auth--Off. Coll.	37,100	14,098
Outlays	1,273,610	483,971
Defender services		
10 0923 0 1 752		
Budget Authority	127,724	48,535
Outlays	121,338	46,108
Fees of jurors and commissioners		
10 0925 0 1 752		
Budget Authority	61,613	23,413
Outlays	55,452	21,072
Court security		
10 0930 0 1 752		
Budget Authority	60,241	22,892
Outlays	39,157	14,880
Registry administration		
10 5101 0 2 752		
401(C) Authority	12,000	4,560
Outlays	12,000	4,560
Administrative Office of the United States Courts		
Salaries and expenses		
10 0927 0 1 752		
Budget Authority	35,846	13,621
Outlays	32,261	12,259
Federal Judicial Center		
Salaries and expenses		
10 0928 0 1 752		
Budget Authority	13,195	5,014
Outlays	10,556	4,011
Judiciary Retirement Funds		
Payment to judicial officers' retirement fund		
10 0941 0 1 752		
Budget Authority	5,000	1,900
TOTAL FOR THE JUDICIARY		
Budget Authority	1,678,022	637,648
401(C) Authority	19,500	7,410
401(C) Auth--Off. Coll.	37,100	14,098
Outlays	1,576,017	598,885

Executive Office of the President

The White House Office		
Salaries and expenses		
11 0110 0 1 802		
Budget Authority	32,156	12,219
Outlays	28,940	10,997
Executive Residence at the White House		
Operating expenses		
11 0210 0 1 802		
Budget Authority	7,255	2,757
401(C) Auth--Off. Coll.	540	205
Outlays	7,432	2,824
Official Residence of the Vice President		
Operating expenses		
11 0211 0 1 802		
Budget Authority	599	228
Outlays	408	155
Special Assistance to the President		
Salaries and expenses		
11 1454 0 1 802		
Budget Authority	2,440	927
Outlays	2,147	816
Council of Economic Advisers		
Salaries and expenses		
11 1900 0 1 802		
Budget Authority	3,058	1,162
Outlays	2,752	1,046

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Council on Environmental Quality and Office of Environmental Quality		
Council on Environmental Quality and Office of Environmental Quality		
11 1453 0 1 802		
Budget Authority	1,567	595
Outlays	1,410	536
Office of Policy Development		
Salaries and expenses		
11 2200 0 1 802		
Budget Authority	3,280	1,246
Outlays	2,854	1,085
National Security Council		
Salaries and expenses		
11 2000 0 1 802		
Budget Authority	5,666	2,153
Outlays	4,533	1,723
National Space Council		
Salaries and expenses		
11 0020 0 1 802		
Budget Authority	1,046	397
Outlays	732	278
National Critical Materials Council		
Salaries and expenses		
11 0111 0 1 802		
Budget Authority	421	160
Outlays	383	146
Office of Administration		
Salaries and expenses		
11 0038 0 1 802		
Budget Authority	19,547	7,428
Outlays	14,074	5,348
Office of Management and Budget		
Office of Federal Procurement Policy: Salaries and expenses		
11 0201 0 1 802		
Budget Authority	2,806	1,066
Outlays	2,525	960
Salaries and expenses		
11 0300 0 1 802		
Budget Authority	47,290	17,970
Outlays	43,507	16,533
Office of National Drug Control Policy		
Salaries and expenses		
11 1457 0 1 802		
Budget Authority	38,632	14,680
Outlays	23,681	8,999
Special forfeiture fund		
11 5001 0 2 802		
Budget Authority	113,360	43,077
Outlays	56,680	21,538
Office of Science and Technology Policy		
Salaries and expenses		
11 2600 0 1 802		
Budget Authority	3,014	1,145
Outlays	1,808	687
Office of the United States Trade Representative		
Salaries and expenses		
11 0400 0 1 802		
Budget Authority	18,856	7,165
Outlays	16,028	6,091
TOTAL FOR EXECUTIVE OFFICE OF THE PRESIDENT		
Budget Authority	300,993	114,375
401(C) Auth--Off. Coll.	540	205
Outlays	209,894	79,762

Funds Appropriated to the President

Unanticipated Needs		
Unanticipated needs for natural disasters		
11 0033 0 1 453		
Budget Authority	206,759	78,569
Outlays	82,703	31,426
Unanticipated needs		
11 0037 0 1 802		
Budget Authority	1,040	395
Outlays	520	198
Investment in Management Improvement		
Investment in management improvement		
11 0061 0 1 802		
Budget Authority	520	198
Outlays	390	148
International Security Assistance		
Peacekeeping operations		
11 1032 0 1 152		
Budget Authority	34,084	12,952
Outlays	34,084	12,952
Economic support fund		
11 1037 0 1 152		
Budget Authority	4,086,628	1,552,919
Outlays	2,284,425	868,081
International military education and training		
11 1081 0 1 152		
Budget Authority	49,084	18,652
Outlays	24,542	9,326
Foreign military financing		
11 1082 0 1 152		
Budget Authority	5,021,366	1,908,119
Direct Loan Limitation	420,424	159,761
Outlays	1,848,979	702,613
Multilateral Assistance		
Contribution to the Inter-American Development Bank		
11 0072 0 1 151		
Budget Authority	98,730	37,518
Outlays	1,320	502
Contribution to the International Development Association		
11 0073 0 1 151		
Budget Authority	999,285	379,728
Outlays	99,929	37,973
Contribution to the Asian Development Bank		
11 0076 0 1 151		
Budget Authority	181,972	69,149
Contribution to the International Bank for Reconstruction and Developmen		
11 0077 0 1 151		
Budget Authority	51,777	19,675
Outlays	5,178	1,968
Contribution to the International Finance Corporation		
11 0078 0 1 151		
Budget Authority	77,591	29,485
Contribution to the African Development Fund		
11 0079 0 1 151		
Budget Authority	108,730	41,317
Contribution to the African Development Bank		
11 0082 0 1 151		
Budget Authority	9,873	3,752
Outlays	9,873	3,752
International organizations and programs		
11 1005 0 1 151		
Budget Authority	285,103	108,339
Outlays	169,266	64,321
Agency for International Development		
Operating expenses Agency for International Development		
11 1000 0 1 151		
Budget Authority	457,047	173,678
Outlays	342,785	130,258
Operating expenses of the Agency for International Development, Office o		
11 1007 0 1 151		
Budget Authority	32,182	12,229
Outlays	24,137	9,172
American schools and hospitals abroad		
11 1013 0 1 151		
Budget Authority	36,244	13,773
Outlays	12,069	4,586

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Sub-Saharan Africa development assistance		
11 1014 0 1 151		
Budget Authority	594,696	225,984
Outlays	50,549	19,209
Functional development assistance program		
11 1021 0 1 151		
Budget Authority	1,290,454	490,373
Outlays	109,689	41,682
International disaster assistance		
11 1035 0 1 151		
Budget Authority	31,089	11,814
Outlays	7,710	2,930
Special assistance initiatives		
11 1042 0 1 151		
Budget Authority	165,684	62,960
Outlays	31,314	11,899
Housing and other credit guaranty programs		
72 4340 0 3 151		
401(C) Auth--Off. Coll.	7,300	2,774
Guarntd. Loan Limitation	520,000	197,600
Outlays	7,132	2,710
Private sector revolving fund		
72 4341 0 3 151		
Budget Authority	5,177	1,967
Direct Loan Limitation	3,624	1,377
Guarntd. Loan Limitation	94,753	36,006
Outlays	304	116
Trade and Development Program		
Trade and development program		
11 1001 0 1 151		
Budget Authority	32,809	12,467
Outlays	6,791	2,581
Peace Corps		
Peace Corps		
11 0100 0 1 151		
Budget Authority	175,284	66,608
401(C) Auth--Off. Coll.	690	262
Outlays	144,474	54,900
Overseas Private Investment Corporation		
Overseas Private Investment Corporation		
71 4030 0 3 151		
401(C) Auth--Off. Coll.	12,974	4,930
Direct Loan Limitation	20,711	7,870
Guarntd. Loan Limitation	219,998	83,599
Outlays	14,931	5,674
Inter-American Foundation		
Inter-American Foundation		
11 4031 0 3 151		
Budget Authority	17,611	6,692
401(C) Auth--Off. Coll.	10,000	3,800
Outlays	11,044	4,197
African Development Foundation		
African Development Foundation		
11 0700 0 1 151		
Budget Authority	9,260	3,519
Outlays	5,093	1,935
International Monetary Programs		
Contribution to enhanced structural adjustments facility of the internat		
11 0005 0 1 155		
Budget Authority	144,974	55,090
Military Sales Programs		
Special defense acquisition fund		
11 4116 0 3 155		
Obligation Limitation	286,375	108,823
Outlays	2,864	1,088
Foreign military sales trust fund		
11 8242 0 7 155		
401(C) Auth--Off. Coll.	270,000	102,600
Outlays	251,100	95,418
Special Assistance for Central America		
Central American reconciliation assistance		
11 1038 0 1 152		
Budget Authority	27,414	10,417
Outlays	27,414	10,417
TOTAL FOR FUNDS APPROPRIATED TO THE PRESIDENT		
Budget Authority	14,232,467	5,408,338
401(C) Auth--Off. Coll.	300,964	114,366
Direct Loan Limitation	444,759	169,008
Guarntd. Loan Limitation	834,751	317,205
Obligation Limitation	286,375	108,823
Outlays	5,610,609	2,132,032

Department of Agriculture

Office of the Secretary

Office of the Secretary		
12 0115 0 1 352		
Budget Authority	7,789	2,960
Outlays	7,493	2,847

Departmental Administration

Rental payments and building operations and maintenance		
12 0117 0 1 352		
Budget Authority	75,020	28,508
Outlays	64,667	24,573
Advisory committees		
12 0118 0 1 352		
Budget Authority	1,575	599
Outlays	1,143	434
Departmental administration		
12 0120 0 1 352		
Budget Authority	23,591	8,965
Outlays	19,581	7,441
Hazardous waste management		
12 0500 0 1 304		
Budget Authority	20,724	7,875
Outlays	10,362	3,938
Office of budget and program analysis		
12 0503 0 1 352		
Budget Authority	4,858	1,846
Outlays	4,110	1,562

Office of Public Affairs

Office of public affairs		
12 0130 0 1 352		
Budget Authority	9,057	3,442
Outlays	6,883	2,616

Office of the Inspector General

Office of the Inspector General		
12 0900 0 1 352		
Budget Authority	55,322	21,022
Outlays	49,513	18,815

Office of the General Counsel

Office of the General Counsel		
12 2300 0 1 352		
Budget Authority	23,077	8,769
Outlays	20,839	7,919

Agricultural Research Service

Agricultural Research Service		
12 1400 0 1 352		
Budget Authority	621,067	236,005
401(C) Auth--Off. Coll.	3,600	1,368
Outlays	490,517	186,396
Buildings and facilities		
12 1401 0 1 352		
Budget Authority	11,102	4,219
Outlays	1,110	422

Cooperative State Research Service

Cooperative State Research Service		
12 1500 0 1 352		
Budget Authority	398,328	151,365
401(C) Authority	2,850	1,083
Outlays	205,997	78,279

Extension Service

Extension Service		
12 0502 0 1 352		
Budget Authority	384,289	146,030
401(C) Auth--Off. Coll.	245	93
Outlays	326,891	124,218

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
National Agricultural Library		
National Agricultural Library		
12 0300 0 1 352		
Budget Authority	15,516	5,896
Outlays	11,715	4,452
National Agricultural Statistics Service		
National agricultural statistics service		
12 1801 0 1 352		
Budget Authority	70,914	26,947
401(C) Auth--Off. Coll.	1,700	646
Outlays	63,466	24,117
Economic Research Service		
Economic research service		
12 1701 0 1 352		
Budget Authority	54,078	20,550
Outlays	45,966	17,467
World Agricultural Outlook Board		
World agricultural outlook board		
12 2100 0 1 352		
Budget Authority	2,043	776
Outlays	1,587	603
Foreign Agricultural Service		
Foreign agricultural service and general sales manager		
12 2900 0 1 352		
Budget Authority	106,747	40,564
Outlays	62,020	23,568
Office of International Cooperation and Development		
Scientific activities overseas (foreign currency program)		
12 1404 0 1 352		
Budget Authority	910	346
Outlays	592	225
Office of international corporation and development		
12 3200 0 1 352		
Budget Authority	6,410	2,436
Outlays	6,404	2,434
Foreign Assistance Programs		
Expenses, Public Law 480, foreign assistance programs, Agriculture		
12 2274 0 1 151		
Budget Authority	1,017,277	386,565
Direct Loan Limitation	821,184	312,050
Obligation Limitation	1,582,424	601,321
Outlays	1,440,006	547,202
Agricultural Stabilization and Conservation Service		
Salaries and expenses		
12 3300 0 1 351		
Budget Authority	110	42
401(C) Auth--Off. Coll.	51,998	19,759
Outlays	52,108	19,801
Dairy indemnity program		
12 3314 0 1 351		
Budget Authority	100	38
Outlays	100	38
Agricultural conservation program		
12 3315 0 1 302		
Budget Authority	189,664	72,072
Outlays	87,245	33,153
Emergency conservation program		
12 3316 0 1 453		
Budget Authority	31,124	11,827
Outlays	14,006	5,322
Colorado river basin salinity control program		
12 3318 0 1 304		
Budget Authority	10,755	4,087
Outlays	5,378	2,044
Conservation reserve program		
12 3319 0 1 302		
Budget Authority	1,423,443	540,908
Outlays	1,424,943	541,478
Water Bank program		
12 3320 0 1 302		
Budget Authority	12,731	4,838
Outlays	1,897	721
Forestry incentives program		
12 3336 0 1 302		
Budget Authority	12,944	4,919
Outlays	4,996	1,898
Federal Crop Insurance Corporation		
Administrative and operating expenses		
12 2707 0 1 351		
Budget Authority	248,635	94,481
Outlays	139,767	53,111
Commodity Credit Corporation		
Commodity Credit Corporation Fund		
12 4336 0 3 351		
401(C) Authority	11,235,000	4,269,300
Direct Loan Limitation	7,919,000	3,009,220
Guarntd. Loan Limitation	5,300,000	2,014,000
Outlays	11,235,000	4,269,300
National Wool Act (special fund)		
12 5210 0 2 351		
401(C) Auth--Spec. Rules	3,200	3,200
Outlays	3,200	3,200
Rural Electrification Administration		
Salaries and expenses		
12 3100 0 1 271		
Budget Authority	33,521	12,738
Outlays	30,236	11,490
Reimbursement to the Rural electrification and telephone revolving fund		
12 3101 0 1 271		
Budget Authority	250,387	95,147
Purchase of Rural Telephone Bank capital stock		
12 3102 0 1 452		
Budget Authority	29,858	11,346
Outlays	29,858	11,346
Rural electrification and telephone revolving fund		
12 4230 0 3 271		
Budget Authority	5,192	1,973
Direct Loan Limitation	3,478,504	1,321,832
Direct Loan Floor	1,866,072	709,107
Outlays	91,936	34,935
Rural telephone bank		
12 4231 0 3 452		
Direct Loan Limitation	218,962	83,206
Direct Loan Floor	184,127	69,968
Outlays	9,200	3,496
Farmers Home Administration		
Salaries and expenses		
12 2001 0 1 452		
Budget Authority	452,024	171,769
Outlays	402,302	152,875
Rural housing for domestic farm labor		
12 2004 0 1 604		
Budget Authority	11,296	4,292
Outlays	452	172
Mutual and self-help housing		
12 2006 0 1 604		
Budget Authority	8,979	3,412
Outlays	718	273
Very low income housing repair grants		
12 2064 0 1 604		
Budget Authority	13,000	4,940
Outlays	12,350	4,693
Rural development grants		
12 2065 0 1 452		
Budget Authority	17,062	6,484
Outlays	1,706	648
Rural water and waste disposal grants		
12 2066 0 1 452		
Budget Authority	216,008	82,083
Outlays	4,320	1,642

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Rural community fire protection grants		
12 2067 0 1 452		
Budget Authority	3,215	1,222
Outlays	1,447	550
Rural housing preservation grants		
12 2070 0 1 604		
Budget Authority	19,906	7,564
Outlays	1,194	454
Compensation for construction defects		
12 2071 0 1 371		
Budget Authority	520	198
Outlays	520	198
Agricultural credit insurance fund		
12 4140 0 3 351		
Budget Authority	3,548	1,348
401(C) Auth--Off. Coll.	192,000	72,960
Direct Loan Limitation	1,654,744	628,803
Guarntd. Loan Limitation	3,158,214	1,200,121
Outlays	1,109,371	421,561
Rural housing insurance fund		
12 4141 0 3 371		
401(C) Auth--Off. Coll.	48,630	18,479
Direct Loan Limitation	1,981,959	753,144
Obligation Limitation	309,060	117,443
Outlays	1,276,002	484,880
Rural development insurance fund		
12 4155 0 3 452		
401(C) Auth--Off. Coll.	1,000	380
Direct Loan Limitation	462,461	175,735
Guarntd. Loan Limitation	201,044	76,397
Outlays	18,000	6,840
Self-help housing land development fund		
12 4222 0 3 371		
Direct Loan Limitation	520	198
Outlays	340	129
Rural development loan fund		
12 4233 0 3 452		
Direct Loan Limitation	20,069	7,626
Outlays	1,986	755
Soil Conservation Service		
Conservation operations		
12 1000 0 1 302		
Budget Authority	509,804	193,726
401(C) Auth--Off. Coll.	10,079	3,830
Outlays	480,118	182,445
Resource conservation and development		
12 1010 0 1 302		
Budget Authority	28,929	10,993
401(C) Auth--Off. Coll.	1,000	380
Outlays	18,300	6,954
Watershed planning		
12 1066 0 1 301		
Budget Authority	9,424	3,581
401(C) Auth--Off. Coll.	236	90
Outlays	8,397	3,191
River basin surveys & investigations		
12 1069 0 1 301		
Budget Authority	13,128	4,989
401(C) Auth--Off. Coll.	269	102
Outlays	12,557	4,771
Watershed and flood prevention operations		
12 1072 0 1 301		
Budget Authority	252,810	96,068
401(C) Auth--Off. Coll.	8,892	3,379
Outlays	122,562	46,574
Great plains conservation program		
12 2268 0 1 302		
Budget Authority	21,948	8,340
401(C) Auth--Off. Coll.	20	8
Outlays	9,962	3,786
Miscellaneous contributed funds (Water resources)		
12 8210 0 7 301		
401(C) Authority	480	182
Outlays	480	182
Miscellaneous contributed funds (Conservation and land management)		
12 8210 0 7 302		
401(C) Authority	99	38
Animal and Plant Health Inspection Service		
Salaries and expenses		
12 1600 0 1 352		
Budget Authority	376,917	143,228
401(C) Auth--Off. Coll.	23,112	8,783
Outlays	332,166	126,223
Buildings and facilities		
12 1601 0 1 352		
Budget Authority	14,152	5,378
Outlays	9,340	3,549
Federal Grain Inspection Service		
Salaries and expenses		
12 2400 0 1 352		
Budget Authority	8,699	3,306
Outlays	7,133	2,711
Inspection and weighing services		
12 4050 0 3 352		
401(C) Auth--Off. Coll.	37,164	14,122
Outlays	37,164	14,122
Agricultural Marketing Service		
Marketing services		
12 2500 0 1 352		
Budget Authority	35,369	13,440
401(C) Auth--Off. Coll.	42,084	15,992
Outlays	65,817	25,011
Payments to States and possessions		
12 2501 0 1 352		
Budget Authority	1,285	488
Outlays	334	127
Perishable Agricultural Commodities Act fund		
12 5070 0 2 352		
401(C) Authority	5,675	2,157
Outlays	5,675	2,157
Funds for strengthening markets, income, and supply (section 32)		
12 5209 0 2 605		
401(C) Authority	373,984	142,114
Outlays	83,000	31,540
Milk market orders assessment fund		
12 8412 0 8 351		
401(C) Auth--Off. Coll.	41,032	15,592
Outlays	41,032	15,592
Miscellaneous trust funds		
12 9972 0 7 352		
401(C) Authority	87,689	33,322
Outlays	87,689	33,322
Office of Transportation		
Office of Transportation		
12 2800 0 1 352		
Budget Authority	2,561	973
Outlays	2,110	802
Food Safety and Inspection Service		
Salaries and expenses		
12 3700 0 1 554		
Budget Authority	450,448	171,171
401(C) Auth--Off. Coll.	54,000	20,520
Outlays	463,908	176,285
Expenses and refunds, inspection and grading of farm products		
12 8137 0 7 352		
401(C) Authority	1,200	456
Outlays	1,200	456
Food and Nutrition Service		
Special milk program		
12 3502 0 1 605		
401(C) Auth--Spec. Rules	106	106
Outlays	85	85

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Food donations programs for selected groups		
12 3503 0 1 605		
Budget Authority	211,748	80,464
401(C) Authority	32,000	12,160
Outlays	199,281	75,727
Food stamp program		
12 3505 0 1 605		
401(C) Authority	53,332	20,266
Outlays	21,333	8,107
Food program administration		
12 3508 0 1 605		
Budget Authority	98,145	37,295
Outlays	88,331	33,566
Special supplemental food program for women, infants, and children (WIC)		
12 3510 0 1 605		
Budget Authority	5,000	1,900
Outlays	5,000	1,900
State child nutrition payments		
12 3539 0 1 605		
401(C) Authority	9,944	3,779
Outlays	9,944	3,779
Temporary emergency food assistance program		
12 3635 0 1 351		
Budget Authority	51,815	19,690
Outlays	30,830	11,715
Human Nutrition Information Service		
Human nutrition information service		
12 3501 0 1 352		
Budget Authority	9,535	3,623
Outlays	5,244	1,993
Packers and Stockyards Administration		
Packers and Stockyards Administration		
12 2600 0 1 352		
Budget Authority	10,224	3,885
Outlays	9,365	3,559
Agricultural Cooperative Service		
Agricultural cooperative service		
12 3000 0 1 352		
Budget Authority	5,027	1,910
Outlays	3,589	1,364
Forest Service		
Construction		
12 1103 0 1 302		
Budget Authority	233,655	88,789
401(C) Auth--Off. Coll.	2,835	1,077
Outlays	139,056	52,841
Forest research		
12 1104 0 1 302		
Budget Authority	159,103	60,459
401(C) Auth--Off. Coll.	1,081	411
Outlays	120,886	45,937
State and private forestry		
12 1105 0 1 302		
Budget Authority	116,358	44,216
401(C) Auth--Off. Coll.	604	230
Outlays	86,359	32,817
National forest system		
12 1106 0 1 302		
Budget Authority	1,224,189	465,192
Outlays	1,061,371	403,321
Firefighting		
12 1111 0 1 302		
Budget Authority	856,966	325,647
Outlays	410,166	155,863
Working capital fund		
12 4605 0 4 302		
401(C) Auth--Off. Coll.	10,101	3,838
Outlays	10,101	3,838
Land acquisition		
12 5004 0 2 303		
Budget Authority	66,064	25,104
Outlays	26,426	10,042
Range betterment fund		
12 5207 0 2 302		
Budget Authority	4,881	1,855
Outlays	3,905	1,484
Acquisition of lands for national forests, special acts		
12 5208 0 2 302		
Budget Authority	1,097	417
Outlays	925	352
Acquisition of lands to complete land exchanges		
12 5216 0 2 302		
Budget Authority	1,065	405
Outlays	945	359
Operations and maintenance of quarters		
12 5219 0 2 302		
401(C) Authority	6,057	2,302
Outlays	4,864	1,848
Cooperative work trust fund		
12 8028 0 7 302		
401(C) Authority	329,502	125,211
Outlays	272,256	103,457
Gifts, donations and bequests for forest and rangeland research		
12 8034 0 7 302		
Budget Authority	31	12
Outlays	31	12
Forest Service permanent appropriations		
12 9921 0 2 806		
401(C) Authority	338,955	128,803
Outlays	238,285	90,548
Forest Service permanent appropriations		
12 9922 0 2 302		
Budget Authority	9,108	3,461
401(C) Authority	148,164	56,303
Outlays	118,456	45,013
Reforestation trust fund		
20 8046 0 7 302		
401(C) Authority	30,000	11,400
Outlays	29,580	11,240
TOTAL FOR DEPARTMENT OF AGRICULTURE		
Budget Authority	10,693,201	4,063,418
401(C) Authority	12,654,931	4,808,876
401(C) Auth--Off. Coll.	531,682	202,039
401(C) Auth--Spec. Rules	3,306	3,306
Direct Loan Limitation	16,557,403	6,291,814
Direct Loan Floor	2,050,199	779,075
Guarntd. Loan Limitation	8,659,258	3,290,518
Obligation Limitation	1,891,484	718,764
Outlays	23,486,998	8,927,098

Department of Commerce

General Administration

Salaries and expenses		
13 0120 0 1 376		
Budget Authority	29,593	11,245
Outlays	28,113	10,683
Office of the Inspector General		
13 0126 0 1 452		
Budget Authority	14,220	5,404
Outlays	13,509	5,133

Economic Development Administration

Grants and loans administration		
13 0125 0 1 452		
Budget Authority	27,018	10,267
Outlays	23,722	9,014
Economic development assistance programs		
13 2050 0 1 452		
Budget Authority	199,139	75,673
Guarntd. Loan Limitation	195,000	74,100
Outlays	19,914	7,568

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Bureau of the Census		
Salaries and expenses		
13 0401 0 1 376		
Budget Authority	106,480	40,462
401(C) Auth--Off. Coll.	8,000	3,040
Outlays	93,184	35,410
Periodic censuses and programs		
13 0450 0 1 376		
Budget Authority	1,516,571	576,297
Outlays	1,231,456	467,953
Economic and Statistical Analysis		
Salaries and expenses		
13 1500 0 1 376		
Budget Authority	32,978	12,532
401(C) Auth--Off. Coll.	395	150
Outlays	30,075	11,428
International Trade Administration		
Operations and administration		
13 1250 0 1 376		
Budget Authority	191,305	72,696
401(C) Auth--Off. Coll.	14,600	5,548
Outlays	148,513	56,435
Export Administration		
Operations and administration		
13 0300 0 1 376		
Budget Authority	43,876	16,673
Outlays	37,295	14,172
Minority Business Development Agency		
Minority business development		
13 0201 0 1 376		
Budget Authority	41,636	15,822
Outlays	21,151	8,037
United States Travel and Tourism Administration		
Salaries and expenses		
13 0700 0 1 376		
Budget Authority	14,881	5,655
401(C) Auth--Off. Coll.	1,450	551
Outlays	12,908	4,905
National Oceanic and Atmospheric Administration		
Operations, research, and facilities		
13 1450 0 1 306		
Budget Authority	1,346,044	511,497
401(C) Auth--Off. Coll.	15,315	5,820
Outlays	930,625	353,638
Coastal energy impact fund		
13 4315 0 3 452		
401(C) Auth--Off. Coll.	8,000	3,040
Outlays	8,000	3,040
Federal ship financing fund, fishing vessels		
13 4417 0 3 376		
401(C) Auth--Off. Coll.	6,550	2,489
Guarntd. Loan Limitation	104,000	39,520
Outlays	6,550	2,489
Fishing vessel and gear damage compensation fund		
13 5119 0 2 376		
Budget Authority	1,044	397
Outlays	1,044	397
Fishermen's contingency fund		
13 5120 0 2 376		
Budget Authority	765	291
Outlays	727	276
Foreign fishing observer fund		
13 5122 0 2 376		
Budget Authority	2,065	785
Outlays	1,982	753
Fisheries promotional fund		
13 5124 0 2 376		
Budget Authority	2,083	792
Outlays	1,146	435
Promote and develop fishery products and research pertaining to American		
13 5139 0 2 376		
401(C) Other--incl ob lim	1,916	728
Outlays	1,054	401
Aviation weather services program		
13 8105 0 7 306		
Budget Authority	30,766	11,691
Outlays	30,766	11,691
Patent and Trademark Office		
Salaries and expenses		
13 1006 0 1 376		
Budget Authority	91,138	34,632
401(C) Auth--Off. Coll.	241,420	91,740
Outlays	133,023	50,549
Technology Administration		
Salaries and expenses		
13 1100 0 1 376		
Budget Authority	4,127	1,568
Outlays	3,549	1,349
Information products and services		
13 8546 0 7 376		
401(C) Authority	52,472	19,939
Outlays	34,107	12,961
National Institute of Standards and Technology		
Scientific and technical research and services		
13 0500 0 1 376		
Budget Authority	172,774	65,654
Outlays	133,190	50,612
Working capital fund		
13 4650 0 4 376		
Budget Authority	571	217
Outlays	286	109
National Telecommunications and Information Administration		
Salaries and expenses		
13 0550 0 1 376		
Budget Authority	14,915	5,668
Outlays	11,932	4,534
Public telecommunications facilities, planning and construction		
13 0551 0 1 503		
Budget Authority	20,833	7,917
Outlays	2,917	1,108
TOTAL FOR DEPARTMENT OF COMMERCE		
Budget Authority	3,904,822	1,483,835
401(C) Authority	52,472	19,939
401(C) Auth--Off. Coll.	295,730	112,378
401(C) Other--incl ob lim	1,916	728
Guarntd. Loan Limitation	299,000	113,620
Outlays	2,960,738	1,125,080

Department of Defense--Military

Operation and Maintenance		
Operation and maintenance, Marine Corps		
17 1106 0 1 051		
Budget Authority	1,892,175	790,929
Outlays	1,456,975	609,016
Operation and maintenance, Marine Corps Reserve		
17 1107 0 1 051		
Budget Authority	80,664	33,718
Outlays	58,078	24,277
Operation and maintenance, Navy		
17 1804 0 1 051		
Budget Authority	25,746,469	10,762,024
Outlays	20,339,711	8,501,999
Operation and maintenance, Navy Reserve		
17 1806 0 1 051		
Budget Authority	962,020	402,124
Outlays	607,996	254,142

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
National Board for the Promotion of Rifle Practice, Army		
21 1705 0 1 051		
Budget Authority	4,844	2,025
Outlays	2,664	1,114
Operation and maintenance, Army		
21 2020 0 1 051		
Budget Authority	23,852,403	9,970,305
Outlays	19,225,037	8,036,065
Operation and maintenance, Army National Guard		
21 2065 0 1 051		
Budget Authority	1,949,817	815,023
Outlays	1,515,008	633,274
Operation and maintenance, Army Reserve		
21 2080 0 1 051		
Budget Authority	913,923	382,020
Outlays	694,582	290,336
Restoration of the Rocky Mountain Arsenal		
21 5098 0 2 051		
401(C) Authority	21,300	8,903
Unobligated Bal--Defense	29,880	12,490
Outlays	21,300	8,903
Operation and maintenance, Air Force		
57 3400 0 1 051		
Budget Authority	22,413,621	9,368,894
Outlays	17,191,248	7,185,942
Operation and maintenance, Air Force Reserve		
57 3740 0 1 051		
Budget Authority	1,058,116	442,292
Outlays	852,841	356,488
Operation and maintenance, Air National Guard		
57 3840 0 1 051		
Budget Authority	2,119,579	885,984
Outlays	1,710,500	714,989
Operation and maintenance, Defense agencies		
97 0100 0 1 051		
Budget Authority	8,185,273	3,421,444
Outlays	7,204,998	3,011,689
Court of Military Appeals, Defense		
97 0104 0 1 051		
Budget Authority	4,161	1,739
Outlays	3,495	1,461
Drug interdiction and counter-drug activitites, Defense		
97 0105 0 1 051		
Budget Authority	462,006	193,119
Outlays	184,802	77,247
Goodwill games		
97 0106 0 1 051		
Budget Authority	15,103	6,313
Outlays	12,082	5,050
Office of the Inspector General		
97 0107 0 1 051		
Budget Authority	100,672	42,081
Unobligated Bal--Defense	19	8
Outlays	75,518	31,567
Foreign currency fluctuations, Defense		
97 0801 0 1 051		
Unobligated Bal--Defense	299,186	125,060
Environmental restoration, Defense		
97 0810 0 1 051		
Budget Authority	625,144	261,310
Unobligated Bal--Defense	211	88
Outlays	343,945	143,769
Humanitarian assistance		
97 0819 0 1 051		
Budget Authority	13,359	5,584
Outlays	9,792	4,093
Procurement		
Procurement, Marine Corps		
17 1109 0 1 051		
Budget Authority	1,102,383	460,796
Unobligated Bal--Defense	207,181	86,602
Outlays	205,601	85,941
Aircraft procurement, Navy		
17 1506 0 1 051		
Budget Authority	9,638,849	4,029,038
Unobligated Bal--Defense	1,831,479	765,558
Outlays	1,376,439	575,352
Weapons procurement, Navy		
17 1507 0 1 051		
Budget Authority	5,519,634	2,307,207
Unobligated Bal--Defense	1,353,274	565,669
Outlays	618,562	258,559
Shipbuilding and conversion, Navy		
17 1611 0 1 051		
Budget Authority	11,972,304	5,004,423
Unobligated Bal--Defense	8,439,096	3,527,542
Outlays	816,456	341,279
Other procurement, Navy		
17 1810 0 1 051		
Budget Authority	8,071,773	3,374,001
Unobligated Bal--Defense	3,801,415	1,588,991
Outlays	1,294,177	540,966
Aircraft procurement, Army		
21 2031 0 1 051		
Budget Authority	3,864,099	1,615,193
Unobligated Bal--Defense	686,737	287,056
Outlays	591,609	247,292
Missile procurement, Army		
21 2032 0 1 051		
Budget Authority	2,547,492	1,064,852
Unobligated Bal--Defense	601,260	251,327
Outlays	157,438	65,809
Procurement of weapons and tracked combat vehicles, Army		
21 2033 0 1 051		
Budget Authority	2,685,172	1,122,402
Unobligated Bal--Defense	1,091,834	456,387
Outlays	37,770	15,788
Procurement of ammunition, Army		
21 2034 0 1 051		
Budget Authority	2,031,997	849,375
Unobligated Bal--Defense	201,135	84,074
Outlays	759,265	317,372
Other procurement, Army		
21 2035 0 1 051		
Budget Authority	3,655,117	1,527,838
Unobligated Bal--Defense	1,062,611	444,171
Outlays	306,652	128,180
Aircraft procurement, Air Force		
57 3010 0 1 051		
Budget Authority	16,096,413	6,728,300
Unobligated Bal--Defense	7,067,694	2,954,296
Outlays	926,565	387,304
Missile procurement, Air Force		
57 3020 0 1 051		
Budget Authority	6,854,195	2,865,054
Unobligated Bal--Defense	2,408,909	1,006,924
Outlays	2,223,144	929,274
Other procurement, Air Force		
57 3080 0 1 051		
Budget Authority	8,591,464	3,591,233
Unobligated Bal--Defense	2,029,804	848,458
Outlays	6,096,607	2,548,382
Procurement, Defense agencies		
97 0300 0 1 051		
Budget Authority	1,310,934	547,970
Unobligated Bal--Defense	362,333	151,455
Outlays	485,248	202,833
National guard and reserve equipment		
97 0350 0 1 051		
Budget Authority	986,669	412,428
Unobligated Bal--Defense	476,830	199,315
Outlays	158,058	66,068
Defense production act purchases		
97 0360 0 1 051		
Budget Authority	45,218	18,901
Unobligated Bal--Defense	47,627	19,908

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Chemical agents and munitions destruction, Defense		
97 0390 0 1 051		
Budget Authority	264,390	110,515
Unobligated Bal--Defense	17,287	7,226
Outlays	107,319	44,859
Research, Development, Test, and Evaluation		
Research, development, test, and evaluation, Navy		
17 1319 0 1 051		
Budget Authority	9,788,709	4,091,681
Unobligated Bal--Defense	414,048	173,072
Outlays	5,815,863	2,431,031
Research, development, test, and evaluation, Army		
21 2040 0 1 051		
Budget Authority	5,574,965	2,330,336
Unobligated Bal--Defense	269,349	112,588
Outlays	3,097,487	1,294,750
Research, development, test, and evaluation, Air Force		
57 3600 0 1 051		
Budget Authority	13,963,152	5,836,597
Unobligated Bal--Defense	1,693,934	708,064
Outlays	9,394,251	3,926,797
Research, development, test, and evaluation, Defense agencies		
97 0400 0 1 051		
Budget Authority	8,397,912	3,510,327
Unobligated Bal--Defense	889,699	371,894
Outlays	4,831,196	2,019,439
Developmental test and evaluation, Defense		
97 0450 0 1 051		
Budget Authority	185,350	77,476
Unobligated Bal--Defense	32,733	13,682
Outlays	46,888	19,599
Operational test and evaluation, Defense		
97 0460 0 1 051		
Budget Authority	13,234	5,532
Unobligated Bal--Defense	1,909	798
Outlays	605	253
Military Construction		
Military construction, Navy		
17 1205 0 1 051		
Budget Authority	1,166,444	487,574
Unobligated Bal--Defense	399,542	167,009
Outlays	258,387	108,006
Military construction, Naval Reserve		
17 1235 0 1 051		
Budget Authority	58,864	24,605
Unobligated Bal--Defense	10,545	4,408
Outlays	9,717	4,062
Military construction, Army		
21 2050 0 1 051		
Budget Authority	762,272	318,630
Unobligated Bal--Defense	246,758	103,145
Outlays	322,890	134,969
Military construction, Army National Guard		
21 2085 0 1 051		
Budget Authority	239,710	100,199
Unobligated Bal--Defense	100,727	42,104
Outlays	24,511	10,245
Military construction, Army Reserve		
21 2086 0 1 051		
Budget Authority	103,177	43,128
Unobligated Bal--Defense	38,015	15,890
Outlays	19,061	7,967
Military construction, Air Force		
57 3300 0 1 051		
Budget Authority	1,218,148	509,186
Unobligated Bal--Defense	521,050	217,799
Outlays	286,967	119,952
Military construction, Air Force Reserve		
57 3730 0 1 051		
Budget Authority	48,048	20,084
Unobligated Bal--Defense	12,163	5,084
Outlays	6,442	2,693
Military construction, Air National Guard		
57 3830 0 1 051		
Budget Authority	245,302	102,536
Unobligated Bal--Defense	104,179	43,547
Outlays	27,958	11,687
Base realignment and closure account		
97 0103 0 1 051		
Budget Authority	520,000	217,360
Unobligated Bal--Defense	85,000	35,530
Outlays	203,280	84,971
Military construction, Defense agencies		
97 0500 0 1 051		
Budget Authority	530,224	221,633
Unobligated Bal--Defense	347,886	145,416
Outlays	122,935	51,386
Foreign currency fluctuations, construction		
97 0803 0 1 051		
Unobligated Bal--Defense	152,484	63,738
North Atlantic Treaty Organization infrastructure		
97 0804 0 1 051		
Budget Authority	418,901	175,101
Outlays	83,781	35,021
Family Housing		
Family housing, Navy and Marine Corps		
17 0703 0 1 051		
Budget Authority	830,254	347,046
Unobligated Bal--Defense	137,094	57,305
Outlays	415,022	173,479
Family housing, Army		
21 0702 0 1 051		
Budget Authority	1,506,735	629,815
Unobligated Bal--Defense	86,640	36,216
Outlays	1,049,338	438,623
Family housing, Air Force		
57 0704 0 1 051		
Budget Authority	904,804	378,208
Outlays	514,761	215,171
Family housing, Defense agencies		
97 0706 0 1 051		
Budget Authority	21,969	9,183
Unobligated Bal--Defense	70	29
Outlays	15,087	6,307
Revolving and Management Funds		
Air Force stock fund		
57 4921 0 4 051		
Budget Authority	115,544	48,297
Outlays	45,062	18,836
National defense stockpile transaction fund		
97 4555 0 3 051		
Unobligated Bal--Defense	421,828	176,324
Emergency response fund		
97 4965 0 4 051		
Budget Authority	104,000	43,472
Unobligated Bal--Defense	100,000	41,800
TOTAL FOR DEPARTMENT OF DEFENSE--MILITARY		
Budget Authority	222,355,170	92,944,460
401(C) Authority	21,300	8,903
Unobligated Bal--Defense	38,081,455	15,918,047
Outlays	114,262,971	47,761,923

Department of Defense--Civil

Cemeterial Expenses, Army

Salaries and expenses		
21 1805 0 1 705		
Budget Authority	13,028	4,951
Outlays	9,720	3,693

Corps of Engineers--Civil

Inland waterways trust fund		
20 8861 0 7 301		
Budget Authority	122,770	46,653
Outlays	85,939	32,657

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Flood control, Mississippi River and tributaries		
96 3112 0 1 301		
Budget Authority	346,930	131,833
401(C) Auth--Off. Coll.	400	152
Outlays	285,576	108,519
General investigations		
96 3121 0 1 301		
Budget Authority	137,367	52,199
Outlays	95,333	36,227
Construction, general		
96 3122 0 1 301		
Budget Authority	1,010,285	383,908
401(C) Auth--Off. Coll.	235	89
Outlays	394,246	149,813
Operation and maintenance, general (Water resources)		
96 3123 0 1 301		
Budget Authority	1,263,683	480,200
401(C) Auth--Off. Coll.	3,500	1,330
Outlays	1,019,590	387,444
Operation and maintenance, general (Recreational resources)		
96 3123 0 1 303		
Budget Authority	20,797	7,903
Outlays	16,222	6,164
General expenses		
96 3124 0 1 301		
Budget Authority	151,261	57,479
Outlays	121,009	45,984
Flood control and coastal emergencies		
96 3125 0 1 301		
Budget Authority	20,995	7,978
Outlays	10,498	3,989
Regulatory program		
96 3126 0 1 301		
Budget Authority	73,088	27,773
Outlays	69,434	26,385
Revolving fund		
96 4902 0 4 301		
Budget Authority	10,257	3,898
Outlays	8,206	3,118
Rivers and harbors contributed funds		
96 8862 0 7 301		
401(C) Authority	145,600	55,328
Outlays	90,272	34,303
Harbor maintenance trust fund		
96 8863 0 7 301		
Budget Authority	192,500	73,150
Outlays	192,500	73,150
Permanent appropriations (Water resources)		
96 9921 0 2 301		
401(C) Authority	7,000	2,660
Outlays	4,508	1,713
Permanent appropriations (Other general purpose fiscal assistance)		
96 9921 0 2 806		
401(C) Authority	5,000	1,900
Soldiers' and Airmen's Home		
Operation and maintenance		
84 8931 0 7 705		
Budget Authority	41,363	15,718
401(C) Auth--Off. Coll.	144	55
Outlays	37,371	14,201
Capital outlays		
84 8932 0 7 705		
Budget Authority	9,750	3,705
Outlays	195	74
Forest and Wildlife Conservation, Military Reservations		
Wildlife conservation		
97 5095 0 2 303		
401(C) Authority	2,200	836
Outlays	1,320	502
The Mildred and Claude Pepper Foundation		
Mildred and Claude Pepper Foundation		
97 0826 0 1 552		
Budget Authority	10,400	3,952
Outlays	10,400	3,952
TOTAL FOR DEPARTMENT OF DEFENSE--CIVIL		
Budget Authority	3,424,474	1,301,300
401(C) Authority	159,800	60,724
401(C) Auth--Off. Coll.	4,279	1,626
Outlays	2,452,339	931,888

Department of Health and Human Services, except Social Security

Food and Drug Administration		
Program expenses		
75 0600 0 1 554		
Budget Authority	629,973	239,390
Outlays	522,877	198,694
Buildings and facilities		
75 0603 0 1 554		
Budget Authority	8,684	3,300
Outlays	1,216	462
Revolving fund for certification and other services		
75 4309 0 3 554		
401(C) Auth--Off. Coll.	3,338	1,268
Outlays	3,338	1,268
Health Resources and Services Administration		
Vaccine improvement program trust fund		
20 8175 0 7 551		
Budget Authority	4,750	1,805
Outlays	4,750	1,805
Health resources and services (Health care services)		
75 0350 0 1 551		
Budget Authority	1,073,085	407,772
Budget Auth--Spec. Rules	10,552	10,552
401(C) Auth--Off. Coll.	365	139
Outlays	596,365	230,218
Health resources and services (Education and training of health care wor		
75 0350 0 1 553		
Budget Authority	222,046	84,377
Outlays	133,228	50,627
Indian Health Service		
Tribal health administration		
75 0390 0 1 551		
Budget Authority	91,811	34,888
Budget Auth--Spec. Rules	22,978	22,978
401(C) Auth--Spec. Rules	60	60
Outlays	91,867	46,329
Indian health facilities		
75 0391 0 1 551		
Budget Auth--Spec. Rules	1,493	1,493
Outlays	299	299
Centers for Disease Control		
Disease control, research, and training (Health care services)		
75 0943 0 1 551		
Budget Authority	1,036,828	393,995
401(C) Auth--Off. Coll.	1,000	380
Outlays	550,519	209,198
Disease control, research, and training (Health research)		
75 0943 0 1 552		
Budget Authority	139,108	52,861
Outlays	83,465	31,717
National Institutes of Health		
National Library of Medicine (Health research)		
75 0807 0 1 552		
Budget Authority	29,770	11,313
Outlays	18,160	6,901

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
National Library of Medicine (Education and training of health care work		
75 0807 0 1 553		
Budget Authority	56,246	21,373
Outlays	34,310	13,038
John E. Fogarty International Center		
75 0819 0 1 552		
Budget Authority	16,251	6,175
Outlays	7,638	2,902
Buildings and facilities		
75 0838 0 1 552		
Budget Authority	63,484	24,124
Outlays	15,871	6,031
National Institute on Aging (Health research)		
75 0843 0 1 552		
Budget Authority	239,305	90,936
Outlays	74,185	28,190
National Institute on Aging (Education and training of health care work		
75 0843 0 1 553		
Budget Authority	10,453	3,972
Outlays	3,240	1,231
National Institute of Child Health and Human Development (Health researc		
75 0844 0 1 552		
Budget Authority	442,979	168,332
Outlays	146,183	55,550
National Institute of Child Health and Human Development (Education and		
75 0844 0 1 553		
Budget Authority	18,632	7,080
Outlays	1,863	708
Office of the Director (Health research)		
75 0846 0 1 552		
Budget Authority	105,773	40,194
Outlays	49,713	18,891
Office of the Director (Education and training of health care work force		
75 0846 0 1 553		
Budget Authority	7,228	2,747
Outlays	3,397	1,291
Research resources (Health research)		
75 0848 0 1 552		
Budget Authority	365,377	138,843
Outlays	189,996	72,198
Research resources (Education and training of health care work force)		
75 0848 0 1 553		
Budget Authority	2,690	1,022
Outlays	135	51
National Cancer Institute (Health research)		
75 0849 0 1 552		
Budget Authority	1,665,599	632,928
Outlays	799,488	303,805
National Cancer Institute (Education and training of health care work fo		
75 0849 0 1 553		
Budget Authority	38,874	14,772
Outlays	1,555	591
National Institute of General Medical Sciences (Health research)		
75 0851 0 1 552		
Budget Authority	620,371	235,741
Outlays	217,130	82,509
National Institute of General Medical Sciences (Education and training o		
75 0851 0 1 553		
Budget Authority	88,957	33,804
Outlays	31,135	11,831
National Institute of Environmental Health Sciences (Health research)		
75 0862 0 1 552		
Budget Authority	228,111	86,682
Outlays	136,867	52,009
National Institute of Environmental Health Sciences (Education and train		
75 0862 0 1 553		
Budget Authority	11,432	4,344
Outlays	6,859	2,606
National Heart, Lung and Blood Institute (Health research)		
75 0872 0 1 552		
Budget Authority	1,068,195	405,914
Outlays	470,006	178,602
National Heart, Lung and Blood Institute (Education and training of heal		
75 0872 0 1 553		
Budget Authority	48,713	18,511
Outlays	1,949	741
National Institute of Dental Research (Health research)		
75 0873 0 1 552		
Budget Authority	135,267	51,401
Outlays	75,750	28,785
National Institute of Dental Research (Education and training of health		
75 0873 0 1 553		
Budget Authority	6,583	2,502
Outlays	3,686	1,401
National Institute of Diabetes and Digestive and Kidney Diseases (Health		
75 0884 0 1 552		
Budget Authority	580,376	220,543
Outlays	197,328	74,985
National Institute of Diabetes and Digestive and Kidney Diseases (Educat		
75 0884 0 1 553		
Budget Authority	25,608	9,731
Outlays	7,170	2,725
National Institute of Allergy and Infectious Diseases (Health research)		
75 0885 0 1 552		
Budget Authority	848,862	322,568
Outlays	263,147	99,996
National Institute of Allergy and Infectious Diseases (Education and tra		
75 0885 0 1 553		
Budget Authority	19,162	7,282
Outlays	3,066	1,165
National Institute of Neurological Disorders and Stroke (Health research		
75 0886 0 1 552		
Budget Authority	497,087	188,893
Outlays	198,835	75,557
National Institute of Neurological Disorders and Stroke (Education and t		
75 0886 0 1 553		
Budget Authority	14,206	5,398
Outlays	3,978	1,512
National Eye Institute (Health research)		
75 0887 0 1 552		
Budget Authority	238,628	90,679
Outlays	88,292	33,551
National Eye Institute (Education and training of health care work force		
75 0887 0 1 553		
Budget Authority	7,778	2,956
Outlays	700	266
National Institute of Arthritis and Musculoskeletal and Skin Diseases (H		
75 0888 0 1 552		
Budget Authority	168,612	64,073
Outlays	64,073	24,348
National Institute of Arthritis and Musculoskeletal and Skin Diseases (E		
75 0888 0 1 553		
Budget Authority	7,311	2,778
Outlays	1,828	695

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
National Center for Nursing Research (Health research)		
75 0889 0 1 552		
Budget Authority	30,135	11,451
Outlays	4,520	1,718
National Center for Nursing Research (Education and training of health c		
75 0889 0 1 553		
Budget Authority	4,797	1,823
Outlays	720	274
National Institute on Deafness and Other Communicative Disorders (Health		
75 0890 0 1 552		
Budget Authority	119,006	45,222
Outlays	48,792	18,541
National Institute on Deafness and Other Communicative Disorders (Educat		
75 0890 0 1 553		
Budget Authority	3,407	1,295
Outlays	1,397	531
National center for human genome research (Health research)		
75 0891 0 1 552		
Budget Authority	58,755	22,327
Outlays	20,564	7,814
National center for human genome research (Education and training of hea		
75 0891 0 1 553		
Budget Authority	3,217	1,222
Outlays	1,126	428
Alcohol, Drug Abuse, and Mental Health Administration		
Federal subsidy for Saint Elizabeths Hospital		
75 1300 0 1 551		
Budget Authority	18,720	7,114
Outlays	18,720	7,114
Alcohol, drug abuse, and mental health (Health care services)		
75 1361 0 1 551		
Budget Authority	1,725,686	655,761
Outlays	603,990	229,516
Alcohol, drug abuse, and mental health (Health research)		
75 1361 0 1 552		
Budget Authority	934,639	355,163
Outlays	345,816	131,410
Alcohol, drug abuse, and mental health (Education and training of health		
75 1361 0 1 553		
Budget Authority	73,855	28,065
Outlays	14,771	5,613
Assistant Secretary for Health		
Public health service management (Health care services)		
75 1101 0 1 551		
Budget Authority	58,772	22,333
Outlays	32,325	12,284
Public health service management (Health research)		
75 1101 0 1 552		
Budget Authority	21,361	8,117
Outlays	13,457	5,114
Medical treatment effectiveness		
75 1105 0 1 552		
Budget Authority	27,950	10,621
Outlays	15,373	5,842
Health Care Financing Administration		
Federal supplementary medical insurance trust fund		
20 8004 0 7 571		
401(C) Other--incl ob lim	27,599	10,488
401(C) Auth--Spec. Rules	554,000	554,000
Obligation Limitation	1,362,039	517,574
Outlays	1,855,240	1,048,471
Federal hospital insurance trust fund		
20 8005 0 7 571		
401(C) Other--incl ob lim	103,825	39,454
401(C) Auth--Spec. Rules	1,203,000	1,203,000
Obligation Limitation	1,041,321	395,702
Outlays	2,277,243	1,611,213
Program management (Health care services)		
75 0511 0 1 551		
Budget Authority	91,550	34,789
Outlays	77,818	29,571
Program management (Health research)		
75 0511 0 1 552		
Budget Authority	13,421	5,100
Outlays	10,737	4,080
Social Security Administration		
Supplemental security income program		
75 0406 0 1 609		
Budget Authority	849,576	322,839
Outlays	849,576	322,839
Special benefits for disabled coal miners		
75 0409 0 1 601		
401(C) Authority	7,000	2,660
Outlays	7,000	2,660
Family Support Administration		
Program administration		
75 1500 0 1 609		
Budget Authority	90,673	34,456
401(C) Auth--Off. Coll.	400	152
Outlays	68,405	25,994
Family support payments to States		
75 1501 0 1 609		
401(C) Authority	1,586,000	602,680
Outlays	1,586,000	602,680
Low income home energy assistance		
75 1502 0 1 609		
Budget Authority	1,500,720	570,274
Outlays	1,365,655	518,949
Refugee and entrant assistance		
75 1503 0 1 609		
Budget Authority	389,815	148,130
Outlays	253,380	96,284
Grants to States for special services		
75 1504 0 1 506		
Budget Authority	412,372	156,702
Outlays	280,413	106,557
Work incentives		
75 1505 0 1 504		
Budget Authority	20,800	7,904
Outlays	19,552	7,430
Interim assistance to States for legalization		
75 1508 0 1 506		
401(C) Authority	910,000	345,800
Outlays	273,000	103,740
Payments to states for family support activities (Other income security)		
75 1509 0 1 609		
401(C) Authority	650,000	247,000
Outlays	520,000	197,600
Human Development Services		
Social services block grant		
75 1634 0 1 506		
401(C) Authority	2,800,000	1,064,000
Outlays	2,661,890	1,011,518
Human development services		
75 1636 0 1 506		
Budget Authority	3,055,309	1,161,018
Outlays	1,778,147	675,696
Payments to States for foster care and adoption assistance		
75 1645 0 1 506		
401(C) Auth--Spec. Rules	10,000	10,000
Outlays	7,500	7,500

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Office of the Secretary		
General Departmental management		
75 0120 0 1 609		
Budget Authority	84,567	32,135
Outlays	59,197	22,495
Policy research		
75 0122 0 1 609		
Budget Authority	5,215	1,982
Outlays	2,086	793
Office of the Inspector General		
75 0128 0 1 609		
Budget Authority	53,824	20,453
Outlays	40,368	15,340
Office for Civil Rights		
75 0135 0 1 751		
Budget Authority	18,484	7,024
Outlays	16,820	6,392
Office of Consumer Affairs		
75 0137 0 1 506		
Budget Authority	1,945	739
Outlays	1,362	518
TOTAL FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES, EXCEPT SOCIAL SECURITY		
Budget Authority	20,552,776	7,810,058
Budget Auth--Spec. Rules	35,023	35,023
401(C) Authority	5,953,000	2,262,140
401(C) Auth--Off. Coll.	5,103	1,939
401(C) Other--incl ob lim	131,424	49,942
401(C) Auth--Spec. Rules	1,767,060	1,767,060
Obligation Limitation	2,403,360	913,276
Outlays	20,238,417	8,799,798
Department of the Interior		
Bureau of Land Management		
Management of lands and resources		
14 1109 0 1 302		
Budget Authority	463,705	176,208
Outlays	404,814	153,829
Construction and access		
14 1110 0 1 302		
Budget Authority	8,928	3,393
Outlays	2,232	848
Payments in lieu of taxes		
14 1114 0 1 806		
Budget Authority	109,280	41,496
Outlays	109,200	41,496
Oregon and California grant lands		
14 1116 0 1 302		
Budget Authority	99,795	37,922
Outlays	73,848	28,062
Special acquisition of lands and minerals		
14 1117 0 1 302		
401(C) Authority	1,352	514
Outlays	1,352	514
Firefighting		
14 1119 0 1 302		
Budget Authority	362,775	137,854
Outlays	257,856	97,986
Service charges, deposits, and forfeitures		
14 5017 0 2 302		
Budget Authority	6,375	2,423
Outlays	4,514	1,715
Land acquisition		
14 5033 0 2 302		
Budget Authority	16,021	6,088
Outlays	8,011	3,044
Operation and maintenance of quarters		
14 5048 0 2 302		
401(C) Authority	260	99
Outlays	217	82
Range improvements		
14 5132 0 2 302		
Budget Authority	9,889	3,758
Outlays	6,250	2,375
Miscellaneous permanent appropriations (Conservation and land management		
14 9921 0 2 302		
401(C) Authority	7,600	2,888
Outlays	7,326	2,784
Miscellaneous permanent appropriations (Other general purpose fiscal ass		
14 9921 0 2 806		
401(C) Authority	129,539	49,225
Outlays	117,880	44,794
Miscellaneous trust funds		
14 9971 0 7 302		
Budget Authority	105	40
401(C) Authority	624	237
Outlays	370	141
Minerals Management Service		
Leasing and royalty management		
14 1917 0 1 302		
Budget Authority	186,529	70,881
Outlays	121,244	46,073
Payments to States from receipts under Mineral Leasing Act		
14 5003 0 2 806		
401(C) Authority	464,770	176,613
Outlays	427,588	162,483
Office of Surface Mining Reclamation and Enforcement		
Regulation and technology		
14 1801 0 1 302		
Budget Authority	108,122	41,086
Outlays	65,914	25,048
Abandoned mine reclamation fund		
14 5015 0 2 302		
Budget Authority	200,961	76,365
Outlays	54,661	20,771
Bureau of Reclamation		
Loan program		
14 0667 0 1 301		
Budget Authority	35,008	13,303
Direct Loan Limitation	32,734	12,439
Outlays	21,530	8,181
Construction program		
14 0684 0 1 301		
Budget Authority	681,500	258,970
401(C) Auth--Off. Coll.	34,000	12,920
Outlays	606,460	230,455
Lower Colorado River Basin development fund		
14 4079 0 3 301		
401(C) Auth--Off. Coll.	96,821	36,792
Outlays	96,821	36,792
Upper Colorado River Basin fund		
14 4081 0 3 301		
401(C) Auth--Off. Coll.	31,604	12,010
Outlays	31,604	12,010
Working capital fund		
14 4524 0 4 301		
Budget Authority	8,797	3,343
Outlays	7,038	2,674
Emergency fund		
14 5043 0 2 301		
Budget Authority	1,025	390
Outlays	620	236
General investigations		
14 5060 0 2 301		
Budget Authority	11,998	4,559
Outlays	7,727	2,936
Operation and maintenance		
14 5064 0 2 301		
Budget Authority	220,762	83,890
401(C) Auth--Off. Coll.	8,143	3,094
Outlays	179,675	68,276
General administrative expenses		
14 5065 0 2 301		
Budget Authority	50,282	19,107
Outlays	45,254	17,197

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Colorado River dam fund, Boulder Canyon project		
14 5656 0 2 301		
401(C) Authority	30,458	11,574
Outlays	17,350	6,593
Reclamation trust funds		
14 8070 0 7 301		
401(C) Authority	56,264	21,380
Outlays	43,830	16,655
Miscellaneous permanent appropriations (Other general purpose fiscal ass		
14 9922 0 2 806		
401(C) Authority	280	106
Outlays	280	106
Geological Survey		
Surveys, investigations and research		
14 0804 0 1 306		
Budget Authority	527,498	200,449
401(C) Authority	250	95
401(C) Auth--Off. Coll.	78,408	29,795
Outlays	579,769	220,312
Operation and maintenance of quarters		
14 5055 0 2 306		
401(C) Authority	51	19
Outlays	41	16
Bureau of Mines		
Mines and minerals		
14 0959 0 1 306		
Budget Authority	188,915	71,788
Outlays	124,684	47,380
Helium fund		
14 4053 0 3 306		
401(C) Auth--Off. Coll.	3,453	1,312
Outlays	3,453	1,312
United States Fish and Wildlife Service		
Resource management		
14 1611 0 1 303		
Budget Authority	418,012	158,845
401(C) Auth--Off. Coll.	5,776	2,195
Outlays	340,184	129,270
Construction		
14 1612 0 1 303		
Budget Authority	71,706	27,248
Outlays	14,341	5,449
Land acquisition		
14 5020 0 2 303		
Budget Authority	103,047	39,158
Outlays	38,716	14,712
Operation and maintenance of quarters		
14 5050 0 2 303		
401(C) Authority	1,769	672
Outlays	1,238	470
National wildlife refuge fund		
14 5091 0 2 806		
Budget Authority	9,299	3,534
401(C) Authority	6,040	2,295
Outlays	11,715	4,452
Migratory bird conservation account		
14 5137 0 2 303		
401(C) Authority	30,600	11,628
Outlays	21,420	8,140
North American wetlands conservation fund		
14 5241 0 2 303		
401(C) Authority	7,300	2,774
Outlays	5,110	1,942
Sport fish restoration		
14 8151 0 7 303		
401(C) Authority	206,000	78,280
Outlays	72,100	27,398
African elephant conservation fund		
14 8154 0 7 303		
401(C) Authority	500	190
Outlays	100	38
Contributed funds		
14 8216 0 7 303		
401(C) Authority	4,165	1,583
Outlays	2,916	1,108
Miscellaneous permanent appropriations		
14 9923 0 2 303		
401(C) Authority	144,200	54,796
Outlays	50,470	19,179
National Park Service		
Operation of the national park system		
14 1036 0 1 303		
Budget Authority	817,436	310,626
401(C) Auth--Off. Coll.	2,800	1,064
Outlays	615,877	234,033
John F. Kennedy Center for the Performing Arts		
14 1038 0 1 303		
Budget Authority	9,586	3,643
Outlays	5,752	2,186
Construction		
14 1039 0 1 303		
Budget Authority	258,493	98,228
401(C) Auth--Off. Coll.	11,000	4,180
Outlays	49,774	18,914
National recreation and preservation		
14 1042 0 1 303		
Budget Authority	16,983	6,454
Outlays	12,737	4,840
Illinois and Michigan canal national heritage-corridor Commission		
14 1043 0 1 303		
Budget Authority	262	100
Outlays	197	75
Land acquisition		
14 5035 0 2 303		
Budget Authority	122,002	46,360
401(C) Authority	30,000	11,400
Outlays	42,701	16,227
Operation and maintenance of quarters		
14 5049 0 2 303		
401(C) Authority	8,795	3,342
Outlays	5,717	2,172
Historic preservation fund		
14 5140 0 2 303		
Budget Authority	33,602	12,769
Outlays	13,441	5,108
Miscellaneous permanent appropriations		
14 9924 0 2 303		
401(C) Authority	980	372
Outlays	333	127
Bureau of Indian Affairs		
Operation of Indian programs (Conservation and land management)		
14 2100 0 1 302		
Budget Authority	146,057	55,502
Outlays	121,373	46,122
Operation of Indian programs (Area and regional development)		
14 2100 0 1 452		
Budget Authority	616,519	234,277
401(C) Auth--Off. Coll.	2,000	760
Outlays	503,846	191,461
Operation of Indian programs (Elementary, secondary, and vocational educ		
14 2100 0 1 501		
Budget Authority	313,080	118,970
Outlays	219,156	83,279
Construction		
14 2301 0 1 452		
Budget Authority	167,625	63,698
Outlays	38,553	14,651
Payment to the Navajo Rehabilitation Trust Fund		
14 2368 0 1 452		
Budget Authority	832	316
Outlays	832	316
Revolving fund for loans		
14 4409 0 3 452		
Direct Loan Limitation	9,000	3,420
Outlays	9,000	3,420

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Indian loan guaranty and insurance fund		
14 4410 0 3 452		
Budget Authority	4,907	1,865
Guarntd. Loan Limitation	45,000	17,100
Outlays	898	341
Operation and maintenance of quarters		
14 5051 0 2 452		
401(C) Authority	6,749	2,565
Outlays	5,399	2,052
Cooperative fund (papago)		
14 8366 0 7 452		
401(C) Authority	868	330
Navajo rehabilitation trust fund		
14 8368 0 7 452		
401(C) Authority	870	331
Outlays	870	331
Miscellaneous permanent appropriations (Area and regional development)		
14 9925 0 2 452		
401(C) Authority	62,500	23,750
Outlays	12,500	4,750
Miscellaneous permanent appropriations (Other general government)		
14 9925 0 2 808		
401(C) Authority	1,000	380
Outlays	986	375
Territorial and International Affairs		
Administration of territories		
14 0412 0 1 808		
Budget Authority	44,266	16,821
Outlays	25,227	9,587
Trust Territory of the Pacific Islands		
14 0414 0 1 808		
Budget Authority	34,244	13,013
Outlays	18,149	6,897
Compact of free association		
14 0415 0 1 808		
Budget Authority	11,232	4,268
401(C) Authority	10,000	3,800
Outlays	21,232	8,068
Office of the Secretary		
Salaries and expenses		
14 0102 0 1 306		
Budget Authority	53,480	20,322
Outlays	48,132	18,290
Construction management		
14 0103 0 1 306		
Budget Authority	1,909	725
Outlays	1,718	653
Oil spill emergency fund		
14 0119 0 1 306		
Budget Authority	7,570	2,877
Outlays	3,785	1,438
Office of the Solicitor		
Office of the Solicitor		
14 0107 0 1 306		
Budget Authority	27,030	10,271
Outlays	24,327	9,244
Office of Inspector General		
Office of Inspector General		
14 0104 0 1 306		
Budget Authority	21,832	8,296
Outlays	19,649	7,467
National Indian Gaming Commission		
National Indian gaming commission		
14 0118 0 1 806		
Budget Authority	791	301
Outlays	712	271
TOTAL FOR DEPARTMENT OF THE INTERIOR		
Budget Authority	6,609,992	2,511,800
401(C) Authority	1,213,784	461,238
401(C) Auth--Off. Coll.	274,005	104,122
Direct Loan Limitation	41,734	15,859
Guarntd. Loan Limitation	45,000	17,100
Outlays	5,810,596	2,208,029

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Department of Justice		
General Administration		
Salaries and expenses		
15 0129 0 1 751		
Budget Authority	102,331	38,886
Outlays	92,098	34,997
Office of the Inspector General		
15 0328 0 1 751		
Budget Authority	21,939	8,337
Outlays	19,745	7,503
United States Parole Commission		
Salaries and expenses		
15 1061 0 1 751		
Budget Authority	11,149	4,237
Outlays	9,588	3,643
Legal Activities		
Salaries and expenses, Foreign Claims Settlement Commission		
15 0100 0 1 153		
Budget Authority	469	178
Outlays	375	143
Salaries and expenses, General Legal Activities		
15 0128 0 1 752		
Budget Authority	313,057	118,962
Outlays	272,360	103,497
Fees and expenses of witnesses		
15 0311 0 1 752		
Budget Authority	70,628	26,839
Outlays	49,440	18,787
Salaries and expenses, Antitrust Division		
15 0319 0 1 752		
Budget Authority	36,477	13,862
401(C) Auth--Off. Coll.	20,000	7,600
Outlays	49,911	18,966
Salaries and expenses, United States Attorneys		
15 0322 0 1 752		
Budget Authority	552,520	209,958
Outlays	486,218	184,763
Salaries and expenses, United States Marshals Service		
15 0324 0 1 752		
Budget Authority	261,218	99,263
401(C) Auth--Off. Coll.	3,000	1,140
Outlays	238,096	90,476
Independent counsel		
15 0327 0 1 752		
401(C) Authority	4,000	1,520
Outlays	4,000	1,520
Civil liberties public education fund		
15 0329 0 1 808		
401(C) Authority	500,000	190,000
Outlays	500,000	190,000
Salaries and expenses, Community Relations Service		
15 0500 0 1 752		
Budget Authority	30,312	11,519
Outlays	21,218	8,063
Support of United States prisoners		
15 1020 0 1 752		
Budget Authority	164,774	62,614
Outlays	98,864	37,568
Assets forfeiture fund		
15 5042 0 2 752		
Budget Authority	102,903	39,103
401(C) Authority	271,679	103,238
Outlays	285,672	108,555
United States trustees system fund		
15 5073 0 2 752		
Budget Authority	63,884	24,276
Outlays	54,301	20,634
Interagency Law Enforcement		
Organized crime drug enforcement		
15 0323 0 1 751		
Budget Authority	223,518	84,937
Outlays	172,109	65,401

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Federal Bureau of Investigation		
Salaries and expenses		
15 0200 0 1 751		
Budget Authority	1,792,351	681,093
401(C) Auth--Off. Coll.	20,352	7,734
Outlays	1,454,233	552,609
Drug Enforcement Administration		
Salaries and expenses		
15 1100 0 1 751		
Budget Authority	580,696	220,664
401(C) Auth--Off. Coll.	1,500	570
Outlays	437,022	166,068
Immigration and Naturalization Service		
Salaries and expenses		
15 1217 0 1 751		
Budget Authority	896,105	340,520
401(C) Auth--Off. Coll.	1,020	388
Outlays	717,904	272,804
Immigration emergency fund		
15 1218 0 1 751		
Budget Authority	36,400	13,832
Immigration legalization		
15 5086 0 2 751		
401(C) Authority	37,568	14,276
Outlays	37,568	14,276
Immigration user fee		
15 5087 0 2 751		
401(C) Authority	109,200	41,496
Outlays	98,280	37,346
Immigration examinations fee		
15 5088 0 2 751		
401(C) Authority	90,000	34,200
Outlays	81,000	30,780
Federal Prison System		
Buildings and facilities		
15 1003 0 1 753		
Budget Authority	1,454,020	552,528
Outlays	145,402	55,253
National Institute of Corrections		
15 1004 0 1 754		
Budget Authority	10,441	3,968
Outlays	4,176	1,587
Salaries and expenses		
15 1060 0 1 753		
Budget Authority	1,199,238	455,710
401(C) Auth--Off. Coll.	12,746	4,843
Outlays	1,092,060	414,982
Federal Prison Industries, Incorporated		
15 4500 0 4 753		
Obligation Limitation	3,034	1,153
Outlays	3,034	1,153
Office of Justice Programs		
Justice assistance		
15 0401 0 1 754		
Budget Authority	639,498	243,009
Outlays	140,690	53,462
Public safety officers' benefits		
15 0403 0 1 754		
Budget Authority	25,811	9,808
Outlays	25,811	9,808
Crime victims fund		
15 5041 0 2 754		
401(C) Authority	125,000	47,500
Outlays	62,500	23,750
TOTAL FOR DEPARTMENT OF JUSTICE		
Budget Authority	8,589,739	3,264,103
401(C) Authority	1,137,447	432,230
401(C) Auth--Off. Coll.	58,618	22,275
Obligation Limitation	3,034	1,153
Outlays	6,653,675	2,528,394

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Department of Labor		
Employment and Training Administration		
Program administration		
16 0172 0 1 504		
Budget Authority	69,009	26,223
Outlays	54,586	20,743
Training and employment services		
16 0174 0 1 504		
Budget Authority	4,087,566	1,553,275
Outlays	155,328	59,025
Community service employment for older Americans		
16 0175 0 1 504		
Budget Authority	381,694	145,044
Outlays	70,027	26,610
State unemployment insurance and employment service operations (Training		
16 0179 0 1 504		
Budget Authority	22,880	8,694
Outlays	5,743	2,182
Federal unemployment benefits and allowances (Training and employment)		
16 0326 0 1 504		
Budget Authority	75,000	28,500
Outlays	75,000	28,500
Federal unemployment benefits and allowances (Unemployment compensation)		
16 0326 0 1 603		
401(C) Authority	186,000	70,680
Outlays	186,000	70,680
Unemployment trust fund (Training and employment)		
20 8042 0 7 504		
Obligation Limitation	1,142,000	433,960
Outlays	497,000	188,860
Unemployment trust fund (Unemployment compensation)		
20 8042 0 7 603		
401(C) Other--incl ob lim	104,800	39,824
Obligation Limitation	1,894,636	719,962
Outlays	1,999,436	759,786
Labor-Management Services		
Salaries and expenses		
16 0104 0 1 505		
Budget Authority	78,428	29,803
Outlays	66,507	25,273
Pension Benefit Guaranty Corporation		
Pension Benefit Guaranty Corporation fund		
16 4204 0 3 601		
Obligation Limitation	74,652	28,368
Outlays	74,652	28,368
Employment Standards Administration		
Salaries and expenses		
16 0105 0 1 505		
Budget Authority	230,378	87,544
401(C) Auth--Off. Coll.	1,500	570
Outlays	199,164	75,682
Special workers' compensation expenses		
16 9971 0 7 601		
Obligation Limitation	1,051	399
Outlays	1,051	399
Black lung disability trust fund		
20 8144 0 7 601		
Obligation Limitation	54,019	20,527
Outlays	54,019	20,527
Occupational Safety and Health Administration		
Salaries and expenses		
16 0400 0 1 554		
Budget Authority	281,866	107,109
Outlays	242,405	92,114
Mine Safety and Health Administration		
Salaries and expenses		
16 1200 0 1 554		
Budget Authority	179,642	68,264
Outlays	163,474	62,120

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Bureau of Labor Statistics		
Salaries and expenses		
16 0200 0 1 505		
Budget Authority	202,911	77,106
401(C) Auth--Off. Coll.	1,100	418
Outlays	173,777	66,035
Departmental Management		
Office of the Inspector General		
16 0106 0 1 505		
Budget Authority	43,356	16,475
Outlays	37,763	14,350
Special foreign currency program		
16 0151 0 1 505		
Budget Authority	1	0
Outlays	1	0
Salaries and expenses		
16 0165 0 1 505		
Budget Authority	122,506	46,552
Outlays	100,940	38,357
TOTAL FOR DEPARTMENT OF LABOR		
Budget Authority	5,775,237	2,194,589
401(C) Authority	186,000	70,680
401(C) Auth--Off. Coll.	2,600	988
401(C) Other--incl ob lim	104,800	39,824
Obligation Limitation	3,166,358	1,203,216
Outlays	4,156,873	1,579,611

Department of State

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Department of State		
FMS interest buydown		
11 8882 0 1 152		
Budget Authority	270,000	102,600
Administration of Foreign Affairs		
Salaries and expenses		
19 0113 0 1 153		
Budget Authority	1,897,312	720,979
Outlays	1,555,795	591,202
Protection of foreign missions and officials		
19 0520 0 1 153		
Budget Authority	9,464	3,596
Outlays	3,786	1,439
Emergencies in the diplomatic and consular service		
19 0522 0 1 153		
Budget Authority	4,821	1,832
Direct Loan Limitation	642	244
Outlays	3,375	1,282
Payment to the American Institute in Taiwan		
19 0523 0 1 153		
Budget Authority	11,588	4,404
Outlays	6,374	2,422
Office of the Inspector General		
19 0529 0 1 153		
Budget Authority	22,096	8,397
Outlays	18,119	6,886
Acquisition and maintenance of buildings abroad		
19 0535 0 1 153		
Budget Authority	305,605	116,130
401(C) Auth--Off. Coll.	2,000	760
Outlays	63,121	23,986
Representation allowances		
19 0545 0 1 153		
Budget Authority	4,784	1,818
Outlays	4,115	1,563
International Organizations and Conferences		
Contributions for international peacekeeping activities		
19 1124 0 1 153		
Budget Authority	84,322	32,042
Outlays	84,322	32,042
International conferences and contingencies		
19 1125 0 1 153		
Budget Authority	6,507	2,473
Outlays	3,254	1,237
Contributions to international organizations		
19 1126 0 1 153		
Budget Authority	639,550	243,029
Outlays	607,572	230,877
International Commissions		
Salaries and expenses, IBWC		
19 1069 0 1 301		
Budget Authority	11,167	4,244
Outlays	9,603	3,649
Construction, IBWC		
19 1078 0 1 301		
Budget Authority	11,950	4,541
Outlays	2,391	909
American sections, international commissions		
19 1082 0 1 301		
Budget Authority	4,713	1,791
Outlays	3,186	1,211
International fisheries commissions		
19 1087 0 1 302		
Budget Authority	12,633	4,801
Outlays	12,620	4,796
Other		
United States emergency refugee and migration assistance fund		
11 0040 0 1 151		
Budget Authority	77,776	29,555
Outlays	56,621	21,516
International narcotics control		
11 1022 0 1 151		
Budget Authority	117,792	44,761
Outlays	41,463	15,756
Anti-terrorism assistance		
19 0114 0 1 152		
Budget Authority	10,373	3,942
Outlays	6,742	2,562
Soviet-East European research and training		
19 0118 0 1 153		
Budget Authority	4,784	1,818
Outlays	478	182
Payment to the Asia Foundation		
19 0525 0 1 154		
Budget Authority	14,456	5,493
Outlays	12,288	4,669
Migration and refugee assistance		
19 1143 0 1 151		
Budget Authority	461,407	175,335
Outlays	335,904	127,643
U.S. bilateral science and technology agreements		
19 1151 0 1 153		
Budget Authority	4,130	1,569
Outlays	4,130	1,569
Fishermen's protective fund		
19 5116 0 2 376		
Budget Authority	1,040	395
Outlays	1,040	395
Fishermen's guaranty fund		
19 5121 0 2 376		
Budget Authority	900	342
Outlays	210	80
International Center, Washington, D.C.		
19 5151 0 2 153		
401(C) Authority	1,284	488
Outlays	1,284	488
TOTAL FOR DEPARTMENT OF STATE		
Budget Authority	3,989,170	1,515,887
401(C) Authority	1,284	488
401(C) Auth--Off. Coll.	2,000	760
Direct Loan Limitation	642	244
Outlays	2,837,793	1,078,361

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Department of the Treasury		
Departmental Offices		
Salaries and expenses		
20 0101 0 1 803		
Budget Authority	61,799	23,484
401(C) Auth--Off. Coll.	306	116
Outlays	53,762	20,429
Office of the Inspector General		
20 0106 0 1 803		
Budget Authority	16,231	6,168
Outlays	14,170	5,385
International affairs		
20 0171 0 1 803		
Budget Authority	26,680	10,138
401(C) Auth--Off. Coll.	5,632	2,140
Outlays	28,710	10,910
Federal Law Enforcement Training Center		
Salaries and expenses		
20 0104 0 1 751		
Budget Authority	37,522	14,258
Outlays	33,770	12,833
Acquisitions, construction, improvements, and related expenses		
20 0105 0 1 751		
Budget Authority	15,600	5,928
Outlays	6,552	2,490
Financial Management Service		
Salaries and expenses		
20 1801 0 1 803		
Budget Authority	299,950	113,981
Outlays	260,957	99,164
St Lawrence Seaway toll rebate program		
20 8865 0 7 808		
Budget Authority	10,427	3,962
Outlays	10,427	3,962
Federal Financing Bank		
Federal Financing Bank		
20 4521 0 4 803		
401(C) Auth--Off. Coll.	2,000	760
Outlays	2,000	760
Bureau of Alcohol, Tobacco and Firearms		
Salaries and expenses		
20 1000 0 1 751		
Budget Authority	280,966	106,767
Outlays	244,440	92,887
United States Customs Service		
Salaries and expenses		
20 0602 0 1 751		
Budget Authority	1,134,911	431,266
401(C) Authority	62,141	23,614
401(C) Auth--Off. Coll.	16,550	6,289
Outlays	1,043,365	396,479
Operation and maintenance, air interdiction program		
20 0604 0 1 751		
Budget Authority	239,578	91,040
Outlays	131,768	50,072
Customs forfeiture fund		
20 5693 0 2 803		
Budget Authority	15,539	5,905
401(C) Authority	34,510	13,114
Outlays	48,495	18,428
Customs services at small airports		
20 5694 0 2 808		
Budget Authority	2,292	871
Outlays	2,292	871
Payments from forfeited assets		
20 5696 0 2 803		
401(C) Authority	40,000	15,200
Outlays	40,000	15,200
Refunds, transfers and expenses, unclaimed, and abandoned goods		
20 8789 0 7 803		
401(C) Authority	19,032	7,232
Outlays	19,032	7,232
Bureau of Engraving and Printing		
Bureau of Engraving and Printing fund		
20 4502 0 4 803		
401(C) Auth--Off. Coll.	32,331	12,286
Outlays	32,331	12,286
United States Mint		
Salaries and expenses		
20 1616 0 1 803		
Budget Authority	53,210	20,220
401(C) Auth--Off. Coll.	106,419	40,439
Outlays	144,198	54,795
Bureau of the Public Debt		
Administering the public debt		
20 0560 0 1 803		
Budget Authority	204,360	77,657
Outlays	173,706	66,008
Internal Revenue Service		
Administration and management		
20 0911 0 1 803		
Budget Authority	75,689	28,762
Outlays	64,336	24,448
Processing tax returns and assistance		
20 0912 0 1 803		
Budget Authority	1,959,557	744,632
Outlays	1,665,623	632,937
Tax law enforcement		
20 0913 0 1 803		
Budget Authority	3,832,861	1,456,487
Outlays	3,526,232	1,339,968
Federal tax lien revolving fund		
20 4413 0 3 803		
401(C) Auth--Off. Coll.	6,000	2,280
Outlays	6,000	2,280
Reimbursement to state and local law enforcement agencies		
20 5099 0 2 754		
401(C) Authority	100	38
Outlays	100	38
United States Secret Service		
Contribution for annuity benefits		
20 1407 0 1 751		
401(C) Authority	18,458	7,014
Outlays	18,458	7,014
Salaries and expenses		
20 1408 0 1 751		
Budget Authority	389,443	147,988
Outlays	331,027	125,790
TOTAL FOR DEPARTMENT OF THE TREASURY		
Budget Authority	8,656,615	3,289,514
401(C) Authority	174,241	66,212
401(C) Auth--Off. Coll.	169,238	64,310
Outlays	7,901,751	3,002,666
Department of Health and Human Services, Social Security		
Social Security		
Federal old-age and survivors insurance trust fund		
20 8006 0 7 651		
401(C) Other--incl ob lim	234,626	89,158
Obligation Limitation	1,500,257	570,097
Outlays	1,247,991	474,236
Federal disability insurance trust fund		
20 8007 0 7 651		
401(C) Other--incl ob lim	29,163	11,082
Obligation Limitation	521,415	198,138
Outlays	465,877	177,033
TOTAL FOR DEPARTMENT OF HEALTH AND HUMAN SERVICES, SOCIAL SECURITY		
401(C) Other--incl ob lim	263,789	100,240
Obligation Limitation	2,021,672	768,235
Outlays	1,713,868	651,269

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Department of Education		
Office of Elementary and Secondary Education		
Indian education		
91 0101 0 1 501		
Budget Authority	76,647	29,126
Outlays	11,190	4,252
Impact aid		
91 0102 0 1 501		
Budget Authority	761,646	289,425
Outlays	613,887	233,277
Compensatory education for the disadvantaged		
91 0900 0 1 501		
Budget Authority	5,583,095	2,121,576
Outlays	669,971	254,589
School improvement programs		
91 1000 0 1 501		
Budget Authority	1,474,395	560,271
Outlays	176,927	67,232
Office of Bilingual Education and Minority Languages Affairs		
Bilingual and immigrant education		
91 1300 0 1 501		
Budget Authority	196,221	74,564
Outlays	23,547	8,948
Office of Special Education and Rehabilitative Services		
Education for the handicapped		
91 0300 0 1 501		
Budget Authority	2,137,465	812,237
Outlays	265,046	100,717
Rehabilitation services and handicapped research		
91 0301 0 1 506		
Budget Authority	262,790	99,860
401(C) Auth--Spec. Rules	68,782	68,782
Outlays	255,310	129,854
Payments to institutions for the handicapped (Elementary, secondary, and		
91 0600 0 1 501		
Budget Authority	5,890	2,238
Outlays	5,890	2,238
Payments to institutions for the handicapped (Higher education)		
91 0601 0 1 502		
Budget Authority	37,513	14,255
Outlays	37,513	14,255
Payments to institutions for the handicapped (Higher education)		
91 0602 0 1 502		
Budget Authority	70,349	26,733
Outlays	69,927	26,572
Promotion of education for the blind		
91 8893 0 7 501		
401(C) Authority	10	4
Outlays	5	2
Office of Vocational and Adult Education		
Vocational and adult education		
91 0400 0 1 501		
Budget Authority	1,167,369	443,600
401(C) Authority	7,148	2,716
Outlays	140,942	53,558
Office of Postsecondary Education		
Student financial assistance		
91 0200 0 1 502		
Budget Authority	6,325,536	2,403,704
Outlays	1,669,175	634,287
Higher education		
91 0201 0 1 502		
Budget Authority	649,512	246,815
Outlays	96,777	36,775
Guaranteed student loans		
91 0230 0 1 502		
401(C) Auth--Spec. Rules	43,107	43,107
Outlays	26,334	26,334
College housing and academic facilities loans		
91 0242 0 1 502		
Budget Authority	39,649	15,067
Direct Loan Limitation	31,200	11,856
Outlays	8,449	3,211
Howard University		
91 0603 0 1 502		
Budget Authority	189,744	72,103
Outlays	180,826	68,714
College housing loans		
91 4250 0 3 502		
401(C) Auth--Off. Coll.	650	247
Outlays	650	247
Office of Educational Research and Improvement		
Libraries		
91 0104 0 1 503		
Budget Authority	142,112	54,003
Outlays	56,845	21,601
Research, statistics, and improvement of practice		
91 1100 0 1 503		
Budget Authority	99,051	37,639
Outlays	40,413	15,357
Departmental Management		
Office for civil rights		
91 0700 0 1 751		
Budget Authority	47,702	18,127
Outlays	39,593	15,045
Program administration (Research and general education aids)		
91 0800 0 1 503		
Budget Authority	290,353	110,334
Outlays	242,445	92,129
Office of the Inspector General		
91 1400 0 1 751		
Budget Authority	24,642	9,364
Outlays	20,453	7,772
TOTAL FOR DEPARTMENT OF EDUCATION		
Budget Authority	19,581,681	7,441,041
401(C) Authority	7,158	2,720
401(C) Auth--Off. Coll.	650	247
401(C) Auth--Spec. Rules	111,889	111,889
Direct Loan Limitation	31,200	11,856
Outlays	4,652,115	1,816,966
Department of Energy		
Atomic Energy Defense Activities		
Atomic energy defense activities		
89 0220 0 1 053		
Budget Authority	8,256,774	3,451,331
Unobligated Bal--Defense	500,000	209,000
Outlays	5,691,903	2,379,216
Atomic energy defense activities		
89 0221 0 1 053		
Budget Authority	1,780,172	744,112
Outlays	1,157,112	483,673
Energy Programs		
Geothermal resources development fund		
89 0206 0 1 271		
Budget Authority	79	30
Outlays	79	30
Federal Energy Regulatory Commission		
89 0212 0 1 276		
Budget Authority	122,304	46,476
Outlays	103,958	39,504
Fossil energy research and development		
89 0213 0 1 271		
Budget Authority	434,618	165,155
Outlays	173,847	66,062

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Energy conservation		
89 0215 0 1 272		
Budget Authority	425,671	161,755
Outlays	106,418	40,439
Energy information administration		
89 0216 0 1 276		
Budget Authority	67,744	25,743
Outlays	44,034	16,733
Economic regulation		
89 0217 0 1 276		
Budget Authority	19,445	7,389
Outlays	12,250	4,655
Strategic petroleum reserve		
89 0218 0 1 274		
Budget Authority	200,424	76,161
Outlays	110,233	41,889
Naval petroleum and oil shale reserves		
89 0219 0 1 271		
Budget Authority	197,199	74,936
Outlays	118,319	44,961
General science and research activities		
89 0222 0 1 251		
Budget Authority	1,142,904	434,304
Outlays	800,033	304,013
Energy supply, R&D activities		
89 0224 0 1 271		
Budget Authority	2,274,009	864,123
Outlays	1,137,005	432,062
Uranium supply and enrichment activities		
89 0226 0 1 271		
Budget Authority	1,469,091	558,255
Outlays	1,260,566	479,015
SPR petroleum		
89 0233 0 1 274		
Budget Authority	360,787	137,099
Outlays	246,375	93,622
Emergency preparedness		
89 0234 0 1 274		
Budget Authority	6,963	2,646
Outlays	5,570	2,117
Clean coal technology		
89 0235 0 1 271		
Budget Authority	956,000	363,280
Outlays	0	0
Isotope production and distribution fund		
89 4180 0 3 271		
Budget Authority	16,657	6,330
Payments to states under Federal Power Act		
89 5105 0 2 806		
401(C) Authority	2,339	889
Outlays	2,339	889
Nuclear waste disposal fund		
89 5227 0 2 271		
Budget Authority	307,421	116,820
Outlays	153,711	58,410
Power Marketing Administration		
Operation and maintenance, Southeastern Power Administration		
89 0302 0 1 271		
Budget Authority	932	354
Outlays	848	322
Operation and maintenance, Southwestern Power Administration		
89 0303 0 1 271		
Budget Authority	8,196	3,114
Outlays	4,713	1,791
Operation and maintenance, Alaska Power Administration		
89 0304 0 1 271		
Budget Authority	763	290
Outlays	366	139
Bonneville Power Administration fund		
89 4045 0 3 271		
401(C) Auth--Off. Coll.	45,800	17,404
Outlays	45,800	17,404
Colorado river basins power marketing fund, Western Area Power Administr		
89 4452 0 3 271		
401(C) Auth--Off. Coll.	7,668	2,914
Outlays	7,668	2,914
Construction, rehabilitation, operation and maintenance, Western Area Po		
89 5068 0 2 271		
Budget Authority	45,083	17,132
Outlays	15,717	5,973
Departmental Administration		
Departmental administration		
89 0228 0 1 276		
Budget Authority	369,736	140,500
Outlays	221,842	84,300
Office of the Inspector General		
89 0236 0 1 276		
Budget Authority	24,052	9,140
Outlays	20,444	7,769
TOTAL FOR DEPARTMENT OF ENERGY		
Budget Authority	18,487,024	7,406,475
401(C) Authority	2,339	889
401(C) Auth--Off. Coll.	53,468	20,318
Unobligated Bal--Defense	500,000	209,000
Outlays	11,441,150	4,607,902

Environmental Protection Agency

Environmental Protection Agency

Hazardous substance superfund		
20 8145 0 7 304		
Budget Authority	1,596,872	606,811
401(C) Auth--Off. Coll.	13,200	5,016
Obligation Limitation	228,800	86,944
Outlays	428,387	162,787
Leaking underground storage tank trust fund		
20 8153 0 7 304		
Budget Authority	77,138	29,312
Obligation Limitation	6,240	2,371
Outlays	19,285	7,328
Construction grants		
68 0103 0 1 304		
Budget Authority	2,025,950	769,861
Outlays	70,908	26,945
Research and development (Energy supply)		
68 0107 0 1 271		
Budget Authority	30,697	11,665
Outlays	8,902	3,383
Research and development (Pollution control and abatement)		
68 0107 0 1 304		
Budget Authority	208,451	79,211
Outlays	72,958	27,724
Abatement, control, and compliance		
68 0108 0 1 304		
Budget Authority	830,664	315,652
Outlays	373,798	142,043
Buildings and facilities		
68 0110 0 1 304		
Budget Authority	15,238	5,790
Outlays	2,590	984
Office of the Inspector General		
68 0112 0 1 304		
Budget Authority	32,654	12,409
Outlays	21,225	8,066
Salaries and expenses		
68 0200 0 1 304		
Budget Authority	919,113	349,263
401(C) Auth--Off. Coll.	2,200	836
Outlays	792,637	301,202
Reregistration and expedited processing revolving fund		
68 4310 0 3 304		
401(C) Auth--Off. Coll.	16,000	6,080
Outlays	16,000	6,080

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Revolving fund for certification and other services		
68 4311 0 3 304		
401(C) Auth--Off. Coll.	1,200	456
Outlays	1,200	456
TOTAL FOR ENVIRONMENTAL PROTECTION AGENCY		
Budget Authority	5,736,777	2,179,974
401(C) Auth--Off. Coll.	32,600	12,388
Obligation Limitation	235,040	89,315
Outlays	1,807,890	686,998

Department of Transportation

Federal Highway Administration

Motor carrier safety		
69 0552 0 1 401		
Budget Authority	35,389	13,448
Outlays	28,311	10,758
Railroad-highway crossings demonstration projects		
69 0557 0 1 401		
Budget Authority	5,146	1,955
Outlays	1,029	391
Trust fund share of other highway programs		
69 8009 0 7 401		
Budget Authority	10,293	3,911
Outlays	2,059	782
Baltimore-Washington Parkway		
69 8014 0 7 401		
Budget Authority	12,443	4,728
Outlays	2,489	946
Highway safety research and development		
69 8017 0 7 401		
Budget Authority	6,304	2,396
Outlays	1,261	479
Highway-related safety grants		
69 8019 0 7 401		
401(C) Authority	10,000	3,800
Obligation Limitation	9,761	3,709
Outlays	1,952	742
Motor carrier safety grants		
69 8048 0 7 401		
401(C) Authority	60,000	22,800
Obligation Limitation	62,420	23,720
Outlays	21,700	8,246
University transportation centers		
69 8065 0 7 401		
Budget Authority	5,184	1,970
Outlays	1,037	394
Federal-aid highways		
69 8083 0 7 401		
Budget Authority	1,040,000	395,200
401(C) Authority	14,101,000	5,358,380
401(C) Auth--Off. Coll.	1,500	570
Obligation Limitation	12,704,000	4,827,520
Outlays	2,692,500	1,023,150
Right-of-way revolving fund (trust revolving fund)		
69 8402 0 8 401		
Direct Loan Limitation	44,068	16,746
Outlays	33,051	12,559
Miscellaneous appropriations		
69 9911 0 1 401		
Budget Authority	151,934	57,735
Outlays	30,387	11,547
Miscellaneous highway trust funds		
69 9972 0 7 401		
Budget Authority	65,698	24,965
Outlays	13,140	4,993

National Highway Traffic Safety Administration

Operations and research		
69 0650 0 1 401		
Budget Authority	77,042	29,276
Outlays	50,077	19,029
Operations and research (trust fund share)		
69 8016 0 7 401		
Budget Authority	33,388	12,687
Outlays	21,702	8,247
Highway traffic safety grants		
69 8020 0 7 401		
401(C) Authority	126,000	47,880
Obligation Limitation	135,847	51,622
Outlays	52,258	19,858

Federal Railroad Administration

Northeast corridor improvement program		
69 0123 0 1 401		
Budget Authority	25,420	9,660
Outlays	5,084	1,932
Office of the Administrator		
69 0700 0 1 401		
Budget Authority	22,632	8,600
Outlays	17,473	6,640
Railroad safety		
69 0702 0 1 401		
Budget Authority	33,579	12,760
Outlays	26,863	10,208
Grants to National Railroad Passenger Corporation		
69 0704 0 1 401		
Budget Authority	628,872	238,971
Outlays	581,076	220,809
Settlements of railroad litigation		
69 0708 0 1 401		
401(C) Authority	265	101
Outlays	265	101
Amtrak corridor improvement loans		
69 0720 0 1 401		
Budget Authority	10	4
Direct Loan Limitation	3,630	1,379
Outlays	1,820	692
Railroad research and development		
69 0745 0 1 401		
Budget Authority	9,894	3,760
Outlays	5,936	2,256
Conrail commuter transition assistance		
69 0747 0 1 401		
Budget Authority	5,117	1,944
Outlays	563	214
Regional rail reorganization program		
69 4100 0 3 401		
Budget Authority	10,256	3,897
Outlays	10,256	3,897

Urban Mass Transportation Administration

Administrative expenses		
69 1120 0 1 401		
Budget Authority	33,926	12,892
Outlays	30,533	11,603
Research, training, and human resources		
69 1121 0 1 401		
Budget Authority	10,369	3,940
Outlays	2,074	788
Interstate transfer grants-transit		
69 1127 0 1 401		
Budget Authority	165,901	63,042
Outlays	3,318	1,261
Washington metro		
69 1128 0 1 401		
Budget Authority	88,135	33,491
Outlays	1,763	670
Formula grants		
69 1129 0 1 401		
Budget Authority	1,690,114	642,243
Outlays	629,697	239,285
Discretionary grants		
69 8191 0 7 401		
401(C) Authority	1,400,000	532,000
Obligation Limitation	1,182,043	449,176
Outlays	28,462	10,816

Federal Aviation Administration

Operations		
69 1301 0 1 402		
Budget Authority	3,216,196	1,222,154
401(C) Auth--Off. Coll.	14,800	5,624
Outlays	2,741,775	1,041,875

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Aircraft purchase loan guarantee program		
69 1399 0 1 402		
Budget Authority	150	57
Outlays	150	57
Trust fund share of FAA operations		
69 8104 0 7 402		
Budget Authority	860,639	327,043
Outlays	860,639	327,043
Grants-in-aid for airports (Airport and airway trust fund)		
69 8106 0 7 402		
401(C) Authority	1,800,000	684,000
Obligation Limitation	1,482,000	563,160
Outlays	237,120	90,106
Facilities and equipment (Airport and airway trust fund)		
69 8107 0 7 402		
Budget Authority	1,791,992	680,957
401(C) Auth--Off. Coll.	49,860	18,947
Outlays	264,899	100,662
Research, engineering and development (Airport and airway trust fund)		
69 8108 0 7 402		
Budget Authority	178,090	67,674
401(C) Auth--Off. Coll.	350	133
Outlays	107,204	40,738
Coast Guard		
Operating expenses		
69 0201 0 1 403		
Budget Authority	2,156,898	819,621
401(C) Auth--Off. Coll.	5,718	2,173
Outlays	1,731,236	657,870
Acquisition, construction, and improvements		
69 0240 0 1 403		
Budget Authority	462,724	175,835
Outlays	50,900	19,342
Retired pay		
69 0241 0 1 403		
401(C) Authority	37,539	14,265
Outlays	37,539	14,265
Reserve training		
69 0242 0 1 403		
Budget Authority	76,295	28,992
Outlays	66,377	25,223
Research, development, test, and evaluation		
69 0243 0 1 403		
Budget Authority	21,469	8,158
Outlays	7,299	2,774
Alteration of bridges		
69 0244 0 1 403		
Budget Authority	2,416	918
Outlays	1,208	459
Offshore oil pollution compensation fund		
69 5167 0 2 304		
Obligation Limitation	62,213	23,641
Pollution fund		
69 5168 0 2 304		
401(C) Authority	5,700	2,166
Outlays	1,425	542
Deepwater port liability fund		
69 5170 0 2 304		
Obligation Limitation	51,844	19,701
Boat safety		
69 8149 0 7 403		
Budget Authority	62,735	23,839
Outlays	35,861	13,627
Maritime Administration		
Ready reserve force		
69 1710 0 1 054		
Budget Authority	92,560	38,690
Outlays	71,271	29,791
Operations and training		
69 1750 0 1 403		
Budget Authority	71,224	27,065
Outlays	60,541	23,005
Federal ship financing fund		
69 4301 0 3 403		
401(C) Auth--Off. Coll.	7,300	2,774
401(C) Other--incl ob lim	3,820	1,452
Outlays	10,738	4,080
Saint Lawrence Seaway Development Corporation		
Saint Lawrence Seaway Development Corporation		
69 4089 0 3 403		
401(C) Auth--Off. Coll.	1,400	532
Outlays	1,400	532
Operations and maintenance		
69 8003 0 7 403		
Budget Authority	12,081	4,591
Outlays	12,081	4,591
Office of the Inspector General		
Salaries and expenses		
69 0130 0 1 407		
Budget Authority	33,796	12,842
Outlays	29,403	11,173
Research and Special Programs Administration		
Research and special programs		
69 0104 0 1 407		
Budget Authority	18,135	6,891
Outlays	11,969	4,548
Pipeline safety		
69 5172 0 2 407		
Budget Authority	10,650	4,047
Outlays	8,520	3,238
Office of the Secretary		
Salaries and expenses		
69 0102 0 1 407		
Budget Authority	58,751	22,325
Outlays	52,876	20,093
Transportation, planning, research and development		
69 0142 0 1 407		
Budget Authority	7,098	2,697
Outlays	2,839	1,079
Payments to air carriers, DOT		
69 0150 0 1 402		
Budget Authority	31,869	12,110
Outlays	29,319	11,141
Commission on aviation security and terrorism		
69 1850 0 1 407		
Budget Authority	1,045	397
Outlays	1,045	397
Working capital fund		
69 4520 0 4 407		
Budget Authority	4,635	1,761
Outlays	4,635	1,761
TOTAL FOR DEPARTMENT OF TRANSPORTATION		
Budget Authority	13,338,494	5,072,139
401(C) Authority	17,540,504	6,665,392
401(C) Auth--Off. Coll.	80,928	30,753
401(C) Other--incl ob lim	3,820	1,452
Direct Loan Limitation	47,698	18,125
Obligation Limitation	15,690,128	5,962,249
Outlays	10,738,405	4,083,305

General Services Administration

Real Property Activities

Federal buildings fund		
47 4542 0 4 804		
Budget Authority	26,229	9,967
401(C) Auth--Off. Coll.	7,900	3,002
Outlays	7,900	3,002

Personal Property Activities

Federal supply service		
47 0116 0 1 804		
Budget Authority	50,861	19,327
Outlays	45,775	17,395

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Expenses of transportation audit contracts		
47 5250 0 2 804		
401(C) Authority	15,894	6,040
Outlays	795	302
Information Resources Management Service		
Operating expenses, information resources management service		
47 0900 0 1 804		
Budget Authority	34,467	13,097
Outlays	22,404	8,514
Federal Property Resources Activities		
Operating expenses, federal property resources service		
47 0533 0 1 804		
Budget Authority	11,774	4,474
Outlays	8,831	3,356
Real property relocation		
47 0535 0 1 804		
Budget Authority	8,260	3,139
Expenses, disposal of surplus real and related personal property		
47 5254 0 2 804		
401(C) Authority	3,897	1,481
Outlays	2,923	1,111
General Activities		
Allowances and office staff for former Presidents		
47 0105 0 1 802		
Budget Authority	1,900	722
Outlays	1,710	650
Office of Inspector General		
47 0108 0 1 804		
Budget Authority	27,933	10,615
Outlays	24,022	9,128
General management and administration, salaries and expenses		
47 0110 0 1 804		
Budget Authority	143,894	54,680
Outlays	104,829	39,835
Consumer information center fund		
47 4549 0 3 376		
Budget Authority	1,402	533
401(C) Auth--Off. Coll.	551	209
Outlays	761	289
TOTAL FOR GENERAL SERVICES ADMINISTRATION		
Budget Authority	306,720	116,554
401(C) Authority	19,791	7,521
401(C) Auth--Off. Coll.	8,451	3,211
Outlays	219,950	83,582

Department of Housing and Urban Development

Housing Programs

Housing counseling assistance		
86 0156 0 1 506		
Budget Authority	3,584	1,362
Subsidized housing programs (Community development)		
86 0164 0 1 451		
Budget Authority	2,568	976
Subsidized housing programs (Housing assistance)		
86 0164 0 1 604		
Budget Authority	8,921,285	3,390,088
Outlays	84,560	32,133
Congregate services program		
86 0178 0 1 604		
Budget Authority	6,062	2,304
Section 8 moderate rehabilitation, single room occupancy		
86 0195 0 1 604		
Budget Authority	76,112	28,923
Outlays	640	243
Rental housing assistance fund		
86 4041 0 3 604		
401(C) Auth--Off. Coll.	50,000	19,000
Outlays	50,000	19,000
Nonprofit sponsor assistance		
86 4042 0 3 604		
Direct Loan Limitation	1,112	423
Outlays	262	100
FHA mutual mortgage and cooperative housing insurance funds		
86 4070 0 3 371		
Direct Loan Limitation	77,109	29,301
Guarntd. Loan Limitation	65,272,000	24,803,360
Obligation Limitation	224,253	85,216
Outlays	207,849	78,983
Nehemiah housing opportunity fund		
86 4071 0 1 604		
Budget Authority	25,173	9,566
FHA general and special risk insurance funds		
86 4072 0 3 371		
Direct Loan Limitation	13,607	5,171
Guarntd. Loan Limitation	11,519,000	4,377,220
Obligation Limitation	183,479	69,722
Outlays	118,337	44,968
Housing for the elderly or handicapped fund		
86 4115 0 3 371		
Direct Loan Limitation	491,571	186,797
Interstate land sales		
86 5270 0 2 376		
401(C) Authority	624	237
Outlays	624	237
Manufactured home inspection and monitoring		
86 5271 0 2 376		
401(C) Authority	7,613	2,893
Outlays	6,243	2,372
Public Housing Commission		
86 7880 0 1 604		
Budget Authority	2,080	790
Outlays	1,560	593
Public and Indian Housing Programs		
Payments for operation of low income housing projects		
86 0163 0 1 604		
Budget Authority	1,939,630	737,059
Outlays	892,220	339,043
Native American Housing Commission		
86 7888 0 1 604		
Budget Authority	520	198
Outlays	390	148
Government National Mortgage Association		
Guarantees of mortgage-backed securities		
86 4238 0 3 371		
401(C) Auth--Off. Coll.	5,588	2,123
Guarntd. Loan Limitation	84,982,040	32,293,175
Outlays	4,868	1,850
Community Planning and Development		
Community development grants		
86 0162 0 1 451		
Budget Authority	3,043,575	1,156,559
Guarntd. Loan Limitation	147,439	56,027
Outlays	121,386	46,126
Urban homesteading		
86 0171 0 1 451		
Budget Authority	13,515	5,136
Outlays	13,515	5,136
Emergency shelter grants program		
86 0181 0 1 604		
Budget Authority	76,090	28,914
Outlays	11,410	4,336
Rental rehabilitation grants		
86 0182 0 1 451		
Budget Authority	133,104	50,580
Outlays	6,655	2,529
Rental housing assistance for the homeless		
86 0187 0 1 451		
Budget Authority	11,263	4,280
Outlays	2,253	856
Transitional housing program		
86 0188 0 1 604		
Budget Authority	131,900	50,122

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Rehabilitation loan fund		
86 4036 0 3 451		
401(C) Auth--Off. Coll.	13,567	5,155
Direct Loan Limitation	75,000	28,500
Outlays	36,067	13,705
Policy Development and Research		
Research and technology		
86 0108 0 1 451		
Budget Authority	21,243	8,072
Outlays	6,373	2,422
Fair Housing and Equal Opportunity		
Fair housing activities		
86 0144 0 1 751		
Budget Authority	12,906	4,904
Outlays	3,872	1,471
Management and Administration		
Salaries and expenses, Including transfer of funds (Community developmen		
86 0143 0 1 451		
Budget Authority	182,166	69,223
Outlays	151,198	57,455
Salaries and expenses, Including transfer of funds (Housing assistance)		
86 0143 0 1 604		
Budget Authority	164,303	62,435
Outlays	126,513	48,075
Salaries and expenses, Including transfer of funds (Federal law enforcem		
86 0143 0 1 751		
Budget Authority	21,446	8,149
Outlays	16,513	6,275
Office of the Inspector General		
86 0189 0 1 451		
Budget Authority	25,416	9,658
Outlays	23,383	8,886
TOTAL FOR DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT		
Budget Authority	14,813,941	5,629,298
401(C) Authority	8,237	3,130
401(C) Auth--Off. Coll.	69,155	26,278
Direct Loan Limitation	658,399	250,192
Guarntd. Loan Limitation	161,920,479	61,529,782
Obligation Limitation	407,732	154,938
Outlays	1,886,691	716,942

National Aeronautics and Space Administration

National Aeronautics and Space Administration

Research and program management (Space flight)		
80 0103 0 1 253		
Budget Authority	969,072	368,248
401(C) Auth--Off. Coll.	4,091	1,555
Outlays	835,555	317,511
Research and program management (Space science, applications, and techno		
80 0103 0 1 254		
Budget Authority	683,883	259,876
Outlays	586,772	222,974
Research and program management (Supporting space activities)		
80 0103 0 1 255		
Budget Authority	77,778	29,556
Outlays	66,734	25,358
Research and program management (Air transportation)		
80 0103 0 1 402		
Budget Authority	420,683	159,860
Outlays	360,946	137,159
Space flight, control, and data communications		
80 0105 0 1 250		
401(C) Auth--Off. Coll.	26,075	9,909
Outlays	26,075	9,909
Space flight, control, and data communications (Space flight)		
80 0105 0 1 253		
Budget Authority	3,630,121	1,379,446
Outlays	2,583,100	981,578
Space flight, control, and data communications (Supporting space activit		
80 0105 0 1 255		
Budget Authority	1,014,224	385,405
401(C) Authority	113,829	43,255
Outlays	722,363	274,498
Construction of facilities (Space flight)		
80 0107 0 1 253		
Budget Authority	189,051	71,839
Outlays	18,905	7,184
Construction of facilities (Space science, applications, and technology)		
80 0107 0 1 254		
Budget Authority	21,403	8,133
Outlays	2,140	813
Construction of facilities (Supporting space activities)		
80 0107 0 1 255		
Budget Authority	241,500	91,770
Outlays	24,150	9,177
Construction of facilities (Air transportation)		
80 0107 0 1 402		
Budget Authority	63,877	24,273
Outlays	6,388	2,427
Research and development (Space flight)		
80 0108 0 1 253		
Budget Authority	2,400,997	912,379
401(C) Auth--Off. Coll.	10,781	4,097
Outlays	1,187,269	451,162
Research and development (Space science, applications, and technology)		
80 0108 0 1 254		
Budget Authority	2,520,128	957,649
Outlays	1,335,667	507,553
Research and development (Supporting space activities)		
80 0108 0 1 255		
Budget Authority	20,176	7,667
Outlays	14,587	5,543
Research and development (Air transportation)		
80 0108 0 1 402		
Budget Authority	495,872	188,432
Outlays	275,209	104,580
Office of the Inspector General		
80 0109 0 1 255		
Budget Authority	9,295	3,532
Outlays	7,957	3,024
Science, space, and technology education trust fund		
80 8978 0 7 503		
401(C) Authority	1,000	380
Outlays	1,000	380
TOTAL FOR NATIONAL AERONAUTICS AND SPACE ADMINISTRATION		
Budget Authority	12,758,060	4,848,065
401(C) Authority	114,829	43,635
401(C) Auth--Off. Coll.	40,947	15,561
Outlays	8,054,817	3,060,830

Office of Personnel Management

Office of Personnel Management

Salaries and expenses		
24 0100 0 1 805		
Budget Authority	118,146	44,895
Outlays	112,239	42,651
Government payment for annuitants, employees health benefits		
24 0206 0 1 551		
401(C) Authority	3,509,563	1,333,634

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Office of the Inspector General		
24 0400 0 1 805		
Budget Authority	3,055	1,161
Outlays	2,902	1,103
Government payment for annuitants, employee life insurance benefits		
24 0500 0 1 602		
Budget Authority	8,700	3,306
Outlays	7,700	2,926
Civil service retirement and disability fund		
24 8135 0 7 602		
Obligation Limitation	71,655	27,229
Outlays	71,655	27,229
Employees life insurance fund		
24 8424 0 8 602		
401(C) Other--incl ob lim	1,165	443
Outlays	1,165	443
Employees health benefits fund		
24 8440 0 8 551		
Obligation Limitation	14,478	5,502
Outlays	14,478	5,502
TOTAL FOR OFFICE OF PERSONNEL MANAGEMENT		
Budget Authority	129,901	49,362
401(C) Authority	3,509,563	1,333,634
401(C) Other--incl ob lim	1,165	443
Obligation Limitation	86,133	32,731
Outlays	210,139	79,854

Small Business Administration

Small Business Administration

Salaries and expenses		
73 0100 0 1 376		
Budget Authority	364,720	138,594
Outlays	266,975	101,450
Office of the Inspector General		
73 0200 0 1 376		
Budget Authority	7,931	3,014
Outlays	7,534	2,863
Disaster loan fund		
73 4153 0 3 453		
Direct Loan Limitation	411,000	156,180
Outlays	197,000	74,860
Business loan and investment fund		
73 4154 0 3 376		
Direct Loan Limitation	77,480	29,442
Guarntd. Loan Limitation	4,675,436	1,776,666
Outlays	41,000	15,580
Surety bond guarantees revolving fund		
73 4156 0 3 376		
Guarntd. Loan Limitation	1,500,000	570,000
TOTAL FOR SMALL BUSINESS ADMINISTRATION		
Budget Authority	372,651	141,608
Direct Loan Limitation	488,480	185,622
Guarntd. Loan Limitation	6,175,436	2,346,666
Outlays	512,509	194,753

Department of Veterans Affairs

Veterans Benefits Administration

Readjustment benefits		
36 0137 0 1 702		
401(C) Authority	353,000	134,140
Outlays	323,302	122,855
Burial benefits and miscellaneous assistance		
36 0155 0 1 701		
401(C) Authority	128,900	48,982
Outlays	128,732	48,918

Veterans Health Services and Research Administration

Grants to the Republic of the Philippines		
36 0144 0 1 703		
Budget Authority	512	195
Outlays	256	97
Medical administration and miscellaneous operating expenses		
36 0152 0 1 703		
Budget Authority	49,722	18,894
Outlays	35,799	13,603
Medical care		
36 0160 0 1 703		
Budget Authority	995,406	378,254
Budget Auth--Spec. Rules	222,873	222,873
401(C) Auth--Spec. Rules	507	507
Outlays	1,106,683	538,903
Medical and prosthetic research		
36 0161 0 1 703		
Budget Authority	226,469	86,058
Outlays	169,852	64,544

Departmental Administration

Construction, major projects		
36 0110 0 1 703		
Budget Authority	424,944	161,479
Outlays	19,122	7,266
Construction, minor projects		
36 0111 0 1 703		
Budget Authority	96,642	36,724
Outlays	58,294	22,151
General operating expenses		
36 0151 0 1 705		
Budget Authority	865,415	328,858
Outlays	778,874	295,972
Office of the Inspector General		
36 0170 0 1 705		
Budget Authority	23,230	8,827
Outlays	20,907	7,945
Grants for construction of state extended care facilities		
36 0181 0 1 703		
Budget Authority	43,003	16,341
Grants for the construction of State veterans cemeteries		
36 0183 0 1 705		
Budget Authority	4,460	1,695
Parking garage revolving fund		
36 4538 0 3 703		
Budget Authority	29,685	11,280
Outlays	1,484	564
TOTAL FOR DEPARTMENT OF VETERANS AFFAIRS		
Budget Authority	2,759,488	1,048,605
Budget Auth--Spec. Rules	222,873	222,873
401(C) Authority	481,900	183,122
401(C) Auth--Spec. Rules	507	507
Outlays	2,643,305	1,122,818

Other Independent Agencies

ACTION

Operating expenses		
44 0103 0 1 506		
Budget Authority	184,232	70,008
Outlays	110,539	42,005

Administrative Conference of the United States

Salaries and expenses		
95 1700 0 1 751		
Budget Authority	1,988	755
Outlays	1,590	604

Advisory Commission on Conferences in Ocean Shipping

Salaries and Expenses		
48 2500 0 1 403		
Budget Authority	319	121
Outlays	287	109

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Advisory Commission on Intergovernmental Relations		
Salaries and expenses		
55 0100 0 1 808		
Budget Authority	1,371	521
Outlays	1,234	469
Advisory Committee on Federal Pay		
Salaries and expenses		
95 1800 0 1 805		
Budget Authority	218	83
Outlays	201	76
Advisory Council on Historic Preservation		
Salaries and expenses		
95 2300 0 1 303		
Budget Authority	2,023	769
Outlays	1,823	693
American Battle Monuments Commission		
Salaries and expenses		
74 0100 0 1 705		
Budget Authority	17,139	6,513
Outlays	13,711	5,211
Appalachian Regional Commission		
Appalachian regional development programs		
46 0200 0 1 452		
Budget Authority	153,893	58,479
Outlays	10,851	4,123
Architectural and Transportation Barriers Compliance Board		
Salaries and expenses		
95 3200 0 1 751		
Budget Authority	2,059	782
Outlays	1,587	603
Arms Control and Disarmament Agency		
Arms control and disarmament activities		
94 0100 0 1 153		
Budget Authority	35,382	13,445
Outlays	23,706	9,008
Barry Goldwater Scholarship and Excellence in Education Foundation		
Barry Goldwater Scholarship and Excellence in Education Foundation		
95 8281 0 7 502		
401(C) Other--incl ob lim	1,619	615
Outlays	1,575	599
Board for International Broadcasting		
Grants and expenses		
95 1145 0 1 154		
Budget Authority	197,635	75,101
Outlays	189,730	72,097
Israel relay station		
95 1146 0 1 154		
Budget Authority	190,355	72,335
Outlays	57,107	21,701
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	786,614	298,912
401(C) Other--incl ob lim	1,619	615
Outlays	413,941	157,298

Other Independent Agencies

Christopher Columbus Quincentennary Jubilee Commission		
Salaries and expenses		
76 0800 0 1 376		
Budget Authority	234	89
Outlays	210	80
Commission for the Preservation of America's Heritage Abroad		
Salaries and expenses		
95 3700 0 1 153		
Budget Authority	211	80
Outlays	211	80
Commission for the Study of International Migration and Cooperative Econ		
Salaries and expenses		
48 1400 0 1 153		
Budget Authority	1,358	516
Outlays	815	310
Commission of Fine Arts		
Salaries and expenses		
95 2600 0 1 451		
Budget Authority	542	206
Outlays	498	189
National capital arts and cultural affairs		
95 2602 0 1 503		
Budget Authority	5,644	2,145
Outlays	5,644	2,145
Commission on Agricultural Workers		
Salaries and expenses		
48 0057 0 1 352		
Budget Authority	812	309
Outlays	684	260
Commission on Civil Rights		
Salaries and expenses		
95 1900 0 1 751		
Budget Authority	6,075	2,309
Outlays	5,468	2,078
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	14,876	5,654
Outlays	13,530	5,142

Other Independent Agencies

Commission on the Bicentennial of the U.S. Constitution		
Salaries and expenses		
76 0054 0 1 808		
Budget Authority	15,596	5,926
Outlays	12,134	4,611
Commission on the Ukraine Famine		
Salaries and expenses		
48 0050 0 1 153		
Budget Authority	107	41
Outlays	64	24
Committee for Purchase from the Blind and other Severely Handicapped		
Salaries and expenses		
95 2000 0 1 505		
Budget Authority	1,116	424
Outlays	1,060	403
Commodity Futures Trading Commission		
Commodity Futures Trading Commission		
95 1400 0 1 376		
Budget Authority	41,804	15,886
Outlays	36,370	13,821
Competitiveness Policy Council		
Competiveness Policy Council		
95 3750 0 1 376		
Budget Authority	801	304
Outlays	721	274
Consumer Product Safety Commission		
Salaries and expenses		
61 0100 0 1 554		
Budget Authority	37,504	14,252
401(C) Auth--Off. Coll.	10	4
Outlays	31,888	12,118
Corporation for Public Broadcasting		
Public broadcasting fund		
20 0151 0 1 503		
Budget Authority	298,870	113,571
Outlays	298,870	113,571
Court of Veterans Appeals		
Salaries and expenses		
95 0300 0 1 705		
Budget Authority	4,127	1,568
Outlays	3,714	1,411

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Practice registration fee		
95 5113 0 1 705		
401(C) Authority	5	2
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	399,925	151,972
401(C) Authority	5	2
401(C) Auth--Off. Coll.	10	4
Outlays	384,821	146,233

Other Independent Agencies

Defense Nuclear Facilities Safety Board

Salaries and expenses		
95 3900 0 1 053		
Budget Authority	7,305	3,053
Outlays	6,940	2,901

Delaware River Basin Commission

Salaries and expenses		
46 0100 0 1 301		
Budget Authority	225	86
Outlays	209	79
Contribution to Delaware River Basin Commission		
46 0102 0 1 301		
Budget Authority	354	135
Outlays	354	135

District of Columbia

Federal payment to the District of Columbia		
20 1700 0 1 806		
Budget Authority	579,848	220,342
Outlays	569,698	216,485

Equal Employment Opportunity Commission

Salaries and expenses		
45 0100 0 1 751		
Budget Authority	197,065	74,885
Outlays	174,008	66,123

Export-Import Bank of the United States

Export-Import Bank of the United States		
83 4027 0 3 155		
Budget Authority	134,619	51,155
Direct Loan Limitation	636,850	242,003
Guarntd. Loan Limitation	10,599,064	4,027,644
Obligation Limitation	23,079	8,770
Outlays	116,879	44,414
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	919,416	349,656
Direct Loan Limitation	636,850	242,003
Guarntd. Loan Limitation	10,599,064	4,027,644
Obligation Limitation	23,079	8,770
Outlays	868,088	330,137

Other Independent Agencies

Federal Communications Commission

Salaries and expenses		
27 0100 0 1 376		
Budget Authority	114,932	43,674
Outlays	108,036	41,054

Federal Election Commission

Salaries and expenses		
95 1600 0 1 808		
Budget Authority	16,348	6,212
Outlays	14,713	5,591

Federal Emergency Management Agency

Salaries and expenses (Defense-related activities)		
58 0100 0 1 054		
Budget Authority	75,553	28,710
Outlays	67,998	25,839
Salaries and expenses (Disaster relief and insurance)		
58 0100 0 1 453		
Budget Authority	83,855	31,865
Outlays	75,470	28,679
Emergency management planning and assistance (Defense-related activities		
58 0101 0 1 054		
Budget Authority	249,767	94,911
Outlays	137,372	52,201
Emergency management planning and assistance (Disaster relief and insura		
58 0101 0 1 453		
Budget Authority	79,336	30,148
Outlays	43,635	16,581
Emergency food and shelter program		
58 0103 0 1 605		
Budget Authority	135,296	51,412
Outlays	135,296	51,412
Disaster relief		
58 0104 0 1 453		
Budget Authority	1,298,388	493,387
Outlays	519,355	197,355
Office of the Inspector General		
58 0300 0 1 453		
Budget Authority	2,751	1,045
Outlays	2,613	993
National insurance development fund		
58 4235 0 3 451		
401(C) Authority	450	171
Outlays	450	171

Federal Labor Relations Authority

Salaries and expenses		
54 0100 0 1 805		
Budget Authority	18,796	7,142
Outlays	17,292	6,571

Federal Maritime Commission

Salaries and expenses		
65 0100 0 1 403		
Budget Authority	16,471	6,259
Outlays	14,824	5,633

Federal Mediation and Conciliation Service

Salaries and expenses		
93 0100 0 1 505		
Budget Authority	28,341	10,770
Outlays	25,762	9,790

Federal Mine Safety and Health Review Commission

Salaries and expenses		
95 2800 0 1 554		
Budget Authority	4,299	1,634
Outlays	3,783	1,438

Federal Trade Commission

Salaries and expenses		
29 0100 0 1 376		
Budget Authority	60,149	22,856
401(C) Auth--Off. Coll.	20,000	7,600
Outlays	73,737	28,021

Franklin Delano Roosevelt Memorial Commission

Salaries and expenses		
76 0700 0 1 808		
Budget Authority	29	11
Outlays	24	9
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	2,184,311	830,036
401(C) Authority	450	171
401(C) Auth--Off. Coll.	20,000	7,600
Outlays	1,240,360	471,338

Other Independent Agencies

Harry S Truman Scholarship Foundation

Harry S Truman memorial scholarship trust fund		
95 8296 0 7 502		
401(C) Other--incl ob lim	3,061	1,163
Outlays	3,058	1,162

Institute of American Indian and Alaska Native Culture and Arts Developm

Salaries and expenses		
95 2900 0 1 502		
Budget Authority	4,477	1,701
Outlays	4,477	1,701

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Institute of Museum Services		
Institute of Museum Services: Grants and administration		
59 0300 0 1 503		
Budget Authority	23,608	8,971
Outlays	6,138	2,332
Intelligence Community Staff		
Intelligence community staff		
95 0400 0 1 054		
Budget Authority	29,645	12,392
Outlays	19,862	8,302
Interagency Council on the Homeless		
Interagency Council on the Homeless		
48 1300 0 1 604		
Budget Authority	1,140	433
Outlays	1,026	390
International Cultural and Trade Center Commission		
Salaries and expenses		
48 1800 0 1 804		
401(C) Authority	927	352
Outlays	816	310
International Trade Commission		
Salaries and expenses		
34 0100 0 1 153		
Budget Authority	40,969	15,568
Outlays	35,643	13,544
Interstate Commerce Commission		
Salaries and expenses		
30 0100 0 1 401		
Budget Authority	47,246	17,953
Outlays	42,521	16,158
Interstate Commission on the Potomac River Basin		
Contribution to Interstate Commission on the Potomac River Basin		
46 0446 0 1 304		
Budget Authority	308	117
Outlays	308	117
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	147,393	57,135
401(C) Authority	927	352
401(C) Other--incl ob lim	3,061	1,163
Outlays	113,849	44,016

Other Independent Agencies

James Madison Memorial Fellowship Foundation		
James Madison Memorial Fellowship Trust Fund		
95 8282 0 7 502		
401(C) Other--incl ob lim	1,200	456
Outlays	1,200	456
Japan-United States Friendship Commission		
Japan-United States friendship trust fund		
95 8025 0 7 154		
Budget Authority	1,409	535
Outlays	1,409	535
Legal Services Corporation		
Payment to the Legal Services Corporation		
20 0501 0 1 752		
Budget Authority	329,186	125,091
Outlays	289,684	110,080
Marine Mammal Commission		
Salaries and expenses		
95 2200 0 1 302		
Budget Authority	1,022	388
Outlays	908	345
Martin Luther King, Jr. Federal Holiday Commission		
Salaries and expenses		
76 0600 0 1 808		
Budget Authority	318	121
Outlays	254	97
Merit Systems Protection Board		
Salaries and expenses		
41 0100 0 1 805		
Budget Authority	22,333	8,487
Outlays	20,546	7,807
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	354,268	134,622
401(C) Other--incl ob lim	1,200	456
Outlays	314,001	119,320

Other Independent Agencies

National Archives and Records Administration		
Operating expenses		
88 0300 0 1 804		
Budget Authority	132,009	50,163
Outlays	105,607	40,131
National archives trust fund		
88 8436 0 8 804		
401(C) Auth--Off. Coll.	11,181	4,249
Outlays	11,181	4,249
National Capital Planning Commission		
Salaries and expenses		
95 2500 0 1 451		
Budget Authority	3,299	1,254
Outlays	3,035	1,153
National Commission on Libraries and Information Science		
Salaries and expenses		
95 2700 0 1 503		
Budget Authority	800	304
Outlays	640	243
White House conference on library and information services		
95 2701 0 1 503		
Budget Authority	3,438	1,306
Outlays	688	261
National Commission to Prevent Infant Mortality		
National Commission to Prevent Infant Mortality		
48 1500 0 1 808		
Budget Authority	426	162
Outlays	341	130
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	139,972	53,189
401(C) Auth--Off. Coll.	11,181	4,249
Outlays	121,492	46,167

Other Independent Agencies

National Council on Disability		
Salaries and expenses		
95 3500 0 1 506		
Budget Authority	1,623	617
Outlays	1,298	493
National Endowment for the Arts		
National endowment for the arts: Grants and administration		
59 0100 0 1 503		
Budget Authority	178,511	67,834
Outlays	60,694	23,064
National Endowment for the Humanities		
National endowment for the humanities: Grants and administration		
59 0200 0 1 503		
Budget Authority	163,593	62,165
Outlays	73,617	27,974
National Institute of Building Sciences		
Payment to the National Institute of Building Sciences		
95 3601 0 1 376		
Budget Authority	512	195
Outlays	512	195

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National Labor Relations Board		
Salaries and expenses		
63 0100 0 1 505		
Budget Authority	149,738	56,900
Outlays	140,903	53,543
National Mediation Board		
Salaries and expenses		
95 2400 0 1 505		
Budget Authority	6,824	2,593
Outlays	5,214	1,981
National Science Foundation		
Research and related activities		
49 0100 0 1 251		
Budget Authority	1,775,962	674,866
Outlays	959,019	364,427
Science and engineering education activities		
49 0106 0 1 251		
Budget Authority	212,436	80,726
Outlays	21,244	8,073
Academic research facilities		
49 0150 0 1 251		
Budget Authority	20,478	7,782
Outlays	11,058	4,202
U.S. Antarctic program activities		
49 0200 0 1 251		
Budget Authority	74,831	28,436
Outlays	37,041	14,076
U.S. Antarctic logistical support activities		
49 0202 0 1 251		
Budget Authority	82,918	31,509
Outlays	41,044	15,597
Office of the Inspector General		
49 0300 0 1 251		
Budget Authority	2,714	1,031
Outlays	2,578	980
National Transportation Safety Board		
Salaries and expenses		
95 0310 0 1 407		
Budget Authority	29,038	11,034
Outlays	26,134	9,931
Neighborhood Reinvestment Corporation		
Payment to the Neighborhood Reinvestment Corporation		
82 1300 0 1 451		
Budget Authority	27,616	10,494
Outlays	27,616	10,494
Nuclear Regulatory Commission		
Salaries and expenses		
31 0200 0 1 276		
Budget Authority	460,831	175,116
Outlays	345,623	131,337
Office of the Inspector General		
31 0300 0 1 276		
Budget Authority	3,047	1,158
Outlays	2,590	984
Nuclear Waste Technical Review Board		
Salaries and expenses		
48 0500 0 1 271		
Budget Authority	2,091	795
Outlays	1,777	675
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	3,192,763	1,213,251
Outlays	1,757,962	668,026

Other Independent Agencies

Occupational Safety and Health Review Commission		
Salaries and expenses		
95 2100 0 1 554		
Budget Authority	6,378	2,424
Outlays	5,421	2,060
Office of Government Ethics		
Salaries and expenses		
95 1100 0 1 805		
Budget Authority	3,596	1,366
Outlays	3,416	1,298
Office of Navajo and Hopi Indian Relocation		
Salaries and expenses		
48 1100 0 1 808		
Budget Authority	37,996	14,438
Outlays	23,937	9,096
Office of Special Counsel		
Salaries and expenses		
62 0100 0 1 808		
Budget Authority	5,463	2,076
Outlays	5,026	1,910
Office of the Nuclear Waste Negotiator		
Salaries and expenses		
48 0070 0 1 271		
Budget Authority	2,124	807
Outlays	1,805	68
Pennsylvania Avenue Development Corporation		
Salaries and expenses		
42 0100 0 1 451		
Budget Authority	2,524	959
Outlays	2,044	777
Public development		
42 0102 0 1 451		
Budget Authority	3,283	1,248
Outlays	2,462	936
Land acquisition and development fund		
42 4084 0 3 451		
Budget Authority	104	40
401(C) Auth--Off. Coll.	3,000	1,140
Outlays	3,104	1,180
Postal Service -- Payments to the Postal Service		
Payment to the Postal Service fund		
18 1001 0 1 372		
Budget Authority	471,562	179,194
Outlays	471,562	179,194
Payment to the Postal Service fund for nonfunded liabilities		
18 1004 0 1 372		
Budget Authority	38,142	14,494
Outlays	38,142	14,494
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	571,172	217,046
401(C) Auth--Off. Coll.	3,000	1,140
Outlays	556,919	211,631

Other Independent Agencies

Railroad Retirement Board		
Railroad social security equivalent benefit account		
60 8010 0 7 601		
Obligation Limitation	30,230	11,487
Outlays	30,230	11,487
Rail Industry Pension Fund		
60 8011 0 7 601		
Obligation Limitation	37,999	14,440
Outlays	37,999	14,440
Supplemental Annuity Pension Fund		
60 8012 0 7 601		
Obligation Limitation	2,400	912
Outlays	2,400	912
Securities and Exchange Commission		
Salaries and expenses		
50 0100 0 1 376		
Budget Authority	177,441	67,428
Outlays	161,471	61,359

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Selective Service System		
Salaries and expenses		
90 0400 0 1 054		
Budget Authority	27,542	11,513
Outlays	22,612	9,452
Smithsonian Institution		
Salaries and expenses		
33 0100 0 1 503		
Budget Authority	240,147	91,256
Outlays	211,329	80,305
Construction and improvements, National Zoological Park		
33 0129 0 1 503		
Budget Authority	6,681	2,539
Outlays	3,006	1,142
Repair and restoration of buildings		
33 0132 0 1 503		
Budget Authority	27,528	10,461
Outlays	11,011	4,184
Construction		
33 0133 0 1 503		
Budget Authority	8,653	3,288
Outlays	3,461	1,315
Salaries and expenses, National Gallery of Art		
33 0200 0 1 503		
Budget Authority	42,754	16,247
Outlays	35,913	13,647
Repair, restoration, and renovation of buildings		
33 0201 0 1 503		
Budget Authority	1,871	711
Outlays	449	171
Salaries and expenses, Woodrow Wilson International Center for Scholars		
33 0400 0 1 503		
Budget Authority	4,894	1,860
Outlays	2,985	1,134
Endowment challenge fund		
33 8188 0 7 503		
401(C) Authority	270	103
Outlays	270	103
Canal Zone biological area fund		
33 8190 0 7 503		
401(C) Authority	150	57
Outlays	135	51
State Justice Institute		
State Justice Institute: Salaries and expenses		
48 0052 0 1 752		
Budget Authority	12,372	4,701
Outlays	3,340	1,269
Susquehanna River Basin Commission		
Salaries and expenses		
46 0500 0 1 301		
Budget Authority	210	80
Outlays	198	75
Contribution to Susquehanna River Basin Commission		
46 0501 0 1 301		
Budget Authority	283	108
Outlays	283	108
Tennessee Valley Authority		
Tennessee Valley Authority fund (Energy supply)		
64 4110 0 3 271		
401(C) Auth--Off. Coll.	58,954	22,403
Outlays	51,880	19,714
Tennessee Valley Authority fund (Area and regional development)		
64 4110 0 3 452		
Budget Authority	125,001	47,500
Outlays	30,750	11,685
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	675,377	257,692
401(C) Authority	420	160
401(C) Auth--Off. Coll.	58,954	22,403
Obligation Limitation	70,629	26,839
Outlays	609,722	232,553

AGENCY, BUREAU, AND ACCOUNT TITLE	BASE	SEQUESTER
Other Independent Agencies		
United States Holocaust Memorial Council		
Holocaust Memorial Council		
95 3300 0 1 808		
Budget Authority	2,428	923
Outlays	1,942	738
United States Information Agency		
Salaries and expenses		
67 0201 0 1 154		
Budget Authority	673,038	255,755
401(C) Auth--Off. Coll.	6,240	2,371
Outlays	543,422	206,501
East West Center		
67 0202 0 1 154		
Budget Authority	21,247	8,074
Outlays	20,610	7,832
Radio construction		
67 0204 0 1 154		
Budget Authority	87,590	33,285
Outlays	14,686	5,581
Radio broadcasting to Cuba		
67 0208 0 1 154		
Budget Authority	13,303	5,055
Outlays	9,313	3,539
Educational and cultural exchange programs		
67 0209 0 1 154		
Budget Authority	160,504	60,992
Outlays	76,082	28,911
National Endowment for Democracy		
67 0210 0 1 154		
Budget Authority	17,442	6,628
Outlays	7,849	2,983
Office of the Inspector General		
67 0300 0 1 154		
Budget Authority	3,879	1,474
Outlays	3,103	1,179
United States Institute of Peace		
Operating expenses		
95 1300 0 1 153		
Budget Authority	7,930	3,013
Outlays	7,137	2,712
United States Sentencing Commission		
Salaries and expenses		
10 0938 0 1 752		
Budget Authority	7,592	2,885
Outlays	6,833	2,597
TOTAL FOR OTHER INDEPENDENT AGENCIES		
Budget Authority	994,953	378,084
401(C) Auth--Off. Coll.	6,240	2,371
Outlays	690,977	262,573

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Budget Authority	411,531,031	165,218,677
Budget Auth--Spec. Rules	257,896	257,896
401(C) Authority	43,267,256	16,442,370
401(C) Auth--Off. Coll.	2,125,515	807,697
401(C) Other--incl ob lim	513,122	194,988
401(C) Auth--Spec. Rules	1,882,762	1,882,762
Direct Loan Limitation	18,907,165	7,184,723
Direct Loan Floor	2,050,199	779,075
Guarntd. Loan Limitation	188,532,988	71,642,535
Guaranteed Loan Floor	0	0
Obligation Limitation	26,285,024	9,988,309
Unobligated Bal--Defense	38,581,455	16,127,047
Outlays	251,069,135	101,291,689

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List August 20, 1990

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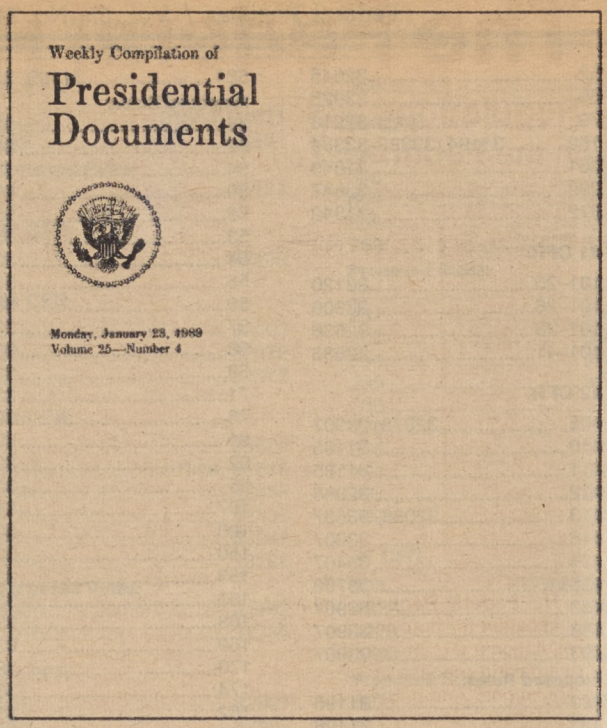

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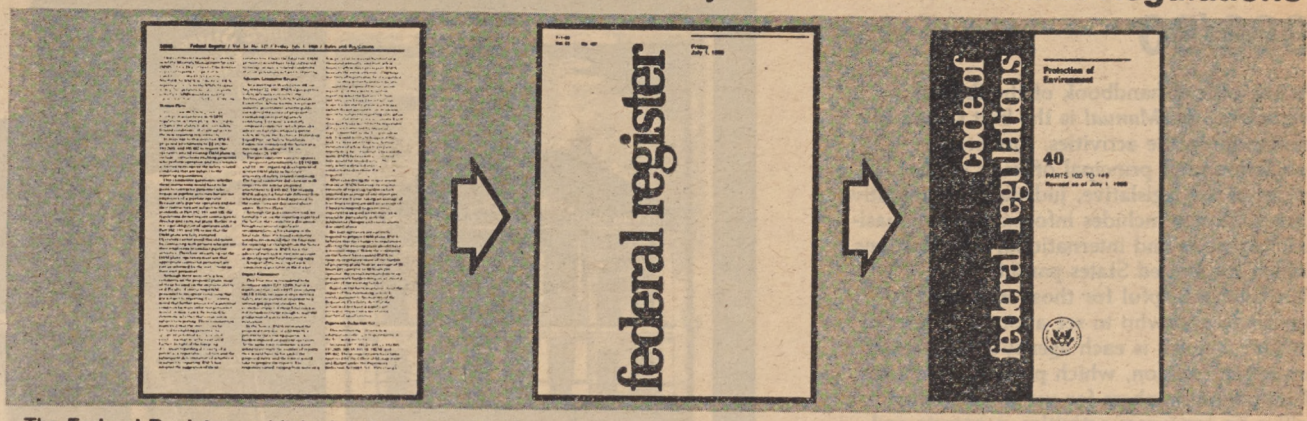

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