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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 732]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to domestic markets during the period from August 26 through September 1, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh lemons with the demand for such lemons during the period specified. This action was recommended by the Lemon Administrative Committee (Committee), which is responsible for local administration of the lemon marketing order.

EFFECTIVE DATE: Regulation 732 (7 CFR part 910) is effective for the period from August 26 through September 1, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture (Department), Room 2524-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 910 (7 CFR part 910), as amended, regulating the handling of lemons grown in California and Arizona. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

There are approximately 70 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,000 lemon producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

The California-Arizona lemon industry is characterized by a large number of growers located over a wide area. The Committee's estimate of 1990-91 production is 40,834 cars (one car equals 1,000 cartons at 38 pounds net weight each), as compared with 37,881 cars during the 1989-90 season. The production area is divided into three districts which span California and Arizona. The Committee estimates District 1, central California, 1990-91 production at 6,495 cars compared to the 4,158 cars produced in 1989-90. In District 2, southern California, the crop is expected to be 24,700 cars compared to the 24,292 cars produced last year. In District 3, the California desert and Arizona, the Committee estimates a production of 9,639 cars compared to the 9,436 cars produced last year. The National Agricultural Statistics Service will publish on October 11, 1990, an estimate of the 1990-91 lemon crop.

The three basic outlets for California-Arizona lemons are the domestic fresh, export and processing markets. The Committee has revised its estimates concerning the utilization of California-Arizona lemons for the 1990-91 crop year. The domestic (regulated) fresh market is a preferred market for California-Arizona lemons. The Committee estimates that about 44 percent of the 1990-91 crop of 40,834 cars will be utilized in fresh domestic channels (17,900 cars), compared with the 1989-90 total of 16,600 cars, about 44 percent of the total production of 37,881 cars in 1989-90. Fresh exports are projected at 22 percent of the total 1990-91 crop utilization compared with 22 percent in 1989-90. Processed and other uses would account for the residual 34 percent compared with 34 percent of the 1989-90 crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 910 are intended to provide benefits to growers and consumers. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of lemons in the market throughout the marketing season and to avoid unreasonable fluctuations in supplies and prices.

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

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

The Committee submitted its marketing policy for the 1990-91 season to the U.S. Department of Agriculture (Department) on June 19. The marketing

policy discussed, among other things, the potential use of volume and size regulations for the ensuing seasons. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee of Ms. Rodriguez. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on August 21, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended that 310,000 cartons is the quantity of lemons deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations were compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, the preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1990–91 marketing policy. This recommended amount is the same as the estimated projections in the revised shipping schedule.

During the week ending on August 18, 1990, shipments of lemons to fresh domestic markets, including Canada, totaled 288,000 cartons compared with 293,000 cartons shipped during the week ending on August 19, 1989. Export shipments totaled 142,000 cartons compared with 137,000 cartons shipped during the week ending on August 19, 1989. Processing and other uses accounted for 220,000 cartons compared with 111,000 cartons shipped during the week ending on August 19, 1989.

Fresh domestic shipments to date for the 1990–91 season total 900,000 cartons compared with 898,000 cartons shipped by this time during the 1989–90 season. Export shipments total 419,000 cartons compared with 490,000 cartons shipped by this time during 1989–90. Processing and other use shipments total 759,000 cartons compared with 419,000 cartons shipped by this time during 1989–90.

For the week ending on August 18, 1990, regulated shipments of lemons to the fresh domestic market were 288,000 cartons on an adjusted allotment of 353,000 cartons which resulted in net undershipments of 65,000 cartons. Regulated shipments for the current week (August 19 through August 25, 1990) are estimated at 290,000 cartons on an adjusted allotment of 346,000 cartons. Thus, undershipments of 56,000 cartons could be carried over into the week ending on September 1, 1990.

The average f.o.b. shipping point price for the week ending on August 18, 1990, was $11.80 per carton based on a reported sales volume of 287,000 cartons compared with last week's average of $12.56 per carton on a reported sales volume of 295,000 cartons. The 1990–91 season average f.o.b. shipping point price to date is $12.89 per carton. The average f.o.b. shipping point price for the week ending on August 19, 1989, was $13.78 per carton; the season average f.o.b. shipping point price at this time during 1989–90 was $14.01 per carton.

The Department's Market News Service reported that, as of August 21, demand for lemons of all sizes and grades is moderate. The market is "steady" for all grades and sizes of lemons. At the meeting, one Committee member commented that overall demand for lemons is "steady". Another member reported that some handlers in District 3 have started picking fruit, which indicates that the transitional period between District 2 and District 3 is about to begin. Another Committee member commented that the quantity of lemons in storage from District 2 is declining as handlers begin to clear out their fruit. Another member indicated that the demand for California-Arizona lemons has increased in the South due to a decrease in the availability of lemons from Florida and the Bahamas. Some price discounting has been reported on small-sized, second grade fruit. Another member noted that volume regulation is desirable so as to move fruit in an orderly fashion. The Committee unanimously recommended volume regulation for the period from August 26 through September 1, 1990.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the California-Arizona 1990–91 season average fresh on-tree price is estimated at $9.54 per carton, 116 percent of the projected season average fresh on-tree parity equivalent price of $8.20 per carton. The California-Arizona 1989–90 season average fresh on-tree price is estimated at $8.53, 114 percent of the projected season average fresh on-tree parity equivalent price of $7.47 per carton.

Limiting the quantity of lemons that may be shipped during the period from August 26 through September 1, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of lemons to market.

Based on considerations of supply and market conditions, it is found that this action will tend to effectuate the declared policy of the Act.

Based on the above information, the Administrator of the AMS has determined that issuance of this rule will not have a significant economic impact on a substantial number of small entities.

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

In addition, market information needed for the formulation of the basis for this action was not available until August 21, 1990, and this action needs to be effective for the regulatory week which begins on August 26, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, and Reporting and recordkeeping requirements.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.732 is added to read as follows:

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

§ 910.732 Lemon Regulation 732.

The quantity of lemons grown in California and Arizona which may be handled during the period from August 26 through September 1, 1990, is established at 310,000 cartons.

Dated: August 22, 1990.

Robert C. Keeney,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 90-20159 Filed 8-24-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

8 CFR Part 214

[INS No. 1290-90]

RIN 1115-AA44

Temporary Alien Workers Seeking Classification Under the Immigration and Nationality Act

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements the Immigration Nursing Relief Act of 1989 (INRA), Public Law 101-238, requirements as it relates to the Service's responsibilities for adjudicating petitions for H-1A classification, determining the eligibility of foreign nurses, and controlling their admission and period(s) of stay in the United States. This rule also contains technical amendments relating to requirements for other H nonimmigrant classifications. This rule will facilitate the hiring of alien nurses to reduce the critical shortage of nurses in the United States, while protecting the rights of U.S. nurses.

DATES: This interim rule is effective September 1, 1990, and applies to H petitions and applications filed on or after that date. Interested persons are invited to submit written comments on or before October 1, 1990.

ADDRESSES: Written comments should be submitted, in triplicate, to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., room 7223, Washington, DC 20536. Please include INS Number 1290-90 on the mailing envelope to ensure proper handling.

FOR FURTHER INFORMATION CONTACT: Flora T. Richardson, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I Street NW., room 7223, Washington, DC 20536, Telephone (202) 514-3946.

SUPPLEMENTARY INFORMATION: In addressing the critical shortage of nurses in the United States, the Immigration Nursing Relief Act of 1989 (INRA) served a dual purpose: (1) It amended section 245 of the Immigration and Nationality Act to permit nonimmigrant registered nurses who were in H-1 status as of September 1, 1989, and have been employed in the United States as registered nurses for at least three years, to adjust their status to that of permanent residents without regard to the numerical limitations under the preference system for immigrants, and (2) It sought to reduce the dependence of facilities which provide health care services on the services of foreign registered nurses by requiring such facilities to file annually an attestation with the Department of Labor which demonstrates that the facility is taking significant steps to develop, recruit, and retain U.S. nurses before filing petitions with the Service for foreign nurses. The Service's regulations relating to adjustment of registered nurses to permanent resident status under the INRA were published at 55 FR 10395 and became effective March 16, 1990.

The INRA established the new nonimmigrant classification for registered nurses under section 101(a)(15)(H)(i)(a), hereafter called "H-1A", and added a new section 212(m) which specifies the qualifications for foreign nurses and the requirements which facilities must meet to obtain H-1A classification for foreign nurses. It excluded registered nurses from the previous H-1 classification which applied to aliens of distinguished merit and ability, including nurses who are members of the professions. Petitions and applications for nonimmigrant nurses filed on or after September 1, 1990, must be filed and adjudicated under the requirements for H-1A classification, including those for nurses who are in the United States under the previous H-1 classification.

This interim rule implements the INRA's requirements as it relates to the Service's responsibilities for adjudicating petitions for H-1A classification, determining the eligibility of foreign nurses, and controlling their admission and period(s) of stay in the United States. The Department of Labor will be promulgating regulations governing the filing and enforcement of attestations by facilities which employ nurses under the H-1A classification pursuant to section 212(m)(2) of the Act. Close coordination on a continuing basis between the Department of Labor and the Service will be required to administer the provisions of section 3 of the INRA.

The Attestation Process

The INRA requires a facility which provides health care services and seeks to employ nonimmigrant registered nurses to file an "attestation" with the Department of Labor annually before seeking H-1A classification for nurses from the Service. In the attestation, the facility must demonstrate that there would be a substantial disruption of services without the services of alien nurses, wages and working conditions of similarly employed nurses would not be adversely affected by employment of alien nurses, alien nurses will be paid the wage rate for nurses similarly employed by the facility, significant steps are being taken to recruit and retain U.S. nurses, a strike by nurses or lockout in the course of a labor dispute is not ongoing at the facility, and notice of the filing of each petition for a foreign nurse has been given to the bargaining representative of nurses at the facility or posted for information of nurses at the facility. The Employment and Training Administration, Division of Foreign Labor Certifications receives, reviews, and accepts or rejects for filing a facility's attestation, and notifies the Service of attestations which it has on file.

The INRA also authorizes the Department of Labor to investigate allegations that a facility has failed to meet the conditions attested to or that a facility has misrepresented a material fact in an attestation. The Department of Labor can impose administrative remedies, including civil money penalties, obtain back wages, and impose other remedies. When the Department of Labor notifies the Service of a final action, the Service may not approve petitions for or extend the stay of alien nurses for the facility for a period of one year. The Department of Labor's enforcement functions will be handled by its Employment Standards Administration, Wage and Hour Division.

A facility will submit its attestation to the Department of Labor on Form ETA 9029 and will be notified of its acceptance on that form. The notice will be valid for a one year period. Each petition for a nurse which the facility files with the Service must be accompanied by a current copy of this notice of acceptance of filing on Form ETA 9029. In addition, the facility's letter which supports a nurse's application for extension of stay must be accompanied by a current Form ETA 9029. A copy of the same notice can be

used for any number of petitions for nurses during its validity period, even though the notice may expire before the end of the period of requested employment. If a facility's attestation expires, or is suspended or invalidated by the Department of Labor, the Service will not suspend or revoke the facility's approved petitions for nurses if the facility has agreed to comply with the terms of the attestation under which the nurses were admitted (or subsequent attestations accepted by the Department of Labor) for the duration of the nurses' authorized stay.

The Petition Process

Under the new H–1A classification, the alien must be coming to the United States temporarily to perform services as a registered nurse, must meet the requirements of section 212(m)(1) of the Act, and must perform services at a facility for which the Secretary of Labor has determined and certified to the Attorney General that an unexpired attestation is on file and in effect under 212(m)(2) for the facility. The Department of Labor and the Service have interpreted the provisions of the INRA and the legislative history to require the facility to be providing health care services to individuals in order to file an attestation and to petition for H–1A nurses.

For purposes of H–1A classification, "registered nurse" means a person who is or will be authorized by a State Board of Nursing to engage in registered nurse practice, and is or will be practicing at a facility which provides health care services to individuals. The qualifications which the alien nurse must meet for H–1A classification are basically the same as those under the previous H–1 classification. The major change in the petition process is the facility's attestation requirement. This interim rule, however, codifies previous licensure requirements for nurses.

The rule clarifies that a nurse who is granted H–1A classification based on passage of the Commission on Graduates of Foreign Nursing Schools (CGFNS) examination must, upon admission to the United States, be able to obtain temporary licensure or other temporary authorization to practice nursing from the State Board of Nursing in the state of intended employment. A petition for such a nurse will be approved initially for a period not to exceed one year. After admission to the United States, a nonimmigrant nurse must take and pass the first available examination for state licensure as a registered nurse, after which the nurse must be issued a permanent state license in order to maintain eligibility for H–1A classification in the state of employment or any other state or territory of the United States.

Other requirements for classification, admission, and maintenance of status are already specified in the Service's H regulations, and apply to nurses as well as other H nonimmigrants. These requirements are not restated in this rule, except where a revision specifically relating to nurses is made.

Technical Amendments

This rule contains a number of technical amendments to incorporate the new requirements for H–1A classification, and other changes as a result of the Service's operating experience under revised H regulations which became effective on February 26, 1990. 55 FR 2606 (1990). Those which require clarification or explanation are discussed below:

A. Filing of Petitions § 214.2(h)(2)(i)(A)

To correct an oversight in existing H regulations, paragraph (h)(2)(i)(A) of this section has been amended to reflect existing filing procedures. It has been amended to add that petitions in Guam and the Virgin Islands, and petitions involving special filing situations as determined by the Service's Headquarters, shall be filed with the local Service office or a designated Service office.

B. Named Beneficiaries § 214.2(h)(2)(iii)

Petitions for H nonimmigrants must include the names of beneficiaries and other required information at the time of filing. Under the H–2B classification, exceptions may be granted in emergent situations involving multiple beneficiaries at the discretion of the director. Paragraph (h)(2)(iii) of this section has been amended to allow an exception under the H–2B classification in special filing situations as determined by the Service's Headquarters. This revision gives the Service flexibility in accommodating special or unforeseen circumstances where it is not feasible to identify the beneficiaries prior to approval of the petition.

C. Substitution of Beneficiaries § 214.2(h)(2)(iv)

Current H regulations provide that beneficiaries may be substituted in H–1 and H–2B petitions that are approved for a group. Operating experience has shown that substitutions can be made in other situations without undermining the Service's responsibilities. Paragraph (h)(2)(iv) of this section has been amended to state that beneficiaries may be substituted in H–1B and H–2B petitions that are approved for a group, or H–2B petitions that are approved for unnamed beneficiaries, or approved H–2B petition where the job offered to the alien(s) does not require any education, training, and/or experience. However, where evidence of the qualifications of beneficiaries is required in approved petitions for unnamed beneficiaries, the petitioner must submit such evidence to the consular office or port of entry to issuance of a visa or admission.

D. H–2A Extensions Without Labor Certification § 214.2(h)(5)(x)

Current H–2A regulations provide that a single H–2A petition may be filed and approved without a certification if it is based on a continuation of the employment authorized by the approval of a previous H–2A petition with a certification, and the proposed continuation of employment will last no longer than the previously authorized employment and also will not last longer than two weeks. Petitions are automatically extended if the alien's application for extension of stay is approved under the other H classifications. To conform the H–2A procedure to that of other H classifications, paragraph (h)(5)(x) of this section has been amended to permit extension of an H–2A petition without a certification under the same circumstances, if it is based on approval of the alien's application for extension of stay.

E. Extension of Visa Petition Validity Based on Conversion of the Application for Extension of Stay to a Petition Extension § 214.2(h)(14)(i)(B)

Beneficiaries of H petitions are sometimes required to travel abroad for business or personal reasons, often leaving family members in the United States, while their applications for extension of stay are pending adjudication by the Service. Technically, the application for extension of stay is inappropriate once the alien leaves the United States. Current regulations require approval of the extension of stay application in order to automatically extend the petition. If the alien leaves the United States before the application for extension is approved, a new petition would normally be required. The Service wishes to accommodate situations where the alien will be abroad no more than 30 days in order to avoid excessive paperwork and inconvenience to petitioners and beneficiaries. A new paragraph (h)(14)(i)(B) has been added to provide for conversion of the application for extension of stay to a request for

extension of the petition. When the beneficiary has filed a timely application for extension of stay, and gives written notice to the Service of legitimate reasons why travel outside the United States cannot be delayed while awaiting a decision from the Service, the director may treat an otherwise approvable application for extension of stay as a request for petition extension. If the petition extension is approved, notice of the approval will be sent to the petitioner. The petitioner may then send the approval notice to the beneficiary abroad for use in applying for a new or revalidated visa, or applying for admission at a port of entry. If requested by the petitioner, the Service will cable notice of the approval to a consulate abroad. When the petition has expired and the alien will be outside the United States for more than 30 days, a new petition is required.

F. Effect of a Strike § 214.2(h)(17)(iii)

Current regulations state that if an H nonimmigrant alien has already commenced employment in the United States under an approved petition and is participating in a strike or labor dispute involving a work stoppage of workers, the alien is failing to maintain his or her nonimmigrant status. A civil suit was filed against the Attorney General challenging this provision as interfering with an employee's right to strike under the National Labor Relations Act (NLRA). *American Federation of Nurses, Local 535, Service Employees International Union, AFL–CIO* v. *Richard L. Thornbourgh, Attorney General of the United States, et al.*, No. 90–1191 (D.D.C.). In a settlement agreement relating to this civil action, the Service adopted the position that the act of participating in a strike or labor dispute involving a work stoppage should not have immigrant-related consequences for an H nonimmigrant. However, such workers should not be permitted to circumvent the requirements of the Immigration and Nationality Act, and regulations promulgated thereunder, by striking. To reflect this position, paragraph (h)(17)(iii)(A) of this section has been modified to state that participation by an H nonimmigrant alien in a strike or labor dispute involving a work stoppage of workers will not, by itself, be deemed a failure to maintain his or her status, and that such aliens may obtain an extension of stay to remain in the United States, if otherwise eligible, under the procedures in paragraph (h)(15) of this section. This change achieves a balance between the Attorney General's authority under section 214(a) of the Act to prescribe by regulation the time period and conditions under which nonimmigrants may be admitted to the United States, and a nonimmigrant employee's right to strike. Also, paragraph (h)(17)(iii)(A) has been amended to include terms and conditions which apply to striking workers.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary as the amendments with respect to nurses have been mandated by passage of Public Law 101–238. Other technical revisions made will be advantageous to petitioners and beneficiaries. A final rule will be published after consideration of written comments received during the comment period.

Regulatory Impact

In accordance with 5 U.S.C. 605(b), the Commissioner of Immigration and Naturalization certifies that the rule will not, if promulgated, have a 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.

Information collection requirements contained in this rule have been reviewed by OMB under the Paperwork Reduction Act and have been approved under OMB control number 1115–0168.

List of Subjects in 8 CFR Part 214

Administrative practice and procedure, Aliens, Authority delegation, Employment, Organization and functions, Passports and visas.

Accordingly, chapter I of title 8 Code of Federal Regulations is 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, 1184, 1186a.

2. Section 214.2 is amended by removing paragraph (h)(3)(v)(C), redesignating paragraph (h)(3) through (h)(17) as (h)(4) through (h)(18); revising paragraphs (h)(1)(i), (h)(1)(ii)(A), (h)(2)(i)(A), (h)(2)(iii), and (h)(2)(iv), adding a new paragraph (h)(3), and revising newly redesignated paragraphs (h)(4)(vii)(D), (h)(5)(x), (h)(9)(iii)(A), (h)(13)(ii), (h)(14)(i), (h)(15)(i) (A), (B), and (C), (h)(15)(ii)(B), and (h)(17)(iii)(A) to read as follows:

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

* * * * *

(h) *Temporary employees*—(1) *Admission of temporary employees.*—(i) *General.* Under section 101(a)(15)(H) of the Act, an alien having a residence in a foreign country which he or she has no intention of abandoning may be authorized to come to the United States temporarily to perform services or labor for or to receive training from an employer, if petitioned for by that employer. Under this nonimmigrant category, the alien may be classified under section 101(a)(15)(H)(i)(a) as a registered nurse, or under section 101(a)(15)(H)(i)(b) as an alien of distinguished merit and ability, or under section 101(a)(15)(H)(ii)(a) as an alien who is coming to perform agricultural labor or services of a temporary or seasonal nature, or under section 101(a)(15)(H)(ii)(b) as an alien coming to perform other temporary services or labor, or under section 101(a)(15)(H)(iii) as an alien who is coming as a trainee. These classifications are commonly called H–1A, H–1B, H–2A, H–2B, and H–3, respectively. The employer must file a petition with the Service for review of the services or training and for determination of the alien's eligibility for classification as a temporary employee or trainee, before the alien may apply for a visa or seek admission to the United States. This paragraph sets forth the standards and procedures whereby these classifications may be applied for and granted, denied, extended, revoked, and appealed.

(ii) * * *

(A) An "H–1A or H–1B" classification applies to an alien who (*1*) is coming temporarily to the United States to perform services as a registered nurse, meets the requirements of section 212(m)(1) of the Act, and will perform services at a facility for which the Secretary of Labor has determined and certified to the Attorney General that an unexpired attestation is on file and in effect under section 212(m)(2) of the Act for that facility, or (*2*) is of distinguished merit and ability and is coming temporarily to the United States to perform services (other than services as a registered nurse) of an exceptional nature requiring such merit and ability. In the case of a graduate of a medical school coming to the United States to perform services as a member of the medical profession, the alien must be coming pursuant to an invitation from a public or nonprofit private educational research institution or agency in the United States to teach or conduct research, or both, at or for such institution or agency.

* * * * *

(2) *Petitions.*—(i) *Filing of petitions.*—(A) *General.* A United States employer (or foreign employer under the H–1B

classification) seeking to classify an alien as an H–1A, H–2A, H–2B, or H–3 temporary employee shall file a petition in duplicate on Form I–129H with the service center which has jurisdiction over I–129H petitions in the area where the alien will perform services or receive training or as further prescribed in this section. Petitions in Guam and the Virgin Islands, and petitions involving special filing situations as determined by the Service's Headquarters, shall be filed with the local Service office or a designated Service office. A district director may, only in emergent circumstances, accept and adjudicate a clearly approvable I–129H petition for employment solely within his or her jurisdiction.

* * * * *

(iii) *Named beneficiaries.* Nonagricultural I–129H petitions must include the names of beneficiaries and other required information at the time of filing. Under the H–2B classification, exceptions may be granted in emergent situations involving multiple beneficiaries at the discretion of the director, and in special filing situations as determined by the Service's Headquarters. If all of the beneficiaries covered by an H–2A or H–2B labor certification have not been identified at the time a petition is filed, multiple petitions naming subsequent beneficiaries may be filed at different times with a copy of the same labor certification. Each petition must reference all previously filed petitions for that labor certification.

(iv) *Substitution of beneficiaries.* Beneficiaries may be substituted in H–1B and H–2B petitions that are approved for a group, or H–2B petitions that are approved for unnamed beneficiaries, or approved H–2B petitions where the job offered to the alien(s) does not require any education, training, and/or experience. To request a substitution, the petitioner shall, by letter and a copy of the petition's approval notice, notify the consular office at which the alien will apply for a visa or the port of entry where the alien will apply for admission. Where evidence of the qualifications of beneficiaries is required in petitions for unnamed beneficiaries, the petitioner shall also submit such evidence to the consular office or port of entry prior to issuance of a visa or admission.

* * * * *

(3) *Petition for registered nurse (H–1A).*—(i) *General.* (A) For purposes of H–1A classification, the term "registered nurse" includes a foreign nurse who is or will be licensed or authorized by the State Board of Nursing to engage in professional nurse practice in the state of intended employment.

(B) A United States employer which provides health care services is referred to as a "facility," and may file an H–1A petition for an alien nurse to perform the services of a registered nurse.

(C) The position must involve nursing practice and require licensure or other authorization to practice as a registered nurse from the State Board of Nursing in the state of intended employment.

(D) A petition, application for change of status, or application for extension of stay for an H–1A nurse may be adjudicated only at the appropriate INS service center.

(ii) *Definition of registered nurse.* For purposes of H–1A classification, "registered nurse" shall mean a person who is or will be authorized by a State Board of Nursing to engage in registered nurse practice in a state or U.S. territory or possession, and who is or will be practicing at a facility which provides health care services.

(iii) *Beneficiary requirements.* An H–1A petition for a nurse shall be accompanied by evidence that the nurse:

(A) Has obtained a full and unrestricted license to practice nursing in the country where the alien obtained nursing education, or has received nursing education in the United States or Canada;

(B) Has passed the examination given by the Commission on Graduates of Foreign Nursing Schools (CGFNS), or has obtained a full and unrestricted (permanent) license to practice as a registered nurse in the state of intended employment, or has obtained a full and unrestricted (permanent) license in any state or territory of the United States and received temporary authorization to practice as a registered nurse in the state of intended employment; and

(C) Is fully qualified and eligible under the laws (including such temporary or interim licensing requirements which authorize the nurse to be employed) governing the place of intended employment to practice as a registered nurse immediately upon admission to the United States, and is authorized under such laws to be employed by the employer. For purposes of this paragraph, the temporary or interim licensing may be obtained immediately after the alien enters the United States and registers to take the first available examination for permanent licensure.

(iv) *Petitioner requirements.* The petitioning facility shall submit the following with an H–1A petition:

(A) A current copy of the Department of Labor's (DOL) notice of acceptance of the filing of its attestation on Form ETA 9029,

(B) A statement that it will comply with the terms of its current attestation, and any attestations accepted by DOL for the duration of the alien's authorized period of stay,

(C) A statement describing any limitations which the laws of the state or jurisdiction of intended employment place on the nurse's services,

(D) A statement that notice of the filing of the petition has been provided by the employer to the bargaining representative of the registered nurses at the facility or, where there is no such bargaining representative, notice of the filing has been provided to registered nurses employed at the facility through posting in conspicuous locations. A copy of the notice provided shall be submitted with the petitions, and

(E) A statement that it will employ the nurses only at facilities which themselves have valid attestations filed with DOL, whenever the petitioner is a nursing contractor.

(v) *Licensure requirements.* (A) A nurse who is granted H–1A classification based on passage of the CGFNS examination must, upon admission to the United States, be able to obtain temporary licensure or other temporary authorization to practice as a registered nurse from the State Board of Nursing in the state of intended employment. A petition for such a nurse shall be approved initially for a period not to exceed one year.

(B) After admission to the United States, an H–1A nurse who does not hold a permanent state license must take and pass the first available examination for state licensure as a registered nurse; after which the nurse must be granted permanent state licensure in order to maintain his or her eligibility for H–1A classification in the state of employment or any other state or territory of the United States.

(C) Although a nurse shall automatically lose his or her eligibility for H–1A classification after failing the state licensure examination, subsequent eligibility after he or she has passed the state licensure examination is not precluded.

(D) A nurse may be granted H–1A classification based on passage of the CGFNS examination only until he or she has been admitted to the United States, and has had an opportunity to take the state licensure examination for registered nurses.

(vi) *Other requirements.* (A) If the Secretary of Labor notifies the Service that a facility which employs nurses has failed to meet a condition in its

attestation, or that there was a misrepresentation of a material fact in the attestation, the Service shall not approve petitions for or extend the stay of nurses to be employed by the facility for a period of one year from the date of receipt of such notice.

(B) If the facility's attestation expires, or is suspended or invalidated by DOL, the Service will not suspend or revoke the facility's approved petitions for nurses, if the facility has agreed to comply with the terms of the attestation under which the nurses were admitted or subsequent attestations accepted by DOL for the duration of the nurses' authorized stay.

(4) * * *

(vii) * * *

(D) *H–1A nurses.* For purposes of licensure, H–1A nurses must provide the evidence required in paragraph (h)(3)(iii) of this section.

* * * * *

(5) * * *

(x) *Extensions without labor certification.* A single H–2A petition may be extended without a certification if it is based on approval of the alien's application for extension of stay for a continuation of the employment authorized by the approval of a previous H–2A petition filed with a certification (but not a certification extension granted under 20 CFR 655.106(c)(3)), and the proposed continuation of employment will last no longer than the previously authorized employment and also will not last longer than two weeks.

* * * * *

(9) * * *

(iii) * * *

(A) *H–1A or H–1B petition.* An approved petition for an alien classified under section 101(a)(15) (H)(i)(a) or section 101(a)(15) (H)(i)(b) of the Act shall be valid for a period of up to three years.

* * * * *

(13) * * *

(ii) *H–1A and H–1B limitation on admission.* An alien who has spent five, or in certain extraordinary circumstances, six years in the United States under section 101(a)(15) (H)(i)(a) or (H)(i)(b) and/or (L) of the Act may not seek extension, change status, or be readmitted to the United States under the H or L visa classification, unless the alien has resided and been physically present outside the United States, except for brief trips for pleasure or business, for the immediate prior year. In view of this restriction, a new petition shall not be approved for an alien who has spent five or six years in the United States under section 101(a)(15) (H)(i)(a) or (H)(i)(b) and/or (L) of the Act, unless the alien has resided and been physically present outside the United States for the immediate prior year. Brief trips for pleasure or business to the United States during the immediate prior year are not interruptive of the one-year requirement, but do not count towards fulfillment of that requirement. The petitioner shall provide information about the alien's employment, place of residence, and the dates and purposes of any trips to the United States for the previous year.

* * * * *

(14) *Extension of visa petition validity*—(i) *Approval*—(A) *Based on approval of beneficiary's application for extension of stay.* A visa petition under section 101(a)(15)(H) of the Act shall be automatically extended, without the filing of Form I–129H, if the director extends the stay of the alien beneficiary(ies) in accordance with paragraph (h)(15) of this section. A new approval notice shall be issued to the petitioner at the same time that the beneficiary is notified that his or her extension of stay application has been approved. The dates of extension shall be the same for the petition and the beneficiary's extension of stay. No action shall be taken on the visa petition if the alien's application for extension of stay is denied.

(B) *Based on conversion of application for extension of stay to a petition extension.* When the beneficiary has filed a timely application for extension of stay, and notifies the Service, in writing, of legitimate reasons why travel outside the United States cannot be delayed while awaiting a decision from the Service, the director may treat an otherwise approvable application for extension of stay as a request for petition extension. If such petition extension is approved, notice of the approval on Form I–171C or Form I–797 shall be sent to the petitioner. The petitioner may then send the approval notice to the beneficiary abroad for use in applying for a new or revalidated visa or applying for admission at a port of entry. The petitioner may also request the Service to cable notice of the approval to a consulate abroad. When the petition has expired and the beneficiary will be outside the United States for more than 30 days, a new petition is required.

* * * * *

(15) *Extension of stay*—(i) *Procedure*—(A) *H–1A, H–1B, and H–3 beneficiaries.* If maintaining status, the beneficiary of an H–1A, H–1B, or H–3 petition may apply for an extension of stay by submitting an application for extension of stay, a copy of the original petition's approval notice, and a letter from the petitioner which describes the beneficiary's current duties, hours of work, and salary; indicates whether any terms and conditions of the original petition have changed, gives the reasons for the extension, gives the dates of the alien's periods of stay in the United States for the previous six years under H–1A or H–1B, or the previous three years under H–3, and specifies the new dates of employment or training requested. In the case of an H–1A nurse, a current copy of the Department of Labor's notice of acceptance of the filing of the petitioner's attestation on Form ETA 9029 shall accompany the nurse's application for extension of stay.

(B) *H–2B beneficiaries.* The petitioner must obtain a new labor certification or a notice that certification cannot be made in order for an H–2A or H–2B beneficiary to apply for an extension of stay, except as provided for in paragraph (h)(5)(x) of this section. If maintaining status, the H–2A or H–2B beneficiary may apply for an extension of stay by submitting an application for extension of stay, a copy of the original petition's approval notice, a statement which gives the dates of the alien's periods of stay in the United States for the previous three years, and the new labor certification or notice with countervailing evidence.

(C) *Multiple beneficiaries.* An application for extension of stay on behalf of multiple beneficiaries covered by the same original petition must be filed by each individual alien, except that in the case of an extension of stay for members of a group as defined in paragraph (h)(4)(i)(B) of this section, one application for extension of stay is required with an attached list of beneficiaries.

(ii) * * *

(B) *H–2A or H–2B extension of stay.* An extension of stay for the beneficiary of an H–2A or H–2B petition may be authorized for the validity of the labor certification or for a period of up to one year, except as provided for in paragraph (h)(5)(x) of this section. The alien's total period of stay as an H–2A or H–2B worker may not exceed three years, except that in the Virgin Islands, the alien's total period of stay may not exceed 45 days.

* * * * *

(17) * * *

(iii) * * *

(A) Shall not be deemed to be failing to maintain his or her status solely on account of past, present, or future participation in a strike or other labor dispute involving a work stoppage of

workers, but is subject to the following terms and conditions.

(*1*) The alien shall remain subject to all applicable provisions of the Immigration and Nationality Act, and regulations promulgated thereunder in the same manner as all other H nonimmigrants;

(*2*) The status and authorized period of stay of such an alien is not modified or extended in any way by virtue of his or her participation in a strike or other labor dispute involving a work stoppage of workers; and

(*3*) Although participation by an H nonimmigration alien in a strike or labor dispute involving a work stoppage of workers will not constitute a ground for deportation, any alien who violates his or her status or who remains in the United States after his or her authorized period of stay has expired will be subject to deportation.

* * * * *

§ 214.2 [Amended]

3. Section 214.2 is amended by changing the term "H–1" to "H–1B" whenever it appears in the following paragraphs:

(h)(2)(ii)(A) heading and text
(h)(4) heading
(h)(4)(i) heading and text
(h)(4)(i)(A) heading and text
(h)(4)(i)(B) heading and text
(h)(4)(i)(C) heading and text
(h)(4)(ii)(D)
(h)(4)(iii)
(h)(4)(iv)
(h)(4)(iv)(B)(*2*)
(h)(4)(v) heading
(h)(4)(v)(A) heading
(h)(4)(v)(A)(*3*)
(h)(4)(v)(B) heading
(h)(4)(v)(B)(*1*) introductory text
(h)(4)(v)(B)(*2*) heading
(h)(4)(v)(B)(*3*) heading
(h)(4)(vi) heading and introductory text

§ 214.2 [Amended]

4. In § 214.2, paragraph (h)(2)(i)(D) is amended by changing the reference "(h)(12) and (h)(14)" to "(h)(13) and (h)(15)".

§ 214.2 [Amended]

5. In § 214.2, paragraph (h)(2)(v) is amended by changing the reference to "(h)(4)" to "(h)(5)" in the first and second sentence.

§ 214.2 [Amended]

6. In § 214.2, paragraph (h)(4)(i) is amended by changing the reference to "(h)(3)(ii)(D)" to "(h)(4)(ii)(D)".

§ 214.2 [Amended]

7. In § 214.2, paragraph (h)(4)(i)(A) is amended by adding the phrase "(other than registered nurses)" immediately after the word "professions" in the second sentence.

§ 214.2 [Amended]

8. In § 214.2, paragraph (h)(4)(i)(C) is amended by changing the reference to "(h)(3)(ii)(D)" to "(h)(4)(ii)(D)".

§ 214.2 [Amended]

9. In § 214.2, paragraph (h)(4)(iii)(C) is amended by changing the reference to "(h)(3)(iii)(B)(*4*)" to "(h)(4)(iii)(B)(*4*)".

§ 214.2 [Amended]

10. In § 214.2, paragraphs (h)(4)(v)(A)(*1*) (*i*), (*ii*), and (iii) are amended by changing the reference to "(h)(3)(iv)" to "(h)(4)(iv)".

§ 214.2 [Amended]

11. In § 214.2, paragraph (h)(4)(v)(B)(*2*)(*ii*) is amended by changing the reference to "(h)(3)(v)(B)(*2*)(*i*)" to "(h)(4)(v)(B)(*2*)(*i*)".

§ 214.2 [Amended]

12. In § 214.2, paragraph (h)(4)(vi)(A) is amended by changing the reference to "(h)(3)(i)" to "(h)(4)(i)".

§ 214.2 [Amended]

13. In § 214.2, paragraph (h)(4)(vii)(A) is amended by changing the phrase "(except a professional nurse)" to "(except an H–1A nurse)".

§ 214.2 [Amended]

14. In § 214.2, paragraph (h)(4)(vii)(E) is amended by changing the phrase "professional nursing" to "registered nursing" in the first sentence.

§ 214.2 [Amended]

15. In § 214.2, paragraph (h)(5)(*i*)(A) is amended by changing the reference to "Form I–129B." to "Form I–129H.".

§ 214.2 [Amended]

16. In § 214.2, paragraph (h)(5)(i)(D) is amended by changing the reference to "(h)(4)(i)(A)" to "(h)(5)(i)(A)" and changing the reference to "(h)(4)(v)" to "(h)(5)(v)".

§ 214.2 [Amended]

17. In § 214.2, paragraph (h)(5)(ii) is amended by changing the reference to "(h)(4)" to "(h)(5)".

§ 214.2 [Amended]

18. In § 214.2, paragraph (h)(5)(vi)(B) is amended by changing the reference to "(h)(4)(vi)(A)" to "(h)(5)(vi)(A)".

§ 214.2 [Amended]

19. In § 214.2, paragraph (h)(5)(viii)(B) is amended by changing the reference to "(h)(12)" to "(h)(13)" and by changing the reference to "(h)(4)(ix)(C)" to "(h)(5)(vii)(C)".

§ 214.2 [Amended]

20. In § 214.2, paragraph (h)(5)(ix) is amended by changing the reference to "(h)(4)(i)(D)" to "(h)(5)(i)(D)" and by changing the reference to "(h)(4)(vi)" to "(h)(5)(vi)".

§ 214.2 [Amended]

21. In § 214.2, paragraph (h)(6)(iii)(C) is amended by changing the reference to "(h)(5)(iv) or (h)(5)(v)" to "(h)(6)(iv) or (h)(6)(v)".

§ 214.2 [Amended]

22. In § 214.2, paragraphs (h)(9)(ii) (A), (B), and (C) are amended by changing the reference to "(h)(8)(ii)" to "(h)(9)(ii)".

§ 214.2 [Amended]

23. In § 214.2, paragraph (h)(9)(iii)(B)(*1*) is amended by changing the reference to "101(a)(15)(H)(ii)(B)" to "101(a)(15)(H)(ii)(b)".

§ 214.2 [Amended]

24. In § 214.2, paragraph (h)(9)(iii)(B)(*2*) is amended by changing the reference to "(h)(5)(iii)(E) and (h)(5)(iv)(D)" to "(h)(6)(iii)(E) and (h)(6)(iv)(D)".

§ 214.2 [Amended]

25. In § 214.2, paragraph (h)(13)(iv) is amended by changing the reference to "(h)(12)(ii) and (h)(12)(iii)" to "(h)(13)(ii) and (h)(13)(iii)" and by changing the phrase "to H–1, H–2B, and H–3 aliens" to "to H–1A, H–1B, H–2B, and H–3 aliens".

§ 214.2 [Amended]

26. In § 214.2, paragraph (h)(15)(ii)(A) is amended by changing the term "H–1 extension" to "H–1A or H–1B extension" in the heading, and by changing the term "an H–1 petition." to "an H–1A or H–1B petition.".

§ 214.2 [Amended]

27. In § 214.2, paragraph (h)(16)(i) heading is amended by changing the term "H–1 classification." to "H–1A or H–1B classification."

§ 214.2 [Amended]

28. In § 214.2, paragraph (h)(16)(i)(A)(*1*) is amended by changing the term "an H–1 petition" to "an H–1A or H–1B petition".

§ 214.2 [Amended]

29. In § 214.2, paragraph (h)(16)(i)(A)(*1*)(*i*) is amended by changing the term "an H–1 petition" to "an H–1A or H–1B petition".

§ 214.2 [Amended]

30. In § 214.2, paragraph (h)(16)(i)(B)(*1*) introductory text is amended by changing the term "an H–1

beneficiary's" to "an H–1A or H–1B beneficiary's".

§ 214.2 [Amended]

31. In § 214.2, paragraph (h)(16)(ii) is amended in the heading by changing the term "H–2B and H–3 classification." to "H–2A, H–2B, and H–3 classification."

* * * * *

Dated: August 8, 1990.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 90–20095 Filed 8–24–90; 8:45 am]

BILLING CODE 4410–10–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 124

Minority Small Business and Capital Ownership Development Programs

AGENCY: Small Business Administration.

ACTION: Final rule; corrections.

SUMMARY: The Small Business Administration (SBA) is correcting typographical errors and inadvertent omissions in the Minority Small Business and Capital Ownership Development Programs regulation which is codified in subpart A of part 124 of Title 13, Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Patricia R. Forbes, Chief Counsel for Legislation, (202) 653–6573.

SUPPLEMENTARY INFORMATION: On August 21, 1989, SBA published in the **Federal Register** a final rule to amend the Minority Small Business and Capital Ownership Development Programs (54 FR 34692). This regulation is codified as subpart A of part 124 of title 13 of the Code of Federal Regulations. Upon review of the final rule, several errors were discovered which the Agency is correcting at this time.

The need to correct an inadvertent omission was discovered in the first sentence of § 124.1(a)(2)(i): The phrase "applying for or participating in the 8(a) program as of the effective date of the regulations" is deleted and in its place is substituted the phrase "that are 8(a) program Participants or have 8(a) program applications in process as of the effective date of the regulations or apply for 8(a) program participation after such effective."

A need for a deletion was discovered in § 124.7. Section 124.7(c) is being deleted because SBA has amended § 124.7(b) to reflect public comment, and inadvertently left in § 124.7(c) which is now unnecessary.

A need for a deletion was discovered in § 124.100 under the definition of "local buy item". The example "ADP support" is being deleted because of confusion caused by its inclusion. Some agencies and SBA personnel are interpreting the use of ADP support as an example of a local buy item to mean that ADP support is now only a local buy item. This is not the case. ADP support may be either a national or a local buy, depending upon whether the item is being procured for a single user or by a central activity to support the needs of one or more users of the item in tow or more locations.

The need to correct an inadvertent omission was discovered in § 124.100, under the definition of "negative control". "Negative control is defined in part 121 of this title." should read "Negative control is defined in part 121 of this title, 13 CFR 121.401(c) (1) and (2) only." This addition is necessary to make clear the section within part 121 where the definition of "negative control" is located.

In § 124.106(a)(2)(i)(B), the phrase "(including, for 8(a) Program certification, the equity of both spouses, if married)" is being deleted because the procedure for married applicants is previously explained in § 124.106(a)(2)(i)(A)(1) which states that, for determining economic disadvantage, a married applicant shall submit two financial statements; one for his/her personal finances, and one for his/her spouse's personal finances. Further, if the married applicant resides in a community property state, he/she will also be required to distinguish on his/her financial statement between separately owned and community property. A one-half interest in any community property owned by such applicant and spouse will be attributed to the individual applicant, along with all of his/her separately owned property.

SBA is correcting a typographical error and inadvertent omission from § 124.109(d). The phrase in the second sentence "controlled by a Hawaiian Native Organization, Indian tribe," should read "controlled by a Native Hawaiian Organization or Indian tribe,".

SBA is deleting an unnecessary phrase from § 124.110(c). The phrase at the end of the first sentence ", whichever is greater" should be deleted because this requirement is stated in the beginning of the sentence.

SBA is correcting several typographical errors in § 124.111(a)(2). In § 124.111(a)(2)(i), in the last sentence, "Participation)." should read "Participation.)". In § 124.111(a)(2)(ii), in the first sentence, "disadvantaged (*See*," should read "disadvantaged. (*See*,". Also, in the last sentence, "program participation)." should read "Program Participation.)".

The need to correct an inadvertent omission was discovered in § 124.209(a)(21). The phrase in the beginning of the first sentence "Conviction of the concern the individual(s) upon whom 8(a) program eligibility," should read "Conviction of the concern, the individual(s) upon whom 8(a) program eligibility is based,".

The need to correct an inadvertent omission was discovered in § 124.209(a)(22). In the first sentence the phrase "or director the concern" should read "or director of the concern".

In § 124.301(a) the phrase ", including contracts" should be added after "benefits" in the third sentence in accordance with the Business Opportunity Development Reform Act of 1988, Public Law 100–656.

SBA is correcting a typographical error discovered in § 124.303(c)(2). In the second line "122.57" should read "122.59".

Several typographical errors relative to punctuation were discovered in § 124.305(c)(4). In the first sentence "designee. Participant may receive an exemption for an 8(a) contract under this section. If" should read "designee, a participant may receive an exemption for an 8(a) contract under this section, if".

In § 124.305(d), in the first sentence, there should be a period after "met". Also, the phrase "Where practicable, these requirements should be met" should be added before "before a contract will be awarded under this section." These changes are necessary to permit exemptions where contracts have been awarded and bonds that SBA and the 8(a) firm thought were in place are not accepted by the procuring agency.

The need for a clarifying phrase was discovered in § 124.305(d)(1). After the phrase "The 8(a) contractor must make" the words "arrangements to make" should be added to clarify the contractor's duties. The present wording could create the incorrect impression that the 8(a) concern must pay its subcontractors before performance of the contract begins. The wording change clarifies that, before a contract is awarded, the 8(a) concern receiving the waiver must make arrangements to make timely payments to subcontractors.

In § 124.308(b)(2) the word "may" was inadvertently omitted. "COD file a SIC appeal to SBA's" should read "COD may file a SIC code appeal to SBA's".

The necessity for a word substitution was discovered in § 124.309(d). The

word "requirement" is being removed from the first sentence, and "date of the offering letter for the proposed procurement" is being inserted in lieu thereof. This substitution clarifies SBA's intent that the provision apply to former Participants whose Program Term had expired within one year of the date of the offering letter for the requirement at issue.

In § 124.312(b)(4), a space was inadvertently omitted between "sales" and "forecast".

Several errors in percentage figures were discovered in § 124.312(c)(4): "40–45" should read "35–45"; "40–55" should read "45–55"; and "65–75" should read "55–75".

The necessity for a clarifying word change was discovered in § 124.312(c)(10). The line "provide SBA with quarterly and annual reports" should read "provide SBA with a report". Such report is required annually, as stated later in this paragraph, not quarterly.

In § 124.316(b) "and pertaining advance payments" should read "and all matters pertaining to advance payments". This was an inadvertent omission.

In § 124.317(a) the date "October 1, 1989" should be "June 1, 1989". This change is necessary to make the regulation consistent with the Business Opportunity Development Reform Act of 1988, Public Law 100–656.

Section 124.317(b)(2) is being deleted because the subject matter of the paragraph, waiver requests by procuring agencies, is covered in § 124.317(d). Accordingly, "§ 124.317(b)(3)" and "§ 124.317(b)(4)" should be renumbered as "§ 124.317(b)(2)" and § 124.317(b)(3)" respectively. Also, two typographical errors are being corrected. In the second sentence, the word "teh" is being removed, and the word "the" is being inserted in lieu thereof. In the third sentence, the word "In" is being removed, and the word "in" is being inserted in lieu thereof.

In § 124.321(a) the term "MCB&COD" in the third line, should read "MSB&COD". This was a typographical error.

In § 124.321(d)(1) "award by AA/MSB&COD" should read "award by the AA/MSB&COD". This was an inadvertent omission.

A new § 124.401(a)(3) is being added to correct an inadvertent omission. The following section was inadvertently omitted: "(3) Advance payments will be authorized only in connection with the sole source 8(a) awards and not for competitive 8(a) awards." Accordingly, the present §§ 124.401(a) (3)–(6) are being redesignated as §§ 124.401(a) (4)–(7).

In newly redesignated § 124.401(a)(4), formerly § 124.401(a)(3), at the end of the second sentence the phrase ", where possible." should be added for clarification because occasionally a contract requires approval of an unanticipated advance payment after commencement of performance of the contract has begun. In this situation, the requirement for SBA to determine the gross amount of advance payments before the commencement of performance of the contract would be inapplicable.

In newly redesignated § 124.401(a)(7), formerly § 124.401(a)(6), in the second sentence, the words "his/her designee" should be replaced by "the ARA/MSB&COD" to clarify which agency officials are responsible for such determinations.

In § 124.401(c)(1), in the first sentence, the words "his/her designee" should be replaced by "the ARA/MSB&COD" to clarify which agency officials are responsible for such determinations.

In § 124.401(d), in the first sentence, the words "his/her designee" should be replaced by "the ARA/MSB&COD" to clarify which agency officials are responsible for such determinations.

In the first sentence of § 124.401(d)(3)(i), the phrase "or the ARA/MSB&COD" should be added after "Regional Administrator" to clarify which agency officials are responsible for such determinations.

In § 124.401(f)(iii), in the second line, the words "pursuant to § 124.115" should read "pursuant to § 124.211". This was a typographical error.

Due to the fact that these corrections make no substantive change to the original final rule and merely correct errors, SBA is not required to determine if these changes constitute a major rule for purposes of Executive Order 12291, to determine if they have a significant economic impact on a substantial number of small entities pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) or to do a Federalism assessment pursuant to Executive Order 12612. Finally, these changes will not impose an annual recordkeeping or reporting requirement on 10 or more persons under the Paperwork Reduction Act (44 U.S.C. 35).

List of Subjects in 13 CFR Part 124

Government procurement, Minority business, Reporting and recordkeeping requirements, Technical assistance.

Accordingly, pursuant to the authority found at 15 U.S.C. 634(b)(6), SBA makes the following corrections to subpart A of part 124 of title 13, Code of Federal Regulations, Minority Small Business and Capital Ownership Development Program:

(1) The Authority citation for part 124 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), 636(j), 637(a), 637(d) and Pub. L. 99–661, Sec. 1207, Pub. L. 100–656, and Pub. L. 101–37.

(2) Subpart A of part 124 of Title 13, Code of Federal Regulations is amended as follows:

§ 124.1 [Amended]

a. Section 124.1(a)(2)(i) is amended by removing the phrase "applying for or participating in the 8(a) program" in the first sentence and substituting "that are 8(a) Program Participants, or have 8(a) Program applications in process" therefor.

§ 124.7 [Amended]

b. Section 124.7 is amended by removing paragraph (c).

§ 124.100 [Amended]

c. Section 124.100 is amended by removing the words "ADP support" from the definition of "Local buy item".

d. Section 124.100 is amended by adding ", 13 CFR 121.401(c) (1) and (2) only." to the definition of "Negative control" at the end thereof.

§ 124.106 [Amended]

e. Section 124.106(a)(2)(i)(B) is amended by removing the phrase "(including, for 8(a) Program certification, the equity of both spouses, if married)" from the first sentence.

§ 124.109 [Amended]

f. Section 124.109(d) is amended by removing the phrase "controlled by a Hawaiian Native Organization, Indian tribe," from the second sentence and inserting "controlled by a Native Hawaiian Organization or Indian tribe," in lieu thereof.

§ 124.110 [Amended]

g. Section 124.110(c) is amended by removing the phrase ", whichever is greater" from the first sentence.

§ 124.111 [Amended]

h. Section 124.111(a)(2)(i) is amended by removing "Participation)." from the last sentence, and inserting "Participation.)" in lieu thereof.

i. Section 124.111(a)(2)(ii) is amended by inserting "." after "disadvantaged" in the first sentence, and by removing "program participation)." from the last sentence and inserting "Program Participation.)" in lieu thereof.

§ 124.209 [Amended]

j. Section 124.209(a)(21) is amended by removing the phrase "Conviction of the concern the individual(s) upon whom 8(a) program eligibility," from the first sentence and inserting "Conviction of the concern, the individual(s) upon whom 8(a) program eligibility is based," in lieu thereof.

k. Section 124.209(a)(22) is amended by removing the phrase "or director the concern" from the first sentence and inserting "or director of the concern" in lieu therof.

§ 124.301 [Amended]

l. Section 124.301(a) is amended by adding ", including contracts" after "benefits" in the third sentence.

§ 124.303 [Amended]

m. Section 303(c)(2) is amended by removing the number "122.57" and adding the number "122.59" in lieu thereof.

§ 124.305 [Amended]

n. Section 124.305(c)(4) is amended by changing "designee. Participant may receive an exemption for an 8(a) contract under this section. If" to "designee, a participant may receive an exemption for an 8(a) contract under this section, if".

o. Section 124.305(d) is amended by striking the existing paragraph and substituting therefore:

The following requirements, intended to protect third parties, must be met for every contract awarded under 8(a) Program authority. Where practicable, these requirements should be met prior to contract award.

p. Section 124.305(d)(1) is amended by adding "arrangements to make" after "the contractor must make" in the first sentence.

§ 124.308 [Amended]

q. Section 124.308(b)(2) is amended by adding the word "may" after the word "AA/MSB&COD" in the first sentence.

§ 124.309 [Amended]

r. Section 124.309(d) is amended by removing the word "requirement" in the first sentence and adding "date of the offering letter for the proposed procurement" in lieu thereof.

§ 124.312 [Amended]

s. Section 124.312(b)(4) is amended by adding a space between "sales" and "forecast" in the first sentence.

t. Section 124.312(c)(4) is amended by removing the numbers "40–45", "50–55", and "65–75" and adding the numbers "35–45", "45–55", and "55–75", respectively in lieu thereof.

u. Section 124.312(c)(10) is amended as follows:

(1) By removing the words "quarterly and annual reports" in the second sentence, and inserting "a report" in lieu thereof;

(2) By removing the word "teh" in the second sentence and adding the word "the" in lieu thereof;

(3) By removing the word "In" in the third sentence and adding the word "in" in lieu thereof.

§ 124.316 [Amended]

v. Section 124.316(b) is amended by adding the words "all matters" between "and" and "pertaining". Also, by adding the word "to" after the word "pertaining".

§ 124.317 [Amended]

w. Section 124.317(a) is amended by removing the date "October 1, 1989" and inserting "June 1, 1989" in lieu thereof.

x. Section 124.317 is amended by removing paragraph (b)(2) and by redesignating paragraphs (b) (3) through (5) as paragraphs (b) (2) through (4).

§ 124.321 [Amended]

y. Section 124.321(a) is amended by removing the term "MCB&COD" and inserting the term "MSB&COD" in lieu thereof.

z. Section 124.321(d)(1) is amended by adding the word "the" between the words "award by" and "AA/MSB&COD".

aa. Section 124.401 is amended by redesignating paragraphs (a) (3) through (6) as paragraphs (a) (4) through (7) and by adding a new paragraph (a)(3) to read as follows:

§ 124.401 Advance payments.

* * * * *

(a) * * *

(3) Advance payments will be authorized only in connection with sole source 8(a) awards and not in connection with competitive 8(a) awards.

* * * * *

§ 124.401 [Amended]

bb. Newly redesignated § 124.401(a)(4) is amended by adding the phrase ", where possible" after "contract" in the second sentence.

cc. Newly redesignated § 124.401(a)(7) is amended by removing the words "his/her designee" and inserting "the ARA/MSB&COD" in lieu thereof.

dd. Section 124.401(c)(1) is amended by removing the words "his/her designee" and inserting "the ARA/MSB&COD" in lieu thereof.

ee. Section 124.401(d) is amended by removing the words "his/her designee" and inserting "the ARA/MSB&COD" in lieu thereof.

ff. Section 124.401(d)(3)(i) is amended by inserting the words "or the ARA/MSB&COD" after the words "Regional Administrator" in the first sentence.

gg. Section 124.401(f)(iii) is amended by removing the number "§ 124.115" and inserting "§ 124.211" in lieu thereof.

Dated: August 17, 1990.

Sussan S. Engeleiter,

Administrator.

[FR Doc. 90–20113 Filed 8–24–90; 8:45 am]

BILLING CODE 3025–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 799

[Docket No. 900803–0203]

Military Helmets

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Bureau of Export Administration (BXA) is adjusting ECCN 2913A in the Commodity Control List applying to military helmets. This change will more accurately reflect which military helmets are controlled under the U.S. Munitions List maintained by the Department of State as part of the International Traffic in Arms Regulations (22 CFR parts 120–130). The Department of Commerce identifies appropriate items subject to export controls in 15 CFR 799.1; The Department of State identifies appropriate items subject to control in the Munitions List (printed as Supplement 2 to part 770 in the Export Administration Regulations as a service to exporters).

EFFECTIVE DATE: This rule is effective August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Henry Mitman, Capital Goods Technical Center, Office of Technology and Policy Analysis, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230 (Telephone: (202) 377–5695).

Rulemaking Requirements

1. This rule is consistent with Executive Orders 12291 and 12661.

2. This rule involves collections of information subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under

control numbers 0694–0005, 0694–0007, and 0694–0010. This rule will have little effect on the burden hours associated with these collections of information.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 12612.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553), or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

5. Section 13(a) of the Export Administration Act of 1979, as amended (50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) 5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule also is exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharon Gongwer, Office of Technology and Policy Analysis, Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20034.

List of Subjects in 15 CFR Part 799

Exports, Reporting and recordkeeping requirements.

Accordingly, the Export Administration Regulations (15 CFR parts 730–799) are amended as follows:

PART 799—[AMENDED]

1. The authority citation for 15 CFR part 799 continues to read as follows:

Authority: Pub. L. 96–72, 93 Stat. 503, (50 U.S.C. App. 2401 *et seq.*), as amended by Pub. L. 97–145 of December 29, 1981 and by Pub. L. 99–64 of July 12, 1985, and by Pub. L. 100–418 of August 23, 1988; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95–223 (50 U.S.C. 1701 *et seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99–440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); E.O. 12571, October 27, 1986 (51 39505, October 29, 1986).

Supplement No. 1 to 799.1 [Amended]

2. In Supplement No. 1 to 799.1 (the Commodity Control List), Commodity Group 9 (Miscellaneous), Export Control Commodity Number 2913A is amended by revising the heading for the ECCN, by removing the Note immediately following the heading, by adding a list of military helmets controlled by ECCN 2913A immediately following the "Special licenses available" paragraph, and by adding a new note at the end of the entry to read as follows:

2913A Military helmets

* * * * *

List of military helmets controlled by ECCN 2913A military helmets, except:

(a) Conventional steel helmets other than those described by (b) below.

(b) Helmets, made of any material, equipped with communications hardware, optical sights, slewing devices or mechanisms to protect against thermal flash or lasers. (See Note)

Note: Helmets described in (a) are controlled by ECCN 6999G. Helmets described in (b) are controlled by the U.S. Department of State, Office of Defense Trade Controls. See Supplement 2 to part 770, Category X, "Protective Personnel Equipment".

Dated: August 21, 1990.

Michael P. Galvin,

Assistant Secretary for Export Administration.

[FR Doc. 90–20092 Filed 8–24–90; 8:45 am]

BILLING CODE 3510–DT–M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1027

Claims Collection; Salary Offset

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Final rule.

SUMMARY: These regulations implement the collection procedures of the Debt Collection Act of 1982, Public Law 97–365, codified in 5 U.S.C. 5514, which authorize the Federal government to collect debts owed by a Federal employee to the United States through salary offset.

EFFECTIVE DATES: September 26, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207, (301) 492–6980.

SUPPLEMENTARY INFORMATION: Under the Debt Collection Act of 1982, when the head of a Federal agency or his/her designee determines that an employee of an agency is indebted to the United States or is notified by a head of another Federal agency that an agency employee is indebted to the United States, the employee's debt may be offset against his or her salary. Certain due process rights must be afforded to an employee before salary offset deductions begin.

As is required by the Debt Collection Act of 1982, this regulation is consistent with salary offset regulations issued by the Office of Personnel Management, 5 CFR part 550, subpart K.

This regulation was proposed on April 12, 1990, 55 FR 13805. No comments were received.

Paperwork Reduction Act

Under section 3518 of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*, and 5 CFR part 1320, the information collection provisions contained in this regulation are not subject to review and approval by the Office of Management and Budget.

Regulatory Flexibility Act

This rule applies only to individual Federal employees. It will have no "significant economic impact upon a substantial number of small entities" within the meaning of section 3(a) of the Regulatory Flexibility Act, Public Law 96–354, 5 U.S.C. 605(b). Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 16 CFR Part 1027

Administrative offset, Administrative practice and procedures, Claims, Debt collection, Government employees, Wages.

For the reasons set out in the preamble, part 1027 of title 16 of the Code of Federal Regulations is added to read as follows:

PART 1027—SALARY OFFSET

Sec.

1027.1 Purpose and scope.
1027.2 Definitions.
1027.3 Applicability.
1027.4 Notice requirements before offset.
1027.5 Hearing.
1027.6 Written decision.
1027.7 Coordinating offset with another Federal agency.
1027.8 Procedures for salary offset.
1027.9 Refunds.
1027.10 Statute of limitations.
1017.11 Non-waiver of rights.
1027.12 Interest, penalties, and administrative costs.

Authority: 5 U.S.C. 5514, E.O. 11809 (redesignated E.O. 12107), and 5 CFR part 550, subpart K.

§ 1027.1 Purpose and scope.

(a) This regulation provides procedures for the collection by administrative offset of a federal employee's salary without his/her consent to satisfy certain debts owed to the Federal government. These regulations apply to all federal employees who owe debts to the Consumer Product Safety Commission (CPSC) and to current employees of CPSC who owe debts to other Federal agencies. This regulation does not apply when the employee consents to recovery from his/her current pay account.

(b) This regulation does not apply to debts or claims arising under:

(1) The Internal Revenue Code of 1954, as amended, 26 U.S.C. 1 *et seq.*;

(2) The Social Security Act, 42 U.S.C. 301 *et seq.*;

(3) The tariff laws of the United States; or

(4) Any case where a collection of a debt by salary offset is explicitly provided for or prohibited by another statute.

(c) This regulation does not apply to any adjustment to pay arising out of an employee's selecton of coverage or a change in coverage under a Federal benefits program requiring periodic deductions from pay if the amount to be recovered was accumulated over four pay periods or less.

(d) This regulation does not preclude the compromise, suspension, or termination of collection action where appropriate under the standards implementing the Federal Claims Collection Act, 31 U.S.C. 3711 *et seq.*, and 4 CFR parts 101 through 105.

(e) This regulation does not preclude an employee from requesting waiver of an overpayment under 5 U.S.C. 5584, 10 U.S.C. 2774, or 32 U.S.C. 716, or in any way questioning the amount or validity of the debt by submitting a subsequent claim to the General Accounting Office. This regulation does not preclude an employee from requesting a waiver pursuant to other statutory provisions applicable to the particular debt being collected.

(f) Matters not addressed in these regulations should be reviewed in accordance with the Federal Claims Collection Standards at 4 CFR 101.1 *et seq.*

§ 1027.2 Definitions.

For the purposes of this part the following definitions will apply:

Agency means an executive agency as defined at 5 U.S.C. 105, including the U.S. Postal Service and the U.S. Postal Rate Commission; a military department as defined at 5 U.S.C. 102; an agency or court in the judicial branch; an agency of the legislative branch, including the U.S. Senate and House of Representatives; and other independent establishments that are entities of the Federal government.

Certification means a written debt claim received from a creditor agency which requests the paying agency to offset the salary of an employee.

CPSC or *Commission* means the Consumer Product Safety Commission.

Creditor agency means an agency of the Federal Government to which the debt is owed.

Debt means an amount owed by a Federal employee to the United States from sources which include loans insured or guaranteed by the United States and all other amounts due the United States from fees, leases, rents, royalties, services, sales of real or personal property, overpayments, penalties, damages, interests, fines, forfeitures (except those arising under the Uniform Code of Military Justice), and all other similar sources.

Disposable pay means the amount that remains from an employee's federal pay after required deductions for social security, Federal, State or local income tax, health insurance premiums, retirement contributions, life insurance premiums, Federal employment taxes, and any other deductions that are required to be withheld by law.

Executive Director means the Executive Director of the Consumer Product Safety Commission, who is the person designated by the Chairman to determine whether an employee is indebted to the United States and to take action to collect such debts.

Hearing official means an individual responsible for conducting a hearing with respect to the existence or amount of a debt claimed, or the repayment schedule of a debt, and who renders a decision on the basis of such hearing. A hearing official may not be under the supervision or control of the Chairman of the Commission.

Paying agency means the agency that employs the individual who owes the debt and authorizes the payments of his/her current pay.

Salary offset means an administrative offset to collect a debt pursuant to 5 U.S.C. 5514 by deduction(s) at one or more officially established pay intervals from the current pay account of an employee without his/her consent.

§ 1027.3 Applicability.

(a) These regulations are to be followed when:

(1) The Commission is owed a debt by an individual who is a current employee of the CPSC; or

(2) The Commission is owed a debt by an individual currently employed by another Federal agency; or

(3) The Commission employs an individual who owes a debt to another Federal agency.

§ 1027.4 Notice requirements before offset.

(a) Salary offset shall not be made against an employee's pay unless the employee is provided with written notice signed by the Executive Director of the debt at least 30 days before salary offset commences.

(b) The written notice shall contain:

(1) A statement that the debt is owed and an explanation of its nature and amount;

(2) The agency's intention to collect the debt by deducting from the employee's current disposable pay account;

(3) The amount, frequency, proposed beginning data, and duration of the intended deduction(s);

(4) An explanation of interest, penalties, and administrative charges, including a statement that such charges will be assessed unless excused in accordance with the Federal Claims Collections Standards at 4 CFR 101.1 *et seq.*;

(5) The employee's right to inspect, request, and receive a copy of government records relating to the debt;

(6) The employee's opportunity to establish a written schedule for the voluntary repayment of the debt in lieu of offset;

(7) The employee's right to an oral hearing or a determination based on a review of the written record ("paper hearing") conducted by an impartial hearing official concerning the existence or the amount of the debt, or the terms of the repayment schedule;

(8) The procedures and time period for petitioning for a hearing;

(9) A statement that a timely filing of a petition for a hearing will stay the commencement of collection proceedings;

(10) A statement that a final decision on the hearing (if requested) will be issued by the hearing official not later than 60 days after the filing of the petition requesting the hearing unless the employee requests and the hearing official grants a delay in the proceedings;

(11) A statement that knowingly false or frivolous statements, representations, or evidence may subject the employee to appropriate disciplinary procedures and/or statutory penalties;

(12) A statement of other rights and remedies available to the employee under statutes or regulations governing the program for which the collection is being made;

(13) Unless there are contractual or statutory provisions to the contrary, a statement that amounts paid on or deducted for the debt which are later waived or found not owed to the United States will be promptly refunded to the employee; and

(14) A statement that the proceedings regarding such debt are governed by section 5 of the Debt Collection Act of 1982 (5 U.S.C. 5514).

§ 1027.5 Hearing.

(a) *Request for hearing.* (1) An employee may file a petition for an oral or paper hearing in accordance with the instructions outlined in the agency's notice to offset.

(2) A hearing may be requested by filing a written petition addressed to the Executive Director stating why the employee disputes the existence or amount of the debt or, in the case of an individual whose repayment schedule has been established other than by a written agreement, concerning the terms of the repayment schedule. The petition for a hearing must be received by the Executive Director not later than fifteen (15) calendar days after the employee's receipt of the offset notice, or notice of the terms of the payment schedule, unless the employee can show good cause for failing to meet the filing deadline.

(b) *Hearing procedures.* (1) The hearing will be presided over by an impartial hearing official.

(2) The hearing shall conform to procedures contained in the Federal Claims Collection Standards, 4 CFR 102.3(c). The burden shall be on the employee to demonstrate that the existence or the amount of the debt is in error.

§ 1027.6 Written decision.

(a) The hearing official shall issue a final written opinion no later than 60 days after the filing of the petition.

(b) The written opinion will include: A statement of the facts presented to demonstrate the nature and origin of the alleged debt; the hearing official's analysis, findings, and conclusions; the amount and validity of the debt; and the repayment schedule.

§ 1027.7 Coordinating offset with another Federal agency.

(a) The CPSC as the creditor agency.

(1) When the Executive Director determines that an employee of another agency (i.e., the paying agency) owes a debt to the CPSC, the Executive Director shall, as appropriate:

(i) Certify in writing to the paying agency that the employee owes the debt, the amount and basis of the debt, the date on which payment was due, and the date the Government's right to collect the debt accrued, and that this part 1027 has been approved by the Office of Personnel Management.

(ii) Unless the employee has consented to salary offset in writing or signed a statement acknowledging receipt of the required procedures, and the written consent is sent to the paying agency, the Executive Director must advise the paying agency of the action(s) taken under this part 1027, and the date(s) they were taken.

(iii) Request the paying agency to collect the debt by salary offset. If deductions must be made in installments, the Executive Director may recommend to the paying agency the amount or percentage of disposable pay to be collected in each installment;

(iv) Arrange for a hearing upon the proper petitioning by the employee;

(v) If the employee is in the process of separating from the federal service, the CPSC must submit its debt claim to the paying agency as provided in this part. The paying agency must certify the total amount collected, give a copy of the certification to the employee, and send a copy of the certification and notice of the employee's separation to the CPSC. If the paying agency is aware that the employee is entitled to Civil Service Retirement and Disability Fund or other similar payments, it must certify to the agency responsible for making such payments that the debtor owes a debt, including the amount of the debt, and that the provisions of 5 CFR 550.1108 have been followed; and

(vi) If the employee has already separated from federal service and all payments due from the paying agency have been paid, the Executive Director may request, unless otherwise prohibited, that money payable to the employee from the Civil Service Retirement and Disability Fund or other similar funds be collected by administrative offset.

(b) The CPSC as the paying agency.

(1) Upon receipt of a properly certified debt claim from another agency, deductions will be scheduled to begin at the next established pay interval. The employee must receive written notice that CPSC has received a certified debt claim from the creditor agency, the amount of the debt, the date salary offset will begin, and the amount of the deduction(s). CPSC shall not review the merits of the creditor agency's determination of the validity or the amount of the certified claim.

(2) If the employee transfers to another agency after the creditor agency has submitted its debt claim to CPSC and before the debt is collected completely, CPSC must certify the amount collected. One copy of the certification must be furnished to the employee. A copy must be furnished to the creditor agency with notice of the employee's transfer.

§ 1027.8 Procedures for salary offset.

(a) Deductions to liquidate an employee's debt will be by the method and in the amount stated in the Executive Director's notice of intention to offset as provided in § 1027.4. Debts will be collected in one lump sum where possible. If the employee is financially unable to pay in one lump sum, collection must be made in installments.

(b) Debts will be collected by deduction at officially established pay intervals from an employee's current pay account unless alternative arrangements for repayment are made.

(c) Installment deductions will be made over a period not greater than the anticipated period of employment. The size of installment deductions must bear a reasonable relationship to the size of the debt and the employee's ability to pay. The deduction for the pay intervals for any period must not exceed 15% of disposable pay unless the employee has agreed in writing to a deduction of a greater amount.

(d) Unliquidated debts may be offset against any financial payment due to a separated employee including but not limited to final salary or leave payment in accordance with 31 U.S.C. 3716.

§ 1027.9 Refunds.

(a) CPSC will promptly refund to an employee any amounts deducted to satisfy debts owed to CPSC when the debt is waived, found not owed to CPSC, or when directed by an administrative or judicial order.

(b) Another creditor agency will promptly return to CPSC any amounts deducted by CPSC to satisfy debts owed to the creditor agency when the debt is waived, found not owed, or when directed by an administrative or judicial order.

(c) Unless required by law, refunds under this paragraph shall not bear interest.

§ 1027.10 Statute of limitations.

(a) If a debt has been outstanding for more than 10 years after CPSC's right to collect the debt first accrued, the agency may not collect by salary offset unless

facts material to the Government's right to collect were not known and could not reasonably have been known by the official or officials who were charged with the responsibility for discovery and collection of such debts.

§ 1027.11 Non-waiver of rights.

An employee's involuntary payment of all or any part of a debt collected under these regulations will not be construed as a waiver of any rights that the employee may have under 5 U S.C. 5514 or any other provision of law

§ 1027.12 Interest, penalties, and administrative costs.

Charges may be assessed on a debt for interest, penalties, and administrative costs in accordance with 31 U.S.C. 3717 and the Federal Claims Collection Standards, 4 CFR 101 1 *et seq*

Dated: August 21, 1990.

Sadye E. Dunn,

Secretary

[FR Doc. 90–20106 Filed 8–24–90; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF DEFENSE

National Security Agency/Central Security Service

32 CFR Part 299a

[NSA Reg. No. 10–35]

Privacy Act Systems of Records—Disclosures and Amendment Procedures—Specific Exemptions, National Security Agency

AGENCY: National Security Agency/Central Security Service (NSA/CSS).

ACTION: Final rule.

SUMMARY: The National Security Agency/Central Security Service (NSA/CSS) is publishing a final rule for four exempt record systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a).

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Pat Schuyler, Office of Policy, National Security Agency, Ft. George G. Meade, MD 20755–6000. Telephone (301) 688–6527.

SUPPLEMENTARY INFORMATION: On July 6, 1990, at 55 FR 27835 of the **Federal Register**, the National Security Agency/Central Security Service published four new exemption rules for four new record systems. No comments were received, therefore, the National Security Agency/Central Security Service is adopting the exemption rules.

List of Subjects in 32 CFR Part 299a

Privacy Act—Disclosures and Amendment Procedures—Specific Exemptions, National Security Agency.

PART 299A—PRIVACY ACT SYSTEMS OF RECORDS—DISCLOSURES AND AMANDMENT PROCEDURES—SPECIFIC EXEMPTIONS, NATIONAL SECURITY AGENCY

For the reasons set forth in the preamble, 32 CFR part 299a is amended as follows:

1. Authority citation for 32 CFR part 299a continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat 1896 (5 U S.C 552a).

2. Section 299a.10 is amended by adding paragraphs (b) (14) through (17), as follows.

§ 299a.10 Specific exemptions.

* * * * *

(b) * * *

(14) *System Identification and Name*—GNSA14, entitled "NSA/CSS Library Patron File Control System"

Exemption—Portions of this system which fall within 5 U.S.C. 552a (k)(1) and (k)(4) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

Authority—5 U.S.C. 552a (k)(1) and (k)(4).

Reasons—This record system is exempted from all subsections pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This record system is exempted from all subsections pursuant to exemption (k)(4) to protect from unauthorized disclosure records maintained for statistical research or program evaluation. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

(15) *System Identification and Name*—GNSA15, entitled "NSA/CSS Computer Users Control System".

Exemption—Portions of this system which fall within 5 U.S.C. 552a (k)(1) and (k)(2) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

Authority—5 U.S.C. 552a (k)(1) and (k)(2).

Reasons—This system of records is exempted from all subsections pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Pub. L. 88–290 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Pub. L. 88–290.

(16) *System Identification and Name*—GNSA16, entitled "NSA/CSS Drug Testing Program"

Exemption—Portions of this system which fall within 5 U.S.C. 552a(k)(1) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

Authority—5 U.S.C. 552a(k)(1).

Reasons—This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system.

(17) *System Identification and Name*—GNSA17 entitled "Employee Assistance Service (EAS) Case Record System"

Exemption—Portions of this system which fall within 5 U.S.C. 552a (k)(1), (k)(2), (k)(4) and (k)(5) are exempt from the following provisions of 5 U.S.C. 552a, sections (c)(3), (d) (1)–(5), (e)(1), (e)(4) (G)–(I), and (f) (1)–(5).

Authority—5 U.S.C. 552a (k)(1), (k)(2), (k)(4), and (k)(5).

Reasons—This system of records is exempted from all subsections cited pursuant to exemption (k)(1) to protect from unauthorized disclosure classified information which may be contained in records and files making up the system

This system of records is exempted from all subsections cited pursuant to exemption (k)(2) to the extent that individual records and files are related to investigations to enforce the provisions of Public Law 92–261 and consistent with the provisions of that statute with respect to individual access to such records. The purpose of the exemption is to protect the integrity of investigations conducted pursuant to Public Law 92–261

This record system is exempted from all subsections pursuant to exemption (k)(4) to protect from unauthorized disclosure records maintained for statistical research or program evaluation. The exemption does not limit access to that portion of the records in the system which are not classified or otherwise protected from unauthorized disclosure.

This system of records is also exempted from all subsections cited pursuant to exemption (k)(5) to protect the identity of confidential sources of information constituting investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, federal contracts, or access to classified information. The exemption does not limit access to that portion of the records in the system which are not exempted or otherwise protected from unauthorized disclosure.

* * * * *

Dated: August 22, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-20108 Filed 8-24-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-90-62]

Special Local Regulations for Marine Events; A Day at the Bay Triathlon; Sassafras River, Betterton, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the swim portion of the "A Day at the Bay Triathlon" to be held at Betterton, Maryland on September 15, 1990. These regulations are necessary to control spectator craft and to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATE: These regulations are effective from 9 a.m. to 12:30 p.m., September 15, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen L. Phillips, Chief, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Adherence to normal rulemaking procedures would not have been possible. Specifically, the sponsor's application to hold the event was not received until August 9, 1990, leaving insufficient time to publish a notice of proposed rulemaking in advance of the event.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Fifth Coast Guard District, and Lieutenant Keith B. Letourneau, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations

The Second National Federal Savings Bank of Chestertown, Maryland submitted an application to hold the swim portion of the "A Day at the Bay Triathlon" at Betterton, Maryland on September 15, 1990. The event will consist of approximately 300 swimmers racing over a one mile course in the Sassafras River, at Betterton, Maryland. These regulations are necessary to control spectator craft and to provide for the safety of life and property on navigable waters during the event. Since the main shipping channel will not be closed, commercial traffic should not be severely disrupted.

Economic Assessment and Certification

These regulations are not considered either major under Executive Order 12291 on Federal Regulation or significant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact is expected to be so minimal that a full regulatory evaluation is unnecessary. Because of this minimal impact, the Coast Guard certifies that these regulations will not have a significant economic impact on a substantial number of small entities.

Federalism Assessment

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

Environmental Impact

This final rule has been thoroughly reviewed by the Coast Guard and has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.c of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and has been placed in permanent regulations 33 CFR 100.515 rulemaking docket.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Final Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section 100.35-0562 is added to read as follows:

§ 100.35-0562 Sassafras River, Betterton, Maryland.

(a) *Definitions*—(1) *Regulated area.* The waters of the Sassafras River bounded by a line commencing at the shoreline at latitude 39°22'16.0" North, longitude 76°04'36.0" West, thence North to latitude 39°22'45.0" North, longitude 76°04'38.0" West, east to latitude 39°22'45.0" North, longitude 76°03'26.0" West, thence south to the shoreline at latitude 39°22'16.0" North, longitude 76°03'26.0" West, thence westward along the shoreline back to the point of beginning.

(2) *Coast Guard Patrol Commander.* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer who has been designated by the Commander, Coast Guard Group Baltimore.

(b) *Special Local Regulations.* (1) Except for persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the immediate vicinity of this area shall:

(i) Stop the vessel immediately when directed to do so by any commissioned, warrant, or petty officer on board a vessel displaying a Coast Guard ensign.

(ii) Proceed as directed by any commissioned, warrant or petty officer on board a vessel displaying a Coast Guard ensign.

(3) Any spectator vessel may anchor outside of the regulated area specified in paragraph (a)(1) of these regulations, but may not block a navigable channel.

(c) *Effective Dates:* These regulations are effective from 9 a.m. to 12:30 p.m., September 15, 1990.

Dated: August 16, 1990.

P.A. Welling,

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

[FR Doc. 90-20065 Filed 8-24-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 161

[CGD-89-062]

RIN 2115-AD39

Regulations for Required Participation in Vessel Traffic Service New York

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Vessel Traffic Service New York (VTSNY) is being reestablished in response to heightened public concern for vessel traffic safety in New York Harbor. This rule will require all vessels subject to the "Bridge-to-Bridge Radiotelephone Act" operating within the Vessel Traffic Service New York Area (VTSNY Area) to comply with reporting procedures upon entry into and while navigating in the VTSNY

Area. These regulations are necessary to promote navigation safety. Ensuring participation in VTSNY will improve the accuracy of the information VTS provides to its users.

DATES: This regulation is effective December 1, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce Riley, Project Manager, Commandant (G–NSP) U.S. Coast Guard, 2100 2nd St. SW., Washington, DC 20593–0001, Tel. (202) 267–0412.

SUPPLEMENTARY INFORMATION: On February 2, 1990, the Coast Guard published a notice of proposed rulemaking (55 FR 3704) and invited comments. Two letters containing comments were received.

Drafting Information

The principal persons involved in drafting this rulemaking are Bruce Riley, Project Manager, and Christena Green, Project Counsel, Office of Chief Counsel, U.S. Coast Guard.

Background and Discussion

In January of 1985, the Coast Guard established a Vessel Traffic Service in New York Harbor, operating on a voluntary basis and serving an area bounded to the south by Norton's Point on Coney Island, the Arthur Kill Railroad Bridge to the west, the Lehigh Valley Bridge in Newark Bay, and Holland Tunnel in the Hudson River to the north and Hell Gate in the East River to the east. The VTS was forced to close in July 1988 due to budget constraints.

Recent legislative and budget actions have provided for the reestablishment of VTS New York. The VTS is now scheduled to be operational on December 1, 1990.

New York Harbor is a geographic area within the waters of the states of New York and New Jersey. The harbor has an extensive deepwater channel system commonly used by large seagoing vessels. The prime navigational hazard consists of the mixture of heavy vessel traffic, narrow channels, strong tidal currents, bridge crossings and obscured channel bends.

Under conditions of high traffic density and restricted waterways there exists a threat of collisions, allisions, and groundings with an ensuing high potential for loss of life, property damage and environmental pollution. The Vessel Traffic Service in New York Harbor will reduce the probability of these occurrences by providing advance information on the movements of other vessels, traffic congestion, weather conditions, and other potential hazards to navigation. With this information, persons on each vessel will be aware of surrounding vessel traffic, developing congestion, and unusual navigational circumstances and should be able to adjust course, speed, or route accordingly to avoid hazardous situations. The VTS's surveillance system and radiotelephone network will be the primary means of collecting and providing this information.

The establishment of VTS New York will be completed in three phases. The area included in Phase I is Upper New York Bay bounded by the Verrazano-Narrows Bridge to the south, the Brooklyn Bridge and Holland Tunnel to the east and north, Kill Van Kull to the AK Rail Bridge, and Newark Bay to the Lehigh Valley Draw Bridge. In the Final Rule, this area is defined as the "VTSNY Area" and is described in § 161.580.

Phases II and III, if approved and funded, would extend VTS coverage into the Lower Bay, Arthur Kill, Raritan Bay and East River. A proposal to add these areas to the regulations would be published in a separate Notice of Proposed Rulemaking in the future.

The Coast Guard will provide radar and closed circuit TV surveillance systems and a VHF–FM communications system within the VTSNY Area. The combination of radar and TV surveillance will provide nearly 100% coverage of the more heavily travelled of New York Harbor channels.

The communications system of the vessel traffic service will allow reliable communication of information in the VTSNY Area. Three VHF–FM channels will be used to provide complete communications coverage. The Vessel Traffic Center (VTC) will also maintain a continuous guard on Channels 13 and 16. All communications to or from the VTC will be recorded and the recording equipment will provide instant playback for VTS personnel.

All of the surveillance and communications equipment will be operated from the VTC located on Governors Island.

Discussion of Comments

One comment recommended expanding the area of coverage to include the Hudson River, East River and Arthur Kill in the first phase of VTS New York implementation. Expanding the area of coverage to include those areas is beyond funding limits for this year but is planned for subsequent years. The first phase focuses primarily on the Kill Van Kull area, due to an extensive dredging project being conducted by the Corps of Engineers. This project will severely restrict navigation in the Kill and require close traffic management. Additionally, radar surveillance equipment is already in place to observe the Upper Bay, the approaches to Kill Van Kull, and the lower portion of the Hudson River.

Another comment suggested that the Vessel Traffic Center control the movement of vessels and pilots based on their accident history. Each participating vessel will be monitored throughout its transit regardless of background. The suggestion to include pilot information in the Coast Guard's Marine Safety Information System is beyond the scope of this rulemaking, but will be considered by the Office of Marine Safety, Security and Environmental Protection.

One comment suggested the use of a satellite tracking system to aid in tracking vessels within New York Harbor. While this technology currently exists, implementing such a system would be difficult and well beyond the scope of these regulations. However, the use of satellite tracking systems in the VTS realm is being investigated.

Another comment suggested that § 161.505 be expanded to address external factors influencing the navigation of a vessel and the degree to which the VTC may direct its movement. While the VTC will have the authority to direct the movement of a vessel in a dangerous situation, a master remains responsible for the safe and prudent maneuvering of the vessel at all times.

One comment concerned the reporting requirement in § 161.532, suggesting that language be added to define the degree of impairment and allow for deviations. The regulations covering this issue are contained in 33 CFR part 164. Section 161.532 of this rule is included solely for reporting purposes.

Other comments centered around the training of VTS personnel. Although the training of VTS personnel is beyond the scope of this rulemaking, those comments are appreciated and will be taken into consideration by the VTS Program staff.

In the note following § 161.506, the address for the VTS is corrected to read "Commanding Officer, U.S. Coast Guard Vessel Traffic Service, Governors Island, NY 10004."

After further review, the language in § 161.520 has been revised to clarify the meaning of this section and to delete language which is already contained in 33 CFR 110.155(d)(16)(v).

Also after further review, a revision was made to § 161.501(c)(1), to conform to the language in the Applicability section of the Bridge-to-Bridge Radiotelephone Act Regulations (33 CFR part 26).

After consultation with Coast Guard Captain of the Port, New York, the reporting points originally listed in § 161.540 have been replaced with points established by mariners in the port of New York. These points are places which they now use when making security calls on VHF–FM Channel 13. Although the number of reporting points outlined in the initial proposal has doubled with this revision, it was felt that using existing points would create less confusion among mariners. The Lehigh Valley Draw Bridge and the AK Rail Bridge reporting points are slightly outside the VTS Area previously described in § 161.580. Section 161.580 has been changed to reflect these reporting points as VTS Area boundaries in the Final Rule.

Regulatory Evaluation

These regulations are not considered major under Executive Order 12291 and are not considered significant under Department of Transportation regulatory policies and procedures (DOT Order 2100.5 of May 22, 1980).

Impact on the Environment

This action has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation, in accordance with paragraphs 2.B.2. (a), (c), and (d) of the National Environmental Policy Act, Implementating Procedures, COMDTINST M16475.1B. Implementation of this rule will not result in any significant cumulative impacts on the human environment, substantial controversy, or change to existing environmental conditions. A Categorical Exclusion Determination has been prepared and is included in the regulatory docket.

Regulatory Flexibility

The Coast Guard certifies, pursuant to section 605(b) of the Regulatory Flexibility Act (94 Stat. 1164; Pub. L. 96–354), that this rulemaking will not have significant economic impact on a substantial number of small entities.

The only potential cost to VTS users will be the purchase price of communications equipment, if not already installed. Most vessels will need no additional equipment. Some may need to re-crystallize at a cost of about $60 per crystal, installed. Others may have to purchase a single or multi-channel guard receiver, which could cost as much as $500.

Federalism

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

Collection of Information

The collection of information under the Paperwork Reduction Act and 5 CFR part 1320 has been approved by a blanket OMB approval for 33 CFR part 161. Approval number 2115–0540.

List of Subjects in 33 CFR Part 161

Harbors, Navigation (water), Vessels, Waterways.

In consideration of the foregoing, the Coast Guard amends part 161 of title 33 CFR as follows:

PART 161—[AMENDED]

1. The authority citation for Part 161 continues to read as follows:

Authority: 33 U.S.C. 1231; 49 CFR 1.46.

2. Part 161 is amended by adding new §§ 161.501 through 161.580 to read as follows:

Vessel Traffic Service New York

General Rules

Sec.

161.501 Purpose and applicability.
161.503 Definitions.
161.504 Vessel operation in the VTSNY Area.
161.505 VTC directions.
161.506 Requirement to carry regulations.
161.507 Laws and regulations not affected.
161.508 Authorization to deviate from these rules.
161.510 Emergencies.

Communications Rules

161.520 Radiotelephone listening watch.
161.522 Radiotelephone equipment.
161.523 Use of designated frequencies.
161.524 English language.
161.526 Time.
161.528 Radiotelephone failure.
161.530 Report of radiotelephone failure.
161.532 Report of impairment to the operation of the vessel.

Vessel Movement Reporting Rules

161.536 Initial report.
161.537 Follow-up reports.
161.538 Movement reports.
161.539 Invoking of the VMRS rules.
161.540 VMRS reporting points.
161.542 Final report.

Special Rules

161.575 Action during reduced visibility.

Descriptions and Geographic Coordinates

161.580 VTSNY Area.

* * * * *

New York Vessel Traffic Service

General Rules

§ 161.501 Purpose and applicability.

(a) Sections 161.501 through 161.580 of this part prescribe rules for vessel operation in the Vessel Traffic Service New York Area (VTSNY Area) to prevent collisions and groundings and to protect the navigable waters of the VTSNY Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.501 through 161.505 and 161.107 through 161.110, and the Use of Designated Frequency Rule in § 161.523 of this part apply to the operation of all vessels.

(c) The Requirement to Carry Regulations Rule in § 161.506, the Communications Rules in §§ 161.520 through 161.522 and 161.524 through 161.532, the Vessel Movement Reporting Rules in §§ 161.536 through 161.542, and the Special Rules of § 161.575 of this part apply only to the operation of—

(1) Power driven vessels of 300 gross tons and upward while navigating;

(2) Vessels of 100 gross tons and upward carrying one or more passengers for hire while navigating;

(3) Commercial vessels of 26 feet or more in length engaged in towing another vessel astern, alongside, or by pushing ahead; and

(4) Every dredge and floating plant.

(d) Geographic coordinates expressed in terms of latitude and longitude are not intended for plotting on maps or charts whose referenced horizontal datum is the North American Datum of 1983 (NAD 83), unless such geographic coordinates are expressly labeled NAD 83. Geographic coordinates without the NAD 83 reference may be plotted on maps or charts referenced to NAD 83 only after application of the appropriate corrections that are published on the particular map or chart being used.

§ 161.503 Definitions.

As used in any section of this part:

Commercial Vessel means any vessel operating in return for payment or other type of compensation.

ETA means estimated time of arrival.

Floating Plant means any vessel, other than a vessel underway and making way, engaged in any construction, manufacturing, or exploration operation, and which may restrict the navigation of other vessels.

Master means a licensed master or operator or, on vessels not requiring a licensed operator, the person directing the movement of the vessel.

Person includes an individual, firm, corporation, association, partnership, and governmental entity.

Vessel Movement Reporting System (VMRS) is a method for monitoring vessel progress based on position reports from the vessel rather than on electronic surveillance.

Vessel Traffic Center (VTC) means the shore based facility that operates the New York Vessel Traffic Service.

Vessel Traffic Service New York Area (VTSNY Area) means the area described in § 161.580 of this part.

§ 161.504 Vessel operation in the VTSNY Area.

No person may cause or authorize the operation of a vessel in the VTSNY Area contrary to the rules in this part.

§ 161.505 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances, the VTC may issue directions to control and supervise traffic by specifying times when vessels may enter, move within or through, or depart from ports, harbors or other waters in the VTSNY Area.

(b) The master or pilot of a vessel in the VTSNY Area shall comply with each direction issued to the vessel under this section.

§ 161.506 Requirement to carry regulations.

The master of a vessel shall ensure that a copy of the current edition of the Vessel Traffic Service New York regulations, Title 33, Code of Federal Regulations, §§ 161.501 through 161.580, is available on board the vessels at all times when it is navigating in the VTSNY Area.

Note.—The New York VTS Operating Manual includes the VTS regulations described above. Additional information for efficient operation in the VTS system is also included. The manual may be obtained free-of-charge from U.S. Coast Guard Marine Inspection Office, Battery Park Building, New York, NY 10004, and from Commanding Officer, U.S. Coast Guard Vessel Traffic Service, Governors Island, New York, NY 10004.

§ 161.507 Laws and regulations not affected.

Nothing in this part is intended to relieve any person from complying with any other applicable laws or regulations.

§ 161.508 Authorization to deviate from these rules.

(a) The Commander, First Coast Guard District may, upon written request, issue an authorization to deviate from any rule in this part if he or she finds that the proposed operation can be done safely. An application for an authorization to deviate from a rule must state the need for the deviation and describe the proposed operation.

(b) The VTC may, upon verbal request, issue an authorization to deviate from any rule in this part for the voyage on which a vessel is embarked or about to embark.

§ 161.510 Emergencies.

In an emergency, any master or pilot may deviate from any rule in this part to the extent necessary to avoid endangering persons, property, or the environment but shall report the deviation to the VTC as soon as possible.

Communications Rules

§ 161.520 Radiotelephone listening watch.

The master or pilot shall continuously monitor the VTS radiotelephone frequency when operating in the VTS Area, except when transmitting on that frequency.

§ 161.522 Radiotelephone equipment.

The master or pilot shall ensure all reports and communications required by this part are made from the navigational bridge of the vessel, or in the case of a dredge, at its main control station. Such reports and communications must be made to the VTC on designated frequencies using a radiotelephone that is in effective operating condition.

§ 161.523 Use of designated frequencies.

(a) In accordance with Federal Communications Commission regulations, no person may use the frequencies designated in this section to transmit any information other than information necessary for the safety of vessel traffic.

(b) All transmissions on the VTS frequencies shall be initiated on low power, if available; high power may only be used if low power communications are unsuccessful or in an emergency.

(c) The following frequencies must be used when communicating with the VTC:

(1) Primary frequencies: 156.550 MHz (channel 11), 156.600 MHz (channel 12), and 156.700 MHz (channel 14).

(2) Secondary frequency (to be used if communication is not possible on a primary frequency): 156.650 MHz (channel 13).

§ 161.524 English language.

Each report required by this part must be made in the English language.

§ 161.526 Time.

Each report required by this part must specify time using:

(a) The time zone in effect in the VTSNY Area and

(b) The 24-hour clock system.

§ 161.528 Radiotelephone failure.

Whenever a vessel's radiotelephone equipment fails—

(a) While underway in the VTSNY Area or is inoperative when entering the VTSNY Area—

(1) Compliance with §§ 161.520 and 161.538 of this part is not required; and

(2) Compliance with §§ 161.536, 161.537, and 161.542 of this part is not required unless those reports can be made by other means.

(b) Before getting underway in the VTSNY Area, permission to get underway must be obtained from the VTC; and

(c) The master shall restore the radiotelephone to operating condition as soon as possible.

§ 161.530 Report of radiotelephone failure.

Whenever the master or pilot of a vessel deviates from any rule in this part because of radiotelephone failure, the deviation and radiotelephone failure shall be reported to the VTC by the most expedient means available.

§ 161.532 Report of impairment to the operation of the vessel.

The master of a vessel in the VTSNY Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel that may impair its navigation, such as fire, malfunctioning propulsion machinery, malfunctioning steering equipment, or malfunctioning radar;

(b) Whenever the vessel has difficulty controlling its tow; and

(c) Any grounding, collision or allision with a fixed or floating object.

Note.—In the VTSNY Area, the reports required in 33 CFR part 164 to be made to the VTC instead.

Vessel Movement Reporting Rules

§ 161.536 Initial report.

Fifteen minutes before a vessel enters or gets underway in the VTSNY Area, the master of the vessel shall report the following information to the VTC:

(a) The type and name of the vessel.

(b) The estimated time and point of entry in the VTSNY Area.

(c) Destination and route in the VTSNY Area.

(d) Deepest draft of the vessel.

(e) Speed of advance of the vessel.

(f) Whether or not any dangerous cargo listed in part 160, subpart C, of this chapter, is onboard the vessel or its tow.

(g) Any impairment to the operation of the vessel as described in § 161-532 (a) and (b) of this part.

(h) Any planned maneuvers that may impede traffic.

§ 161.537 Follow-up reports.

When entering or beginning to navigate in the VTSNY Area, or if the vessel deviates from its route plan as reported in the initial report, the master of the vessel shall report the following information by radiotelephone to the VTC:

(a) Vessel name.

(b) Location of the vessel.

(c) Any revision to the initial report required by § 161.536 of this part.

§ 161.538 Movement reports.

When the VMRS is in operation, or at other times when directed by the VTC, the master of a vessel passing a reporting point listed in § 161-540 of this part shall report the following to the VTC by radiotelephone:

(a) Vessel name.

(b) Reporting point or location of the vessel.

§ 161.539 Invoking of the VMRS rules.

In the event of impairment of surveillance capability or when otherwise required for the safety of navigation, the Vessel Movement Reporting System (VMRS) may be invoked by the VTC.

§ 161.540 VMRS reporting points.

No.	Position description	Geographic location
1	Verrazano-Narrows Bridge.	Upper New York Bay.
2	Brooklyn Bridge	East River.
3	Holland Tunnel Ventilator.	Hudson River.
4	Caven Point	Upper New York Bay.
5	Red Hook	Buttermilk Channel.
6	Constable Hook	Kill Van Kull.
7	Bayonne Bridge	Kill Van Kull.
8	AK Rail Bridge	Arthur Kill
9	Lehigh Valley Draw Bridge.	Newark Bay.
10	Texaco Bayonne Facility.	Newark Bay.

§ 161.542 Final report.

When a vessel anchors in, moors in, or departs from the VTSNY Area, the master shall report the place of anchoring, mooring, or departing to the VTC.

Special Rules

§ 161.575 Action during reduced visibility.

When visibility is less than 2 nautical miles in the VTSNY Area, any vessel that is operating without radar shall notify the VTC immediately.

Descriptions and Geographic Coordinates

§ 161.580 VTSNY Area.

The VTSNY Area consists of the navigable waters of the United States bounded by the Verrazano-Narrows Bridge to the south, the Brooklyn Bridge to the east, and to the north, at a line drawn east-west from the Holland Tunnel ventilator shaft at latitude 40°43.7′ N and longitude 74′01-6′ W. The Kill Van Kull to the AK Rail Bridge and Newark Bay to the Lehigh Valley Draw Bridge are also included in the VTSNY Area.

Dated: July 31, 1990.

R.A. Appelbaum,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 90–20068 Filed 8–24–90; 8:45 am]

BILLING CODE 4910–14

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 36

RIN 2900–AD92

Loan Guaranty: Maintenance of Loan Records, Elimination of Reference to HUD MPS (Minimum Property Standards-HUD Handbook 4900 1)

AGENCY: Department of Veterans Affairs.

ACTION: Final regulatory amendments.

SUMMARY: The Department of Veterans Affairs (VA) is amending its loan guaranty regulations to require that lenders participating in the program maintain their VA home loan origination records for at least one year from the date of loan closing. VA selected this one-year retention period to conform with current HUD retention requirements on a similar set of records. VA is also eliminating references to the HUD Minimum Property Standards Handbook (MPS-HUD Handbook 4900.1), as both HUD and VA have discontinued use of this handbook.

EFFECTIVE DATE: These regulatory amendments are effective September 26, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Alan Schneider, Assistant Director for Loan Policy (264), Loan Guaranty Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–3042.

SUPPLEMENTAL INFORMATION: Under chapter 37 of title 38, United States Code, VA guarantees a portion of the loan made to an eligible veteran to acquire or refinance a home, condominium, or manufactured home, or to install certain energy conservation features or other home improvements. The guaranty is a promise by the Government to pay a portion of the veteran's indebtedness in the event of a loan default and eventual termination through foreclosure or other proceedings.

On November 17, 1989, VA published in the **Federal Register** (54 FR 47791) proposed regulatory amendments to require that lenders participating in the VA home loan program maintain loan or origination records for at least one year from the date of loan closing. It was also proposed to eliminate a regulatory reference to the HUD Minimum Property Standards Handbook (MPS–HUD Handbook 4900 1), as both HUD and VA have discontinued use of this handbook.

One written comment was received in response to the proposed regulations. The commentor believed that the VA requirement would be duplicative of the recordkeeping requirement of the Equal Credit Opportunity Act, 15 U.S.C. 1601 *et seq.* and Regulation B of the Federal Reserve Board, and therefore unnecessary. Regulation B requires lenders to maintain loan applications and related materials for a period of 25 months from the date that the lender notifies the applicant of the action taken on his or her application. The commentor also suggested that if VA determined to keep the new requirement, VA should extend its requirement to 25 months to conform with the record retention period of Regulation B.

The VA recordkeeping requirement is not the same as the Regulation B requirement. Regulation B requires lenders to retain all information used in evaluating the application. VA is requiring that all records generated in the course of loan origination be retained. The VA requirement includes items such as preliminary applications and credit reports, closing papers, and other items which may not be required to be retained under ECOA. The one year VA retention period was selected so as to conform to the current FHA one year record retention requirement which covers a similar set of records. If VA were to switch to a 25 month record retention requirement, it would then be inconsistent with the one year FHA

requirement. Accordingly, these regulations are adopted as originally proposed.

The revised recordkeeping requirements are set forth at §§ 36.4215 and 36.4330. The titles of these sections are being changed from "Accounting Records" to "Maintenance of Records." Section 36.4360a is amended to eliminate the reference to HUD Handbook 4900.1.

The Secretary hereby certifies that these regulatory amendments will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. These regulations simply assure that lenders retain the loan origination records which already must be prepared in connection with a VA guaranteed home loan for a minimum period of one year, and eliminate a reference to the now discontinued Minimum Property Standards Handbook, 4900.1. Such a minimum retention period for these records is consistent with good lender practice, and will not impose any significant new burden. The one year record retention requirement is considered minimal and is similar to the one year record retention requirement of the Department of Housing and Urban Development for FHA insured loans, which lenders already follow. The Federal National Mortgage Association (FNMA) and Federal Home Loan Mortgage Corporation (FHLMC) also have record retention requirements. Pursuant to 5 U.S.C. 605(b), these regulations are exempt from the initial and final regulatory analysis requirements of sections 603 and 604.

These regulatory amendments have been reviewed pursuant to Executive Order 12291 and have been found to be nonmajor regulation changes. The regulations will not impact on the public or private sectors as major rules. They will not have an annual effect on the economy of $100 million or more; cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or have other 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.

Paperwork Reduction Act

Sections 36.4215 and 36.4330 of this regulation contain recordkeeping requirements which have been approved by the Office of Management and Budget (OMB) under OMB control number 2900–0515.

The Catalog of Federal Domestic Assistance Program Numbers are 64.114 and 64.119.

List of Subjects in 38 CFR Part 36

Condominium, Handicapped, Housing loan programs—housing and community development, Manufactured homes, Veterans.

These amendments are promulgated under authority granted the Secretary by sections 210(c), 1803(c)(1) and 1812(g) of title 38 United States Code.

Approved: June 6, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR part 36, Loan Guaranty, is amended as follows:

PART 36—[AMENDED]

1. In § 36.4215, the section heading is revised; paragraph (b) is revised and redesignated as paragraph (c); and a new paragraph (b) and its authority citation are added to read as follows:

§ 36.4215 Maintenance of records.

* * * * *

(b) The lender shall retain copies of all loan origination records on VA guaranteed loan for at least one year from the date of loan closing. Loan origination records include the loan application, including any preliminary application, verifications of employment and deposit, all credit reports, including preliminary credit reports, copies of each sales contract and addendums, letters of explanation for adverse credit items, discrepancies and the like, direct references from creditors, correspondence with employers, appraisal reports, reports on other inspections of the property, and all closing papers and documents.

(Authority: 38 U.S.C. 210(c), 1803(c)(1) and 1812(g))

(c) The Secretary has the right to inspect, examine, or audit, at a reasonable time and place, the records or accounts of a lender or holder pertaining to loans guaranteed by the Secretary.

(Recordkeeping requirements contained in § 36.4215 were approved by the Office of Management and Budget under OMB control number 2900–0515)

2. In § 36.4330, the section heading is revised; paragraph (b) is revised and redesignated as paragraph (c); and a new paragraph (b) and its authority citation are added to read as follows:

§ 36.4330 Maintenance of records.

* * * * *

(b) The lender shall retain copies of all loan origination records on a VA guaranteed loan for at least one year from the date of loan closing. Loan origination records include the loan application, including any preliminary application, verifications of employment and deposit, all credit reports, including preliminary credit reports, copies of each sales contract and addendums, letters of explanation for adverse credit items, discrepancies and the like, direct references from creditors, correspondence with employers, appraisal and compliance inspection reports, reports on termite and other inspections of the property, builder change orders, and all closing papers and documents.

(Authority: 38 U.S.C. 210(c), 1803(c)(1))

(c) The Secretary has the right to inspect, examine, or audit, at a reasonable time and place, the records or accounts of a lender or holder pertaining to loans guaranteed or insured by the Secretary.

(Recordkeeping requirements contained in § 36.4330 were approved by the Office of Management and Budget under OMB control number 2900–0515)

3. In § 36.4360a, paragraph (b)(2) is revised and an authority citation is added to read as follows:

§ 36.4360a Appraisal requirements.

* * * * *

(b) * * *

(2) *Horizontal condominiums.* Department of Veterans Affairs policies and procedures applicable to single-family residential construction shall also apply to horizontal condominiums. Proposed or existing (declarant in control or marketing units) horizontal condominium conversions shall comply with current local building codes for alterations and improvements or repairs made to convert the building to the condominium form of ownership unless local authorities require total code compliance on the entire structure when a building is being converted to the condominium form of ownership. In those areas where local standards are nonexistent, inferior to, or in conflict with Department of Veterans Affairs objectives, a certification will be required from a professional architect and/or registered engineer certifying that the plans and specifications conform to one of the national building codes which is typical of similar construction methods and standards for condominiums used in the area. Those portions of the condominium conversion

which are not being altered, improved or repaired must be appraised in accordance with paragraph (a) of this section.

(Authority: 38 U.S.C. 210(c)(1), 1803(c)(1))

[FR Doc. 90-20036 Filed 8-24-90; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3824-3]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Non-CTG RACT Determination for Philips Lighting Co. in Lynn

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires the use of reasonably available control technology (RACT) to reduce volatile organic compound (VOC) emissions from certain processes at Philips Lighting Company (Philips) in Lynn, Massachusetts. The intended effect of this action is to approve a source specific RACT determination submitted by the Commonwealth of Massachusetts. This action is being taken in accordance with section 110 of the Clean Air Act.

EFFECTIVE DATE: This rule will become effective on September 26, 1990.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Bldg., room 2313, Boston, MA 02203; Public Information Reference Unit, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; and Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Emanuel Souza, Jr., (617) 565-3246; FTS 835-3246.

SUPPLEMENTARY INFORMATION: On March 22, 1988 (53 FR 9336), EPA published a Notice of Proposed Rulemaking (NPR) for the Commonwealth of Massachusetts. Using parallel processing rulemaking procedures, EPA proposed approval of a conditional Plan Approval issued by the Massachusetts Department of Environmental Protection (DEP) which imposed VOC control methods as RACT for Philips. This final rulemaking action approves the formal SIP revision submitted by Massachusetts on November 20, 1989.

This notice is divided into three parts: I. Background Information; II. Summary of SIP Revision Including the Changes Made to Secure Final EPA Approval; and III. Public Comments.

I. Background Information

On November 9, 1983 (48 FR 51488), EPA approved Massachusetts Regulation 310 CMR 7.18(17), "Reasonably Available Control Technology," as part of the Commonwealth of Massachusetts' 1982 Ozone Attainment Plan. This regulation requires the Massachusetts DEP to determine and impose RACT on all facilities with the potential to emit one hundred tons per year (TPY) or more of VOC that are not already subject to Massachusetts' regulations developed pursuant to the EPA Control Techniques Guideline (CTG) documents.

On June 30, 1987 the DEP submitted a SIP revision for parallel processing. This SIP revision consisted of a Plan Approval for Philips which defined VOC control requirements as RACT. On March 22, 1988 (53 FR 9336), EPA proposed approval of the Plan Approval with the understanding that the DEP would amend it as outlined in the NPR prior to final rulemaking. On November 20, 1989, the DEP formally submitted the 2nd Amendment to the Final Approval/RACT Approval dated November 2, 1989 which amended the original Plan Approval and incorporated all the provisions required by EPA's NPR.

II. Summary of SIP Revision Including the Change Made to Secure Final EPA Approval

Philips is a manufacturer of fluorescent light bulbs. The processes at Philips are not regulated by any other Massachusetts regulation and emit more than 100 tons per year VOC; therefore, these processes are subject to 310 CMR 7.18(17). Massachusetts' RACT regulation, 310 CMR 7.18(17), lists the requirements that a facility subject to this regulation must meet; these requirements include continuous compliance, recordkeeping and testing requirements and a requirement that a facility shall not cause, suffer, allow or permit emissions in excess of an emission rate achievable through RACT. The SIP revision for this source includes the 2nd Amendment to the Final Approval/RACT Approval dated November 2, 1989 requiring RACT at Philips. Pursuant to 310 CMR 7.18(17), DEP has determined that RACT for this source is an overall capture and control efficiency of 81% for each line. RACT is being imposed on three coating lines, Units 23, 24, and 25, that coat the inside of raw glass tubes. The DEP is requiring that this percent overall control and capture efficiency be maintained continuously at Philips for each line. The details of the RACT requirement were outlined in the NPR and will not be restated here.

EPA's NPR required that the Plan Approval include monitoring, recordkeeping, and reporting requirements prior to final rulemaking. The DEP's November 2, 1989 2nd Amendment to the Final Approval/RACT Approval satisfies the issues of the NPR by requiring that enforceable monitoring, recordkeeping and reporting requirements be instituted to ensure that 81 percent overall control efficiency is maintained. Since the DEP has addressed the issues raised in the NPR, EPA is approving the 2nd Amendment to the Final Approval/RACT Approval as a revision to the Massachusetts SIP.

III. Public Comments

EPA received one letter of public comment on its proposed approval of DEP's SIP submittal. The comment letter was submitted by the DEP. A summary of the comment and EPA's response can be found below.

Comment: The DEP stated that the original permit (the March 30, 1987 RACT Approval) is sufficient as written to ensure that 81% control efficiency is maintained, and that certain of the monitoring requirements EPA requested in the NPR are infeasible.

Response: This comment is no longer an issue, since the 2nd Amendment to the Final Approval/RACT Approval has incorporated sufficient requirements to assure EPA that the 81 percent control efficiency of the control equipment will be maintained. These requirements include enforceable, monitoring, recordkeeping and reporting requirements.

Final Action

EPA is approving as a revision to the Massachusetts SIP, the Massachusetts 2nd Amendment to the Final Approval/RACT Approval dated and effective November 2, 1989 which defines RACT requirements for the Philips Lighting Company. Pursuant to 310 CMR 7.18(17) Philips is required to comply with DEP's RACT determination.

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.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 26, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

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

Dated: August 13, 1990.

Julie Belaga,

Regional Administrator, Region I.

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

PART 52—[AMENDED]

Subpart W—Massachusetts

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.1120 is amended by adding paragraph (c)(87) to read as follows:

§ 52.1120 Identification of plan.

* * * * *

(c) * * *

(87) Revisions to the State Implementation Plan submitted by the Massachusetts Department of Environmental Protection on November 20, 1989.

(i) *Incorporation by reference.* (A) Letter from the Massachusetts Department of Environmental Protection dated November 20, 1989 submitting a revision to the Massachusetts State Implementation Plan.

(B) 2nd Amendment to the Final Approval/RACT Approval for the Philips Lighting Company dated November 2, 1989.

(ii) *Additional materials.* (A) Nonregulatory portions of the State submittal.

3. Table 52.1167 is amended by adding the following lines:

TABLE 52.1167—EPA-APPROVED RULES AND REGULATIONS

State citation	Title/subject	Date submitted by state	Date approved by EPA	FEDERAL REGISTER citation	52.1120 (c)	Comments/unapproved sections
*	*	*	*	*	*	*
310 CMR 7 18(17).....	Non-CTG RACT determination.	November 2, 1989	August 27, 1990	55 FR.....	87	RACT for Philips Lighting Company in Lynn, MA, dated November 2, 1989.
*	*	*	*	*	*	*

[FR Doc. 90–20143 Filed 8–24–90; 8:45 am]
BILLING CODE 6560–50–M

40 CFR Part 52

[FRL–3825–2]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy for the State Implementation Plan (SIP) for lead and call for revisions.

SUMMARY: In this document, EPA gives notice that it has notified the Governor of Nebraska that the SIP is inadequate to attain the National Ambient Air Quality Standard for lead in Omaha, Nebraska. The Governor has been requested to revise the plan and submit the revisions by December 31, 1991. The purpose of this notice is to advise the public of EPA's action.

DATES: The final plan must be submitted to EPA by December 31, 1991.

ADDRESSES: The information on which this decision was based is available from the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (913) 551–7609 or FTS 276–7609.

SUPPLEMENTARY INFORMATION: On October 5, 1978, EPA promulgated an ambient air quality standard for lead. The standard was set at a level of 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter. On the same date, regulations were promulgated which contain requirements for preparation, adoption, and submittal of implementation plans for lead. On January 9, 1981, Nebraska submitted a plan which was designed to attain the lead standard throughout the state. EPA proposed to approve that plan except as it pertained to Omaha, Nebraska, on August 29, 1983 (48 FR 39089). The reader is referred to the proposed rulemaking for the contents of the Nebraska plan.

Subsequent to EPA's disapproval of the plan pertaining to Omaha, the state submitted various control strategies for the Asarco lead refinery in Omaha. Air quality and emissions data showed evidence that the refinery was the major source of ambient air lead concentrations. EPA approved the Nebraska lead plan for Omaha on August 3, 1987 (52 FR 28695). The reader is referred to the proposed rulemaking published on February 25, 1987 (52 FR 5554), for a description of the Omaha lead SIP requirements.

Ambient air quality data for lead from the Omaha area show that the National Ambient Air Quality Standards were violated in 1988 and 1989, and that the standards were exceeded in the first quarter of 1990. All violations are found in the vicinity of the Asarco refinery. No violations are found in the Council Bluffs, Iowa, area or in other portions of Omaha. Because of the air quality standard violations in the vicinity of the lead refinery and the fact that the

approved lead plan has been implemented, EPA believes that the Omaha lead plan must be revised to provide for attainment of the ambient lead standard.

On August 10, 1990, EPA notified Governor Kay Orr that the Nebraska SIP for lead is substantially inadequate. In order to cure the problem, EPA requested the state to revise the plan as it pertains to the area in the immediate vicinity of the Asarco refinery in Omaha, Nebraska. This is the only portion of the state where EPA has determined that the Nebraska lead SIP is substantially inadequate. The call for the plan revision was issued pursuant to the authority of section 110(a)(2)(H) of the Clean Air Act (42 U.S.C. 7410(a)(2)(H). The revision must meet the requirements of section 110 of the Clean Air Act and the regulations in 40 CFR part 51 issued pursuant thereto (section 110 and section 301 of the Clean Air Act (42 U.S.C. 7410 and 7601)).

Dated: August 10, 1990.

Morris Kay,

Regional Administrator.

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DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 272

[Docket No. R-128]

RIN 2133-AA64

Requirements and Procedures for Conducting Condition Surveys and Administering Maintenance and Repair Subsidy

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This revision of 46 CFR part 272 clarifies and restructures existing regulations concerning requirements and procedures for conducting condition surveys of subsidized vessels and for the administration of maintenance and repair (M&R) subsidy payments to operators of U.S.-flag cargo vessels, where provided under operating-differential subsidy agreements (ODSA). Based on MARAD experience that condition surveys are not always necessary on the occasions specified in the existing regulations, and that they are not appropriate for all ODS vessels, this rule provides that MARAD will exercise discretion in requiring vessel condition surveys, and then only for those subsidized vessels receiving M&R subsidy under their ODSA. This final rule allows an operator 60 days to appeal disallowance of M&R claims and penalites, rather than 30 days as provided in the proposed rule.

EFFECTIVE DATE: This final rule shall become effective on September 26, 1990.

FOR FURTHER INFORMATION CONTACT: Joseph H. Seelinger, Chief, Division of Ship Maintenance and Repair, Office of Ship Operations, Maritime Administration, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone (202) 366-5776.

SUPPLEMENTARY INFORMATION: On August 28, 1989, the Maritime Administration (MARAD) published in the Federal Register (54 FR 35509) a notice of proposed rulemaking (NPRM) proposing to revise its regulations at 46 CFR part 272 relating to requirements and procedures for condition surveys of subsidized vessels and for the determination and payment of M&R subsidy, when provided for under ODSA.

It was proposed that MARAD exercise discretion to require vessel condition surveys on specified occasions, and only for vessels receiving M&R subsidy, rather than requiring such condition surveys for all ODS vessels on the occurrence of these events, as under existing regulations. MARAD's experience in administering condition surveys since the last amendments to these regulations in 1970 indicates that condition surveys are not always necessary on the occasions when now required under current § 272.2.

The NPRM recognized that an item of M&R may have two separable cost components—the cost of a part and the cost of its installation—irrespective of whether the installation of the part occurs at the time the expense for the part is incurred, or at a later time. Consistent with the legislative history of section 606(6) of the Merchant Marine Act of 1936, as amended ("Act"), 46 App. U.S.C. 1176(6), the NPRM clarified MARAD's policy to allow the payment of M&R subsidy for any portion of an eligible repair that is of "domestic" origin, as defined. Accordingly, the cost of a part that is determined to be of domestic origin is considered an expense eligible for M&R, irrespective of where a repair is actually accomplished. The labor cost, to be considered of domestic origin, must be for work performed by a U.S. ship repair facility, a U.S. independent contractor, or by the vessel operator's own shore gang, irrespective of where a repair is actually accomplished.

The NPRM also proposed to restructure the entire part 272 to clarify and simplify the regulations, accomplished in part by additional definitions and the deletion of extraneous provisions concerning internal agency administrative procedures. As proposed, the revision of part 272 included a number of significant procedural changes. There are procedures for appealing the disallowance of M&R items (§ 272.43), obviating the need to refer to an internal MARAD administrative order which is less available to the public than the Code of Federal Regulations or the Federal Register. Another provision (§ 272.15) would disallow a claim for M&R subsidy if an operator fails to comply with various vessel condition survey requirements. The NPRM also required an operator receiving M&R subsidy to repay a portion of such subsidy if the operator has been reimbursed through payment of M&R by an insurer or other person for a marine loss, has permanently gone off subsidy within three years following payment of M&R subsidy for an improvement to the vessel, or has received M&R in excess of the amount allocated by MARAD after examination of M&R of expenses submitted by the operator (§ 272.25).

Discussion of Comments

Four subsidized vessel operators and a trade association representing domestic shipyards submitted comments.

One of the operators believes that the proposed regulations conform to existing law and clarify the practice and procedures to be followed. It urges the adoption of these regulations, with one recommended change. In proposed 46 CFR 272.22, the limit for otherwise eligible expenditures in the nature of improvements that could receive M&R would be increased to $200,000 from $100,000. This operator believes that the increase to $200,000 does not adequately recognize the cost of increases for vessel work in recent years, and recommends that the limit be increased to $300,000.

Two operators that submitted joint comments strongly support MARAD's efforts to clarify the existing regulations. They state that a "location test" for eligibility of M&R items is not consistent with the purpose of section 606(6) of the Act and does not reflect the dynamic nature of foreign waterborne commerce. They allege that the clarified test, *i.e.*, whether the labor and materials content of the repairs is of "domestic origin," would facilitate the expeditious accomplishment of repairs, which is in the best interests both of the

Government and the operators. They state that timely repair is essential to the proper maintenance of a subsidized vessel which, in many instances, is an important asset for U.S. strategic sealift. It is also important for vessels receiving title XI financing. These vessels comprise the Government's security for the guarantees. A requirement to accomplish all repairs in any of the United States (including Puerto Rico) to be eligible for M&R may provide a desincentive for a subsidized operator to perform repairs at a time and in such manner that makes the most sense. The proposed regulations would encourage operators to perform repair work when it is needed, irrespective of location. These operators also support the elimination of required condition surveys on the occurrence of specified events, asserting that these existing mandatory vessel condition surveys do not serve any legitimate policy goals when MARAD has no reason to believe that individual operators are being remiss in maintaining their subsidized vessels. Vessel condition surveys can be expensive and burdensome for the operator, and they strongly support increased reliance on MARAD's discretion in this area.

The fourth operator, while not opposed to the proposed revision of the regulations at 46 CFR part 272, believes that the existing regulations have functioned well. It therefore does not necessarily advocate any revision. Its comments relate to three areas of concern in the regulations, as proposed: (1) They might create a paperwork burden on the operators and an administrative burden on MARAD by duplicating requirements for the production of records by the operator, as well as their review by MARAD with respect to the survey procedures; (2) They fail to recognize and neglect, as do the existing regulations, a significant change in the nature of the subsidized U.S.-flag fleet, namely, the presence of vessels built foreign under special legislation, or section 615 of the Act, which qualify for ODS; and (3) The discretion given to MARAD to impose penalties for non-emergency foreign repairs is not justified.

With respect to the condition surveys, this operator is opposed to giving to MARAD "unfettered authority" to require a survey at "any other time that MARAD considers to be appropriate," in addition to those specific occasions when MARAD may require a survey (§ 272.12). It would prefer that MARAD state other specific occasions when it might require a survey, citing examples. It also takes exception to the provision (§ 272.13(a)) stating that the operator "shall make the vessel immediately available for survey if the vessel is in a port of the United States at the time of notification; or make the vessel available for survey immediately upon arrival at the first port of call in the United States, if the vessel is not in a port in the United States at the time of notification * * *." It alleges that this provision does not recognize the operational requirements of liner vessels, and recommends some alternative language, to include consideration of vessel availability consistent with the vessel's employment and geographic location, rather than reference to the first U.S. port of call.

The operator cites as duplicative the requirement in § 272.13(b) that, in connection with the survey, the operator submit to MARAD ABS reports that are now routinely included with MA–140 submissions. It suggests modifying this provision to require submission only of reports not previously submitted, and objects to the requirement for the submission of treaties and conventions to which the United States is a signatory, which are readily available to the Government. Its objection about duplication of reporting requirements extends to the required submission of repair specifications (§ 272.14(d)) that are periodically submitted with the MA–140.

With regard to conditions in § 272.21(b)(3), relating to off-subsidy repair items, this operator does not understand the reason for the condition that any M&R contained in an off-subsidy survey report is eligible for subsidy if "the vessel is either owned by same operator who owned it at the time of the off-subsidy survey, or ownership was transferred to the Federal Government pursuant to section 510 of the Act."

It suggests some clear statement that M&R items need not be accomplished in a specific repair period unless otherwise required for certification or classification, and that eligible work may be deferred up to the time of the sale of the vessel.

This operator takes exception to a provision in § 272.23 (d)–(f) that failure to take timely action in submitting M&R items and marine loss items (§ 272.24), further documentation (§ 272.41) and appeals (§ 272.43), will result in the related M&R expenses being ineligible for subsidy. It also disagrees with the provision that where an operator has expenses for improvements to be performed in more than one period and fails to give written notice of this under § 272.22, the expenses would be ineligible for M&R. It suggests they should be subsidizable regardless of whether they are performed in more than one repair period.

With respect to MARAD's definition of the required domestic origin for repairs to be eligible for M&R subsidy (§ 272.3), this operator objects to the requirement that labor be performed by U.S. citizens or aliens domiciled in the U.S. (including Puerto Rico), stating that this is without basis in the 1936 Act. It states that some accommodation should be made for the situation where work is performed on foreign-built ships since ships with foreign-built machinery and equipment may require that experts be flown in who are not U.S. residents. Also, it states that the Act does not limit materials to those of U.S. (including Puerto Rico) growth and manufacture, as do the proposed regulations. It asserts that many of the spare parts and materials for foreign-built ships necessarily must be foreign source and therefore should qualify for subsidy. Paragraph (e)(2) of § 272.21, entitled "Spare Parts," provides that spare parts are "eligible for M&R subsidy if * * * [I]ssued by the operator from the Operator's shoreside inventory or issued by direct purchase of a U.S. independent contractor, or U.S. shore gang labor * * *." Again, the operator argues that there should be some accommodation for foreign-built subsidized vessels and states that the criteria for determining U.S. source are unclear.

The operator also questions the reason for the penalty provision in subpart D, and states that, at the very least, consideration should be given to allowing M&R subsidy for the performance of non-emergency repairs when related to emergency repairs.

The trade association representing U.S. shipbuilders states that the proposed rule is bad policy because MARAD is acting contrary to the declaration of policy in the 1936 Act that recognizes the need for efficient facilities in the United States for shipbuilding and ship repair. It claims that adoption by MARAD of the proposed rule would be most harmful to the domestic commercial ship repair industry which has suffered severe financial hardship in the past eight years, and whose decline has had an adverse impact on the ship repair mobilization base. It urges that MARAD tie together the two components of vessel repair, namely, the part and the installation thereof, in determining whether a subsidized operator's expenditure is eligible for payment of M&R subsidy.

Response to Comments

With respect to the comment recommending an increase to $300,000 for expenditures for "improvements" that shall be allowable as M&R, an increase of 200 percent from that in the existing regulations, it has been MARAD's experience in recent years that there have been very few claims for improvements, and that none of these have yet approached $200,000. Absent experience indicating that there will be claimed M&R expense exceeding the proposed increased limitation of $200,000, a further increase cannot be justified, and this final rule adopts the limitation proposed in the NPRM.

By eliminating mandatory condition surveys in the proposed regulations, MARAD hopes to minimize impediments to the operational flexibility of subsidized vessels that receive M&R, while allowing the agency the flexibility to exercise discretion to require a condition survey whenever circumstances reasonably warrant such action. MARAD does not regard this discretion as affording it "unfettered authority," and intends to exercise this discretion in an entirely responsible manner consistent with its recognition of operational constraints and other needs of vessel operators. MARAD's timing of condition surveys will be based on all relevant considerations, including the vessel's employment and geographic location.

In requiring the production of reports and other documents prior to accomplishment of the vessel survey, MARAD recognizes that there may be some duplication in that some reports are routinely submitted with the MA–140. However, we do not regard these requirements as imposing a burden on the operators that exceeds the administrative benefit of relieving MARAD of the necessity of locating these reports from within extensive previous filings of an operator. The final rule clarifies the last provision in § 272.13(a)(2) to reflect the intent to require evidence of compliance with all applicable treaties and conventions to which the United States is a signatory, rather than requiring the submission of the treaties and conventions themselves. The requirement that the operator prepare and furnish to MARAD detailed repair specifications covering all M&R repair work attributable to completed subsidized service, questioned by one operator, is substantially the same as the requirement in the existing regulations (§ 272.6). MARAD cannot discern any added burden imposed on the subsidized operators that would justify shifting to MARAD, with very limited staff in its regional offices, the burden of reviewing all the submissions previously made with the operators' MA–140 filings in order to verify repairs claimed.

The provisions that M&R items contained in an executed off-subsidy survey report are eligible for M&R subsidy only if the work is accomplished before or during the next dry docking period, and that the ownership of the vessel has not changed since the off-subsidy survey, are substantially the same as in § 272.3(b)(2) of the existing regulations. MARAD believes that necessary M&R should be accomplished as promptly as possible in the interest of marine safety and vessel operating efficiency. Requiring that M&R indicated as necessary by an off-subsidy survey be accomplished no later than the next dry docking prevents delays in making needed repairs. The ownership requirement in § 272.21(b)(3) of the NPRM was intended to allow only the subsidized operator of the vessel to receive M&R subsidy for eligible work identified during that operator's ownership.

The NPRM followed existing regulations (§ 272.9(c)) in allowing improvements to be performed in more than one repair period if the operator gives prior written notice to MARAD, as specified, and this provision is being adopted in the final rule (§ 272.22).

Concerning ineligibility of M&R items for subsidy arising from failure of the operator to take timely actions in submitting to MARAD subsidy repair summaries and a status report on approved marine loss items, respectively, the operator would have 20 days from the occurrence of specified events to make these submissions under the proposed regulations. MARAD believes this is sufficient time and, because timely filing of these summaries and reports is essential to proper administration of the program, will retain this provision in the final rule. The M&R items will not be ineligible expenses if the operator can prove that the delay was beyond its control. With respect to a request for intermediate MARAD review of appeal to the Maritime Subsidy Board (Board) of a disallowance of claimed M&R expenses, under the NPRM the operator would have 30 days from specified events to take action, a common provision in administrative proceedings. In the final rule, however, to accommodate operators that might have difficulty in preparing an appeal within those time limits, MARAD will allow those operators 60 days to appeal the disallowance of claimed M&R expenses, as well as penalties, to the Board. (§ 272.43(e)(2)). A provision for penalties for non-emergency foreign repairs appears as a standard provision in the subsidy contracts of operators receiving M&R subsidy, and these regulations merely formalize this procedure. Where an emergency repair has been accomplished that reasonably led to another repair with a direct relationship that was not accomplished merely for convenience, MARAD will consider it to be of the same character. It should be noted that MARAD may mitigate the penalty if special circumstances exist under criteria set forth in § 232.32 of this final rule.

MARAD has modified its definition of domestic origin for labor to require performance by a U.S. ship repair facility, a U.S. independent contractor or by the vessel operator's own shore gang. MARAD does not have the resources to verify the citizenship or residence status of labor employed by these domestic entities, who would be predominately U.S. citizens and resident aliens.

With respect to the domestic origin requirement for materials, MARAD believes that this requirement is consistent with the principal purpose of ODS, which is to reimburse the subsidized vessel operator for the differential between higher cost domestic items and lower cost foreign source items. This rational, as clearly reflected in title VI of the Act, would not support M&R subsidy payment to compensate operators for the cost of foreign source parts or labor that might be necessary to repair subsidized vessels that were built in foreign shipyards under special legislation or section 615 of the Act. To provide M&R subsidy for the cost of foreign source material or labor is clearly beyond the scope of the Act, as well as conceptually askew, since by definition, subsidy is the differential of the foreign cost and domestic cost. If the operator is incurring only the foreign cost, there is no differential and no basis for subsidy.

MARAD recognizes the financial hardships of the domestic commercial ship repair industry, just as it recognizes the difficulties faced by U.S.-flag vessel operators. This rule, however, does not ignore, as suggested by the shipyards' trade association, the underlying policy of section 606(6) of the 1936 Act. Section 606(6) was added as a floor amendment to the 1936 Act in order to ensure that subsidy monies should not benefit foreign labor or shipyards. MARAD's recognition and treatment of the several cost components of a repair are consistent with this and may, in fact,

support purchases from U.S. suppliers that might otherwise not be made.

Analysis of Regulatory Impact

The Maritime Administrator has determined that this is not a major rule under the criteria of Executive Order 12291. It will not result in an annual effect on the economy of $100 million or more. The will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule is not significant within the definition in DOT's Regulatory Policies and Procedures, 44 FR 11034 (February 26, 1979), in part because it does not involve and change in important Departmental policies. Because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, the Maritime Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities.

This rule does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

The rule contains existing reporting requirements, in §§ 272.12, 272.24 and 272.41, which have the approval of the Office of Management and Budget (Approval No. 2133–0007). There are no additional reporting requirements in this rulemaking.

List of Subjects in 46 CFR Part 272

Grant programs—transportation, Maritime carriers, Reporting and recordkeeping requirements.

Accordingly MARAD hereby revises 46 CFR part 272, to read as follows:

PART 272—REQUIREMENTS AND PROCEDURES FOR CONDUCTING CONDITION SURVEYS AND ADMINISTERING MAINTENANCE AND REPAIR SUBSIDY

Subpart A—General

Sec.

272.1 Purpose.
272.2 Scope.
272.3 Definitions.
272.4 Effective date.
272.5 Prior instructions superseded.

Subpart B—Requirements and Procedures for Determining the Condition of Eligible Vessels

272.11 Scope.
272.12 Determining the condition of eligible vessels.
272.13 Operator's responsibilities.
272.13 Survey procedures.
272.14 Execution of condition survey reports.
272.15 Non-compliance with survey requirements.

Subpart C—Eligibility Criteria for M&R Subsidy; Substantiation of M&R Expenses

272.21 General eligibility criteria.
272.22 Improvements and other similar work.
272.23 Examples of ineligible expenses.
272.24 Subsidy repair summaries.
272.25 Requirements for subsidy repayment.

Subpart D—Penalties

272.31 Determination of penalty.
272.32 Mitigation of penalty.
272.33 Appeals.

Subpart E—Examination, Audit, Review, and Appeal Procedures

272.41 Requirements for examination and allocation of M&R expenses.
272.42 Audit requirements and procedures.
272.43 Review and appeal procedures.
272.44 Dates.

Authority: Sections 204(b), 603 and 606, Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1114(b), 1173, 1176); 49 CFR 1.66.

Subpart A—General

§ 272.1 Purpose.

The purpose of this part is to prescribe the requirements and procedures for determining the condition of vessels receiving operating-differential subsidy, to prescribe the requirements for reporting and substantiating maintenance and repair (M&R) expenses, and to establish the criteria and procedures for determining whether a M&R expense is subsidizable.

§ 272.2 Scope.

Except as otherwise provided in subpart B, the provisions of this part apply only to vessels operating under an operating-differential subsidy agreement which provides for the payment of M&R subsidy, except that this part does not apply to any vessel operating under an operating-differential subsidy agreement for the carriage of bulk raw and processed agricultural commodities from the United States to the Union of Soviet Socialist Republics, pursuant to part 294 of this chapter.

§ 272.3 Definitions.

For the purposes of this part:

(a) *Act* means the Merchant Marine Act, 1936, as amended, 46 App. U.S.C. 1101 *et seq.*

(b) *MARAD* means the Maritime Administration, a unit of the United States Department of Transportation, as distinguished from the Board (which is a unit of MARAD).

(c) *Board* means the Maritime Subsidy Board of the Maritime Administration.

(d) *Domestic Origin:*

(1) *Labor.* With respect to labor, Domestic Origin means that the work shall be performed by a U.S. ship repair facility, a U.S. independent contractor, or by the Operator's own shore gang.

(2) *Materials.* With respect to materials, Domestic Origin means that all articles, materials, and supplies shall be of the growth, production or manufacture of the United States.

(e) *Eligible Vessel* means a vessel operated under an ODSA, other than an ODSA subject to part 294 of this chapter, which provides for the payment of M&R subsidy with respect to the operation of that vessel.

(f) *Equipment* means that part of an Eligible Vessel that is not part of the vessel's hull or machinery.

(g) *Expendable equipment* means those articles, outfittings and furnishings that are portable, semi-portable or detachable, that are used in equipping a ship for service and in its normal day-to-day maintenance and operation, and that are subject to casual or gradual deterioration and replacement. It does not include items classified as stores and supplies or Spare Parts.

(h) *Improvement* means work to be performed on an Eligible Vessel which is a modification, alteration, addition or betterment, which may be accomplished separately from M&R, but may be eligible for M&R subsidy pursuant to § 272.22 of this part.

(i) *M&R* and *M&R Subsidy* mean, respectively, maintenance and repairs and maintenance and repair subsidy payable pursuant to section 603 of the Act.

(j) *ODS* and *ODSA* refer, respectively, to operating-differential subsidy provided under an operating-differential subsidy agreement entered into pursuant to title VI of the Act.

(k) *Operator* means any individual, partnership, corporation, or association that enters into an ODSA with the Board pursuant to title VI of the Act.

(l) *Permanent equipment* means Equipment that is, or is intended to become when installed, an integral, permanent, built-in part of the vessel.

(m) *Region Office* means any one of the four Maritime Administration Region Offices in New York, NY; New Orleans,

LA; San Francisco, CA; and Chicago, IL; established pursuant to section 809 of the Act.

(n) *Spare parts* means such items as spare propellers and tailshafts and self-contained operable units of machinery or equipment, as well as those items generally recognized within the maritime industry as Spare Parts.

(o) *United States* means the states of the United States, the District of Columbia and Puerto Rico.

§ 272.4 Effective date.

The provisions of this part apply to voyages of every Eligible Vessel which terminate on or after September 26, 1990.

§ 272.5 Prior instructions superseded.

The provisions of this part supersede any provisions of MARAD Circular Letters and Accounting Instructions applicable to M&R and dated prior to the effective date of these regulations to the extent that the provisions of this part may be inconsistent with the provisions of such prior instructions.

Subpart B—Requirements and Procedures for Determining the Condition of Eligible Vessels

§ 272.11 Scope.

This subpart applies to any Eligible Vessel, other than one operating under an ODSA subject to part 294 of this chapter.

§ 272.12 Determining the condition of eligible vessels.

The Operator of an Eligible Vessel shall make the vessel available whenever MARAD may require, in any of the following instances:

(a) At the commencement of the first subsidized voyage, except for a newly constructed vessel which enters subsidized service immediately upon delivery by the shipyard, and for which there is a prior condition survey report. If that subsidized service commences outside the continental limits of the United States, the vessel may be surveyed at the first United States port of call;

(b) At the commencement of the first voyage following the effective date for M&R subsidy established by MARAD, if such M&R rate was not established at the commencement of the vessel's first voyage;

(c) Upon the discontinuance of a M&R subsidy rate;

(d) Upon resumption of subsidized voyages after temporary withdrawal from subsidized operation. The vessel shall not be considered as having been temporarily withdrawn from subsidized service if it performed unsubsidized voyages in a subsidized service of the Operator;

(e) Upon withdrawal from subsidized service, either temporarily (subject to the provisions of paragraph (d) of § 272.14), or permanently;

(f) During the dry docking period incident to the vessel's American Bureau of Shipping Special Surveys;

(g) Upon termination of the last voyage under the ODSA, or at the end of the contract period, with respect to subsidized vessels in idle status at that time; or

(h) At any other time that MARAD considers to be appropriate.

§ 272.13 Operator's responsibilities.

Whenever MARAD notifies an Operator that a survey of an Eligible Vessel is required under this section, the Operator shall:

(a) Make the vessel immediately available for survey if the vessel is in a port of the United States at the time of notification, or make the vessel available for survey immediately upon arrival at the first port of call in the United States if the vessel is not in a port of the United States at the time of notification; and

(b) Furnish to the Secretary of the Board the following:

(1) A copy of each American Bureau of Shipping report and every other salvage association or damage survey report; and

(2) Copies of certificates or other evidence of compliance with applicable laws, rules, and regulations as to vessel condition and operation, including, but not limited to, those administered by the United States Coast Guard, Environmental Protection Agency, Federal Communications Commission, Public Health Service, or their respective successors, and compliance with all applicable treaties and conventions to which the United States is a signatory.

(Approved by the Office of Management and Budget under control number 2133–0007)

§ 272.14 Survey procedures.

(a) *Prior to survey.* Unless otherwise directed by MARAD, the Operator of a vessel which is required to be surveyed under this subpart shall contact the ship operations unit of the Region Office in which the survey is to be conducted.

(b) *Operator's assistance to surveyor.* The Operator shall assist the marine surveyor performing the survey for MARAD and shall permit access by that surveyor to all parts of the vessel, its log books, and other official records. The Operator may designate a representative to accompany the marine surveyor during the survey, but no Operator's representative is required to be present during the survey.

(c) *On-subsidy surveys.* An on-subsidy survey consists of the following:

(1) *Vessel survey.* This includes an inspection and the completion of reports by the surveyor, in sufficient detail to reveal a comprehensive picture of the conditions noted.

(2) *On-subsidy survey report.* The on-subsidy survey report consists of:

(i) Ship Survey Report, Form MA–58; and

(ii) As appropriate for the circumstances of the survey and the respective vessel, Forms MA–55 (Turbines and Gears Report); MA–56 (Tooth Contact Report); MA–57 (Drydock Report); and MA–59 (Measurements of Piston Rings and Grooves).

(d) *Off-subsidy surveys.* An off-subsidy survey consists of the following:

(1) *Repair specifications.* The Operator shall prepare and furnish to the appropriate Region Office detailed repair specifications covering all repair work attributable to completed subsidized service.

(2) *Off-subsidy survey report.* The survey report for an off-subsidy survey consists of the repair specifications required by paragraph (c)(1) of this section, and the findings of the Region Office on these specifications after the survey required by paragraph (c)(2) of this section.

§ 272.15 Execution of condition survey reports.

Every survey report shall be signed by:

(a) The Operator's representative, when designated pursuant to § 272.13(a), but only if that representative was in attendance during the survey;

(b) The Operator's superintendent engineer or eqivalent;

(c) The marine surveyor who conducted the survey; and

(d) The appropriate representative of the Region Office for the Region in which the survey was conducted.

§ 272.16 Non-compliance with survey requirements.

MARAD may disallow any one or more M&R claims otherwise eligible for subsidy if an Operator fails to:

(a) Contact the appropriate Region Office as required by § 272.14(a);

(b) Comply with provisions of § 272.14(c)(1) with respect to repair specifications, or to make the vessel reasonably available for inspection before its next sailing; or

(c) Comply with any other requirement specified in this subpart B.

Subpart C—Eligibility Criteria for M&R Subsidy; Substantiation of M&R Expenses

§ 272.21 General eligibility criteria.

(a) *Eligible maintenance and repairs.* Costs of maintenance and repair are eligible for M&R subsidy participation if they are:

(1) Performed on an Eligible Vessel;

(2) Necessary, because of subsidized operation, for the M&R or replacement of damaged or worn parts of the vessel's hull, machinery, or Permanent Equipment;

(3) Uncompensated by insurance;

(4) Considered fair and reasonable by the Board;

(5) Of Domestic Origin; and

(6) Otherwise eligible in accordance with provisions of this part.

(b) *Off-subsidy survey items.* Any M&R contained in an executed off-subsidy survey report is eligible maintenance and repair if:

(1) Paragraphs (a) (1) through (6) of this section are met;

(2) The work is accomplished by the Operator before or during the next drydocking period (periodic or otherwise); and

(3) The vessel is either owned by the same Operator who owned it at the time of the off-subsidy survey, or ownership was transferred to the Federal Government pursuant to section 510 of the Act (46 App. U.S.C. 1160).

(c) *Operator furnished items.* In addition to the general requirements of paragaph (a) of this section, the cost of the Operator's materials, supplies, or both, furnished by the Operator which are necessary to the performance of eligible M&R, is eligible for M&R subsidy if:

(1) The items for which the cost was incurred are issued by the Operator from ship's inventory or the Operator's shoreside inventory, or are issued by direct purchase to the ship repair yard, other independent contractor, or shore gang labor; and

(2) No subsidy, whether M&R or otherwise, has previously been paid for such material, supplies, or both; and

(3) The items are of Domestic Origin.

(d) *Costs associated with shore gang labor.* In addition to the general requirements of paragraph (a) of this section, the costs incurred with respect to the Operator's employment of U.S. shore gang labor necessary for the performance of eligible M&R are eligible for M&R subsidy participation only if such costs are:

(1) For direct labor charges;

(2) For eligible Spare Parts, as described in paragraph (e) of this section; or

(3) Incidental to the payment of wages for the direct labor, to the extent that such costs are required by State or Federal law or by collective bargaining agreements.

(e) *Spare parts.* Spare parts are eligible for M&R subsidy if they are:

(1) Necessary for eligible M&R;

(2) Issued by the Operator from the Operator's shoreside inventory or issued by direct purchase to a U.S. ship repair yard, U.S. independent contractor, or U.S. shore gang labor; and

(3) Placed aboard an Eligible Vessel, and

(4) Of Domestic Origin.

§ 272.22 Improvements and other similar work.

(a) *Eligible expenditures.* Any expenditure not in excess of $200,000 for work effected during any one or a series of repair periods, which the Operator and MARAD consider to be an Improvement, is eligible for M&R subsidy if otherwise eligible for such subsidy pursuant to provisions of this Part.

(b) *Capital expenditures.* An expenditure in excess of $200,000 for work effected during any one or a series of repair periods, which is not necessary for maintenance or repair shall be considered to be a capital expenditure, ineligible for M&R subsidy, except that work on an Eligible Vessel which the operator considers to be an Improvement is eligible for M&R subsidy if, before awarding this work:

(1) The Operator submits a written request to the Director, Office of Ship Operations, for consideration of the expenditures;

(2) The Director determines that the work is an Improvement and is technically acceptable; and

(3) The Associate Administrator for Maritime Aids approves M&R subsidy for the work, as appropriate, pursuant to the provisions of title VI of the Act.

(c) *Improvements performed in more than one repair period.* Whenever an Operator desires to spread the work incident to any Improvement over more than one repair period, the operator shall give written notice to the Director, Office of Ship Operations, prior to commencement of the work, as to the scope of work involved, expected benefits, the number of voyages over which the work will be spread and the estimated total cost. The operator shall report in the Subsidy Repair Summary (Form MA–140) the actual total cost of such work, covering the repair period in which it is finally completed, and shall attach a copy of the acknowledgement of such notification to the Form MA–140.

§ 272.23 Examples of ineligible expenses.

Expenses ineligible for M&R subsidy participation include, but are not limited to, the following examples:

(a) *Specialized improvements.* Any expenditure or Improvement required to alter, outfit or otherwise equip a vessel for its intended subsidized service which MARAD determines should have been performed before the initial entry of the vessel into subsidized service;

(b) *Convenience items.* Any expenditure for items that the Region Director determines to be aboard a ship only for the convenience of the Operator or crew members, and which are not considered integral parts of the vessel and are not required for seaworthiness, navigation or the health or well-being of the crew or passengers.

(c) *Unsupported expenses.* Any expense item which the Operator fails to substantiate adequately with documentation, as required by § 272.24.

(d) *Untimely submission.* Any expense included in either a repair summary or supplement which was not submitted by the operator within the required time period for M&R items and Marine Loss items as set forth in §§ 272.24 and 272.41, respectively, unless the Operator can prove that such untimeliness was due to circumstances beyond the Operator's control.

(e) *Untimely requests for review.* Any disallowed expense item for which the Operator fails to make a timely request for review, as required by § 272.43.

(f) *Untimely appeals.* Any expense item disallowed in the final determination by the Director, Office of Ship Operations, for which the Operator fails to make a timely appeal to the Board, pursuant to § 272.43.

(g) *Absence of notice of multi-repair period Improvements.* Any expenses for an Improvement extending over more than one repair period in which the Operator did not notify the Director, Office of Ship Operations, as required by § 272.22(c).

(h) *Cargo expenses.* Any expense of special cargo fittings of a temporary nature, dunnage, ceiling, battens, the cleaning of cargo holds and tanks for cargo, the reading and certification of temperatures for refrigerated cargoes, and similar expenses.

(i) *Stevedore damage.* Any expense or any damage to the vessels or cargo gear directly attributable to a stevedore.

(j) *Rented equipment.* Any expense for the rental of Permanent or Expendable Equipment, such as compressors, paint floats, and other similar items for use by shore gangs or ship's crew on repair or other work, radar, radio telephones, and

other similar items for use by ship's crew in ship operations.

(k) *Special requirements for trade routes.* Any expense for the initial installation of equipment necessary for the vessel's particular trade route, such as Suez Canal davits, which should have been installed before the entry of the vessel into the particular subsidized service.

(l) *General operating expenses.* Any expense for the loading of stores, the landing and sorting of laundry, pilot service, tug charges, removing surplus equipment to warehouses, and other similar expenses which do not involve actual maintenance and repair.

(m) *Items attributable to unsubsidized operations.* Any item of maintenance or repair that is clearly attributable to unsubsidized operation, including expenses noted in on-subsidy surveys for repairs which clearly should have been made before departure from the last United States port on the first voyage:

(1) In subsidized service, or

(2) Upon resumption of subsidized operation following temporary withdrawal.

(n) *Overdue classification and inspection requirements.* Any expenses for work required by a classification society or an agency of the Federal Government, which was due (irrespective of any grace period granted) and not completed before the first voyage:

(1) In subsidized service, or

(2) Upon resumption of subsidized operation following temporary withdrawal, except when such work is attributable to prior subsidized service.

(o) *Foreign maintenance and repairs.* Any expense for any item of M&R, including insurance repairs, that is not of Domestic Origin.

(p) *Marine or other loss.* Any part of an expense or a repair which is recovered or recoverable from an insurer or another party.

(q) *Consumables, expendables.* Any procurement expense for consumables, expendables, and Expendable Equipment, when used or installed by ship's crew or furnished for inclusion in ship's inventory, and any expense for maintenance, repair, or replacement of Expendable Equipment.

(r) *Excessive costs.* Costs for M&R which MARAD considers excessive, after allowing the Operator an opportunity to present all relevant facts pertinent to such costs.

(s) *Overhead costs.* Any expense included in shore gang labor charges which is an overhead item, as prescribed by 46 CFR part 232—Uniform Financial Reporting Requirements.

(t) *Guarantee items.* Any expense for an item adjudged or noted as being a guarantee item of a construction or repair contractor.

§ 272.24 Subsidy repair summaries.

(a) *Filing requirements.* The Operator of an Eligible Vessel shall submit to the appropriate MARAD regional Ship Operations Office a Subsidy Repair Summary (Form MA–140) for each quarter of a calendar year in which one or more of the Operator's Eligible Vessels (including any vessel which has been temporarily withdrawn from subsidized service) terminates a voyage. This quarterly report shall include supporting documents and information, as described in paragraph (c) of this section. This summary may be for either a single voyage or multiple voyages, and shall be filed not later than 120 days after:

(1) The close of the calendar quarter in which a voyage is terminated, or

(2) The date the reported vessel is temporarily or permanently withdrawn from subsidized service.

(b) *Form requirements.* MARAD will make available one copy of Form MA–140 upon request. Each Operator shall furnish its own supply of the form and prepare each form for submission. Information on any Form MA–140 shall pertain to only one vessel. The Operator's superintendent engineer or other responsible official shall certify every summary submitted by an Operator in the following manner:

This is to certify that, to the best of my knowledge and belief, and based on recorded entries through (*Date*), this is a true and correct statement of repair and maintenance expenditures for the period stated, and that the repair and maintenance items indicated as eligible for subsidy participation are reasonably attributable to service subsequent to commencement of the first voyage under the Operating-Differential Subsidy Agreement and were necessary, satisfactorily completed, and the price is fair and reasonable (exceptions are listed on separate page).

(c) *Categorization.* The Operator shall exercise due diligence in identifying each item in the Form MA–140 within the following three separate categories:

(1) *Claimed for subsidy.* This includes the following:

(i) M&R

(ii) Spare Parts

(iii) Improvements

(2) *Marine loss.* If any M&R expense is incurred because of marine loss, the Operator shall list such an M&R expense under this separate category, and shall exclude such expense from the totals for the "Claimed for Subsidy" and "Non-Subsidized Items" categories provided for in this section.

(3) *Non-subsidized items.* This category shall include builders' guarantee items, foreign repairs, and other items of M&R expense not claimed for subsidy.

(d) *Required supporting documents and information*—(1) *General.* The Operator shall support every item in the Form MA–140 with documents or other information, in sufficient detail to permit MARAD to determine the fairness and reasonableness of the prices for the submitted work. With respect to any claims for M&R performed outside the United States, the Operator shall submit with the claim a certificate, signed either by the Operator (if it uses its own shore gang labor or materials from its own inventory) or by an official of the ship repair yard or the independent contractor performing the work, stating that the M&R were performed with materials, labor, or both, of Domestic Origin.

(2) *U.S. Independent contractors.* If a U.S. independent contractor performed M&R work, the Operator shall support each such expense with one copy of the contractor's invoices covering the work performed. If an invoice is not itemized and fully descriptive of the work performed with item prices then the Operator shall attach to the contractor's invoice other supporting documentation, such as specifications, prepared in sufficient detail to permit a determination of the fairness and reasonableness of the prices for each segment of the work performed.

(3) *Operator's shore gang.* If an Operator's own U.S. shore gang has performed any M&R work, the Operator shall submit with the Form MA–140 specifications covering that work, prepared in sufficient detail (including the material and labor cost of each item) to permit a determination of the specific cost of each segment of work performed.

(4) *Operator furnished material.* Whenever an Operator furnishes to a contractor material obtained either from the Operator's own ship stores or shoreside inventory, or by direct purchase for a specific job, the Operator shall include on the invoice, requisition form or other form of transfer memorandum the item number for which the material was used and the contract number covering the work performed.

(5) *Spare parts.* The Operator shall ensure that the invoice covering any Spare Part for an Eligible Vessel which is to be used or installed as an integral, permanent part of the vessel, indicates the specific piece or part of the vessel's hull, machinery, or Equipment for which the Spare Part was obtained.

(6) *Foreign repairs.* Operators receiving M&R subsidy shall submit copies of all U.S. Customs entry forms detailing foreign expenditures on behalf of Eligible Vessels. The copies shall include all expenditures made during the quarter.

(Approved by the Office of Management and Budget under Control Number 2133–0007)

§ 272.25 Requirements for subsidy repayment.

(a) *Repayment of M&R subsidy for compensated marine or other loss.* If an Operator eventually receives compensation from an insurer or any other person for a marine loss or any other loss for which M&R subsidy has been paid, the Operator shall repay to MARAD an amount equal to the amount of subsidy paid with respect to that loss.

(b) *Repayment of M&R subsidy for Improvements—three year service requirement.* If, within three years after the completion of an Improvement for which M&R subsidy was paid, the Operator permanently withdraws the Eligible Vessel from the ODSA, the Operator shall repay to MARAD an amount equal to the amount of M&R subsidy paid with respect to that Improvement unless MARAD shall have determined that such action was beyond the control of the Operator.

(c) *Repayment of M&R subsidy due to allocation of costs.* If the allocation of total M&R costs required by § 272.41(e) of this part results in the allocation of a lesser amount of subsidizable M&R costs than were actually paid for during the calendar year, the Operator shall repay to MARAD the amount of ODS which was paid in excess of the allocated subsidizable costs.

(d) *Administrative action.* If an Operator fails to repay an M&R subsidy required to be repaid by this section, MARAD may either reduce any ODS payable by the amount of M&R subsidy required to be repaid by this section, or take any other action necessary to secure repayment.

Subpart D—Penalties

§ 272.31 Determination of penalty.

Operators whose Eligible Vessels have undergone foreign repairs, which MARAD determines are non-emergency in nature, may be subject to a penalty in an amount equal to the total cost (exclusive of applicable U.S. Customs duties) of such foreign repairs and purchases, such penalty to be effected by a deduction from the Operator's total ODS otherwise accrued. The Director, Office of Ship Operating Assistance, shall notify the Operator by letter with respect to:

(a) MARAD's determination of a penalty and the reasons therefore; and

(b) Whether the determination is final or subject to the submission of additional information.

§ 272.32 Mitigation of penalty.

The Director, Office of Ship Operating Assistance, may decide, after a non-emergency foreign repair occurs, to mitigate the penalty. Any mitigation of penalty shall be based on a determination that special circumstances existed at the time of repair. The Director shall not consider the difference in the price of foreign and domestic repair work in making this determination, and shall not grant prior approval of foreign repairs. In determining whether special circumstances existed, the Director shall consider, among others, the following factors:

(a) The trading area of the vessel both before and after the repair was performed;

(b) Loss of revenue and effect on vessel utilization if the vessel had returned to the United States for repairs;

(c) The additional operating expense which would have resulted from a return to the United States to repair the vessel; and

(d) Whether the repairs could have been deferred until return to the United States, taking into consideration the Coast Guard requirements for dry docking and special surveys.

§ 272.33 Appeals.

The Operator may appeal final penalty determinations of the Director, Office of Ship Operating Assistance, to the Board, as provided in § 272.43(c) of this part.

Subpart E—Examination, Audit, Review and Appeal Procedures

§ 272.41 Requirements for examination and allocation of M&R expenses.

(a) *Examination requirement.* Pursuant to the specific limitations on M&R subsidy in section 603 of the Act, the Region Office shall examine the expenses submitted by an operator on Form MA–140 in order to determine eligibility to receive M&R subsidy and the reasonableness of such expenses.

(b) *Operator's responsibility.* During the examination, the operator shall provide, at the request of the Director or other official of the Region Office, any further documentation or information necessary to support an M&R expense. If such documentation or information, including information required under paragraph (e) of this section, is not received at the Region Office on a timely basis, the Director or other official of the Region Office may disallow the M&R expense.

(c) *Notification of examination results.* At the completion of the examination the Director or other appropriate official of the applicable Region Office shall notify the Operator by letter of the results of the examination, and shall state the reason for each disallowance of an item claimed for subsidy and/or each nonapproval of a marine loss item.

(d) *Record retention requirements.* To facilitate an audit examination of M&R made pursuant to § 272.42 of this part, the Operator shall maintain files arranged by vessel and voyage, which shall include, at a minimum, a copy of the Region Office notice letter, a copy of the Form MA–140 with all supporting documents submitted therewith, and the condition survey report. The Operator shall retain all the required materials in files for not less than 3 years after completion of the audit.

(1) *Limitation on approval.* Any approval for payment of M&R subsidy for a marine loss item shall be subject to rescission or modification if the Operator subsequently receives insurance or other compensation for the item. The Region Finance Officer may at any time request verification that the Operator has not received such compensation.

(2) *Status report on approved marine loss items.* The Operator shall advise the Region Finance Office by letter as to whether insurance or other compensation will be recovered for the marine loss item. The Operator is responsible for ensuring that the letter reaches the applicable Region Office within 120 days after:

(i) The date on which all repairs for damage attributed to the "Policy Voyage" (as defined in the Operator's insurance policy) are completed, when the amount for such repairs does not exceed the franchise or deductible of the policy, or

(ii) The date of the underwriter's rejection of the Operator's marine loss insurance claim or claims.

(e) *Allocation of costs.* An Operator shall allocate total M&R costs if an Eligible Vessel terminates voyages during the calendar year which were made:

(1) In more than one subsidized service; or

(2) In a subsidized service as well as in an unsubsidized service while under an ODSA;

(f) *Manner of allocation.* The Operator shall allocate the total M&R costs of the vessel, which have been approved by

MARAD, to all voyages terminating during the calendar year according to the ratio which the number of days in each voyage (determined in accordance with part 281 of this chapter) bears to the total voyage days of the vessel during the year. The Operator shall keep a record of these allocations and make these records available for any audit conducted pursuant to this part.

(g) *M&R subsidy payment.* During any year in which the Operator is required to allocate total M&R costs, as described in paragraph (f) of this section, and if the other requirements of this part are satisfied, the Operator shall be eligible to receive M&R subsidy payments for repairs charged to each voyage at the rates determined by the Board as applicable to the service, and on the basis authorized by the ODSAs.

(Reporting and recordkeeping requirements contained in paragraph (d) introductory text were approved by the Office of Management and Budget under Control Number 2133–0007)

§ 272.42 Audit requirements and procedures.

(a) *Required audit.* MARAD shall audit the Operator's M&R costs, as necessary, in conjunction with the audit of the Operator's subsidizable expenses for the determination of final subsidy rates. The Operator shall substantiate those costs recorded on the books of account which have been approved by the Administration.

(b) *Notification of audit results.* Upon completion of the audit, the Office of Financial Approvals of MARAD shall notify the Operator of the audit results, including the items disallowed and the reasons for such audit disallowance.

§ 272.43 Review and appeal procedures.

(a) *Exclusive procedures.* Notwithstanding the audit appeal procedures of part 205 of this chapter, the provisions of this section shall be the exclusive remedy available to an Operator for the review and appeal of any disallowance of subsidy for a M&R expense claimed or any penalty assessed pursuant to § 272.31.

(b) *Request for review.* An Operator may request review by:

(1) The Director, Office of Ship Operations, with respect to any disallowance by the Region office of a claimed M&R expense, after receiving the notification required by § 272.41(c); or

(2) The Director, Office of Financial Approvals, with respect to any disallowance of a claimed M&R expense, after receiving the notification required by § 272.42(b).

(c) *Timeliness of request.* The Operator shall file all requests for review pursuant to paragraph (b) of this section within 60 days after the date of the audit notification. Any disallowance with respect to which the Operator fails to file a timely request for review shall be final and shall not be subject to appeal to the Board pursuant to paragraph (e) of this section.

(d) *Notification of review determination.* The appropriate MARAD Office Director shall notify the Operator by letter, with respect to each timely filed review request, of the Director's determination and the reasons for each disallowance and whether the determination is final or subject to the submission of additional information.

(e) *Appeal to the Maritime Subsidy Board*—(1) *Right to appeal.* An Operator may appeal a MARAD Office Director's final determination issued pursuant to § 272.32 (penalties) or § 272.43 (review of claims disallowance or of audit results) of this section to the Board in writing.

(2) *Contents and timeliness.* The Operator shall set forth in any appeal the reasons for the Operator's objection to a penalty or disallowance of M&R subsidy and shall file such appeal with the Secretary of the Board within 60 days after the date of the notification sent to the operator by the appropriate Director pursuant to paragraph (d) of this section or § 272.33.

§ 272.44 Dates.

The dates noted on the letters or notifications sent to the Operator by officials of the Region Office, any Director or any other official or MARAD, pursuant to the provisions of this part, shall be conclusive for the purposes of determining the timeliness of any requests for review made under the provisions of this part.

By Order of the Maritime Subsidy Board/ Maritime Administrator.

Dated: August 21, 1990.

Joel C. Richard,

Assistant Secretary.

[FR Doc. 90–20071 Filed 8–24–90; 8:45 am]

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46 CFR Part 390

[Docket No. R–120]

RIN 2133–AA65

Capital Construction Fund

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: This rule conforms Maritime Administration (MARAD) regulations at 46 CFR part 390 to provisions concerning its administration of the Capital Construction Fund (CCF) program contained in the Tax Reform Act of 1986. This rule also clarifies which uses of qualified agreement vessels are permissible operations and which are nonqualified operations. It expands the range of permissible investments for CCF assets to reflect present commercial practices, substitutes an annual financial reporting requirement for an existing semiannual requirement, and amends the "Buy American" requirements to be consistent with those in MARAD's vessel obligation guarantee program (Title XI), thus allowing U.S.-flag vessels to be more competitive with foreign-flag vessels.

EFFECTIVE DATE: This rule is effective September 26, 1990.

FOR FURTHER INFORMATION CONTACT: Ms. Jean E. McKeever, Chief, Division of Capital Assets Management, Maritime Administration, 400 Seventh Street, SW., Washington, DC 20590, telephone (202) 366–1905.

SUPPLEMENTARY INFORMATION:

CCF Program

Under section 607 of the Merchant Marine Act, 1936 (Act), as amended, 46 app. U.S.C. 1177, an owner or lessor of an "eligible" vessel may, pursuant to an agreement with the United States, establish a CCF. Generally, a vessel is eligible if it is constructed or reconstructed in the United States, documented under the laws of the United States and operated in the foreign or domestic commerce of the United States. The vessel owner or lessor may then deposit into the CCF certain amounts representing taxable income from such eligible vessel, depreciation on such vessel, net proceeds from the disposition of such vessel, and earnings on amounts held in the CCF.

Taxation is deferred on amounts deposited into the CCF. Taxation is also deferred on amounts withdrawn from the CCF to the extent they are used to purchase, construct, reconstruct or retire indebtedness on a "qualified" vessel. Generally, a vessel is qualified if it is constructed or reconstructed in the United States, documented under the laws of the United States, and operated in the United States foreign, Great Lakes or noncontiguous domestic trade. The basis of the qualified vessel is reduced to reflect the amount of tax-deferred funds withdrawn from the CCF to purchase, construct, reconstruct or retire indebtedness on such vessel. The provisions of section 607 of the Act are implemented in the regulations

contained in 46 CFR parts 390 and 391. The regulations in 46 CFR part 390, "Capital Construction Fund," govern the administration of the CCF as authorized by section 607 of the Act. The regulations in 46 CFR part 391, "Federal Income Tax Aspects of the Capital Construction Fund," provide the procedures for determining the income tax liability of any party to a CCF agreement with the United States, and are prescribed and administered jointly by the Secretaries of Transportation and Treasury. These regulations are generally referred to as "joint regulations."

This rule reflects changes in the regulations in 46 CFR part 390 to conform to provisions in the Tax Reform Act of 1986 (Public Law 99–514). It contains policy changes with respect to financial reporting and "Buy American" requirements, and clarifies qualified operations and the extent of nonqualified operations for qualified CCF vessels. It also broadens the range of permissible investments for CCF assets. The Maritime Administration and the Internal Revenue Service will publish a separate proposed joint rule-making document amending 46 CFR part 391.

Departmental Reports to Treasury

Under existing regulations, there is no requirement to report to the Secretary of the Treasury. Under proposed 46 CFR 390.14, which reflects section 261(d) of the Tax Reform Act of 1986, the Secretary of Transportation is required to make an annual report to the Secretary of the Treasury regarding the establishment, maintenance, and termination of capital construction funds. The report would also include a determination as to whether a fundholder has failed to fulfill a substantial obligation for vessel construction, reconstruction or acquisition under a CCF agreement.

Buy American Requirement

The existing regulations at 46 CFR 390.9(c)(2) include a "Buy American" requirement which provides that, so far as practicable, qualified withdrawals must be for items produced in the United States. Under the current provision, the cost of a foreign component of a vessel cannot be allowed as a qualified withdrawal unless MARAD approves a waiver. Currently, MARAD will not approve the waiver unless the article, material or supply is not customarily produced in the United States or, with respect to other than major components of the hull, superstructure, and any material used in the construction thereof, compliance with the U.S. origin requirement would unreasonably delay completion of a vessel beyond its contract delivery date.

This rule eliminates the current "Buy American" requirement and provides that a vessel is to be considered of United States construction if it is built entirely in a U.S. shipyard, all components of the hull and superstructure are fabricated in the United States, and the vessel is assembled entirely in the United States. Other components may be of foreign manufacture without need for waiver by MARAD. This policy is consistent with that which is applied under MARAD's obligation guarantee (Title XI) program, set forth at 46 CFR 298.11.

Financial Reporting Requirement

The existing regulations at 46 CFR 390.6(b)(2) require the submission of semi-annual and annual reports by each party to a CCF agreement. In order to relieve the administrative burden on the parties to CCF agreements, this rule eliminates the semi-annual reporting requirement, while retaining the requirement for an annual report.

Investment of the Fund

The existing regulation at 46 CFR 390.8 defines the scope of permissible investments, including the quality of securities, restrictions on the type of stock in which a company may invest, related company investments and miscellaneous prohibited activities. This rule adds an investment category for unrated securities, broadens the rating criteria to include commercial paper, and clarifies the reference to highest grade ratings.

Nonqualified Operations for Qualified Agreement Vessels

The present regulatory provisions at 46 CFR 390.5, defining qualified agreement vessels, do not identify and define or describe nonqualified operations for qualified agreement vessels. This rule sets forth a definition and description of nonqualified operations.

Operation in Nonqualified Trades

The existing regulations, at 46 CFR 390.12, provide for the payment of liquidated damages for each day that a qualified agreement vessel is in violation of geographic trading restrictions set forth in the Act and in the existing regulations at 46 CFR 390.5. This rule continues that requirement.

Prior Rulemaking Action

On October 31, 1988, (53 FR 43907) MARAD published a notice of proposed rulemaking (NPRM) in the Federal Register that proposed to amend certain provisions in 46 CFR part 390 as referenced above. The NPRM included a proposal to amend 46 CFR part 390 by specifically allowing the use of CCF monies for vessel leasehire payments, to be considered a qualified withdrawal.

MARAD received written comments from 13 interested parties in response to the NPRM. After reviewing these comments insofar as they relate to the leasehire issue, and after consulting with the Internal Revenue Service and soliciting Congressional guidance, MARAD has determined that finalization of the regulatory amendments concerning this matter is not possible at this time because implementing legislation is necessary. Therefore, the leasehire issue will be the subject of a separate rulemaking action at a later date, after enactment of such legislation.

MARAD has carefully considered the substance of all other comments resulting from the NPRM and they are discussed below. The comments also addressed certain issues not directly within the scope of the NPRM but related thereto. MARAD has considered the comments on those issues and has included them, as appropriate, in drafting this rule. All comments are discussed hereinafter by section, with the exception of any issue relating to the qualified use of CCF monies for leasehire payments.

Section 390.5(c)(2)—Scope of the Term "Qualified Agreement Vessel"

Comments: One commenter recommends that MARAD permit the use of a CCF to pay for shoreside container cranes and terminal container-handling equipment, where the purpose of such cranes and equipment is to load and discharge containers to and from qualified vessels. The commenter noted that the regulations already permit the use of CCF to make payments for container-handling equipment, such as shipboard cranes and ro-ro ramps. For non-self-sustaining vessels, the equipment is onshore. The commenter argues that it is logical to permit CCF payments for such equipment as long as the vessels serviced by such equipment are qualified vessels.

Response: MARAD agrees with the logic of the commenter's recommendation. It makes no sense to differentiate between onboard container-handling equipment and onshore container-handling equipment. However, MARAD believes that legislation is required in order to amend the statute to include shoreside container cranes and terminal container-

handling equipment within the scope of the term "qualified agreement vessel." Therefore, the regulation cannot be amended at this time.

Section 390.5(c)(6)—Nonqualified Operations for Qualified Agreement Vessels

Comments: Two commenters argue that is undesirable to specifically define or describe nonqualified operations for qualified agreement vessels because it would unnecessarily restrict the industry operating environment. If specific uses are prohibited by law and decisional authority, these prohibited uses speak for themselves.

One commenter argues that no domestic operations should be allowed for CCF vessels since such operations would penalize operators who have made substantial capital investments in vessels designed for domestic use. If MARAD allows some domestic operations, then the regulations should make clear that qualified vessels may engage in ship assist operations only to the extent that the vessels which they assist are operating in qualified trades. It states that qualified vessels should be allowed to assist both U.S.-flag and foreign-flag vessels engaged in these trades. If the number of vessels engaged in foreign and noncontiguous domestic trade series from season to season, it may not be economically feasible to acquire a vessel for ship assist work with CCF monies. Therefore, this commenter believes that in order to support foreign commerce with ship assist vessels, MARAD should consider the overall operation of such vessels and, if more than half of the total assists are in support of vessels engaged in qualified trades, then the assist vessels should likewise be considered as operating in qualified trades. This commenter indicates that there is a question as to whether bunkering (providing fuel to vessels from other vessels) would be a permissible service, since it comes within the scope of "ship assist" work. The commenter states that it may not always be economically feasible for bunkering vessels to restrict their operations to assisting only those vessels operating in qualified trades, and the payment of liquidated damages takes away any tax-deferred benefit the assist vessel may have.

Another commenter makes the same argument with regard to bunkering, but adds that there is a question as to whether bunkering differs from lightering (partially unloading a large vessel into smaller vessel), the latter being a permissible operation for qualified vessels. Lightering is essential to the transportation of bulk dry and liquid cargoes and thus comes within the scope of section 905(a) of the Act. Bunkering entails the transportation of liquid bulk cargoes, but the objective is to fuel a ship rather than loading or discharging cargo. The commenter states that approval of use of CCF monies for vessels engaged in bunkering should be determined on a case-by-case basis, taking into account a particular port's requirements.

The proposed amended regulation included trade to and from U.S. oil rigs in international waters as nonqualified operation. Two commenters recommend that the phrase "from foreign ports" be inserted before the words "to and from oil rigs in international waters" to make clear that noncontiguous movement from U.S. ports to U.S. oil rigs in international water is permitted.

One commenter argues that MARAD should clarify that agreement vessels operating between foreign ports are engaged in qualified operations where they operate as part of U.S.-flag service in foreign trade and carry cargo originating in or destined for U.S. ports. This commenter, as well as two others, argues that, in any event, MARAD should clarify that qualified vessels operating between foreign ports are engaged in permissible operations where there is an intermediate U.S. foreign commerce operation, i.e., a call at a U.S. port or ports, as part of the foreign-to-foreign trade.

Response: MARAD believes that it is necesssary to define nonqualified operations so that both CCF and non-CCF companies understand the parameters within which qualified vessels can operate. Otherwise, the competitive environment will be difficult to ascertain. MARAD does not believe that it would be fair to domestic operators to permit ship assist work by qualified vessels in support of domestic operations, even if such assist work comprises less than half of the assist work performed by the vessel. Moreover, MARAD does not agree that qualified vessels should be permitted to assist foreign-flag vessels, with the exception of lightering vessels. In this case, MARAD believes that lightering is an operation that facilitates competition by U.S.-flag vessels with foreign-flag operators, and should be permitted.

As to bunkering, the amended regulation clarifies that this service falls within the scope of "ship assist work" that is nonqualified. Bunkering is significantly different from other types of ship assist work such as that performed by harbor tugs and lightering vessels. These tugs and lightering vessels are permitted on the basis that they are engaged in qualified trade so long as the vessel being assisted is on a qualified trade voyage. The tugs and lightering vessels are directly involved in moving the cargo that has been transported in qualified trade. However, the cargo on board a bunkering vessel (bunker fuel) is being transported only within the same harbor and, therefore, the vessel is not engaged in non-contiguous domestic trade.

MARAD has amended the regulation to clarify that non-contiguous movements from the United States to U.S. oil rigs in international waters are considered qualified trade by adding the phrase "from foreign ports" before the words "to and from oil rigs in international waters." MARAD does not agree that a strictly foreign-to-foreign trade should be a permissible service for a qualified U.S.-flag liner vessel, since it would not fall within the scope of section 905(a) of the Act. The regulation retains the provision that foreign-to-foreign trade is impermissible unless there is an intermediate segment in the U.S. foreign commerce, i.e., a call at a U.S. port. It clarifies that vessels may operate as part of U.S.-flag service in foreign trade and carry cargo originating in or destined for U.S. ports, i.e., U.S.-flag feeder vessels.

Section 390.5(c)(7)—"Buy American" Requirements

Comments: Only one commenter objects to MARAD's proposed regulatory change with respect to the "Buy American" provisions for the CCF program. This commenter argues that the policy behind the CCF program is to support America's shipbuilding industry, which includes not only the yards that fabricate the hulls of the ships but also the shipyard suppliers. In many types of ships, the value of the machinery and equipment exceeds the value of the hull, and aid to only the hull fabricators would provide assistance to less than half the industry which Congress seeks to support. This commenter states that the proposal to eliminate the "Buy American" requirements would be contrary to the purpose of the Act and the regulations, and harmful to the shipbuilding industrial base and the merchant marine.

Eight commenters support the MARAD proposal. One of them recommends clarifying language to indicate that the reference to section 505 of the Act does not include those sentences in section 505 referring to construction-differential subsidy.

Response: This rulemaking contains the revision to the "Buy American" provisions as originally proposed,

together with the suggested clarification concerning section 505 of the Act, and is consistent with MARAD's Title XI Regulations (46 CFR 298.11). The Title XI "Buy American" regulation is intended to allow owners of new U.S.-flag commercial ships to purchase vessels containing less costly and/or higher quality foreign-manufactured materials and components so that these ships can be more competitive with foreign-flag carriers and more efficient in domestic trade operation. The revision of the CCF "Buy American" provisions is intended to accomplish the same objectives with regard to the operation of CCF vessels in qualified trades.

Section 390.8—Investment of the Fund

Comment: One commenter recommends that the present regulations governing the scope of permissible investments be amended to provide internal consistency and bring them current with present credit-rating practices. First, an investment category should be added for unrated, unsubordinated obligations of a party whose unsecured debt rating or commercial paper rating is of a certain level. The commenter suggests that this change is desirable because many credit-worthy entities issue securities which are not rated.

Second, the commenter recommends that the rating criteria be broadened to include a company's commercial paper rating. Some companies do not have rated senior securities outstanding but do have commercial paper outstanding. The commercial paper ratings are contained in "Moody's Bond Record" which is published each month by Moody's Investor Service, Inc.

Finally, the commenter recommends that a clarification be made as to what is meant by the highest grade rating by Moody's Investors Service and one of the two highest grades by Standard and Poor's. The commenter believes that the intent is to include commercial paper rated "Prime" by Moody's and "A" or "B" by Standard and Poor's.

Response: MARAD agrees that the recommended changes would reflect present commercial practices and would benefit fundholders. Since the changes would not affect the safety of CCF investments, MARAD has amended this regulation accordingly.

Section 390.12—Liquidated Damages; Calculation of Liquidation Damages

Comments: One commenter recommends that the formula for determining the amount of liquidated damages payable by a fundholder for operation in violation of the geographic trading restrictions should be revised since many of the factors on which the formula is based have changed substantially. Specifically, the formula should reflect the current effective tax rate of 34 percent and an interest rate of 8 percent. Most importantly, the period and reversal of the deferred tax should be based on the depreciable period and method of allowable depreciation, which would be a 10-year life using the double-declining balance method, switching to straightline in the seventh year. The commenter suggests a method which will result in a substantially lower daily rate of liquidated damages.

Response: MARAD believes that the existing formula is appropriate and should be retained. The existing formula attempts to place a fundholder in its pre-fund tax position. The existing calculation is conservative in its valuation of tax benefits attributable to a CCF and begins with the date of vessel delivery, instead of using CCF deposit dates. This approach results in the lowest tax benefits since there is no compounded time valuation for tax benefits from the dates of deposit to the vessel delivery date. For consistency, a conservative depreciation method should be used in concordance with the valuation of tax benefits. The existing formula uses straight line depreciation over the MARAD-determined life of the vessel. After consideration of the one comment received, MARAD has decided not to adopt the suggested calculation.

MARAD is not changing the tax rate in the formula to the current rate to 34 percent, as suggested by the commenter. To change the rate would require future changes if the tax rate changes again and these could be administratively burdensome. The present rate of 30 percent in the formula is a reasonable average of the rate over time and is, therefore, being retained.

Incidental Operation in Nonqualified Trades

Comments: One commenter suggests that what is or is not "incidental usage" should be based on all of the qualified vessels owned by a fundholder and not on each qualified vessel. For example, the operation of a vessel 30 percent of the time in nonqualified trades might be considered more than incidental in the case of a fundholder owning only one vessel. However, another fundholder may own 25 qualified vessels and use one in nonqualified trades 30 percent of the time and that 30 percent use of one vessel may be incidental when compared with the use of all 25 vessels.

Three commenters indicated that the phrase "strictly incidental" should be defined. A fundholder should be in a position to operate or not to operate according to a clearly fixed standard.

Two commenters recommended that two situations should be specifically allowed, with the appropriate payment of liquidated damages: First, the operation of a qualified vessel in a contiguous trade which is secondary to the vessel's primary operation in a qualified trade, and, second, a vessel not originally constructed but reconstructed with CCF and employed in the contiguous trades. If an otherwise domestically qualified vessel cannot re-enter the contiguous trade, whether on a secondary basis or upon a decline in the permissible trade, by paying appropriate liquidated damages, such a vessel will be forced into premature retirement.

One commenter argues that there is a wide area of operation which falls between an intended flouting of the scope of statutorily intended vessel usage and a limitation of operator usage under the proposed regulation. The commenter states that the regulations should not prevent operations incidental to statutorily authorized operations under a narrow standard of "operating necessity."

One commenter indicates that the provision in the NPRM concerning liquidated damages would codify that commenter's understanding of existing MARAD policy which provides that the payment of liquidated damages does not convert a nonqualified operation to a qualified one.

Three commenters state that the NPRM provision concerning nonqualified operation is contrary to the objectives of the CCF program. Its effect, they say, is to deter the building of qualified vessels because it allows no flexibility in the event of changing markets. The objectives of the program would be met if a shipowner is given the choice of (i) putting the vessel in lay-up because it is no longer economically feasible to operate it in the qualified trades; or (ii) paying liquidated damages and keeping the vessel in operation. In administering the CCF program consideration should be given to the reality of changing markets.

Response: With regard to "incidental usage" of qualified vessels in nonqualified trades MARAD does not believe that it is appropriate to evaluate such usage on the basis of all the qualified vessels owned by a fundholder rather than each individual vessel, as suggested by one commenter. MARAD also has not been able to formulate a workable definition of the term "strictly incidental," as suggested by several commenters. After consideration of all the comments in light of the purpose of

the CCF program and the reality of economic conditions in the shipping industry, MARAD has decided not to amend the regulation regarding continuing operation by a qualified vessel in nonqualified trades. While, eventually, some better definition of "incidental usage" of qualified vessels in nonqualified trades may be developed, upon reflection, until that time the current CCF regulations will have to suffice. It remains MARAD's policy, as noted by one commentor, that payment of liquidated damages does not convert an unqualified operation to a qualified one.

Section 390.14—Departmental Reports to Treasury

Comment: One commenter suggested that the standards to be imposed under this requirement with regard to the fulfillment of fundholder obligations should not be unduly burdensome and that the realities of ever-changing business conditions should be given full recognition. The commenter argues that the degree to which such business realities will be taken into account is not clear in the proposed regulations.

Response: No change to this provision of the NPRM has been made, inasmuch as MARAD has substantial discretion in making any determination as to whether or not a fundholder has met its obligations. Further, under 46 CFR 390.13, the fundholder has the opportunity to be heard concerning an adverse determination by MARAD, or has the opportunity to cure any contractual breach.

Analysis of Regulatory Impact

This regulation has been reviewed under Executive Order 12291 and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local Governments, agencies or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This final rule, as amended, is not "significant" as defined in the Department's Regulatory Policies and Procedures (49 FR 11034; February 26, 1979), in part because it does not involve any change in important Departmental policies. The provisions of this rule specify requirements for CCF program participants in accordance with the Tax Reform Act of 1986 and otherwise amend the administration of the program. The economic impact of this final rule has been determined to be minimal. Accordingly, further evaluation is not required. This rule would primarily affect government agencies and ship operators that do not meet the criteria established for small business entities under existing Small Business Administration criteria (13 CFR 121.3). Therefore, the Maritime Administration certifies that this rule would not exert a significant economic impact on a substantial number of small entities.

This regulation does not significantly affect the environment. An environmental impact statement is not required under the National Environment Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for Federalism to warrant preparation of a Federalism Assessment. The rule contains no new reporting requirements subject to provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*).

List of Subjects in 46 CFR Part 390

Income taxes, Investments, Maritime carriers, Reporting and recordkeeping requirements Vessels.

Accordingly, MARAD hereby amends 46 CFR part 390, as follows:

1. The citation of authority for part 390 is revised to read as follows:

Authority: Sections 204(b) and 607, Merchant Marine Act, 1936, as amended (46 App. U.S.C. 1114(b) and 1177); 49 CFR 1.66.

2. Section 390.5 is amended by adding paragraphs (c) (6) through (8):

§ 390.5 Agreement vessels.

* * * * *

(c) * * *

(6) *Nonqualified operations.* Nonqualified operations for qualified agreement vessels include:

(i) Positioning vessels in support of domestic operations prohibited by section 607 of the Act;

(ii) Use of barges as docks and ramps;

(iii) Except as provided in paragraphs (c)(7) (i) and (ii) of this section:

(A) Foreign-to-foreign trade, consisting of voyages originating and ending in foreign ports, with no intermediate domestic cargo operation, and

(B) Trade from foreign ports to and form U.S. oil rigs in international waters; and

(iv) Ship assist work, including bunkering, in support of contiguous domestic, foreign-flag or U.S.-flag foreign-to-foreign operations.

(7) *Permissible operations.* Permissible operations for qualified agreement vessels include:

(i) Foreign-to-foreign trade in the case of vessels operating as part of U.S.-flag service and carrying cargo originating in or destined for U.S. ports, i.e., U.S.-flag feeder vessels;

(ii) Foreign-to-foreign trade, including the lightering of foreign-flag vessels, in the case of vessels carrying liquid or dry bulk cargoes when the carrier has demonstrated to the Administrator:

(A) The need for such foreign-to-foreign shipments (as required by section 905 of the Act and paragraph (c)(iii) of this section), and

(B) That the proposed cargo would qualify as liquid or dry bulk cargo;

(iii) Ship assist work, including lightering or shifting of a vessel at the end or beginning of a noncontiguous domestic or U.S. foreign trade voyage. In addition, the lightering of foreign-flag vessels in U.S. ports is permitted.

(8) *United States construction.* An agreement vessel is considered to be of United States construction if:

(i) It is built entirely in a shipyard or shipyards within any of the United States and the Commonwealth of Puerto Rico;

(ii) All components of the hull and superstructure are fabricated in the United States; and

(iii) The vessel is assembled entirely in the United States.

* * * * *

§ 390.6 [Amended]

3. Section 390.6 is amended as follows:

(a) In paragraph (b)(2), by removing "semi-annually and"; and

(b) In paragraph (b)(4), by removing the first sentence.

§ 390.8 [Amended]

4. Section 390.8 is amended as follows:

(a) In paragraph (b)(2)(i), by removing the word "and" at the end of the paragraph.

(b) In paragraph (b)(2)(ii), by removing the words "in the highest grade" and substituting the words "not lower than 'Prime' "; by removing the words "Commercial Paper Service" and substituting the words "Investors Services, Inc."; by removing the words "in one of the two highest grades" and substituting the word "B"; and by adding at the end of the paragraph the following"; and".

(c) By adding the following new paragraph (b)(2)(iii) to read as follows:

(iii) Any unsubordinated obligation of an issuer that has any unsecured securities with a credit rating of "Baa" or better if rated by Moddy's Investors

Services, Inc., or "BBB" or better if rated by Standard and Poor's Corporation, or by an issuer that has a commercial paper rating not lower than "Prime" by Moody's Investors Service, Inc. or "B" by Standard and Poor's Corporation.

(d) In paragraph (b)(3)(iii), by removing the words "whose senior securities have", and substituting the words "that has any unsecured securities with"; and by removing the words "junior securities are rated in the highest grade by Moody's Commercial Paper Sevices or in one of the two highest grades", and substituting the words "commercial paper rated not lower than "Prime" by Moody's Investors Services, Inc. or "B"."

§ 390.9 [Amended]

5. Section 390.9 is amended by removing paragraph (c)(2) in its entirety and redesignating paragraphs (c)(3) through (c)(5) as (c)(2) through (c)(4).

6. A new § 390.14 is added to read as follows:

§ 390.14 Departmental reports and certification.

(a) *In general.* For each calendar year, the Secretary of Transportation shall provide the Secretary of the Treasury, within 120 days after the close of such calendar year, a written report with respect to those capital construction funds under the Secretary of Transportation's jurisdiction.

(b) *Content of reports.* Each report shall set forth the name and taxpayer identification number of each person:

(1) Establishing a capital construction fund during such calendar year;

(2) Maintaining a capital construction fund as of the last day of such calendar year;

(3) Terminating a capital construction fund during such calendar year;

(4) Making any withdrawal from or deposit into (and the amounts thereof) a capital construction fund during such calendar year; or

(5) With respect to which a determination has been made during such calendar year that such person has failed to fulfill a substantial obligation under any capital construction fund agreement to which such person is a party.

Dated: August 21, 1990.

By Order of the Maritime Administrator.

Joel C. Richard,

Assistant Secretary, Maritime Administration.

[FR Doc. 90-20070 Filed 8-24-90; 8:45 am]

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FEDERAL MARITIME COMMISSION

46 CFR Part 580

[Docket No. 88-19]

Rule on Effective Date of Tariff Changes

AGENCY: Federal Maritime Commission.

ACTION: Petition for reconsideration denied; lifting of stay.

SUMMARY: The Federal Maritime Commission denies a Petition for Reconsideration of a Final Rule that requires common carriers to publish in their tariffs a rule specifying that the rates, rules and changes applicable to a given shipment must be those published and in effect on the date the cargo is received by the carrier or its agent, including a connecting carrier in the case of an intermodal through movement.

Additionally, the Final Rule in Docket No. 88-19 was stayed by notice appearing in the **Federal Register** on July 11, 1989 (54 FR 29036). With the denial of reconsideration, the stay in Docket No. 88-19 is being lifted.

DATE: October 26, 1990.

FOR FURTHER INFORMATION CONTACT:

Robert G. Drew, Director, Bureau of Domestic Regulation, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573, (202) 523-5796.

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SUPPLEMENTARY INFORMATION: This proceeding finds its genesis in a Petition for Rulemaking filed by the Transpacific Westbound Rate Agreement ("TWRA") on December 17, 1987. TWRA requested that the Federal Maritime Commission ("Commission" or "FMC") initiate a rulemaking proceeding for the purpose of adopting a rule that would preclude the application of any tariff rate, charge or rule to cargo physically received by the ocean carrier prior to the effective date of the tariff provision. By Notice published December 30, 1987, the Commission requested comments on the Petition for Rulemaking. 52 FR 49205.

After consideration of industry comments, Notice was published on August 30, 1988, of a Commission proposal ("Proposed Rule") to amend its foreign tariff filing regulations at 46 CFR part 580, to require common carriers to publish in their tariffs a rule on the effective date of rate and other tariff changes. 53 FR 33153. The Commission subsequently extended the deadline for receiving public comments on the Proposed Rule to November 1, 1988. 53 FR 38969.

Twenty-six comments were received by the Commission from all segments of the shipping community. These comments reflected a diversity of positions. Thereafter, the Commission adopted the Proposed Rule as a Final Rule, with no changes. The Final Rule, published May 10, 1989, amended 46 CFR 580.5(d)(3) to read as follows:

> (3) Effective date rule. All tariffs shall provide that the tariff rates, rules and charges applicable to given shipment must be those published and in effect when the cargo is received by the ocean carrier or its agent (including originating carriers in the case of rates for through transportation).

54 FR 20127. By its own terms, the Final Rule was to become effective sixty days after publication in the **Federal Register**.

In response to carrier inquiries, a press release was issued by the FMC Bureau of Domestic Regulation on May 24, 1989, clarifying the deadlines for carrier implementation of the Final Rule in their respective tariffs. The deadline for publication of the new rule in all tariffs was set as July 10, 1989, with August 9, 1989 established as the final date for all carriers to apply the tariff rule to their shipments.

Petition for Reconsideration

On June 5, 1989, the Chemical Manufacturers Association filed a Petition for Reconsideration or Modification of Final Rule ("Petition for Reconsideration" or "Petition"). CMA seeks reconsideration pursuant to rule 261, or alternatively, the institution of a new rulemaking for the purpose of modifying the regulation at issue.

CMA asserts that the FMC decision contains a "fundamental error" in its conclusion that the pre-existing rule was subject to shipper discrimination. Petition for Reconsideration at 3, 4-7. CMA asserts that the existing practice "by definition" is not discriminatory since it ensures that similarly situated shippers are charged the same rate. According to CMA, the practice neither results in harm nor unfair discrimination since every shipper of the same commodity will in fact receive the same rate once it has been filed in the carrier's tariff.

CMA asserts further that the purpose of discrimination prohibition of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1701 *et seq,* is to ensure that carriers charge published rates on the same basis to all shippers. CMA alleges that the Final Rule would have the unintended and untenable effect of requiring a carrier to charge like shippers different rates for the same

service, based solely on a difference in delivery dates on which the shippers tendered the cargo.

Replies to Petition

In response to the Petition for Reconsideration, thirteen replies were filed on behalf of shipper organizations, and non-vessel operating common carrier ("NVOCC") industry, ocean common carriers and carrier conferences.[1] Entities filing replies are identified in Appendix A.

The replies support the Petition for Reconsideration. While largely repeating positions espoused in earlier comments,[2] the replies variously assert that there is "no demonstrated need for change" [3] and that there is "nothing in the current carrier practices which discriminates against shippers".[4]

TWRA supports the Final Rule and opposes reconsideration. TWRA notes that CMA's Petition does not meet the requirements for reconsideration under rule 261, and emphasizes CMA's acknowledgement of such deficiency. TWRA Reply at 3, *citing* CMA Petition for Reconsideration at 2, n.3. *See* Discussion, *infra.*

TWRA rebuts the commenters' assertions of discriminatory effect found in the Final Rule. It urges that the "test" for discrimination proposed by CMA (of two shippers on the same vessel paying different rates) finds no supporting authority in FMC precedent interpreting discriminatory practices rendered unlawful by the 1984 Act.

TWRA states that the statutory purpose of tariff filing is to provide maximum notice of rate actions to shippers and carriers. It asserts that such purpose is not met where a shipper is denied advance notice of secret "pocket rates", nor are the discriminatory effects of such practices eliminated simply because that shipper receives the same freight rate through the happenstance of shipping on the same vessel. TWRA contends that a shipper denied opportunity to learn of a favorable rate offered by one carrier and made available to a competing shipper before the former tenders its cargo, and a carrier unable to learn of or verify another carrier's rate when asked for a rate quotation by a shipper, are both deprived of informed choice in the marketplace.

The North Europe—U.S. Atlantic Conference and the North Europe—U.S. Gulf Freight Association filed a joint reply in support of the Petition for Reconsideration. These conferences request that the Commission specifically address the impact of the Final Rule upon the rating of "split" shipments, *i.e.*, wherein discrete cargo loads or containers are received by the carrier on different days for movement under a single, comprehensive bill of lading.[5] In addition, the North Europe conferences request both stay of the Final Rule and oral argument upon the Petition.

A stay of the Final Rule was granted by order published July 11, 1989 (54 FR 29036); oral argument was denied by order served September 11, 1989.

Discussion

Rule 261 of the FMC's Rules of Practice and Procedure establishes the standards for the filing of petitions for reconsideration. Rule 261 provides *inter alia:*

> A petition will be subject to summary rejection unless it:
> (1) Specifies that there has been a change in material fact or in applicable law, which change has occurred after issuance of the decision or order;
> (2) Identifies a substantive error in material fact contained in the decision or order; or
> (3) Addresses a finding, conclusion or other matter upon which the party has not previously had the opportunity to comment or which was not addressed in the briefs or arguments of any party. Petitions which merely elaborate upon or repeat arguments made prior to the decision or order will not be received.

46 CFR 502.261(a). Requests for reconsideration based on mistakes of fact must demonstrate that the error is material to the result reached in the decision complained of, *i.e.* the decisionmaker likely would *not* have reached the substantive result but for the influence of the erroneous factual material. CMA acknowledges that its arguments for reconsideration essentially raise legal issues not within the confines of rule 261. Petition for Reconsideration at 2, n.3.[6]

On further consideration of the Final Rule, the Petition for Reconsideration and the replies thereto, the Commission has determined to deny the Petition for Reconsideration and re-instate the Final Rule.[7]

The basis for the Final Rule springs from the statutory jurisdiction of the Commission, which attaches to all transportation between U.S. and foreign ports and between points on any through rate which is established. *See* section 8(a) of the 1984 Act. The FMC's jurisdictional authority over the provision of through transportation commences at the port or point of receipt, whether the cargo is tendered to the ocean carrier or to another carrier under arrangement for through transportation to destination. *See, Hammer* v. *Dagenhart,* 247 U.S. 251 (1918), *overruled on other grounds, United States* v. *Darby,* 312 U.S. 100 (1941); *United States* v. *Freeman,* 239 U.S. 117 (1915); *Southern Railroad Co.* v. *Reid,* 222 U.S. 424 (1912). *See also, Transcontinental Freight Co.* v. *Director General,* 62 I.C.C. 127, 128 (1921) (legal rate is rate in effect on date shipment accepted). The date of delivery thus provides the benchmark date by which to measure the carrier's compliance with the mandate of section 8 of the 1984 Act, 46 U.S.C. app. § 1707, that the carrier show in its tariffs "all" its rates, charges and practices applicable to cargo tendered thereunder.

The Commission is not empowered to permit retroactive rate filings. As the Commission explained in *Mueller* v. *Peralta Shipping Corp.,* 8 F.M.C. 361 (1965):

> We are aware that our decision in these two cases will result in some hardship, but we adopt the position that strict adherence to filed tariffs is mandatory. Moreover, we believe that strict construction of the statute will result in more careful tariff administration and management by carriers and conferences, and the obviation of possible undue or unfair preferences or advantages and discriminations.

8 F.M.C. at 364 (footnote omitted).[8] This accords with recent Supreme Court

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[1] By order dated June 19, 1989, the Commission granted an extension of time to permit the filing of replies to the Petition for Reconsideration through June 30, 1989. One of the thirteen commenters, ABC Containerline N.V., filed its reply together with a motion for leave to file after June 30, 1989. No party opposed this filing. ABC Containerline's motion will be granted.

[2] Six of the thirteen replies are limited to registering support for CMA's Petition, or to repeating views submitted previously in filed comments.

[3] Reply of Inter-American Freight Conference, at 2.

[4] Reply of Tropical Shipping & Construction Co., Ltd., at 1.

[5] This suggests neither a legal nor substantive error in the Final Rule, but rather a possible interpretation which could only arise upon implementation of the Final Rule. This issue can be addressed at that time based on a more detailed factual presentation.

[6] Likewise, replies to the Petition for Reconsideration which basically restate positions advanced at the rulemaking stage do not merit reconsideration. Six of the 13 replies do no more than iterate positions previously stated, without additional substantive comment.

[7] Although the Commission could reject the Petition for failure to meet the procedural requirements of Rule 261, the Petition has been considered on its substantive merits.

[8] Subsequent to, and as a result of this decision, the Commission sought legislative authority to permit carriers to "waive the collection of a portion of their freight charges for good cause such as bona fide mistakes." H.R. Rep. No. 920 (90th Cong., 1st Sess., 1967), Statement of Purpose and Need for the Bill to Amend Provision of the Shipping Act, 1916, to Authorize the Federal Maritime Commission to

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precedent requiring strict adherence to the tariff rates then filed, despite any harsh effects that might result. *Maislin Industries U.S., Inc.* v. *Primary Steel Inc.*, No. 89–624 (S. Ct., June 21, 1990). *See also, Louisville & Nashville R. Co.* v. *Maxwell*, 237 U.S. 94, 97 (1915) ("This rule is undeniably strict and it obviously may work hardship in some cases, but it embodies the policy which has been adopted by Congress in the regulation of interstate commerce *in order to prevent unjust discrimination.")* (Emphasis supplied).

Only two of the commenters take issue with the FMC's legal analysis concerning the retroactive aspects of pocket rate practices, as set forth in the Supplementary Information to the Final Rule. CMA suggests that a change in tariff rates after cargo receipt can be considered retroactive "only if cargo receipt *a priori* is the date for determining rate applicability," Petition for Reconsideration at 7, n.5. CMA, however, does not attempt to rebut the FMC's analysis of the governing law on rate jurisdiction or its analysis of applicable provisions of the 1984 Act.

Forest Lines Inc. ("Forest Lines") similarly challenges the determination that rates filed after the fact of the commencement of transportation constitute retroactive ratemaking. It suggests that such effect is "precisely what Congress intended" in authorizing rate reductions to be immediately effective. Reply of Forest Lines, at 5, n.4. The legislative history, however indicates the contrary. *See* Final Rule at 12–14. *See also* Hearings on H.R. 4299 before the Special Subcommittee on Steamship Conferences of the House Committee on Merchant Marine and Fisheries, 87th Cong., 1st Sess. (1961), at 187 (rate reductions are intended to be prospective from date of filing).

Those supporting reconsideration also argue that the Commission lacks evidence of discriminatory effect or harm in the current practice, and that the Final Rule would occasion discriminatory rate practices in its own right. CMA suggests that the pre-existing rule cannot be deemed discriminatory because "every shipper shipping that commodity with that carrier will *receive* the same rate upon the same terms from that carrier * * *" Petition for Reconsideration, at 5 (emphasis in original). Thus, it is CMA's position that all shippers have equal access to the negotiated rate once filed.

CMA may be correct that a shipper which commits its cargo at the current published rate will ordinarily receive the benefit of any negotiated rate for that commodity on that sailing, and thus would not be damaged. A shipper deprived of reasonable means to inform and avail itself of unpublished rates by one carrier, however, may opt to tender its cargo under another commodity description otherwise applicable to the goods, or tender to another carrier in deference to the latter's published rate. This shipper does not receive "like" treatment, because it receives no benefit from any subsequent event of publication of the tariff rate negotiated between the former carrier and the negotiating shipper. The Commission earlier considered CMA's concerns and concluded:

> Any such discrimination would be no less real for the fact that the second shipper remains unaware of the rate arrangement, and thus cannot complain.

Final Rule at 17.

The delay in tariff publication of negotiated rates may act to deprive a shipper of informed choice and result in unjust and unlawful discrimination between affected shippers. It also undermines the integrity of the tariff filing scheme created by Congress. As the Supreme Court pointed out in *Armour Packing Co.* v. *United States*, 209 U.S. 56, 81 (1908):

> If the rates are subject to secret alteration by special agreement then the statute will fail of its purpose to establish a rate duly published, known to all, and from which neither shipper nor carrier may depart * * *. Any other construction of the statute opens the door to the possibility of the very abuses of unequal rates which it was the design of the statute to prohibit and punish.

It is also suggested that the Final Rule will occasion the same discriminatory rate practices which prompted revision of the pre-existing rule. A rule based on date of delivery allegedly will create rate distinctions between shippers of the same commodity on the same vessel and voyage. These distinctions are said to be without justification in the circumstances of the transportation itself, and thus would constitute a form of discrimination indefensible under 1984 Act standards.

Whenever there is a change in rates, two shippers of the same commodity inevitably will pay different rates if their shipments fall on different sides of that rate change. Were the parties' analysis correct on this point, all rate changes would be unlawfully discriminatory. However, not every difference in rates is prohibited—only those which are unjust in their purpose and effect. *North Atlantic Mediterranean Freight Conference—Rates on Household Goods*, 12 F.M.C. 202 (1967), *reversed sub nom. American Export Isbrandtsen Lines* v. *FMC*, 409 F.2d 1258 (2d Cir., 1969).

Thus, the legal standard employed in adjudging rate discrimination from the face of a tariff alone is not the same as that employed in determining the lawfulness of uneven application or administration of the carrier's tariff as between competing shippers. The latter standard involves factual considerations outside the four corners of the tariff pages, while the former is concerned only with the language of the tariff itself. This distinction appears rooted in the basic purpose of tariff publication intended by Congress, that filed rates "afford equal opportunity to all shippers to avail themselves of such rates and full opportunity to competing carriers to meet such rates." H.R. Rep. No. 98–53, 98th Cong., 1st Sess. 19 (1983), *citing Section 19 Investigation, 1935*, 1 U.S.S.B.B. at 498 (1935). *See also Arizona Grocery Co.* v. *Atchison, T. & S.F.R. Co.*, 284 U.S. 370, 384 (1932) ("In order to render rates definite and certain, and to prevent discrimination and other abuses, the statute require[s] the filing and publishing of tariffs specifying the rates adopted by the carrier, and ma[kes] these the *legal* rates, that is, those which must be charged to all shippers alike.") The Final Rule seeks to give meaning to this statutory objective by curbing carrier rate practices which employ secret and unpublished rate arrangements.

The Petition for Reconsideration is therefore found to be without merit and, accordingly, denied. With this denial, the Commission is also lifting the stay previously placed upon the Final Rule, effective 60 days from the date of publication in the **Federal Register**. All carriers and conferences must publish tariff rules in accordance with the Final Rule no later than the effective date of the Final Rule. These tariff rules, in turn, must be made applicable to all cargo shipments no later than 30 days after tariff publication.

Wherefore, it is ordered that the Petition for Reconsideration filed by the Chemical Manufacturers Association is denied;

Further, it is ordered that the Motion for Leave to file a reply by ABC Containerline N.V. is granted; and

Further, it is ordered that the stay of the Final Rule published in Docket No. 88–19, appearing in the **Federal Register** on July 11, 1989 (54 FR 29036) affecting 46 CFR 580.5(d)(3), is lifted effective October 20, 1990.

Permit a Carrier to Refund a Portion of the Freight Charges, p. 3–4. Statutory authority was granted under Public Law 90–298, which added four provisos to section 18(b)(3) of the Shipping Act, 1916.

By the Commission.[9]

Joseph C. Polking,

Secretary.

Appendix A

1. Pacific Coast/Australia—N.Z. Tariff Bureau
2. International Association of NVOCCs
3. Inter-American Freight Conference
4. United States/South and East Africa Conference; and South and East Africa/U.S.A. Conference
5. National Industrial Transportation League
6. Carolina Freight Carriers Corporation
7. Waterman Steamship Corp.
8. North Europe—U.S. Atlantic Conference; and North Europe—U.S. Gulf Freight Association
9. Forest Lines Inc.
10. Israel Eastbound Conference; U.S. Atlantic & Gulf/Western Mediterranean Rate Agreement; U.S. Atlantic and Gulf Ports/Eastern Mediterranean and North African Freight Conference; Australia/Eastern U.S.A. Shipping Conference; Australia—Pacific Coast Rate Agreement; New Zealand/U.S. Atlantic and Gulf Shipping Lines Rate Agreement; and New Zealand/Pacific Coast North America Shipping Lines Rate Agreement
11. Tropical Shipping & Construction Co. Ltd.
12. ABC Containerline N.V.
13. Transpacific Westbound Rate Agreement

[FR Doc. 90-20084 Filed 8-24-90; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

49 CFR Part 604

Charter Service; Address Change

AGENCY: Urban Mass Transportation Administration, DOT.

ACTION: Technical amendment.

SUMMARY: This technical amendment revises two addresses related to the agency's charter bus requirements. The amendment is required because the two organizations moved.

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Rita Daguillard, Attorney Advisor, Office of the Chief Counsel, rm. 9316, Urban Mass Transportation Administration, 400 7th Street, SW., Washington, DC 20590, (202) 366-1936.

SUPPLEMENTARY INFORMATION: Part 604 of the Urban Mass Transportation Administration (UMTA) regulations govern charter service that UMTA recipients may provide using UMTA funded equipment or facilities. This regulation prohibits an UMTA recipient from providing charter service if there is any private charter operator willing and able to provide the charter service proposed by the recipient.

In determining whether there are any willing and able operators to provide this charter service, a recipient must follow the procedures set forth at 49 CFR 604.11. These include public participation, which requires a recipient to send a notice to all private charter operators in the proposed geographic area and to any private operator that requires notice to determine if there is any private operator willing and able to provide the charter service proposed in the notice. Further, recipients must send a copy of this notice to both the United Bus Owners of America and the American Bus Association.

Both the United Bus Owners of America and the American Bus Association have changed locations. This rule merely updates their addresses.

For the reasons set forth above, title 49, chapter VI of the Code of Federal Regulations is amended as set forth below:

PART 604—CHARTER SERVICE

1. The authority citation for part 604 continues to read as follows:

Authority: Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 *et seq.*); 23 U.S.C. 103(e)(4); 142(a); and 142(c); and 49 CFR 1.51.

2. Section 604.11 is amended by revising paragraph (b)(3) to read as follows:

§ 604.11 Procedures for determining if there are any willing and able private charter operators.

* * * * *

(b) * * *

(3) Sending a copy of the notice to the United Bus Owners of America, 1300 L Street, NW., suite 1050, Washington, DC 20005, and the American Bus Association, 1015 15th Street, NW., suite 250, Washington, DC 20005.

* * * * *

Issued: August 20, 1990.

Brian W. Clymer,

Administrator.

[FR Doc. 90-20075 Filed 8-24-90; 8:45 am]

BILLING CODE 4910-57-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 70355-7127]

Atlantic Tuna Fisheries

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

ACTION: Notice of catch limit increase in the General category.

SUMMARY: NOAA issues this notice to adjust the catch limit for giant Atlantic bluefin tuna in the General category from one to two fish per vessel per day. The regulations governing this fishery allow this adjustment during the fishing season based on a review of specified criteria. The intent of this action is to provide handgear fishermen an additional opportunity to harvest the quota.

EFFECTIVE DATE: August 24, 1990.

FOR FURTHER INFORMATION CONTACT: Kathi L. Rodrigues, 508-281-9324.

SUPPLEMENTARY INFORMATION: Regulations promulgated under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 through 971h) regulating the harvest of Atlantic bluefin tuna by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 285.

Section 285.24(a) provides that the Assistant Administrator for Fisheries, NOAA (Assistant Administrator), may adjust the daily catch limit to a maximum of three giant Atlantic bluefin tuna per vessel per day based on a review of dealer reports, landing trends, availability of the species on the fishing grounds, and any other relevant factors, in order to provide for maximum utilization of the quota. The Assistant Administrator has determined, based on the reported catch of giant Atlantic bluefin tuna of 243 short tons (st) through August 9, 1990, and on the average weekly catch rate of 48.7 st per week for the period July 20 through August 9, 1990, that the quota for the General category will not be harvested under the prevailing catch constraints. Normally, poor weather and sea conditions cause catches to drop significantly in mid to late September. Therefore, the catch limit of one giant Atlantic bluefin tuna per vessel per day will be increased on the effective date of this notice to two per vessel per day in order to provide for the maximum opportunity to utilize the General category quota of 650 st set forth in § 285.22(a).

[9] Commissioner Donald R. Quartel, Jr. dissents. Commissioner Ming Hsu did not participate because the Commission's consideration of this matter occurred before she took office.

This daily catch limit will remain in effect for the remainder of 1990, or until the quota for the General category is reached, or until further adjustment is warranted.

Notice of this action will be mailed to all Atlantic bluefin dealers and vessel owners holding a valid vessel permit for this category.

Other Matters

This action is taken under the authority of 50 CFR 285.24 and is taken in compliance with Executive Order 12291.

List of Subjects in 50 CFR Part 285

Fisheries, Penalties, Reporting and recordkeeping requirements, Treaties.

(16 U.S.C. 971 *et seq.*)

Dated: August 22, 1990.

David S. Crestin,

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

[FR Doc. 90-20088 Filed 8-22-90; 12:16 pm]

BILLING CODE 3510-22-M

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50 CFR Parts 672 and 675

RIN 0648-AC72

[Docket No. 900649-0149]

Groundfish of the Gulf of Alaska, Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Final rule; request for comments.

SUMMARY: NOAA announces a final rule to repeal monthly product value reporting requirements for groundfish processors receiving Alaska groundfish from federally permitted vessels. This action is necessary to repeal Federal regulations while NOAA develops and solicits public comment on an alternative rule for the collection of product value information that would reduce duplicative reporting requirements between the State of Alaska and Federal regulations and lessen reporting burdens on groundfish processing companies. The collection of product value information by the State of Alaska will continue during the interim period between the effective date of this action and the implementation of new Federal regulations for the collection of product value information. NOAA will continue to obtain the information collected by the State during the interim period.

This final rule is intended to promote the goals and objectives of the North Pacific Fishery Management Council with respect to groundfish management off Alaska.

DATES: Effective on August 24, 1990. Comments must be submitted on or before October 23, 1990.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802. Copies of the environmental assessment may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson (Fishery Management Biologist, NMFS), 907-586-7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the exclusive economic zone (3-200 miles offshore) off Alaska are managed under the Fishery Management Plans for Groundfish of the Gulf of Alaska and for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMPs). The FMPs were developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act). Regulations implementing the FMPs and governing the U.S. fisheries are at 50 CFR parts 672 and 675; those governing the foreign fisheries are at 50 CFR 611.92 and 611.93.

Regulations at 50 CFR 672.5(c)(3) and 675.5(c)(3) require operators of processor vessels and managers of shoreside processing facilities, or their parent company, to submit annually to NMFS, Monthly Product Value Reports (MPVRs) that summarize groundfish product sales information by species or market category and product form. These reports must be prepared for each month the vessel or facility sells any groundfish harvested from or any fish product produced from groundfish harvested off Alaska. Regulations require that these reports be submitted on an annual basis such that MPVRs for a calendar year must be received by February 1 of the following year. These regulations have been in effect since January 1, 1990 (54 FR 50386; December 6, 1989). They were intended to collect groundfish product value data that would be used in monitoring the economic performance of the groundfish fisheries and in conducting economic analyses of existing and proposed management measures.

Industry comments received after implementation of the Federal regulations claim that the Federal collection is redundant to a collection by the State of Alaska and that the Federal regulations are unnecessarily burdensome. NMFS agrees that some of the information required to be submitted under the Federal regulations is being collected by the State, NMFS has access to that data, and that such data will provide NMFS with an initial index of sales and value information that could be used for economic analyses on an interim basis. To the extent that there is duplication of data collection to which NMFS has access, the Federal regulations are unnecessarily burdensome. However, over the long term, NMFS will need product value information not presently being collected by the State. NMFS intends to work with the industry and the State to develop product value information collection regulations that will satisfy NMFS's needs without duplicating State collections and unnecessarily burdening the industry.

Based on the foregoing, the Alaska Regional Director of NMFS has determined that continuing the regulations in effect which require the preparation and submission of MPVRs are unnecessary while preparing a regulatory amendment to gather the information not being collected by the State that NMFS will need over the long term.

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), concurs with the Regional Director's determination and is repealing these regulations. Certain savings will accrue to the fishing industry as a result. Given that the 1990 MPVRs would not be submitted until February 1, 1991, and assuming that processing companies have not yet prepared monthly reports, the potential savings to the industry in terms of burden hours could be as high as 1,560 hours annually (assuming 260 groundfish processors would spend six hours per year to comply with MPVR requirements). This reporting burden will be avoided by this action.

Classification

The Assistant Administrator has determined that the regulations requiring the preparation and submission of MPVRs are unnecessary for conservation and management of the groundfish fisheries off Alaska during the interim period that a regulatory amendment is prepared, and that the final rule to repeal these regulations is consistent with the Magnuson Act.

The Assistant Administrator finds that sufficient information on product value can be obtained from the State to satisfy Federal needs on an interim basis while a regulatory amendment

providing for NMFS's long term data needs is being prepared. Accordingly, requiring the industry to submit MPVR's is unnecessary while a regulatory amendment is being prepared. Notice and public procedures thereon would not allow this unnecessary burden to be removed from industry and would be contrary to the public interest. Accordingly, the Assistant Administrator, for good cause, finds that under section 553(b) of the Administrative Procedure Act that good cause exists for dispensing with notice and public procedure thereon.

The Assistant Administrator also finds that under section 553(d) of the Administrative Procedures Act this rule may be made immediately effective because it relieves a restriction by eliminating a reporting burden on the groundfish industry.

The Assistant Administrator has determined that this final rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of the State of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

The Alaska Region, NMFS, prepared an environmental assessment (EA) for this rule and concluded that no significant impact on the environment will occur as a result of repealing the requirement for area registration. You may obtain a copy of the EA from the Regional Director at the above address.

The Assistant Administrator determined that this final rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. This determination is based on the socioeconomic impacts discussed in the EA prepared by the Alaska Region, NMFS.

This rule repeals a collection of information requirement approved under OMB No. 0648–0213.

This final rule does not contain policies with federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 12612.

The Regulatory Flexibility Act does not apply to this rule, because notice and opportunity for comment are not required to be given under section 553 of the Administrative Procedure Act. Because no other law requires that notice and opportunity for comment be given for this rule, no initial or final regulatory flexibility analysis has been or will be prepared under sections 603(a) and 604(a) of the Regulatory Flexibility Act.

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Reporting and recordkeeping requirements

Dated: August 21, 1990.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

§ 672.5 [Amended]

2. Section 672.5(c)(3) is removed.

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

3. The authority citation for part 675 continues to read as follows:

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

§ 675.5 [Amended]

4. Section 675.5(c)(3) is removed.

[FR Doc. 90–20089 Filed 8–24–90; 8:45 am]
BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 55, No. 166
Monday, August 27, 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

Food and Nutrition Service

7 CFR Part 226

Child and Adult Care Food Program: Adult Meal Pattern

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Older Americans Act Amendments of 1987 made adult day care centers eligible institutions for reimbursement for meals and supplements under the Child and Adult Care Food Program (CACFP). An interim rule published December 28, 1988, (53 FR 52584) implemented the statute, establishing an interim adult pattern which essentially adapted to adults the existing Program meal pattern for children 12 years of age and older. This proposed rule would amend the CACFP regulations to provide for a meal pattern developed specifically to meet the needs of adults attending adult day care centers participating in CACFP.

DATES: To be assured of consideration, comments must be postmarked no later than October 26, 1990.

ADDRESSES: Comments should be addressed to Cynthia Ford, Chief, Technical Assistance Branch, Nutrition and Technical Services Division, Food and Nutrition Service, U.S. Department of Agriculture, room 607, 3101 Park Center Drive, Alexandria, Virginia 22302. Comments in response to this rule may be inspected at the above address during normal business hours, 8:30 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Cynthia Ford at the above address or by telephone at (703) 756–3556.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and has been classified as not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, or Federal, State or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This rule has also been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601 through 612). Pursuant to this review, the Administrator of the Food and Nutrition Service has certified that this final rule will not have a significant economic impact on a substantial number of small entities.

This Program is listed in the Catalog of Federal Domestic Assistance under No. 10.558 and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultations with State and local officials (7 CFR part 3015, subpart V, and final rule related notice published at 48 FR 29114, June 24, 1983).

No new reporting or recordkeeping requirements are included which require Office of Management and Budget approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Background

This proposed rule would amend 7 CFR part 226; specifically the sections implementing a CACFP meal pattern for adult participants published in 53 FR 52584 on December 28, 1988. The December 28, 1988 interim rule implemented section 17(p) of the National School Lunch Act (as amended by section 401 of the Older Americans Act Amendments of 1987) requiring that adult day care centers be considered eligible institutions for reimbursement for meals and supplements under the CACFP (known at that time as the Child Care Food Program). The rule was made retroactively effective to October 1, 1987, the effective date of the legislation. It established in interim adult pattern which essentially adapted to adults the existing Program meal pattern for children 12 years of age and older. Adaptation of the existing pattern in interim regulations permitted implementation of program eligibility for adult day care centers as quickly as possible.

Review of Nutritional Need

Various resources and criteria were used in the development of the proposed full day pattern for the adult day care component of the CACFP. These included the 1989 Recommended Dietary Allowances (RDA) for adults 51+ years of age, the 1977–78 U.S. Department of Agriculture (USDA) National Food Consumption Survey (NFCS), and a 1985–86 survey conducted by the National Institute of Adult Day Care (NIAD) of the National Council on Aging. These resources provided the best information available to develop a pattern to meet the nutritional requirements of participants in adult day care centers. Since data on the relationship between elderly nutrient requirements, elderly health status, and the aging process is limited, further amendments to the pattern may be necessary as future research results become available.

Because the adult day care provision is a new component of the CACFP and actual data on food served and consumed in adult day care centers was unavailable, results from the 1977–78 NFCS were used to estimate the typical eating practices of the elderly. The type and frequency of foods consumed from each of the four meal components traditionally used as a framework for all child nutrution meal patterns (meat/meat alternate, bread/bread alternate, fruit/vegetable, and fluid milk) were analyzed, and composites of estimated nutrient and caloric contributions of each component and its correlative servings were developed. Meal components were combined into appropriate breakfast, lunch, supper and snack patterns based on their nutrient contributions and on the typical eating habits of the elderly. The meals and snacks were than combined into a full day's pattern which meets approximately 100 percent of the RDA for 51+ year old adults.

The estimated caloric level of the proposed full day adult pattern is 1934 kilocalories. The 1989 Recommended Energy Allowance for individuals 51+ years of age ranges from 1900 to 2300 and assumes a light-to-moderate level of activity. In general, caloric needs of the elderly decrease with age. Lean body mass decreases and body fat content

increases, causing a decrease in the basic metabolic rate (BMR). Activity levels also tend to decrease with age—less energy expenditure requires less caloric intake. An important consideration in implementing elderly nutrition programs is meeting the nutrient requirements while staying within lowered caloric needs. Based on the NIAD survey, is anicipated that adult participants in the CACFP will be relatively sedentary and predominately female. Therefore, the calorie level of the proposed pattern will be appropriate for the majority of the participants. In addition, the implementation of offer versus serve, discused below, will provide calorie range flexibility for some female participants whose calorie needs may be less than the proposed level.

Section 105(b)(3) of Public Law 101–147, the Child Nutrition and WIC Reauthorization Act of 1989, enacted on November 10, 1989, amended section 17 of the National School Lunch Act (42 U.S.C. 1766) to require that lunches served by each adult day care center receiving CACFP reimbursement provide, on the average, approximately ⅓ of the daily Recommended Dietary Allowance (RDA) established by the Food and Nutrition Board of the National Academy of Sciences. This proposed meal pattern has been developed to meet that requirement.

Meal Components

The proposed CACFP adult meal pattern is composed of a meat/meat alternate component, a fruit/vegetable component, a bread/bread alternate component and a milk component. For each meal, there may be one or more servings for each of the required components. Breakfast has four servings: One serving of the milk component, one serving of the fruit/vegetable component and two servings of the bread/bread alternate component. Lunch has six servings: One serving of the milk component, two servings of the bread/bread alternate component, one serving of the meat/meat alternate component and two servings of the fruit/vegetable component. Supper has five servings: One serving of the meat/meat alternate component, two servings of the fruit/vegetable component and two servings of the bread/bread alternate component. The supplement consists of two of four servings: One serving of the milk component, one serving of the meat/meat alternate component, one serving of the fruit/vegetable component and one serving of the bread/bread alternate component.

Meal Pattern Tables

In current CACFP regulations, the lunch and supper meal patterns are shown as a single pattern, since the components and servings for lunches and suppers are the same. However, this proposed regulation introduces different adult patterns for lunch and for supper. Therefore, the proposed "Lunch/Supper" pattern has been divided into two separate tables—a "Lunch" table and a "Supper" table.

In this proposed regulation, the meal pattern tables for breakfasts, lunches and supplements show only the adult participant column, since the meal pattern for children is not proposed to be amended. However, the meal pattern table for supper is shown in its entirety (including the children's requirements) since the "Supper" section is, technically, a new section. Please be advised that the children's columns of the supper pattern reflect the current pattern for children and is not subject to public comment. It is only the adult pattern that is offered for comment.

Offer Versus Serve Provision

Included in this proposal is an "offer versus serve" (OVS) provision for meals served to adult participants in adult day care centers. Currently available in the National School Lunch Program (NSLP) and School Breakfast Program (SBP), OVS is a provision under which schools must offer all required servings of the food components set forth in the NSLP and SBP meal pattern, but students may decline a certain number of the servings (up to two of the five required servings at lunch and one of the four required servings at breakfast). OVS was implemented to reduce plate waste in the school programs.

In the public comments written in response to the December 28 interim adult meal pattern, as well as in meetings with USDA representatives and in letters to USDA, adult day care providers have indicated a need for OVS during CACFP meal service in adult day care centers. Providers stress that adults have established eating habits and should be allowed to choose what they eat. Since the Department believes that there is merit to this position, OVS is being proposed for implementation in adult day care centers.

It is propose that, as in schools, OVS in adult day care centers will require centers to offer all of the servings of the food components found in the adult meal pattern. However, at the discretion of the center, it may allow adult participants to decline one serving during breakfast and up to two servings at lunch and at supper. These servings may be declined, although neither the price or the rate of reimbursement for the meal will be affected. There is no need for OVS in the snack pattern, since this proposed adult pattern continues the existing CACFP practice of requiring centers to provide only two of four possible components.

Accordingly, this rule proposes to amend § 226.20 to provide for meal patterns developed specifically to meet the needs of adults attending adult day care centers participating in CACFP. This rule would also amend § 226.20 (a) and (c) in several places to provide greater consistency in the use of the terms "servings" and "components." These changes are clarifications only, and are not intended to alter the meal patterns.

List of Subjects in 7 CFR Part 226

Day care, Food assistance programs, Grant programs—Health, infants and children, Reporting and recordkeeping requirements, Surplus agricultural commodities.

Accordingly, part 226 is proposed to be amended as follows:

PART 226—CHILD AND ADULT CARE FOOD PROGRAM

1. The authority citation for part 226 continues to read as follows:

Authority: Secs. 9, 11, 14, 16 and 17, National School Lunch Act, as amended (42 U.S.C. 1758, 1759a, 1762a, 1765 and 1766).

2. In § 226.20:

a. Paragraph (a) is amended by removing the words "A serving of", "a serving of", "an equivalent of" and "an equivalent quantity of" wherever they appear.

b. Paragraph (a)(2) is amended by removing the words "Both lunch and supper" from the introductory text and adding the word "Lunch" in its place.

c. Paragraph (a)(3) is redesignated as paragraph (a)(4) and a new paragraph (a)(3) is added.

d. Newly redesignated paragraph (a)(4)(iii) is amended by removing the word "Juice" from the second sentence and adding the words "For children juice" in its place.

e. The table in paragraph (c)(1) is ameneded by removing footnotes 6 and 7 and by revising the adult participants column of the meal pattern table.

f. The heading to paragraph (c)(2) is amended by removing the words "OR SUPPER".

g. The introductory text of paragraph (c)(2) is amended by removing the words "or supper", and the table is amended

by removing footnotes 9 and 10 and by revising the adult participants column.

h. Paragraph (c)(3) is redesignated as paragraph (c)(4) and a new paragraph (c)(3), headed "SUPPER", is added.

i. The introductory text of newly redesignated paragraph (c)(4) is amended by removing the reference "paragraph (a)(3)" and adding the reference "paragraph (a)(4)" in its place and by removing the word "Juice" and adding the words "For children, juice" in its place; the table is amended by removing footnotes 8 and 9 and by revising the adult participants column.

The addition and revisions specified above read as follows:

§ 226.20 Requirements for meals.

(a) * * *

(3) Supper shall contain the food components and servings listed for lunch in § 226.20(a)(2), except that, for adult participants in adult day care centers, it shall not contain a serving of fluid milk.

* * * * *

(c) * * *

(i) * * *

BREAKFAST

Food components	Children ages 1 and 2	Children ages 3 through 4	Children ages 5 through 12 [1]	Adult participants
Milk				
Milk, fluid	* * *	* * *	* * *	1 cup.
Vegetable and Fruits				
Vegetable(s) and/or Fruit(s)	* * *	* * *	* * *	½ cup.
or				
Full-strength vegetable or fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	* * *	* * *	* * *	½ cup.
Bread and Bread Alternates [3]				
Bread	* * *	* * *	* * *	2 slices (servings).
or				
Cornbread, biscuits, rolls, muffings, etc. [4]	* * *	* * *	* * *	2 servings.
or				
Cold dry cereal [5]	* * *	* * *	* * *	1 ½ cups or 2 oz.
or				
Cooked cereal	* * *	* * *	* * *	1 cup.
or				
Cooked pasta or noodle products	* * *	* * *	* * *	1 cup.
or				
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	* * *	* * *	* * *	1 cup.

* * * * * (2) * * *

LUNCH

Food components	Children ages 1 and 2	Children ages 3 through 5	Children ages 6 through 12 [1]	Adult participants
Milk				
Milk, fluid	* * *	* * *	* * *	1 cup.
Vegetables and Fruits [3]				
Vegetable(s) and/or fruit(s)	* * *	* * *	* * *	1 cup total.
Bread and Bread Alternates [4]				
Bread	* * *	* * *	* * *	2 slices (servings).
or				
Cornbread, biscuits, rolls, muffins, etc. [5]	* * *	* * *	* * *	2 servings.
or				
Cooked pasts or noodle products	* * *	* * *	* * *	1 cup.
or				
Cooked cereal or grains or an equivalent quantity of any combination of bread/bread alternate.	* * *	* * *	* * *	1 cup.
Meat/Meat Alternates				
Lean meat or poultry or fish [6]	* * *	* * *	* * *	2 oz.
or				
Cheese	* * *	* * *	* * *	2 oz.
or				
Eggs	* * *	* * *	* * *	1 egg.
or				
Cooked dry beans or peas	* * *	* * *	* * *	½ cup.
or				
Peanut butter or soynut butter or other nut or seed butters	* * *	* * *	* * *	4 tbsp.
or				
Peanuts or soynuts or tree nuts or seeds [7]	* * *	* * *	* * *	1oz [8] 50%.

LUNCH—Continued

Food components	Children ages 1 and 2	Children ages 3 through 5	Children ages 6 through 12 [1]	Adult participants
or				
An equivalent quantity of any combination of the above meat/meat alternate				

* * * * *

(3) The mininum amounts of food components to be served as supper as set forth in paragraph (a) (3) of this section are as follows:

SUPPER

Food components	Children ages 1 and 2	Children ages 2 through 5	Children ages 6 through 12 [1]	Adult participants
Milk				
Milk, fluid	½ cup [2]	¾ cup	1 cup	None.
Vegetables and Fruits [3]				
Vegetable(s) and/or fruits(s)	¼ cup total	½ cup total	¾ cup total	1 cup total.
Bread and Bread Alternates [4]				
Bread	½ slice	½ slice	1 slice	2 slices (servings).
or				
Cornbread, biscuits, rolls, muffins, etc.[5]	½ serving	½ serving	1 serving	2 servings.
or				
Cooked cereal grains or an equivalent quantity of any combination of combination of bread/bread alternate.	¼ cup	¼ cup	½ cup	1 cup.
Meat and Meat Alternates				
Lean meat or poultry or fish [6]	1 oz	1½ oz	2 oz	2 oz.
or				
Cheese	1 oz	1½ oz	2 oz	2 oz.
or				
Eggs	1 egg	1 egg	1 egg	1 egg.
or				
Cooked dry beans or peas	¼ cup	⅜ cup	½ cup	½ cup.
or				
Peanut butter or soynut butter or other nut or seed butters	2 tbsp	3 tbsp	4 tbsp	4 tbsp.
or				
Peanuts or soynuts or tree nuts or seeds [7]	½ oz [8] = 50%	¾ oz [8] = 50%	1 oz [8] = 50%	1 oz [8] = 50%.
or				
An equivalent quantity of any combination of the above meat/meat alternates				

[1] Children age 12 and up may be served adult size portions based on the greater food needs of older boys and girls, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12.
[2] For purposes of the requirements outlined in this subsection, a cup means a standard measuring cup.
[3] Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full-strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.
[4] Bread, pasta or noodle products, and cereal grains shall be wholegrain or enriched; cornbread, biscuits, rolls, muffins, etc., shall be made with wholegrain or enriched meal or flour.
[5] Serving size equivalents to be published it guidance materials by FNS.
[6] Edible portion as served.
[7] Tree nuts and seeds that may be used as most alternates are listed in program guidance.
[8] No more than 50% of the requirement shall be met with nuts or seeds. Nuts or seeds shall be combined with another meat/meat alternate to fulfill the requirement. For the purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat.

(4) * * *

SUPPLEMENTAL FOOD

Food components	Children ages 1 and 2	Children ages 3 and 5	Children ages 6 and 12 [1]	Adult participants
Milk				
Milk, fluid	* * *	* * *	* * *	1 cup.
Vegetable(s) and/or Fruit(s)				
Vegetable(s) and/or fruit(s)	* * *	* * *	* * *	½ cup.
or				
Full-strength vegetable at fruit juice or an equivalent quantity of any combination of vegetable(s), fruit(s) and juice.	* * *	* * *	* * *	½ cup.
Bread and Bread Alternate [3]				
Bread	* * *	* * *	* * *	1 slice (serving).
or				
Cornbread, biscuits, rolls, muffins, etc.[4]	* * *	* * *	* * *	1 serving.
or				
Cold dry cereal [5]	* * *	* * *	* * *	¾ cup or 1 oz.

SUPPLEMENTAL FOOD—Continued

Food components	Children ages 1 and 2	Children ages 3 and 5	Children ages 6 and 12 [1]	Adult participants
or				
Cooked cereal	* * *	* * *	* * *	½ cup.
or				
Cooked pasta or noodle products	* * *	* * *	* * *	½ cup.
or				
Cooked cereal grains or an equivalent quantity of any combination of bread/bread alternate.	* * *	* * *	* * *	½ cup.
Meat and Meat Alternates				
or				
Lean meat of poultry of fish [6]	* * *	* * *	* * *	1 oz.
or				
Cheese	* * *	* * *	* * *	1 oz.
or				
Eggs	* * *	* * *	* * *	1 egg.
or				
Cooked dry beans or peas	* * *	* * *	* * *	¼ cup.
or				
Peanut butter or soynut butter or other nut or seed butters	* * *	* * *	* * *	2 tbsp.
or				
Peanuts or soynuts or tree nuts or seeds [7]	* * *	* * *	* * *	1 oz.
or				
Yogurt, plain or sweetened and flavored [8]	* * *	* * *	* * *	4 oz or ½ cup.
or				
An equivalent quantity of any combination of the above combination of the above meat/meat alternate.				

* * * * *

(p) *Offer versus serve.* (1) Each adult day care center shall *offer* its adult participants all of the required food servings as set forth in paragraphs (c)(1), (c)(2) and (c)(3) of this section. However, at the discretion of the adult day care center, adult participants may be permitted to decline:

(i) One of the four food servings (one serving of milk, one serving of vegetable and/or fruit, and two servings of bread or bread alternate) required at breakfast.

(ii) Two of the six food servings (one serving of milk, two servings of vegetables and/or fruit, two servings of bread or bread alternate, and one serving of meat or meat alternate) required at lunch.

(iii) Two of the five food servings (two servings of vegetables and/or fruit, two servings of bread or bread alternate, and one serving of meat or meat alternate) required at supper.

(2) The price of a reimbursable meal shall not affected if an adult participant declines a food item.

Dated: August 21, 1990.

Betty Jo Nelsen,

Administrator, Food and Nutrition Service.

[FR Doc. 90–20104 Filed 8–24–90; 8:45 am]

BILLING CODE 3410–30–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 50, and 54

RIN 3150–AD04

Nuclear Power Plant License Renewal: Denial of Requests to Extend Comment Period

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Denial of requests to extend comment period.

SUMMARY: On July 17, 1990 (55 FR 29043) the Nuclear Regulatory Commission (NRC) published for public comment a proposed rule that would establish the requirements that an applicant for renewal of a nuclear power plant operating license must meet, the information that must be submitted to the NRC for review so that the agency can determine whether those requirements have in fact been met, and the application procedures. The expiration of the comment period was set at October 15, 1990. Three prospective commenters have requested an extension of the comment period by sixty days or more.

The NRC has set the ninety-day comment period (rather than a shorter period) in recognition of the importance and nature of this rulemaking and considers the ninety days allowed to be sufficient. In view of the desirability of developing the final rule as soon as practicable, the requests to extend the comment period are denied.

DATES: The comment period expires October 15, 1990. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Comments may be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be hand-delivered to One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. Copies of comments received may be examined at the Commission's Public Document Room at 2120 L Street NW (Lower Level), Washington, DC, between the hours of 7:45 am and 4:15 pm Federal workdays.

FOR FURTHER INFORMATION CONTACT: George Sege, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: (301) 492–3917.

SUPPLEMENTARY INFORMATION: Two organizations, Ohio Citizens for Responsible Energy (OCRE) and the Union of Concerned Scientists (UCS) (through Harmon, Curran & Tousley), requested a sixty-day extension. A third organization, Nuclear Information and Resource Service (NIRS), requested an extension of "at least 60 days." These prospective commenters adduce three main arguments for extension. First, they argue that the rule is complex and relies on extensive supporting information, requiring substantial effort and time for study, consideration, and discussions in the preparation of comments. UCS refers, *inter alia*, to

"complex analyses of aging reactors" and to the Commission having "taken years to develop its license renewal proposal."

Second, they argue that the importance of the rulemaking warrants allowance of substantial time for public input. UCS asserts that "this rulemaking will affect the level of safety of currently operating plants for the next sixty years." OCRE argues that, "[g]iven the importance of this matter, public comment should be encouraged and accommodated to the maximum extend possible."

Third, NIRS argues that, since licenses won't expire for at least another ten years, there is not a sufficiently urgent need for the rule to make a sixty-day extension unreasonable.

The NRC has considered the issues raised by the prospective commenters. It was precisely the nature of the license renewal issue and the volume of the supporting analyses for the proposed rule that, together with the importance of this rulemaking, led the Commission to allow ninety days, rather than a shorter period, for public comments. The NRC considers ninety days to be adequate. It should be noted that the preparation of the proposed rule has proceeded in full public view, with substantial prior opportunities for public input concerning the issues involved. These earlier opportunities included, in 1986, a request for comments on license renewal policy development (51 FR 40334: November 6, 1986). (The extended comment period closed on February 2, 1987. Summary and analysis of comments in SECY–87–179, issued July 21, 1987.) They also included, in 1988, an Advance Notice of Proposed Rulemaking (53 FR 32919; August 29, 1988), by which the NRC solicited comments on the issues discussed in NUREG–1317, "Regulatory Options for Nuclear Plant License Renewal." (NUREG/CR–5332 presents a summary and analysis of the comments received.) Also in 1988, in an action that was not part of the rulemaking process but relevant as background, the NRC, in cooperation with four professional societies, sponsored an International Nuclear Power Plant Aging Symposium. (Proceedings published as NUREG/CP–0100 in March 1989.)

On November 13 and 14, 1989 the NRC held a public workshop addressing significant technical and policy issues in license renewal. The Federal Register notice announcing the workshop (54 FR 41980; October 13, 1989) included a "Preliminary Regulatory Philosophy and Approach for License Renewal Regulation" and an "Outline of a Conceptual Approach to a License Renewal Rule." Written comments on the questions posed, the statement of regulatory philosophy, and the conceptual rule outline were accepted by the agency up to December 1, 1989. (Proceedings, including a report on associated written comments, published as NUREG/CP–0108 in April 1990).

In determining to proceed with this rulemaking at this time the Commission considered the utilities' need for sufficient time to plan. Utilities have contended that they will require ten to fifteen years to plan and build replacement power plants if the operating licenses for existing nuclear power plants are not renewed. They have also contended that the NRC's technical requirements for license renewal must be established before utilities can reasonably determine whether renewal of their existing operating licenses is economically and technically justified. It is in view of these considerations that the Commission believes that the ninety days allowed to comment on the proposed rule is sufficient and the requests to extend the comment period are denied.

Dated at Rockville, Maryland, this 22d day of August, 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90–20127 Filed 8–24–90; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 2

[GEN Docket No. 90–357; FCC 90–281]

Establishment and Regulation of New Digital Audio Radio Services

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is commencing an initial inquiry into the possible development and implementation of new digital audio radio services. The Commission seeks information on a broad range of issues relating regulatory and technical matters associated with the possible authorization of such services. This inquiry will provide the Commission a basis that will allow it to proceed on digital audio radio in an expeditious and reasoned manner when it is appropriate to do so.

DATES: Comments must be submitted on or before October 12, 1990 and reply comments on or before November 13, 1990.

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

FOR FURTHER INFORMATION CONTACT: Bruce A. Franca, Office of Engineering and Technology (202) 653–8162, or Damon C. Ladson, Office of Engineering and Technology (202) 653–8106.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Inquiry in GEN Docket No. 90–357, FCC 90–281, adopted August 1, 1990, and released August 21, 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 be purchased from the Commission's copy contractor, International Transcription Services (202) 857–3800, 2100 M Street, NW., Washington, DC 20037.

Summary of Notice

1. Digital audio radio refers to the use of digital modulation techniques to provide audio programming with higher sound quality than can now be provided by the existing AM and FM broadcasting techniques. Generally, digital audio radio is expected to provide "compact disk" quality audio; improved stereo separation, even in mobile environments; greater dynamic range; better signal-to-noise and interference performance; and, elimination or reduction of multi-path and fading problems.

2. The Commission has received three filings requesting authorization to provide digital audio broadcasting services. On May 18, 1990, Satellite CD Radio, Inc. (Satellite CD Radio) filed a petition for rule making to allocate frequencies for a new CD-quality radio service. According to Satellite CD radio, this new service would be provided in part by satellites and in part by terrestrial transmitters. It proposes primary allocations for terrestrial operations in the 1460–1470 MHz band and satellite operations in the 1470–1530 MHz band. On May 22, 1990, Radio Satellite Corporation (RSC) filed an application to construct and operate an earth station that would provide digital audio programming, along with other mobile services, through the mobile satellite system licensed to the American Mobile Satellite Corporation. RSC proposes to resell satellite capacity on a non-common carrier basis to common carrier and broadcast entities

who would provide the services. On May 23, 1990, Strother Communications, Inc. (SCI) filed an application for experimental authority to construct and operate a digital audio transmission system in Boston, Massachusetts and Washington, DC SCI proposes to provide 14 digital audio program channels on a UHF television channel using the European developed Eureka-147 digital audio broadcast system. Subsequently, on July 27, 1990, SCI filed a petition for rule making requesting the Commission to allocate 48 MHz of spectrum in the 225–2700 MHz range for a terrestrial digital audio broadcasting system. SCI states that the perferred 48 MHz allocation would be as close to 225 MHz as possible.

3. In view of the developing interest in digital audio broadcasting services, the Commission is commencing an initial inquiry into issues relating to the possible authorization of new digital audio radio services. It seeks information that will assist it in developing technical standards and regulatory policies associated with the possible introduction and implementation of such services. The Commission believes that it is important to begin to focus public and industry attention so that it will be in a position to move forward expeditiously in this matter when it is appropriate to do so.

4. The inquiry requests information on a broad range of issues, beginning with the need for improved quality and service in audio broadcasting. One of the most important issues addressed is the impact digital radio would have on existing audio services. A third issue, and perhaps the most difficult, is how to accommodate digital audio service in the spectrum. The inquiry also asks for information on the costs to provide digital audio services and whether they should be provided by satellite or terrestrial based transmitters or some combination of both. Another issue to be examined is the regulatory structure or structures needed to ensure that the public benefits of digital radio are most efficiently realized. The inquiry asks whether, given the variety of frequencies proposed for use in the pending application, the Commission should adopt one set of governing policies for the service regardless of the frequencies used or adopt policies unique to each proposed band and service offering. Finally, the inquiry requests information about the relationship between U.S. competitive positions in telecommunications and information processing and participation in digital audio broadcasting.

5. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments on or before October 12, 1990 and reply comments on or before November 13, 1990.

All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

List of Subjects in 47 CFR Part 2

Table of frequency allocations, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 90–20035 Filed 8–24–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 580

[Docket No. 87–09; Notice 13]

RIN 2127–AC42

Odometer Disclosure Requirements

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

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend § 580.11 to allow a State to petition for approval of alternate procedures to the current requirement that the secure power of attorney form be submitted back to the State that issued it with the application for a new title and the transferor's title. Under this proposal, a State could petition for approval of a procedure whereby the State will collect and retain secure power of attorney forms submitted by a transferee. The petition would have to set forth the requirements in effect in the petitioning State, including a copy of the applicable State law or regulation and would have to explain how the requirements are cosistent with the Motor Vehicle Information and Cost Savings Act. Notice of grant or denial of the petition would be issued by the Office of the Chief Counsel to the petitioner.

This notice also proposes additional clarifying amendments.

DATES: Comments on this NPRM are due no later than September 26, 1990.

ADDRESSES: Written comments should refer to the docket number of this notice and should be submitted to: Docket Section, Room 5109, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. (Docket hours are 9:30 am to 4:00 pm.)

FOR FURTHER INFORMATION CONTACT: Mattie Cohan, Office of the Chief Counsel, Room 5219, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590 (202–366–1834).

SUPPLEMENTARY INFORMATION:

Background

To implement the Truth in Mileage Act of 1986, Pub. L. 99–579, and to make some needed changes in the Federal odometer regulations, the National Highway Traffic Safety Administration (NHTSA) published a notice of proposed rulemaking (NPRM) on July 17, 1987. 52 FR 27022 (1987). The agency received numerous comments on the NPRM representing the opinions of new and used car dealers, auto auctions, leasing companies, State motor vehicle administrators, and enforcement and consumer protection agencies. Each of the comments was considered, and a final rule was published on August 5, 1988. 53 FR 29464 (1988).

On October 31, 1988, Congress enacted the Pipeline Safety Reauthorization Act of 1988 (PSRA), Pub. L. 100–561. Section 401 of the PSRA, which amends section 408(d)(1) of the Motor Vehicle Information and Cost Savings Act (MVICSA), 15 U.S.C. 1988(d)(1), authorizes the use of secure powers of attorney in connection with the required mileage disclosure under certain circumstances. The new law directs the agency to prescribe the form and content of the power of attorney/disclosure document and to establish reasonable conditions for its use by the transferor "consistent with this Act and the need to facilitate enforcement thereof." It also requires NHTSA's rule to provide for the retention of a copy of the power of attorney form by the person exercising it and to ensure that the person granted the power of attorney completes the disclosure on the title consistent with the disclosure on the power of attorney form. Finally, the statute provides that the original secure power of attorney form must be submitted back to the state by the person exercising the power of attorney.

To implement these provisions, NHTSA issued an interim final rule/request for comments on March 8, 1989. 54 FR 9809 (1989). The interim final rule permitted an individual, in limited instances when the title of the vehicle that is being transferred is physically held by a lienholder, to sign the odometer disclosure as both transferor and transferee through the use of a

secure power of attorney form, issued by a State. When such vehicles are resold, the interim final rule allowed the transferee (in the second transaction) to use the same power of attorney form to authorize his transferor to sign the disclosure on the title document on his behalf.

Several provisions of the interim final rule prompted vigorous comment. In particular, the National Automobile Dealers Association (NADA) and the National Independent Automobile Dealers Association (NIADA) expressed dissatisfaction with three aspects of the interim final rule. First, they criticized the fact that the interim final rule did not allow for use of secure powers of attorney in situations in which the customer's title is not present because the customer has lost or misplaced the title. Second, they opposed the requirement that the persons exercising the power of attorney certify that the title revealed no mileage discrepancies. Third, they objected to the requirement that title applications must accompany secure power of attorney forms when they are submitted back to the State.

After careful consideration of the comments received, NHTSA decided to amend some of the provisions in the interim final rule. On August 30, 1989, NHTSA published a final rule which allows secure powers of attorney to be used in lost title situations, as well as in situations where the title is physically held by a lienholder. In addition, while retaining the certification to reflect more clearly the intent of the requirement (that the individual exercising the power of attorney check to see that the mileage appearing on the title is lower than that disclosed on the power of attorney form). The agency also limited the certification requirement to those situations in which the power of attorney has been used for both the first and second sale transactions. NHTSA declined, however, to alter the requirement that title applications must be filed with power of attorney forms.

The agency received four petitions for reconsideration of the August 1989 final rule. These petitions requested that NHTSA reconsider the provision of the final rule that requires that title applications accompany power of attorney forms when those forms are returned to the State. In addition, Senator J. James Exon, Representatives Bob Whittaker and Norman F. Lent, and Representative Robert H. Michel sent letters to the Department of Transportation expressing the same sentiments as the petitioners. On February 22, 1990, the agency denied these petitions for reconsideration. 55 FR 6257.

The Florida Division of Motor Vehicles filed a petition with the agency on June 5, 1990, seeking approval for a procedure whereby dealers exercising secure powers of attorney would, in lieu of submitting them back to the State with a title application, submit them with copies of the front and back of the old titles only, and that the State would retain these copies. Since the odometer disclosure requirements do not contain any mechanism to approve an alternate procedure such as the one proposed by Florida, the agency interpreted Florida's petition as a petition for rulemaking to create such a mechanism for approval. The agency granted Florida's petition for rulemaking on July 23, 1990. This NPRM initiates that rulemaking process.

The Florida Petition

Section 408(f)(2) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(f)(2)) provides for the administrative approval of alternate odometer disclosure requirements submitted by a State to the extent that such alternate requirements are consistent with the purposes of Act. A mechanism for such administrative approval of alternate disclosure requirements is incorporated into the regulation at § 580.11. Specifically, § 580.11 permits States to "petition MHTSA for approval of disclosure requirements which differ from the disclosure requirements of §§ 580.5 and 580.7 of this part."

On June 5, 1990, the State of Florida petitioned NHTSA for approval under § 580.11 of an "alternate method of complying with the requirement of Section 401 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1988(d)(1)(C)) and 49 CFR 580.13(f)." In lieu of the requirement that the secure powers of attorney form be submitted back to the state with a title application, Florida proposes to require dealers who take in vehicles on powers of attorney and who wish to directly assign those vehicles to other dealers to submit to the State a copy of the secure power of attorney form, along with a copy of the front and back of the title to the vehicle being assigned. This information would be retained by the State. Florida further proposes to review the submitted documents, and refer documents containing discrepancies to the proper officers for investigation and action, as appropriate.

The agency is very interested in the Florida proposal; it would seem to serve our enforcement interests while allowing the State and the dealers to avoid extra retitling of vehicles. Section 580.11, however, is very specific in allowing for the approval of alternatives to §§ 580.5 and 580.7, only. There is, under the current regulation, no mechanism whereby the agency could grant Florida's request for approval of a system which would eliminate the requirement in § 580.13(f) that all secure powers of attorney must be returned to the State with title applications.

However, because we think Florida's proposal has considerable merit, we have interpreted its petition as a petition for rulemaking to create a mechanism for the administrative approval of alternate requirements for the submission to the State and retention by the State of secure powers of attorney. We granted Florida's petition for rulemaking on July 23, 1990. At such time the mechanism proposed herein may be adopted as a final rule, we will review in greater detail Florida's request for approval of alternate requirements under that mechanism and will issue notice of grant or denial of that request directly to Florida without further publication in the **Federal Register.**

Approval of Alternate Requirements

We are proposing to amend § 580.11 to allow a State to petition for approval of alternate requirements, pursuant to which the State will collect and retain secure power of attorney forms submitted by transferees as required by the MVICSA. Under this proposal, a State could submit a petition to the Office of the Chief Counsel for approval. Such petitions would have to set forth the requirements in effect in the petitioning State, including a copy of the applicable State law or regulation and would have to explain how the requirements are consistent with the MVICSA. Notice of grant or denial of the petition would be issued by the Office of the Chief Counsel to the petitioner without further notice in the **Federal Register.**

Clarification of Section 580.11(c)

In reviewing § 580.11 in light of the Florida petition, the agency determined that the language of paragraph (c) of that section was unclear. Specifically, the use of the term "extension" in the sentence "The effect of a grant of a petition is to relieve a State from responsibility to conform the State motor vehicle titles with §§ 580.5 amd 580.7 of this part during the time of the extension," could cause some confusion. The effect of a grant of such a petition would be to relieve a State from responsibility to conform its titles with §§ 580.5 and 580.7 for as long as the approved alternate disclosure

requirements were in effect in that State, and the term "extension" in that sectence should not be confused with any extension a State may have in bringing its titles into conformance with the requirements of this part. Accordingly, to avoid any confusion, we are proposing to amend that sentence to read as follows: "The effect of the grant of a petition is to relieve a State from responsibility to conform the State disclosure requirements with §§ 580.5, 580.7 or 580.13(f) for as long as the approved alternate disclosure requirements remain in effect in that State."

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. This proposed rule might allow States to voluntarily adopt more costly new recordkeeping procedures; however, these costs could be offset by the lowered cost resulting from the issuance of fewer titles than the State would have to issue under the current rule. Finally, the rule does not require action by any State.

Regulatory Impacts

A. Costs and Benefits to Dealers, States and Consumers

NHTSA has analyzed this rule and determined that it is neither "major" within the meaning of Executive Order 12291, nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures because of substantial public interest in this matter. This NPRM does not impose any costs on the States, dealers or distributors.

B. Small Business Impacts

The agency has also considered the impacts of this rule in relation to Regulatory Flexibility Act. I certify that this rule will not have a significant economic impact on a substantial number of small entities. Accordingly, no regulatory flexibility analysis has been prepared.

C. Environmental Impacts

NHTSA has considered the environmental implications of this rule, in accordance with the National Environmental Policy Act, and determined that it will not significantly affect the human environment. Accordingly, an environmental impact statement has not been prepared.

D. Paperwork Reduction Act

The Office of Management and Budget (OMB) has already approved NHTSA's information collection requirements that require consumer, dealers, distibutors, lessors and auction companies to disclose and/or retain mileage information. (OMB 2127–0047). This NPRM does not propose any new information collection requirements as that term is defined by OMB in 5 CFR part 1520.

Public Comments

Interested persons are invited to submit comments on the proposal. It is requested, but not required, that ten copies be submitted.

All comments must not exceed fifteen pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the fifteen page limit. This limitation is to encourage commenters to detail their preliminary arguments in a concise fashion.

All comments received before the close of the business on the comment closing date listed above will be considered and will be available for examination in the docket both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too late for consideration will be considered suggestions for further rulemaking action. The agency will continue to file relevant information as it becomes available. It is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments by the docket, should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

In consideration of the foregoing, 49 CFR part 580 would be amended as follows:

PART 580—[AMENDED]

1. In § 580.11, paragraphs (a) and (c) would be revised as follows:

§ 580.11 Petitions for approval of alternate disclosure requirements.

(a) A State may petition NHTSA for aproval of disclosure requirements which differ from the disclosure requirements of §§ 580.5, 580.7, or 580.13(f) of this part.

* * * * *

(c) Notice of either a grant or denial of a petition for aproval of alternate motor vehicle disclosure requirements is issued to the petitioner. The effect of the grant of a petition is to relieve a State from responsibility to conform the State disclosure requirements with §§ 580.5, 580.7, or 580.13(f), as applicable, for as long as the approved alternate disclosure requirements remain in effect in that State. The effect of a denial is to require a State to conform to the requirements of §§ 580.5, 580.7, or 580.13(f), as applicable, of this part until such time as the NHTSA approves any alternate motor vehicle disclosure requirements.

Issued on August 22, 1990.

Paul Jackson Rice,

Chief Counsel, National Highway Traffic Safety Administration.

[FR Doc. 90–20142 Filed 8–24–90; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB42

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status under "Similarity of Appearance" Provisions for Felis concolor in Florida

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Florida panther (*Felis concolor coryi*) is listed as an endangered species under the Endangered Species Act of 1973 (Act), as amended. The Service now proposes to list all other free-living *Felis concolor* (common names: mountain lion, cougar, puma, panther, etc.) as threatened under the "Similarity of Appearance" provisions of the Act wherever they may occur in Florida. This action is necessary to protect the listed endangered Florida panther from illegal take. For the untrained eye, it is very difficult for individuals of Florida panthers to be distinguished from individuals of unlisted subspecies of *Felis concolor*. Unlisted species of cougars periodically occur in Florida either as escapees from captivity or are deliberately turned loose.

DATES: Comments from all interested parties must be received by October 26, 1990. Public hearing requests must be received by October 11, 1990.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Jacksonville

Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32218. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Field Supervisor, at the above address (904) 791–2580 or FTS 946–2580.

SUPPLEMENTARY INFORMATION:

Background

Under the "Similarity of Appearance" provisions of Section 4(e) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and associated regulations (50 CFR 17.50 and 17.51), species (or subspecies or other groups of wildlife) which are not considered to be endangered or threatened, may nevertheless be treated as such for the purpose of providing protection to a species (or subspecies or other groups of wildlife) that is biologically endangered or threatened. Under these "Similarity of Appearance" provisions the Service must find: (a) That the species so closely resembles in appearance an endangered or threatened species that enforcement personnel would have substantial difficulty in identifying listed from unlisted species; (b) that the effect of this substantial difficulty is an additional threat to the endangered or threatened species; and (c) that such treatment of an unlisted species will substantially facilitate the enforcement and further the purposes of the Act. This proposal is consistent with all three of those provisions.

The Florida Game and Fresh Water Fish Commission (Commission) estimates that at least several hundred mountain lions are currently held in captivity in Florida. These animals are often of unknown origin, but most are probably from the western U.S. Occasionally, captive mountain lions accidentially escape or are deliberately released. According to the Commission's Division of Law Enforcement, twenty known escapes of mountain lions have occurred in the last few years, and 48 mountain lions are seized in 1989, mostly for illegal possession. There is a risk that Florida panthers will be killed under the assumption or justification that they are escaped mountain lions. There also is a need to protect mountain lions which are released experimentally in the course of recovery work for the Florida panther. In 1989, five Texas mountain lions were released in Osceola National Forest as surrogates to test the suitability of the habitat for Florida panthers. During the study, one cougar was known to have been shot and killed illegally, and another such killing was suspected. A mountain lion from a private zoo near Bonita Springs was illegally shot and killed within two days of its escape in March 1990.

Because it is almost impossible to distinguish between the listed and unlisted subspecies of *Felis concolor*, it has been difficult or impossible to prosecute cases of illegal take. Therefore, in order to further the purposes of the Act in providing protection for the endangered Florida panther, the Service makes the following findings: (1) That enforcement personnel, as well as nearly all other persons, would be unable to routinely separate the listed Florida panther from unlisted subspecies of *Felis concolor*; (2) that the Florida panther is so endangered in the wild that the loss of a single animal through illegal take could seriously jeopardize the survival of the subspecies: and (3) that the take of any *Felis concolor* in areas where the listed Florida panthers occur would be without regard for, or forehand knowledge of, the status of that particular individual of *Felis concolor*, and thus would pose direct and indirect threats to the endangered Florida panther.

The Service now proposes to list, for law enforcement purposes, any free-living *Felis concolor* not otherwise identifiable as a Florida panther (*Felis concolor coryi*) as threatened under section 4(e). "Similarity of Appearance" provisions, of the Act wherever it may be found in the wild in Florida. Free-living *Felis concolor* in Florida would be allowed to be taken only under permit (50 CFR 17.52) *or* by a Service or state-designated agent when it has been established by the Service, in consultation with the State, that the animal in question is not a Florida panther (*Felis concolor coryi*). Not withstanding this prohibition, it would remain legal for any party to take *Felis concolor* in Florida in defense of his own life or the lives of others (see 50 CFR 17.21(c)(2)). It would also remain legal for agents of the Service or the Florida Game and Fresh Water Fish Commission to remove or take *Felis concolor* that constituted a demonstrable but nonimmedate threat to human safety (see 50 CFR 17.21(c)(3)(iv)). Section 7 of the Act, Interagency Cooperation, does not apply to animals protected by similarity of appearance.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4 of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Author

The primary author of this proposed ruled is Dr. Michael M. Bentzien, Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation of Part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1543; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.11(h) by adding the following in alphabetical order under Mammals, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endanged and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
Lion, mountain	*Felis concolor*	Canada to South America	U.S.A. (FL)	T(S/A)		NA	17.40(h)

3. It is further proposed to amend § 17.40 by adding a new paragraph (h) as follows:

§ 17.40 Special rules—mammals.

* * * * *

(h) Mountain lion (*Felis concolor*). (1) Except as allowed in paragraphs (h)(2) and (h)(3) of this section, no person shall take any mountain lion (*Felis concolor*) in Florida.

(2) A mountain lion (*Felis concolor*) may be taken in this area under a valid endangered species permit issued pursuant to 50 CFR 17.52.

(3) A mountain lion (*Felis concolor*) may be taken by a Service or state-designated agent when it has been established by the Service, in consultation with the state, that the animal in question is not a Florida panther (*Felis concolor coryi*) or an eastern cougar (*Felis concolor couguar*).

(4) Take for reasons of human safety is allowed as specified under 50 CFR 17.21(c)(2) and 17.21(c)(3)(iv).

(5) Any taking pursuant to paragraph (h)(4) of this section must be reported in writing to the U.S. Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 19183, Washington, DC 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

Dated: August 8, 1990.

Bruce Blanchard,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90–20057 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–SS–M

Notices

Federal Register
Vol. 55, No. 166
Monday, August 27, 1990

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

DEPARTMENT OF AGRICULTURE

Forest Service

The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the second meeting of The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council. The meeting will be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act.

DATES: September 11, 1990, 7 p.m.

ADDRESSES: The meeting location is Bob Lee Kidd Civic Center, Highway 271 North, Poteau, Oklahoma. Send written statements to Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71902.

FOR FURTHER INFORMATION CONTACT: Gary Pierson, (501)–321–5281.

SUPPLEMENTARY INFORMATION: The Ouachita National Forest, Le Flore County, Oklahoma, Multiple Use Advisory Council was created by the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv–13). The Council, comprised of 20 members, appointed by the Secretary of Agriculture September 25, 1989, will meet periodically. The purpose of this Council is advisory in nature. The Council shall provide information and recommendations to the Secretary regarding the operation of the Ouachita National Forest in Le Flore County. The Council is composed of representatives from the local area in which the Ouachita National Forest is located, equally divided among conservation, timber, fish and wildlife, tourism and recreation, and economic development interests.

Mike Curran, Supervisor of the Ouachita National Forest will chair the meeting. Representatives of the Forest Service will attend from the Department of Agriculture including the designated officer of the Federal Government. The agenda for this meeting will include: discussion of proposed impoundments for recreation and wildlife and discussion of meeting procedures.

Dated: August 16, 1990.

John M. Curran,

Forest Supervisor.

[FR Doc. 90–20050 Filed 8–24–90; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–479–801]

Final Determination of Sales at Less Than Fair Value; Industrial Nitrocellulose From Yugoslavia

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that imports of industrial nitrocellulose from Yugoslavia are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to continue to suspend liquidation of all entries of industrial nitrocellulose from Yugoslavia. The ITC will determine within 45 days of the publication of this notice whether these imports injure, or threaten material injury to, the U.S. industry.

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Karmi Leiman or Bradford Ward, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–8498 or 377–5288, respectively.

SUPPLEMENTARY INFORMATION:

Final Determination

We determine that imports of industrial nitrocellulose from Yugoslavia are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). The estimated weighted-average margins are shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

On April 17, 1990 the Department of Commerce (the Department) published an affirmative preliminary determination (55 FR 17290). On July 9, 1990 the Department published a notice postponing the final determination in this investigation until not later than September 6, 1990 (55 FR 28073). Interested parties submitted comments for the record in case briefs dated June 5, 1990 and in rebuttal briefs dated June 11, 1990. A public hearing was held on June 14, 1990.

Scope of Investigation

The product covered by this investigation is industrial nitrocellulose.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks.

The scope of this investigtion does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

The subject merchandise is classified under Harmonized Tariff Schedule (HTS) subheading 3912.20.00. HTS subheadings are provided for convenience and U.S. Customs purposes. The written description remains dispositive as to the scope of this investigation.

Period of Investigation

The period of investigation is April 1, 1989 through September 30, 1989.

Such or Similar Comparisons

For the purposes of this investigation, we have determined that all industrial nitrocellulose comprises a single category of such or similar merchandise. On the basis of six criteria (nitrogen percentage, viscosity rating, wetting

agent type, cellulose source, physical form, and wetting agent percentage) we determined that there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States. Therefore, we compared sales of the most similar merchandise and made adjustments for differences in physical characteristics of the merchandise in accordance with 19 CFR 353.57.

Fair Value Comparisons

Except for substantial deficiencies in its response to the Department's requests for information regarding cost of production (COP), the respondent in this investigation, Milan Blagojevic (MB), cooperated with the Department by filing timely and complete responses to the Department's requests for information. However, the Government of Yugoslavia refused to allow the Department to verify MB's responses.

By letter dated Janaury 26, 1990, the respondent informed the Department that there are "national interest problems associated with verification" and that "according to Yugoslavia law, foreign government officials are expressly forbidden from visiting Yugoslav plants." The respondent forwarded a request from the Government of Yugoslavia that asked the Department to request permission officially for verification and provide an outline of what a verification would entail.

The Department responded on February 2, 1990 with an official request for verification, stipulating the statutory basis for the request and providing a list of documents that are typically examined at verification. The Department wrote to respondent on April 9, 1990, requiring confirmation by April 17, 1990 of whether the Department would be allowed to verify. On April 16, 1990, the Department agreed to an extension until May 2, 1990 for confirmation of whether the Department would be allowed to verify MB's responses.

On April 25, 1990, in anticipation of a favorable reply from the Government of Yugoslavia, the Department notified the respondent of its intention to begin verification on May 14, 1990.

On April 30, 1990, the respondent requested an extension until May 4, 1990 to advise the Department of the Government of Yugoslavia's decision concerning verification.

On May 10, 1990, the respondent informed the Department that it was still attempting to get permission for verification from the Federal Secretariat for National Defense of Yugoslavia.

On May 22, 1990, the Embassy of Yugoslavia informed the Department of the "refusal of the competent Yugoslav authorities to grant permission for on-site verification of the production and business books of 'Milan Blagojevic' on the grounds of national security."

The Department wrote to the respondent on May 24, 1990, that, as the Department would not be allowed to verify MB's response, the Act requires the use of the best information available (BIA) for the Department's final determination.

On June 14, 1990, the Department held a hearing at which MB argued that, given the unique circumstances of the case, the Department should use MB's data as BIA. MB stated that it had fully cooperated with the Department during the investigation and that the denial of verification came solely from the Government of Yugoslavia.

On June 29, 1990, the Department wrote to the Minister for Economic and Financial Affairs at the Yugoslav Embassy, requesting that officials of the Government of Yugoslavia "examine MB's responses to the Department's requests for information, compare them to MB's books and records, and then provide the Department with a certification of the accuracy of the information provided by MB to the Department."

On August 9, 1990, the Department received a certification from the Federal Secretariat of National Defense of Yugoslavia through the Yugoslav Embassy in Washington. This certification stated that a "delegation composed of specialists in technical and financial fields" examined MB's books and found that the data submitted by MB was "accurate and correct."

Section 776(b) of the Act is unambiguous on the subject of verification: "(The Department) shall verify all information relied upon in making * * * a final determination in an investigation." Further, if the Department "is unable to verify the accuracy of the information submitted, it shall use the best information available to it as the basis for its action, which may include in actions referred to in paragraph (1) the information submitted in support of the petition."

The Department's regulations (19 CFR 353.37) provide that the Department will use BIA whenever the Department is unable to verify, within the time specified, the accuracy and completeness of the factual information submitted. The regulations provide that BIA may include information submitted in support of the petition or information subsequently submitted by interested parties. If an interested party refuses to provide factual information requested by the Department or otherwise impedes the proceeding, the Department may take that into account in determining what is BIA.

MB's response must be considered "unverified" because the Department was denied the option of an on-site examination of MB's books and records. The statute and regulations expressly require that the Department use BIA in the absence of verified information. Given this requirement, the Department must determine what constitutes BIA in this case.

The statutory provisions regarding BIA have been interpreted by the Department and the courts as a tool that helps the Department, which does not have subpoena power over foreign respondents, to compel respondents to cooperate fully during all stages of an investigation. *See N.A.R., S.P.A.* v. *United States* (Ct. Int'l. Trade, Slip Op. 90–60 (1990)), citing *Atlantic Sugar, Ltd.* v. *United States*, 744 F.2d 1556, 1560 (Fed. Cir. 1984).

The General Agreement on Tariffs and Trade (GATT) provides in Article XXI that "Nothing in this Agreement shall be construed (a) To require any contracting party to furnish any information the disclosure of which it considers contrary to its essential security interests; or (b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests * * * (ii) Relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment * * *." The Department in this case has not, and could not, compel the Government of Yugoslavia to provide information contrary to its essential security interests. However, as the Department has recognized in the *Final Affirmative Countervailing Duty Determination: Industrial Nitrocellulose from France* (48 FR 11971, 11972, March 22, 1983):

> While national security considerations cannot serve as a blanket excuse for non-cooperation, nor for non-compliance with our countervailing duty and antidumping laws, the legitimate national security interests of a respondent government must be taken into account in any decision regarding what constitutes best information available. Where access to information deemed relevant to an investigation is barred by legitimate claims of national security, resort to best information available supporting the most adverse assumptions or results would give every appearance of punishing the responsent for its invocation of a right recognized by the

GATT and by general principles of international law and sovereignty.

In general, the Department finds unacceptable the notion that information favorable to the respondent should be used as BIA any time a foreign government claims that a response to the Department's request for information or a verification of a response would be in conflict with that government's essential security interests. By their very nature, claims based on national security cannot generally be examined for "legitimacy" because the information required to make such a judgment would tend to reveal national security information. A broad interpretation of GATT Article XXI, therefore, would require the Department to accept claims of "essential security interests" by foreign governments without question, and use as BIA information favorable to the respondent. Such an interpretation would eviscerate U.S. antidumping laws and the intent of the GATT's Antidumping Code. A foreign government could invoke the "essential security interests" provision and thereby eliminate the administering authority's ability to examine the legitimacy of the claim.

In this case, however, the Department need go no further than the petition to learn that: "There is one other type of nitrocellulose called 'explosives grade nitrocellulouse' or 'smokeless nitrocellulose' which has totally distinct markets and uses. Explosives grade nitrocellulose has a nitrogen content of over 12.2 percent and is used in the manufacture of dynamite and propellants for civilian and military ammunition and implements of war," (Petition, at page 6).

It is not unreasonable to conclude from the petition, and our experience in other investigations of this product, that the respondent may have the ability to produce explosive grade nitrocellulose, and may, in fact, be supplying its government with explosive grade nitrocellulose for "implements of war." Preventing the disclosure of information relating to production of explosive grade nitrocellulose could reasonably be termed an "essential security interest."

Given the unique circumstances of this case, the Department accepts the claim of the Government of Yugoslavia that vertification would conflict with its essential security interests. Therefore, as BIA, the Department is using the information provided by the respondent, and certified by the Government of Yugoslavia as accurate and correct, regarding MB's U.S. and home market sales.

With regard to the COP data submitted by MB, the Department wrote to the respondent on April 27, 1990, outlining substantial deficiencies and requesting information clarifying the COP response by May 9, 1990. MB did not respond to this request for information. Therefore, given the substantial deficiencies in MB's COP response, the Department is using, as BIA, the information provided by the petitioner in its January 12, 1990 COP allegation.

The Department considers MB's home market and U.S. sales information to be the best information available for the following reasons: (1) MB's responses regarding its home market and U.S. sales were complete and internally consistent; (2) MB expected, when it complied and submitted information to the Department, that the information would be subject to verification, giving MB an incentive to submit complete and accurate information; and (3) the Government of Yugoslavia's certification provides the Department with corroboration that the information provided by MB is accurate.

To determine whether sales of industrial nitrocellulose from Yugoslavia to the United States were made at less than fair value, we compared the United States price to the foreign market value, as specified in the United States Price and Foreign Market Value sections of this notice.

United States Price

We based United States price on purchase price in accordance with section 772(b) of the Act because all sales were made directly to unrelated parties prior to importation into the United States. We calculated purchase price based on packed f.o.b. Yugoslav port prices. We made deductions for foreign inland freight, foreign inland insurance, and foreign brokerage and handling. In an atempt to compensate for hyperinflation in Yugoslavia, foreign inland freight, foreign inland insurance, and foreign brokerage and handling were converted to U.S. dollars using the exchange rate in effect on the date the charges were incurred, rather than the date of the U.S. sale to which the charges pertain. In accordance with section 772(d)(1)(B) of the Act, we added import duties imposed by Yugoslavia which have not been collected by reason of the exportation of the merchandise to the United States.

We did not adjust for certain taxes (under section 772(d)(1)(C) of the Act) that the respondent reported were imposed in Yugoslavia and rebated by reason of the exportation of the merchandise to the United States. MB reported that it received a refund from the Yugoslav government for taxes paid by MB's suppliers at the rate of 4.92 percent of the gross unit U.S. price. However, MB was unable to provide sufficient information regarding the taxes. For example, MB could not show who paid the tax, when it was paid, the products that were taxed, or the tax rate. In fact, MB was unable to provide any evidence that the tax was paid.

Foreign Market Value

Because we determined Yugoslavia's economy to be hyperinflationary, we divided the period of investigation into six different sub-periods based on home market price changes. Home market prices remained constant during each of these sub-periods. In an attempt to eliminate the distortive effect of inflation on home market prices, each U.S. sale was compared to the foreign market value calculated for the sub-period in which the U.S. sale was made. We determined that there were sufficient sales during the period of investigation at or above the cost of production for use as foreign market value (*i.e.*, less than 90 percent but more than 10 percent of the sales were made at prices above the COP). For those sub-periods that contained home market sales at or above the COP, we based our calculation of foreign market value on home market sales in accordance with section 773(a)(1)(A) of the Act. Foreign market value for these sub-periods was based on packed, ex-factory prices to unrelated customers in the home market. One sub-period contained no home market sales at or above the COP. Accordingly, a significant percentage of U.S. sales were without home market sales comparisons. (*See e.g.*, Amended Final Determination of Sales at Less Than Fair Value: Tubeless Steel Disc Wheels from Brazil (53 FR 34556, September 7, 1988).) Therefore, we based foreign market value for this sub-period on constructed value. Constructed value was developed from the COP information provided by the petitioner in its January 12, 1990 COP allegation.

Pursuant to 19 CFR 353.56, we made circumstance of sale adjustments for differences in credit expenses and bank charges. Because commissions were paid on U.S. sales and not on home market sales, we added U.S. commissions to the foreign market value and subtracted from foreign market value the lesser of U.S. commissions or home market indirect selling expenses. In an attempt to compensate for hyperinflation in Yugoslavia, U.S. commissions and bank charges were

converted to U.S. dollars using the exchange rate on the date they were incurred.

Finally, we made an adjustment for differences in packing costs by subtracting home market packing costs from the foreign market value and adding U.S. packing costs.

Currency Conversion

When calculating foreign market value, we normally make currency conversions using the exchange rates certified by the Federal Reserve Bank of New York, in accordance with 19 CFR 353.60. However, certified rates were not available for Yugoslav dinars for the period of investigation. Therefore, we used the daily exchange rates provided by MB in its response. We confirmed the accuracy of the rates by comparing them to the rates provided by Jugobanka in New York. Jugobanka officials explained that the rates provided to the Department were obtained from the Yugoslav central bank.

Interested Party Comments

Comment 1: The respondent argues that the Department should use the respondent's own data as the best information available because the Government of Yugoslavia's decision to forbid verification of the data was beyond the respondent's control. The respondent specifically cites Article XXI of the GATT, which states that one government cannot require another government to furnish information that compromises the latter's national security. The respondent also cites the Restatement (Third), Foreign Relations Law of the United States, which generally provides that "one state should defer to the greater interest of another one" in deciding a matter affecting both. Since verification would compromise Yugoslavia's national security, the Government of Yugoslavia's interest outweighs that of the United States. Therefore, verification cannot be required. The respondent further states that the information should be accepted because the respondent has sworn to its accuracy and portions of the information are "corroborated by documentation" or "supported by reasonable inferences."

The petitioner argues that the best information available is the information submitted in the petition. As support for its argument, the petitioner states that the respondent's information is suspect because it contains "inconsistencies and contradictions" and is unverified. The petitioner states that the incomplete and questionable nature of the data submitted by MB, as well as the inherent unreliability of unverified date, necessitate using information contained in the petition as the best information available. With respect to the Government of Yugoslavia's claim that verification would compromise national security, the petitioner argue that "there is no way for the Department to be sure that respondent did not actively participate in such a decision because it knew that the information it had supplied" would not verify, and that no legitimate national security claims apply with respect to production of industrial nitrocellulose.

DOC position: In the absence of verfied information, the Department used respondent's data regarding home market and United States prices as BIA. For COP, the Department used information supplied by the petitioner in its January 12, 1990 submission as BIA. See the Fair Value Comparisons section of this notice for a complete explanation.

Comment 2: The respondent contends that, because Yugoslavia's economy is hyperinflationary, the Department incorrectly converted home market dinar-denominated commissions and bank charges for purposes of the Department's preliminary determination. The respondent states that these amounts should have been converted to U.S. dollars on the date the expenses were incurred rather than on the U.S. sale date. In addition, the respondent states that U.S. packing costs should be converted on the date of shipment because the product is not packed until just prior to shipment. The respondent contends that, because of hyperinflation in Yugoslavia, conversion of packing costs unsing the exchange rate in effect on the date of sale seriously distorts the margin due to the interval between the date of sale and date of shipment.

The petitioner counters that the Department followed its normal practice by converting on the date of the U.S. sale, and that the appropriateness of an alternate currency conversion date cannot be determined without verification.

DOC position: The Department converted bank charges and commissions on the date they were incurred in an attempt to compensate for hyperinflation in Yugoslavia.

Unlike bank charges and commission, the precise date that packing costs were incurred cannot be determined. The nature of packing expenses is such that they are incurred over a period of time. Therefore the Department converted U.S. packing costs on the date of the U.S. sale. However, in an attempt to eliminate the distortive effects of hyperinflation, we used the dinar-denominated packing costs associated with the month in which the sale occurred.

Comment 3: The respondent states that the Department should adjust for a 4.92 percent refund of indirect taxes, which is paid by the Goverment of Yugoslavia upon export, as provided for under 19 CFR 353.41(d)(iii). Alternatively, the respondent proposes treating the taxes as a circumstance of sale adjustment.

The petitioner counters that the Department should not adjust for this refund because the respondent provided no evidence that the taxes are included in the home market price and because a circumstance of sale adjustment cannot be allowed without verification.

DOC position: No adjustment was made either under 19 CFR 353.41(d)(iii) or under 19 CFR 353.56 to account for taxes for the reasons outlined in the United States Price section of this notice.

Comment 4: The respondent argues that the Department should make a circumstance of sale adjustment for excahnge rate gains and losses because the net gain is considered an income source associated with selling the subject merchandise to the United States.

The petitioner counters that such an adjustment is inappropriate both because the respondent was merely a successful currency speculator, not a user of forward money markets or exchange contracts (hedging mechanisms that the Department has recognized in previous cases), and because the claimed gain is unverified.

DOC position: The Department did not adjust for exchange rate gains or losses. The Department will adjust for exchange rate gains or losses only when the respondent can show actual exchange contracts and demonstrate that these contracts are tied directly to the sales that took place during the POI. (*See* Final Determination of Sales at Less Than Fair Value: Antifriction Bearings (Other Than Tapered Roller Bearings) from Various Countries (54 FR 19085, May 3, 1989).)

Comment 5: The petitioner contends that the postponement of the final determination is unfair to the petitioner because it would allow MB to continue to make sales at less than fair value in the United States. The respondent counters that, as it is currently depositing a 9.42 percent dumping duty

as well as an additional import duty, petitioner is not being prejudiced by the postponement.

DOC position: On may 2, 1990 the Department received a request from MB to postpone the final determination. Section 735(a)(2) of the Act permits the Department to postpone making the final determination if it receives a request by an exporter who accounts for a significant proportion of exports of the subject merchandise. MB is such an exporter. The Department postponed the final determination in order to allow the Government of Yugoslavia the necessary time to certify MB's data.

Comment 6: The petitioner contends that the Department's request for certification of MB's data by the Government of Yugoslavia is legally objectionable because it allows for the submission of factual information after the established deadline. Further, the petitioner states that the Government of Yugoslavia cannot be considered a disinterested party. Any certification of accuracy provided by the inexperienced and potentially biased foreign officials is no substitute for a verification by the Department. The respondent counters that the Government of Yugoslavia does not have ties to MB and thus, is a disinterested party. In addition, the respondent contends that the Government of Yugoslavia merely certified the accuracy of MB's informaiton and did not submit any additional factual information. These actions complied with the direct request from the Department for certification.

DOC position: In accordance with 19 CFR 353.31(b)(1), the Department may request the submission of factual information "at any time during a proceeding." Because of the nature of this proceeding, we requested this certification. Therefore, the submission of a certification of MB's data by the Government of Yugoslavia is permissible whether it is considered factual data or not.

We accept the Government of Yugoslavia's certification as corroboration of the accuracy of MB's home market and U.S. sales informaiton as outlined in the Fair Value Comparisons section of this notice.

Continuation of Suspension of Liquidation

We are directing the U.S. Customs Service to continue to suspend liquidation, under section 733(d) of the Act, of all entries of industrial nitrocellulose from Yugoslavia, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register.** The U.S. Customs Service shall continue to require cash deposit or posting of a bond equal to the estimated amounts by which the foreign market value of the subject merchandise from Yugoslavia exceeds the United States price as shown below. This suspension of liquidation will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Manufacturer/Producer/ Exporter	Weighted-average margin percentage
Milan Blagojevic	10.81
All others	10.81

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

If the ITC determines that material injury, or threat of material unjury, does not exist with respect to imports of industrial nitrocellulose, the proceeding will be terminated and all securities posted as a result of the suspension will be refunded or cancelled. However, if the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumpting duties on industrial nitrocellulose from Yugoslavia, entered, or withdrawn from warehouse, for consumption, on or after the effective date of the suspension of liquidation, equal to the amount by which the foreign market value exceeds the U.S. price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and 19 CFR 353.20(a)(4).

Dated: August 21, 1990.

Marjorie Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–20094 Filed 8–24–90; 8:45 am]

BILLING CODE 3510–DS–M

[A–122–605, et. al.]

Initiation of Anti-Circumvention Inquiry on Antidumping Duty Orders on Color Picture Tubes From Canada A–122–605, et. al.

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of initiation of anti-circumvention inquiry.

SUMMARY: On the basis of a petition filed with the Department of Commerce, we are initiating an anti-circumvention inquiry to determine whether producers of color picture tubes from Canada, Singapore, the Republic of Korea, and Japan are circumventing the antidumping duty orders on color picture tubes.

EFFECTIVE DATE: August 24, 1990.

FOR FURTHER INFORMATION CONTACT: Laurie A. Lucksinger, Office of Antidumping Compliance, or Richard Moreland, Director, Office of Antidumping Investigations, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377–5253.

SUPPLEMENTARY INFORMATION:

Background

On August 15, 1990, the Department of Commerce (the Department) received a petition by the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers, the International Union of Electronic, Electrical, Salaried Machine and Furniture Workers, the Industrial Union Department, AFL–CIO, and the United Steelworkers of America, requesting that the Department conduct an anti-circumvention inquiry on the antidumping duty orders on color picture tubes (CPTs) from Canada, Singapore, the Republic of Korea, and Japan, in accordance with section 781(b) of the Omnibus Trade and Competitiveness Act of 1988. The petitioners allege that producers of CPTs in Canada, Singapore, the Republic of Korea, and Japan are circumventing the antidumping duty orders on CPTs by importing such products into Mexico for final assembly into color television receivers before importation into the United States.

Initiation of Anti-circumvention Proceeding

Section 781(b) of the Omnibus Trade and Competitiveness Act of 1988 allows the Department to include merchandise within the scope of an existing antidumping duty order if the

merchandise imported into the United States is of the same class or kind as any merchandise produced in a foreign country that is the subject of an antidumping duty order, and before importation into the United States, such imported merchandise is completed or assembled in another foreign country from merchandise which is subject to the antidumping duty order, and the difference between the value of such imported merchandise and the value of the merchandise prior to completion or assembly in another foreign country is small.

In accordance with §§ 353.29(f)(1) and (f)(2) of the Department's regulations, we are initiating an anti-circumvention inquiry on the following antidumping duty orders.

Antidumping Duty Order and Country	Case Number
Color Picture Tubes, Canada	A-122-605
Color Picture Tubes, Singapore	A-559-601
Color Picture Tubes, the Republic of Korea	A-580-605
Color Picture Tubes, Japan	A-588-609

We intend to complete this inquiry according to the following schedule unless extraordinary complications arise:

Initial request for information.	Aug. 28, 1990.
Response	Sept. 4, 1990.
Anti-circumvention questionnaire.	Sept. 12, 1990.
Response	Oct. 15, 1990.
Issue preliminary determinations.	Dec. 5, 1990.
Hearing	Jan. 24, 1991.
Issue final determinations	Mar. 1, 1991.

The Department will not suspend liquidation at this time. However, the Department will instruct the U.S. Customs Service to suspend liquidation in the event of affirmative preliminary determinations of circumvention.

This notice is published in accordance with section 781(b) of the Tariff Act (19 U.S.C. 1677j(b)).

Dated: August 21, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-20093 Filed 8-24-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-814 and A-580-807]

Postponement of Preliminary Antidumping Duty Determinations: Polyethylene Terephthalate ("PET") Film From Japan and the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended (the Act), (19 U.S.C. 1673b(c)(1)(A)), we are postponing our preliminary determinations as to whether sales of polyethylene terephthalate (PET) film from Japan and the Republic of Korea have been made at less than fair value until not later than November 5, 1990.

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Karmi Leiman, Mark Wells or Bradford Ward at (202) 377-8498, (202) 377-3003, or (202) 377-5288, respectively, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On August 14, 1990, counsel for the petitioners requested that the Department postpone the preliminary determinations 30 days, in accordance with section 733(c)(1)(A) of the Act. Accordingly, we are postponing the date of the preliminary determinations until not later than November 5, 1990. The U.S. International Trade Commission is being advised of this postponement in accordance with section 733(f) of the Act.

This notice is published pursuant to section 733(c)(2) of the Act and 19 CFR 353.15(d).

Dated: August 20, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-20055 Filed 8-24-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-475-079]

Viscose Rayon Staple Fiber From Italy 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 viscose rayon staple fiber from Italy because it is no longer of interest to interested parties.

EFFECTIVE DATE: June 1, 1990.

FOR FURTHER INFORMATION CONTACT: Barbara Victor or Laurie A. Lucksinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-5253.

SUPPLEMENTARY INFORMATION:

Background

On June 1, 1990, the Department of Commerce (the Department) published in the Federal Register (55 FR 22365) its intent to revoke the antidumping finding on viscose rayon staple fiber from Italy (44 FR 33878, June 13, 1979).

Additionally, as required by 19 CFR 353.25(d)(4)(ii) (1990), the Department served written notice of its intent to revoke this finding on each interested party listed on the service list. Interested parties who objected to the revocation were provided the opportunity to submit their comments no later than thirty days from the date of publication.

Scope of Finding

The United States, under the auspices of the Customs Cooperation Council, has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the United States fully converted to the Harmonized Tariff Schedules (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or after that date is now classified solely according to the appropriate HTS item numbers(s).

Imports covered by the finding are shipments of viscose rayon staple fiber, except solution dyed, in noncontinuous form, not carded, not combed and not otherwise processed, wholly of filaments (except laminated filaments and plexiform filaments). Through 1988, such merchandise was classifiable under item numbers 309.4320 and 309.4325 of the Tariff Schedules of the United States Annotated. This merchandise is currently classifiable under HTS item numbers 504.10.00 and 5504.90.00. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Determination to Revoke

The Department may revoke a finding if the Secretary of Commerce concludes that a finding is no longer of interest to interested parties. We received no objections to our intent to revoke and no requests to review the antidumping finding on viscose rayon staple fiber from Italy. Further, we received no requests to conduct an administrative review pursuant to our notices of

Opportunity to Request Administrative Review (51 FR 21011, June 10, 1986; 52 FR 21338, June 5, 1987; 53 FR June 1, 1988; 54 FR 24728, June 9, 1989; 55 FR 24916, June 19, 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* 19 CFR 353.25(d)(4)(iii)), the Department has concluded that the finding is no longer of interest to interested parties. Therefore, we are revoking the antidumping finding on viscose rayon staple fiber from Italy in accordance with 19 CFR 353.25(d)(4)(iii).

The revocation applies to all unliquidated entries of this merchandise of Italian origin entered, or withdrawn from warehouse, for consumption on or after June 1, 1990. Any entries for the period June 1, 1989 through May 31, 1990 will be subject to automatic assessment pursuant to 19 CFR 353.22(e). The Department will instruct the Cusoms Service to proceed with liquidation of all unliquidated entries of this merchandise entered, or withdrawn from warehouse, for consumption on or after June 1, 1990, without regard to antidumping duties, and to refund any estimated antidumping duties collected with respect to those entries.

This notice is in accordance with 19 CFR 353.25(d)(4)(iii).

Dated: August 20, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–20053 Filed 8–24–90; 8:45 am]

BILLING CODE 3510–DS–M

Amendment of Export Trade Certificate of Review; Application; U.S. Shippers Association

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of application for an amendment to an Export Trade Certificate of Review.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Acting Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether the Certificate should be amended. An original and five (5) copies should be sumitted not later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 85–3A018."

OETCA has received the following application for an amendment to Export Trade Certificate of Review No. 85–00018, which was issued on June 3, 1986 (51 FR 20873, June 9, 1986) and amended January 16, 1990 (55 FR 2543, January 25, 1990).

Summary of Application

Applicant: U.S. Shippers Association (USSA), 1209 Orange Street, Wilmington, Delaware 19801, Contact: Mr. Richard Slattery Legal Counsel, Telephone: 202/662/6000

Application No.: 85–3A018

Date Deemed Submitted: August 17, 1990

Request For Amended Conduct: USSA seeks to amend its Certificate to replace Rhone-Poulenc Basic Chemicals Co. with its parent company, Rhone-Poulenc Inc., Princeton, New Jersey (controlling entity: Rhone-Poulenc S.A., Cedex, France) as a Member of the Certificate.

Dated: August 20, 1990.

George Muller,

Acting Director, Office of Export Trading Company Affairs.

[FR Doc. 90–20052 Filed 8–24–90; 8:45 am]

BILLING CODE 3510–DR–M

Performance Review Board Membership

This notice announces the appointment by the Department of Commerce Under Secretary for International Trade, J. Michael Farren, of the Performance Review Board. This is a revised list of membership which includes previous members as listed in the July 10, 1989, **Federal Register** Announcement (54 FR 28829) with additional members added to serve a two year term. The purpose of the International Trade Administration's PRB is to review and make recommendations to the appointing authority on performance recommendations and other issues concerning members of the Senior Executive Service (SES).

The members of the PRB are:

Joseph Spetrini, Deputy Assistant Secretary for Compliance, Import Administration.

Jonathan C. Menes, Director, Office of Finance Industry, Trade Development.

Donald N. DeMarino, Deputy Assistant Secretary for Africa, Near East, South Asia, International Economic Policy.

Marilyn Wagner, Acting Deputy Director, Office of Operations, U.S. Department of Agriculture.

S. Brooks Shumway, Manager, Export Promotion Services, U.S. and Foreign Commercial Service.

Timothy Hauser, Deputy Assistant Secretary for Planning.

Henry Misisco, Director, Office of Automotive Industry Affairs.

Dated: August 20, 1990.

Mary E. King, Acting

Personnel Officer, ITA.

[FR Doc. 90–20124 Filed 8–24–90; 8:45 am]

BILLING CODE 3510–25–M

[A–588–813]

Final Determination of Sales at Less Than Fair Value; Certain Light Scattering Instruments and Parts Thereof From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We determine that imports of certain light scattering instruments and parts thereof (LSIs) from Japan are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to continue to suspend liquidation of all entries of LSIs from Japan. The ITC will determine by November 7, 1990, whether these imports injure, or threaten material injury to, the U.S. industry.

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Erik Warga or Louis Apple, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–8922 or (202) 377–1769, respectively.

SUPPLEMENTARY INFORMATION:

Final Determination

We determine that imports of LSIs from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673d) (the Act). The estimated weighted-average margins are shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

The Department published its preliminary determination in the **Federal Register** on July 10, 1990 (55 FR 28271). Petitioner submitted comments on July 9, 1990. The foreign manufacturer, Otsuka Electronics Company, submitted comments on July 11, 1990.

Scope of Investigation

The products covered by this investigation are light scattering instruments, and the parts thereof specified below, from Japan that have classical measurement capabilities, whether or not also capable of dynamic measurements. Classical measurement (also known as static measurement) capability usually means the ability to measure absolutely (*i.e.*, without reference to molecular standards) the weight and size of macromolecules and submicron particles in solution, as well as certain molecular interaction parameters, such as the so-called second virial coefficient. (An instrument that uses single-angle instead of multi-angle measurement can only measure molecular weight and the second virial coefficient.) Dynamic measurement (also knows as quasi-elastic measurement) capability refers to the ability to measure the diffusion coefficient of molecules or particles in suspension and deduce therefrom features of their size and size distribution. LSIs subject to this investigation employ laser light and may use either the single-angle or multi-angle measurement technique.

The following parts are included in the scope of the investigation when they are manufactured according to specifications and operational requirements for use only in an LSI as defined in the preceding paragraph: scanning photomultiplier assemblies, immersion baths (to provide temperature stability and/or refractive index matching), sample-containing structures, electronic signal-processing boards, molecular characterization software, preamplifier/discriminator circuitry, and optical benches. LSIs subject to this investigation may be sold inclusive or exclusive of such accessories as personal computers, cathode ray tube displays, software, or printers. LSIs are currently classifiable under Harmonized Tariff Schedule (HTS) subheading 9027.30.40. LSI parts are currently classifiable under HTS subheading 9027.90.40. HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Different items with the same name as subject parts may enter under subheading 9027.90.40. To avoid the unintended suspension of liquidation of non-subject parts, those items entered under subheading 9027.90.40 and generally known as scanning photomultiplier assemblies, immersion baths, sample-containing structures, electronic signal-processing boards, molecular characterization software, preamplifier/discriminator circuitry, and optical benches must be accompanied by an importer's declaration to the Customs Service to the effect that they are not manufactured for use in a subject LSI.

Period of Investigation

The period of investigation is October 1, 1989, through March 31, 1990.

Fair Value Comparisons

To determine whether sales of LSIs from Japan to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We used best information available as required by section 776(c) of the Act because Otsuka failed to respond to the Department's request for information. We determned that the best information available was information submitted by the petitioner.

United States Price

U.S. price is based on an alleged actual price from Otsuka's unrelated U.S. distributor to a U.S. customer, as reported in the petition. We assume that unrelated distributor must apply a mark-up to cover expenses and profit, but pettioner provided no specific information on the mark-up percentages. Thus, we assumed, as best information available, that the distributor marks up the LSI it buys from Otsuka by 10 percent of the LSI cost (*i.e.*, the alleged actual price) for selling, general, and administrative expenses (SF&A) and 8 percent of the figure representing cost plus SG&A to account for profit and reduced the U.S. price accordingly. This methodology, using the statutory percentages for constructed value calculations under 19 CFR 353.50(a)(2), was chosen as a reasonable estimate in the absence of information on the actual mark-up percentage. We also adjusted for U.S. Customs fees and duty. We made no further adjustments because we had no information on other charges associated with U.S. sales.

Foreign Market Value

We based FMV on a November 1989 price list issued by Otsuka for the Japanese market, as reported in the petition. We applied an estimated discount to the reported home market list price for purposes of calculating the FMV. We based the estimated discount on the difference, as a percentage of U.S. list price, between the U.S. list price and an alleged actual U.S. price for an LSI, both of which were reported in the petition. We made no further adjustments because we had no information on circumstances of sale and charges associated with home market sales.

Interested Party Comments

Comment 1: Petition argued that the imputed home market discount of 28.21 percent of the list price should be lowered because petitioner's experience is that scientific instruments in Japan are discounted only five to ten percent from list prices.

DOC Position: We based discounts in both markets on information in the petition. Since the petition contained information only on Otsuka's U.S. discount policy and petitioner provided no evidence to support a policy of granting smaller discounts in the Japanese market, we assumed that Otsuka's home market and U.S. market discount policies are comparable.

Comment 2: Otsuka submitted a list of certain LSI parts and requested that these parts not be included in the scope of the investigation because they are off-the-shelf and not manufactured for use only in an LSI.

DOC Position: We did not include in the scope of the investigation the parts listed by Otsuka for purposes of our preliminary determination, and will not include them for purposes of our final determination.

Continuation of Suspension of Liquidation: We are directing the U.S. Customs Service to continue to suspend liquidation, under section 733(d) of the Act, of all entries of LSIs from Japan, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The U.S. Customs Service shall continue to require a cash deposit or posting of a bond equal to the estimated amounts by which the foreign market value of the subject merchandise from Japan exceeds the United States price as shown below. The suspension of liquidation will remain in effect until further notice.

The weighter-average dumping margins are as follows:

Manufacturer/Producer/Exporter	Margin percentage
Otsuka Electronics Co., Ltd.	129.71
All Others	129.71

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

If the ITC determines that material injury, or threat of material injury, does not exist with respect to LSIs, the proceeding will be terminated and all securities posted as a result of the suspension will be refunded or cancelled. However, if the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all LSIs from Japan, on or after the effective date of the suspension of liquidation, equal to the amount by which the foreign market value exceeds the U.S. price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)) and 19 CFR 353.20

Dated: August 16,1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90–20054 Filed 8–24–90; 8:45 am]

BILLING CODE 3510-05-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council will hold a public meeting of the Mississippi/Louisiana Habitat Protection Advisory Panel on September 5, 1990, from 9 a.m. to 4 p.m. The meeting will be held at the Sheraton Baton Rouge Hotel, 4728 Constitution Avenue, Baton Rouge, LA. The Advisory Panel will discuss marsh management, regulation of oil and gas drilling waste products, and spills of oil and other hazardous materials.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL 33609; telephone: (813) 228–2815.

Dated: August 21, 1990.

David S. Crestin,

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

[FR Doc. 90–20126 Filed 8–24–90; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Committees; Establishment, Renewal, Terminations, etc.; Strategic Defense Initiative Advisory Committee

ACTION: Renewal of the Strategic Defense Initiative Advisory Committee.

SUMMARY: Under the provisions of Public Law 92–463, "Federal Advisory Committee Act," notice is hereby given that the Strategic Defense Initiative Advisory Committee has been renewed, effective August 17, 1990.

The Strategic Defense Initiative Advisory Committee provides expert advice and assistance to the Director, Strategic Defense Initiative Organization and other Department of Defense officials on all matters pertaining to Strategic Defense Initiative (SDI) research and technology. As part of its activities, the Advisory Committee evaluates reviews of technical plans relating to SDI programs and provides the Director with recommendations concerning the emphasis, schedule and content of the SDI. This includes plans and programs conceived and developed to examine and evaluate technologies associated with concepts for defense against ballistic missiles.

The Strategic Defense Advisory Committee will continue to be composed of approximately 12 to 14 members who are acclaimed leaders and experts in technical areas relating to the SDI program. The members will be a well-balanced composite of renowned individuals drawn from universities, national laboratories, industry, and the private sector to ensure that affected interest groups will be represented and that assigned functions will be performed.

Dated: August 22, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–20118 Filed 8–24–90; 8:45 am]

BILLING CODE 3810-01-M

Environmental; Chlorofluorocarbons (CFCs) Advisory Committee; Meeting

ACTION: Notice of Meeting.

SUMMARY: This is another in a series of meetings to be held by the CFC Advisory Committee to study the feasibility and cost within DoD of substituting chemicals or technologies to replace ozone depleting chemicals whose production is restricted by the Montreal Protocol.

DATES: September 11–12, 1990.

ADDRESSES: Two Crystal Park, Advanced Technology Conference Room, 2121 Crystal Drive, Suite 200, Arlington, VA 22207.

FOR FURTHER INFORMATION: Mr. William D. Goins, (703) 325–2215.

SUMMARY INFORMATION: Due to limited space and security considerations please contact Charles W. Purcell (703) 934–3017 for attendance information and admission number.

Dated: August 22, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–20119 Filed 8–24–90; 8:45 am]

BILLING CODE 3810–01–M

Meeting; Defense Informational School Board of Visitors

AGENCY: Defense Information School Board of Visitors.

ACTION: Notice of meeting.

SUMMARY: A meeting will be held to review administration and content of the Defense Information School's public affairs programs of instruction. The meeting is open to the public and will be conducted in Room 270A, Building 400, the Defense Information School, Fort Benjamin Harrison, IN 46216–6200.

DATES: (September 25, 1990—8 a.m. to 4 p.m.) and (September 26, 1990—8 a.m. to 1 p.m.)

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Green, Internal Information Plans, American Forces Information Service, 601 North Fairfax Street, Suite 311, Alexandria, Virginia 22314–2007. Telephone (202) 274–4897.

Dated: August 22, 1990.

Patricia H. Means,

OSD, Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–20120 Filed 8–24–90; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Anti-Submarine Warfare; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Anti-Submarine Warfare will meet in closed session on 25 September, 1990, at the Naval Ocean Systems Center, San Diego, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will receive briefings on current anti-submarine warfare programs, plans, and projected funding levels.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: August 22, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–20121 Filed 8–24–90; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Advanced Naval Warfare Concepts; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Science Board Task Force on Advanced Naval Warfare Concepts will meet in closed session on 26 September, 1990, at the Center for Naval Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will examine advanced naval warfare concepts and assess relevant technology, equipment, and modernization plans.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. App. II, (1982)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly this meeting will be closed to the public.

Dated: August 22, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–20122 Filed 8–24–90; 8:45 am]

BILLING CODE 3810–01–M

Department of the Army

Board of Visitors, United States Military Academy; Open Meeting

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

Name of Committee: Board of Visitors, United States Military Academy.

Dates of Meeting: 20–23 September 1990, all proceedings are open.

Place of Meeting: West Point, New York.

Start Time of Meeting: 8:30 a.m., 20 September 1990.

Proposed Agenda: Report on Search for Ethics Consultant and Preparation of Annual Report.

For Further Information Contact: Major Stephen R. Furr, United States Military Academy, West Point, New York 10996–5000, telephone (914) 938–3301.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 90–20080 Filed 8–24–90; 8:34 am]

BILING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before September 26, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to James O'Donnell, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: James O'Donnell (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following:

(1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the request are available from James O'Donnell at the address specified above.

Dated: August 22, 1990.

James O'Donnell,

Acting Director, for Office of Information Resources Management.

Office of Elementary and Secondary Education

Type of Review: Reinstatement.
Title: Application for Grants under Indian Fellowship, New, and Continuation.
Frequency: Annually.
Affected Public: Individuals or households.
Reporting Burden:
Responses: 840.
Burden Hours: 1441.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This application will be used by institutions of higher education to determine eligibility for funds under the Indian Fellowship Program. The Department will use the information to make grant awards.

Office of Bilingual Education and Minority Languages Affairs

Type of Review: New.
Title: Descriptive Evaluations of the Transition Program for Refugee Children and the Emergency Immigrant Education Program.
Frequency: One-time.
Affected Public: State or local governments.
Reporting Burden:
Responses: 401.
Burden Hours: 750.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: The purpose of the study is to collect data from state educational agencies regarding their participation in the implementation of the Transition Program for Refugee Children, and to identify uses of funds and services provided. The Department uses this information to report to Congress.

Office of Postsecondary Education

Type of Review: Extension.
Title: Application to Participate in the State Student Incentive Grant Program.
Frequency: Annually.
Affected Public: State or local governments.
Reporting Burden:
Responses: 57.
Burden Hours: 171.
Recordkeeping Burden:
Recordkeepers: 0.
Burden Hours: 0.
Abstract: This form will be used by State Educational Agencies for funding under the Student Incentive Grant Program. The Department uses the information to make grant awards.

[FR Doc. 90-20099 Filed 8-24-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent To Award Grant to AFEX Corp.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to AFEX Corporation, under Grant Number DE-FG01-90CE15491. The proposed grant will provide funding in the estimated amount of $86,254 for AFEX Corporation to determine the optimal variables which control process economics in the production of sugars from grass and waste paper. The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by AFEX Corporation is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The invention is a process for producing ethanol. Cellulose raw material is saturated with ammonia at high pressure, causing it to boil when pressure is released and exploding the cellulose apart into smaller soluble molecules. This is followed by conventional enzymatic hydrolysis and fermentation leading to the production of ethanol. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP), has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation directs ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation. The anticipated term of the proposed grant is thirty-six months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Rose Mason, PR-542, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

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

[FR Doc. 90-20131 Filed 8-24-90; 8:45 am]

BILLING CODE 6450-01-M

Chicago Operations Office; Award Based on Acceptance of an Unsolicited Application, American Solar Energy Society

AGENCY: Department of Energy.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy (DOE), Chicago Operations Office, through its Solar Energy Research Institute Area Office (SAO), announces that pursuant to the DOE Financial Assistance Rules 10 CFR 600.7(b)(2), it intends to award a grant to the American Solar Energy Society for the American Solar Energy Society Roundtable Program. The anticipated overall objective of this project is to provide energy decisionmakers with information on renewable energy options and costs as well as on the compatibility of these technologies with existing energy systems. The theme of the 1990 Roundtable is "Renewable Energy Technologies for Electric Utilities."

FOR FURTHER INFORMATION CONTACT: Patricia Russo Schassburger, U.S. Department of Energy, SERI Area Office, 1617 Cole Boulevard, Golden, CO 80401, (303) 231-1495.

SUPPLEMENTARY INFORMATION: The American Solar Energy Society (ASES) is the national society for individuals involved in solar energy and traces its roots back to the founding of the Association for Applied Solar Energy in 1954. With over 3,500 members, ASES:

provides a forum for the exchange of information on solar energy applications and research; is the source of sound technical and scientific information on renewable energy; provides a forum to address critical national issues where solar energy technologies offer significant contributions; and promotes educations in fields related to solar energy.

The grant application is being accepted by DOE because it knows of no other organization which is conducting or planning to conduct this type of informational roundtable. The project period for the grant award is a two year period, expected to begin in September 1990. DOE plans to provide funding in the amount of $10,000 for this project period.

Issued in Chicago, Illinois on August 7, 1990.

Timothy S. Crawford,

Assistant Manager for Administration.

[FR Doc. 90-20130 Filed 8-24-90; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award, Intent To Award Grant to Drexel University

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited application financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Drexel University, under Grant Number DE-FG01-90CE26602. The proposed grant will provide funding in the estimated amount of $75,000 for Drexel University to develop a low temperature, advanced heat transfer fluid which can be used at the relatively low temperature environment encountered in district cooling systems and to demonstrate in a simulated district cooling system that the new, low temperature, advanced heat transfer fluids can produce heat transfer enhancement in a cooling environment and, at the same time, reduce friction.

The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by Drexel University, is meritorious based on the general evaluation required by 10 CFR 600.14(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The proposed project will support DOE's mission wihch is to provide the technical basis for improving the efficiency by which energy is delivered to buildings. This research is needed to enable district heating and cooling systems to compete economically with other systems. The work would help provide environmentally sound and reliable operating systems for end users. The possibility for success is extremely high and will demonstrate that new low temperature advanced heat transfer fluids will simultaneously produce substantial heat transfer enhancement and friction reduction in district heating and cooling systems. Drexel University's Department of Mechanical Engineering and Mechanics is a nationally/internationally recognized resource in energy related technical areas. Their analysis tools have been widely used by the energy conservation community to evaluate and analyze the energy saving potential of various technologies. The principal investigator will utilize the unique facilities comprised of a test loop and equipment available at Drexel University to perform work using a low-temperature phase change material in water to enhance the performance of a heat exchanger in a district cooling application.

The anticipated term of the proposed grant is twelve months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Phyllis P. Morgan, PR-542, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

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

[FR Doc. 90-20134 Filed 8-24-90; 8:45 am]

BILLING CODE 6450-01-M

Idaho Vocational-Technical Education Foundation Intent To Negotiate Grant

AGENCY: Department of Energy.

ACTION: Intent to negotiate a grant with the Idaho Vocational-Technical Education Foundation, Boise, ID.

SUMMARY: "CAREER CENTER PROGRAM" The U.S. Department of Energy (DOE), Idaho Operations Office, intends to negotiate, on a noncompetitive basis, a grant for approximately $20,000 with the Idaho Vocational-Technical Education Foundation (Idaho VTE) Boise, ID. 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. This agreement will provide Idaho VTE Foundation with support for enhancing their career counseling capabilities in technical vocations. DOE funding supports the goal of increasing the scientific capability of the nation by encouraging more students to pursue science as a vocation. The Idaho VTE grant will be used for two purposes. First, the purchase of equipment to add to their counseling center pilot program to enable them to utilize the most modern data available to enhance their delivery system. Second, the education of counselors as to the present day opportunities for careers in science and technology. The authority and justification for determination of noncompetitive financial assistance is DOE Financial Assistance Rules 10 CFR 600.7(b)(2)(i)(B). Idaho VTE is presently working with 12 districts in the State of Idaho to set up Career Centers and has a network in place to implement an enhanced career counseling program. It is the only organization in the State of Idaho established for that purpose. Idaho VTE is also actively coordinating with public school counselors throughout the state for the purpose of providing better counseling service. Thus, Idaho VTE is presently involved in the activities to be funded and has an exclusive capability to conduct these activities in the desired time frame. The work definitely 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. Jeffery Hoydes,

Acting Director, Contracts Management Division.

[FR Doc. 90-20128 Filed 8-24-90; 8:45 am]

BILLING CODE 6450-01-M

Financial Assistance Award, Intent To Award Grant to J. Busek Co., Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited application Financial Assistance Award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to J. Busek Co., Inc., under

Grant Number DE–FG01–90CE15499. The proposed grant will provide funding in the estimated amount of $74,867 for J. Busek Co., Inc. to evaluate the performance of a prototype to remove particulates from diesel exhausts and also evaluate its performance in other particle laden applications. The Department of Energy has determined in accordance with 10 CFR 600.14(f) that the application submitted by J. Busek Co., Inc. is meritorious based on the general evaluation required by 10 CFR 600.4(d) and that the proposed project represents a unique idea that would not be eligible for financial assistance under a recent, current or planned solicitation. The invention is an electrostatic agglomerator used in dust collection system in conjunction with a cyclone separator. The agglomerator operates on the exhaust stream of either an industrial process or diesel engine. The proposed project is not eligible for financial assistance under a recent, current or planned solicitation because the funding program, the Energy-Related Inventions Program (ERIP) has been structured since its beginning in 1975 to operate without competitive solicitations because the authorizing legislation ERIP to provide support for worthy ideas submitted by the public. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant is twenty-four months from the effecive date of award.

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

Thomas S. Keefe,

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

[FR Doc. 90–20132 Filed 8–24–90; 8:45 am]

BILLING CODE 6450–01–M

Determination of Noncompetitive Financial Assistance

AGENCY: Department of Energy (DOE).

ACTION: Notice.

SUMMARY: DOE announces that pursuant to 10 CFR 600.7(b)(2) it intends to renew on a noncompetitive basis a grant to Jackson State University (JSU) as the lead institution on behalf of a consortium involving JSU, Ana G. Mendez Educational Foundation (AGMEF), and Lawrence Berkeley Laboratory (LBL) of the University of California to improve the research and instructional programs in mathematics, natural science, and computer science at JSU and the three institutions of higher education which comprise the AGMEF—the University of Turabo, Metropolitan University, and the Puerto Rico Junior College. The grant renewal will continue the project through May 31, 1991. The estimated amount is $1,643,337.

PROCUREMENT REQUEST NUMBER: 05–90ER75274.001.

PROJECT SCOPE: The grant renewal is to continue a collaborative research and manpower development effort between JSU and AGMEF in response to Congressional direction included in the conference report on the Energy and Water Development Appropriation Act of 1990. Eligibility for this award is, therefore, restricted to JSU.

FOR FURTHER INFORMATION CONTACT: Luis E. Velazquez, Waste Management Division, U.S. Department of Energy, Oak Ridge, Tennessee 37831–8620, (615) 576–0731.

Issued in Oak Ridge, Tennessee, on August 13, 1990.

Peter D. Dayton,

Director, Procurement and Contracts Division, Oak Ridge Operations.

[FR Doc. 90–20129 Filed 8–24–90; 8:45 am]

BILLING CODE 6450–01–M

Financial Assistance Award Intent To Award Grant to Pequod Associates, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of non-competitive financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.7(b)(2)(i)(A) it is making a financial assistance award under Grant Number DE-FG01–90CE26601 to Pequod Associates, Inc., for completion of a project "Application of Vacuum Steam Systems to Hot Water District Heating and Cooling Systems." The proposed grant will provide funding in an estimated amount of $95,000 against the estimated project cost of $117,000. Cost sharing of $22,000 is proposed by the grantee.

This grant is necessary for the completion of the project begun in 1986. The grant is for Phase III—System Operation and Analysis of Application of Vacuum Steam Systems to Hot Water District Heating and Cooling Systems. This phase will test the technolgy in field conditions. Pequod Associates has a contractual arrangement with an owner of a residential building in which Pequod has placed equipment to convert a steam system to a hot water district heating system. This experimental design presents a substantial risk to the continued operation of the building heating system. This grant will provide for operating the equipment and collecting performance data over a heating season to determine if the results are favorable and warrant adoptions by many district heating systems.

Pequod Associates, Incorporated, a consulting engineering firm founded in 1979, developed the concept of a vacuum steam system connected to a hot water district heating and cooling DHC system. There is no other firm which is familiar with this concept, and there is no similar system in operation in the United States. The company is uniquely qualified to operate this system and collect data. The principal investigator for this project is Mr. Pente Aalto, a recognized authority on innovative DHC system design. He has participated in successful implementation of DHC technologies in a number of cities. In accordance with 10 CFR 600.7(b)(2)(i)(A), it has been determined that the activity to be funded is necessary to the satisfactory completion of an activity presently being funded by DOE and for which competition for support would have a significant adverse effect on completion of the activity.

The anticipated term of the proposed grant shall be twelve months from the effective date of the award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Procurement Operations, ATTN: Rose Mason, PR–542, 1000 Independence Ave., SW., Washington, DC 20585.

Thomas S. Keefe,

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

[FR Doc. 90–20133 Filed 8–24–90; 8:45 am]

BILLING CODE 6450–01–M

Energy Research Office

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Friday, September 21, 1990, 8:30 a.m.–5 p.m.; Saturday, September 22, 1990, 8:30 a.m.–3 p.m.

Place: Stanford Linear Accelerator Center (SLAC), Stanford University, 2575 Sand Hill Road, Menlo Park, California 94025.

Contact: Dr. Enloe T. Ritter, Executive Secretary, High Energy Physics Advisory

Panel, U.S. Department of Energy, ER-221, GTN, Washington, DC 20585, Telephone: (301) 353-4829.

Purpose of Panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative Agenda:

Friday, September 21, 1990 and Saturday, September 22, 1990

—Discussion of National Science Foundation Elementary Particle Physics Programs
—Discussion of Department of Energy High Energy Physics Programs
—Discussion of Department of Energy Superconducting Super Collider (SSC) Programs
—Presentation and Discussion of SLAC Programs in High Energy Physics
—Reports on Discussions of Topics of General Interest in High Energy Physics
—Public Comment

Public Participation: The meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, room 1E-190. Forrestal Building, 1000 Independence Avenue, SW., Washington, DC between 9 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on August 22, 1990.

J. Robert Franklin,

Deputy Advisory Committee, Management Officer.

[FR Doc. 90-20139 Filed 8-24-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 10896-000]

City of Danville, VA; Granting Late Intervention

August 20, 1990.

An untimely motion to intervene has been filed by the following movant: State of North Carolina, Department of Environment, Health and Natural Resources.

This motion has been filed with respect to the following application:

Project No. 10896-000.

Applicant: City of Danville, Virginia.

The movant has legitimate interests under the law that are not adequately addressed by other parties. The applicant has filed an answer to the motion, but states that it does not oppose intervention. Granting the intervention will not cause a delay or prejudice any other party. Good cause exists for granting the late intervention. It appears to be in the public interest to allow the movant to appear in this proceeding.

Pursuant to § 375.302 of the Commission's regulations, 18 CFR 375.302 (1990), the movant is permitted to intervene in this proceeding subject to the Commission's rules and regulations under the Federal Power Act, 16 U.S.C. 791(a)-825(r). Participation of the intervenor shall be limited to matters set forth in its motion to intervene. The admission of the intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order entered in this proceeding.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-20062 Filed 8-24-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-163-000]

MIGC, Inc.; Request for Waiver

August 20, 1990.

Take notice that on July 27, 1990, pursuant to 18 CFR 375.307(d)(4) (Delegations to the Director of the Office of Pipeline and Producer Regulation), MIGC, Inc. (MIGC) requests a waiver of the quarterly filing requirements of §§ 154.304 and 154.308 of the Commission's PGA regulations.

MIGC states that under §§ 154.304 and 154.308, MIGC is required to make a quarterly PGA filing to take effect on August 1, 1990. MIGC requests that the Director waive such filing for the following reasons:

(1) MIGC's annual PGA filing in Docket No. TA90-1-47-000 (made February 29, 1990 to take effect May 1, 1990) reflected a surcharge adjustment of zero, due to the fact that MIGC is no longer making sales and MIGC's jurisdictional gas sales contracts were in the process of termination at that time.

(2) MIGC's jurisdictional sales contracts were in fact terminated subsequent to its annual PGA filing and, accordingly, there would be no change in any quarterly filing from MIGC's zero surcharge adjustment as reflected in its above-noted annual filing.

(3) Revised tariff sheets eliminating MIGC's PGA will take effect as of September 1, 1990 pursuant to the Commission's order dated March 29, 1990 in Docket No. RP90-86-000, accepting such tariff sheets (subject to refund) in MIGC's current rate case.

(4) As directed by the Commission in the above-noted order, MIGC submitted its proposal for disposition of the balance remaining in its Account No. 191 in a filing made April 30, 1990 in the same docket.

MIGC states that the preparation and filing of a quarterly PGA would constitute an unnecessary effort and a waste of resources for MIGC's small administrative staff and the Commission. MIGC therefore requests that the Director waive the regulations such that the quarterly filing will not be required.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 27, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90-20061 Filed 8-24-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP 90-164-000]

Mid Louisiana Gas Co., Restatement of Base Rates

August 20, 1990.

Take notice that Mid Louisiana Gas Company, on August 17, 1990, tendered for filing restated base rates in its FERC Gas Tariff, Volume No. 1. The effective date of the restatement is September 1, 1990.

Mid Louisiana states that copies of the filing were served upon the company's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825, North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before August 27, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–20059 Filed 8–24–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP89–38–009, RP89–99–009]

U–T Offshore System; Filing

August 20, 1990.

Take notice that on August 15, 1990, U–T Offshore System (U–TOS) filed a single tariff sheet for inclusion in Second Revised Volume No. 1 of its F.E.R.C. Gas Tariff. Such tariff sheet is Substitute Original Sheet No. 6–A (Superseding Original Sheet No. 6–A). Such sheet is filed to correct a typographical error in Original Sheet No. 6–A which referred to "Hudson Gas Systems, Inc.". The correct reference is "Hadson Gas Systems, Inc.".

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825, North Capitol Street NE., Washington, DC 20426, in accordance with rules 213 and 211 of the Commission's Rules of Practice and Procedure (18 CFR §§ 385.214, 385.211 (1989). All such protests should be filed on or before August 27, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 90–20060 Filed 8–24–90; 8:45 am]

BILLING CODE 6717–01–M

Office of Fossil Energy

[FE Docket No. 90–60–NG]

Czar Gas Corp. Inc.; Application for Blanket Authorization To Import and Export Natural Gas

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on June 29, 1990, of an application filed by Czar Gas Corporation Inc. (Czar Inc.) for blanket authority to import up to 146 Bcf of natural gas from Canada, and to export up to 146 Bcf of natural gas to Canada over a two-year term beginning on the date of first delivery of the import or the export. Czar Inc. would import or export natural gas on a short-term or spot market basis for its own account or as agent on behalf of U.S. and Canadian purchasers and suppliers, including pipelines, local distribution companies, and commercial and industrial end-users.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., September 26, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine A. Moore, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3H–087, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Czar Inc., a Delaware corporation with its principal place of business in Calgary, Alberta, Canada, is a wholly owned subsidiary of Czar Resources Ltd. Czar Inc. is a natural gas marketing company active in arranging the sale and transportation of domestic gas in U.S. markets.

Czar Inc. contemplates acting as agent on behalf of both producers and purchasers. Czar Inc. anticipates the possibility and request authority to use any existing border facility to import and export the gas, and states it will submit quarterly reports detailing each transaction.

According to the application, Czar Inc. contemplates the following types of import and export transactions: (1) Importation of supplies of Canadian natural gas for consumption in U.S. markets; (2) importation of Canadian natural gas for eventual return (via export) to Canadian markets; (3) exportation of domestically produced natural gas for consumption in Canadian markets; and (4) exportation of domestically produced gas for eventual return (via import) to U.S. markets. The specific terms of each import and export sale, including price and volumes would be negotiated on an individual basis.

In support of its application, Czar Inc. submits that approval of its application will enable it to make available to spot market purchasers in Canada supplies of United States natural gas for which there is no present national or regional U.S. need, or to serve those Canadian markets with natural gas produced in Canada and imported into the U.S. for the purpose of transporting such gas back into Canada. Czar Inc. asserts that its proposed import/export arrangements are consistent with the DOE's policy of encouraging competitive and market-responsive pricing.

Czar Inc. requests expedited treatment of its application. A decision on Czar Inc.'s request for expedited treatment will not be made until all responses to this notice have been received and evaluated.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment in their responses on these matters as they relate to the requested import and export authority. The applicant asserts that there is no current need for the domestic gas proposed to be exported, that this import/export arrangement will be competitive and therefore is in the public interest. Parties opposing this arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate

consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, a notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR section 590.316.

A copy of Czar Inc.'s application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, at the above address, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, August 21, 1990.

Anthony J. Como,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–20138 Filed 8–24–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 90–17–NG]

Midland Cogeneration Venture Limited Partnership Poco Petroleum, Inc.; Authorization To Transfer and Amend Natural Gas Import Authorization

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of order authorizing transfer of authorization to import Canadian natural gas from Poco Petroleum, Inc. to Midland Cogeneration Venture Limited Partnership and approving revised import agreement.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order to Poco Petroleum, Inc. (Poco) and Midland Cogeneration Venture Limited Partnership (Midland) transferring the import authorization to import Canadian gas for sale to Midland previously granted to Poco in DOE/FE Opinion and Order No. 287–A from Poco to Midland. The transfer grants Midland authority to import directly up to 25,000 Mcf per day of Canadian natural gas beginning on the date of first delivery in 1990 through October 31, 2004. It also terminates Poco's existing authority to import gas on behalf of Midland but does not result in any net change in volumes authorized for import.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on August 14, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–20135 Filed 8–24–90; 8:45 am]

BILLING CODE 6450–01–M

[FE Docket No. 90–53–NG]

Northern Natural Gas Co., Division of Enron Corp.; Application To Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on May 30, 1990, of an application filed by Northern Natural Gas Company, Division of Enron Corp. (Northern) for authorization to import up to 100,000 Mcf per day of natural gas from Canada beginning on the effective date of the requested authorization through October 31, 2001. The gas would be purchased from the Unigas Corporation (Unigas) and supplied to Northern on a firm basis via the import point near Monchy, Saskatchewan, for use as part of Northern's system supply. Transportation from the border to Northern's pipeline system would be via the existing pipeline facilities of Northern Border Pipeline Company.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., September 28, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Stanley C. Vass, Office of Fuel Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, Room 3F–056, 1000 Independence Avenue, SW., Washington, DC 20585, (301) 353–3168.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy,

Forrestal Building, Room 6E–042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: Northern is a natural gas company engaged in the transportation and sale of natural gas in interstate commerce. Northern currently obtains natural gas supplies from domestic producers in Texas, Oklahoma, Kansas, and various other areas, and from various suppliers of Canadian gas. Northern serves gas markets in the States of Kansas, Nebraska, Iowa, South Dakota, Minnesota, Wisconsin and Michigan.

According to the applicant, the Canadian gas would be purchased from Unigas pursuant to a gas sales contract dated November 1, 1989, which replaces an earlier gas sales agreement with Unigas' wholly owned subsidiary. Consolidated Natural Gas Limited, which expired October 31, 1989. Because of the late date that Northern and Unigas entered into a long-term gas supply agreement, Northern obtained a short-term blanket import authorization on September 5, 1989, DOE/FE Opinion and Order No. 331, which expires October 31, 1991. Under the November 1, 1989, Northern/Unigas agreement, Northern is entitled to purchase from Unigas up to 100,000 Mcf per day of Canadian gas on a firm basis commencing November 1, 1989, through October 31, 2001.

The Northern/Unigas agreement provides that Northern is obligated to take 60 percent of the annual contract quantity or be subject to an additional charge. Northern may take additional volumes above the base contract volumes of up to 100,000 Mcf per day called "incentive volumes" at a price agreed upon with Unigas at the times such incentive volumes are taken. If at the end of the contract year, Northern has taken less than 58 percent of the annual contract quantity after crediting any incentive volumes taken against Northern's base contract obligations, Northern must pay Unigas a deficiency charge levied on the volumes not taken below the minimum quantity. The deficiency charge would be equal to 25 percent of Northern's weighted average cost of gas (WACOG) from U.S. producers in that contract year as reflected in Northern's purchased gas adjustment filed with the Federal Energy Regulatory Commission (FERC).

For gas delivered under the Northern/Unigas Contract each month, Northern must pay Unigas a total monthly amount (in Canadian dollars) comprised of (1) The base volumes deliveries multiplied by the base volume price (WACOG minus a credit for demand charges that can be passed through as-billed under FERC Order 256); plus (2) incentive volume deliveries multiplied by the applicable negotiated price; plus (3) the total monthly cost of fuel gas billed by Canadian transporters; plus (4) the total monthly demand charges filled by Canadian transporters; minus (5) a credit for transportation of gas for customers other than Northern, granted by Foothills PipeLines Ltd, one of the Canadian transporters of the gas.

The Northern/Unigas contract also provides for renegotiation of price terms upon written notice by either party on November 1, 1990, November 1, 1991, and November 1, 1992. In addition, the contract provides for reduction of the volumes Northern is obligated to take upon service of a notice to Unigas showing that Northern has lost customers that has resulted in a reduction of Northern gas supply needs.

In support of its application, Northern asserts that by tying the price of the imported gas to the price of competing gas in the markets served by Northern, the Northern/Unigas contract assures that the price of the gas will remain competitive over the term of the authorization requested. Northern also asserts that the imported gas will be delivered in the center of its market area and thus be readily available for its general system supply. Further, according to the applicant, Unigas has both the gas supply and the firm transportation to deliver to Northern the volumes which Northern seeks authorization to import.

The decision on Northern's application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In the case of a long-term arrangement such as this, other matters that will be considered in making a public interest determination include need for the natural gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issue of competitiveness, need for the natural gas, and security of supply as set forth in the policy guidelines. The applicant asserts that the proposed import arrangement is in the public interest because it is needed, competitive and its natural gas sources will be secure. Parties opposing the import arrangement bear the burden of overcoming these assertions.

All parties should be aware that if the requested import is approved, the authorization would be conditioned on the filing of quarterly reports indicating volumes imported and the purchase price.

NEPA Compliance

The National Environmental Policy Act (NEPA)(42 U.S.C. 4321 *et seq.*) requires DOE to give apropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered is the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The fling of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application.

All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by prties, including parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts And issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing.

Any request to file additional written comments, should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for

a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Northern's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on August 15, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–20136 Filed 8–24–90; 8:45 am]

FILLING CODE 6450–01–M

[FE Docket No. 90–66–NG]

Texpar Energy, Inc., Application for Blanket Authorization To Import and Export Natural Gas and Liquefied Natural Gas

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of application for blanket authorization to import and export natural gas and liquefied natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on July 24, 1990, of an application filed by TexPar Energy, Inc. (TexPar), for blanket authorization to import and export up to a combined total of 70 Bcf of natural gas, including liquefied natural gas (LNG), from and to Canada, Mexico, and other countries, over a two-year term beginning with date of first import or export.

TexPar intends to use existing pipeline and LNG facilities for the processing and transportation of the volumes to be imported or exported and to submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204–111 and 0204–127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.d.t., September 26, 1990, (30 days after date of publication).

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Larine A. Moore, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F–056, FE–53, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478.

Michael T. Skinker, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E–042, GC–32, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–6667.

SUPPLEMENTARY INFORMATION: TexPar, a Texas corporation with its principal place of business in Waukesha, Wisconsin, is a company engaged in the business of buying and selling natural gas. TexPar would import or export natural gas and LNG secured from a variety of foreign and domestic suppliers for sale on a short-term or spot market basis for its own account or as agent on behalf of other suppliers and purchasers.

Under the requested authority, TexPar proposes to export domestically produced natural gas on a short term basis, for sale to purchasers in other countries, including commercial and industrial end-users, and local distribution companies. TexPar anticipates making the proposed blanket import/export sales on a best-efforts basis for periods under two years and would include in its contracts price adjustment provisions to reflect changes in either the availability or prices of competing fuels in the markets sold, including natural gas. TexPar also expects to enter into some firm contract agreements for up to one year that would be determined through arm's length negotiations with its suppliers. The specific terms of each import and export arrangement would be negotiated on an individual basis, including price and volume. TexPar maintains that the proposed export, given the current domestic supply of gas, would provide new markets for these supplies and would enhance competition in the marketplace.

The decision on the application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets serve is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). In reviewing natural gas export applications, the domestic need for the gas to be exported is considered, and any other issues determined to be appropriate in a particular case, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties that may oppose this application should comment in their responses on the issue of competitiveness as set forth in the policy guidelines. The applicant asserts that the proposed imports will make competitively priced gas available to U.S. markets while the short-term nature of the transactions will minimize the potential for undue long-term dependence on foreign sources of energy. TexPar also asserts that the proposed export volumes would result in a reduction of the current excess domestic natural gas supply, generate income and tax revenues, and reduce the U.S. trade deficit. Parties opposing the arrangement bear the burden of overcoming these asserts.

NEPA Compliance

The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*) requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not

parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR § 590.316.

A copy of TexPar's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC August 21, 1990.

Anthony J. Gomo,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–20137 Filed 8–24–90; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–3825–1]

Chesapeake Bay Program, 1987 Chesapeake Bay Agreement; Proposals for Review

Draft Baywide Fishery Management Plans for bluefish, weakfish and spotted seatrout, prepared pursuant to the 1987 Chesapeake Bay Agreement by the Living Resources Subcommittee of the Chesapeake Bay Program, are now available for public review. The period for public comment has been rescheduled so that comments will be accepted through September 12, 1990, because availability of the proposals was delayed after publication of an earlier announcement (**Federal Register**, 7/23/90, Vol 55, No. 141, p. 29892). Comments should be sent to Mr. Pete Jensen, Maryland Department of Natural Resources, Tidewater Fisheries, Tawes State Office Building C–2, Annapolis, MD 21401.

To obtain copies of the draft plans, call Mr. Jensen at 301/266–3558 or Mr. David Packer, EPA Chesapeake Bay Liaison Office, 301/266–6873. For additional information, call Mr. Jensen.

Charles S. Spooner,

Director, Chesapeake Bay Liaison Office.

[FR Doc. 90–20101 8–24–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3825–3]

Underground Injection Control Program

Hazardous Waste Disposal Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection Hoechst Celanese Chemical Group—Clear Lake Plant, Houston, TX

AGENCY: Environmental Protection Agency.

ACTION: Notice of final decision on petition.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Hoechst Celanese Chemical Group, for the Class I injection wells located at Houston, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Hoechst Celanese Chemical Group, of the specific restricted hazardous waste identified in the petition, into the Class I hazardous waste injection wells at the Houston, Texas facility specifically identified in the petition, for as long as the basis for granting an approval of the petition remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued June 1, 1990. A public hearing was held July 5, 1990, and a public comment period ended on July 27, 1990. All comments have been addressed and have been considered in the final decision. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is for Well Nos. WDW–33 and WDW–45 and is contingent on modification of the permits to authorize disposal in the injection zone identified in the petition (i.e., an injection zone ranging in depth from 3,940 feet to 5,490 feet) and will not become effective until and unless said permit modification becomes effective.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division, Water Supply Branch (6W–SU), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Oscar Cabra, Jr., Chief Water Supply Branch, EPA—Region 6, telephone (214) 655–7150, (FTS) 255–7150.

Myron O. Knudson,

Director, Water Management Division (6W).

[FR Doc. 90–20123 Filed 8–24–90; 8:45 am]

BILLING CODE 6560–50–M

[FRL–3824–9]

Public Water Supply Supervision Program Revision for the Commonwealth of Puerto Rico

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commonwealth of Puerto Rico is revising its approved State Public Water Supply Supervision Primacy Program. Puerto Rico has adopted drinking water regulations which satisfy the National Primary Drinking Water Regulations (NPDWR) for Synthetic Organic Chemicals; Monitoring for Unregulated Contaminants (VOC) promulgated by EPA on July 8, 1987 (52 FR 25690) with

July 1, 1988 correction (53 FR 25108); and the revised NPDWR regulations for Public Notification (PN) promulgated on October 28, 1987 (52 FR 41534) with April 17, 1989 correction; (54 FR 15185).

EPA has determined that Puerto Rico's VOC and PN regulations are no less stringent than the corresponding Federal regulations and that Puerto Rico continues to meet all requirements for primary enforcement responsibility as specified in 40 CFR 142.10.

All interested parties, other than Federal Agencies, may request a public hearing. A request for a public hearing must be submitted to the EPA Regional Administrator at the address shown below within thirty (30) days after the date of this Federal Register Notice. If a substantial request for a public hearing is made within the required thirty day timeframe, a public hearing will be held and a notice will be given in the Federal Register and a newspaper of general circulation. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator

If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own notion, this determination shall become final and effective thirty (30) days after publication of this Federal Register Notice.

Any request for a public hearing shall include the following information:

(1) The name, address and telephone number of the individual organization or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement on information that the requesting person intends to submit at such hearing;

(3) The signature of the individual making the requests or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: Requests for Public Hearing shall be addressed to: Pedro A. Gelabert, Director, U.S. Environmental Protection Agency, Caribbean Field Office, Office 2A, Podiatry Center Building, 1413 Fernandez Juncos Avenue, Santurce, Puerto Rico 00909.

All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Puerto Rico Department of Health, Public Water Supply Supervision Program, Edificio A. Centro Medico, Call Box 70184, San Juan, Puerto Rico 00936.

U.S. Environmental Protection Agency, Caribbean Field Office, Office 2A, Podiatry Center Building, 1413 Fernandez Juncos Avenue, Santurce, Puerto Rico 00909.

U.S. Environmental Protection Agency—Region II, Public Water Supply Section, Jacob K. Javits Federal Building, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: Luis F. Campos, P.E., Chief, Water Management Staff, U.S. Environmental Protection Agency, Caribbean Field Office, Office 2A, Podiatry Center Building, 1413 Fernandez Juncos Avenue, Santurce, Puerto Rico 00909, (809) 729–6951.

(Section 1413 of the Safe Drinking Water Act, as amended, (1086), and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Constantine Sidamon-Eristoff,

Regional Administrator, EPA, Region II.

[FR Doc. 90–20102 Filed 8–24–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Fox Television Stations, Inc., et al.

1. The Commission has before it the following applications for a renewal of license for television station KTTV (TV) and a new commercial television station:

Applicant, city and state	File No.	MM Docket No.
A. Fox Television Stations; Los Angeles, CA.	BRCT–880801LW	90–375
B. Rainbow Broadcasting; Los Angeles, CA.	BPCT–881101KH	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose leadings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue Heading	Applicant(s)
Financial	B
FAA	B
Comparative	A, B
Ultimate	A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this Notice. A copy of the complete HDO in this proceeding 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 may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Barbara Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 90–20140 Filed 8–24–90; 8:45 am]

BILLING CODE 6712–01–M

Applications for Consolidated Hearing; Rawlins Broadcasting Corp., et al.

1. The Commission has before it the following mutually exclusive applications for renewal of license for station KFNE (TV) and a new commercial television station on Channel 10, Riverton, Wyoming.

Applicant, city and state	File No.	MM Docket No.
A. Rawlins Broadcasting Corp.; Rawlins, Wy.	BRCT–880818KF	90–374
B. First National Broadcasting Corp.; Rawlins, WY.	BPCT–880901KF	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant(s)
Comparative	A, B
Ultimate	A, B

3. If there is any non-standardized issue(s) in this proceedings, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this Notice. A copy of the complete HDO in this proceeding 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 may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857–3800).

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 90–20141 Filed 8–24–90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR–25]

Hazardous Substances Recommended for Toxicological Evaluation

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice of recommendations of substances for testing.

SUMMARY: This notice serves to announce recommendations concerning the selection of chemicals for further toxicological testing to be conducted by the National Toxicology Program (NTP). These nominations are based on: (1) The recommendations of the Hazardous Waste Information Evaluation Subcommittee (HWIES) of the Public Health Service Committee to Coordinate Environmental Health and Related Programs and (2) comments received as a result of the October 13, 1989, **Federal Register** notice (54 FR 42042) requesting comments on the six chemicals. These six substances have been tested for toxicity by the NTP under prechronic conditions.

SUPPLEMENTARY INFORMATION: Section 104(i)(5)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), 42 U.S.C. 9604(1)(5)(A), as amended, requires ATSDR to conduct health assessments of sites on or proposed for inclusion on the National Priorities List established by the Environmental Protection Agency (EPA). ATSDR's health assessments involve the evaluation of environmental contamination and of toxicological, demographic, and human health data in order to characterize public health implications of individual hazardous waste sites. In some cases where gaps in toxicological information exist, ATSDR sponsors studies at the NTP to address the gaps. ATSDR seeks advice and recommendations from HWIES on which hazardous substances should be studied and the types of studies to be performed by NTP. Hazardous substances are nominated to HWIES by agencies with statutory responsibilities under CERCLA. Each substance is reviewed by HWIES and recommendations are provided to ATSDR concerning the need for toxicological testing.

A request for comments and information about the nominated hazardous substances is published in the **Federal Register** to encourage public participation in the HWIES evaluation process. Through this process, HWIES can make better informed decisions whether to select, defer, or reject hazardous substances for toxicological study. Comments and secondary data received are reviewed and summarized by HWIES and forwarded to ATSDR and NTP for further evaluation.

The HWIES convened on July 11, 1989, to discuss the chemicals that would be reviewed for chronic studies. After publishing the October 13, 1989, **Federal Register** notice (54 FR 42042), the Committee reconvened April 5, 1990, to recommend chemicals for chronic testing. Based on information received, the following recommendations were made to ATSDR:

• *1,2-Dichloroethane,* CAS No. 107–06–2, was recommended for chronic study (medium priority). This recommendation was based on its continued high production volume; high potential for human exposure in occupational settings and in the general environment, and especially through ground water contamination caused by this material migrating from hazardous waste sites; discrepancies in and among previously conducted chronic studies; and lack of scientifically credible chronic studies using nonbolus oral administration of this substance.

Because of the physical-chemical properties of 1,2-dichloroethane, the Committee recommended that NTP continue to explore means to stabilize this substance to ensure that the desired dose be biologically available to test animals in the various treatment groups proposed for the chronic experiment.

• *n-Hexane,* CAS No. 110–54–3, was recommended for chronic study (low priority) because it is a widely used industrial solvent and it is found at waste sites. It was further noted that Ames mutagenicity testing has been uniformly negative, but some studies have shown chromosome aberrations (chromatid breaks) in bone marrow cells of rats administered n-hexane by inhalation.

• *Pentachlorobenzene,* CAS No. 608–93–5, was recommended for chronic study (low priority). Pentachlorobenzene has been used as a pesticide precursor and as a flame retardant. It is practically insoluble in water, but has been found in surface and ground water and drinking water near toxic waste dumpsites. It is ubiquitous, persistent, and presents a potential for long term, but low level, exposure to a large population.

Pentachlorobenzene has been found in human adipose tissue and can bioaccumulate in the body. In subchronic feeding studies Pentachlorobenzene is toxic at about 2000 ppm to the liver, kidney, lungs and thyroid in rats, and liver in mice.

• *Acetone,* CAS No. 67–64–1, was *not* recommended for further testing. This chemical was tested in drinking water studies. The results from these studies show that acetone is only mildly toxic to rats and mice when administered in high concentrations in drinking water for 13 weeks. Minimal toxic doses were estimated to be 20,000 ppm acetone for male rats and male mice and 50,000 ppm acetone for female mice. No toxic effects were identified for female rats.

• *Hexachloro- 1,3-Butadiene*(HCBD), CAS No. 87–68–3, was not recommended for further testing. HCBD is found in the environment, and it and/or its metabolites are mutagenic or carcinogenic in certain bioassays. Currently there is a relatively high level of research interest in the compound, both as a nephrotoxin and as a mutagen/carcinogen. Although further chronic bioassays in rats might be used to define more clearly the dose response for carcinogenicity, it is not clear that it would enhance the ability to assess accurately human risk better than work already going on in the area of metabolism and mutagenicity.

• *1,2,4,5-Tetrachlorobenzene* (TCB), CAS No. 95–94–3, was not recommended for further testing. Human data have shown an association between a cluster of chromosomal aberrations and work in a plant producing 1,2,4,5-TCB.

Subchronic studies in rodents have revealed liver, kidney, lung, thyroid and possibly lymphoid tissues to be targets. The extent of the environmental problem is unclear, due to the lack of specific identification of 1,2,4,5-TCB in environmental and biological samples. The Committee recommended that more extensive sampling and an assay with improved chemical methods be done before prioritizing the need for chronic or carcinogenesis testing of this compound.

FOR FURTHER INFORMATION CONTACT: Barry L. Johnson, Ph.D., Assistant Administrator, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, Mail Stop E–28, Atlanta, Georgia 30333, (404) 639–0700, FTS: 236–0700.

Dated: August 20, 1990.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 90–20097 Filed 8–24–90; 8:45 am]

BILLING CODE 4160–70–M

Public Health Service

National Vaccine Advisory Committee, Public Meeting

AGENCY: Office of the Assistant Secretary for Health, HHS.

SUMMARY: The Department of Health and Human Services (DHHS) and the Office of the Assistant Secretary for Health are announcing the forthcoming meeting of the National Vaccine Advisory Committee.

DATES: Date, Time and Place: September 17, 1990, at 9 a.m.; September 18, at 8:30 a.m.; Hubert H. Humphrey Building, room 703A, 200 Independence Avenue, SW., Washington, DC 20201. The entire meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Written requests to participate should be sent to Yuth Nimit, Ph.D., Executive Secretary, National Vaccine Advisory Committee, National Vaccine Program, 5600 Fishers Lane, Parklawn Building, room 13A–53, Rockville, Maryland 20857, (301) 443–0715.

AGENDA: OPEN PUBLIC HEARING: Interested persons may formally present data, information, or views orally or in writing on issues pending before the Advisory Committee or on any of the duties and responsibilities of the Advisory Committee as described below. Those desiring to make such presentations should notify the contact person before September 5, 1990 and submit a brief statement of the information they wish to present to the Advisory Committee. Those requests should include the names and addresses of proposed participants and an indication of the approximate time required to make their comments. A maximum of 15 minutes will be allowed for a given presentation. Any person attending the meeting who does not request an opportunity to speak in advance of the meeting will be allowed to make an oral presentation at the conclusion of the meeting, if time permits, at the chairperson's direction.

OPEN ADVISORY COMMITTEE DISCUSSION: There will be discussions on "impediments to Vaccine delivery"; Biotechnology for New Vaccine Development and Licensure; and on the National Vaccine Program Report to Congress and National Vaccine Plan Development. Meetings of the Advisory Committee shall be conducted, insofar as is practical, in accordance with the agenda published in the **Federal Register** notices. Changes in the agenda will be announced at the beginning of the meeting.

Persons interested in specific agenda items may ascertain from the contact person the approximate time of discussion. A list of Advisory Committee members and the charter of the Advisory Committee will be available at the meeting. Those unable to attend the meeting may request this information from the contact person. Summary minutes of the meeting will be made available upon request from the contact person.

Dated: August 15, 1990.

Yuth Nimit,

Executive Secretary, NVAC.

[FR Doc. 90–20111 Filed 8–24–90; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Office of the Secretary

The Take Pride in America Advisory Board; Notice of Establishment

This notice is published in accordance with section 9(a)(2) of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. (1988). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is establishing the Take Pride in America Advisory Board.

The purpose of the Board is to advise the Secretary of the Interior on his role in plans and procedures designed to further motivate participation in Take Pride in America program. The program is designed to focus national attention on the problems of land abuse and misuse, and on the opportunities for promoting voluntary participation by individuals, organizations and communities in caring for our natural and cultural resources.

The Board will represent the interests of the program-related community, and will consist of no more than twenty-one voting members to be appointed by the Secretary to assure a balanced cross-sectional representation of public and private sector organizations. In addition, all fifty state Governors or their representatives will serve as ex-officio non-voting members of the Board.

The Board will function solely as an advisory body, and in compliance with provisions of the Federal Advisory Committee Act. The Charter will be filed under the Act, fifteen days from the date of publication of this notice.

Further information regarding the Board may be obtained from Sharon Edwards, Office of the Secretary, U.S. Department of the Interior, Washington, DC 20240. Telephone: 202–208–7351.

The Certification of establishment is published below.

Certification

I hereby certify that the establishment of the Take Pride in America Advisory Board is necessary and in the public interest in connection with the performance of duties imposed on the Department of the Interior by those statutory authorities listed in The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.* (1988), as amended); 16 U.S.C. 4601 *et seq.* (1988), as amended; and in furtherance of the Secretary of the Interior's statutory responsibilities for administration of the lands and resources managed by the Department of the Interior. The Board will assist the Secretary and the Department of the Interior by providing advice on activities to enhance the Take Pride in America Program.

Dated: July 12, 1990.

Manuel Lujan, Jr.,

Secretary of the Interior.

[FR Doc. 90–20072 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–10–M

Bureau of Land Management

[NV–930–00–4212–16; Nev–061603, N–22848, N–24788, N–32339, N–40267]

Correction; Termination of Desert Land Classifications; Nevada

August 17, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: This action corrects a termination notice published in the **Federal Register** on page 55 FR 30984 as Document No. 90–17599 on July 30, 1990.

EFFECTIVE DATE: July 30, 1990.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, BLM Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, NV 89520, 702–785–6526.

SUPPLEMENTARY INFORMATION: The termination notice published in 55 FR 30984 as Document No. 90–17599 on July 30, 1990 is hereby corrected as follows:

1. Add Serial No. N–32339 to the list of case file numbers.

2. Delete all reference to case file numbers N–40271, N–40272, N–40279, and N–40280.

Marla B. Bohl,

Acting Deputy State Director, Operations.

[FR Doc. 90–20047 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–HC–M

Bureau of Land Management

[NV–010–00–4410–10]

Elko District Advisory Council Meeting

Notice is hereby given that the District Advisory Council for the Elko District, Nevada, will meet on September 27, 1990. The meeting will be held in the District Conference Room at 3900 E. Idaho, in Elko, beginning at 9:00 AM.

The agenda is as follows:

1. Update on the Thousand Springs Power Plant Project
2. Discussion of the proposed Marys River Land Exchange
3. Discussion of Barrick-Goldstrike mining operation

The meeting is open to the public, and members of the public may make statements before the Council. Persons wishing to make a statement to the Council should contact Bruce Portwood at the District Office at 702–738–4071 no later than September 25.

Rodney Harris,

District Manager.

[FR Doc. 90–20045 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–HC–M

[ID–040–00–4320–10]

Salmon District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Salmon District of the Bureau of Land Management (BLM) announces a forthcoming meeting of the Salmon District Grazing Advisory Board.

DATES: The meeting will be held Wednesday, October 10, 1990, at 10 a.m.

ADDRESSES: The meeting wil be held at the Salmon District Office, Bureau of Land Management Conference Room, South Highway 93, Salmon, Idaho.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Law 92–463. The meeting is open to the public; public comments will be accepted from 1 to 1:30 p.m. Anyone wishing to make an oral statement should notify the District Manager, Bureau of Land Management, P.O. Box 430, Salmon, Idaho 83467 by October 5, 1990. The agenda items include election of officers, discussion of 1990 wild horse roundup, Idaho riparian policy, Lemhi grazing agreements, allotment management plans, range improvements, and any other issues dealing with grazing management in the Salmon District.

Summary minutes of the meeting will be kept in the Salmon District Ofice and will be available for public inspection and reproduction during regular business hours (7:45 a.m. to 4:15 p.m.) within 30 days following the meeting. Notification of oral statements and requests for summary minutes should be sent to Roy Jackson, District Manager, Bureau of Land Management, Salmon District Office, P.O. Box 430, Salmon, Idaho 83467, phone (208) 756–5400.

Dated: August 14, 1990.

Roy S. Jackson,

District Manager.

[FR Doc. 90–20079 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–GG–M

[NV–930–00–4212–24; N–43000]

Opening Order; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action provides for the opening of 240.00 acres previously covered by an airport lease. The airplane lease has been terminated in its entirety. The land will be opened to the public land laws generally, including the mining laws. The land has been and remains open to the mineral leasing laws.

EFFECTIVE DATE: September 26, 1990.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702–785–6526.

SUPPLEMENTARY INFORMATION: The below described land was segregated from the public land laws, including the mining laws in support of airport lease N–43000. The airport lease has been cancelled for failure to meet the terms and conditions of the lease.

Mount Diablo Meridian, Nevada

T. 8 N., R. 43 E.,
Sec. 5, SE¼;
Sec. 8, N½NE¼.

The area described contains 240.00 acres in Nye County.

At 10 a.m. on September 26, 1990, the land will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on September 26, 1990, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

At 10 a.m. on September 26, 1990, the land will be opened to location and entry under the United States mining laws. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attemped adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between locators over possessory rights since Congress has provided for such determination in local courts.

Marla B. Bohl,

Acting Deputy State Diretor, Operations.

[FR Doc. 90–20046 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–HC–M

Fish and Wildlife Service

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18).

File No. PRT–690715

Applicant:

Name: U.S. Fish and Wildlife Service, Alaska Fish and Wildlife Research Center, 1011 East Tudor Road, Anchorage, Alaska 99503

Type of permit: Scientific Research.

Name of animals: Walrus (*Odobenus rosmarus divergens*).

Summary of activity to be authorized: Renewal of permit to continue take of up to 35 walruses which may be chemically immobilized using any dissassociative, narcotic and/or barbiturate immobilizing drugs, tagged (double tagged on flippers), radio-tagged with satellite-linked transmitters, and administered oxytetracycline HCL (for protection from secondary pneumonia and to mark the teeth for future identification). The renewal would allow for continuation of the following take activities with an unspecified number of walruses: (1) Collection of biological samples from walruses found dead or that die during the activities conducted under this permit; (2) Import of biological samples; and (3) Recapture of tagged walruses for replacement of malfunctioning radio-transmitters. In addition, as part of the radio-tagging process, an unspecified number of animals may be inadvertently harassed during subsequent radio-tracking flights. The study is for purposes of scientific research to aid in the understanding of the population dynamics of the species.

Period of activity: August 1990 through August 1991.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, Office of Management Authority (OMA), 4401 N. Fairfax Dr., Room 432, Arlington, VA 22203, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours (7:45 am to 4:15 pm) at 4401 N. Fairfax Drive, Room 430, Arlington, VA 22203.

Dated: August 22, 1990.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 90–20085 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–55–M

Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing marine mammals (50 CFR part 18).

File no. PRT–690038

Applicant:

Name : U.S. Fish and Wildlife Service, Alaska Fish & Wildlife Research Center, 1011 East Tudor Road, Anchorage, Alaska 99503

Type of permit: Scientific Research.

Name and number of animals: Polar bears (*Ursus maritimus*) up to 200 bears annually through 1995.

Summary of activity to be authorized: Renewal of permit to continue take activities (chemically immobilize, ear-tag, tattoo, paint-mark, remove lower premolar, blood sample, measure, fit with radio collars, collect hair and claw tissue, recapture and release, and test bio-electrical impedance as a means of measuring fat and fat-free body mass of polar bears) for the purpose of scientific research.

Period of activity: October 1990 through October 1995.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, Office of Management Authority (OMA), 4401 N. Fairfax Dr., Room 432, Arlington, VA 22203, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connection with the above application are available for review during normal business hours (7:45 am to 4:15 pm) at 4401 N. Fairfax Drive, Room 430, Arlington, VA 22203.

Dated: August 22, 1990.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 90–20086 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–55–M

Issuance of Permit for Marine Mammals

On July 16, 1990, a notice was published in the **Federal Register** (Vol. 55, FR #136) that an application had been filed with the Fish and Wildlife Service by U.S. Fish & Wildlife Service, Region 7, Marine Mammals Management Field Office (PRT–750950) for a permit to take (aerial survey) Pacific walrus (*Odobenus rosmarus divergens*) in the Bering and Chuckchi seas, Alaska to determine population status and trends for the 1990 cooperative USA/USSR aerial population survey.

Notice is hereby given that on August 15, 1990, as authorized by the Marine Mammal Protection Act of 1972 (16 USC 1361–1407), the Fish and Wildlife Service issued a permit subject to certain conditions set forth therein.

The permits are available for public inspection during normal business hours at the Office of Management Authority, 4401 N. Fairfax Drive, Room 432, Arlington, VA.

Dated: August 22, 1990.

R.K. Robinson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 90–20087 Filed 8–24–90; 8:45 am]

BILLING CODE 4310–55–M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-No. 18)]

Intrastate Rail Rate Authority—Montana

AGENCY: Interstate Commerce Commission.

ACTION: Notice of recertification.

SUMMARY: Pursuant to 49 U.S.C. 11501(b), the Commission recertifies the State of Montana to regulate intrastate rail rates certifications, rules, and practices for a 5-year period.

DATES: Recertification will be effective September 26, 1990, and will expire October 25, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 275–7245, [TDD for hearing impaired: (202) 275–1721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD Services (202) 275–1721.]

Decided: August 16, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Lamboley, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90-20105 Filed 8-24-90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 89-71]

Pharmaceutical Dose Service, Inc. St. Louis, MO; Hearing

Notice is hereby given that on December 1, 1989, the Drug Enforcement Administration, Department of Justice, issued to Leonard Dino, R.Ph., d/b/a Pharmaceutical Dose Service, Inc., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke DEA Certificate of Registration, BP0911001, and deny any pending applications for a DEA Certificate of Registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on September 19, 1990, commencing at 9:30 a.m., at the U.S. District Court, 1114 Market Street, St. Louis, Misouri. Due to renovations in the building, a courtroom has not been assigned to date. Accordingly, a sign will be posted at the courthouse directing all parties to the appropriate courtroom.

Dated: August 20, 1990.

Robert C. Bonner,

Administrator, Drug Enforcement Administration.

[FR Doc. 90-20048 Filed 8-24-90; 8:45 am]

BILLING CODE 4410-09-M

Drug Enforcement Administration

[Docket No. 90-7]

Ramsey Drug, Inc., Devils Lake, ND; Hearing

Notice is hereby given that on January 23, 1990, the Drug Enforcement Administration, Department of Justice, issued to Ramsey Drug, Inc., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke DEA Certificate of Registration, AR5584431, and deny any pending applications for a DEA Certificate of Registration.

Thirty days have elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on September 26, 1990, commencing at 9:00 a.m., at the U.S. District Court, Lower Level Courtroom, Old Federal Building, 655 1st Avenue North, Fargo, North Dakota.

Dated: August 20, 1990.

Robert C. Bonner,

Administrator, Drug Enforcement Administration.

[FR Doc. 90-20049 Filed 8-24-90; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90-67]

Agency Report Forms Under OMB Review

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of agency report forms under OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), agencies are required to submit proposed information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made the submission.

Copies of the proposed forms, the requests for clearance (S.F. 83's), supporting statements, instructions, transmittal letters and other documents submitted to OMB for review, may be obtained from the Agency Clearance Officer. Comments on the items listed should be submitted to the Agency Clearance Officer and the OMB Paperwork Reduction Project.

DATES: Comments are requested by September 26, 1990. If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Paperwork Reduction Project and the Agency Clearance Officer of your intent as early as possible.

ADDRESSES: Mr. D.A. Gerstner, NASA Agency Clearance Officer, Code NTD, NASA Headquarters, Washington, DC 20546; Office of Management and Budget, Paperwork Reduction Project (2700-0063), Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Shirley C. Peigare, NASA Reports Officer, (202) 755-1430.

Reports

Title: NASA Safety Reporting System (NSRS).

OMB Number: 2700-0063.

Type of Request: Extension.

Frequency of Report: As Required.

Type of Respondent: Individuals or households, businesses or other for-profit, federal agencies or employees.

Number of Respondents: 75.

Responses per Respondent: 1.

Annual Responses: 19.

Hours per Response: .25.

Annual Burden Hours: 19.

Abstract-Need/Uses: Form will be used by NASA employees and NASA contractor employees to voluntary and confidentially report to an independent agent any safety concerns or hazards pertaining to any NASA program or project.

Dated: August 16, 1990.

D.A. Gerstner,

Director, IRM Policy Division.

[FR Doc. 90-20112 Filed 8-24-90; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting; Humanities Panel

AGENCY: National Endowment for the Humanities, ARTS.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted

invasion of personal privacy; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4) and (6) of section 552b of title 5, United States Code.

1. *Date:* September 10–11, 1990.
Time: 8:30 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Preservation Program, submitted to the Office of Preservation, for projects beginning after January 1, 1991.

2. *Date:* September 10, 1990.
Time: 8:30 a.m. to 5 p.m.
Room: 430.
Program: This meeting will review applications for NEH/Reader's Digest Teacher-Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education, for projects beginning after September 1,1991.

3. *Date:* September 12, 1990.
Time: 8:30 a.m. to 5 p.m.
Room: 430.
Program: This meeting will review applications for NEH/Reader's Digest Teacher-Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education, for projects beginning after September 1, 1991.

4. *Date:* September 14, 1990.
Time: 8:30 a.m. to 5 p.m.
Room: 430.
Program: This meeting will review applications for NEH/Reader's Digest Teacher-Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education, for projects beginning after September 1, 1991.

6. *Date:* September 17, 1990.
Time: 8:30 a.m. to 5 p.m.
Room: 430.
Program: This meeting will review applications for NEH/Reader's Digest Teacher-Scholar Program for Elementary and Secondary School Teachers, submitted to the Division of Education, for projects beginning after September 1, 1991.

Stephen J. McCleary,
Advisory Committee Management Officer.
[FR Doc. 90–20090 Filed 8–24–90; 8:45 am]
BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice of permits issued.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On June 29, 1990, the National Science Foundation published a notice in the **Federal Register** of permit applications received. Permits were issued to the following individuals or organizations on August 15, 1990.

Gerald L. Kooyman
Mark A. Chappell
Diana W. Freckman
Wayne Z. Trivelpiece
Richard Rivkin
John S. Pearse
Mary Putt
Antarctic Support Associates

Charles E. Myers,
Permit Office, Division of Polar Programs.
[FR Doc. 90–20051 Filed 8–24–90; 8:45 am]
BILLING CODE 7555-01-M

Academic Research Facilities Modernization Program Advisory Review Panel Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Review Panel for Academic Research Facilities Modernization Program.
Date and Time: September 16, 1990—7 to 9 p.m., September 17, 1990—8 a.m. to 7 p.m., September 18, 1990—8 a.m. to 7 p.m., September 23, 1990—7 to 9 p.m., September 24, 1990—8 a.m. to 7 p.m., September 25, 1990—8 a.m. to 7 p.m.
Place: Washington Dulles Airport Marriott, 333 West Service Road, Chantilly, VA 22021, (703) 471–9500.
Type of Meeting: Closed.
Contact Person: Dr. Henry N. Blount, Senior Program Officer, Research Facilities Office, room 436, National Science Foundation, Washington, DC 20550, 202–357–9785.
Purpose of Meeting: To provide advice on the merit of proposals seeking support for academic research facilities.
Agenda: Review and evaluation of Academic Research Facilities Modernization Program proposals as part of the selection process for awards.
Reason for Closing: The proposals 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. 552b(c), Government in the Sunshine Act.

Dated: August 21, 1990.

M. Rebecca Winkler,
Committee Management Officer.
[FR Doc. 90–20073 Filed 8–24–90; 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 meeting 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 21, 1990.

M. Rebecca Winkler,
Committee Management Officer.

Committee name	Agenda	Date(s)	Times	Room [1]
Special Emphasis Panel for Chemical and Thermal Systems, et al	SBIR proposals	09/24/90	8:30 a–5 p	1250
Special Emphasis Panel for Chemical and Thermal Systems	SBIR proposals	09/28/90	8:30 a–5 p	1250

Committee name	Agenda	Date(s)	Times	Room [1]
Special Emphasis Panel for Design and Manufacturing Systems	SBIR proposals	09/19/90 09/21/90	8:30 a–5 p 8:30 a–5 p	1128
Special Emphasis Panel for Mathematical Sciences	SBIR proposals	09/25/90 09/26/90	8:30 a–5 p 8:30 a–5 p	1250
Special Emphasis Panel for Information, Robotics & Intelligent Systems.	SBIR proposals	09/17/90	9 a–5 p	1242
Special Emphasis Panel for Computer and Computational Research	SBIR proposals	09/19/90	8:30 a–5 p	1242–1243
Special Emphasis Panel for Networking & Communications Research & Infrastructure.	SBIR proposals	09/21/90	8:30 a–5 p	416
Special Emphasis Panel for Biotic Systems and Resources	Dissertation proposals	09/24/90 09/25/90	8:30 a–5 p 8:30 a–5 p	215
Special Emphasis Panel for Social and Economic Sciences	Political science review	09/20/90 09/21/90	8:30 a–5 p 8:30 a–5 p	1243
Special Emphasis Panel for Mechanical and Structural Systems	SBIR proposals	09/21/90 09/24/90	8 a–5 p 8 a–5 p	1250
Special Emphasis Panel for Polar Programs	SBIR proposals	09/27/90	8:30 a–5 p	523

[1] At 1800 G Street NW., Washington, DC.

[FR Doc. 90–20074 Filed 8–24–90; 8:45 am]
BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–328]

Tennessee Valley Authority; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of Section III.A.6(b) of appendix J to 10 CFR part 50 to the Tennessee Valley Authority (the licensee) for the Sequoyah Nuclear Plant, Unit 2. The unit is located at the licensee's site in Hamilton County, Tennessee. The exemption was requested by the licensee in its letter dated May 21, 1990.

Environmental Assessment

Identification of Proposed Action

The exemption would allow the licensee relief from the provisions in Section III.A.6(b) of Appendix J with respect to the requirement that upon two consecutive failures of appendix J containment Type A tests there is an acceleration of the test frequency. If two consecutive Type A tests fail to meet the acceptance criteria of 0.75La, a Type A test shall be performed at each refueling outage until two consecutive Type A tests meet the acceptance criteria. After this, the test frequency in section III.D of appendix J, which is performing three Type A tests at approximately equal intervals during each 10-year service period, may resume. The relief would relax the acceleration of the Type A test frequency and the requirement to conduct a Type A test at Unit 2 in the Unit 2 Cycle 4 refueling outage scheduled for the fall of 1990.

At Unit 2, the licensee conducted Type A tests during the preoperational testing in 1981, the Unit 2 Cycle 2 refueling outage in November 1984, and the Unit 2 Cycle 3 refueling outage in March 1989. Had the last two Type A tests not been classified as failures, the next Type A test at Unit 2 would be conducted in the Unit 2 Cycle 5 refueling outage in 1992 to complete the three tests in a 10-year service period. With two consecutive failures, the licensee is required to conduct a Type A test in each refueling outage until the unit passes two consecutive Type A tests. The first refueling outage that would be affected is the Unit 2 Cycle 4 refueling outage. The Unit 2 Cycle 5 refueling outage is not affected by this relief because this outage is scheduled for the third Type A test of the 10-year service period.

The history of the Type tests conducted at Unit 2 is noted below:

Type A tests performed	As-found leak rate (percent per day)	0.75La limit (percent per day)	1.0La limit (percent per day)	Status
Preoperational test (1981)	0.14	0.1875	0.25	Pass.
Test 1 (1984)	0.22	0.1875	0.25	Failure.
Test 2 (1989)	0.20	0.1875	0.25	Failure.

The last two Type A test results exceeded the acceptable limit of 0.75La required by Appendix J but did not exceed the maximum allowable rate of La. La is the leakage rate assumed for the containment during a loss-of-coolant accident. The licensee stated that the root cause of the Cycle 2 Type A test failure was determined to be packing leakage from two outboard root valves on two containment pressure sensing lines. The licensee performed maintenance on the pressure sensing lines during Cycle 2 refueling outage and repaired the root valves which resulted in an immediate reduction in the measured leak rate to below the acceptance criteria. The licensee also implemented corrective actions to prevent the pressure sensing line leakage. These actions include:

(1) Programmatic review of the instrument maintenance and operation activities to identify potential impacts on containment integrity, and

(2) Expansion of the local leak rate test (LLRT) program to require an LLRT following any maintenance performed on the pressure sensing lines. Post-maintenance leak rate testing is required and added to the Surveillance Instruction (SI) 159.1, "Leak Rate Test on Containment Pressure Instrumentation."

The primary cause of the Cycle 3 Type A failure was due to excessive leakage through Penetration X–59. The root cause was personnel error in connecting the hose from the test equipment to the test connection for the valves associated with Penetration X–59. Another factor that contributed to the excessive leakage through Penetration X–59 involved a maintenance sequence that occurred when the outboard containment isolation valve (FCV–67–

88) was previously disassembled, cleaned, and reassembled during the outage. The licensee has implemented corrective actions for the root causes of excessive leakage from Penetration X–59. These actions include:

(1) Revision of the LLRT program (SI–158.1) to include instructional steps that require the test hoses to be visually inspected to ensure that no restrictions or crimped conditions exist, and

(2) Revision of the Maintenance Instructions (O–MI–MVV–000–008.0) to ensure that when soft-seated butterfly valves without internal disc stops are removed from the piping, the valve operator limits are set with the valve body attached to ensure the valve position is established prior to reinstallation.

The staff has reviewed the licensee's submittal and agrees with the licensee that the root cause of each of the last two Type A test failures was due to excessive leakage of a single component or penetration in the containment boundary. Even with the leakage, the Type A test results were found still within the maximum allowable leak rate of 1.0La. The licensee has corrected and repaired the components that caused the Type A test failures and implemented corrective actions to prevent future test failures. Additionally, the current Appendix J leak rate limit for Type A tests contain a 25% safety margin between the leak rate acceptance criteria and the leak rate assumed during the loss-of-coolant accident. A proposed revision to Appendix J currently under consideration would remove this margin. With the above corrective actions and the fact that the last two Type A test failures were below the maximum allowable leak rate of 1.0La, the staff concludes that the requested exemption has no significant impact on containment integrity and no benefit would be gained by requiring the licensee to perform Type A tests on an accelerated test frequency.

The Need for the Proposed Action

The proposed exemption is required to relieve the licensee from the requirement to conduct a Type A test of its Unit 2 containment in the Unit 2 Cycle 4 refueling outage scheduled for the fall of 1990.

Environmental Impacts of the Proposed Action

With respect to the requested exemption, the relief from the above requirement would allow the licensee to avoid conducting an unnecessary Type A test at Unit 2 in the upcoming Unit 2 Cycle 4 refueling outage. The test is not needed to assure the integrity of the containment during an accident which is the purpose of the test. Consequently, neither the probability of accidents nor the radiological releases from accidents will be increased. With regard to other potential radiological environmental impacts, the proposed exemption does not increase the radiological effluents from the facility and does not increase the occupational exposure at the facility. Therefore, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential nonradiological environmental impacts, the proposed exemption involves systems located within the restricted areas as defined in 10 CFR part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Therefore, the proposed exemption does not significantly change the conclusions in the licensee's "Final Environmental Statement Related to the Operation of Sequoyah Nuclear Plant Units 1 and 2," (FES) dated February 21, 1974. The Commission concluded that operation of the Sequoyah units will not result in any environmental impacts other than those evaluated in the FES in its letter to the licensee dated September 15, 1981 which granted the facility operating license DPR–79 for Unit 2.

Alternative to the Proposed Action

Because the staff has concluded that there is no measurable environmental impact associated with the proposed exemption, any alternative to this exemption will have either no significantly different environmental impact or greater environmental impact.

The principal alternative would be to deny the requested exemption. This would not reduce environmental impacts as a result of plant operations.

Alternative Use Of Resources

This action does not involve the use of resources not previously considered in connection with the "Final Environmental Statement Related to the Operation of the Sequoyah Nuclear Plant, Units 1 and 2," dated February 21, 1974.

Agencies and Persons Consulted

The NRC staff has reviewed the licensee's request and the licensee's supplemental letters that support the proposed exemption. The NRC staff did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the licensee's reqeust for an exemption dated May 21, 1990 which is available for public inspection at the Commission's Public Document Room Gelman Building, 2120 L Street, NW., Washington, DC, and at the Chattanooga-Hamilton County Bicentennial Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

Dated at Rockville, Maryland, this 21st day of August 1990.

For the Nuclear Regulatory Commission.

Frederick J. Hebdon,

Director, Project Directorate II–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–20091 Filed 8–24–90; 8:45 am]

BILLING CODE 7590–01–M

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

Meeting

Notice is hereby given of the meetings of the Prospective Payment Assessment Commission on Tuesday and Wednesday, September 11–12, 1990, at the Madison Hotel, 15th & M Streets, Northwest, Washington, DC.

The Subcommittee on Hospital Productivity and Cost-Effectiveness will meet in Executive Chambers 1, 2 and 3 at 9 a.m. on Tuesday, September 11, 1990. The Subcommittee on Diagnostic and Therapeutic Practices will convene its meeting at 9 a.m. on Tuesday, September 11, 1990 at 9 a.m. in the Monticello/Arlington Rooms.

The Full Commission will meet on Wednesday, September 12, 1990, at 9 a.m. in Executive Chambers 1, 2 and 3.

All meetings are open to the public.

Donald A. Young,

Executive Director.

[FR Doc. 90–20064 Filed 8–24–90; 8:45 am]

BILLING CODE 6820–BW–M

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

August 21, 1990.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder for unlisted trading privileges in the following securities:

ACM Government Spectrum Fund, Inc., Common Stock, $.01 Par Value (File No. 7-6069)
Anthem Electronics, Inc., Common Stock, $.125 Par Value (File No. 7-6070)
BJ Services Co., Common Stock, $.10 Par Value (File No. 7-6071)
Chiles Offshore Corporation, Common Stock, $.01 Par Value (File No. 7-6072)
Molecular Biosystems, Inc., Common Stock, $.01 Par Value (File No. 7-6073)
Nuveen Investment Quality Municipal Fund, Inc., Common Stock, $.01 Par Value (File No. 7-6074)
OMNICOM Group, Inc., Common Stock, $.50 Par Value (File No. 7-6075)
Safeway, Inc., Warrants expiring November 24, 1996 (File No. 7-6076)
Summa Medical Corp., Common Stock, $.01 Par Value (File No. 7-6077)
Transatlantic Holdings Inc., Common Stock, $1.00 Par Value (File No. 7-6078)
U.S. Surgical Corp., Common Stock, $.10 Par Value (File No. 7-6079)
Weatherford International Incorporated, Common Stock, $.10 Par Value (File No. 7-6080)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before September 11, 1990, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-20103 Filed 8-24-90; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Assistance to Individuals or Enterprises Eligible Under the Women's Business Ownership Act of 1988

The Program Announcement No. OWBO-91-003 is intended to assist SBA's Office of Women's Business Ownership in providing Financial, Management and Marketing Assistance to individuals and enterprises eligible for assistance under Public Law 100-533 or the "Women's Business Ownership Act of 1988." Eligible Client(s) include women starting their own business, expanding their existing businesses and those who are economically/socially disadvantaged. Applicant must be an established private business and/or organization either for profit or non profit. Organizations submitting applications/proposals must be able to furnish at least 50% of the required services in-house and 50% of the staff must be entrepreneurs or have had entreprenurial experience. The geographic area(s) of consideration is unlimited. However, Applicant must establish an office (if nonexistent) within the geographic area proposed and absorb the expense of the new office with the applicant's matching funds. A written commitment(s) of cash contributions from private sector source(s) must be obtained by the recipient after application has been approved, but prior to the disbursement of Federal funds. Matching funds must be solely in the form of cash equal to the amount of the Federal share, may not contain contributions of an in-kind or indirect nature, and may not come from a governmental (Federal, State, or Local) source. No partial applications will be accepted for consideration. Recipients conducting current FY'90 projects under the Women's Business Ownership Act may submit proposals for additional funding. Applicants must submit their application/proposal on or before 19 November 1990, at 4 p.m., local time, at the SBA Office specified in the program announcement. For further information Contact Lindsey Johnson, Harriet Fredman at 202/653-8000, or Sally Murrell at 202/653-7744, or write SBA, Office of Procurement and Grants Management, 1441 L Street, NW., room 220, Washington, DC 20416, Attention: Sally Murrell, Agreement Officer.

Susan Engeleiter,

Administrator.

[FR Doc. 90-20114 Filed 8-24-90; 8:45 am]

BILLING CODE 8025-01-M

Region IX Advisory Council Meeting; California

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of Los Angeles, will hold a public meeting a 11 a.m. on Tuesday, September 18, 1990, at The Verdugo Club, 400 West Glenoaks Boulevard, Glendale, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call M. Hawley Smith, District Director, U.S. Small Business Administration, 330 N. Brand Blvd., Suite 1200, Glendale, California 91203, phone (213) 894-2977.

August 21, 1990.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 90-2011 Filed 8-24-90; 8:45 am]

BILLING CODE 8025-01-M

Region III Advisory Council Meeting; Maryland

The U.S. Small Business Administration Region III Advisory Council, located in the geographical area of Baltimore, will hold a public meeting from 9 a.m. to 11 a.m. on Monday, September 10, 1990, at Laventhol & Horwath, 6 St. Paul Center, Suite 1600, Baltimore, Maryland, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Charles J. Gaston, District Director, U.S. Small Business Administration, 10 North Calvert Street, 3rd Floor, Baltimore, Maryland 21202, phone (301) 962-2054.

August 21, 1990.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 90-20116 Filed 8-24-90; 8:45 am]

BILLING CODE 8025-01-M

Region II Advisory Council Meeting; NY

The U.S. Small Business Administration Region II Advisory Council, located in the geographical area of Syracuse, will hold a public meeting at 9:30 a.m. on Wednesday, September 26, 1990, at the Case Center, located in the Center for Science and Technology at Syracuse University, 111 College Place, Syracuse, New York, to discuss such matters as may be presented by members, staff of the Small Business Administration or others present.

For further information, write or call J. Wilson Harrison, District Director, U.S. Small Business Administration, Federal Building, Room 1071, 100 South Clinton Street, Syracuse, New York 00918, telephone (809) 489–5003.

August 22, 1990.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 90–20117 Filed 8–24–90; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[No. 1248]

Interim Working Party 8/15 of the U.S. Organization for the International Radio Consultative Committee; Meeting

The Department of State announces that Interim Working Party (IWP) 8/15 of the U.S. Organization for the International Radio Consultative Committee (CCIR) will hold an open meeting on September 10, 1990, at the Federal Communications Commission, 2000 L Street NW., Washington, DC in room 257 commencing at 9:30 a.m.

IWP 8/15 deals with matters relating to the CCIR preparations for the 1992 World Administrative Radio Conference that concern the Mobile, Radiodetermination and Amateur Services.

The purpose of the meeting is organize U.S. preparations for the first meeting of IWP 8/15 to be held in Helsinki, November 12–21, 1990.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Request for further information should be directed to the U.S. Representative to IWP 8/15, Mr. Herbert T. Blaker, Rockwell International Corporation, 1745 Jefferson Davis Highway, Arlington, VA 22202, phone (703) 553–6687.

Dated: August 14, 1990.

Warren G. Richards,

Chairman, U.S. CCIR National Committee.

[FR Doc. 90–20077 Filed 8–24–90; 8:45 am]

BILLING CODE 4710–07–M

[Public Notice 1249]

South African Parastatal Organizations

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: A Notice is given that the South African Iron and Steel Industrial Corp. (aka Iscor Limited), including its subsidiaries, is no longer deemed to be a "parastatal organization" for purposes of the Comprehensive Anti-Apartheid Act of October 2, 1986 (Pub. L. 99–440).

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Tom Niblock, Office of Southern African Affairs, (202) 647–8433; or Tony Perez, Office of the Legal Adviser, (202) 647–4110, Department of State.

SUPPLEMENTARY INFORMATION: Section 303(a) of the Comprehensive Anti-Apartheid Act of 1986 (Pub. L. 99–440), as amended, provides that no article which is grown, produced, manufactured by, marketed, or otherwise exported by a parastatal organization of South Africa may be imported into the United States, with certain limitations and exceptions. Section 314 of the Act prohibits U.S. Government procurement of goods or services from parastatal organizations, except for items necessary for diplomatic or consular purposes.

Section 303(b) of the Act states that the term "parastatal organization" means a corporation, partnership, or entity owned, controlled, or subsidized by the Government of South Africa, but does not mean a corporation, partnership, or entity which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.

Executive Order No. 12571 of October 27, 1986 provides that the Secretary of State is responsible for determining which corporations, partnerships, or entities are parastatal organizations within the meaning of the Act. Pursuant to section 2 of the Executive Order, the Department of State published on November 19, 1986 a public notice identifying the firms it deemed "parastatal organizations" within the meaning of the Act (Public Notice 983, 51 FR 41912). The Department published two public notices on December 23, 1986 (51 FR 45981) and February 5, 1987 (52 FR 3731) inviting interested persons to submit any written comments relevant to the Department's review of the status of certain firms that requested reconsideration of the Department's initial determination. On March 27, 1987, the Department published Public Notice 1007 (52 FR 9982), containing a revised list of parastatal organizations.

A request, dated February 5, 1990, was submitted to the Department by Iscor Limited to review its status as a parastatal organization. On April 4, 1990, the Department published a public notice inviting interested persons to submit any written comments relevant to the Department's review of the status of Iscor Limited (Public Notice 1182, 55 FR 12616). No comments were received. The Department has determined that the submission made on behalf of Iscor Limited establishes that it is no longer "owned, controlled or subsidized by the Government of South Africa" within the meaning of section 303(b) of the Act and that it should no longer be deemed a parastatal organization.

This notice involves a foreign affairs function of the United States. It is excluded from the procedures of 5 U.S.C. 553 and 554 and Executive Order 12291. It implements a statutory requirement that entered into force on October 2, 1986, and section 2 of Executive Order 12571.

Dated: July 13, 1990.

Herman J. Cohen,

Assistant Secretary of State for African Affairs.

[FR Doc. 90–20078 Filed 8–24–90; 8:45 am]

BILLING CODE 4710–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 90–050]

Coast Guard Academy Advisory Committee; Meeting

AGENCY: U.S. Coast Guard; DOT.

ACTION: Open meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463; 5 U.S.C. App I) notice is hereby given of a meeting of the Coast Guard Academy Advisory Committee to be held in Hamilton Hall at the U.S. Coast Guard Academy, New London, CT, on Monday and Tuesday, October 22 and 23, 1990. The open session on Monday will be from 2 p.m. to 4 p.m. Open sessions on Tuesday will be held from 10:45 a.m. to 12 p.m. and 2 p.m. to 3:30 p.m. The agenda for the meeting consists of the following items:

1. Recruiting and Admissions
2. Athletics
3. Faculty and Curricula
4. Library

The Coast Guard Academy Advisory Committee was established in 1937 by Public Law 75–38 to advise on the course of instruction at the Academy and to make recommendations as necessary. Attendance is open to the public. With advance notice, members of the public may present oral statements at the meeting. Persons wishing to attend or present oral statements at the meeting should notify the U.S. Coast Guard Academy not later than October 5, 1990. Any members of the public may present a written statement to the Committee at any time.

For further information contact Dr. William A. Sanders, Dean of Academics, U.S. Coast Guard Academy, New London, CT 06320, ph (203) 444–8275.

Issued in Washington, DC, on August 16, 1990.

G.D. Passmore,

Rear Admiral, U.S. Coast Guard, Chief, Office of Personnel and Training.

[FR Doc. 90–20066 Filed 8–24–90; 8:45 am]

BILLING CODE 4910–14–M

Maritime Administration

Notice of Removal From Roster of Approved Trustee

Notice is hereby given pursuant to 46 CFR 221.55 that U.S. Bank of Washington, National Association, Seattle, Washington, with offices at 1414 Fourth Avenue, Seattle, Washington, has requested removal from the Roster of Approved Trustees. In its request for removal, U.S. Bank of Washington, National Association, stated that its mortgage involvement was satisfied as of May 16, 1990. Therefore, U.S. Bank of Washington, National Association, Seattle, Washington, is removed from the Roster of Approved Trustees, pursuant to Public Law 100–710 (successor to Public Law 89–346).

This notice shall become effective on the date of publication.

Dated: August 21, 1990.

By order of the Maritime Administrator.

Joel C. Richard,

Assistant Secretary.

[FR Doc. 90–20069 Filed 8–24–90; 8:45 am]

BILLING CODE 4910–81–M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

[No. 90–1552]

Capital and Accounting Standards

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice.

SUMMARY: Pursuant to the reporting requirements of section 1215 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), we have submitted our annual report to the Chairman and ranking minority member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs of the House of Representatives of differences between the capital standard used by the Office of Thrift Supervision ("OTS") and capital standards used by the other Federal banking agencies.

Our report contains two attachments. Attachment I, "Summary of Differences in Capital Standards," identifies and explains the reasons for differences in the capital standards used by OTS and those capital standards used by the other Federal banking agencies. Attachment II, "Summary of Differences in Supervisory Reporting Practices," identifies and explains the reasons for the major differences in supervisory reporting practices that affect the capital standards between OTS and other Federal banking agencies.

Notwithstanding the relatively long list of differences, it is important to note that the agencies' rules are mostly identical. Moreover, many of the differences are a result of either statutory requirements (*e.g.*, goodwill, deferred loan losses) or historical differences between the banking and thrift industries (*e.g.*, investment authorities, mutual form or organization). The agencies continues to work together to minimize the difference.

We believe that OTS's capital requirements comply with the statutory requirements under FIRREA, which provide that they must be no less stringent than the standards applied to national banks.

EFFECTIVE DATE: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: John M. Frech, Manager, Accounting Policy and Research, (202) 906–5649; Robert J. Fishman, Seniort Project Manager, Supervisory Analysis, (202) 906–5672; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

Attachment I—Summary of Differences in Capital Standards

FIRREA requires a report to Congress on the differences in the bank and savings association capital standards. Below is a summary of the differences.

A. Major Differences

1. Core Capital

3% Core Capital Requirement: The Office of Thrift Superision (OTS) has an explicit 3% minimum core capital requirement. The bank regulatory agencies are in the process of finalizing their leverage ratios tied to core capital. The Office of the Comproller of the Currency (OCC) has proposed 3%; the Federal Reserve Board (FRB) requires 3% for the "best" institutions (those rated 1), with an additional cushion of 100 to 200 basic points for other institutions; the Federal Deposit Insurance Corporation (FDIC) has indicated that a leverage ratio of 4% to 5%, with 3% core capital as a subset, may be appropriate (with loan loss allowances excluded from the 4% to 5%). The bank regulators hope to reach agreement on a uniform leverage ratio by year-end 1990. The bank regulators currently have 5.5% primary capital and 6% total capital leverage ratio standards.

Goodwill: FIRREA and OTS rule allow "qualifying supervisory goodwill" as part of core capital through 12/31/94. The bank regulators, in general, do not allow goodwill to be used in calculating core capital (the only limited exeception is for some "grandfathered" goodwill through 12/31/92).

Reasons for OTS differences: The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) requires OTS to establish a core capital requirement that is no less stringent than the OCC strandard and that is at least 3% (HOLA 5(t)(2)(A), 5(t)(1)(C)). FIRREA also requires that the OTS capital rules include a limited amount of qualifying supervisory goodwill in core capital until 12/31/94 (HOLA 5(t)(3)(A)).

2. Subsidiaries

Subsidiary (general): OTS defines a subsidiary as ownership of at least 5% and requires consolidation of the subsidiary with the insured institution if the subsidiary is considered to be controlled by the insured institution under generally accepted accounting principals (GAAP) (except for those engaged in impermissible activities, as described below). For the bank

regulatory agencies, subsidiaries are generally consolidated if the parent institution holds more than 50% of the outstanding voting stock, of if the subsidiary is otherwise controlled or capable of being controlled by the parent institution (*see* exception for depository institutions).

Reason for OTS Difference: OTS needed to distinguish between investment in subsidiaries and equity investments. Savings association, particularly state-chartered institutions, have in the past been allowed to invest in a more expansive list of subsidiaries and equity investments than banks.

Subsidiaries ("Impersmissible"): OTS rule requires deduction of investment in and loans to subsidiaries that engage in activities not permissible for a national bank. There is a 5 year phase-in of the requirement if the investments or loans were made prior to 4/13/89; during the phase-in period, "pro-rata" consolidation is required for the amounts not deducted. The bank regulators can require deduction on a case-by-case basis (in general, they do not permit subsidiaries to engage in impermissible activities).

Reason for OTS Difference: Savings associations may legally own subsidiaries that engage in activities that are prohibited for national banks. FIRREA requires the deduction of investments and loans to such subsidiaries and grants the 5 year phase-in period. (HOLA 5(t)(5)). "Pro-rata" consolidation is required to ensure appropriate capital held by savings associations during the phase-in period.

Subsidiaries ("Permissible—Minority Ownership"): OTS rule requires a pro-rata consolidation of subsidiaries where association does not have GAAP control, but owns 5% or more. The bank regulators generally require capital to be held only against the investments in such subsidiaries but also may, on a case-by-case basis, deduct them from capital or consolidate them either fully or on a pro-rata basis.

Reason for OTS Difference: Policy decision to ensure appropriate capital is held against the risks of such investments. OTS believes the risk of such investments is related to the assets of the subsidiaries rather than the investment in the subsidiaries. In most cases, the OTS consolidation rule will result in a higher capital requirement.

Subsidiaries (Lower-tier Depository Institutions): For OTS, a depository institution subsidiary is automatically consolidated if acquired prior to May 1, 1989 or the investment in such subsidiaries is automatically excluded if acquired May 1, 1989 or later (except if it engages only in activities permissible for a national bank, in which case it is consolidated). The OTS has stated that its policy is to require consolidation of lower-tier depository institutions, through the use of an individual minimum capital requirement (if necessary), if such a requirement results in a more stringent capital requirement than the exclusion requirement. For purposes of bank regulatory financial reports (Call Reports), depository institution subsidiaries that file separate Call Reports are not consolidated. For purposes of the risk-based capital regulations, however, investments in such subsidiaries are generally consolidated.

Reason for OTS Difference: OTS has interpreted FIRREA in this way to address policy concerns about (i) "double-leveraging" of the parent association's capital, (ii) incentives to minimally capitalize lower-tier depository institutions, and (iii) to ensure OTS capital standards are no less stringent than those imposed on banks. (HOLA 5(t)(5) (A), (C), (E)).

3. Equity Investments

OTS deducts these assets from capital (over 5 year phase-in period). Bank regulators allow only a limited range of equity investments. Such investments are placed in the 100% risk-weight category.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. Such risk is highly variable. A separate capitalization requirement will insulate the institution and the insurance fund from the risk and will probably result in such assets being "pushed down" into subsidiaries, where savings associations can leverage their investment (to the extent permitted by the market).

4. 20% Risk-Weight For High Quality MBS

OTS includes high-quality private-issue mortgage-related securities (Secondary Mortgage Market Enhancement Act or "SMMEA" securities) in the 20% risk-weight category. These are mortgage-backed securities (MBS) that are rated in the two highest investment grade rating categories by nationally recognized rating agencies (plus other requirements). Generally, bank regulators place private-issue MBS in the 50% or 100% risk-weight category; the only exception would be for private-issue MBS collateralized by government agency (or government-sponsored agency) securities, which receive the 20% risk-weight category.

Reason for OTS Difference: Policy decision to ensure appropriate capital against credit risk of these assets, which OTS believes are not sufficiently different from Federal National Mortgage Association (FNMA) and Federal Home Loan Mortgage Corporation (FHLMC) mortgage-backed securities (MBS) to warrant a different capital requirement.

5. Qualifying Multi-family Mortgage Loans

OTS allows certain low-risk multi-family mortgage loans (buildings with 5–36 units, maximum 80% LTV ratio, minimum 80% occupancy rate, etc.) to qualify for the 50% risk-weight category. Bank regulators place all multi-family mortgage loans in the 100% risk-weight category.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. We believe that multi-family mortgage loans that pose a lower risk to the institution and insurance fund should be subject to a lower capital requirement.

6. Purchased Mortgage Servicing Rights (PMSR)

(Note: All agencies subject identifiable intangible assets to, among other criteria, a three-part test.) OTS imposes a 90% fair market value test. The bank regulators do not impose such a test (although a pending FDIC proposed rule would impose it on state-chartered, non-member banks).

OCC imposes a "25% of core capital" limit on all intangible assets that pass the three-part test, including PMSR (any additional PMSR must be deducted from capital and assets); FDIC, FRB and OTS require case-by-case review and close scrutiny if intangible assets that pass the three-part test are greater than 25%. The FRB, in addition to the requirements of the three-part test, scrutinizes all identifiable intangible assets whether or not they are greater than 25% of core capital; occasionally allowing only a limited amount above 25%. The FDIC has issued a proposed rule to apply the 25% automatic limitation to FDIC-regulated banks and savings associations (in addition to other requirements).

Reason for OTS Difference: FIRREA requires OTS to use the 90% fair market value requirement (HOTLA 5(t)(4)). OTS is required by FIRREA to follow the FDIC rules on the amount of PMSR that may be included in assets when calculating core capital.

7. Recourse Arrangements

Assets Sold with Recourse (Non-mortgage): If a savings association sells non-mortgage assets with recourse

(where the transaction is treated as a sale under GAAP), OTS (i) considers it a sale and (ii) requires capital to be held through the use of the 100% off-balance sheet conversion factor. If a bank sells a non-mortgage asset with recourse, it is not considered a sale by the bank regulators, and capital is held as an on-balance sheet item (for both the leverage ratio and risk-based capital requirements).

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. OTS, in general, follows GAAP in determining whether a transaction is a sale. Regardless of "sale" treatment, OTS requires capital if savings associations are liable for losses.

Assets Sold with Recourse (Mortgages—Sales to FNMA. FHLMC, Government National Mortgage Association (GNMA)): If savings associations sell mortgage assets with recourse to FNMA, FHLMC or GNMA (where the transaction is treated as a sale under GAAP), OTS (i) Considers it a sale and (ii) requires capital to be held through the use of the 100% off-balance sheet conversion factor. If banks sell mortgage assets with recourse under FNMA, FHLMC, or GNMA programs, the bank regulatory agencies also consider it a sale and *intend* to require capital using the 100% off-balance sheet conversion factor.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. OTS, in general, follows GAAP in determining whether a transaction is a sale. Regardless of "sale" treatment, OTS requires capital if savings associations are liable for losses. (Clarification of intent by the bank regulatory agencies will ensure that there is no difference.)

Assets Sold with Recourse (Mortgages—Private Transactions): If savings associations sell mortgage assets (with recourse) to private entities (where the transaction is treated as a sale under GAAP), OTS (i) Considers it a sale and (ii) requires capital to be held through the use of the 100% off-balance sheet conversion factor.

Banks that sell pools of residential mortgages with recourse to private entities are required to hold the full amount of capital against the mortgages regardless of the amount of recourse retained and the treatment of the transaction for regulatory reporting purposes. If insignificant recourse is retained (*e.g.* recourse is less than the expected loss), the transaction is considered a sale for reporting purposes, but capital will be required against 100% of the off-balance sheet contingent liability for risk-based capital purposes. (The FRB and OCC are considering a proposal under which no capital would be required against pools of residential mortgages sold to private entities with insignificant recourse for which a specific non-capital reserve or liability account is established and maintained for the maximum amount of possible loss under the recourse provision.) If significant recourse is retained, the transaction is not reported as a sale and the assets remain on the balance sheet. Capital is required to be held against the on-balance sheet amount of the assets.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. OTS, in general, follows GAAP in determining whether a transaction is a sale. Regardless of "sale" treatment, OTS requires capital if savings associations are liable for losses. (There is no difference if there is insignificant recourse.)

Assets Sold with Recourse (Limited Recourse): OTS limits the capital required on assets sold with recourse (that are treated as sales under GAAP) to the lesser of (i) the amount of recourse or (ii) the "normal" capital charge. The bank regulators require the "normal" capital charge regardless of recourse amount. The FRB and OCC, however, plan to propose an exception for pools of residential mortgages sold to private parties (as described above).

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets, which is limited in cases where recourse is limited.

Recourse Servicing: Where savings associations are responsible for credit losses on loans they service, OTS requires capital against the amount of the underlying loans. While the bank regulators are not explicit on this point, the general principle of the bank regulators, capital rule is that capital will be required whenever there is credit risk.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. While savings associations do not "own" the underlying assets, they hold a contingent liability and are subject to losses on those assets.

8. Purchased Subordinated Securities:

Savings associations that purchase subordinated securities are required to hold capital against the total underlying loans; banks are required to hold capital against the purchased security. (Note that both OTS and the bank regulatory agencies require capital against the underlying loans if the subordinated security is created by the institution.)

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. Whether institutions create subordinated securities or purchased subordinated securities, the risks are similar.

9. Repossessed Assets/Assets More Than 90 Days Past Due (Except Single Family Home Loans)/Equity Investments With Similar Characteristics:

OTS places these assets in the 200% risk-weight category. The bank regulators place them in the 100% risk-weight category.

Reason for OTS difference: Policy decision to ensure appropriate capital against risk of these assets. OTS experience has been that these assets can pose substantial risk to insured institutions.

10. Consequences Of Failure To Meet Capital Standards: OTS has statutory requirements on growth limitations, capital directives, and a capital exemption process that the bank regulators do not have. The bank regulators have non-statutory supervisory constraints that they impose on a case-by-case basis.

Reason for OTS difference: FIRREA requires OTS to impose these sanctions (HOLA 5(t)(6)).

11. Status Of Institutions With Approved Capital Plans: Under FIRREA, savings associations that fail the capital standards requirement must submit and adhere to approved capital plans. Savings associations with approved capital plans are not considered in compliance with the capital standards and must disclose that fact.

Banks that have been granted a formal capital forbearance (in conjunction with an approved capital plan) are regarded as "in compliance" with the capital standards by the bank regulators (though they are required to disclose to investors that they fail to meet minimum capital standards.)

Reason for OTS difference: Policy decision to properly distinguish between savings associations passing the capital standards and those that do not.

B. Minor Differences

1. Effective Date:

The OTS rules (tangible, core, and risk-based requirements) were effective 12/7/89. The OCC risk-based capital rule is effective 12/31/90. The FDIC risk-based capital rule was effective on 4/20/90, but no minimum ratio is imposed until 12/31/90. The FRB risk-based capital rule was effective 3/15/89, but

no minimum ratio is imposed until 12/31/90.

Reason for OTS Difference: FIRREA requires OTS capital rules to be effective on 12/7/89 (HOLA 5(t)(1)(D)).

2. 1.5% Tangible Capital Reouirement:

OTS has an explicit 1.5% tangible capital requirement; the bank regulators do not. Reason for OTS difference: FIRREA requires OTS to establish a tangible capital requirement of at least 1.5% (HOLA 5(t)(2)(B)). The bank regulators, in making a final determination of a bank's overall capital adequacy, evaluate the level of a bank's tangible capital on both a risk-based and leveraged basis.

3. Phase-in Requirement

OTS requires 80% of the 8% Risk-Based Capital standard from 12/7/89 to 12/30/90; 90% from 12/31/90 to 12/30/92, and 100% thereafter. Bank regulators require 7.25% on 12/31/90 and 8% on 12/31/92. (The 7.25% standard allows for some supplementary capital items to count as core capital.)

Reason for OTS Difference: FIRREA required savings associations to comply with a risk-based capital standard as of December 7, 1989 (HOLA 5(t)(1)(D)), over 1 year before the banks', risk-based capital rules are imposed. OTS made a policy decision to phase-in the full 8% requirement in a fashion and on a timetable similar to the bank agencies.

4. Inclusion Of Supplementary Capital In Core Capital:

The bank regulators allow, until 12/31/92, banks to include a limited amount of supplementary capital instruments in the calculation of core capital for purposes of the risk-based capital standard. OTS does not allow this for savings associations.

Reasons for OTS Differences: OTS policy decision to not include supplementary capital instruments in core capital during the transition period since supplementary capital generally is inferior to core capital.

5. Collateralized Mortgage Obligations (CMO) Tranches: OTS has issued guidance (Thrift Bulletin 38) identifying categories of CMO tranches that it places in the 100% risk-weight category (versus the 20% risk-weight category). OTS has also indicated a preference to deal with this issue through an explicit interest rate risk component in the risk-based capital rule.

The bank regulators vary in their approach: OCC has stated that any CMO tranche absorbing more than its pro-rata share of principal loss risk is risk-weighted at 100% (others at 20%); FRB has stated that any CMO tranche absorbing more than its pro-rata share of loss is risk weighted at 100% (others at 20%); FDIC undertakes a case-by-case review.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. Unlike most other risk issues addressed in the risk-based capital rules, the risk posed by these instruments is interest rate risk, not credit risk. Certain CMO tranches are no more risky than straight mortgage-backed securities and some tranches may, in fact, impose less risk; others are more risky than MBS and are appropriately risk-weighted at a higher level.

6. Pledged Deposits/Nonwithdrawable Accounts

OTS includes these instruments as core capital for mutual associations if they meet the same requirements as non-cumulative perpetual preferred stock. If they do not meet the requirements for inclusion as core capital, OTS includes them as supplementary capital provided they meet the standards for preferred stock or subordinated debt. The bank regulators do not address this issue since these instruments do not exist in the banking industry.

Reason for OTS Difference: Policy decision to treat items that offer equivalent protection to the insurance fund and the institution in the same way.

7. Qualifying Single Family Mortgage Loans

In order to be placed in the 50% risk-weight category, OTS requires that mortgages have no more than an 80% loan-to-value (LTV) ratio (unless they have private mortgage insurance (PMI) bringing the LTV ratio down to 80%). The bank regulators require "prudent, conservative" underwriting without specific LTV ratio requirements.

Reason for OTS difference: Policy decision to make explicit what OTS believes is generally "prudent and conservative"; the bank regulators have indicated to OTS that they may use the 80% LTV ratio in examiner guidance.

8. Loans To Individual Purchasers For The Construction Of Their Homes

OTS classifies these as construction loans (100% risk weight). They may be reclassified as mortgage loans when construction is completed. The bank regulatory agencies may treat them as construction loans (100%) or as mortgage loans (50%) depending on how the loan is written, its maturity, and other factors.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets—all construction loans entail certain risks that require a higher level of capital than loans on finished residential properties.

9. Holding Of lst And 2nd Liens On Home Mortgages By The Same Institution

If there are no intervening liens, the FRB and the FDIC combine lst and 2nd liens, which allows both to be eligible for either the 100% or the 50% risk-weight category. (OTS and OCC place second liens in the 100% risk-weight category).

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. Second mortgages (depending on their characteristics) may be sufficiently higher risk to require a higher capital requirement.

10. Core Deposit Intangibles (CDI)

While all agencies subject these assets to the three-part intangible asset test, and all agencies are silent in their regulations as to whether they pass the three-part test, OTS has issued temporary guidance stating that CDI may be included in core capital if management documents that it passes the three-part test. The bank regulators have not issued any guidance. OCC plans to issue an Advance Notice of Proposed Rulemaking in July/August 1990 requesting comment on whether core deposit intangibles meet the three-part test. FDIC generally deducts all intangible assets (other than PMSR) except if institutions have received case specific approval. FRB has not generally allowed CDI to be included in capital for purposes of calculating core capital.

Reason for OTS Difference: Policy decision to give examiners and institutions interim guidance pending inter-agency review of the issue.

11. Rules On Maturing Capital Instruments (MCI)

OTS and bank agencies use different rules to determine how much of MCI counts toward capital. OTS: (i) grandfathers 11/7/89 and earlier issuances of MCI (which was the date of the rule change) and (ii) allows two options on post-11/7/89 issuances of MCI: (a) The bank rule (five year amortization) or (b) a limit of 20% of total capital maturing in any one year for instruments within seven years of maturity. Bank regulators use a five year amortization rule.

Reason for OTS Difference: Policy decision to minimize unnecessary

disincentives for issuance of subordinated debt and to not unduly penalize pre-FIRREA issuances of MCI.

12. Limitation On Subordinated Debt

The bank regulatory agencies limit subordinated debt to 50% of core capital. OTS has no limit on the amount of subordinated debt that can count as supplementary capital.

Reason for OTS Difference: Policy decision not to unduly limit the ability of subordinated debt to qualify as supplementary capital.

13. Non-residential Construction And Land Loans

OTS requires amount of these loans above an 80% LTV ratio to be deducted from total capital (with a 5 year phase-in). The bank regulators place the whole loan amount in the 100% risk-weight category.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. OTS experience indicates that high LTV ratio land loans and nonresidential construction loans present particularly high levels of risk.

14. FSLIC/FDIC-covered Assets

OTS places these assets in 0% risk-weight category. The banking agencies generally place these assets in the 20% risk-weight category.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. OTS notes that these obligations are supported by a "backup" call on the United States Treasury.

15. Mutual Funds

In general, OTS bases risk weighting on the mutual fund's actual asset with the highest capital requirement. The bank regulators base it on the highest risk-weighted asset that is a permissible investment by the mutual fund. OTS allows, on a case-by-case basis, "pro-rata" risk-weighting of investments in mutual funds, based on the assets of the mutual fund (*i.e.*, if 90% of a mutual fund's assets are 20% risk-weight assets and 10% are 100% risk-weight assets, we may allow 90% of the investment in 20% risk-weight category and 10% in the 100% risk-weight category). Bank regulators do not allow pro-ration.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of these assets. OTS believes that allowing pro-ration and focusing on actual assets ensures that savings associations hold capital in an amount essentially equivalent to that required if they directly held the assets the mutual fund invested in.

16. Capital Requirement on Holding Companies

FRB applies the risk-based capital requirements to bank holding companies; OTS does not apply them to thrift holding companies.

Reason for OTS Difference: OTS policy decision to not impose capital requirements on corporate entities that do not pose a risk to the deposit insurance fund.

17. Agricultural Loan Losses

The bank regulators, due to a statutory requirement, allow such losses to be deferred (and, effectively, allow these losses to be "included" in supplementary capital). OTS does not allow such losses to be deferred or included in assets/capital.

Reason for OTS Difference: OTS has no statutory requirement to allow such deferred losses in assets/capital. FIRREA repealed prior Federal Home Loan Bank Board authority to include deferred loan losses in calculating required capital.

C. Insignificant Differences

1. Direct Claims On U.S. Government

OTS requires that these assets be "unconditional" claims to get the 0% risk-weight category. The bank regulators do not explicitly require it, though they would most likely require it in practice.

Reason for OTS Difference: Policy decision to ensure appropriate capital against risk of unconditionally versus conditionally guaranteed assets.

2. Income Capital Certificates (ICCs) And Mutual Capital Certificates (MCCs)

OTS allows in supplementary capital. Because these items do not exist in the banking industry, the bank regulators do not address them.

Reason for OTS Difference: ICCs/MCCs allowed as supplementary capital due to their being functionally equivalent to net worth certificates (which are required, by statute, to be included in capital).

3. Restrictions on Hybrid Capital Instruments

The bank regulators state in the capital rule certain restrictions on hybrid capital instruments (priority of debt, etc.). OTS does not have these restrictions in its capital rule (rather, they are elsewhere in OTS regulations or policy statements).

Reason for OTS Difference: Policy decision to retain flexibility to adapt to innovations in capital instruments. (There is no difference in practice.)

Attachment II—Summary of Differences in Supervisory Reporting Practices

Differences by each agency in supervisory reporting practices may cause differences in amounts of regulatory capital maintained by depository institutions. These differences are the result of an evolutionary process that primarily reflects historical agency philosophy and industry trends. A summary of these differences is presented below.

1. Specific Valuation Allowances for and Charge-offs of Troubled Loans

Office of Thrift Supervision ("OTS") generally applies generally accepted accounting principles ("GAAP"), which requires valuation allowances for "troubled" loans (not considered in-substance foreclosed) based on the estimated net realizable value ("NRV") of the collateral. NRV represents the estimated future sales price reduced by certain expenses and direct holding costs. Direct holding costs includes a cost of capital (debt and equity) discount rate applied to expected cash flows during the anticipated holding period. This approach estimates the principal that will be collected after earning the cost of capital. OTS requires valuation allowances based on an NRV estimate to be reported in supervisory reports as a loss classification. If additional safety and soundness concerns exist, OTS examiners may record additional general valuation allowances based on historical experience, and other criteria.

The banking regulators generally consider real estate loans that lack other sources of repayment, or the apparent ability of the borrower to generate such repayment (besides the collateral) as "collateral dependent." Collateral dependent real estate loans are subject to general valuation allowances. Collateral dependent real estate loans identified by banking regulators are not necessarily "troubled" real estate loans per GAAP. The banking regulators use appraisal methodologies including a discounted cash flow approach based upon market discount rates to estimate specific losses or charge-offs.

2. General Valuation Allowances for Troubled Loans

OTS generally does not require general valuation allowances for loans that have been specifically reviewed and for which a loss classification has been provided. The loss classification provides for losses as of the report date plus some amount for risk of error. The additional risk of any future loss associated with troubled loans is taken

into consideration through the risk-based capital standards.

The banking regulators expect the general valuation allowance for loan and lease losses to be sufficient to cover an estimate for losses inherent in all loans in the portfolio, including the remaining balances of individual loans where a loss classification has been provided.

3. Valuation of Foreclosed Real Estate

OTS requires foreclosed real estate to be valued at the lower of book value (historical cost) or "fair value" (an estimate of market price based upon acceptable appraisal standards) at the date of foreclosure.

Valuation allowances for real estate owned after the acquisition date are generally based on the NRV of the property using a cost of capital discount rate. The risk weight of 200% for real estate owned for risk based capital provides a further cushion against other risk of loss.

The banking regulators require foreclosed real estate to be valued at the lower of book value or fair value at the date of foreclosure. The banking regulators require additional write-downs of the real estate owned if fair value declines further after foreclosure. The adjusted book value (fair value) of the real estate owned is usually classified "substandard" and a general valuation allowance is generally provided to cover additional future declines in the fair value.

4. Accounting for Stripped Mortgage Backed Securities, Residuals and Long-Term Zero Coupon Bonds

OTS practice is to follow GAAP in accounting for these items. These instruments are commonly used in the thrift industry to help manage interest rate risk. When stripped mortgage backed securities ("SMBS's") are held for investment purposes, the SMBS should be recorded at amortized cost.

Generally, the amortization for principal-only strips ("PO's") requires a cumulative catch-up adjustment to be made to the recorded book value for changes in anticipated cash flows. The amortization for interest-only strips ("IO's") and residuals requires a prospective adjustment in yield to the recorded book value for changes in anticipated cash flows.

If SMBS's, residuals, and long-term zero coupon bonds are not managed in a safe and sound manner at troubled institutions, or if these instruments increase the institution's interest rate risk, OTS may require disposal of these assets. Otherwise, these assets may be held as stand alone investments.

In Thrift Bulletin 12 dated December 13, 1988, safety and soundness requirements include the following: the Board of Directors should approve and enforce a policy governing the use of high-risk mortgage derivative products, the thrift should have a business plan that describes the mortgage derivative strategy and the expected performance under various interest rate scenarios, the thrift should perform a sensitivity analysis using instantaneous changes in interest rates, plus and minus 400 basis points.

In practice, the banking agencies have indicated that these instruments are not suitable investments for most banks. Accordingly, the majority of banks should not hold these instruments. However, these instruments may be appropriate holdings for highly sophisticated and well managed depository institutions in managing interest rate risk.

When the banking agencies have determined that these instruments are not used to reduce interest rate risk, or are used as a stand alone investment at date of acquisition, the instrument is considered to be an unsuitable investment.

When these instruments are deemed to be an unsuitable investment, the banking regulators seek the financial institution's commitment to dispose of the securities at an appropriate time. When the financial institution commits to a disposal plan, the securities are to be reported as "held for sale" and any mark to market depreciation is classified as loss. Otherwise, the banking agencies generally follow GAAP.

5. Futures and Forward Contracts

OTS practice is to follow GAAP. In accordance with SFAS 80, when hedging criteria are satisfied, the accounting for the futures contract shall be related to the accounting for the hedged item. Changes in the market value of the futures contract are recognized in income when the effects of related changes in the price or interest rate of the hedged item are recognized. Such reporting can result in deferred losses in accordance with GAAP.

The banking agencies do not follow GAAP, but report changes in the market value of futures contracts even when used as hedges in the current period's income statement. However, futures contracts used to hedge mortgage banking operations are reported in accordance with GAAP.

6. Excess Service Fees

OTS practice is to follow GAAP in valuing excess service fees. When loans are sold with servicing retained and the stated servicing fee rate differs materially from a normal servicing fee rate, the sales price should be adjusted in determining the gain or loss from the sale of the loans. This provides for the recognition of a normal fee in each subsequent year that servicing continues on the loans. The gain recorded at the date of sale cannot be larger than the gain assuming the loans were sold servicing released. The subsequent valuation of the excess servicing is adjusted based upon anticipated prepayment rates and interest rates.

The banking agencies follow GAAP for residential mortgage loan pools. For all other loans (including individual residential mortgage loans), the banking agencies do not follow GAAP. In those cases they require that excess servicing fees retained on loans sold, be reported as realized over the contractual life of the transferred asset.

7. In-Substance Defeasance of Debt

OTS practice is to follow GAAP. In accordance with SFAS 76, when a debtor irrevocably places risk-free monetary assets in a trust solely for satisfying the debt and the possibility that the debtor will be required to make further payments is remote, the debt is considered extinguished. The transfer can result in a gain or loss in the current period.

The banking agencies do not follow GAAP. The banking agencies continue to report the defeased debt as a liability and the securities contributed to the trust as assets with no recognition of any gain or loss on the transaction.

8. Sales of Assets with Recourse

OTS practice is to follow GAAP. A transfer of receivables with recourse is recognized as a sale if: (1) The transferor surrenders control of the future economic benefits, (2) the transferor's obligation under the recourse provisions can be reasonably estimated, and (3) the transferee cannot require repurchase of the receivables except pursuant to the recourse provisions.

However, in the calculation of OTS risk based capital, certain off-balance sheet conversions are performed that result in capital being required for the risk retained. See further discussion of Capital differences with respect to this item in Attachment I, Capital Differences.

The practice of the banking agencies is generally to report transfers of receivables with recourse as sales only when the transferring institution: (1) Retains no risk of loss from the assets transferred and (2) has no obligation for

the payment of principal or interest on the assets transferred. As a result, assets transferred with recourse are reported as financings, not sales.

However, this general rule does not apply to the transfer of mortgage loans under one of the government programs (GNMA, FNMA, etc.). Transfers of mortgages under one of these programs are automatically treated as sales. Furthermore, private transfers of mortgages are also reported as sales if the transferring institution does not retain more than a significant risk of loss on the assets transferred.

Dated: August 21, 1990.

By the Office of Thrift Supervision.

Timothy Ryan,

Director.

[FR Doc. 90-20018 Filed 08-24-90; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (23), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-2744.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before September 26, 1990.

Dated: August 17, 1990.

By direction of the Secretary.

Kenneth H. Hoffman,

Director, Policy and Standards Service.

Reinstatement

1. Veterans Benefits Administration
2. Application for Loan and Cash Surrender
3. VA Forms 29-5772
4. The form is used by the insured to request a loan on or cash value of his/her insurance. The information is used to initiate the processing of the insured's request for a loan or cash surrender.
5. On occasion
6. Individuals and households
7. 31,500 responses
8. ⅙ hour
9. Not applicable.

[FR Doc. 90-20037 Filed 8-24-90; 8:45 am]

BILLING CODE 8320-01-M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96-511 applies.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Patti Viers, VA Clearance Officer (723), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233-3172.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer on or before September 26, 1990.

Dated: August 17, 1990.

By direction of the Secretary.

Kenneth H. Hoffman,

Director, Policy and Standards Service.

Extension

1. Office of Facilities
2. Daily Report of Workmen and Material Daily Log—Formal Contract
3. VA Form 08-6131
4. The form is used by contractors to furnish daily reports verifying work progression and assure proper contract compliance. The information is used to monitor the progresss of the contractor.
5. Every workday
6. Businesses or other for-profit; Small businesses or organizations
7. 78,000 responses
8. ⅙ hour
9. Not applicable.

[FR Doc. 90-20038 Filed 8-24-90; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 166
Monday, August 27, 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).

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 F.R. 31979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11:30 a.m., Tuesday, August 28, 1990.

CHANGE IN THE MEETING: The Commission has cancelled the closed meeting to discuss a rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,
Secretary of the Commission.
[FR Doc. 90–20171 Filed 8–22–90; 5:07 pm]
BILLING CODE 6351–01–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 33814, Friday, August 17, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) Wednesday, September 5, 1990.

CHANGE IN THE MEETING:

Open Session

The item listed below has been added to the agenda:

• Proposed Final Procedural Rule, 29 CFR Parts 1602 and 1627, Reports and Records.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer, Executive Secretariat, (202) 663–7100.

This Notice Issued, August 23, 1990.

Frances M. Hart,
Executive Officer, Executive Secretariat.
[FR Doc. 90–20281 Filed 8–23–90; 3:23 pm]
BILLING CODE 6750–06–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 3:28 p.m. on Tuesday, August 21, 1990, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following matters:

Recommendations concerning administrative enforcement proceedings.

Matters relaing to the probable failure of certain insured banks.

Recommendations regarding an assistance agreement with a depository institution.

Recommendations regarding the Corporation's corporate activities.

Matter relating to a certain assistance agreement pursuant to section 13 of the Federal Deposit Insurance Act.

Personnel matter.

In calling the meeting, the Board determined on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Director T. Timothy Ryan, Jr. (Director of the Office of Thrift Supervision), Vice Chairperson Andrew C. Hove, Jr., and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and the matters could be considered in a closed meeting by authority of subsectins (c)(2), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, NW., Washington, D.C.

Federal Deposit Insurance Corporation.

Dated: August 22, 1990.

Robert E. Feldman,
Deputy Executive Secretary.
[FR Doc. 90–20170 Filed 8–22–90; 4:35 pm]
BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Notice forwarded to Federal Register on August 22, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 a.m., Wednesday, August 29, 1990.

CHANGES IN THE MEETING: The open meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: August 23, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.
[FR Doc. 90–20293 Filed 8–23–90; 3:46 pm]
BILLING CODE 6210–01–M

RESOLUTION TRUST CORPORATION

Notice of Changes in Subject Matter of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:08 p.m. on Tuesday, August 21, 1990, the Board of Directors of the Resolution Trust Corporation met in open session.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, Jr., and Director T. Timothy Ryan, Jr., that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, the following matters:

Memorandum re:
RTC's Standard Asset Management and Disposition Agreement (SAMDA).

Memorandum re:
Staff recommendations for the approval of Guidelines for the Disposition of Properties Having No Reasonable Recovery Value for Public Uses.

By the same majority vote, the Board further determined that no earlier notice of this change in the subject matter of the meeting was practicable.

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street NW., Washington, DC.

Resolution Trust Corporation.

Dated: August 22, 1990.

John M. Buckley, Jr.,
Executive Secretary.
[FR Doc. 90–20175 Filed 8–23–90; 9:30 am]
BILLING CODE 6714–01–M

RESOLUTION TRUST CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:25 p.m. on Tuesday, August 21, 1990, the Board of Directors of the Resolution Trust Corporation met in closed session to consider matters relating to (1) the

resolution of failed thrift institutions; (2) recommendations regarding remodeling and furniture procurement for the Central Western Consolidated Office, Phoenix, Arizona, and (3) recommendations regarding the establishment of the Gulf Coast Consolidated Office, Houston, Texas.

In calling the meeting, the Board determined, on motion of Director C.C. Hope, Jr (Appointive), seconded by Director T Timothy Ryan, Jr (Director of the Office of Thrift Supervision) concurred in by Chairman L. William Seidman, Vice Chairman Andrew C. Hove, and Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the Government in the Sunshine Act" (5 U.S.C. 552b (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B).

The meeting was held in the Board Room of the Federal Deposit Insurance Corporation Building located at 550 17th Street NW., Washington, DC.

Resolution Trust Corporation.

Dated: August 22, 1990.

John M. Buckley, Jr.,

Executive Secretary

[FR Doc. 90-20176 Filed 8-23-90; 9:30 am]

BILLING CODE 6714-01-M

Corrections

Federal Register
Vol. 55, No. 166
Monday, August 27, 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 ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ES90-42-000, et al.]

El Paso Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Correction

In notice document 90-19733 beginning on page 34317, in the issue of Wednesday, August 22, 1990, make the following corrections:

1. On page 34317, in the third column, under the heading **"5. Public Service Company of New Mexico"**, the docket number should read "ER90–542–000".

2. On page 34318, in the first column, under the heading **"6. Delaware Resource Management, Inc."**, the docket number should read "ER90–543–000".

3. On the same page, in the same column, under the heading **"7. Kansas City Power & Light Co."**, the docket number should read "ER90–541–000".

BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

First Western Bancorp, Inc.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities; Correction

Correction

In notice document 90-19620 beginning on page 34076 in the issue of Tuesday, August 21, 1990, make the following correction:

On page 34077, in the first column in the file line the **Federal Register** document number should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; VET-A-MIX, Inc.

Correction

In rule document 90-18859 beginning on page 32615 in the issue of Friday, August 10, 1990, make the following correction:

On page 32616, in the first column, in the authority citation, in the last line, "376" should read "37b".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

Public Workshop on the Individual Plant Examination of External Events (IPEEE) for Severe Accident Vulnerabilities

Correction

In notice document 90-18821 beginning on page 32712 in the issue of Friday, August 10, 1990, make the following correction:

On page 32713, in the first column, under **DATES**, the text should read "September 11-13, 1990"

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-138-AD]

Airworthiness Directives; Aerospatiale Model ATR 42–300 and ATR 42-320 Series Airplanes

Correction

In proposed rule document 90-19052 beginning on page 33122 in the issue of Tuesday, August 14, 1990, make the following correction:

§ 39.13 [Corrected]

On page 33123 in the second column, in § 39.13 in the first line of paragraph A, the word "minutes" should read "months".

BILLING CODE 1505-01-D

federal register

Monday
August 27, 1990

Part II

Department of Housing and Urban Development

Office of Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 221

Mortgage Insurance for Single Room Occupancy Projects; Notice of Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Part 221

[Docket No. R-90-1488; FR-2774-P-01]

RIN 2502-AE95

Mortgage Insurance for Single Room Occupancy Projects

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

ACTION: Notice of proposed rulemaking.

SUMMARY: HUD is proposing to establish a new mortgage insurance program for the new construction and substantial rehabilitation of single room occupancy facilities (SROs). The program is designed to expand affordable housing opportunities, and to help prevent homelessness. It will enhance the provision of much needed housing for persons who are living in substandard or overcrowded conditions, or at risk of becoming homeless.

Multifamily mortgage insurance would be made available under section 221(d) of the National Housing Act, 12 U.S.C. 1715l(d), pursuant to the authority in section 223(g) of the National Housing Act, 12 U.S.C.1715n(g). The new regulations will appear in part 221 of chapter 24 of the Code of Federal Regulations.

By making this mortgage insurance program available, HUD anticipates that it will be able to assist a significant population of persons who would otherwise be unable to afford decent housing. Among this population are persons who are underemployed, pension plan recipients, and persons receiving some form of public assistance. Many pay a disproportionately large portion of their income for substandard (uninsured) SRO units for lack of a suitable alternative. HUD's proposed new program is intended to help alleviate this situation.

DATES: Comments on the proposed requirements must be received by October 26, 1990.

ADDRESSES: Interested persons are invited to submit comments regarding the proposed requirements to the Rules Docket Clerk, Office of General Counsel, room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Comments should refer to the above docket number and title. Copies of all written comments received will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, at the address listed above. As a convenience to commenters, the Rules Docket Clerk will accept brief public comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 708–4337. (This is not a toll-free number.) Only public comments of six or fewer total pages will be accepted via FAX transmittal. This limitation is necessary in order to assure reasonable access to the equipment. Comments sent by FAX in excess of six pages will not be accepted. Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Rules Docket Clerk ((202) 708–2084).

FOR FURTHER INFORMATION CONTACT: Jane Luton, Insurance Division, Office of Insured Multifamily Housing Development, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, voice: (202) 708–1223; TDD (202) 708–4594 (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

A. Background

HUD is proposing a new mortgage insurance program that is designed to assist persons to obtain affordable rental units. In many localities, there exists a fairly sizable population of persons, including low-income wage earners, who cannot afford market area rents for apartments that typically consist of more than one room. Some derive their income solely through some form of public assistance. Thus, some are in jeopardy of joining the ranks of the homeless, while others pay a disproportionately large portion of their incomes to reside in substandard housing units.

Many of the individuals to be served currently live in substandard SROs, doubled up in overcrowded conditions, or in shelters. In any event, an unassisted SRO program will serve a population, largely consisting of single persons, often at risk of becoming homeless and which is not generally served by HUD's insurance or rent subsidy programs, with their emphasis on family housing or housing specifically designed for the elderly.

SRO projects have recently become recognized by local governments and by advocacy groups for the homeless and affordable housing, as a means of helping to alleviate housing ills that beset many urban centers. Efforts are currently underway in such cities as New York, Los Angeles, San Diego, San Francisco, Atlanta, Richmond and the District of Columbia. Efforts to develop and convert SROs to long-term affordable housing projects appear to show significant promise. New development or substantial rehabilitation of SROs, at times used in conjunction with local government financial assistance or federal tax credits, has resulted in an increasing number of affordable units being made available to homeless and low-income persons. Nonetheless, there currently exists an inadequate supply of SRO units in our urban centers, and the Department has determined that this shortage is contributing to the problem of homelessness. Persons who could obtain low-wage employment in urban centers are often unable to find affordable, decent housing in proximity to the jobs that are available. In the absence of an adequate supply of SRO units, some are required to choose between employment and decent housing. In order to expand the supply of SRO units, and thereby to better meet the needs of some of those who are homeless or ill-housed, HUD is proposing this new multifamily mortgage insurance program. Federal mortgage insurance will have the effect of further enhancing the financial viability of investment in this form of affordable housing.

In reviewing the SRO issue, HUD has focused a good deal of attention on the program undertaken in the city of San Diego. San Diego is working with private developers to generate what ultimately will approximate 2500 new SRO units. Developers have benefited from city financial support, assistance from local housing authorities and Federal tax credits. In order to accommodate the new program, San Diego has had to enact a number of changes to building and zoning codes and requirements.

HUD has determined that a local government, as opposed to the Federal government, is best situated to assess how, within the local jurisdiction, an SRO program can best serve the interests of those who are living in substandard housing. Different jurisdictions will arrive at different decisions in relation to such matters as what income groups need most to be served within the community. Local codes will vary among jurisdictions in relation to such matters as permissible room sizes. Because HUD recognizes that local conditions may well vary, it has designed the proposed rule to provide local governments with broad discretion in the implementation of the SRO program.

In addition, HUD's handbook procedures for the program will include a requirement for the submission of a certification by the local government with each application, indicating that it has reviewed the project, found that there is a need for the project, and will ensure its best efforts to provide municipal and support services required for long-term success of the project. This consultation procedure will involve local government in the SRO process, as well as provide HUD with important information on housing needs. Moreover, many cities have a vested interest in SRO projects to provide affordable housing for service workers convenient to job opportunities. The certification process will alert local governments to special service requirements of SRO's in terms of long term viability. Many cities are already taking steps to address the needs of the population served by SROs in view of the diminution of the supply of SRO units and have expressed interest in providing such assistance as tax abatement, land write-downs, and tax-exempt financing.

HUD will not provide project based rental assistance under the insured SRO program. The Department expects that project financial feasibility in many areas will depend upon some type of assistance from State and local governments. This assistance may be in the form of tax abatement, tax-exempt financing, tax credits or secondary financing, or may take other forms. In addition, in the discussion of the proposed rule that immediately follows, HUD indicates that it is contemplating including a requirement in the final rule that would require State or local governments to assume a measure of financial responsibility with respect to the insured mortgagor's obligation.

B. Proposed Regulation

HUD is promulgating these regulations under the authority in section 221 of the National Housing Act (Act), 12 U.S.C. 1715l, pursuant to the authority in section 223(g) of the Act, 12 U.S.C. 1715n(g). Section 223(g) provides that * * *

Notwithstanding any other provisions of this Act, the Secretary may, in his discretion, insure a mortgage covering a multifamily housing project including units which are not self-contained.

The Secretary has elected to implement this authority for SRO projects, in conjunction with HUD's multifamily mortgage insurance authority in section 221. The Department's regulations that govern the section 221 program are contained in subparts C and D of part 221 of title 24 of the Code of Federal Regulations. Subpart C contains mortgage insurance eligibility requirements; subpart D contains rules governing contract rights and obligations. In keeping with the Secretary's commitment to develop a mortgage insurance program that affords wide latitude to local jurisdictions, the proposed SRO regulations will not impose extraordinary mortgage eligibility or contract obligations upon mortgagees. Rather, the regulation (to be contained at new § 221.565) will generally subject SRO mortgages to the existing requirements in part 221. Deviations reflect characteristics unique to this program, or are designed to confer broad discretion upon local jurisdictions related to program implementation.

The proposed regulation is drafted in a manner that would preclude HUD from making mortgage insurance available to projects that serve particular (*i.e.*, targeted) groups. In the Department's view, targeting projects might conflict with HUD's goal of enhancing the availability of affordable units to otherwise homeless persons who don't necessarily fit within a particular category (e.g., elderly, or battered spouses). On the other hand, HUD recognizes that, in a particular housing market, there may exist a strong demand for housing tailored to the needs of a special population. Accordingly, the Department is very interested in receiving public comment on this issue. Based on HUD's further assessment of the issue, the Department may decide to broaden the universe of projects that are eligible for this mortgage insurance program.

A second issue that warrants particular attention concerns whether, and to what extent, local governments ought to be required by HUD's regulation to assume co-responsibility for the financial obligation undertaken by a mortgagor. Given that SRO programs are both beneficial to, and often encouraged or supported by local governments, HUD believes that such governments should be willing and able to accept a measure of responsibility for assuring that an owner is able to meet its financial obligations related to the project and the insured mortgage. In the event that operating deficiencies arise, local government might be in a position to provide financial relief to forestall a project failure. A requirement of local government involvement may only prove necessary in certain circumstances, where a particular project poses an unusually high risk. The Department is continuing to examine this issue. Based on its findings and information received in the public record, HUD may incorporate a provision into the final rule that requires State or local government financial or other involvement in the prospective SRO project.

Finally, although the proposed rule text adopts underwriting criteria that are applicable to the part 221 program generally, HUD is giving consideration to revising the loan to replacement cost limitation for this program. Under section 221 of the act, the maximum insurable mortgage loan amount, for a profit motivated mortgagor, is 90 percent of replacement cost. The Department may determine that a more stringent limitation is appropriate for the new program, in which case it will impose the revised standard into the final regulation. HUD's normal debt service limitations upon maximum mortgage amounts, derived from HUD's Handbook processing instructions, are expected to result in maximum mortgages for the SRO program that are less than 80 percent of replacement cost. Furthermore, in the absence of local financial assistance, such as tax exempt financing, tax abatement, secondary loans, and gifts of land, HUD does not expect projects to be feasible. Accordingly, due to the unique characteristics of SROs, HUD intends to rigidly underwrite insured mortgage loans and, in practice, to insure mortgages in amounts that do not exceed 80 percent of replacement cost, unless outside financial support is of such nature and in such an amount so as to clearly evidence the ability of a project to support a larger insured amount. Such outside assistance would serve to reduce ongoing operating costs, reducing debt service. The non-Federal government assistance could be in the nature of such things as tax abatement or low interest secondary financing. HUD invites comment on this issue as well.

Initially, the proposed regulation would define a SRO project. If a project mortgage is to be eligible for insurance, project units must be the primary residence of their occupants. SROs must provide long-term housing opportunities, and shall only accommodate persons who execute a lease of at least 30 days, duration. A SRO can provide occupants with furnishings and services such as laundering and food services.

The rule recognizes that SROs may vary in terms of the services that they provide, and that units within a SRO will vary in size and in relation to what facilities are provided. A given unit may or may not contain kitchen or bathroom facilities. Often such facilities will be shared among tenants. The number of

occupants that may reside within a room may vary as well. While typically SRO units are occupied by single individuals, an SRO unit could be designed to be large enough to accommodate more than one person if market forces dictate such a result in a particular locality. Such considerations are largely a matter of room size and local code provisions. Relevant regulatory decisions are best left to units of local government. However, in the absence of a local code that establishes a minimum unit size per person, HUD would establish the minimum unit size taking into account particular market characteristics of the locality in which the SRO project is located. Also, HUD's proposed rule does state that, where a unit is occupied by more than one person including a child, local government may require that the other occupant(s) must be parentally or ancestrally related to the child.

On June 15, 1990 (55 FR 3232), HUD published a notice, inviting comment on proposed accessibility guidelines that are intended to assure that covered multifamily dwellings are designed and constructed in accordance with requirements contained in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988. HUD is also interested in receiving comments in response to this SRO proposal that consider the impact of the proposed accessibility guidelines on the cost of SRO construction, and upon rents in SRO facilities.

A SRO may or may not provide food services. Where one does, however, tenants may not be required to purchase more than one meal a day. (From an underwriting perspective, HUD will concern itself with the impact of a facility's maintenance of food services on its ability to meet its debt service obligations. Nonetheless, where facilities exist, tenants cannot be precluded from seeking alternative meals, other than to the limited extent described.)

Maximum insurable mortgage amounts will be subject to the existing limits set forth in part 221, except that replacement cost may include an estimate for the cost of certain items determined by HUD to be major movable equipment. The proposed rule text defines the term major movable equipment for purposes of the program. In essence, HUD does not want to include in the mortgage amount the cost of items that are easily removed from the project, and that typically have a short economic life span. HUD proposes to allow the inclusion of costs related to items that are employed for the benefit of the entire project, and that typically have long economic life spans. Such items would include lobby furniture, and equipment and furnishings employed in shared dining facilities (e.g., stoves and refrigerators).

Finally, the rule would include a termination provision. Conceivably, this program, while it shows great promise to date, may prove not to be economically feasible over time. Should the Department find this to be the case, the Secretary would be empowered to terminate the program upon providing the public with 30 days notice in the **Federal Register**. HUD intends to thoroughly evaluate the program no later than as soon after it has been operational for two years, or 100 million dollars of insurance has been underwritten (which ever occurs first). Based upon this evaluation, HUD would determine whether it is necessary to increase insurance premiums or fees; require financial contributions and risk sharing by State and local governments; terminate the program, or take other actions deemed necessary to protect the Federal Governments' interest.

Other Matters

Executive Order 12612, Federalism. The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism,* has determined that the policies proposed in this proposed rule would not have Federalism implications when implemented and, thus, are not subject to review under the Order.

Executive Order 12606, the Family. The General Counse1, as the Designated Official under Executive Order 12606, has determined that this rule would not have potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order.

A Finding of No Significant Impact with regard to the environment has been made in accordance with HUD regulations in 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321. The Finding of No Significant Impact is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Room 10278, 451 Seventh Street, SW., Washington, DC 20410.

This rule would not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation. Analysis of the rule indicates that it would not: (1) Have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign-based enterprises in domestic or export markets.

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Undersigned hereby certifies that this rule would not have a significant economic impact on a substantial number of small entities. The rule would enable HUD approved mortgages to issue insured mortgages related to single room occupancy facilities.

This rule was listed as item number 1151 in the Department's Semiannual Agenda of Regulations published on April 23, 1990 (55 FR 16226), under Executive Order 12291 and the Regulatory Flexibility Act.

The Catalog of Federal Domestic Assistance program number is 14.135.

List of Subjects in 24 CFR Part 221

Low and moderate income housing, Mortgage insurance, Reporting and recordkeeping requirements.

Accordingly, 24 CFR part 221 is proposed to be amended as follows:

1. The authority citation for 24 CFR part 221 continues to read as follows:

Authority: Secs. 211 and 221, National Housing Act, 12 U.S.C. 17151; section 221.544(a)(3) is also issued under sec. 201(a) of the National Housing Act, 12 U.S.C. 1707(a).

2. A new § 221.565 would be added, under a new undesignated center heading to read as follows:

Single Room Occupancy

§ 221.565 Eligibility of mortgages covering single room occupancy facilities.

Notwithstanding the generally applicable requirement that mortgages insured under this subpart be limited to projects providing housing for low and moderate income families and displaced families, a mortgage financing the new construction or substantial rehabilitation of a single room occupancy project (SRO) shall be eligible for insurance under this subpart, pursuant to section 223(g) of the act, subject to compliance with the additional requirements of this section. The SRO mortgage insurance program shall be a full insurance program only.

(a) *Definition of a single room occupancy project.* A SRO project is a multifamily project, comprised exclusively of one room units. A unit must be the primary residence of its

occupant(s). A unit may contain food preparation and/or sanitary facilities, although, alternatively, such facilities may be shared by tenants in the project. The provision of services made available to tenants can vary among SROs (e.g., food services), consistent with the provisions of this section, but in no event shall a facility requiring a state license to operate as a board and care home be eligible for mortgage insurance under this part. Additionally, facilities restricting occupancy to particular groups, such as students, shall not be eligible for mortgage insurance under this part.

(b) *Maximum mortgage amounts.* The mortgage shall involve a principal obligation that is not in excess of the limitations prescribed in § 221.514, except that the replacement cost may include an estimate for the cost of certain furnishings determined by the Commissioner to be major movable equipment, for use in common areas. For purposes of this section, the term major movable equipment refers to items that have a long economic life, and that are in the nature of permanent fixtures (although they need not be permanently affixed to the project structure). Such items would include equipment and furniture in a congregate dining facility (e.g., stoves, refrigerators, tables and chairs), and lobby furniture. Major movable equipment would not include such items as lamps and furnishings in individual SRO units.

(c) *Lease and rent requirements.* The tenant must execute a lease having a duration of at least 30 days. However, the lease may provide for rent to be collected on a weekly basis.

(d) *Occupancy requirements*—(1) *Number of persons.* Each unit may be occupied by one or more persons capable of independent living. The number of persons that may occupy a unit shall be governed by local codes and ordinances, that take into consideration the size of the unit. In the absence of a local code governing the minimum space per person requirement, HUD will establish the minimum unit size, taking into consideration particular market characteristics of the locality in which the SRO project is located. Where a SRO unit is occupied by more than one person including a child, local government may require that the other occupant(s) must be parentally or ancestrally related to the child.

(2) *Services.* Notwithstanding the provisions of § 221.536(b)(2), a SRO project may, subject to approval of the Commissioner, provide services that include, but are not limited to, the provision of furnishings, laundering, and food and beverage service.

(e) *Food services.* A SRO project may provide food services to tenants. However, where food services are made available, the lease may not require a tenant to purchase more than one meal a day.

(f) *Termination of program.* If, at any time, the Secretary should determine that, based upon an evaluation of the program, the SRO insurance program is not economically feasible, the Secretary may suspend or terminate the program. Suspension or termination would become effective 30 days after publication of the Secretary's determination in the **Federal Register**.

Dated: August 14, 1990.

C. Austin Fitts,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 90-20058 Filed 8-24-90; 8:45 am]

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Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 157

Notice of Construction, Alteration, Activation, and Deactivation of Airports; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 157

[Docket No. 25708; Amendment No. 157-4]

RIN 2120-AB74

Notice of Construction, Alteration, Activation, and Deactivation of Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises Federal Aviation Regulations (FAR), Part 157, Notice of Construction, Alteration, Activation, and Deactivation of Airports, in response to recommendations of a National Airspace Review (NAR) task group and an FAA-initiated review of this regulation. Specifically, this rule: (1) Establishes a requirement for airport operators, proponents, or sponsors to notify the FAA of any proposed traffic pattern and any proposed changes to any existing traffic pattern; (2) clarifies the prior notice requirements for certain changes in the status of airport use; (3) defines the term "private use of public lands or waters;" (4) eliminates the term "personal use" as an airport use category; (5) establishes a reporting requirement for certain temporary airports; (6) provides for an expiration date in an FAA determination; (7) reduces the time period within which an airport proponent must notify the FAA of completing an airport project; (8) clarifies that the scope of this regulation includes consideration of the safety of persons and property on the surface and that an FAA determination is not based on any environmental or land-use compatibility issue; and (9) incorporates editorial changes that would simplify and clarify the regulations. The FAA believes that these changes to the regulations will enhance the safety and efficiency of the use of airspace and the safety of persons and property on the surface.

EFFECTIVE DATE: February 27, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. A. Wayne Pierce, Air Traffic Rules Branch, ATO-230, Airspace-Rules and Aeronautical Information Division, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-9251.

SUPPLEMENTARY INFORMATION:

Background

The National Airspace Review (NAR) (47 FR 17448, April 22, 1982) was a comprehensive review of airspace use and the procedural aspects of the air traffic control (ATC) system. The NAR included participation by representatives from the aviation industry, Department of Defense, FAA, Department of Labor, and state government aviation agencies. The review was intended to facilitate implementation of valid recommendations for changes to airspace use and procedures within the ATC system. In part, it was an effort to improve ATC system efficiency and effectiveness.

Task Group 1-2.5B of the NAR was convened in Washington, DC, June 6, 1983, to conduct a review of uncontrolled airports. Specific subjects discussed by the task group included the establishment, review, application, and improvements of airport traffic patterns, noise abatement responsibilities, and other related considerations. Two of the discussion items resulted in recommendations concerning part 157 and related advisory information published by the FAA concerning airspace use considerations in proposed construction, alteration, activation, and deactivation of airports. Both recommendations have been accepted by the FAA. Specifically, these recommendations are:

NAR 1-2.5B.1—Traffic Pattern Notice. That the FAA initiate rulemaking to modify part 157 of the Federal Aviation Regulations (FAR), to require notice of proposed traffic patterns and of changes thereto.

NAR 1-2.5B.2—Advisory Circular (AC) 70-2 Changes. That the FAA revise AC 70-2, Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation, and Deactivation of Airports. Other documents, including paragraph 223 of the Airman's Information Manual (AIM), will also be revised to explain the background of new landing area airspace studies and the necessity for requiring notice of changes to traffic patterns.

Independent of the NAR consideration of part 157, the FAA conducted its own review of part 157 and AC 70-2. Participating in this review were representatives from various FAA regional and national offices. This review resulted in recommendations to propose amendments to part 157; to revise related guidance material in the AIM, and to amend corresponding elements of AC 70-2. The group conducting the review sought to clarify certain purported ambiguities in the regulations as well as to make the regulations consistent with the Federal Aviation (FA) Act. The recommendations to change AC 70-2 and the AIM will be adopted under separate actions.

The recommendations to amend part 157 were presented in notice of proposed rulemaking Notice No. 88-15 (53 FR 39062, October 4, 1988). The comment period for Notice No. 88-15 closed on January 3, 1989. The specific proposed changes were: (1) A requirement for airport operators, proponents, or sponsors to notify the FAA of any proposed traffic pattern and any proposed traffic pattern changes; (2) a requirement for prior notice of certain changes in the status of airport use and flight rules status; (3) the incorporation of definitions of certain types of airports; (4) clarification of weather minimums in which airport operations could be conducted at temporary airports without prior notice to the FAA; (5) the elimination of exceptions to reporting requirements for certain "remote" airports and heliports; (6) a provision in any FAA determination for a date on which it will expire; (7) a reduction in the time period within which an airport proponent would have to notify the FAA of completing an airport project; (8) a clarification that the scope of part 157 includes consideration of the safety of persons and property on the surface and that an FAA determination on a notice filed under part 157 is not based on any environmental or land-use compatibility issue; and (9) incorporation of editorial changes to simplify and clarify part 157.

Analysis of Comments

A total of 7 comments were submitted to the docket. The commenters included: Helicopter Association International, Airline Pilots Association, National Air Traffic Controllers Association, American Association of Airport Executives, National Association of State Aviation Officials, and the Departments of Transportation for the States of Maine and Wisconsin.

Traffic Patterns

An organization representing state government aviation officials noted that there is presently no provision on either FAA Form 7480-1, Notice of Landing Area Proposal, or FAA Form 5010.5, Airport Master Record for inclusion of traffic pattern information. This commenter suggested that these forms be revised to provide for such information and that efforts be undertaken to obtain the same information relevant to existing airports. The organization further commented that traffic pattern information would be a valuable tool for airspace analysis, but

such information, when provided for private use airports, might not be reliable because only public use airports are inspected.

It is the FAA's intention to revise the appropriate forms as necessary to provide space for traffic pattern information and to subsequently request such information concerning existing airports from airport proponents during the next survey. While the FAA does not inspect private airports, it does analyze each reported airport's traffic pattern including the traffic pattern altitude and direction. A competent airport airspace analysis will determine if such a traffic pattern would conflict with a traffic pattern at a nearby airport, affect an instrument approach procedure, or require establishment of a traffic pattern altitude to provide for aircraft spacing. Accordingly, the FAA is adopting this aspect of the proposal.

Changes in Airport Status

An organization of aviation officials commented that the FAA procedure for obtaining and publishing information regarding the status of airports as public use did not adequately recognize the states' role in this area. The commenter advised that many states require that airports be licensed for public use and that others have established design criteria for public-use airports. The organization stated that the FAA's publication of an airport as a public-use airport based solely on the request of the proponent and regardless of state rules was not in keeping with the advisory nature of the FAA's airport determinations. The commenter urged more intercourse between the FAA and the states on this issue.

While the FAA is sensitive to the needs of the states, it notes that publication of the information obtained from Form 7480–1 or 5010.5 does not indicate FAA approval of an airport as a public-use airport. Such publication is merely a means of forwarding to the flying public that information provided by airport proponents. However, the FAA may, at a future date, further consider the states' desire to have aviation publications reflect licensing or approval status. Further, it is not within the scope of Notice No. 88–15 to change the regulation to require such state approval prior to publication of the status of an airport as a public-use airport. The FAA notes that there already exists an inquiry on Form 7480–1 as to whether airport licensing has been applied for, or is not required, thereby making this information part of the airport record.

Definitions

All of the comments received regarding the addition of a definitions section to part 157 were favorable. Some of those commenting suggested the addition of other terms used by some operators to describe landing or takeoff areas.

The FAA has amended the proposed definition of the term "airport" to include the specific terms heliport, helistop, vertiport, and gliderport, and included the general term "other aircraft landing or takeoff areas" to encompass any other terms used by operators to describe landing or takeoff areas.

Additionally, the FAA, as a result of its own analyses has modified other proposed definitions. These changes are discussed under the caption "Additional FAA Analysis."

Temporary Airports

An organization representing state aviation officials commented that the proposed revision to the exclusion from reporting requirements for temporary airports did not adequately consider the proximity of one airport to another. The commenter stated that temporary landing areas in remote locations, well removed from other existing airports, should not be subject to the reporting requirements. This organization further suggested that a temporary landing area located more than 5 miles from an existing public-use airport should continue to be exempt from filing FAA Form 7480–1 when the temporary site is proposed for use under visual flight rules (VFR). This organization also stated that no documentation of mid-air accidents exists to support the requirement for the filing of notice when the temporary VFR airport would be located more than 5 nautical miles from a public-use airport. The commenter also stated that there was a lack of evidence suggesting the need for reporting when a temporary landing area is established in proximity to a private-use airport. The commenter concluded that the proposed increased reporting requirements would adversely affect the flexible nature of helicopter operations which make much use of temporary landing areas. Another commenter, a state department of transportation, objected to the increased reporting requirements for temporary airports which are not in proximity to public-use airports. This agency stated that traffic flows at locations with more than 5 miles separation would have a negligible effect on one another. The commenter also stated that such a change in requirements could have an adverse effect on the unrestricted access to navigable waterways. The commenter noted that by legislative intent, public to navigable waterways has remained unrestricted.

An organization representing thousands of helicopter operators stated that helicopters routinely operate under VFR with visibility conditions less than 3 miles. The commenter expressed the concern that helicopter operators conducting agricultural, pipeline and powerline patrols, and exploratory or energy resource related activities cannot always anticipate where they will have to land. This organization concluded that the increased formal notice requirements of the proposal would have a broad and severe economic impact on small businesses relying on such temporary landing areas. The commenter noted that since most of these operations are also single helicopter operations in remote regions of uncontrolled airspace, increasing safety through such reporting appears to have low probability. The commenter also believes that elimination of the current language of § 157.5, which essentially waives prior notice when an unreasonable hardship would result, would indeed create an unreasonable hardship on many small business operators.

In consideration of the comments, the FAA is modifying the proposal to exclude the notice requirement for operators of certain temporary airports and heliports that are aeronautically remote from other airports. Further, the FAA is not adopting its proposal to eliminate the "unreasonable hardship" provision of the existing regulation. The FAA has determined that it should retain the exception to the general prior-notice requirement for situations in which an unreasonable hardship would result from that requirement. The FAA believes that the exception language is necessary to accommodate certain operations that cannot always be conducted with advance knowledge of landing sites and requirements.

Aeronautically Remote Airports

A commenter representing a state aviation department stated that the large number of private landing strips within that state would make increased reporting requirements for aeronautically remote airports unenforceable.

The FAA has not proposed to make the notice requirement on Form 7480–1 retroactive for a proponent of an airport who has already given notice under the current regulation. As stated in the notice, the purpose of requiring full notice for aeronautically remote airports

is to respond to growth and changes in the airspace system. That is, such an airport establishment may well affect aircraft operations in restricted areas, military operating areas, military low-altitude training routes, etc. Accordingly, the FAA is adopting the aspect of the proposal dealing with full notice requirements for aeronautically remote airports.

FAA Determinations

One commenter stated that in addition to establishing dates upon which FAA determinations will expire, the FAA should commit itself to issuing a determination within 30 days of receipt of such a request. The commenter also stated that the number and length of extensions that could be granted should be limited in the rule.

The FAA does not agree with these suggestions. A 30-day response time would severely limit the FAA's ability to perform quality analyses. While in the future the FAA may consider some limits on extensions of determinations, there is not an existing base of information to suggest that such limits are useful or to suggest what those limits should be.

Notice of Completion of Project

An organization representing airport executives commented that it would be impossible to comply with the proposed reduction of time, from 30 days to 5 days, within which completion of an airport project must be reported. This commenter suggested that the requirement remain at 30 days after completion. As an alternative, the commenter recommended that if a reduction was necessary, the time frame be changed to no fewer than 15 days.

Another commenter, representing state aviation officials, also stated that requiring reporting within 5 days after completion of an airport project was unrealistic, suggesting that 15 working days after completion would be attainable.

The FAA is sensitive to the needs of those who must comply with these regulations and desires to balance those needs with the need for adequate and timely reporting. Therefore, the FAA is modifying the proposal in this regard to require a 15-day rather than a 30-day completion notice.

Other General Comments

An organization representing approximately 40,000 professional pilots stated that while the proposed changes to part 157 would not significantly affect its members, the organization believed that the increased notification requirements would result in safer operations at the affected airports.

Additional FAA Analysis

In reviewing its proposal, the FAA has determined that some minor changes in the proposal are necessary. These changes are discussed below.

In order to describe that a particular provision of the adopted regulation applies to a landing or takeoff area used by rotary-wing aircraft, the FAA has found it convenient to use the term "heliport." Accordingly, the FAA has included the term "heliport" as a separate definition even though it is inclusive in the definition of the term "airport."

In its review, the FAA also determined that there is little or no difference, for reporting purposes, between the categories of "personal-use airport" and "private-use airport". Additionally, information regarding the change of status of an airport from private to personal use, or vice versa, provided no useful information as the FAA makes no differentiation between these statuses on charts and in other publications. Therefore the term "personal-use airport" is deleted.

The FAA's review of its proposal and related issues revealed a problem in the reporting of airport projects located on land, or water, which are not owned or controlled by the airport proponent. To clarify the handling of FAA determinations on such projects, a new airport use category is defined. "Private use of public lands" is added to include private persons, individual or corporate, property which is publicly owned to land and takeoff aircraft. Typical operations would be seaplane bases on publicly owned lakes or other waterways. However, other types of operations could also be included in this airport use category. Determinations under this airport use category will be issued to the proponent. Such determinations do not establish or address the proponent's right to use the surface. These determinations will consider and address the same aeronautical issues as determinations under other airport use categories. A copy of the determination will be sent to the government entity having jurisdiction over the subject surface area. A proponent reporting under this airport use category is being asked to include information regarding the availability or non-availability of ramp, dock, or other parking or service facilities under his control.

The Rule

For the reasons stated above, the FAA is adopting the amendments to part 157 proposed in Notice No. 88-15 (53 FR 39062, October 4, 1988), with certain exclusions and modifications. The following is a discussion of the regulatory changes contained in this final rule.

Definition of Terms

A new section is added to include definition of terms that are unique to part 157. The FAA is defining the term "airport," for the purposes of part 157, to include all of the various airport categories. The term "heliport" is defined to include any takeoff and landing area where any rotary wing aircraft capable of vertical takeoff and landing profiles are intended to operate. The term "personal-use airport" is deleted and incorporated as an integral part of the definition for "private-use airport." An airport previously reported as a "personal-use airport" must now be reported as a "private-use airport." The phrase, "an airport that is open to the public," is changed to the term "public-use airport" and means an airport at which permission from the operator, sponsor, or owner is not necessary to conduct operations.

A new airport use category, "private use of public lands," is added to accommodate those instances when private persons, individual or corporate, propose to use property which is publicly owned to land and takeoff aircraft. Any determination resulting from such a report will be issued to the proponent. Such a determination does not establish or address the proponent's right to use the surface, but does consider and address the same aeronautical issues as determinations under the other airport use categories. A copy of the determination will be sent to the government entity having jurisdiction over the subject surface area.

Projects Requiring Notice

The FAA is adding to the rule a requirement that proponents or operators of airports previously reported as open to the public provide notice to the FAA when those airports are proposed to be changed to private-use. Also, a private-use airport proponent will no longer have to give notice for taxiway projects. Except for certain excluded temporary airports, all airport proponents will have to report the establishment of a traffic pattern and any modification to an existing traffic pattern.

Notice of Intent

The regulations are amended in regard to the prior notice requirements

on an action concerning the deactivation, discontinued use, or abandonment of an airport, runway, helicopter landing or takeoff area, or associated taxiway. When the airport affected by such an action is bound by an agreement between the airport sponsor and the U.S. specifying that that airport be operated as a public-use airport, a 30-day prior notice is required.

FAA Determination

The regulation now specifies that an airport determination is of an advisory nature only, and that it does not relieve an airport sponsor from compliance with state, other Federal, or local statutes which might be related to the airport action. Determinations may now reflect consideration of the safety of persons and property on the surface. The 3 types of determinations are now: (1) No objection; (2) conditional; and (3) objectionable. The rule clarifies that an FAA determination is not based on any environmental or land-use compatibility issue.

Notice of Completion

An airport proponent must now give notice of completion of a project via letter or Form 5010–5, and must give such notice within 15 working days after the completion of the project.

Regulatory Evaluation Summary

This section summarizes the full regulatory evaluation prepared by the FAA that provides more detailed estimates of the economic consequences of this regulatory action. This summary and the full evaluation quantify, to the extent practicable, estimated costs to the private sector, consumers, Federal, State and local governments, as well as anticipated benefits.

Executive Order 12291, dated February 17, 1981, directs Federal agencies to promulgate new regulations or modify existing regulations only if potential benefits to society for each regulatory change outweigh potential costs. The order also requires the preparation of a Regulatory Impact Analysis of all "major" rules except those responding to emergency situations or other narrowly defined exigencies. A "major" rule is one that is likely to result in an annual effect on the economy of $100 million or more, a major increase in consumer costs, a significant adverse effect on competition, or is highly controversial.

The FAA has determined that this rule is not "major" as defined in the executive order, therefore a full regulatory analysis, that includes the identification and evaluation of cost reducing alternatives to this rule, has not been prepared. Instead, the agency has prepared a more concise document, termed a regulatory evaluation, that analyzes only this rule without identifying alternatives. In addition to a summary of the regulatory evaluation, this section also contains a regulatory flexibility determination required by the 1980 Regulatory Flexibility Act (Pub. L. 96–354) and an international trade impact assessment. If more detailed economic information is desired than is contained in this summary, the reader is referred to the full regulatory evaluation contained in the docket.

This rule amends part 157 of the Federal Aviation Regulations (FAR), Notice of Construction, Alteration, Activation, and Deactivation of Airports. The purpose of the rule is to improve the consistency and effectiveness of part 157 by incorporating certain recommendations by a National Airspace Review panel. Furthermore, editorial changes to the rule clarify the reporting requirements and achieve more consistency with procedures required by other FAA directives. A brief description of significant elements of the rule follow:

Section 157.1 adds a reporting requirement for temporary airports and heliports within certain boundaries.

Section 157.2 is a new section that defines terms used in the part.

Section 157.3 deletes the reporting requirement for taxiway projects at private airports and mandates reporting of traffic pattern changes and changes in VFR or IFR status.

Section 157.5 eliminates the requirement to file the required form in triplicate.

Section 157.7 clarifies the extent and effect of an FAA determination under part 157 and contains editorial changes.

Section 157.9 shortens the period for filing notice on the completion of airport projects.

Major costs of this rule involve additional filing under part 157 and changes to administrative procedures. Changes in the rule are expected to result in a maximum of 341 new filings per year costing approximately $26,718. Most costs result from the inclusion under part 157 of temporary airport and heliport proponents and ultralight flightpark owners. Furthermore, airport owners must report traffic pattern changes and changes in IFR or VFR status. The rule also makes necessary a revision to Form 7480–I, which is used for filing regarding changes under part 157. Finally, the amendment changes the time allowed for the reporting process.

The primary benefit from this rule is the reduced risk of mid-air collisions due to more efficient and extensive reporting of air traffic pattern changes and temporary airports by airport proponents. If this rule prevents just one General Aviation (GA) accident over a ten-year period (and there are over 400 fatal accidents each year) the discounted stream of benefits over the period would be $1.8 million. Also, the rule deletes the requirement for private-use airport proponents to file when altering taxiways and shortens the reporting form, resulting in reduced costs. Moreover, a requirement for setting mandatory void dates on airport determinations provides assurance that projects will be completed in a timely manner.

A comparison of potential costs and potential benefits of the rule shows a net beneficial effect on the aviation community and on the public. The table below summarizes the benefits and costs associated with the rule. The FAA concludes that the potential benefits resulting from the rule outweigh the expected minimal costs associated with it.

SUMMARY OF COSTS AND BENEFITS

Section	Amendment	Effect
	Costs	
157.1	Remoteness criteria for temporary airports and heliports.	$5,475.
157.2	Definitions, to include ultralight flightpark.	$4,818.
157.3	Added reporting requirement on airport status, traffic pattern, VFR, IFR status.	$16,425.
157.5	Changes in FAA form	Admin. impact.
157.7	Mandatory void dates	Admin. impact.
157.9	Notice of completion date reduced to 15 working days.	Admin. impact.
	Benefits	
157.1	Remoteness criteria for temporary airports and heliports.	Safety.
157.3	Change in status reporting from public to other status and traffic patterns must be reported.	Efficiency and safety.
	Elimination of filings for taxiway projects on personal airports.	$5,475.
157.5	Reporting form reduced to one page.	$1,200.
157.7	Establishes a mandatory void date on all airport determinations.	Safety and efficiency.
157.9	Shortens time allowed for notice of completion.	Efficiency

International Trade Impact Assessment

The amendments in this rule will have little or no impact on trade for both U.S.

firms doing business overseas and foreign firms doing business in the U.S.

Federalism Determination

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act

The reporting burden associated with this final rule is cleared by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub L. 96–511) and has been assigned OMB Control Number 2120–0036.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation, if adopted, 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. This regulation is considered non-significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of the regulation. including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects in 14 CFR Part 157

Airports, Aviation safety.

The Amendment

In considerarion of the above, the Federal Aviation Administration revises part 157 of the Federal Aviation Regulations (14 CFR part 157) as follows:

PART 157—NOTICE OF CONSTRUCTION, ALTERATION, ACTIVATION, AND DEACTIVATION OF AIRPORTS

Sec.

157.1 Applicability.
157.2 Definition of terms.
157.3 Projects requiring notice.
157.5 Notice of intent.
157.7 FAA determinations.
157.9 Notice of completion.

Authority: Secs. 309, 313(a), 314, 72 Stat. 751; 49 U.S.C. 1350, 1354(a), 1355.

§ 157.1 Applicability.

This part applies to persons proposing to construct, alter, activate, or deactivate a civil or joint-use (civil/military) airport or to alter the status or use of such an airport. Requirements for persons to notify the Administrator concerning certain airport activities are prescribed in this part. This part does not apply to:

(a) An airport subject to conditions of a Federal agreement that requires an approved current airport layout plan to be on file with the Federal Aviation Administration.

(b) A temporary airport at which flight operations will be conducted under VFR and which is used or intended to be used for a period of less than 30 days with no more than 10 operations per day and is:

(1) A private use airport for fixed wing aircraft or ultralight vehicles located more than 20 nautical miles from any airport for which an instrument approach procedure is authorized and more than 5 nautical miles from any other airport; or

(2) A private use heliport located:

(i) Outside a control zone, and outside a residential, business, or industrial area;

(ii) more than 10 nautical miles from any airport for which an instrument approach procedure has been authorized;

(iii) more than 3 nautical miles from any other airport, other than a heliport; and

(iv) more than 1 nautical mile from any other heliport.

§ 157.2 Definition of terms.

For the purpose of this part:

Airport means any airport, heliport, helistop, vertiport, gliderport, seaplane base, ultralight flightpark, manned balloon launching facility, or other aircraft landing or takeoff area.

Heliport means any landing or takeoff area intended for use by helicopters or other rotary wing type aircraft capable of vertical takeoff and landing profiles.

Private use means available for use by the owner only or by the owner and other persons authorized by the owner.

Public use means available for use by the general public without a requirement for prior approval of the owner or operator.

Private use of public lands means that the landing and takeoff area of the proposed airport is publicly owned and the proponent is a non-government entity, regardless of whether that landing and takeoff area is on land or on water and whether the controlling entity be local, State, or Federal Government.

Traffic pattern means the traffic flow that is prescribed for aircraft landing or taking off from an airport, including departure and arrival procedures utilized within a 5-mile radius of the airport for ingress, egress, and noise abatement.

§ 157.3 Projects requiring notice.

Each person who intends to do any of the following shall notify the Administrator in the manner prescribed in § 157.5:

(a) Construct or otherwise establish a new airport or activate an airport.

(b) Construct, realign, alter, or activate any runway or other aircraft landing or takeoff area of an airport.

(c) Deactivate, discontinue using, or abandon an airport or any landing or takeoff area of an airport for a period of one year or more.

(d) Construct, realign, alter, activate, deactivate, abandon, or discontinue using a taxiway associated with a landing or takeoff area on a public-use airport.

(e) Change the status of an airport from private use to public use or from public use to another status.

(f) Change any traffic pattern or traffic pattern altitude or direction.

(g) Change status from IFR to VFR or VFR to IFR.

§ 157.5 Notice of intent.

(a) Notice shall be submitted on FAA Form 7480–1, copies of which may be obtained from an FAA Airport District/Field Office or Regional Office, to one of those offices and shall be submitted at least—

(1) in the cases prescribed in paragraphs (a) through (d) of § 157.3, 90 days in advance of the day that work is to begin; or

(2) in the case prescribed in paragraph (e) through (g) of § 157.3, 90 days in advance of the planned implementation date.

(b) Notwithstanding paragraph (a) of this section—

(1) in an emergency involving essential public service, public health, or public safety or when delay would result in an unreasonable hardship, a proponent may provide interim notice by telephone or any other expeditious means. However, unless operations have ceased and such site is not intended to be used again, the proponent shall provide full notice, through the

submission of FAA Form 7480–1, within 5 days thereafter.

(2) notice concerning the deactivation, discontinued use, or abandonment of an airport. an airport landing or takeoff area, or associated taxiway may be submitted by letter. Prior notice is not required; except that a 30-day prior notice is required when an established instrument approach procedure is involved or when the affected property is subject to any agreement with the United States requiring that it be maintained and operated as a public-use airport.

§ 157.7 FAA determinations.

(a) The FAA will conduct an aeronautical study of an airport proposal and, after consultations with interested persons, as appropriate, issue a determination to the proponent and advise those concerned of the FAA determination. The FAA will consider matters such as the effects the proposed action would have on existing or contemplated traffic patterns of neighboring airports; the effects the proposed action would have on the existing airspace structure and projected programs of the FAA; and the effects that existing or proposed manmade objects (on file with the FAA) and natural objects within the affected area would have on the airport proposal. While determinations consider the effects of the proposed action on the safe and efficient use of airspace by aircraft and the safety of persons and property on the ground, the determinations are only advisory. Except for an objectionable determination, each determination will contain a determination-void date to facilitate efficient planning of the use of the navigable airspace. A determination does not relieve the proponent of responsibility for compliance with any local law, ordinance or regulations, or state or other Federal regulations. Aeronautical studies and determinations will not consider environmental or land use compatibility impacts.

(b) An airport determination issued under this part will be one of the following:

(1) *No objection.*

(2) *Conditional.* A conditional determination will identify the objectionable aspects of a project or action and specify the conditions which must be met and sustained to preclude an objectionable determination.

(3) *Objectionable.* An objectionable determination will specify the FAA's reasons for issuing such a determination.

(c) *Determination void date.* All work or action for which notice is required by this sub-part must be completed by the determination void date. Unless otherwise extended, revised, or terminated, an FAA determination becomes invalid on the day specified as the determination void date. Interested persons may, at least 15 days in advance of the determination void date, petition the FAA official who issued the determination to:

(1) Revise the determination based on new facts that change the basis on which it was made; or

(2) Extend the determination void date. Determinations will be furnished to the proponent, aviation officials of the state concerned, and, when appropriate, local political bodies and other interested persons.

§ 157.9 Notice of completion.

Within 15 days after completion of any airport project covered by this part, the proponent of such project shall notify the FAA Airport District Office or Regional Office by submission of FAA Form 5010–5 or by letter. A copy of FAA Form 5010–5 will be provided with the FAA determination.

Issued in Washington, DC, on August 17, 1990.

James B. Busey,

Administrator.

[FR Doc. 90–19996 Filed 8–24–90; 8:45 am]

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federal register

Monday
August 27, 1990

Part IV

Department of Education

34 CFR Parts 653 and 682

Paul Douglas Teacher Scholarship Program and Guaranteed Student Loan and PLUS Programs; Final Regulations

DEPARTMENT OF EDUCATION

34 CFR Parts 653 and 682

RIN 1840-AB03

Paul Douglas Teacher Scholarship Program and Guaranteed Student Loan and PLUS Programs

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations governing the Paul Douglas Teacher Scholarship Program and the Guaranteed Student Loan and PLUS programs, as authorized by the Higher Education Act of 1965 (HEA), as amended, to address the designation of teacher shortage areas under those programs. The regulations implement provisions of the Higher Education Amendments of 1986. The regulations also increase the time frame during which a guarantee agency would have to institute a civil suit against a borrower on a defaulted loan under the Guaranteed Student Loan and PLUS programs.

EFFECTIVE DATE: These regulations become effective either 45 days after publication in the **Federal Register** or later if Congress takes certain adjournments. The initial teacher shortage areas designated by the Secretary apply to the reduction of the teaching obligation of Douglas scholars who have been teaching in those teacher shortage areas during any school years prior to that designation by the Secretary but not earlier than the 1986–87 school year. A document announcing the effective date will be published in the **Federal Register**. If you want to know the effective date of these regulations, call or write the Department of Education contact person.

FOR FURTHER INFORMATION CONTACT: Ms. Patricia Newcombe, Guaranteed Student Loan Branch, Division of Policy and Program Development, Office of Student Financial Assistance, Department of Education, Room 4310, 7th and D Streets SW., Washington, DC 20202, telephone (202) 708–8242; or Mr. Stephen Wingard, Paul Douglas Teacher Scholarship Program, Division of Policy and Program Development, Office of Student Financial Assistance, Department of Education, Room 4018, 7th and D Streets SW., Washington, DC 20202, telephone number (202) 708–4607.

SUPPLEMENTARY INFORMATION: On January 31, 1989, the Secretary published a notice of proposed rulemaking (NPRM) in the **Federal Register** (54 FR 5066). The NPRM included a detailed discussion of the regulatory proposals required to implement the new targeted teacher deferment for the Guaranteed Student Loan and PLUS programs, and the reduction of teaching obligations for the Paul Douglas Teacher Scholarship Program, added by the Higher Education Amendments of 1986, Public Law 99–498 (enacted October 17, 1986). Under the Guaranteed Student Loan and PLUS programs, the targeted teacher deferment applies only to the Stafford Loan Program and the Supplemental Loans for Students (SLS) Program and the student PLUS program, except where inconsistent with the HEA. The SLS Program is a continuation of the portion of the predecessor PLUS Program that provided for loans to student borrowers. Public Law 100–297 has renamed the Guaranteed Student Loan (GSL) Program the Stafford Loan Program while retaining the name "Guaranteed Student Loan programs" as the umbrella term for the Stafford, PLUS, SLS, and Consolidation Loan programs. This change will be reflected in a later document. The regulations implement certain provisions of the Higher Education Amendments of 1986 that permit deferment of repayment or a reduction in the teaching obligations of recipients under the affected programs. The NPRM also included a detailed discussion of the proposed revision of the requirement governing the time frame for the filing of civil suits against borrowers by guarantee agencies under the GSL programs in the case of loans assigned to the Department for IRS offset. Those discussions are not repeated here.

Changes Since Publication of the NPRM

Part 653—Paul Douglas Teacher Scholarship Program

Section 653.40 What Agreement Must a Scholar Have With the State Agency?

In response to public comment, the Secretary has revised § 653.40(b)(3) of the NPRM which required the Chief State School Officer for a State in which a scholar is teaching to certify that the area in which the scholar is teaching is a teacher shortage area designated by the Secretary. The revised regulations provide that, under certain circumstances, the chief administrative officer of a public or nonprofit private elementary or secondary school in which a scholar is teaching may provide the certification, in lieu of the Chief State School Officer for that State, that the scholar is teaching in a teacher shortage area designated by the Secretary. Revised § 653.40(b)(3) now provides that the chief administrative officer at the school may provide certifications that the scholar is: (1) Teaching full-time; and (2) teaching in a designated teacher shortage area. However, the chief administrative officer may provide both of these certifications only if the Chief State School Officer for the State in which the scholar is teaching: (1) Has provided a listing of the State's designated teacher shortage areas for the year in which the reduction is requested to the chief administrative officer whose school is affected by such designation; and (2) has notified the Secretary that he or she is providing a listing of the State's designated teacher shortage areas to those chief administrative officers in the State. If, in the State in which the student is teaching, a listing of the State's designated teacher shortage areas for the year in which the reduction is requested has not been provided, then the scholar must obtain his or her teacher shortage area certification from the State's Chief State School Officer. This change is intended to enhance the efficiency of the certification process by providing an alternative procedure by which scholars may obtain the certifications required in order for them to obtain reductions of their teaching obligations as well as by avoiding the imposition of unnecessary administrative procedures upon State agencies and Douglas scholars. The Secretary's modification of § 653.40(b) is also intended to ensure that scholars will be obtaining the necessary certifications from State or school officers who are authorized to provide those certifications, as well as having the information needed to do so.

Part 682—Guaranteed Student Loan and PLUS Programs

Section 682.210 Deferment

In response to public comment, the Secretary has revised § 682.210(j) of the NPRM, which required the Chief State School Officer for a State in which a borrower is teaching to certify that the area in which the borrower is teaching is a teacher shortage area designated by the Secretary. The revised regulations provide that a chief administrative officer of a public or nonprofit elementary or secondary school in which a borrower is teaching may provide the certification, in lieu of the Chief State School Officer for that State, that the borrower is teaching in a teacher shortage are a designated by the Secretary. Revised § 682.210(j) now provides that the chief administrative officer at the school may provide certifications that the borrower is: (1) Teaching full-time; and (2) teaching in a

designated teacher shortage area. However, the chief administrative officer may provide both of these certifications only if the Chief State School Officer for the State in which the borrower is teaching (1) has provided a listing of the State's designated teacher shortage areas for the year for which the deferment is requested to the chief administrative officer whose school is affected by such designation, and (2) has notified the Secretary and the designated guarantee agency for that State that he or she is providing a listing of the State's designated teacher shortage areas to the chief administrative officers of each affected school in the State. If a listing of the State's designated teacher shortage areas is not provided, then the borrower must obtain the teacher shortage area certification from the appropriate Chief State Officer. While this change is intended to enhance the efficiency of the certification process by providing an optional procedure to obtain the required certifications and avoid the imposition of additional administrative procedures upon student borrowers, the Secretary's modification of § 682.210(j) is also intended to ensure that borrowers will be obtaining the necessary certifications from State or school officers who are authorized to provide those certifications, and have the information necessary to do so properly.

The Secretary has further revised § 682.210(j) by adding § 682.210(j)(7). Section 682.210(j)(7) provides that, in addition to the procedure prescribed by the Secretary in § 682.210(j)(6) for States to use in identifying teacher shortage areas, a State may submit to the Secretary for approval an alternative procedure for the Chief State School Officer to use to select teacher shortage areas that it recommends to the Secretary for designation and for the Secretary to use to choose the areas to be designated in that State. This change is necessary due to the variety of data collected and reporting formats for that data used by the States.

Based on his review of the public comments, the Secretary has further revised § 682.210(j). First, he has revised the section to provide that, in regard to the GSL program, the chief administrative officer of a public or nonprofit private elementary or secondary school may be the certifying official rather than the chief administrative officer of the school district as proposed in the NPRM. This change makes the requirements regarding the certifying officials consistent for both the Paul Douglas Teacher Scholarship and the GSL programs and reduces the burden on a borrower by providing for the certifying official to be the one most likely to be accessible to the borrower. Finally, the Secretary has also revised § 682.210(j)(8) to add paragraph (viii) which defines a "Full-time equivalent" to be the standard used by a State in defining full-time employment, but not less than 30 hours per week. This definition is consistent with the definition of "full-time employment" currently found in § 682.210(e)(3).

Section 682.410 Fiscal, Administrative and Enforcement Requirements

The Secretary has revised § 682.410(b)(4) to extend to 545 days the period within which a guarantee agency must institute a civil suit against a borrower who has defaulted on a student loan. In order to encourage participation in the IRS tax refund offset project, this extension will only be available to a guarantee agency if the account has been submitted to the Department for participation in the IRS tax refund offset project. In making this decision, the Secretary has considered the fact that the IRS tax refund offset project has proven to be an effective tool in the collection of defaulted student loans.

Additional Comments and Changes

In response to the Secretary's invitation in the NPRM, 26 parties submitted comments on the proposed regulations. A further analysis of the comments and of the changes in the regulations since publication of the NPRM follows.

Substantive issues are discussed under the section of the regulations to which they pertain.

Part 653—Paul Douglas Teacher Scholarship Program

Section 653.40 What Agreement Must a Scholar Have With the State Agency?

Comment: One commenter requested that the Secretary codify his guidance that the initial teacher shortage areas designated by him will be applied to the reduction of the teaching obligation of scholars who have been teaching in those teacher shortage areas during any school year prior to that designation by the Secretary.

Discussion: While it is not appropriate to codify this guidance since it relates primarily to the effective date of those provisions, the Secretary believes that he should provide guidance with these regulations regarding the application of the initially designated teacher shortage areas to the reduction of teaching obligation of scholars who have been teaching in those teacher shortage areas during any school years prior to that designation.

Changes: None. However, the Secretary has clarified in the discussion of the effective date of these regulations that the initial designations of teacher shortage areas apply to prior school years but not earlier than the 1986–87 school year.

Comment: One commenter questioned whether § 653.40(b)(1) reduces a scholar's total teaching obligation or teaching obligation for each scholarship. For example, if a scholar receives four scholarships, does one year of teaching in a designated shortage area reduce an eight-year teaching obligation to a total of four years instead of eight years, or does it reduce a single two-year obligation to one year?

Discussion: Section 653.40(b)(1) states that "the requirement to teach two years for *each* year of scholarship assistance is reduced by one-half in the case of individuals who teach on a full-time basis in a teacher shortage area * * *" (emphasis added). The reference to "each year" indicates that the reduction in the teaching obligation is to be applied to each year of scholarship assistance. Therefore, under § 653.40(b)(1), one year of teaching in a designated teacher shortage area reduces what would otherwise be a two-year obligation to one year.

Changes: None.

Comment: Several commenters requested that § 653.40(b) be changed to allow for a certfying signature by persons other than just the chief administrative officer of the public or nonprofit private elementary or secondary school. The commenters requested this change because they believed that it may be difficult in some cases to reach the chief administrative officer of a school and that the Secretary should allow for delegation of the signature responsibility.

Discussion: The Secretary disagrees with the commenters that the chief administrative officer should be able to delegate the signature responsibility to a designee. The Secretary believes that the reduction in a scholar's teaching obligation represents a significant benefit to the scholar and merits the effort necessary to obtain the signature of the chief adminstrative officer for the school in which the scholar is teaching. Therefore, the Secretary's regulations continue to require that the responsibility for the certifying signature remain with the chief administrative officer at the school in which the scholar is teaching.

Changes: None.

Comment: One commenter suggested that the Secretary replace the references to "statement" and "certifying" in § 653.40(b) (2), (3), and (4) with the words "certification" and "verifying".

Discussion: The Secretary believes that the terms "statement" and "certifying" as used in § 653.40(b)(3) (i) and (ii) are appropriate. To substitue the words "certification" for "statement" and "verifying" for "certifying" in these citations would be inappropriate since the chief administrative officer is providing an assurance to the State agency that the scholar is teaching full-time in a designated teacher shortage area. It is unnecessary and redundant for the chief administrative officer to be "verifying" a "certification."

Changes: None.

Comment: One commenter recommended that § 653.40(b) be revised to include, as an option, the designation of public or nonprofit private preschools as teacher shortage areas. The commenter believed that consideration of preschools as teacher shortage area schools is consistent with the program statute and regulations that permit teaching in public or nonprofit private preschools to discharge the normal Douglas teaching obligation.

Discussion: Section 553(b)(4)(A) of the HEA requires the Secretary to designate teacher shortage areas for the Paul Douglas Teacher Scholarship Program pursuant to section 428(b)(4) of the HEA. Sections 428(b)(4)(B) (i) and (ii) of the HEA define the term "shorage areas" as "(i) geographic areas of the State in which there is a shortage of elementary and secondary school teachers, and (ii) an area of shortage of elementary and secondary school teachers * * *." Section 428(b)(4) of the HEA does not give the Secretary the authority to establish preschools or to consider any shortage in preschool teachers in reaching his determination of what are teacher shortage areas. Teaching in preschools is therefore not included in the regulations for purposes of reducing the Douglas teaching obligation.

Changes: None.

Comment: Several commenters questioned the need for scholars to obtain teacher shortage area certifications from two different sources, as was proposed in § 653.40(b)(3) (i) and (ii) of the NPRM. The commenters recommended that the Secretary delete the provision requiring a scholar to obtain the certification of the Chief State School Officer that the scholar is teaching in a teacher shortage area as designated by the Secretary. The commenters believed that the two separate certifications proposed in the NPRM represented redundant paperwork that would only delay the certification process. They stated that prior experience with "multiple-party" certifications has indicated to them that it is extremely difficult to secure multiple certifications on a timely basis. The commenters believed that in order to reduce the administrative burden on all parties and to enhance the efficiency of the certification process, the chief administrative officer in § 653.40(b)(3)(i) should provide the certification that would document that the scholar is teaching at the school on a full-time basis, and that the school, grade level, or discipline in which the scholar is teaching is a designated teacher shortage area. The commenters believed that such a single certification process would be possible because, following the designation by the Secretary, each Chief State School Officer notifies the elementary and secondary schools in his or her State that are affected by the designation, as well as the State agency administering the Paul Douglas Teacher Scholarship Program, of the designation.

Discussion: The Secretary does not agree with the commenters that requiring two different certifications from two sources necessarily constitutes duplicative paperwork. Two separate eligibility criteria need to be met in order for the Douglas scholar to establish eligibility for this reduction in teaching obligation. The first eligibility criterion that requires certification is that the scholar is teaching full-time. The second eligibility criterion is that the area in which the scholar is teaching has been designated by the Secretary as a teacher shortage area. The Secretary will continue to require both certifications in order to support fully any reduction in teaching obligation if one is requested by a scholar based on the fact that the scholar is teaching full-time in a designated teacher shortage area. However, the Secretary has determined that it is allowable for the chief administrative officer at the school in which a scholar is teaching to provide both of the certifications required under § 653.40(b) if the Chief State School Officer in the State in which the scholar is teaching has:

(1) Provided a listing of the State's teacher shortage areas designated by the Secretary for the year in which the reduction is requested to the State's chief administrative officers affected by the designation, and (2) on a one-time basis, notified the Secretary by written assurance that he or she provides this listing to affected chief administrative officers in the State on an annual basis.

Changes: The Secretary has revised § 653.40(b) of the NPRM, which required the Chief State School Officer for a State in which a scholar is teaching to certify that the area in which the scholar is teaching is a teacher shortage area designated by the Secretary. The revised regulations provide that a chief administrative officer of a public or private nonprofit elementary or secondary school in which a scholar is teaching may certify, in lieu of the Chief State School Officer for that State, that the scholar is teaching in a teacher shortage area designated by the Secretary. Revised § 653.40(b) now provides that the chief administrative officer at a school may provide both certifications only if the Chief State School Officer for the State in which the scholar is teaching has: (1) Provided a listing of the State's designated teacher shortage areas for the year in which the reduction is requested to the chief administrative officers whose schools are affected by that designation; and (2) notified the Secretary by written assurance that he or she provides this listing of the State's designated teacher shortage areas to those chief administrative officers in the State on an annual basis. Under § 653.40(b) as revised, if, in the State in which the scholar is teaching, a listing of the State's designated teacher shortage areas is not provided annually to all affected chief administrative officers, then the scholar must obtain his or her teacher shortage area certification from the appropriate Chief State School Officer.

Comment: One commenter suggested that the Secretary address in the regulations the treatment of a scholar teaching for only a portion of a school year as it relates to the scholar's eligibility for reduction of his or her teaching obligation. The commenter was concerned that the regulations do not provide guidance to the State agencies concerning scholars who teach full-time for only a portion of a school year.

Discussion: Section 653.42(a)(1) of the existing regulations requires a scholar to "* * * repay the amount of the scholarships received, prorated according to the fraction of the teaching obligation not completed, as determined by the State agency." This proration requirement applies to a scholar whether or not he or she has taught in a designated teacher shortage area. The amount of the scholarship to be repaid by a scholar who has taught in a designated teacher shortage area is the remaining amount of the scholarship after deducting the prorated amount of the scholarship obligation discharged by teaching in a designated teacher shortage area. For example, if a scholar

who receives one $5,000 Douglas Scholarship teaches for one-quarter of a school year in a teacher shortage area and then enters repayment, the scholar has discharged one-quarter of his or her teaching obligation and owes $3,750 plus the capitalized interest accrued on the $3,750 from the date of the scholarship disbursement to the date the scholar enters repayment. The same scholar would have discharged only one-eighth of his or her teaching obligation by teaching in a school that was not in a designated teacher shortage area.

Changes: None.

Part 682—Guaranteed Student Loan and PLUS Program

Section 682.210 Deferment

Comment: One commenter requested that the NPRM requirement of § 682.210(j) to have a borrower obtain a certification from the chief administrative officer of the school district indicating that the borrower is a full-time teacher be changed to correspond with the Paul Douglas Teacher Scholarship Program requirement that the certification be provided by the chief administrative officer of the public or private nonprofit elementary or secondary school in which the borrower is teaching.

Discussion: The Secretary agrees that a change in the GSL program provision of this regulation to correspond with the Paul Douglas Teacher Scholarship Program certification is appropriate. This change makes the requirements regarding the certifying officials consistent for both the Paul Douglas Teacher Scholarship and the GSL programs and reduces the burden on a borrower by providing for the certifying official to be the one most likely to be accessible to the borrower.

Changes: The Secretary has revised § 628.210(j) of the NPRM to allow the certification of the full-time teaching status of a borrower to be provided by the chief administrative officer of the public or private nonprofit elementary or secondary school in which the borrower is teaching instead of the chief administrative officer of the school district.

Comment: Many commenters expressed concern regarding the problems associated with two certifications of the deferment form. They stated that prior experience with "multiple-party" certifications indicated that it is extremely difficult to secure multiple certifications on a timely basis. The commenters believed that in order to reduce the administrative burden on all parties and to enhance the efficiency of the certification process, the chief administrative officer in § 682.210(j)(1)(i) should provide the certification that would document that the borrower is teaching at the school on a full-time basis and that the school, grade level, or discipline in which the borrower is teaching is a designated teacher shortage area. The commenters also believed that, after designation of a teacher shortage area by the Secretary, such a single certification process is possible because each Chief State School Officer will notify the elementary and secondary schools affected by the designation, as well as the guarantee agencies administering the GSL programs for the affected areas.

Discussion: The Secretary has determined that both certifications are required to support the deferment requested by the borrower. There are two separate criteria that must be met for the borrower to establish eligibility for this deferment of loan repayment. First, there must be a certification that the borrower is teaching full-time. Second, the area in which the borrower is teaching must be designated by the Secretary as a teacher shortage area for the year. However, the Secretary has also determined that the chief administrative officer at the school in which a borrower is teaching may provide both of the required certifications if the Chief State School Officer in the State in which the borrower is teaching (1) has provided a listing of the State's designated teacher shortage areas to the chief administrative officer whose school is affected by such designation, and (2) has notified the Secretary and the guarantee agency for that State that he or she is providing a listing of the State's designated teacher shortage areas to the chief administrative officer of each affected school in the State.

Changes: The Secretary has revised § 682.210(j) to modify the requirement that the Chief State School Officer for a State in which a borrower is teaching must certify that the area in which the borrower is teaching is a teacher shortage area designated by the Secretary. The revised regulations provide that a chief administrative officer of a public or nonprofit elementary or secondary school in which a borrower is teaching may, under certain circumstances, also certify that the borrower is teaching in a teacher shortage area designated by the Secretary. The revised regulations permit the chief administrative officer at the school to provide both certifications only if the Chief State School Officer for the State in which the borrower is teaching (1) has provided a listing of the State's designated teacher shortage areas for the year in which the reduction is requested to the chief administrative officer whose school is affected by such designation, and (2) has notified the Secretary and the State guarantee agency that he or she is providing a listing of the State's designated teacher shortage areas to the chief administrative officer of each affected school in the State.

Comment: Several State Departments of Education expressed concern regarding the types of data and methods required to identify teacher shortage areas for purposes of this provision. Some commenters noted that some States already had comparable, but different, methods of designating teacher shortage areas, and do not collect the precise types of data described in the regulations.

Discussion: The Secretary has decided that a State should be allowed to propose an alternative method to the one prescribed by the Secretary for the State to use to select the teacher shortage areas that the State recommends to the Secretary for designation and for the Secretary to use to choose the areas to be designated. The Secretary believes that this flexibility is necessary due to the variety of data collected and reporting formats for that data used by the States. Therefore, upon approval of the Secretary, a State may use an alternative procedure that provides the information the Department requires while serving the State's needs.

Changes: The Secretary has revised the regulations by adding § 682.210(j)(7) which provides that a State may propose and, with the approval of the Secretary, use a procedure for identifying and obtaining Secretarial designation of the teacher shortage areas that differs from the procedure described in § 682.210(j)(6) of the regulations.

Comment: Several commenters were concerned about the availability by January 1 of current school year data, as required in § 682.210(j)(3)(ii) of the NPRM, because of the differing time frames used by various States to collect the data.

Discussion: The Secretary understands that some States may have difficulty obtaining current fiscal year data by the January 1 deadline and believes that a State should be permitted to use valid data from the previous school year if current year data is not available.

Changes: A change has been made to allow a State to use the previous school year's data for the purpose of these regulations.

Comment: A number of commenters were concerned about the start date of eligibility for the teacher shortage area deferment and its relationship to the provisions of § 682.210(a) (5) and (6) regarding the starting and ending dates for deferment. Another commenter expressed concern about the treatment of summer months that are usually not covered by a teaching contract. Specifically, the commenter believed that confusion and and extra cost would result if borrowers are required to provide a statement of intent to return to teaching for the next school year to "bridge" the summer months.

Discussion: Section 682.210(j)(8)(vi) defines the school year as the period from July 1 of a calendar year to June 30 of the following year. Therefore, the deferment for each year of teaching in a teacher shortage area extends from July 1 of the year when the borrower begins teaching through June 30 of the following year. Should the borrower no longer be employed in the same position or in another teacher shortage area designated for the upcoming school year by the Secretary, the borrower's eligibility for the deferment expires at the close of the school year (June 30). The borrower would then enter repayment on his or her loans on July 1. Should a borrower discontinue teaching in a teacher shortage area prior to completion of his or her teaching obligation for the school year, he or she is no longer eligible for a deferment pursuant to § 682.210(a)(6)(i) as of the date that the borrower terminates full-time teaching status.

Changes: None.

Comment: One commenter suggested that a borrower be allowed to certify his or her eligibility for the deferment for periods after the period covered by his or her initial certification.

Discussion: The Secretary disagrees with the commenter that the borrower should be able to certify his or her eligibility for a deferment for periods after the initial certification. The certification is needed for the Secretary to be assured that the borrower is teaching in a qualified teacher shortage area. In addition, the Secretary believes that a deferment of repayment of a Stafford or SLS loan is a significant benefit to the borrower and merits the additional effort necessary to obtain the required certification. Therefore, the certification requirement remains the same for each period for which a borrower requests a deferment.

Changes: None.

Comment: One commenter suggested that this deferment be exempt from the six-month limit on retroactive deferment eligibility set forth in § 682.210(a)(5).

Discussion: The importance of the six-month rule in encouraging repayment of loans, and the administrative complexity of retroactive deferment, require that the rule be applied to this deferment.

Changes: None.

Comment: One commenter requested clarification of whether the definition of full-time teaching equivalent in these regulations was consistent with the full-time employment definition of not less than 30 hours currently found in § 682.210(e)(3) of the GSL program regulations.

Discussion: The Secretary agrees with the commenter that clarification of the term "full-time teaching equivalent" is needed for these regulations.

Changes: The Secretary has revised § 682.210(j)(8) to define "full-time equivalent" as the standard used by a State in defining full-time employment, but not less than 30 hours per week. This definition is consistent with the definition of "full-time employment" currently found in § 682.210(e)(3).

Section 682.410 Fiscal, Administrative and Enforcement Requirements

Comment: Numerous commenters supported the Secretary's proposal to increase the number of days during which a guarantee agency would have to institute a civil suit against a borrower from 225 to 545 days. Other commenters stated that the litigation extension should apply to all borrowers in default that were subject to the litigation requirements of the November 10, 1986 GSL and PLUS regulations and recommended that the extension be applied retroactively to all default claims paid after March 10, 1987, the effective date of the litigation requirement.

Discussion: The provision of the final rule that extends the period of time a guarantee agency has to institute a civil suit against a borrower applies to all loans on which the agency has not violated, as of the date of publication of this final rule, the current deadline for litigation of 225 days following payment by the agency of a default claim on the loan. The Secretary believes that agencies received adequate notice of the 225-day deadline for litigation prior to the publication of the November 10, 1986 regulations, and it would therefore be inappropriate to provide agencies, in effect, with a blanket waiver of liability for violations of that deadline. The Secretary also notes that guarantee agencies have been informed repeatedly that any proposed extension of the existing deadline for commencing litigation against a borrower would not be applied retroactively.

Changes: None.

Assessment of Educational Impact

In the notice of proposed rulemaking, the Secretary requested comments on whether the proposed regulations would require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

Based on the response to the proposed rules and its own review, the Department has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects

34 CFR Part 653

Education, Grants programs, Education, State-administered, Education, Student aid.

34 CFR Part 682

Administrative practice and procedure, Colleges and universities, Education, Loan programs—education, Reporting and recordkeeping requirements, Student aid, Vocational educations.

Dated: May 10, 1990.

Lauro F. Cavazos,

Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.032, Guaranteed Student Loan Program and PLUS Program; 84.176, Paul Douglas Teacher Scholarship Program)

The Secretary amends part 653 and part 682 of title 34 of the Code of Federal Regulations as follows:

PART 653—PAUL DOUGLAS TEACHER SCHOLARSHIP PROGRAM

1. The authority citation for part 653 continues to read as follows:

Authority: 20 U.S.C. 1111–1111h, unless otherwise noted.

2. Section 653.40 is amended by revising paragraph (b) to read as follows:

§ 653.40 What agreement must a scholar have with the State agency?

* * * * *

(b)(1) The requirement to teach two years for each year of scholarship assistance is reduced by one-half in the case of individuals who teach on a full-time basis in a teacher shortage area that is designated by the Secretary as provided by 34 CFR 682.210(j) (5) through (7).

(2) To qualify for a reduction in the teaching obligation, a scholar teaching

in the State from which he or she received scholarship assistance must—

(i) Provide to the State agency a statement by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the scholar is teaching, certifying that the scholar is employed as a full-time teacher; and

(ii) Be teaching in a teacher shortage area designated by the Secretary as provided by 34 CFR 682.210(j) (5) through (7), as determined by the State agency.

(3) To qualify for a reduction in his or her teaching obligation, a scholar teaching in a State other than the State from which he or she received scholarship assistance must provide to the State agency of the State from which he or she received that scholarship assistance—

(i) A statement by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the scholar is teaching, certifying that the scholar is employed as a full-time teacher; and

(ii) A certification that he or she is teaching in a teacher shortage area designated by the Secretary as provided by 34 CFR 682.210(j) (5) through (7), as described in § 653.40(b)(4).

(4) In order to satisfy the requirement for certification that a scholar is teaching in a teacher shortage area designated by the Secretary, a scholar teaching in a State other than that in which he or she obtained his or her scholarship must do one of the following:

(i) If the scholar is teaching in a State in which the Chief State School Officer has complied with § 653.40(b)(5) and provides an annual listing of designated teacher shortage areas to the State's chief administrative officers whose schools are affected by the Secretary's designations, the scholar may obtain a certification that he or she is teaching in a teacher shortage area from his or her school's chief administrative officer.

(ii) If a scholar is teaching in a State in which the Chief State School Officer has not complied with § 653.40(b)(5) or does not provide an annual listing of designated teacher shortage areas to the State's chief administrative officers whose schools are affected by the Secretary's designations, the scholar must obtain certification that he or she is teaching in a teacher shortage area from the Chief State School Officer for the State in which the scholar is teaching.

(5) In the case of a State in which scholars wish to obtain certifications as provided for in § 653.40(b)(4)(i), the State's Chief State School Officer must first have notified the Secretary, by means of a one-time written assurance, that he or she provides annually to the State's chief administrative officers whose schools are affected by the Secretary's designations, a listing of the teacher shortage areas designated by the Secretary as provided for in § 682.210(j) (5) through (7).

(6) If a scholar who receives a reduction in his or her teaching obligation continues to teach in the same area in which he or she was teaching when the teaching obligation was originally reduced, the scholar shall continue to qualify for the reduction in the teaching obligation even if the area ceases to be designated a teacher shortage area, provided that the scholar provides the State agency with a statement by the chief administrative officer of the school in which he or she is teaching, certifying that the scholar continues to be employed as a full-time teacher in the same area in which he or she was teaching when the teaching obligation was originally reduced.

* * * * *

(Collection requirements contained in paragraph (b)(2) were approved by the Office of Management and Budget under control number 1840–0617)

PART 682—GUARANTEED STUDENT LOAN AND PLUS PROGRAMS

3. The authority citation for part 682 continues to read as follows:

Authority: 20 U.S.C. 1071 to 1087–2, unless otherwise noted.

4. Section 682.210 is amended by removing the word "or" following the semicolon at the end of paragraph (b)(9), removing the period at the end of paragraph (b)(10), and adding "; or" in its place, and adding new paragraphs (b)(11) and (j) to read as follows:

§ 682.210 Deferment.

* * * * *

(b) * * *

(11) Up to three years of service as a full-time teacher in a public or nonprofit private elementary or secondary school in a teacher shortage area designated by the Secretary under paragraph (j) of this section.

* * * * *

(j) *Targeted teacher deferment.* (1) To qualify for a targeted teacher deferment under paragraph (b)(11) of this section, the borrower, for each school year of service for which a deferment is requested, must provide to the lender—

(i) A statement by the chief administrative officer of the public or nonprofit private elementary or secondary school in which the borrower is teaching, certifying that the borrower is employed as a full-time teacher; and

(ii) A certification that he or she is teaching in a teacher shortage area designated by the Secretary as provided in paragraphs (j) (5) through (7) of this section, as described in paragraph (j)(2) of this section.

(2) In order to satisfy the requirement for certification that a borrower is teaching in a teacher shortage area designated by the Secretary, a borrower must do one of the following:

(i) If the borrower is teaching in a State in which the Chief State School Officer has complied with paragraph (j)(3) of this section and provides an annual listing of designated teacher shortage areas to the State's chief administrative officers whose schools are affected by the Secretary's designations, the borrower may obtain a certification that he or she is teaching in a teacher shortage area from his or her school's chief administrative officer.

(ii) If a borrower is teaching in a State in which the Chief State School Officer has not complied with paragraph (j)(3) of this section or does not provide an annual listing of designated teacher shortage areas to the State's chief administrative officers whose schools are affected by the Secretary's designations, the borrower must obtain certification that he or she is teaching in a teacher shortage area from the Chief State School Officer for the State in which the borrower is teaching.

(3) In the case of a State in which borrowers wish to obtain certifications as provided for paragraph (j)(2)(i) of this section, the State's Chief State School Officer must first have notified the Secretary, by means of a one-time written assurance, that he or she provides annually to the State's chief administrative officers whose schools are affected by the Secretary's designations and the guarantee agency for that State, a listing of the teacher shortage areas designated by the Secretary as provided for in paragraphs (j) (5) through (7) of this section.

(4) If a borrower who receives a deferment continues to teach in the same teacher shortage area as that in which he or she was teaching when the deferment was originally granted, the borrower shall, at the borrower's request, continue to receive the deferment for those subsequent years, up to the three-year maximum deferment period, even if his or her position does not continue to be within an area designated by the Secretary as a teacher shortage area in those subsequent years. To continue to receive the deferment in a subsequent year

under this paragraph, the borrower shall provide the lender with a statement by the chief administrative officer of the public or nonprofit private elementary or secondary school that employs the borrower, certifying that the borrower continues to be employed as a full-time teacher in the same teacher shortage area for which the deferment was received for the previous year.

(5) For purposes of this section a teacher shortage area is—

(i)(A) A geographic region of the State in which there is a shortage of elementary or secondary school teachers; or

(B) A specific grade level or academic, instructional, subject-matter, or discipline classification in which there is a statewide shortage of elementary or secondary school teachers; and

(ii) Designated by the Secretary under paragraph (j)(6) or (j)(7) of this section.

(6)(i) In order for the Secretary to designate one or more teacher shortage areas in a State for a school year, the Chief State School Officer shall by January 1 of the calendar year in which the school year begins, and in accordance with objective written standards, propose teacher shortage areas to the Secretary for designation. With respect to private nonprofit schools included in the recommendation, the Chief State School Officer shall consult with appropriate officials of the private nonprofit schools in the State prior to submitting the recommendation.

(ii) In identifying teacher shortage areas to propose for designation under paragraph (j)(6)(i) of this section, the Chief State School Officer shall consider data from the school year in which the recommendation is to be made, unless such data is not yet available, in which case he or she may use data from the immediately preceding school year, with respect to—

(A) Teaching positions that are unfilled;

(B) Teaching positions that are filled by teachers who are certified by irregular, provisional, temporary, or emergency certification; and

(C) Teaching positions that are filled by teachers who are certified, but who are teaching in academic subject areas other than their area of preparation.

(iii) If the total number of unduplicated full-time equivalent (FTE) elementary and secondary teaching positions identified under paragraph (j)(6)(ii) of this section in the shortage areas proposed by the State for designation does not exceed 5 percent of the total number of FTE elementary and secondary teaching positions in the State, the Secretary designates those areas as teacher shortage areas.

(iv) If the total number of unduplicated FTE elementary and secondary teaching positions identified under paragraph (j)(6)(ii) of this section in the shortage areas proposed by the State for designation exceeds 5 percent of the total number of elementary and secondary FTE teaching positions in the State, the Chief State School Officer shall submit, with the list of proposed areas, supporting documentation showing the methods used for identifying shortage areas, and an explanation of the reasons why the Secretary should nevertheless designate all of the proposed areas as teacher shortage areas. The explanation must include a ranking of the proposed shortage areas according to priority, to assist the Secretary in determining which areas should be designated. The Secretary, after considering the explanation, determines which shortage areas to designate as teacher shortage areas.

(7) A Chief State School Office may submit to the Secretary for approval an alternative written procedure to the one described in paragraph (j)(6) of this section, for the Chief State School Officer to use to select the teacher shortage areas that it recommends to the Secretary for designation, and for the Secretary to use to choose the areas to be designated. If the Secretary approves the proposed alternative procedure, in writing, that procedure, once approved, may be used instead of the procedure described in paragraph (j)(6) of this section for designation of teacher shortage areas in that State.

(8) For purposes of paragraphs (j) (1)–(7) of this section—

(i) The definition of the term "school" in § 682.200 does not apply;

(ii) *Elementary school* means a day or residential school that provides elementary education, as determined under State law;

(iii) *Secondary school* means a day or residential school that provides secondary education, as determined under State law. In the absence of applicable State law, the Secretary may determine, with respect to that State, whether the term "secondary school" includes education beyond the twelfth grade;

(iv) *Teacher* means a professional who provides direct and personal services to students for their educational development through classroom teaching;

(v) *Chief State School Officer* means the highest ranking educational official for elementary and secondary education for the State;

(vi) *School year* means the period from July 1 of a calendar year through June 30 of the following calendar year;

(vii) *Teacher shortage area* means an area of specific grade, subject matter, or discipline classification, or a geographic area in which the Secretary determines that there is an inadequate supply of elementary or secondary school teachers; and

(viii) *Full-time equivalent* means the standard used by a State in defining full-time employment, but not less than 30 hours per week. For purposes of counting full-time equivalent teacher positions, a teacher working part of his or her total hours in a position that is designated as a teacher shortage area is counted on a *pro rata* basis corresponding to the percentage of his or her working hours spent in such a position.

(Reporting, collection, and recordkeeping requirements contained in paragraphs (j)(1) and (j)(6) were approved by the Office of Management and Budget under control number 1840–0617)

5. Section 682.410 is amended by revising paragraph (b)(4)(vii) to read as follows:

§ 682.410 Fiscal, administrative, and enforcement requirements.

* * * * *

(b) * * *

(4) * * *

(vii) One hundred eighty-one-545 days:

(A) Except as provided in paragraphs (b)(4)(vii) (B), (C) and (D) of this section, during this period, but not sooner than 30 days after sending the notice described in paragraph (b)(4)(vi) of this section, the agency shall institute a civil suit against the borrower for repayment of the loan.

(B) Except as provided in paragraph (b)(4)(vii)(D) of this section, in the case of a loan that was assigned to the Secretary prior to the 545th day and returned to the agency less than 180 days prior to that 545th day, the agency has 180 days from the date it receives the returned loan to institute the civil suit.

(C) Except as provided in paragraph (b)(4)(vii)(D) of this section, in the case of a loan not assigned to the Secretary, during this period, but not sooner than 30 days after sending the notice described in paragraph (b)(4)(vi) of this section, the agency shall institute a civil suite against the borrower by the 225th day, unless that loan is subsequently assigned to the Secretary by the deadline for the next available opportunity to collect by IRS tax refund offset, or a payment is received from the

borrower less than 120 days before the deadline for the next available opportunity to collect by IRS tax refund offset.

(D) The agency need not file suit if the agency determines and documents in the borrower's a file that—

(*1*) The cost of litigation would exceed the likely recovery if litigation were commenced; or

(*2*) The borrower does not have the means to satisfy a judgment on the debt or a substantial portion thereof.

* * * * *

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federal register

Monday
August 27, 1990

Part V

Environmental Protection Agency

40 CFR Part 355

Extremely Hazardous Substance List; Availability of Documents on Flammables and Explosives; Advance Notice of Proposed Rulemaking

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 355

[FRL 3776-3]

RIN 2050-AD02

Extremely Hazardous Substance List; Availability of Documents or Flammables and Explosives

AGENCY: Environmental Protection Agency (EPA).

ACTION: Advance notice of proposed rulemaking and notice of availability of documents.

SUMMARY: The U.S. Environmental Protection Agency (EPA or the Agency) is providing advance notice that it is considering proposing a rule that specifies criteria that will be used to add chemicals to the extremely hazardous substance (EHS) list under section 302 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). Specifically, the Agency is considering certain physical properties of chemicals that are related to hazards such as flammability and explosivity. The Agency is also announcing the availability of technical background documents on the potential criteria for listing explosives and flammables. Finally, this notice is intended to notify the public that the Agency is considering the addition of new chemicals to the EHS list based upon explosivity.

DATES: Comments must be submitted on or before October 26, 1990.

ADDRESSES: *Comments:* Comments should be submitted in triplicate to: Superfund Docket Clerk, Attention: Docket Number 300PQ, Chemical Emergency Preparedness and Prevention Office, Room M2427, U.S. Environmental Protection Agency, Mail Stop OS-240, 401 M Street SW., Washington, DC 20460.

Docket: Copies of materials relevant to this rulemaking are contained in the Superfund Docket, Docket Number 300PQ, Room M2427 at the above address. The technical background documents relevant to this Notice are available in the docket. These documents include analyses of the consequences of detonation of commercial explosives and accidents involving flammable liquids and gases, and a preliminary analysis of the economic effects attributable to listing commercial explosives. The docket is available for inspection between the hours of 9 a.m. and 4 p.m., Monday through Friday, excluding Federal holidays. Appointments to review the docket can be made by calling 202/382-3046. The public may copy a maximum of 50 pages from any regulatory docket at no cost. Additional copies cost $.20 per page.

FOR FURTHER INFORMATION CONTACT: John Ferris, Project Officer, Chemical Emergency Preparedness and Prevention Office (OS-120), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; or the Emergency Planning and Community Right-to-Know Information Hotline at 800/535-0202 (in the Washington, DC metropolitan area and Alaska, contact 202/479-2449).

SUPPLEMENTARY INFORMATION: The contents of today's Notice are listed in the following outline:

I. Introduction
A. Statutory Authority
B. Background of this Notice
C. Reporting Requirements Under SARA Title III
II. Summary Information
III. Commercial Explosives
A. Existing Federal Regulations
B. Technical Analysis
C. Economic Analysis
D. Release Reporting
E. Temporary Use
F. Request for Comments
IV. Flammable Gases and Liquids
A. Technical Analysis
B. Existing Guidance
C. Rationale for Not Listing Flammables as EHSs
D. Request for Comments
V. Non-commercial Explosives
VI. Regulatory Approach
A. Alternative Approaches to Listing EHSs
B. Other Alternatives
VII. Conclusion

I. Introduction

A. Statutory Authority

On October 17, 1986, the President signed into law the Superfund Amendments and Reauthorization Act of 1986 (SARA) (Pub. L. 99-499). Title III of SARA established authorities for emergency planning and preparedness, emergency release reporting, Community Right-to-Know reporting, and toxic chemical release reporting. Title III is intended to encourage and support State and local planning for emergencies caused by the release of hazardous chemicals and to provide citizens and governments with information concerning potential chemical hazards present in their communities. This program is codified as the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001-11050).

Subtitle A of title III establishes the framework for local emergency planning and notification. It requires the Governor of each State to designate a State emergency response commission (SERC). Each SERC, in turn, designates local emergency planning districts and appoints, supervises, and coordinates local emergency planning committees (LEPCs).

Section 302(a)(2) of title III required the Administrator of the U.S. Environmental Protection Agency (EPA or the Agency) to publish a list of EHSs. This list was to be the same as the list previously published in November 1985 by the Administrator in appendix A of the *Chemical Emergency Preparedness Program Interim Guidance.* Section 302(a)(4) authorizes the Administrator of EPA to review the EHS list.

B. Background of this Notice

On November 17, 1986, EPA published an interim final rule listing EHSs as required by section 302 of title III and establishing threshold planning quantities (TPQs) for each substance. On April 22, 1987, EPA published a final rule revising the previously published interim final rule. The criteria on which the EHS list was based were republished in the *Technical Guidance for Hazards Analysis* published by EPA, the Department of Transportation (DOT), and the Federal Emergency Management Agency (FEMA) in December 1987. On November 23, 1987, the District Court for the District of Columbia issued an order in *A.L. Laboratories, Inc.* v. *Environmental Protection Agency,* 674 F. Supp. 894 (D.D.C. 1987), requiring EPA to remove four substances from the EHS list. The Court concluded that these substances were originally listed under section 302 in error. An additional 36 substances were removed from the list on February 25, 1988 (53 FR 5574), based on the rationale of the Court's order. On February 15, 1990 (55 FR 5544), EPA removed six additional chemicals based upon this same rationale: They did not meet the toxicity criteria on which the original list was based. These actions constituted corrections to the EHS list, rather than revisions of the EHS list. The list is presently comprised of 360 substances.

EPA believes that the statutory and regulatory intent of the EHS list is to provide a starting point for evaluating chemical hazards at the local level on a site-specific basis. It is not intended as a definitive list of all chemical hazards of which the community should be aware or which the community should address in its emergency response plans. It does provide an excellent beginning for identifying facilities that use dangerous chemicals which, if released, could have

significant adverse public health and safety effects on the community.

This Notice is intended to provide the public with information regarding EPA's initial analysis of issues concerning expansion of the EHS list and to obtain comments from the public on the direction that any rulemaking should take. By this notice, EPA is also announcing the availability to the public of two technical background documents, which further explain the issues related to the physical/chemical properties that can be used as criteria to add explosives and flammable chemicals to the EHS list, and a preliminary economic impact analysis of the addition of commercial explosives to the EHS list. Public comment on these issues and the supporting documentation is welcome and will be considered in any future actions regarding expansion of this list.

C. Reporting Requirements Under SARA Title III

Title III provides a number of methods for identifying facilities that may present a chemical hazard to the community. Section 302 requires owners and operators of facilities to notify the SERC and the LEPC if they determine that an EHS is present at their facility in a quantity equal to or greater than its TPQ. Under section 311, facilities must submit to SERCs, LEPCs, and fire departments material safety data sheets (MSDSs) required to be prepared under the Occupational Safety and Health Administration's (OSHA's) Hazard Communication Standard or lists of the chemicals for which a facility is required to have MSDSs, if those chemicals are present at the facility in quantities that exceed the threshold amounts. Thus, title III extends the information sharing of workplace right-to-know to the entire community and especially to emergency response personnel and emergency planners. OSHA defines hazardous chemicals to include any substance that may present a hazard in the workplace. Each MSDS contains limited information on a substance's physical and chemical properties and health effects. Roughly 50,000 substances may trigger the requirement to prepare or maintain an MSDS and therefore potentially may be reported under section 311 of title III.

Under section 312, covered facilities must submit to the SERC, LEPC, and fire departments an annual report on their inventories of hazardous chemicals that exceed the threshold amount, and must identify the quantities and locations of those chemicals. EPA has established five categories for reporting chemical hazards covered by the section 312 requirements: Fire, sudden release of pressure, reactivity, immediate health hazard, and delayed health hazard (40 CFR 370.2). Each hazardous chemical reported under section 312 of title III must be identified with its appropriate hazard category (see title III section 312(d)(1)(C)). The threshold amount for reporting under sections 311 and 312 is currently 10,000 pounds (or 4,540 kilograms) for most hazardous chemicals. Ten thousand pounds is equivalent to approximately 1,200 gallons of water or about 1,800 gallons of gasoline. For EHSs, the reporting threshold is the lower of the TPQ established under section 302. or 500 pounds. Five hundred pounds is the approximate equivalent of the weight of the contents of a 55-gallon drum. Information on hazardous chemicals that a facility stores in quantities below the threshold quantities must be provided upon request under section 312(e)(3) of title III.

Although section 303 of title III requires that LEPCs address in emergency plans those facilities with EHSs present in excess of the TPQ, other facilities may and, depending upon local circumstances, should be included in the planning process. A LEPC may use the information gathered under sections 311 and 312 to expand its planning for chemical emergencies beyond the facilities with EHSs present. In EPA's opinion, other facilities that produce, use, or store large amounts of any hazardous chemical should voluntarily assist local planners in preparing for emergencies when local factors indicate that such chemicals and quantities pose a hazard to the community. However, the law provides a mechanism for compelling such participation if necessary: Facilities that fail to cooperate with this planning process may be designated by the SERC or the Governor as a covered facility under the section 302(b)(2) planning requirements for participation in the planning process.

Other sections of title III also provide additional information about chemical use in the community, which may be useful in determining which facilities may need to be specifically addressed in the planning process. Section 304 requires reporting to appropriate SERCs and LEPCs of releases of hazardous substances in amounts equal to or exceeding their reportable quantities (RQs) established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and releases of non-CERCLA EHSs in amounts equal to or exceeding one pound (until adjusted by regulation). Reports received from facilities that experience accidental releases of hazardous substances and EHSs may be valuable in identifying some facilities that present a hazard in the community and, thus, warrant attention in the planning process. Under section 312 of title III facilities must report annual inventories of hazardous chemicals to the SERC, LEPC and fire departments. In addition, under section 313 of title III, facilities must report estimated total releases of certain chemicals annually to EPA and the State. This information is then available to LEPCs through a computerized, publicly available database. This information may also be used by LEPCs to help identify facilities of concern for consideration in the emergency planning process. Although the information collected under these reporting requirements does not represent a complete source of relevant data, these reporting provisions do represent a very helpful starting point for identifying facilities of concern.

II. Summary Information

Under section 302 of SARA title III, the Administrator of EPA has the authority to revise the list of EHSs. The statute requires the Administrator to take into account the toxicity, reactivity, volatility, dispersability, combustibility, or flammability of a substance when revising the list. The corrections to the EHS list discussed in section I.B of this notice amended the original list, but EPA has not revised the list on the basis of criteria other than the original listing criterion of acute toxicity. Within a year after title III became law, EPA began to study whether there were possibly other chemicals that might also be so hazardous as to warrant inclusion on the EHS list. At that time, the Agency began an effort to review information on the physical/chemical properties of substances as they relate to potential hazards to a community. This review encompassed an evaluation of hazards associated with flammability, reactivity, and explosivity (which is a combination of flammability, combustability, and reactivity), in order to assess the need to use additional non-toxicity based criteria for adding substances to the EHS list.

In November of 1988, six firefighters were killed in Kansas City, Missouri in an explosion involving ammonium nitrate and fuel oil (ANFO). EPA received letters from the Governors of Missouri and Kansas and from members of Congress concerning the incident, and requesting that the Agency consider adding ANFO to the EHS list. In response, EPA further focused its evaluation on chemicals exhibiting the

characteristics of explosivity and flammability to reflect the concerns generated by this incident.

To date, hazards associated with explosivity and flammability have been evaluated in some depth. Chemicals that are explosive hazards may be divided for purposes of analysis into non-commercial explosives (i.e., substances that may explode although they are not intended to explode) and commercial explosives (i.e., substances designed to function by explosion). Issues related to the listing of non-commercial explosives and the listing of other chemicals that may have hazardous reactions with air or water, and particularly physical or chemical properties that can be used as criteria for listing, require additional study before any conclusions can be drawn. The potential hazards and method of categorizing non-commercial explosives and other reactive chemicals represent a significant increase in the complexity of technical issues related to listing EHSs. This notice, therefore, addresses commercial explosives in some detail, but defers any in-depth discussion of non-commercial explosives and other reactives until the Agency's evaluation is completed. As indicated above, the Agency has also reviewed physical and chemical properties of chemicals related to flammability and has drawn some preliminary conclusions related to those data which are also a major subject of this notice.

In determining whether to add chemicals to the EHS list, EPA will consider the purpose of the list. The EHS list and its TPQs are intended to help the local community focus on the chemicals and facilities of the most immediate concern from a community emergency planning and response perspective (51 FR 41572). By identifying chemicals of greatest national concern, the EHS list assists local planners in establishing priorities for chemical accident planning and provides information for community right-to-know purposes. Local planners, however, must consider multiple site-specific factors in evaluating a site for emergency planning. The location of a facility, its proximity to other facilities and to residential areas or sensitive populations, the quantities of chemicals stored, and the processes and conditions to which the chemicals are subjected, all need to be considered by emergency planners. These factors, as much as the individual characteristics of chemicals, determine the true hazards of chemicals to the community. A list of dangerous chemicals cannot define all the risks associated with the use of chemicals or completely determine planning priorities.

The various reports generated by title III provide a substantial amount of information that may be used by LEPCs to target facilities for emergency planning. The data also highlight the sheer number of potentially hazardous chemicals in the community and the resulting complexities surrounding chemical accident planning. Only by looking at local, site-specific data in combination with guidance provided by EPA, other Federal and State agencies, and organizations such as the National Fire Protection Association (NFPA), and using a variety of mechanisms including the EHS list, can a LEPC achieve effective emergency planning. Significantly expanding the EHS list increases the number of facilities and chemicals for which planning is mandated, thereby potentially overwhelming communities with national planning requirements for facilities or chemicals that may not represent the highest priority in that community. In addition, information that includes quantities, hazards, and locations of hazardous chemicals that are at a facility in quantities above 10,000 pounds already is available to communities through information required under sections 311 and 312 of title III. Therefore, in evaluating listing criteria, it is important that EPA balance the benefit of adding substances to the list with the potential cost of reducing the planning value of the EHS list to communities and with the availability of other mechanisms for accomplishing effective emergency planning.

EPA's initial analysis indicates that the addition of commercial explosives to the section 302 list of EHSs could provide valuable information not otherwise provided to local communities to assist them in preparing for accidents involving these substances. The addition of substances to the EHS list based solely on flammability, however, does not appear to be warranted at this time, given existing title III notification requirements. A review of commercial explosives and their physical hazards and the issues arising from that review are presented in section III of this notice. Section IV includes a similar discussion of flammables.

Although the technical documents in the docket address only commercial explosives and flammable gases and liquids, and this notice primarily addresses those materials, comments are welcome concerning other hazards or criteria associated with the physical or chemical properties of chemicals that the Agency should consider in decisions to add chemicals to the EHS list.

III. Commercial Explosives

A. Existing Federal Regulations

Commercial explosives are divided by the Bureau of Alcohol, Tobacco, and Firearms (ATF) into three categories: high explosives, low explosives, and blasting agents. Under ATF regulations, high explosives are defined as those materials that can be caused to detonate by a blasting cap when unconfined. Low explosives, as defined, can be caused to deflagrate (burn rapidly with intense heat) when unconfined. A blasting agent is defined as any mixture of materials, consisting of fuel and oxidizers, that is intended for blasting and not otherwise defined as an explosive, for which the final product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined.

Using these definitions and the published American Table of Distances, ATF has developed a regulatory scheme for the safe handling and storage of commercial explosives. For example, 500 pounds of high explosives must be stored at least 320 feet from inhabited buildings if the storage facility is barricaded, and 640 feet if it is not barricaded. Blasting agents, such as ammonium nitrate mixed with fuel oil, in amounts greater than 50 pounds must meet the same separation distances as high explosives. ATF annually publishes a list identifying the explosives covered by ATF regulations. Currently, there are approximately 200 substances, categories, and mixtures included on the ATF list (55 FR 1306; January 12, 1990). ATF's regulations also require recordkeeping by the regulated community on the transfer of these explosives and are designed to track manufacturers, distributors, and users of explosives. The ATF regulations are designed to reduce hazards to persons and property arising from illegal use and from unsafe or insecure storage of explosives.

The ATF regulatory scheme may prove useful as a basis for adding commercial explosives to the EHS list. The covered facilities would be identified easily because they already are subject to ATF requirements. As discussed above, ATF publishes a list containing examples of covered substances. Most users of explosives are already knowledgeable about the ATF regulations. In addition, the storage and distance requirements established by ATF could assist EPA in identifying appropriate TPQs.

The Department of Transportation (DOT) has four classifications for explosives, including Classes A, B, and C, and blasting agents; these classifications are based on a number of specific test procedures. Most explosives regulated by ATF, including low explosives, fall under DOT Class A. DOT does not distinguish between high and low explosives. DOT requires that substances meeting their criteria for explosivity meet certain standards for packaging, shipping, and handling the substances in transportation. All appropriate DOT rules for hazardous materials would continue to apply to their shipment regardless of whether EPA decides to list explosives under section 302 of title III.

Although explosives are currently regulated by Federal, State, and local governments, these regulations do not uniformly address the issue of notification to emergency response personnel or emergency planners, which is the primary focus of sections 302 and 303 of title III. Sections 311 and 312 of title III provide for the reporting of hazard information on explosives in large quantities; however, routine notification of quantities under 10,000 pounds would not occur at current thresholds under section 311 or 312, and these substances are not reportable as such under section 304 or 313 of title III. Small quantities of high explosives, confined low explosives, and blasting agents, however, can potentially cause serious harm in the community in the event of an accident. It would appear, therefore, that explosive substances present at facilities in quantities smaller than 10,000 pounds may present a hazard that is not already incorporated into community planning, and that may warrant adding these substances to the EHS list.

B. Technical Analysis

EPA has been assessing the risks associated with explosive substances, and has summarized the findings of this review in a technical background document on commercial explosives, available in the Superfund docket supporting this Notice.

The energy released when an explosive substance detonates manifests itself principally as blast overpressure, fragmentation, and ground shock. Of these three effects, blast overpressure is the primary concern. EPA analyzed the consequences of detonation of high explosives for blast overpressure of 0.5 pound per square inch (psi) (a level that will shatter glass and cause occasional damage to window frames), 1.0 psi (a level at which houses are partially demolished and glass fragments may cause injury), 2.0 psi (a level at which there may be partial collapse of walls and roofs of houses), and 3.0 psi (a level that will hurl a person to the ground and that is above the theshold for eardrum rupture). ATF's Table of Distances uses an overpressure level of 0.4 psi (a level that can cause minor structural damage) to define minimum safe separation distances between unbarricaded storage areas and inhabited buildings. EPA believes that, for purposes of emergency planning, an overpressure of 1.0 psi should be used to analyze the consequences of high explosive detonation in a community because 1.0 psi is believed to be the lowest overpressure that could potentially result in human death. It is important to note that selection of an appropriate hazard criterion could have a significant impact on the final TPQ levels if commercial explosives are added to the EHS list. For example, given a level of 1.0 psi in overpressure and a selected distance of 100 meters, modeling results would yield a TPQ of 1,000 pounds. Overpressures greater than 1.0 psi result in higher TPQs; overpressures lower than 1.0 psi result in lower TPQs. Comments on the appropriate overpressure level to use in determining community hazard will assist EPA in making further proposals concerning explosives.

Regardless of the overpressure level used to establish TPQs for any EHS substances, the ATF definition of commercial explosives could still be used as the basis for adding explosives to the EHS list. Consistency with the ATF definition would contribute significantly to the administration efficiency of the title III notification process.

In its assessment of explosives, EPA identified representative materials corresponding to ATF's high explosives (materials that detonate), low explosives (materials that deflagrate), and blasting agents (mixtures of fuel and oxidizers, intended for blasting). A commonly used method for estimating the effects of explosions is a mathematical equation relating peak overpressure, explosive weight, and distance. In this equation, the distance to explosive effects is proportional to the cube root of the weight of the explosive chemical. The equation relies on an empirically derived proportionality constant, called the K-factor, which varies with the overpressure level chosen as the hazard criterion.

EPA analyzed the consequences of detonation and blasting using three methods: (1) ATF's Tables of Distances for High Explosives and Low Explosives; (2) the K-factor; and (3) the computerized program "Automated Resource for Chemical Hazard Incident Evaluation" (ARCHIE) developed by FEMA, DOT, and EPA. The methods differ in that ATF's Table of Distances assumes that all high explosives are equivalent in explosive power, while the K-factor method and ARCHIE use trinitrotoluene (TNT) equivalent weights (the weight of TNT that would produce the same damage at a given distance as a specified weight of the explosive under consideration). Each method was used to estimate the maximum distance from an explosion at which an overpressure of 1.0 psi would be reached, for a given quantity of material. Alternatively, these methods can be used to calculate the quantity of an explosive required to develop a 1.0 psi overpressure at a distance of 100 meters. EPA considers the distance of 100 meters to be representative of the distance from a storage or use site to a facility fenceline; this is consistent with the methodology used to establish TPQs under the current section 302 EHS list.

The Agency applied the three analytical methods to determine the effects of eight high explosives. The three methods produced similar results for all eight substances. Blasting agents were also analyzed as high explosives, and the three methods produced similar results. For low explosives, the Agency considered use of ATF's Table of Distances for Low Explosives. ATF's Table of Distances for Low Explosives appears to be based on thermal radiation rather than overpressure (i.e., the Table accounts for heat, the greatest potential hazard associated with the burning of the explosive, but does not account for overpressure, the hazard associated with detonation). Distances for a given quantity of explosives derived using this Table were much shorter than those distances derived using the K-factor or ARCHIE (i.e., hazardous thermal radiation effects extend for shorter distances).

EPA does not believe, however, that the ATF Table of Distances for Low Explosives should be used to determine reporting requirements under title III for purposes of emergency planning. Low explosives, such as black powder, may detonate under some conditions and generate overpressures comparable to high explosives. In addition, DOT does not differentiate between high and low explosives; both are Class A explosives. In the interest of community protection, therefore, EPA believes that ATF's Table of Distances for High Explosives

should be used to develop reporting requirements under title III for all commercial explosives, including blasting agents; it should not be limited only to high explosives.

Based on the results of predictive modeling techniques, it appears that explosives in amounts substantially less than 10,000 pounds can create serious damage when accidentally detonated in a community. For example, the modeling shows that 1,000 pounds of Amatol 50/50 (a high explosive) can cause partial demolition of houses (resulting from an overpressure of 1.0 psi) at a distance of up to 150 meters, and ATF (using 0.4 psi) requires that this quantity must be stored more than 250 meters from inhabited buildings if the storage facility is unbarricaded. Modeling results also indicate that the effects of detonation of 1,000 pounds of Amatol 50/50 are similar to the effects of detonation of other high explosives. The conclusion that the detonation of less than 10,000 pounds of explosives can create serious damage is also supported by the scientific literature and reports of actual incidents. This finding is significant because regulations under sections 311 and 312 of title III currently require routine reporting to SERCs, LEPCs, and fire departments on hazardous chemicals only in quantities greater than 10,000 pounds. Thus, it may be appropriate and useful to add commercial explosives to the EHS list to ensure that the presence of less than 10,000 pounds is reported. The Agency acknowledges, however, that low explosives may be less likely than high explosives to detonate, as reflected by the fact that ATF's Table of Distances for Low Explosives is based on thermal radiation rather than overpressure. It may not be appropriate, therefore, to include low explosives in the category of explosives that the Agency is considering adding to the EHS list. Although EPA currently believes that low explosives should be included within the explosives category on the EHS list, and that a TPQ should be based on ATF's Table of Distances for High Explosives, the Agency requests comments on these issues.

C. Economic Analysis

EPA has developed preliminary estimates of the economic impacts of adding commercial explosives to the EHS list. The preliminary economic analysis is available in the Superfund docket room, Docket Number 300PQ. The preliminary economic analysis provides estimates of the costs associated with adding high and low explosives and blasting agents to the EHS list; it does not assess the costs associated with adding only high explosives and blasting agents to the EHS list.

EPA estimated unit costs for SERCs and LEPCs, and for facilities using explosives, based on assumptions about the activities needed to comply with the recordkeeping and reporting provisions of sections 302 and 303 of SARA title III. Permanent facilities were estimated to incur costs of approximately $500 per facility. Temporary/transient facilities, which were assumed not to participate in the emergency planning process under section 303, were estimated to incur costs of approximately $50 per facility. SERCs were estimated to incur handling costs of about $4 per report. LEPCs were estimated to incur costs of about $54 per report for permanent facilities and about $10 per report for temporary facilities.

EPA estimated that about 40,000 permanent facilities may use explosives in amounts greater than 500 pounds. Transient facilities (e.g., construction sites) may also use explosives on a temporary basis; there may be as many as 140,000 such transient facility operations per year that use explosives in quantities greater than 500 pounds. (See section III.E of this Notice for further discussion of temporary use.) The first-year costs to permanent facilities of adding commercial explosives to the EHS list are estimated to be about $20 million. The costs to temporary facilities may be as high as $9 million, even assuming minimal participation in the emergency planning process. The first-year costs to SERCs and LEPCs are estimated to range from about $2 million to about $4 million. Total first-year costs if commercial explosives were added to the EHS list, therefore, range from about $22 million to about $31 million.

The economic document supporting this Notice also includes an estimate of the costs to facilities, SERCs, and LEPCs if common fireworks are included within the explosives category on the EHS list.[1] It is estimated that there are an additional 27,000 permanent facilities and between 10,000 and 46,000 additional temporary facilities that store common fireworks. Total first-year costs if common fireworks are included in the category of explosives added to the EHS list range from about $31 million to about $42 million, which represents an incremental cost between $9 million and $11 million. The TPQ level(s) developed pursuant to any final rulemaking could affect the cost estimates presented above.

Listing commercial explosives as EHSs under section 302 would also affect reporting under sections 311 and 312 of title III. The current threshold for reporting EHSs under sections 311 and 312 is the TPQ or 500 pounds, whichever is lower. If such a threshold applied to explosives listed as EHSs, they would be required, under current regulations, to be reported under sections 311 and 312 at 500 pounds. Reporting under sections 311 and 312 would thus be greatly increased and could burden State and local planners, thereby reducing the effectiveness of their emergency planning activities. The cost of reporting under sections 311 and 312 is not included in the preliminary economic estimates supporting this notice. The Agency seeks comments on approaches to minimizing the reporting burden if commercial explosives are added to the EHS list.

D. Release Reporting

Under section 304 of title III, releases of CERCLA hazardous substances and EHSs into the environment in excess of their reporting triggers (the CERCLA RQ, or one pound for non-CERCLA EHSs) must be reported to the SERC and LEPC of any area likely to be affected by the release. In addition, on January 23, 1989 (54 FR 3388), EPA published a notice of proposed rulemaking (NPRM) to designate as CERCLA hazardous substances all current EHSs not already listed under CERCLA. If EHSs are also CERCLA hazardous substances, a release in quantities that equal or exceed an RQ must be reported to the National Response Center. The purpose of the January 23, 1989 NPRM is to achieve greater uniformity in the reporting requirements and to ensure that the Federal government is informed in the event of a release of these substances. The preamble to the NPRM states that EPA intends to designate new EHSs as CERCLA hazardous substances at the time they are added to the EHS list. Comment is sought on this proposed approach as it applies to the designation of commercial explosives as CERCLA hazardous substances.

Additionally, when adding chemicals to the CERCLA list, EPA is required to establish an RQ; a statutory RQ of one pound applies until an RQ is set by regulation. A reporting trigger of one pound also applies to non-CERCLA EHSs, unless adjusted by regulation. On August 30, 1989 (54 FR 35988), EPA proposed RQ adjustments for all EHSs that were proposed on January 23, 1989

[1] The technical background document on the potential criteria for listing explosives does not discuss common fireworks, which are DOT Class C explosives, because they are exempt from ATF regulations.

to be designated as CERCLA hazardous substances. If the decision is made to add explosives to the EHS list and the CERCLA list, application of the RQ adjustment methodology to these explosives would lead to an RQ of no greater than ten pounds based on the primary criterion of reactivity (50 FR 13468; April 4, 1985). Both accidental spills of unexploded explosives and intentional detonations of explosives would become subject to the reporting requirements and other relevant provisions of CERCLA and SARA Title III. Reporting of each intentional and legal detonation of an explosive at or above its RQ would not appear to be necessary and may be quite burdensome to both industry and Federal, State and local government. There may be some utility, however, in warning the local community concerning other releases of explosives at or above the RQ, as there is the potential for an accidental detonation of the released substance.

EPA is requesting comments on how to minimize the reporting burden on both facilities and governments, while ensuring that facilities using these chemicals in relatively small but potentially dangerous quantities report to the appropriate authorities. One suggested approach is to exempt from release reporting under section 103 of CERCLA and section 304 of SARA title III, detonations of explosives that result from the use of a blasting cap or other purposeful initiator. The exemption would be limited to a detonation that is in compliance with accepted industry standards and with applicable Federal, State, or local regulatory programs as defined by regulation. The Agency requests comments on whether such an approach would be feasible or useful.

E. Temporary Use

An issue that is particularly applicable to explosives, although it also may affect other chemicals and facilities, is the issue of temporary use. EPA is aware that many facilities that use explosives, such as those in the construction industry, do so for short periods of time, bringing explosive material components on-site, formulating some of the components into explosives, and then detonating the material all in the same day. The remaining explosive material components may then be moved off-site to another location. It is estimated that there may be as many as 140,000 temporary or transient facilities where explosives are used. Under section 302, once an EHS is present at a facility in excess of its TPQ, the owner and operator of that facility have 60 days to identify themselves as being subject to the planning provisions of the law.

EPA believes that the fact that the presence of an EHS at a facility is temporary should not affect the community's right to know. Further, temporary use does not mean that there is no community hazard associated with the use of the substance. For these reasons, facilities are required to report the presence of EHSs even though these substances may be present at the facility on a temporary basis. In the case of explosives, however, not only are they present at many facilities temporarily, but the storage facility itself (e.g., at a construction site) may be in existence for less than the 60 days within which the owner and operator must report. Thus, EPA believes that if such substances are added to the EHS list, it may be appropriate to grant an administrative reporting exemption or alternative reporting mechanisms under sections 302 and 303 of SARA title III for these facilities. Although inventory information under section 312 serves a dual purpose of providing information to the community and to response personnel, notification under section 302 is for the primary purpose of appropriate site-specific emergency response planning around the substance of concern. If neither the storage facility nor the substance is present after notification, then coverage under section 302 is of little value. However, this rationale would not apply to facilities that have substances on-site on an intermittent and recurring basis. Nor would this rationale necessarily apply to sections 311 and 312 of title III, whose primary purpose is to provide the public with information about the chemicals in the community.

The Agency seeks comments on potential reporting approaches for facilities that use explosives on a temporary, one-time basis, where those facilities cease to exist after such use. In order to focus comments on this issue, the Agency is setting forth two alternatives to the current notification and planning practices for EHSs that may be applied to "temporary explosive facilities." As used in the alternatives discussed below, a temporary explosive facility would be a facility at which explosives are present only during the 60-days following the day when explosives first become present at the facility in amounts equal to or exceeding the TPQ. EPA believes that most construction sites would qualify as temporary explosive facilities.

The first alternative to the existing notification and planning scheme under sections 302 and 303 for temporary explosive facilities would be to grant such facilities an administrative exemption from section 302 notification and section 303 planning requirements. Such an exemption would allow LEPCs to devote their planning resources to facilities that will exist and have EHSs present after the section 302 notification is submitted.

A second alternative would accommodate the planning requirements of title III by shortening the time period for section 302 notification applicable to temporary explosive facilities. The owner or operator of such a facility would be required to notify the SERC and LEPCs about the presence or anticipated presence of explosive EHSs at a facility in advance of a contemplated explosion. Such notifications could be made in advance of the day when EHSs become present at a facility, and would be required to be sufficiently far in advance of the contemplated explosion to allow the LEPC to request and obtain information that it would need for planning purposes. Owners or operators of several temporary explosive facilities in a State could file a notification for more than one such facility at one time. Thus, it would be possible for a construction contractor to periodically notify a SERC or LEPC concerning upcoming explosion locations within a State prior to using the explosives. This alternative would allow for timely notification and planning.

EPA seeks comments on these alternative reporting schemes and other possible approaches to notification and planning at temporary explosive facilities. Issues that commenters may wish to address include the burden on facilities, SERCs, and LEPCs of the current reporting method and the alternatives, and the benefits to the community, facilities, emergency planners, and emergency responders of the various reporting alternatives.

F. Request for Comments

EPA invites comments on issues associated with adding explosives to the EHS list. Comments are specifically requested on the following questions:

(1) Would using the ATF definitions and storage requirements be a satisfactory method for identifying facilities?

(2) Are the designs of magazines for storing commercial explosives and the storage distance requirements of the ATF regulations sufficiently stringent such that impacts of an accidental explosive detonation on neighboring communities might be negligible and

therefore notification would not be necessary?

(3) If quantities and distances specified in ATF's Table of Distances for Low Explosives are used to develop TPQs, would this result in adequate characterization of the hazards of these explosives? Should low explosives be excluded from the EHS list? Would a single TPQ based upon the more conservative AFT Table of Distances for High Explosives and blasting agents be appropriate for use in evaluating low explosives?

(4) Should explosives be listed as a category using the ATF definition (i.e., high and low explosives and blasting agents), rathr than individually listing each possible substance?

EPA would also welcome comments on the following more general issues:

(5) Is the level of overpressure of 1.0 psi the appropriate hazard criterion for assessing potential impacts of explosives on the community? (See technical background document in docket for a comparison of the effects of various overpressures.)

(6) Should temporary storage and use of less than 60 days be treated as a special case for reporting purposes? If not, would the additional reporting burden be justified by the benefits?

(7) Should explosives be listed if it is determined that *any* serious consequences (the potential for death or even injury) may occur from an accidental release, or only if some threshold level of serious consequence will result?

(8) Would listing explosives under section 302 serve a useful purpose not accomplished by reporting under other sections of Title III or other Federal regulatory schemes? Are current requirements sufficient to protect public health and safety without enhanced reporting under section 302?

(9) Would a shift in national planning priorities from toxic chemicals to explosives, which might result from adding these widely used chemicals to the EHS list, be in the interest of public safety and health?

(10) What would be the cost, information management, and planning impacts on industry, SERCs, and LEPCs if the facilities using explosives were to be covered by section 302, and what would be the planning benefits?

(11) Should explosive substances listed as EHSs be added automatically to the CERCLA list to provide for Federal release reporting, consistent with the general policy as proposed in the January 23, 1989 NPRM on designation of EHSs as CERCLA hazardous substances?

(12) Are there other appropriate listing criteria, ranking schemes, hazard criteria, or other hazards analysis methodologies that can be sued for differentiating hazards among explosive substances?

IV. Flammable Gases and Liquids

A. Technical Analysis

EPA reviewed information to determine whether and how to address the hazard of flammability. In keeping with the intent of the EHS list, which is to help the local community focus on the chemicals of the most immediate concern, it was necessary to characterize the hazards posed by flammable chemicals. A technical background document estimating and evaluating the consequences of accidents involving flammable gases and liquids has been prepared in support of this Notice and in preparation for future rulemakings, and is available in the Superfund docket. Other pertinent information is also presented in this document. EPA used several methodologies to evaluate the potential consequences on communities of different kinds of accidents involving flammable gases and liquids. These methodologies were used to estimate the distances between accident sites and resulting injury to humans for different quantities of chemicals using overpressure and thermal radiation as the hazard criteria.

EPA's analysis used software-based methodologies, including the World Bank Hazard Analysis (WHAZAN), as well as the *Handbook of Chemical Hazard Analysis Procedures* with the accompanying computer program ARCHIE, published by FEMA, DOT, and EPA. Non-computer based methodologies used include The Netherlands Ministry of Social Affairs-sponsored "Methods for the Calculation of the Physical Effects of the Escape of Dangerous Material," material from an American Institute of Chemical Engineers' sponsored course entitled "Methods for Calculation of Fire and Explosion Hazards," and the methodology used in the *Technical Guidance for Hazards Analysis*, also published by EPA, DOT, and FEMA. The various methods were used to evaluate accident consequences. In general, the methodologies were found to be in reasonable agreement regarding the potential impacts on neighboring communities of accidents involving release of flammable chemicals.

To differentiate the degree of hazard among flammable substances, EPA evaluated the potential consequences of accidents involving representative flammable chemicals. The five types of flammable chemical accidents evaluated include vapor cloud explosions, vapor cloud fires, boiling liquid expanding vapor explosions (BLEVEs), jet fires, and pool fires. Evaluations were carried out for instantaneous and prolonged releases and under conditions of moderate and worst-case meteorology. As a result, EPA has identified a class of flammable chemicals that may present a significant hazard to the community. These chemicals are highly volatile flammable chemicals that can readily vaporize and disperse. They can generally be characterized as chemicals with flash points and boiling points at or below ambient temperatures. The Agency has identified approximately 100 such flammable chemicals, including propane, butane, methane, hydrogen, pentane, acetaldehyde, and ethyl ether. These substances present primarily two hazards as a result of ignition: thermal radiation from fires and overpressure due to explosion. As a result of an incident at a facility, thermal radiation and overpressure may cause death to people located at distances greater than 100 meters from the source. For purposes of this analysis, hazard to the community is assumed to occur only at distances greater than 100 meters from the source. This distance of 100 meters has been chosen by the Agency to define the proximity of the community to a facility.

Both the choice of accident scenarios and the hazard criterion chosen have a significant impact on the estimated severity of the consequences. Using lethality as the critical consequence for the flammable analysis is consistent with the analysis used for the original EHS listings for toxicity. Similarly, the 100 meter fenceline assumption is consistent with the assumption used to estimate impacts in establishing TPQs for toxic EHSs. EPA is requesting comments on whether these approaches are appropriate for chemicals that present a physical hazard rather than a toxic hazard, and on the appropriate hazard criteria to use to represent a potential hazard to the community.

To evaluate the effects of explosions, overpressure levels between 0.5 and 3.0 psi were used in modeling analysis described in the technical background document. Based upon an evaluation of the available literature, the Agency chose 1.0 psi as an appropriate hazard criterion for evaluating the effects of explosions. An overpressure of 1.0 psi can result in the partial demolition of buildings and flying glass from shattered windows. Because this overpressure could theoretically cause death from

these secondary effects, this is the hazard criterion that was primarily used for the evaluation of hazards involving commercial explosives and vapor cloud explosions involving high volatile, highly flammable chemicals.

To evaluate the effects of various kinds of fires, a range of thermal radiation levels between 1.6 and 37.5 kilowatts per square meter (kw/m^2) was used in modeling analysis described in the technical background document. Using lethality as an endpoint, and based upon a review of the literature, the Agency chose a heat intensity of 12.5 kw/m^2 to represent the most appropriate hazard criterion. A thermal radiation level of 12.5 kw/m^2 may result in death when a person is exposed to this level for as little as 30 seconds.

Based upon EPA's analysis, the release of amounts greater than 10,000 pounds of a volatile, highly flammable substance may result in vapor cloud explosions, vapor cloud fires, and BLEVEs representing a hazard to the community from blast overpressure associated with vapor cloud explosions or thermal radiation from BLEVEs and fires. The Agency believes, therefore, that highly flammable chemicals may present a significant hazard from vapor cloud explosions in quantities greater than 10,000 pounds. Although the Agency's modeling analysis indicates that instantaneous releases of less than 10,000 pounds of flammable chemicals with boiling points at or below ambient temperatures (i.e., flammable gases) could result in vapor cloud explosions that may have lethal consequences at distances greater than 100 meters, EPA believes that much more significant hazards are posed to the community from much larger volumes of these substances which, as discussed elsewhere in this notice, are already reported under sections 311 and 312.

The potential hazard from explosions resulting from continuous releases of quantities less than 10,000 pounds is less clear, because the several models identified and used by EPA in performing this analysis provide reasonable information for vapor cloud explosions only under conditions of an instantaneous release. As the period increases over which a volatile substance is released, however, there is generally a reduction in both the magnitude and likelihood of a vapor cloud explosion, because dissipation of the released substance in the air over time reduces the quantity in the vapor cloud that is available for ignition or detonation.

Vapor cloud fires and BLEVEs of highly volatile, flammable chemicals may cause hazards to the community from thermal radiation. However, the Agency's analysis indicates that BLEVEs would not present a significant hazard to the community at less than 10,000 pounds. Vapor cloud fires were assumed to be potentially lethal to anyone inside the vapor cloud when it ignites. A concentration of 50 percent of the lower flammability limit (LFL) was used to define an ignitable vapor cloud. The concentration of 50 percent of the LFL was chosen as a conservative estimate, which compensates for non-uniformity of concentration in a cloud and the limitations of the release and dispersion models. Analysis was also carried out using 100 percent and 200 percent of the LFL. The analysis indicates that certain gases with very low boiling points and low molecular weights, such as hydrogen, ethylene, and propylene, may result in fires that could pose a hazard to the community. However, this result occurs only under conditions of an instantaneous release. Under the assumed modeling conditions, vapor cloud fires from prolonged releases do not appear to be a risk to the community.

Flammable gases include several high-volume, widely used fuels such as propane and butane, naturally occurring substances such as methane, and other high-volume chemicals such as ethylene. Under section 302, there are no statutory exemptions from the reporting requirements for EHSs. Coverage under this section is very broad and may cover a wide variety of facilities if one EHS is present in excess of its TPQ. Thus, listing of substances, such as propane, with TPQs less than 10,000 pounds may result in section 302 coverage of a very large number of facilities. Total chemical inventories at many of these facilities is expected to be small, posing a limited risk to the community, especially when compared to facilities with large volumes of flammable chemicals or other EHSs where the risk is substantial and clear. The addition of a significant number of such facilities nationally may overwhelm the planning process. Because of the potentially large number of facilities with relatively small amounts (less than 10,000 pounds) of these chemicals, the ability of LEPCs to focus on other facilities that may present a greater risk to public safety because of the size and variety of their chemical inventory may be impaired. Thus, for all of the reasons cited, EPA believes that the mandated reporting and resulting planning burden of including facilities with small amounts of these flammable chemicals in planning activities would not serve the best interest of the communities concerned with the EHS list. However, comments concerning this issue are invited.

Flammable substances are currently reportable under sections 311 and 312 at thresholds of 10,000 pounds where their hazard is identified under the hazard category "fire" or (in the case of flammable compressed gas) "sudden release of pressure" on the Tier I and Tier II annual inventory forms. An emergency contact is provided on these forms, along with the location of the chemicals. Also, information is available from the MSDS regarding the chemical's fire and explosion hazard. All of this information is provided to emergency responders as well as to local planners.

The Agency's preliminary determination regarding listing of flammable chemicals is based on EPA's review of the technical information, the value of the information available under section 302 and under other sections of Title III, and the public need for additional information about these chemicals. In evaluating its determination in response to comments on this document, EPA must consider whether flammable substances constitute a hazard severe enough to warrant that EPA mandate planning activity involving all facilities with certain threshold amounts of these substances, or whether the need to plan around these facilities should be left to determinations of SERCs and LEPCs based on the specific conditions at the local level.

B. Existing Guidance

Guidance covering flammable substances is currently available to, and used by, the emergency response and planning community. In order to assist communities in planning for emergencies, the National Response Team, comprised of 14 Federal agencies involved in hazardous materials emergency planning and response, has issued a *Hazards Materials Emergency Planning Guide*. Three Federal agencies, DOT, FEMA, and EPA, have jointly published two other documents to assist in local planning: The *Technical Guidance for Hazardous Analysis* and the *Handbook of Chemical Hazard Analysis Procedures* (the "hazard analysis handbook"). As previously noted, these documents have been used in EPA's analysis and technical support documents for today's Notice. The documents provide guidance to local emergency planners on performing hazards analyses to identify the location, nature, and magnitude of hazards to the community, including those represented by flammable substances. The hazard analysis

handbook specifically provides procedures for analyzing the consequences of accidents involving flammable substances and the hazards associated with their use. Additional guidance may be developed and issued by the Federal government in the future, as needs are identified, to assist local planners in assessing the information available under title III for specific hazards or concerns.

Other sources of information on the hazards associated with flammable substances also exist. The National Fire Protection Association (NFPA) classifies chemicals according to their flammability. NFPA ratings can be useful in identifying chemicals of significant concern. NFPA flammability ratings of "4" represent chemicals of most concern, including those with boiling points less than 100 °F (37.8 °C) and flash points less than 73 °F (22.8 °C). The NFPA rating is based upon review of physical and chemical properties of specific chemicals rather than a particular level of hazard from unforeseen accidents. DOT also classifies materials in transportation based on their flammability. Under the DOT proposed rule of November 6, 1987 (52 FR 42772), flammable gases (Hazard Class 2.1) and flammable liquids (Hazard Class 3) in Packing Group I, including those with boiling points less than 35 °C, are considered the most hazardous flammable substances. The guidance, classification schemes, and chemical lists developed by NFPA, DOT, and others, may provide LEPCs with sufficient information to classify flammable hazards and help to identify the facilities that may present the most serious hazards to their community.

C. Rationale for Not Listing Flammables as EHSs

Based on a review of all available data and a weighing of the benefits of listing flammables as EHSs, EPA currently believes that it is not necessary to add substances to the EHS list based solely upon their flammability. The Agency has reached this preliminary conclusion for several reasons. First, the benefits of listing flammables on the EHS list are unclear, given the reporting requirements under sections 311 and 312 for quantities of 10,000 pounds or greater, and the volume of information already available about specific chemicals and facilities using flammable chemicals. Further, although the Agency's evaluation indicates there may be hazards to the community (i.e., consequences at distances greater than 100 meters from the event) from very volatile flammable chemicals in quantities less than 10,000 pounds, such potential hazards are estimated primarily for instantaneous releases and are limited to possible vapor cloud explosions, vapor cloud fires, and BLEVEs. Furthermore, the evidence is not clear that these consequences will occur from such limited quantities or under other release conditions.

In general, major chemical and industrial facilities routinely store and handle flammable chemicals in quantities greater than 10,000 pounds. Thus, EPA believes that the provisions of sections 311 and 312 of title III that are triggered by a 10,000-pound threshold provide sufficient notification of major hazards involving flammables for local and State emergency planning officials. Adding flammables to the EHS list at greater than 10,000 pounds basically duplicates the reporting already being accomplished. Further, the Agency believes that if flammables were listed as EHSs at lower thresholds, the costs associated with reporting would be greater than the resulting benefits to the community. If EPA were to add such chemicals to the EHS list with less than a 10,000-pound TPQ, section 302 planning requirements would encompass large numbers of facilities with relatively small amounts of these substances (as compared to the very large quantities that chemical and industrial facilities generally store and use) and this would be of questionable value to the community. EPA believes that adding such chemicals to the EHS list would significantly increase the numbers of facilities around which planning is mandatory, which may shift priorities for planning on a national basis from toxics to flammables. Using the sources of information identified in today's Notice, local communities are better able to assess the need for planning concerning flammables at particular locations.

Listing these substances as EHSs under section 302 would also affect reporting under other title III programs. The current threshold for reporting EHSs under sections 311 and 312 is the TPQ or 500 pounds, whichever is less. If such a threshold applied to EHSs listed because of their flammability, chemicals added to the EHS list would, under current regulations, be required to be reported under sections 311 and 312 at 500 pounds. Unless thresholds for sections 311 and 312 are to be changed, reporting under sections 311 and 312 would thus be greatly increased and could overburden State and local planners, thereby reducing the effectiveness of their emergency planning activities.

In summary, EPA believes that adding flammable substances to the EHS list should not go forward at this time. Instead, LEPCs should use the information available to them under title III, especially sections 311 and 312, to identify facilities of concern, based on their storage and use of large quantities of highly flammable materials. LEPCs should use current guidance to evaluate risks on a site-specific, local basis. Any LEPC that believes that the information available to it indicates that a facility is at risk can include that facility in its planning process. Further, as stated above, the provisions of section 302(b)(2) provide a process for the SERC or the Governor to designate additional facilities to participate in the planning process if a facility proves resistant to voluntary compliance or if the LEPC through the SERC determines that certain classes of facilities represent hazards in their State or community. EPA is prepared to consider the expansion of the list of EHSs to include flammability criteria if industry cooperation and the designation authority proves an unreliable or ineffective method of dealing with flammables, or if comments on today's Notice indicate that such listing is needed for protection of public health.

D. Request for Comments

EPA invites comments on its preliminary decision not to add flammables to the EHS list. Comments are requested on the following specific questions, many of which are similar to the general questions regarding explosives:

(1) Would listing certain flammables under section 302 serve a useful purpose not accomplished by reporting under other sections of title III?

(2) Are the hazard criteria of 1.0 psi for overpressures, 12.5 kw/m ^{2} for heat effects, and 50 percent LFL for vapor cloud dispersion appropriate for defining whether there is a substantial potential hazard to a community? (See technical background document in docket for a comparison of effects using various hazard criteria.)

(3) Should chemicals be listed if it is determined that any serious consequences (the potential for death or even injury) may occur from an accidental release, or should there be a determination that some threshold level of serious consequence will result?

(4) Should the most conservative scenarios such as an instantaneous release from a storage vessel or other credible worst case assumptions be used for regulatory purposes to evaluate the consequences and, hence, the

hazards of accidents involving flammable chemicals?

(5) What would be the cost, information management, and planning priority impacts on industry, SERCs, and LEPCs if the facilities using flammable substances were to be covered by section 302 and what would the planning benefits be?

(6) Should flammable gases and/or very volatile liquids be treated as a special category of flammables, and if so, do they deserve special consideration for EHS listing?

(7) Because certain fuels, such as natural gas and natural gas liquids, cannot by law be listed under CERCLA, would undue confusion result if EPA chooses to add these chemicals only to the section 302 list, especially when all other EHSs are to be added to the CERCLA list?

(8) Are there other appropriate listing criteria, ranking schemes, hazard criteria, or hazards analysis methodologies that can be used for differentiating hazards among flammable substances?

(9) Would a shift in national planning priorities from toxic chemicals of concern to flammable substances, which might result from adding these large-volume, widely used chemicals to the EHS list, be in the best interest of public safety and health?

V. Non-commercial Explosives and Other Reactive Chemicals

EPA is currently working to identify approaches to evaluating the hazards associated with non-commercial explosives. Any decision on whether to proceed with rulemaking to add non-commercial explosives to the EHS list will, therefore, be deferred pending additional study of the issue. Comments are welcome on suggested approaches that should be evaluated or issues of concern that should be addressed. EPA will proceed to address the issues of commercial explosives and flammables while work continues on evaluating the hazards of non-commercial explosives. EPA has also examined chemicals that are highly reactive with air and water. Identifying common characteristics or specific properties that cause chemicals to be so reactive with air and water as to pose a hazard to the community requires additional study. Thus, any decision relating to this type of hazard will also be deferred pending additional review.

However, EPA would also like to encourage comment on some of the same questions asked about flammables and commercial explosives:

(1) Are there appropriate listing criteria, ranking schemes, hazard criteria, or evaluation methods that can be used for differentiating hazards among non-commercial explosive substances?

(2) Is differentiating between commercial and non-commercial substances an appropriate first step for listing decisions regarding explosives?

(3) Would the possible shift in national planning priorities from toxic chemicals of concerns to chemicals posing physical hazards be in the interest of public safety and health?

VI. Regulatory Approach

A. Alternative Approaches to Listing EHSs

In addition to the issues discussed above, EPA specifically seeks comments on alternative approaches to adding chemicals to the EHS list. For example, should EPA add a list of "other chemicals" that are known, through experience, to present a serious hazard to the community? Such listing of other chemicals would not necessarily be based upon specific physical/chemical properties or listing criteria (e.g., flammability, explosivity, reactivity) that would apply to all known substances having the same property or the same score on a scale. Instead, the substances would be determined on a case-by-case basis depending upon the concern about that chemical or group of chemicals. An "other chemicals" list might include substances such as ammonium perchlorate, which exploded in Henderson, Nevada in 1988. This "other chemicals" list could be in addition to or in place of listing criteria.

B. Other Alternatives

There may be other approaches in lieu of listing substances on the EHS list that could provide equivalent levels of safety while preserving the option of setting planning priorities at the local level. As discussed earlier, the provisions of section 302(b)(2) of title III provide a process for the SERC or the Governor to designate additional facilities to participate in the planning process, if the SERC determines that certain facilities represent hazards in their State or a particular community. In addition, section 312(e)(3) provides that Tier II information on hazardous chemicals in quantities below the 10,000-pound threshold must be provided by a covered facility upon request of a LEPC.

If State and local officials could use these authorities to effectively obtain information for planning purposes, the Federal government's role might be to augment State and local efforts by providing guidance materials on specific hazards and facilitate local emergency planning by providing guidance materials on emergency planning for specific hazards. Communities could be adequately and quickly informed of potential chemical risks through special hazard alerts from the Federal government. Guidance documents could assist State and local officials in establishing priorities for emergency planning. Equivalent levels of safety could be provided without relying on the regulatory process for adding new chemicals to the EHS list and possibly duplicating already existing reporting requirements. EPA seeks comments on whether these mechanisms should be used instead of adding chemicals to the EHS list or should supplement additions to the EHS list. Comments on other mechanisms that could be used by State and local officials to obtain needed chemical emergency preparedness information are also welcome.

VII. Conclusion

Emergency planning around hazardous materials is an important objective for State and local governments. EPA, under title III, initiated the process with its publication of a list of EHSs around which LEPCs would focus their initial planning efforts. EPA has proceeded to evaluate substances to determine how best to revise the list, adhering to the objectives of title III, and maintaining maximum flexibility at the local level for establishing planning priorities. This notice represents a first step in making these determinations.

Dated: August 17, 1990.

F. Henry Habicht,

Acting Administrator.

[FR Doc. 90–20100 Filed 8–24–90; 8:45 am]

BILLING CODE 6560–50–M

federal register

Monday
August 27, 1990

Part VI

Department of Energy

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; Notice

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy, and the Government of the United States of America and the Government of Japan concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/JA(SW)-3, for the transfer of 8 fuel rod segments containing 2.076 kilograms of uranium, enriched to 1.26 percent in the isotope uranium-235, and 17 grams of plutonium from Sweden to Japan. This material is being returned to Japan following tests to confirm fuel rod performance.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on August 24, 1990.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 20345 Filed 8-24-90; 11:42 am]

BILLING CODE 6450-01-M

federal register

Monday
August 27, 1990

Part VII

The President

Executive Order 12727—Ordering the Selected Reserve of the Armed Forces to Active Duty

Executive Order 12728—Delegating the President's Authority To Suspend any Provision of Law Relating to the Promotion, Retirement, or Separation of Members of the Armed Forces

Legislative Aids

Federal Register
Vol. 55, No. 166
Monday, August 27, 1990

Presidential Documents

Title 3—

The President

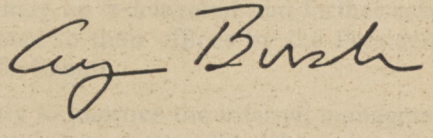
Executive Order 12727 of August 22, 1990

Ordering the Selected Reserve of the Armed Forces to Active Duty

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 121 and 673b of title 10 of the United States Code, I hereby determine that it is necessary to augment the active armed forces of the United States for the effective conduct of operational missions in and around the Arabian Peninsula. Further, under the stated authority, I hereby authorize the Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when the latter is not operating as a service in the Department of the Navy, to order to active duty units and individual members not assigned to units, of the Selected Reserve.

This order is intended only to improve the internal management of the executive branch, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

This order shall be published in the **Federal Register** and transmitted promptly to the Congress.



THE WHITE HOUSE,
August 22, 1990.

[FR Doc. 90-20453
Filed 8-24-90; 4:41 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12728 of August 22, 1990

Delegating the President's Authority To Suspend any Provision of Law Relating to the Promotion, Retirement, or Separation of Members of the Armed Forces

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 673c of title 10 of the United States Code and section 301 of title 3 of the United States Code, I hereby order:

Section 1. The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy, are hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by section 673c of title 10 of the United States Code (1) to suspend any provision of law relating to promotion, retirement, or separation applicable to any member of the armed forces determined to be essential to the national security of the United States, and (2) to determine, for the purposes of said section, that members of the armed forces are essential to the national security of the United States.

Sec. 2. The authority delegated to the Secretary of Defense and the Secretary of Transportation by this order may be redelegated and further subdelegated to subordinates who are appointed to their offices by the President, by and with the advice and consent of the Senate.

Sec. 3. This order is intended only to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

THE WHITE HOUSE,
August 22, 1990.

[FR Doc. 90-20454
Filed 8-24-90; 4:42 pm]
Billing code 3195-01-M

federal register

Monday
August 27, 1990

Part VIII

Office of Management and Budget

Initial Sequester Report to the President and Congress for Fiscal Year 1991

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

OFFICE OF MANAGEMENT AND BUDGET

Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991.

AGENCY: Office of Management and Budget

ACTION: Report Transmittal.

SUMMARY: This notice transmits the Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991 as required by 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).

DATE: August 25, 1990

Richard G. Darman
Director

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

August 25, 1990

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

Enclosed is the Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991. It is being submitted to you today, August 25, 1990, pursuant to Section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

Respectfully yours,

Richard G. Darman

Enclosure

IDENTICAL LETTERS SENT TO HONORABLE DAN QUAYLE,
HONORABLE THOMAS S. FOLEY

INITIAL OMB SEQUESTER REPORT TO THE PRESIDENT AND CONGRESS FOR FISCAL YEAR 1991

August 20, 1990

NOTE

Section 251(a)(2)(B) of the Balanced Budget and Emergency Deficit Control Act, as amended, requires that the initial OMB sequester report be submitted to the President and the Congress on August 25th. This report, issued August 20, 1990, will be resubmitted without change on August 25th, and will be published in the *Federal Register* pursuant to Section 251(b), in compliance with law.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

The following is the text of a letter transmitting the *Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991.*

August 20, 1990

The President
The White House
Washington, DC 20500

Dear Mr. President:

Enclosed please find the *Initial OMB Sequester Report to the President and Congress for Fiscal Year 1991.* It has been prepared 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).

As required by law, the budget estimates contained in this report are based on economic and technical assumptions published by the Office of Management and Budget in the July 16th Mid-Session Review, and on laws enacted and final regulations promulgated as of August 15, 1990.

The report finds that, under current law, sequestration is necessary in order to meet the Gramm-Rudman-Hollings (G-R-H) deficit reduction target. Accordingly, an initial Presidential sequestration order has been prepared for issuance on August 25th. It would require the withholding of funds as of October 1st. Based on guidance previously issued by OMB, departments and agencies are developing detailed plans to manage programs consistent with reduced funding levels beginning October 1st.

This initial sequester report estimates the fiscal year 1991 G-R-H baseline deficit (which is different from the estimated consolidated budget deficit) to be $85.4 billion above the $64 billion deficit target. This estimate strictly adheres to the requirements of the G-R-H law. Consequently, it reflects events that are likely not to happen, such as the expiration of the food stamp program, or the failure to increase funding authority for S&L case resolutions. By making some reasonable assumptions, including the reauthorization of the food stamp program, the sequester estimate for the October final sequester report would rise to $105 7 billion if no deficit-reducing legislation were enacted by that report's snapshot date.

This report provides calculations of the amounts and percentages by which various budgetary resources would be reduced under current law (i.e., under the assumption of a necessary $85.4 billion sequester) and under the laws likely to be in effect in October absent successful budget negotiations (i.e., under the assumption of a likely $105.7 billion sequester). As required by law, the report includes projected budget baseline levels, economic assumptions, a discussion of the sequestration calculations, and comparisons with the estimates provided by the Director of the Congressional Budget Office in his report.

IDENTICAL LETTERS SENT TO HONORABLE DAN QUAYLE, HONORABLE THOMAS S. FOLEY

Our preferred course remains the negotiation of a Budget Summit agreement that provides for continued economic growth and responsible deficit reduction. That will require good faith effort and prompt action by the Congress when it returns from its August recess. Absent responsible Congressional action, sequester will go into effect—as required by law.

Respectfully yours,

Richard G. Darman
Director

Enclosure

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GENERAL NOTES

1. All years referred to are fiscal years unless otherwise noted.
2. Details in the tables and text may not add to totals because of rounding.
3. Unless otherwise noted, the source of all data in this report is the Office of Management and Budget.
4. Unless otherwise noted, "the Act" refers to 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).

I. THE G-R-H BASELINE DEFICIT

The Balanced Budget and Emergency Deficit Control Act of 1985, as amended, (commonly known as Gramm-Rudman-Hollings, or G-R-H) sets deficit targets for 1991 through 1993. The Act requires automatic reductions in selected programs (a sequester) to achieve these targets if they cannot be reached through the legislative process. The table below shows the deficit targets specified in the Act. Except in 1993, the Act allows a $10 billion margin-of-error. However, if the deficit exceeds the sequester trigger level, which is $74 billion in 1991, the Act requires a sequester sufficient to reduce the baseline deficit to the target level—$64 billion in 1991.

Deficit Targets

(In billions of dollars)

Fiscal Year	Target Deficit	Sequester Trigger
1991	64.0	74.0
1992	28.0	38.0
1993	zero	zero

Under the Act, the Director of the Office of Management and Budget (OMB) is obliged to determine each year whether or not sequestration is necessary and, if so, the magnitude of the sequester. The Congressional Budget Office (CBO) is obliged to prepare independently its own sequestration reports. The CBO reports are transmitted to the Director of OMB and to Congress, and provide a basis for comparison against which Congress and others may assess the OMB reports. The OMB reports to the President and the Congress provide the basis for sequestration orders to be issued by the President. The timetable for the OMB and CBO reports and Presidential orders for calendar year 1990 is as follows:

Report or Order	Date
Snapshot date for initial OMB and CBO report	August 15th
Initial CBO report	August 20th
Initial OMB report	August 25th
Initial Presidential order	August 25th
Revised CBO report	October 10th
Revised OMB report	October 15th
Final Presidential order	October 15th

OMB issued an estimate of the G-R-H baseline deficit in the Mid-Session Review of the Budget, which was published on July 16, 1990. Under the Act, subsequent G-R-H reports must use the economic and technical assumptions used in the Mid-Session Review. Both the initial OMB and CBO sequestration reports are based on laws enacted and regulations promulgated as final as of August 15th (the snapshot date).

As required by the Act, this report:

- estimates the 1991 G-R-H baseline deficit, using the economic and technical assumptions indicated in the Mid-Session Review;
- calculates the sequester amounts required; and
- presents and explains significant differences between the estimates in this report and the estimates in the CBO report.

Baseline Estimates

This report shows the current-law G-R-H baseline deficit (which is different from the consolidated budget deficit) to be $149.4 billion, $85.4 billion above the $64 billion deficit target specified in the Act for 1991 and $75.4 billion above the level that would trigger a sequester. As shown in Table 1, OMB's current 1991 G-R-H baseline estimate for receipts is $1,121.7 billion. G-R-H baseline outlays are estimated to total $1,271.2 billion. These estimates include the receipts and outlays of the off-budget social security trust funds, although social security benefits themselves are exempt from sequestration.

The G-R-H baseline estimates assume that current law for revenues and spending authority (including most entitlements) will continue unchanged, and that expiring provisions of law providing revenues and spending authority will terminate as scheduled, except as provided in the G-R-H Act.[1] Because no 1991 appropriations bills have been enacted, baseline estimates for discretionary spending accounts are based on the 1990 appropriations adjusted for inflation and pay costs.

By following the specifications set forth in the Act for developing the baseline, the G-R-H estimates in this report include no adjustments for anomalies that result from the requirements of the Act. For instance, the G-R-H estimates assume that in 1991 the authorization for the food stamp program will expire and that the 1990 decennial census will be repeated in 1991. The latter certainly will not occur, and the former is highly unlikely. Nonetheless, the G-R-H Act requires that the baseline be calculated as if these unlikely events were reality.

In addition, the Act requires that G-R-H estimates of the Resolution Trust Corporation (RTC) net outlays be constrained by the current law limit on the availability of RTC funding as provided by the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 (Public Law 101–73). It now appears that the RTC may reach the $50 billion limit in early 1991. For G-R-H baseline purposes, therefore, the RTC must be treated as if it were to run out of funds. Assuming no additional funding, RTC outlays could range from $-14 billion to $14 billion. The G-R-H estimates use a figure in the middle of this range, producing RTC outlays for 1991 of about $0.1 billion. In reality, RTC net outlays for 1991 are likely to exceed $50 billion—but, since this requires a change of law, the G-R-H baseline does not reflect this fact.

For purposes of estimating the final sequester amount that would be reported in October absent successful budget negotiations, it seems reasonable to assume the continuation of the food stamp program and a return to normal operating levels for the Census Bureau. In addition, recently passed legislation that is being prepared for the President's signature will, if signed, be reflected in the October estimates. Spending from the RTC, however, including administrative expenses and interest payments to the Federal Financing Bank, could be excluded from the baseline totals—in part because current law limits total RTC spending, in part because that law may not be changed prior to October 15th, and in part because many believe that RTC expenditures should be excluded from G-R-H sequester calculations. Under these assumptions, the potential October G-R-H baseline deficit excluding RTC would be $169.7 billion in 1991, $105.7 billion above the $64 billion deficit target. (The consolidated budget deficit would then be $232.3 billion.)

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[1] The G-R-H Act allows for continuation of expiring programs in the following cases: excise taxes dedicated to a trust fund (but not spending authority in that trust fund); Commodity Credit Corporation price support programs; contract authority for transportation trust funds; and authority to provide insurance through the Federal Housing Administration fund.

Table 1.—G-R-H Baseline Totals for 1991

(In billions of dollars)

	Laws and regulations in effect as of			Potential October 15, 1990 Estimate
	January 1, 1990	July 10, 1990	August 15, 1990	
G-R-H Receipts	1,121.7	1,121.7	1,121.7	1,121.3
G-R-H Outlays	1,269.4	1,270.1	1,271.2	1,291.0
G-R-H Deficit	147.6	148.4	149.4	169.7

Memorandum: Consolidated Budget Deficit: $232.3 billion.

OMB's estimate of the G-R-H baseline deficit is further affected by a technical spendout requirement specified in the G-R-H Act. The Act requires that in developing the G-R-H baseline the Director of OMB shall assume that the aggregate spendout rate (the ratio of new outlays to new budgetary resources) from sequesterable discretionary resources for defense programs not differ by more than one-half percentage point from the comparable rate contained in the sequester report submitted for the previous fiscal year. The Act applies the same requirement to nondefense programs. The estimates for defense programs meet this requirement. To meet the requirement for nondefense programs, however, a $0.1 billion upward adjustment of the estimated outlays from new budgetary resources is needed in order to bring the aggregate spendout rate within one-half a percentage point of the benchmark rate.

Initial Sequester Order

Because these estimates indicate that a sequester would be required for 1991 under current law, the President is required to issue an initial sequester order to withhold, beginning October 1st, funds necessary to reduce outlays by $85.4 billion. The initial order for 1991 will be issued on August 25, 1990, and become effective on October 1, 1990.

Given the unprecedented size of the reductions that are required by the sequester estimate in this report, OMB issued additional guidance requiring all departments and agencies to develop detailed plans on how to manage sequesterable programs after October 1st. These plans, which will be submitted to OMB for review by August 27th, are anticipated to indicate that significant reductions-in-force, furloughs, and hiring freezes will be required to reduce staff costs. For an illustrative description of the programmatic impact of a potential $100 billion sequester, see pages 18 through 38 of the Mid-Session Review.

The final sequester report and final Presidential order for 1991 are to be issued on October 15, 1990. The final report will take into account additional measures enacted or promulgated by the snapshot date that affect the deficit estimates.

Changes Since January

Estimates of the G-R-H baseline using current economic and technical assumptions but assuming laws and regulations in effect on January 1, 1990, produce a fiscal year 1991 deficit of $147.6 billion. Table 2 shows the impact on this estimated deficit of legislation enacted and final regulations promulgated since January. In total, these policy changes have increased the baseline deficit by $1.8 billion.

The Dire Emergency Supplemental Appropriations Act of 1990 (Public Law 101–302) increased the 1991 baseline deficit by $0.7 billion. Since the Mid-Session Review, the change in the deficit estimate is due primarily to the issuance of Executive Orders 12722–12725, which freeze Iraqi and Kuwaiti government assets and prohibit transactions with Iraq and Kuwait. As a result of the embargo, defaults on loans guaranteed by the Commodity Credit Corporation and the Export-Import Bank are expected to increase, adding $0.9 billion in outlays. Although a substantial impact on oil prices and other economic factors is expected as a result of the Iraqi invasion of Kuwait, these economic effects

are not reflected in this report. The G-R-H law requires that the estimates in this report use the Mid-Session Review economic assumptions.

Congress passed legislation before it adjourned for its August recess that had not been presented to the President by the August 15th snapshot date. As required by the G-R-H law, these bills are not reflected in this report's estimates, but will, if signed, be included in the baseline estimates of the final sequester report in October. These measures—customs and trade legislation (H.R. 1594) and oil spill liability legislation (H R. 1465)—are currently estimated to decrease the deficit by $0.2 billion.

Legislative changes that could occur by the October final report reflect the reasonable assumptions described above: reauthorizing the food stamp program; funding the Census Bureau consistent with its normal operating level; and providing additional funding for RTC but removing it from the G-R-H deficit calculation. These potential changes combined with the legislation awaiting Presidential signature would increase the deficit by $20.2 billion. If action is not taken on RTC before October 15th, the potential October G-R-H baseline deficit would be $2.6 billion lower, primarily due to the absence of debt service on additional RTC funding.

Table 2.—G-R-H Baseline Deficits for 1991—Based on Laws in Effect in January, July, August, and October

(In billions of dollars)

January G-R-H baseline deficit	147.6
Changes in law January 1st–July 10th:	
1990 supplemental appropriations	0.7
Other (including debt service)	0.1
Subtotal, changes in law January 1st–July 10th	0.8
July (Mid-Session Review) G-R-H baseline deficit	148.4
Changes in law July 10th–August 15th:	
Executive Orders 12722–12725	0.9
Other (including debt service)	0.1
Subtotal, changes in law July 10th–August 15th	1.0
August G-R-H baseline deficit	149.4
Potential changes August 15th–October 15th:	
Customs and Trade Act of 1990 (H.R. 1594)	−0.2
Oil Pollution Act of 1990 (H.R. 1465)	*
Food stamp reauthorization	18.0
Census Bureau	−1.1
Remove Resolution Trust Corporation	−0.1
Debt service [1]	3.5
Subtotal, potential changes August 15th–October 15th	20.2
Potential October G-R-H baseline deficit, excluding RTC	169.7
MEMORANDUM	
Net deficit reduction achieved January 1st–August 15th	−1.8

* $50 million or less.
[1] Includes $2.7 billion of debt service on additional RTC funding.

II. ECONOMIC ASSUMPTIONS

The principal economic assumptions underlying the G-R-H baseline estimates for 1991 are shown in Table 3. The Act requires the OMB Director to estimate the rate of real GNP growth for the last two quarters of fiscal year 1990 and for each quarter of fiscal year 1991. These estimates are shown in Table 4. Notwithstanding significant intervening events (such as those in the Mideast), these economic assumptions are the same as those used by OMB for its Mid-Session Review of the Budget—as required by law.

Table 3.—Economic Assumptions

(Fiscal year 1991)

Gross National Product:	
Current dollars (in billions of dollars)	5,853.6
Percent change, year over year	7.0
Constant dollars (in billions of dollars)	4,311.4
Percent change, year over year	2.6
GNP Implicit Price Deflator (percent change, year over year) [1]	4.3
CPI-W (percent change, year over year)	4.3
Civilian Unemployment Rate (percent, fiscal year average)	5.7
Interest Rates (fiscal year average):	
91-day Treasury bills	7.2
10-year Treasury notes	8.2

[1] As required under the Act, the discretionary program inflation adjustment and pay raise costs are estimated using the increase in the GNP deflator (4.2 percent) from the economic assumptions presented in January. All other estimates in this report, however, use the economic assumptions presented in the Mid-Session Review of the Budget and shown in this table.

Table 4.—Real Economic Growth Rates by Quarter

(In percent, annual rates)

FY 1990			FY 1991			
Actual		Estimate	Estimates			
Jan.–Mar. 1990 [1]	Apr.–June 1990 [2]	July–Sept. 1990	Oct.–Dec. 1990	Jan.–Mar. 1991	Apr.–June 1991	July–Sept. 1991
1.3	2.2	2.5	2.8	2.8	2.8	3.0

[1] As reported by the Department of Commerce (May 24, 1990) and used in the Mid-Session Review of the Budget. Subsequently, the Department of Commerce revised the "actual" for January–March 1990 to 1.7 percent. Pursuant to the Act, OMB may not update the Mid-Session figure for purposes of estimating the G-R-H baseline.

[2] On July 27, 1990, the Department of Commerce reported an advance "actual" for April–June 1990 of 1.2 percent.

III. COMPOSITION OF G-R-H BASELINE OUTLAYS AND RESOURCES SUBJECT TO SEQUESTER

For defense and nondefense programs combined, an estimated $921.6 billion in outlays, or 72 percent of total outlays, are associated with budgetary resources exempt from sequestration under current law. This total for exempt programs includes military personnel accounts, which the President has chosen to exempt under authority provided in the G-R-H Act. The burden of sequestration, therefore, falls on programs that comprise the remaining 28 percent of budget outlays. Of these outlays, defense programs account for 35 percent, special rule nondefense programs account for 31 percent, and other nondefense programs account for 34 percent.

Table 5 provides further detail on the G-R-H baseline outlay estimates for 1991 under current law and assuming reauthorization of the food stamp program and other changes that could occur by October. An estimated $121.1 billion of 1991 outlays for defense programs, or 40 percent of total defense outlays, are associated with budgetary resources subject to an across-the-board percentage reduction.

An estimated $228.5 billion of outlays for nondefense programs, or 24 percent of total nondefense outlays, are associated with sequesterable budgetary resources under current law. About $108.3 billion of these outlays, or 11 percent of total nondefense outlays, are for programs with automatic spending increases and for certain special rule programs, the largest of which is medicare. The Act limits the extent of spending reductions for these programs. Of the total estimated 1991 nondefense outlays of $964.7 billion, an estimated $120.3 billion—about 12 percent of nondefense outlays—are associated with budgetary resources subject to an across-the-board percentage reduction.[2] An estimated $736.2 billion of nondefense outlays, or 76 percent of total nondefense outlays, are exempt from sequestration.

A sequester does not reduce outlays directly; rather, it permanently cancels budget authority and other authority to obligate and expend funds (except that special rules apply to amounts sequestered in special and trust funds). For defense programs, sequesterable budgetary resources consist of new budget authority provided for 1991 and unobligated balances of budget authority provided in previous years. For nondefense programs, the sequesterable budgetary resources are new budget authority; new direct loan obligations, commitments, or limitations; new guaranteed loan commitments or limitations; obligation limitations; and spending authority as defined in Section 401(c)(2) of the Congressional Budget Act of 1974. This definition of spending authority includes various mandatory and permanent appropriations, as well as Federal payments financed by offsetting collections that are credited to budget accounts.

The Act exempts a number of programs and activities of the Federal Government from the sequestration process. As shown in Table 5, the largest are social security benefits, net interest, certain low-income programs, most Federal retirement and disability benefits, veterans compensation and pensions, and regular State unemployment insurance benefits. Also exempt from sequestration are prior legal obligations of the Government in certain specified budget accounts. Outlays from obligated or unobligated balances of prior-year appropriations for nondefense programs are generally not subject to sequestration.

Federal administrative expenses for most otherwise exempt programs and activities, however, are sequesterable, including programs that are self-supporting. Although budgetary resources available for Federal pay are subject to sequestration, the Act provides that rates of pay for civilian employees (and rates of basic pay, basic subsistence allowances, and basic quarter allowances for members of

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[2] The estimated $120.3 billion nondefense total subject to across-the-board reduction excludes $5.7 billion of 1992 outlays for Commodity Credit Corporation (CCC) that would also be subject to a 1991 sequester.

the uniformed services), or any scheduled pay increases, may not be reduced pursuant to a sequestration order.

Certain programs and activities, while not exempt, are subject to special rules that have the effect of limiting the amount of the spending reduction. For example, the sequestration reduction for medicare, veterans medical care, and certain health programs (but not for the administrative expenses of these programs) is limited to two percent annually. In addition, the total amount of the automatic spending increases in three programs specified in the Act is sequesterable, but the program bases are exempt. Although the Federal share of extended unemployment benefits is sequesterable, if States act to increase their share by the amount of the reduction in the Federal share, total budget outlays, which include both the Federal and State shares, will not be changed by the sequestration.

For credit programs, the measures governing sequesterable budgetary resources are direct loan obligations and guaranteed loan commitments. In the event of a sequester, the Act requires that credit limitations enacted in annual appropriations acts be reduced, and that *de facto* limitations be imposed on both types of new credit activity where there is no enacted limitation.

Table 5.—Composition of G-R-H Baseline Outlay Estimates for 1991

(Dollar amounts in billions)

	August Estimate		Potential October Estimate	
	Outlays	Percent of Total	Outlays	Percent of Total
Defense programs: [1]				
Subject to across-the-board reduction	121.1	9.5	121.1	9.4
Exempt from sequestration [2]	185.4	14.6	185.4	14.4
Subtotal, defense programs	306.4	24.1	306.4	23.7
Nondefense programs:				
Subject to sequestration:				
Certain programs with automatic spending increases [3]	1.4	0.1	1.4	0.1
Certain special rule programs [4]	106.9	8.4	106.9	8.3
Subject to across-the-board reductions [5]	120.3	9.5	119.3	9.2
Subtotal, subject to sequestration	228.5	18.0	227.6	17.6
Exempt from sequestration:				
Social security	264.6	20.8	264.6	20.5
Federal retirement, disability, and workers compensation	70.8	5.6	70.8	5.5
Earned income tax credit	4.7	0.4	4.7	0.4
Low-income programs [6]	82.7	6.5	100.7	7.8
Veterans compensation and pensions	15.9	1.3	15.9	1.2
State unemployment benefits	18.2	1.4	18.2	1.4
Offsetting receipts and collections	-64.0	-5.0	-64.7	-5.0
Net interest	192.1	15.1	195.6	15.2
Other [7]	151.3	11.9	151.2	11.7
Subtotal, exempt from sequestration	736.2	57.9	757.0	58.6
Subtotal, nondefense programs	964.7	75.9	984.6	76.3
Total	1,271.2	100.0	1,291.0	100.0

[1] Function 050, excluding Federal Emergency Management Agency (FEMA) programs.
[2] Largely outlays from military personnel accounts and obligated balances.
[3] National Wool Act, special milk, and vocational rehabilitation programs.
[4] Guaranteed student loans, foster care and adoption assistance, medicare, veterans medical care, and other health programs.
[5] Excludes $5.7 billion in estimated 1992 outlays for CCC that would be subject to a 1991 sequester.
[6] Family support payment, child nutrition, medicaid, food stamps, SSI, and WIC.
[7] Outlays from prior year appropriations, certain prior legal obligations, and other exempt programs.

IV. SEQUESTRATION CALCULATIONS

This report indicates that, under current law, an outlay reduction of $85.4 billion, the difference between the current baseline deficit and the target of $64 billion, is required. The reductions are determined using the following steps, as shown in Table 6. The table also presents the calculations for a $105 7 billion sequester, reflecting the reauthorization of the food stamp program and other changes that could occur by the October final sequester report.

First, one-half of the required deficit reduction is assigned to defense programs (budget accounts in the national defense function, 050, excluding the Federal Emergency Management Agency) and the other half to nondefense programs.

Second, the savings from eliminating automatic spending increases in three specific programs, which are listed in Table 7, are applied to the required reduction in outlays for nondefense programs. The amount of savings from eliminating these adjustments in 1991 is $58 million.

Third, the amount of outlay savings to be obtained from programs subject to other special sequestration rules, also listed in Table 7, is then calculated. The estimated savings from these special rule programs, $1.8 billion for 1991, are applied toward the required spending reductions in nondefense programs.

Table 6.—Sequestration Calculations for 1991

(Dollar amounts in billions)

	August Estimate	Potential October Estimate
Required deficit reduction	85.4	105.7
Defense programs: [1]		
Total required outlay reductions	42.7	52.8
Estimated outlays associated with across-the-board sequesterable budgetary resources [2]	121.1	121.1
Uniform reduction percentage	35.3%	43.6%
Nondefense programs:		
Total required outlay reductions	42.7	52.8
Estimated savings from automatic spending increases	0.1	0.1
Estimated savings from the application of special rules	1.8	1.8
Amount remaining to be obtained from uniform percentage reductions of budgetary resources	40.8	50.9
Estimated outlays associated with across-the-board sequesterable budgetary resources [3]	126.0	125.1
Uniform reduction percentage	32.4%	40.7%

[1] Function 050, excluding FEMA programs.
[2] Reflects Presidential exemption of military personnel accounts.
[3] Includes $5.7 billion in estimated 1992 outlays for the CCC and $3.5 billion in outlays from offsetting collections that are subject to a 1991 sequester.

The reductions in defense programs and remaining reductions in nondefense programs are applied to budgetary resources on a uniform percentage basis, computed separately for each category. The uniform reduction percentages are computed from outlay estimates. The remaining outlay savings to be achieved separately in defense and nondefense spending are divided by the estimated outlays associated with sequesterable budgetary resources in each category. The two resulting uniform reduction percentages for defense and nondefense are then applied separately to all of the remaining

sequesterable budgetary resources (budget authority, credit authority, and other spending authority) in each category.

Under current estimates, the uniform percentage reduction is 32.4 percent for nondefense programs. For defense programs, on August 10, 1990, the Director of OMB notified Congress of the President's intent to exempt the military personnel accounts from sequestration, as permitted by the G-R-H Act. For the remaining defense programs subject to sequester, the uniform percentage reduction is 35.3 percent. The potential estimates for the October report indicate even higher uniform percentage reductions: 40.7 percent for nondefense programs and 43.6 percent for defense programs.

The Act requires special calculations to achieve the uniform percentage reduction for child support enforcement (CSE). The Federal matching rate on most CSE expenditures would be reduced under a 32.4 percent sequester from 66 percent to 39 percent, and the rate for computer-related expenditures and genetic testing would be reduced from 90 percent to 53 percent. Nondefense savings from the across-the-board reductions also include 1992 outlay savings from the Commodity Credit Corporation (CCC). Under the Act, CCC outlay reductions in 1992 resulting from contract adjustments made in 1991 following a sequester are to be credited to the overall outlay reduction required in 1991. Under a 32.4 percent sequester, the 1992 outlay savings for CCC would be $1.9 billion; they would be $2.3 billion under a 40.7 percent sequester.

Table 7.—Programs Subject to Special Sequestration Rules

(Outlay amounts in millions of dollars)

	Required Outlay Reductions	Scheduled Increase (percent)
Programs with Automatic Spending Increases Subject to Sequestration:		
National Wool Act [1]	5	4.8
Special milk program [2]	—	—
Vocational rehabilitation [3]	53	4.5
Total	58	
Other Programs Subject to Special Sequestration Rules:		
Guaranteed student loans	36	
Foster care and adoption assistance	4	
Health programs with sequester limited to 2 percent:		
Medicare	1,598	
Veterans medical care and other health programs	208	
Total	1,845	

[1] Payment increases are based on changes in the wool parity price.

[2] Benefits are indexed to the Producer Price Index for Fresh Processed Milk. No automatic increase is projected for 1991.

[3] The automatic spending increase for this program is specified in the program's authorizing legislation and requires an annual percent increase in funding for the State grant and Indian set-aside portions of the program equal to the percentage change in the Consumer Price Index for urban consumers over the past year.

Table 8–A.—G-R-H Pre- and Post-Sequester Baseline Estimates for 1991 by Function, August Baseline

(In billions of dollars)

Function	August Baseline		Post-Sequester		Sequester Estimate	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
National defense	314.2	306.8	231.9	263.9	82.2	42.8
International affairs	19.9	18.2	13.3	14.9	6.6	3.3
General science, space, and technology	15.2	15.2	10.3	12.2	4.9	3.0
Energy	6.8	4.9	4.7	3.2	2.1	1.6
Natural resources and environment	18.9	18.6	11.6	14.1	7.3	4.5
Agriculture [1]	19.0	14.3	16.7	11.7	2.4	2.6
Commerce and housing credit	17.2	16.2	16.0	14.6	1.2	1.7
Transportation	32.3	30.9	22.0	27.3	10.3	3.6
Community and regional development	9.4	8.1	7.0	7.5	2.4	0.6
Education, training, employment, and social services	43.7	42.5	32.6	38.6	11.1	3.9
Health	68.2	67.0	62.2	64.6	6.0	2.4
Medicare	122.9	105.4	122.9	103.1	*	2.3
Income security	179.5	146.3	173.6	143.4	5.8	3.0
Social security	340.6	266.9	340.6	266.3	—	0.6
Veterans benefits and services	31.9	31.4	30.7	30.5	1.2	0.9
Administration of justice	14.0	13.0	9.5	9.8	4.5	3.2
General government	12.8	11.9	8.5	8.4	4.3	3.5
Net interest [2]	192.1	192.1	188.2	188.2	3.9	3.9
Allowances (spendout rate adjustment)	—	0.1	—	0.1	—	*
Undistributed offsetting receipts	-38.7	-38.7	-38.7	-38.7	—	—
Total	1,419.9	1,271.2	1,263.6	1,183.6	156.3	87.5

* $50 million or less.

[1] Estimates exclude $5.7 billion of 1992 CCC budget authority and outlays that would be subject to a 1991 sequester of $1.9 billion.

[2] Estimates reflect the $3.9 billion debt service reduction that results from the sequester.

Table 8–B.—G-R-H Pre- and Post-Sequester Baseline Estimates for 1991 by Function, Potential October Baseline

(In billions of dollars)

Function	Potential October Baseline		Post-Sequester		Sequester Estimate	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
National defense	314.2	306.8	212.6	253.9	101.6	52.9
International affairs	19.9	18.2	11.6	14.0	8.3	4.1
General science, space, and technology	15.2	15.2	9.0	11.4	6.2	3.8
Energy	6.8	4.9	4.2	2.8	2.6	2.1
Natural resources and environment	19.0	18.7	9.7	13.0	9.2	5.7
Agriculture [1]	19.0	14.3	16.1	11.0	3.0	3.3
Commerce and housing credit	16.0	15.1	15.0	13.4	1.0	1.7
Transportation	32.3	30.9	19.3	26.3	12.9	4.5
Community and regional development	9.4	8.1	6.4	7.4	3.0	0.7
Education, training, employment, and social services	43.7	42.5	29.8	37.6	13.9	4.9
Health	68.2	67.0	60.6	64.0	7.6	3.0
Medicare	122.9	105.4	122.9	102.9	0.1	2.5
Income security	198.2	164.4	190.9	160.7	7.3	3.7
Social security	340.6	266.9	340.6	266.1	—	0.8
Veterans benefits and services	31.9	31.4	30.4	30.3	1.5	1.1
Administration of justice	13.3	12.4	7.7	8.3	5.6	4.1
General government	12.8	11.9	7.4	7.5	5.4	4.4
Net interest [2]	195.6	195.6	190.8	190.8	4.8	4.8
Allowances (spendout rate adjustment)	—	0.1	—	*	—	*
Undistributed offsetting receipts	-38.7	-38.7	-38.7	-38.7	—	—
Total	1,440.4	1,291 0	1,246.3	1,182.9	194.1	108.1

* $50 million or less

[1] Estimates exclude $5 7 billion of 1992 CCC budget authority and outlays that would be subject to a 1991 sequester of $2.3 billion.

[2] Estimates reflect the $4.8 billion debt service reduction that results from the sequester.

Table 9–A.—G-R-H Pre- and Post-Sequester Baseline Estimates for 1991 by Agency, August Baseline

(In billions of dollars)

Agency	August Baseline		Post-Sequester		Sequester Estimate	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
Legislative Branch	2.3	2.4	1.7	1.8	0.7	0.6
The Judiciary	1.8	1.8	1.3	1.3	0.5	0.5
Executive Office ofthe President	0.3	0.3	0.2	0.2	0.1	0.1
Funds Appropriated to the President	13.0	12.1	8.4	10.3	4.6	1.7
Agriculture [1]	43.0	35.3	37.5	29.7	5.5	5.6
Commerce	3.8	3.8	2.6	2.8	1.3	1.0
Defense—Military	303.5	296.3	224.9	255.9	78.5	40.4
Defense—Civil	38.7	26.3	37.5	25.6	1.2	0.8
Education	25.7	25.0	19.2	23.6	6.5	1.4
Energy	15.1	13.8	9.4	9.9	5.7	3.9
Health and Human Services, except Social Security	234.7	216.0	226.0	208.4	8.7	7.6
Health and Human Services, Social Security	336.6	262.9	336.6	262.3	—	0.6
Housing and Urban Development	18.2	23.3	13.5	22.6	4.7	0.7
Interior	6.5	6.2	4.0	4.3	2.6	1.9
Justice	9.7	8.8	6.6	6.7	3.1	2.1
Labor	32.2	28.1	30.2	26.8	2.0	1.3
State	4.5	3.9	3.3	3.0	1.2	0.9
Transportation	31.2	29.9	21.2	26.5	10.0	3.4
Treasury [2]	277.4	276.3	270.7	269.9	6.7	6.4
Veterans Affairs	31.8	31.2	30.6	30.3	1.2	0.9
Environmental Protection Agency	5.6	5.7	3.7	5.2	1.9	0.6
General Services Administration	1.8	0.9	1.2	0.8	0.7	0.2
National Aeronautics and Space Administration	12.9	12.9	8.7	10.3	4.2	2.6
Office of Personnel Management	58.8	36.7	57.6	36.7	1.2	0.1
Small Business Administration	1.0	0.5	0.7	0.3	0.3	0.2
Other independent agencies	19.6	20.5	16.2	18.4	3.4	2.1
Allowances (spendout rate adjustment)	—	0.1	—	0.1	—	*
Undistributed offsetting receipts	-109.8	-109.8	-109.8	-109.8	—	—
Total	1,419.9	1,271.2	1,263.6	1,183.6	156.3	87 5

*$50 million or less.

[1] Estimates exclude $5.7 billion of 1992 CCC budget authority and outlays that would be subject to a 1991 sequester of $1.9 billion.

[2] Estimates reflect the $3.9 billion debt service reduction that results from the sequester.

Table 9–B.—G-R-H Pre- and Post-Sequester Baseline Estimates for 1991 by Agency, Potential October Baseline

(In billions of dollars)

Agency	Potential October Baseline		Post-Sequester		Sequester Estimate	
	Budget Authority	Outlays	Budget Authority	Outlays	Budget Authority	Outlays
Legislative Branch	2.3	2.4	1.5	1.6	0.8	0.8
The Judiciary	1.8	1.8	1.1	1.2	0.7	0.6
Executive Office ofthe President	0.3	0.3	0.2	0.2	0.1	0.1
Funds Appropriated to the President	13.0	12.1	7.2	9.9	5.7	2.2
Agriculture [1]	61.7	53.3	54.8	46.2	7.0	7 0
Commerce	2.7	2.8	1.6	1.9	1.1	0.9
Defense—Military	303.5	296.3	206.5	246.4	97.0	49.9
Defense—Civil	38.7	26.3	37.2	25.4	1.5	1 0
Education	25.7	25.0	17.6	23.3	8.1	1.7
Energy	15.1	13.8	8.0	9.0	7.1	4.9
Health and Human Services, except Social Security	234.7	216.0	223.7	206.8	11.0	9.2
Health and Human Services, Social Security	336.6	262.9	336.6	262.1	—	0.8
Housing and Urban Development	18.2	23.3	12.3	22.4	5.9	0.8
Interior	6.5	6.2	3.3	3.8	3.2	2.3
Justice	9.7	8.8	5.8	6.1	4.0	2.7
Labor	32.2	28.2	29.7	26.5	2.5	1.7
State	4.5	3.9	3.0	2.8	1.5	1.1
Transportation	31.3	29.9	18.7	25.6	12.6	4.3
Treasury [2]	280.3	279.2	271.9	271.2	8.4	7 9
Veterans Affairs	31.8	31.2	30.3	30.1	1.5	1.1
Environmental Protection Agency	5.6	5.7	3.3	5.0	2.3	0.7
General Services Administration	1.8	0.9	1.0	0.7	0.8	0.2
National Aeronautics and Space Administration	12.9	12.9	7.6	9.6	5.2	3.3
Office of Personnel Management	58.8	36.7	57.3	36.7	1.5	0.1
Small Business Administration	1.0	0.5	0.6	0.3	0.3	0.2
Other independent agencies	19.6	20.4	15.4	17.7	4.3	2.7
Allowances (spendout rate adjustment)	—	0 1	—	*	—	*
Undistributed offsetting receipts	-109.8	-109.8	-109.8	-109.8	—	—
Total	1,440.4	1,291.0	1,246.3	1,182.9	194.1	108.1

*$50 million or less.

[1] Estimates exclude $5 7 billion of 1992 CCC budget authority and outlays that would be subject to a 1991 sequester of $2.3 billion

[2] Estimates reflect the $4.8 billion debt service reduction that results from the sequester.

V. COMPARISONS WITH CONGRESSIONAL BUDGET OFFICE ESTIMATES

As shown in Table 10, the Congressional Budget Office (CBO) estimates in its initial sequester report a baseline deficit for 1991 of $165.2 billion, $15.8 billion above the OMB August G-R-H baseline estimate of $149.4 billion. Under CBO assumptions, a sequester of $101.2 billion would be triggered if no further policy changes were made, while OMB estimates that a sequester of $85.4 billion would be required. This section provides the comparisons between OMB and CBO estimates that are required by the G-R-H Act.

Table 10.—Differences Between OMB and CBO G-R-H Baselines

(In billions of dollars)

	Outlays	Receipts	Deficit
OMB baseline	1,271.2	1,121.7	149.4
Changes due to:			
Conceptual differences:			
Food stamps	18.0	—	18.0
Airport and airway trust fund	—	-0.9	0.9
Other (largely debt service)	0.8	—	0.8
Subtotal, conceptual	18.9	-0.9	19.7
Economic assumptions:			
Level of GNP and incomes	—	-6.4	6.4
Interest (including debt service)	-1.0	-0.4	-0.6
Inflation and cost-of-living adjustments	-3.2	—	-3.2
Subtotal, economic	-4.2	-6.8	2.6
Technical:			
Resolution Trust Corporation	7.9	—	7.9
Other deposit insurance	2.0	—	2.0
Medicare and medicaid	-2.4	—	-2.4
Net interest (including debt service)	-2.5	—	-2.5
Other	-2.4	9.2	-11.6
Subtotal, technical	2.6	9.2	-6.6
Total differences	17.3	1.5	15.8
CBO baseline	1,288.4	1,123.2	165.2

Different economic assumptions account for $2.6 billion of the difference between OMB and CBO baseline deficit estimates. CBO forecasts slower real growth and lower interest and inflation rates than OMB. As a result, CBO estimates lower incomes and thus lower receipts, lower interest costs, and lower inflation adjustments for outlays. Technical estimating differences offset $6.6 billion of the difference in the baseline deficit estimates, as discussed below. Conceptual differences between the OMB and CBO estimates account for $19.7 billion. The primary conceptual difference stems from a different legal interpretation of the G-R-H law as it pertains to the expiration of the authority to appropriate funds for the food stamp program beyond 1990. OMB holds the view that the G-R-H baseline rules preclude counting new funds for food stamps in the absence of reauthoriztion, while CBO holds a contrary view.

Technical differences include $9.2 billion higher receipts under CBO assumptions, due to different estimating assumptions and assumed levels of capital gains realizations, and $2.6 billion higher

outlays under CBO assumptions. The technical difference for outlays is the net of $9.9 billion higher outlays for the Resolution Trust Corporation (RTC) and other deposit insurance programs, and $7.3 billion lower CBO estimates for medicare and medicaid, net interest, and other programs. The higher CBO estimate for the RTC reflects differences in OMB and CBO assumptions about how much of the $50 billion available to that agency will be spent on savings and loan case resolutions in fiscal year 1990 and how much in fiscal year 1991.

The Act requires three comparisons of differences between OMB and CBO estimates. Table 11 shows, by type of sequesterable resource for defense and nondefense programs, the amount of budgetary resources that would be sequestered using the OMB estimate of the required outlay reductions and CBO's estimating methodology. Table 12 identifies differences between OMB and CBO estimates of the aggregate amount of resources to be sequestered by type of resource for defense and nondefense programs. Table 13 identifies differences for accounts where OMB and CBO estimates of sequesterable resources differ by $5 million or more. Explanations of these differences are presented in the footnotes, which appear at the end of the table.

Table 11.—Budgetary Resource Reductions Using CBO Assumptions

(In billions of dollars)

	Sequester Amount
Defense programs: [1]	
Budget authority	81.9
Unobligated balances	13.6
Nondefense programs:	
Budget authority	56.9
Budget authority—special rules	0.3
401C authority	13.8
401C authority—use of offsetting collections	0.7
401C authority—special rules	1.9
Other 401C authority (including obligation limitations)	0.2
Obligation limitation	8.4
Direct loan limitation	6.0
Direct loan floor	0.7
Loan guarantee limitation	60.0
Guaranteed loan floor	—
MEMORANDUM: Aggregate outlay reductions required—$85.4 billion	

Source: Congressional Budget Office.
[1] Function 050, excluding FEMA programs.

Table 12.—Differences Between OMB and CBO Sequesterable Resources by Resource Type

(In millions of dollars)

DEFENSE	
Budget authority subject to across-the-board reductions:	
CBO estimate	232,549
Difference:	
Procurement	-603
Operation and maintenance	476
Research, development, test, and evaluation	145
Other	60
Total, difference	78
OMB estimate	232,627
401(c) authority:	
CBO and OMB estimate	21
Unobligated balances—defense:	
CBO estimate	38,581
Difference:	
Procurement	602
Atomic energy defense activities	-500
Research, development, test, and evaluation	383
Military construction	164
Family housing	64
Total, difference	714
OMB estimate	39,295
NONDEFENSE	
Budget authority subject to across-the-board reductions:	
CBO estimate	188,345
Difference:	
Federal buildings fund	1,699
Uranium supply and enrichment activities [1]	-1,469
Clean coal technology [1]	-956
Conservation reserve program	455
Family support payments to States [1]	-419
Disaster loan fund	375
Payments to States for family support activities	350
Public broadcasting fund [1]	-299
Housing assistance	-270
FMS interest buydown	-270
Unanticipated needs for natural disasters	-207
Departmental administration, Department of Energy [1]	-160
SPR petroleum [1]	-136
Veterans readjustment benefits	-115
Other	-742
Total, difference	-2,165
OMB estimate	186,181
Budget authority—automatic spending increases:	
CBO and OMB estimate	69
Budget authority—special rules:	
CBO estimate	268
Difference	-9
OMB estimate	259

Table 12.—Differences Between OMB and CBO Sequesterable Resources by Resource Type—Continued

(In millions of dollars)

401(c) authority:	
CBO estimate	34,014
Difference:	
Commodity Credit Corporation fund (includes 1992)	-974
Clean coal technology [1]	956
Family support payments to States [1]	362
Public broadcasting fund [1]	299
Unemployment trust fund (unemployment compensation) [1]	113
Supplemental annuity pension fund	112
SPR petroleum [1]	108
Other	389
Total, difference	1,365
OMB estimate	35,379
401(c) authority—offsetting collections:	
CBO estimate	2,126
Difference:	
Uranium supply and enrichment activities [1]	1,288
Departmental administration, Department of Energy [1]	183
Other	-30
Total, difference	1,441
OMB estimate	3,567
401(c) authority—automatic spending increases:	
CBO estimate	8
Commodity Credit Corporation fund	-2
OMB estimate	5
401(c) authority—special rules: [2]	
CBO estimate	1,801
Difference:	
Federal supplementary medical insurance trust fund [1]	-146
Other	-12
Total, difference	-158
OMB estimate	1,643
Obligation limitation:	
CBO estimate	26,667
Difference:	
Federal supplementary medical insurance trust fund [1]	110
Unemployment trust fund (unemployment compensation) [1]	-102
Other	-19
Total, difference	-11
OMB estimate	26,655
Direct loan limitation:	
CBO estimate	18,907
Difference:	
Commodity Credit Corporation fund	2,081
Other	-17
Total, difference	2,064
OMB estimate	20,972

Table 12.—Differences Between OMB and CBO Sequesterable Resources by Resource Type—Continued

(In millions of dollars)

Direct loan floor:	
CBO estimate	2,050
Rural electrification and telephone revolving fund	4
OMB estimate	2,054
Guaranteed loan limitation:	
CBO estimate	188,533
Difference:	
Federal ship financing fund, fishing vessels	376
Commodity Credit Corporation fund	200
FHA insurance	148
Guarantees of mortgage-backed securities	82
Other	70
Total, difference	875
OMB estimate	189,408

[1] All or a substantial portion of the difference is the result of different classification by resource type.

[2] CBO calls this resource group "Obligation limitation—special rules."

Table 13.—Detailed List of Sequesterable Resources for Which OMB and CBO Estimates Differ by More Than $5 Million

(In thousands of dollars)

Account Title	Resource	OMB Base	CBO Base	Difference	Explanation
Legislative Branch					
Senate					
Senate items (01–05–0110–801–A)	Budget Authority	386,613	394,687	8,074	1
House of Representatives					
Salaries and expenses (01–10–0400–801–A)	Budget Authority	552,756	564,551	11,795	1
Government Printing Office					
Office of Superintendent of Documents: Salaries and expenses (01–30–0201–808–A)	Budget Authority	17,034	25,389	8,355	1,2
Government Printing Office revolving fund (01–30–4505–808–A)	401(C) Authority—Off. Coll.	0	38,383	38,383	4
	Obligation limitation	38,383	0	−38,383	4
General Accounting Office					
Salaries and expenses (01–35–0107–801–A)	Budget Authority	381,027	388,326	7,299	1
The Judiciary					
Courts of Appeals, District Courts and Other Svcs					
Salaries and expenses (02–25–0920–752–A)	Budget Authority	1,316,406	1,336,533	20,127	1
Registry administration (02–25–5101–752–A)	401(C) Authority	3,500	12,000	8,500	5
Funds Appropriated to the President					
Unanticipated Needs					
Unanticipated needs for natural disasters (04–06–0033–453–A)	Budget Authority	0	206,759	206,759	2
International Security Assistance					
Foreign Military Financing (04–09–1082–152–A)	Budget Authority	5,030,402	5,021,366	−9,036	1
Economic support fund (04–09–1037–152–A)	Budget Authority	4,132,559	4,086,628	−45,931	1,2
Agency for International Development					
Functional development assistance program (04–14–1021–151–A)	Budget Authority	1,310,000	1,290,454	−19,546	1,2,12
Development fund for Africa (04–14–1014–151–A)	Budget Authority	601,484	594,696	−6,788	1,12
Operating expenses, Agency for International Development (04–14–1000–151–A)	Budget Authority	451,450	457,047	5,597	1,2
Military Sales Programs					
FMS interest buydown (04–37–8882–152–A)	Budget Authority	0	270,000	270,000	12
Department of Agriculture					
Agricultural Research Service					
Agricultural Research Service (05–18–1400–352–A)	Budget Authority	612,927	621,067	8,140	1
Foreign Assistance Programs					
Expenses, PL 480, foreign assistance programs, Agriculture (05–57–2274–151–A)	Obligation limitation	1,587,468	1,582,424	−5,044	1
Agricultural Stabilization and Conservation Service					
Salaries and expenses (05–60–3300–351–A)	Budget Authority	11,575	110	−11,465	3
	401(C) Authority—Off. Coll.	23,986	51,998	28,012	5
Conservation reserve program (05–60–3319–302–A)	Budget Authority	1,878,038	1,423,443	−454,595	5
Commodity Credit Corporation					
Commodity Credit Corporation Fund (05–66–4336–351–A)	401(C) Authority	4,548,549	4,795,000	246,451	5
	401(C) Authority	5,712,394	6,440,000	727,606	5
	Direct Loan Limitation	10,000,000	7,919,000	−2,081,000	5
	Guaranteed Loan Limitation	5,500,000	5,300,000	−200,000	5
Rural Electrification Administration					
Reimbursement to the Rural elec. and tel. revolv fund for int. (05–72–3101–271–A)	Budget Authority	277,700	250,387	−27,313	5
Rural electrification and telephone revolving fund (05–72–4230–271–A)	Direct Loan Limitation	3,488,538	3,478,504	−10,034	1
Farmers Home Administration					
Salaries and expenses (05–75–2001–452–A)	Budget Authority	443,817	452,024	8,207	1
Agricultural Credit Insurance Fund (05–75–4140–351–A)	401(C) Authority—Off. Coll.	162,151	192,000	29,849	5
	Direct Loan Limitation	1,671,400	1,654,744	−16,656	1,12
	Guaranteed Loan Limitation	3,164,287	3,158,214	−6,073	1
Rural Housing Insurance Fund (Appr.) (05–75–4141–371–A)	401(C) Authority—Off. Coll.	86,052	48,630	−37,422	5
Rural development loan fund (05–75–4233–452–A)	Budget Authority	17,470	0	−17,470	6
Soil Conservation Service					
Conservation operations (05–78–1000–302–A)	Budget Authority	500,091	509,804	9,713	1
Animal and Plant Health Inspection Service					
Salaries and expenses (05–79–1600–352–A)	Budget Authority	371,875	376,917	5,042	1
	401(C) Authority—Off. Coll.	29,580	23,112	−6,468	5

Table 13.—Detailed List of Sequesterable Resources for Which OMB and CBO Estimates Differ by More Than $5 Million—Continued

(In thousands of dollars)

Account Title	Resource	OMB Base	CBO Base	Difference	Explanation
Food Safety and Inspection Service					
Salaries and expenses (05-83-3700-554-A)	Budget Authority	442,143	450,448	8,305	1
	401(C) Authority—Off. Coll.	38,586	54,000	15,414	5
Food and Nutrition Service					
Food stamp program (05-84-3505-605-A)	Budget Authority	0	53,332	53,332	5
Child nutrition programs (05-84-3539-605-A)	Budget Authority	4,135	9,944	5,809	8
Forest Service					
National forest system (05-96-1106-302-A)	Budget Authority	1,204,404	1,224,189	19,785	1,5
Forest service fire fighting (05-96-1111-302-A)	Budget Authority	851,216	856,966	5,750	1
Forest Service permanent appropriations (05-96-9922-302-A)	Budget Authority	0	9,108	9,108	2
Forest Service permanent appropriations (05-96-9921-806-A)	401(C) Authority	377,425	338,955	-38,470	5
Department of Commerce					
Bureau of the Census					
Periodic censuses and programs (06-07-0450-376-A)	Budget Authority	1,492,906	1,516,571	23,665	1
National Oceanic and Atmospheric Administration					
Operations, research, and facilities (06-48-1450-306-A)	Budget Authority	1,335,049	1,346,044	10,995	1
Federal ship financing fund, fishing vessels (06-48-4417-376-A)	401(C) Authority	5,400	0	-5,400	4
	401(C) Authority—Off. Coll.	0	6,550	6,550	4
	Guaranteed Loan Limitation	480,000	104,000	-376,000	5
Department of Defense—Military					
Operation and Maintenance					
Operation and maintenance, Army (07-10-2020-051-A)	Budget Authority	24,387,435	23,852,403	-535,032	1,2
Operation and maintenance, Navy (07-10-1804-051-A)	Budget Authority	26,103,242	25,746,469	-356,773	1,2
Operation and maintenance, Air Force (07-10-3400-051-A)	Budget Authority	23,079,903	22,413,621	-666,282	1,2
Operation and maintenance, Defense agencies (07-10-0100-051-A)	Budget Authority	8,172,250	8,185,273	13,023	1,2
Drug interdiction Defense (07-10-0105-051-A)	Budget Authority	30,645	462,006	431,361	2
Environmental restoration, Defense (07-10-0810-051-A)	Budget Authority	0	625,144	625,144	2
Procurement					
Aircraft procurement, Army (07-15-2031-051-A)	Budget Authority	3,844,510	3,864,099	19,589	1,2
	Unobligated Balances—Defense	702,737	686,737	-16,000	10
Missile procurement, Army (07-15-2032-051-A)	Budget Authority	2,587,403	2,547,492	-39,911	1,2
	Unobligated Balances—Defense	651,960	601,260	-50,700	10
Procurement of weapons and tracked combat vehicles, Army (07-15-2033-051-A)	Budget Authority	2,535,390	2,685,172	149,782	1,2
	Unobligated Balances—Defense	1,097,334	1,091,834	-5,500	10
Procurement of ammunition, Army (07-15-2034-051-A)	Budget Authority	2,017,357	2,031,997	14,640	1,2
	Unobligated Balances—Defense	246,335	201,135	-45,200	10
Other procurement, Army (07-15-2035-051-A)	Budget Authority	3,615,676	3,655,117	39,441	1,2
	Unobligated Balances—Defense	1,166,611	1,062,511	-104,000	10
Aircraft procurement, Navy (07-15-1506-051-A)	Budget Authority	9,543,052	9,638,849	95,797	1,2
	Unobligated Balances—Defense	1,861,479	1,831,479	-30,000	10
Weapons procurement, Navy (07-15-1507-051-A)	Budget Authority	5,528,022	5,519,634	-8,388	1,2
	Unobligated Balances—Defense	1,411,075	1,353,274	-57,801	10
Shipbuilding and conversion, Navy (07-15-1611-051-A)	Budget Authority	11,682,207	11,972,304	290,097	1,2
Other procurement, Navy (07-15-1810-051-A)	Budget Authority	7,881,196	8,071,773	190,577	1,2
	Unobligated Balances—Defense	3,819,915	3,801,415	-18,500	10
Procurement, Marine Corps (07-15-1109-051-A)	Budget Authority	1,210,839	1,102,383	-108,456	1,2
	Unobligated Balances—Defense	222,381	207,181	-15,200	10
Aircraft procurement, Air Force (07-15-3010-051-A)	Budget Authority	16,037,703	16,096,413	58,710	1,2
	Unobligated Balances—Defense	7,132,558	7,067,694	-64,864	10
Missile procurement, Air Force (07-15-3020-051-A)	Budget Authority	6,584,129	6,854,195	270,066	1,2
	Unobligated Balances—Defense	2,538,951	2,408,909	-130,042	10
Other procurement, Air Force (07-15-3080-051-A)	Budget Authority	8,839,294	8,591,464	-247,830	1,2
	Unobligated Balances—Defense	2,093,509	2,029,804	-63,705	10
Procurement, Defense agencies (07-15-0300-051-A)	Budget Authority	1,387,518	1,310,934	-76,584	1,2
National Guard and Reserve Equipment (07-15-0350-051-A)	Budget Authority	1,030,246	986,669	-43,577	1,2
Research, Development, Test, and Evaluation					
Research, development, test, and evaluation, Army (07-20-2040-051-A)	Budget Authority	5,556,752	5,574,965	18,213	1,2
	Unobligated Balances—Defense	351,349	269,349	-82,000	10
Research, development, test, and evaluation, Navy (07-20-1319-051-A)	Budget Authority	9,885,776	9,788,709	-97,067	1,2
	Unobligated Balances—Defense	440,048	414,048	-26,000	10
Research, development, test, and evaluation, Air Force (07-20-3600-051-A)	Budget Authority	14,042,510	13,963,152	-79,358	1,2
	Unobligated Balances—Defense	1,874,192	1,693,934	-180,258	10
Research, development, test, and evaluation, Defense agencies (07-20-0400-051-A)	Budget Authority	8,384,756	8,397,912	13,156	1,2
	Unobligated Balances—Defense	984,699	889,699	-95,000	10

Table 13.—Detailed List of Sequesterable Resources for Which OMB and CBO Estimates Differ by More Than $5 Million—Continued

(In thousands of dollars)

Account Title	Resource	OMB Base	CBO Base	Difference	Explanation
Military Construction					
Military construction, Army (07-25-2050-051-A)	Unobligated Balances—Defense	338,004	246,758	-91,246	10
Military construction, Navy (07-25-1205-051-A)	Unobligated Balances—Defense	420,192	399,542	-20,650	10
Military construction, Air Force (07-25-3300-051-A)	Budget Authority	1,223,616	1,218,148	-5,468	1,2
	Unobligated Balances—Defense	558,550	521,050	-37,500	10
Military construction, Defense agencies (07-25-0500-051-A)	Unobligated Balances—Defense	353,696	347,886	-5,810	10
North Atlantic Treaty Organization infrastructure (07-25-0804-051-A)	Unobligated Balances—Defense	19,231	0	-19,231	10
Military construction, Army National Guard (07-25-2085-051-A)	Unobligated Balances—Defense	93,727	100,727	7,000	10
Family Housing					
Family housing, Army (07-30-0702-051-A)	Unobligated Balances—Defense	92,975	86,640	-6,335	10
Family housing, Air Force (07-30-0704-051-A)	Unobligated Balances—Defense	57,950	0	-57,950	10
Revolving and Management Funds					
Army industrial fund (07-40-4992-051-A)	Budget Authority	31,052	0	-31,052	2
Department of Defense—Civil					
Corps of Engineers—Civil					
Operation and maintenance, general (08-10-3123-301-A)	Budget Authority	1,270,821	1,263,683	-7,138	1
Rivers and harbors contributed funds (08-10-8862-301-A)	401(C) Authority	205,500	145,600	-59,900	5
Harbor maintenance trust fund (08-10-8863-301-A)	Budget Authority	168,884	192,500	23,616	12
Department of Education					
Office of Elementary and Secondary Education					
Compensatory education for the disadvantaged (18-10-0900-501-A)	Budget Authority	5,593,832	5,583,095	-10,737	1
Office of Special Education and Rehabilitative Svcs.					
Special institutions for the handicapped (18-20-0604-501-A)	Budget Authority	0	5,890	5,890	1,3
Special institutions for the handicapped (Gallaudet) (18-20-0604-501-C)	Budget Authority	21,629	0	-21,629	1,3
Special institutions for the handicapped (APHB) (18-20-0604-501-D)	Budget Authority	5,901	0	-5,901	1,3
Special institutions for the handicapped (18-20-0604-502-A)	Budget Authority	0	107,862	107,862	1,3
Special institutions for the handicapped (NTID) (18-20-0604-502-B)	Budget Authority	37,585	0	-37,585	1,3
Special institutions for the handicapped (Gallaudet) (18-20-0604-502-C)	Budget Authority	48,854	0	-48,854	1,3
Office of Postsecondary Education					
Student financial assistance (18-40-0200-502-A)	Budget Authority	6,340,325	6,325,536	-14,789	1
Departmental Management					
Salaries and expenses (Elementary, secondary and vocational ed.) (18-80-0800-501-A)	Budget Authority	22,634	0	-22,634	1,3
Salaries and expenses (Higher education) (18-80-0800-502-A)	Budget Authority	100,092	0	-100,092	1,3
Salaries and expenses (Research and general education aids) (18-80-0800-503-A)	Budget Authority	140,449	290,353	149,904	1,3
Salaries and expenses (Social services) (18-80-0800-506-A)	Budget Authority	22,917	0	-22,917	1,3
Department of Energy					
Atomic Energy Defense Activities					
Atomic energy defense activities (19-10-0220-053-A)	Budget Authority	10,052,119	10,036,946	-15,173	1
	Unobligated Balances—Defense	0	500,000	500,000	10
Energy Programs					
Uranium supply and enrichment activities (19-20-0226-271-A)	Budget Authority	0	1,469,091	1,469,091	4,12
	401(C) Authority—Off. Coll.	1,287,700	0	-1,287,700	4,12
Energy conservation (Energy conservation) (19-20-0215-272-A)	Budget Authority	383,671	425,671	42,000	7,12
SPR petroleum (19-20-0233-274-A)	Budget Authority	224,310	360,787	136,477	4,12
	401(C) Authority	108,458	0	-108,458	4,12
Clean Coal Technology (19-20-0235-271-A)	Budget Authority	0	956,000	956,000	4
	401(C) Authority	956,000	0	-956,000	4
Isotope production and distribution fund (19-20-4180-271-A)	401(C) Authority—Off. Coll.	16,243	0	-16,243	5
Departmental Administration					
Departmental administration (Energy information, policy, and reg.) (19-60-0228-276-A)	Budget Authority	209,594	369,736	160,142	1,4
	401(C) Authority—Off. Coll.	183,413	0	-183,413	1,4
Department of Health and Human Services					
Food and Drug Administration					
Program expenses (09-10-0600-554-A)	Budget Authority	618,452	629,973	11,521	1
Health Care Financing Administration					
FHI 2% split (G-R-H) (09-38-8005-571-S)	Obligat. limit.—Spec. Rules	1,190,000	1,203,000	13,000	5
Federal supplementary medical insurance trust fund (09-38-8004-571-A)	Obligation limitation	1,471,689	1,362,039	-109,650	1
FSMI 2% split (G-R-H) (09-38-8004-571-S)	Obligat. limit.—Spec. Rules	408,000	554,000	146,000	11
Social Security Administration					
Supplemental security income program (09-60-0406-609-A)	Budget Authority	832,072	849,576	17,504	1

Table 13.—Detailed List of Sequesterable Resources for Which OMB and CBO Estimates Differ by More Than $5 Million—Continued

(In thousands of dollars)

Account Title	Resource	OMB Base	CBO Base	Difference	Explanation
Family Support Administration					
Family support payment to States (CSE) (09-70-1501-609-B)	Budget Authority	1,166,599	1,586,000	419,401	4,5
	401(C) Authority	362,401	0	-362,401	4,5
Community services block grant (09-70-1504-506-A)	Budget Authority	397,068	412,372	15,304	1,4
	401(C) Authority	8,041	0	-8,041	1,4
Payments to States for Family Support Activities (09-70-1509-504-A)	Budget Authority	0	20,800	20,800	3
Payments to States for Family Support Activities (09-70-1509-609-A)	Budget Authority	1,000,000	650,000	-350,000	5
Interim assistance to States for legalization (09-70-1508-506-A)	401(C) Authority	840,000	910,000	70,000	5
Health and Human Services Social Security					
Social Security					
Federal old-age and survivors insurance trust fund (16-05-8006-651-A)	Obligation limitation	1,694,999	1,734,883	39,884	1
Federal disability insurance trust fund (16-05-8007-651-A)	Obligation limitation	540,687	550,578	9,891	1
Department of Housing and Urban Development					
Housing Programs					
Subsidized housing programs (Housing assistance) (25-02-0164-604-A)	Budget Authority	7,528,368	8,921,285	1,392,917	1,3,12
Asst. for the renewal of expiring section 8 subsidy cont. (25-02-0194-604-A)	Budget Authority	1,122,844	0	-1,122,844	1,3,12
FHA Mutual Mortgage and Cooperative Housing Insurance Fund (25-02-4070-371-A)	Obligation limitation	229,291	224,253	-5,038	1,3
	Guaranteed Loan Limitation	65,345,176	65,272,000	-73,176	1,3,5
FHA general and special risk insurance funds (25-02-4072-371-A)	Guaranteed Loan Limitation	11,593,499	11,519,000	-74,499	1,3
Rental housing assistance fund (25-02-4041-604-A)	401(C) Authority—Off. Coll.	70,000	50,000	-20,000	5
Government National Mortgage Association					
Guarantees of mortgage-backed securities (25-04-4238-371-A)	Guaranteed Loan Limitation	85,063,753	84,982,040	-81,713	5
Community Planning and Development					
Community development grants (25-06-0162-451-A)	Budget Authority	3,014,473	3,043,575	29,102	1
Rehabilitation loan fund (25-06-4036-451-A)	Direct Loan Limitation	87,548	75,000	-12,548	12
Department of the Interior					
Bureau of Land Management					
Management of lands and resources (10-04-1109-302-A)	Budget Authority	456,454	463,705	7,251	1
Oregon and California grant lands (10-04-1116-302-A)	Budget Authority	66,932	99,795	32,863	1,2
Firefighting (10-04-1119-302-A)	Budget Authority	277,716	362,775	85,059	1,2
Miscellaneous permanent appropriations (10-04-9921-806-A)	401(C) Authority	142,394	129,539	-12,855	5
Minerals Management Service					
Payments to States from receipts under Mineral Leasing Act (10-06-5003-806-A)	401(C) Authority	531,593	464,770	-66,823	5
Bureau of Reclamation					
Colorado River Dam Fund, Boulder Canyon Project (10-10-5656-301-A)	401(C) Authority	53,335	30,458	-22,877	5
Reclamation trust funds (10-10-8070-301-A)	401(C) Authority	97,195	56,264	-40,931	5
Fish and Wildlife Service					
Construction (10-18-1612-303-A)	Budget Authority	80,336	71,706	-8,630	1
Land acquisition (10-18-5020-303-A)	Budget Authority	96,818	103,047	6,229	1,2
Miscellaneous permanent appropriations (10-18-9923-303-A)	401(C) Authority	134,500	144,200	9,700	5
Sport fish restoration (10-18-8151-303-A)	401(C) Authority	212,400	206,000	-6,400	5
National Park Service					
Operation of the national park system (10-24-1036-303-A)	Budget Authority	803,983	817,436	13,453	1
Construction (10-24-1039-303-A)	Budget Authority	317,641	258,493	-59,148	1
Bureau of Indian Affairs					
Operation of Indian programs (Area and regional development) (10-76-2100-452-A)	Budget Authority	610,497	616,519	6,022	1
Construction (10-76-2301-452-A)	Budget Authority	183,547	167,625	-15,922	1,2
White Earth Settlement Fund (10-76-2204-452-A)	401(C) Authority	6,000	0	-6,000	5
Revolving fund for loans (10-76-4409-452-A)	401(C) Authority—Off. Coll.	10,890	0	-10,890	5
Office of Territorial Affairs					
Administration of territories (10-82-0412-808-A)	Budget Authority	50,875	44,266	-6,609	8
Department of Justice					
Legal Activities					
Salaries and expenses, United States Attorneys (11-05-0322-752-A)	Budget Authority	543,486	552,520	9,034	1
Federal Bureau of Investigation					
Salaries and expenses (11-10-0200-751-A)	Budget Authority	1,763,208	1,792,351	29,143	1
Drug Enforcement Administration					
Salaries and expenses (11-12-1100-751-A)	Budget Authority	574,039	580,696	6,657	1

Table 13.—Detailed List of Sequesterable Resources for Which OMB and CBO Estimates Differ by More Than $5 Million—Continued

(In thousands of dollars)

Account Title	Resource	OMB Base	CBO Base	Difference	Explanation
Immigration and Naturalization Service					
Salaries and expenses (11-15-1217-751-A)	Budget Authority	881,997	896,105	14,108	1
Immigration user fee (11-15-5087-751-A)	401(C) Authority	125,142	109,200	-15,942	5
Immigration examinations fee (11-15-5088-751-A)	401(C) Authority	157,233	90,000	-67,233	5
Federal Prison System					
Salaries and expenses (11-20-1060-753-A)	Budget Authority	1,181,055	1,199,238	18,183	1
Department of Labor					
Employment and Training Administration					
Training and employment services (12-05-0174-504-A)	Budget Authority	4,094,373	4,087,566	-6,807	1
Federal unemployment benefits and allowances (12-05-0326-603-A)	Budget Authority	198,500	186,000	-12,500	5
Unemployment trust fund (Training and employment) (12-05-8042-504-A)	Obligation limitation	1,134,615	1,142,000	7,385	1
Unemployment trust fund (Unemployment compensation) (12-05-8042-603-A)	401(C) Authority	112,800	0	-112,800	5
	Obligation limitation	1,897,652	1,999,436	101,784	1
Pension Benefit Guaranty Corporation					
Pension Benefit Guaranty Corporation fund (12-12-4204-601-A)	Obligation limitation	44,274	74,652	30,378	7
Employment Standards Administration					
Black lung disability trust fund (12-15-8144-601-A)	Budget Authority	53,591	0	-53,591	4
	Obligation limitation	0	54,019	54,019	4
Department of State					
Administration of Foreign Affairs					
Salaries and expenses (14-05-0113-153-A)	Budget Authority	1,872,631	1,897,312	24,681	1
Other					
Migration and refugee assistance (14-25-1143-151-A)	Budget Authority	446,469	461,407	14,938	2
Department of Transportation					
Federal Highway Administration					
Federal-aid highways (21-05-8083-401-A)	Obligation limitation	12,722,820	12,704,000	-18,820	1
Federal Railroad Administration					
Regional rail reorganization program (21-16-4100-401-A)	Budget Authority	23	10,256	10,233	8
Federal Aviation Administration					
Operations (21-25-1301-402-A)	Budget Authority	3,164,515	3,216,196	51,681	1
Trust fund share of FAA Operations (21-25-8104-402-A)	Budget Authority	841,083	860,639	19,556	1
Coast Guard					
Operating expenses (21-30-0201-403-A)	Budget Authority	2,136,000	2,156,898	20,898	1
Department of the Treasury					
Financial Management Service					
Salaries and expenses (15-10-1801-803-A)	Budget Authority	236,521	299,950	63,429	4
United States Customs Service					
Salaries and expenses (15-15-0602-751-A)	Budget Authority	1,115,677	1,134,911	19,234	1
	401(C) Authority	157,125	62,141	-94,984	8
Internal Revenue Service					
Processing tax returns and assistance (15-45-0912-803-A)	Budget Authority	1,931,308	1,959,557	28,249	1
Tax Law Enforcement (15-45-0913-803-A)	Budget Authority	3,757,106	3,832,861	75,755	1
United States Secret Service					
Salaries and expenses (15-55-1408-751-A)	Budget Authority	383,321	389,443	6,122	1
Department of Veterans Affairs					
Veterans Benefits Administration					
Burial benefits and miscellaneous assistance (29-10-0155-701-A)	Budget Authority	143,100	128,900	-14,200	5
Readjustment benefits (29-10-0137-702-A)	Budget Authority	238,386	353,000	114,614	5
Veterans Health Services and Research Administration					
Medical care (29-20-0160-703-A)	Budget Authority	911,089	995,406	84,317	1,12
Departmental Administration					
General operating expenses (29-30-0151-705-A)	Budget Authority	850,300	865,415	15,115	1

Table 13.—Detailed List of Sequesterable Resources for Which OMB and CBO Estimates Differ by More Than $5 Million—Continued

(In thousands of dollars)

Account Title	Resource	OMB Base	CBO Base	Difference	Explanation
Environmental Protection Agency					
Salaries and expenses (20-00-0200-304-A)	Budget Authority	904,736	919,113	14,377	1
General Services Administration					
Real Property Activities					
Federal buildings fund (23-05-4542-804-A)	Budget Authority	1,725,617	26,229	-1,699,388	13
National Aeronautics and Space Administration					
Research and development (Space flight) (26-00-0108-253-A)	Budget Authority	2,409,104	2,400,997	-8,107	1
Research and development (Space science, applications, etc) (26-00-0108-254-A)	Budget Authority	2,537,687	2,520,128	-17,559	1
Space Flight, Control, and Data Comm. (space flight) (26-00-0105-253-A)	Budget Authority	3,910,106	3,630,121	-279,985	1,2
Space Flight, Control, and Data Comm. (supporting act.) (26-00-0105-255-A)	Budget Authority	822,825	1,014,224	191,399	1,2
Construction of facilities (Space flight) (26-00-0107-253-A)	Budget Authority	100,845	189,051	88,206	1,2
Research and program management (Space flight) (26-00-0103-253-A)	Budget Authority	953,874	969,072	15,198	1
Research and program management (Space science, applications, etc) (26-00-0103-254-A).	Budget Authority	673,297	683,883	10,586	1
Research and program management (Air transportation) (26-00-0103-402-A)	Budget Authority	413,093	420,683	7,590	1
Small Business Administration					
Salaries and expenses (28-00-0100-376-A)	Budget Authority	394,812	364,720	-30,092	1,2
Business loan and investment fund (28-00-4154-376-A)	Budget Authority	77,629	0	-77,629	6
	Guaranteed Loan Limitation	4,684,061	4,675,436	-8,625	1
Disaster loan fund (28-00-4153-453-A)	Budget Authority	375,000	0	-375,000	12
	Direct Loan Limitation	350,000	411,000	61,000	12
Surety bond guarantees revolving fund (28-00-4156-376-A)	Guaranteed Loan Limitation	1,532,400	1,500,000	-32,400	1
Other Independent Agencies					
Corporation for Public Broadcasting					
Public broadcasting fund (32-90-0151-503-A)	Budget Authority	0	298,870	298,870	4
	401(C) Authority	298,870	0	-298,870	4
District of Columbia					
Federal payment to the District of Columbia (33-40-1700-806-A)	Budget Authority	448,581	579,848	131,267	3
	401(C) Authority	20,300	0	-20,300	3
Federal payment to D.C. (water and sewer services) (33-40-1700-806-B)	Budget Authority	9,050	0	-9,050	3
Federal payment to D.C. (retirement funds) (33-40-1700-806-C)	Budget Authority	54,257	0	-54,257	3
Federal payment to D.C. (St. Elizabeth's Hospital) (33-40-1700-806-D)	Budget Authority	15,630	0	-15,630	3
Federal payment to D.C. (Inaugural Expenses) (33-40-1700-806-E)	Budget Authority	33,106	0	-33,106	3
Export-Import Bank of the United States					
Export-Import Bank of the United States (33-90-4027-155-A)	Guaranteed Loan Limitation	10,619,400	10,599,064	-20,336	1
Federal Emergency Management Agency					
Disaster relief (34-50-0104-453-A)	Budget Authority	1,303,490	1,298,388	-5,102	1,2
Nuclear Regulatory Commission					
Salaries and expenses (38-85-0200-276-A)	Budget Authority	455,829	460,831	5,002	1
Railroad Retirement Board					
Supplemental Annuity Pension Fund (40-10-8012-601-A)	401(C) Authority	111,820	0	-111,820	6
Tennessee Valley Authority					
TVA fund (Energy supply) (40-80-4110-271-A)	Obligation limitation	58,954	0	-58,954	6
United States Information Agency					
Salaries and expenses (41-10-0201-154-A)	Budget Authority	663,423	673,038	9,615	1

[1] Different adjustment factors for increased personnel costs and nonpay inflation.
[2] Different assumptions about enacted 1990 levels, including transfers and rescissions.
[3] Different account structure.
[4] Different resource type classification.
[5] Different assumptions about resource levels under current law for mandatory programs.
[6] OMB classifies as sequesterable; CBO as exempt.
[7] OMB classifies as exempt, CBO as sequesterable.
[8] OMB error.
[9] CBO error.
[10] Technical estimating differences for unobligated balances, including rescissions.
[11] Different assumptions regarding behavioral response of providers to payment reductions.
[12] Different estimating techniques.
[13] Different scoring of previously authorized lease-purchase projects.

APPENDIX: AUGUST SEQUESTERABLE BASELINE AND REDUCTIONS BY AGENCY AND BUDGET ACCOUNT

(Fiscal year 1991; in thousands of dollars)

Percentages Used:
Nondefense, 32.4 percent
Defense, 35.3 percent

G-R-H Sequester Amounts

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Legislative Branch		
Senate		
Senate items (01-05-0110-801-A):		
Budget Authority	386,613	125,263
Outlays	370,762	120,127
Congressional use of foreign currency, Senate (01-05-0188-801-A):		
401(C) Authority	1,575	510
Outlays	1,575	510
House of Representatives		
Mileage of Members (01-10-0208-801-A):		
Budget Authority	219	71
Outlays	110	36
Salaries and expenses (01-10-0400-801-A):		
Budget Authority	552,756	179,093
Outlays	530,504	171,883
Congressional use of foreign currency, House of Representative (01-10-0488-801-A):		
401(C) Authority	3,360	1,089
Outlays	3,360	1,089
Joint Items		
Joint Economic Committee (01-12-0181-801-A):		
Budget Authority	3,627	1,175
Outlays	3,446	1,116
Joint Committee on Printing (01-12-0180-801-A):		
Budget Authority	1,232	399
Outlays	1,129	366
Special Services Office (01-12-0190-801-A):		
Budget Authority	246	80
Outlays	246	80
Joint Committee on Taxation (01-12-0460-801-A):		
Budget Authority	4,499	1,458
Outlays	4,049	1,312
Office of the Attending Physician (01-12-0425-801-A):		
Budget Authority	1,465	475
Outlays	1,465	475
General expenses, Capitol police (01-12-0476-801-A):		
Budget Authority	1,955	633
Outlays	1,703	552
Capitol Police Board (01-12-0474-801-A):		
Budget Authority	57,389	18,594
Outlays	55,667	18,036
Official mail costs (01-12-0825-801-A):		
Budget Authority	103,176	33,429
Outlays	103,176	33,429
Capitol Guide Service (01-12-0170-801-A):		
Budget Authority	1,387	449
Outlays	1,284	416
Statements of appropriations (01-12-0499-801-A):		
Budget Authority	21	7
Congressional Budget Office		
Salaries and expenses (01-14-0100-801-A):		
Budget Authority	20,154	6,530
Outlays	18,138	5,877
Architect of the Capitol		
Botanic Garden, Salaries and Expenses (01-15-0100-801-A):		
Budget Authority	130,380	42,243
401(C) Authority—Off. Coll.	120	39
Outlays	98,296	31,848
Library of Congress		
Salaries and expenses (01-25-0101-503-A):		
Budget Authority	162,954	52,797
401(C) Authority—Off. Coll.	5,888	1,908
Outlays	141,655	45,896

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Copyright Office: Salaries and expenses (01-25-0102-376-A):		
Budget Authority	12,604	4,084
401(C) Authority—Off. Coll.	14,509	4,701
Outlays	25,210	8,168
Congressional Research Service: Salaries and expenses (01-25-0127-801-A):		
Budget Authority	48,067	15,574
Outlays	43,597	14,125
Books for the blind and physically handicapped: Salaries & exp (01-25-0141-503-A):		
Budget Authority	38,716	12,544
Outlays	14,441	4,679
Furniture and furnishings (01-25-0146-503-A):		
Budget Authority	2,689	871
Outlays	1,995	646
Gift and trust fund accounts (01-25-9971-503-A):		
Obligation limitation	328	106
Government Printing Office		
Congressional printing and binding (01-30-0203-801-A):		
Budget Authority	77,263	25,033
Outlays	64,128	20,777
Office of Superintendent of Documents: Salaries and expenses (01-30-0201-808-A):		
Budget Authority	17,034	5,519
Outlays	10,731	3,477
Government Printing Office revolving fund (01-30-4505-808-A):		
Obligation limitation	38,383	12,436
General Accounting Office		
Salaries and expenses (01-35-0107-801-A):		
Budget Authority	381,027	123,453
Outlays	331,100	107,276
United States Tax Court		
Salaries and expenses (01-40-0100-752-A):		
Budget Authority	29,436	9,537
Outlays	25,580	8,288
Tax Court independent counsel, U.S. Tax Court (01-40-5023-752-A):		
401(C) Authority	10	3
Outlays	10	3
Legislative Branch Boards and Commissions		
National Commission of Acquired Immune Deficiency Syndrome (01-45-1300-801-A):		
Budget Authority	1,044	338
Outlays	835	271
Commission on Security & Cooperation in Europe: Salaries & exp (01-45-0110-801-A):		
Budget Authority	880	285
Outlays	824	267
National Commission on Children (01-45-1050-801-A):		
Budget Authority	1,391	451
Outlays	1,319	427
International conferences and contingencies: House, Senate exp (01-45-0500-801-A):		
401(C) Authority	340	110
Outlays	340	110
Copyright Royalty Tribunal: Salaries and expenses (01-45-0310-376-A):		
Budget Authority	105	34
Outlays	59	19
Biomedical Ethics: Salaries and expenses (01-45-0400-801-A):		
Budget Authority	608	197
Outlays	608	197
U.S. Bipartisan Commission on Comprehensive Health Care (01-45-1100-801-A):		
Budget Authority	489	158
Outlays	489	158

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Office of Technology Assessment		
Salaries and expenses (01-50-0700-801-A):		
Budget Authority	19,237	6,233
Outlays	15,178	4,918
Total, Legislative Branch:		
Budget Authority	2,058,663	667,007
401(C) Authority	5,285	1,712
401(C) Authority—Off. Coll.	20,517	6,648
Obligation limitation	38,711	12,542
Outlays	1,873,009	606,854
The Judiciary		
Supreme Court of the United States		
Salaries and expenses (02-05-0100-752-A):		
Budget Authority	17,149	5,556
Outlays	11,647	3,774
Care of the building and grounds (02-05-0103-752-A):		
Budget Authority	4,563	1,478
Outlays	4,161	1,348
United States Court of Appeals for Federal Circuit		
Salaries and expenses (02-07-0510-752-A):		
Budget Authority	7,876	2,552
Outlays	6,740	2,184
United States Court of International Trade		
Salaries and expenses (02-15-0400-752-A):		
Budget Authority	7,686	2,490
Outlays	7,268	2,355
Courts of Appeals, District Courts and Other Svcs		
Salaries and expenses (02-25-0920-752-A):		
Budget Authority	1,316,406	426,516
401(C) Authority	7,500	2,430
Outlays	1,206,095	390,775
Salaries and expenses (02-25-0920-752-A):		
401(C) Authority—Off. Coll.	37,100	12,020
Outlays	37,100	12,020
Defender services (02-25-0923-752-A):		
Budget Authority	127,332	41,256
Outlays	123,666	40,068
Fees of jurors and commissioners (02-25-0925-752-A):		
Budget Authority	60,693	19,665
Outlays	50,072	16,223
Court security (02-25-0930-752-A):		
Budget Authority	60,328	19,546
Outlays	36,679	11,884
Registry administration (02-25-5101-752-A):		
401(C) Authority	3,500	1,134
Outlays	3,500	1,134
Administrative Office of the United States Courts		
Salaries and expenses (02-26-0927-752-A):		
Budget Authority	35,264	11,426
Outlays	29,285	9,488
Federal Judicial Center		
Salaries and expenses (02-30-0928-752-A):		
Budget Authority	13,055	4,230
Outlays	10,575	3,426
Judiciary Retirement Funds		
Payment to Judicial Officers' Retirement Fund (02-35-0941-752-A):		
Budget Authority	5,000	1,620
Total, The Judiciary:		
Budget Authority	1,655,352	536,335
401(C) Authority	11,000	3,564
401(C) Authority—Off. Coll.	37,100	12,020
Outlays	1,526,788	494,679

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Executive Office of the President		
The White House Office		
Salaries and expenses (03–10–0110–802–A):		
Budget Authority	31,657	10,257
Outlays	28,202	9,137
Executive Residence at the White House		
Operating expenses (03–20–0210–802–A):		
Budget Authority	7,137	2,312
401(C) Authority—Off. Coll.	540	175
Outlays	6,720	2,177
Official Residence of the Vice President		
Operating expenses (03–21–0211–802–A):		
Budget Authority	599	194
Outlays	408	132
Special Assistance to the President		
Salaries and expenses (03–22–1454–802–A):		
Budget Authority	2,410	781
Outlays	2,154	698
Council of Economic Advisers		
Salaries and expenses (03–28–1900–802–A):		
Budget Authority	3,003	973
Outlays	2,702	875
Council/Office on Environmental Quality		
Council on Environmental Quality & Off. of Environmental Quali (03–31–1453–802–A):		
Budget Authority	1,536	498
Outlays	1,382	448
Office of Policy Development		
Salaries and expenses (03–35–2200–802–A):		
Budget Authority	3,222	1,044
Outlays	2,549	826
National Security Council		
Salaries and expenses (03–38–2000–802–A):		
Budget Authority	5,584	1,809
Outlays	4,244	1,375
National Space Council		
Salaries and expenses (03–39–0020–802–A):		
Budget Authority	1,029	333
Outlays	720	233
National Critical Materials Council		
Salaries and expenses (03–41–0111–802–A):		
Budget Authority	416	135
Outlays	374	121
Office of Administration		
Salaries and expenses (03–42–0038–802–A):		
Budget Authority	19,413	6,290
Outlays	16,269	5,271
Office of Management and Budget		
Salaries and Expenses (03–45–0300–802–A):		
Budget Authority	46,438	15,046
Outlays	42,719	13,841
Office of Federal Procurement Policy: Salaries and expenses (03–45–0201–802–A):		
Budget Authority	2,752	892
Outlays	2,442	791
Office of National Drug Control Policy		
Salaries and Expenses (03–47–1457–802–A):		
Budget Authority	38,545	12,489
Outlays	23,646	7,661

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Special forfeiture fund (03–47–5001–802–A):		
Budget Authority	113,578	36,799
Outlays	56,789	18,400
Office of Science and Technology Policy		
Salaries and expenses (03–49–2600–802–A):		
Budget Authority	2,963	960
Outlays	1,779	576
Office of the United States Trade Representative		
Salaries and expenses (03–50–0400–802–A):		
Budget Authority	18,604	6,028
Outlays	16,567	5,368
Total, Executive Office of the President:		
Budget Authority	298,886	96,840
401(C) Authority—Off. Coll.	540	175
Outlays	209,666	67,930
Funds Appropriated to the President		
Unanticipated Needs		
Unanticipated needs (04–06–0037–802–A):		
Budget Authority	1,042	338
Outlays	1,000	324
Investment in Management Improvement		
Investment in Management Improvement (04–08–0061–802–A):		
Budget Authority	521	169
Outlays	391	127
International Security Assistance		
Foreign Military Financing (04–09–1082–152–A):		
Budget Authority	5,030,402	1,629,850
Direct Loan Limitation	421,232	136,479
Outlays	1,766,970	572,498
Economic support fund (04–09–1037–152–A):		
Budget Authority	4,132,559	1,338,949
Outlays	2,085,633	675,745
International military education and training (04–09–1081–152–A):		
Budget Authority	49,178	15,934
Outlays	24,589	7,967
Peacekeeping operations (04–09–1032–152–A):		
Budget Authority	34,149	11,064
Outlays	23,563	7,634
Multilateral Assistance		
Contribution to the International Bank for Reconstruction & De (04–12–0077–151–A):		
Budget Authority	51,877	16,808
Outlays	5,188	1,681
Contribution to the International Development Association (04–12–0073–151–A):		
Budget Authority	1,001,207	324,391
Outlays	147,564	47,811
Contribution to the International Finance Corporation (04–12–0078–151–A):		
Budget Authority	77,740	25,188
Contribution to the Inter-American Development Bank (04–12–0072–151–A):		
Budget Authority	98,920	32,050
Outlays	4,920	1,594
Contribution to the Asian Development Bank (04–12–0076–151–A):		
Budget Authority	182,322	59,072
Contribution to the African Development Fund (04–12–0079–151–A):		
Budget Authority	108,940	35,297
Contribution to the African Development Bank (04–12–0082–151–A):		
Budget Authority	9,892	3,205
Outlays	9,892	3,205

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
International organizations and programs (04–12–1005–151–A):		
Budget Authority	285,651	92,551
Outlays	214,239	69,413
Agency for International Development		
Functional development assistance program (04–14–1021–151–A):		
Budget Authority	1,310,000	424,440
Outlays	102,966	33,361
Development fund for Africa (04–14–1014–151–A):		
Budget Authority	601,484	194,881
Outlays	48,119	15,591
Special assistance initiative (04–14–1042–151–A):		
Budget Authority	166,003	53,785
Outlays	30,628	9,923
American schools and hospitals abroad (04–14–1013–151–A):		
Budget Authority	39,440	12,779
Outlays	13,704	4,440
International disaster assistance (04–14–1035–151–A):		
Budget Authority	31,149	10,092
Outlays	7,787	2,523
Operating expenses, Agency for International Development (04–14–1000–151–A):		
Budget Authority	451,450	146,270
Outlays	338,587	109,702
Operating expenses of the AID Office of Inspector General (04–14–1007–151–A):		
Budget Authority	31,842	10,317
Outlays	23,882	7,738
Housing and other credit guaranty programs (04–14–4340–151–A):		
401(C) Authority—Off. Coll.	7,216	2,338
Guaranteed Loan Limitation	520,552	168,659
Outlays	7,216	2,338
Private sector revolving fund (04–14–4341–151–A):		
Budget Authority	5,187	1,681
Direct Loan Limitation	3,631	1,176
Guaranteed Loan Limitation	94,936	30,759
Trade and Development Program		
Trade and development program (04–16–1001–151–A):		
Budget Authority	32,833	10,638
Outlays	8,208	2,659
Peace Corps		
Peace Corps (04–18–0100–151–A):		
Budget Authority	173,520	56,220
Outlays	141,593	45,876
Overseas Private Investment Corporation		
Overseas Private Investment Corporation (04–20–4030–151–A):		
401(C) Authority—Off. Coll.	12,912	4,183
Direct Loan Limitation	20,750	6,723
Guaranteed Loan Limitation	220,422	71,417
Outlays	14,577	4,723
Inter-American Foundation		
Inter-American Foundation (04–22–4031–151–A):		
Budget Authority	17,598	5,702
401(C) Authority—Off. Coll.	10,000	3,240
Outlays	18,763	6,079
African Development Foundation		
African Development Foundation (04–24–0700–151–A):		
Budget Authority	9,235	2,992
Outlays	4,987	1,616
International Monetary Programs		
Contribution to Enhanced Struct Adjust Facility of the IMF (04–35–0005–155–A):		
Budget Authority	145,253	47,062
Outlays	2,905	941

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Military Sales Programs		
Special defense acquisition fund (04-37-4116-155-A):		
Obligation limitation	286,926	92,964
Foreign military sales trust fund (04-37-8242-155-A):		
401(C) Authority—Off. Coll.	270,000	87,480
Outlays	270,000	87,480
Special Assistance for Central America		
Central American reconciliation assistance (04-55-1036-152-A):		
Budget Authority	27,467	8,899
Outlays	27,467	8,899
Total, Funds Appropriated to the President:		
Budget Authority	14,106,861	4,570,624
401(C) Authority—Off. Coll.	300,126	97,241
Obligation limitation	286,926	92,964
Direct Loan Limitation	445,613	144,378
Guaranteed Loan Limitation	835,910	270,835
Outlays	5,345,338	1,731,868
Department of Agriculture		
Office of the Secretary		
Office of the Secretary (05-03-0115-352-A):		
Budget Authority	7,644	2,477
Outlays	7,589	2,459
Gifts and bequests (05-03-8203-352-A):		
401(C) Authority	2,500	810
Outlays	2,041	661
Departmental Administration		
Departmental administration (05-05-0120-352-A):		
Budget Authority	23,096	7,483
Outlays	16,835	5,455
Hazardous Waste Management (05-05-0500-304-A):		
Budget Authority	20,764	6,728
Outlays	10,101	3,273
Office of budget and program analysis (05-05-0503-352-A):		
Budget Authority	4,745	1,537
Outlays	4,066	1,317
Rental payments and building operations and maintenance (05-05-0117-352-A):		
Budget Authority	75,076	24,325
Outlays	67,034	21,719
Advisory committees (05-05-0118-352-A):		
Budget Authority	1,561	506
Outlays	1,157	375
Office of Governmental and Public Affairs		
Office of Public Affairs (05-06-0130-352-A):		
Budget Authority	8,898	2,883
Outlays	6,126	1,985
Office of the Inspector General		
Office of the Inspector General (05-08-0900-352-A):		
Budget Authority	54,258	17,580
Outlays	49,692	16,100
Office of the General Counsel		
Office of the General Counsel (05-10-2300-352-A):		
Budget Authority	22,578	7,315
Outlays	19,966	6,469
Agricultural Research Service		
Agricultural Research Service (05-18-1400-352-A):		
Budget Authority	612,927	198,588
401(C) Authority—Off. Coll.	3,600	1,166
Outlays	477,393	154,675
Buildings and facilities (05-18-1401-352-A):		
Budget Authority	11,123	3,604
Outlays	2,213	717

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Cooperative State Research Service		
Cooperative State Research Service (05-24-1500-352-A):		
Budget Authority	398,906	129,246
401(C) Authority	2,850	923
Outlays	224,857	72,854
Extension Service		
Extension Service (05-27-0502-352-A):		
Budget Authority	384,758	124,662
401(C) Authority—Off. Coll.	245	79
Outlays	341,910	110,779
National Agricultural Library		
National Agricultural Library (05-30-0300-352-A):		
Budget Authority	15,347	4,972
Outlays	11,541	3,739
National Agricultural Statistics Service		
National Agricultural Statistics Service (05-33-1801-352-A):		
Budget Authority	69,980	22,674
401(C) Authority—Off. Coll.	1,717	556
Outlays	62,022	20,095
Economic Research Service		
Economic Research Service (05-36-1701-352-A):		
Budget Authority	53,087	17,200
Outlays	44,849	14,531
World Agricultural Outlook Board		
World agricultural outlook board (05-50-2100-352-A):		
Budget Authority	2,001	648
Outlays	1,600	518
Foreign Agricultural Service		
Foreign Agricultural Service (05-51-2900-352-A):		
Budget Authority	105,882	34,306
Outlays	65,647	21,270
Office of International Cooperation and Development		
Office of International Corporation and Development (05-53-3200-352-A):		
Budget Authority	6,322	2,046
Outlays	6,322	2,048
Scientific activities overseas (05-53-1404-352-A):		
Budget Authority	912	295
Outlays	547	177
Foreign Assistance Programs		
Expenses, PL 480, foreign assistance programs, Agriculture (05-57-2274-151-A):		
Budget Authority	1,020,321	330,584
Obligation limitation	1,587,468	514,340
Direct Loan Limitation	822,763	266,575
Outlays	1,020,321	330,584
Agricultural Stabilization and Conservation Service		
Salaries and expenses (05-60-3300-351-A):		
Budget Authority	11,575	3,750
401(C) Authority—Off. Coll.	23,986	7,771
Outlays	24,099	7,808
Agricultural conservation program (05-60-3315-302-A):		
Budget Authority	190,028	61,569
Outlays	87,223	28,260
Colorado river basin salinity control program (05-60-3318-304-A):		
Budget Authority	10,775	3,491
Outlays	5,386	1,746
Conservation reserve program (05-60-3319-302-A):		
Budget Authority	1,878,038	608,464
Outlays	1,310,365	424,565

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Water Bank program (05-60-3320-302-A):		
Budget Authority	12,754	4,132
Outlays	1,849	599
Emergency conservation program (05-60-3316-453-A):		
Budget Authority	31,184	10,104
Outlays	16,216	5,254
Forestry incentives program (05-60-3336-302-A):		
Budget Authority	12,969	4,202
Outlays	4,280	1,387
Federal Crop Insurance Corporation		
Administrative and operating expenses (05-63-2707-351-A):		
Budget Authority	247,677	80,247
Outlays	177,972	57,371
Commodity Credit Corporation		
Commodity Credit Corporation Fund (05-66-4336-351-A):		
401(C) Authority	10,260,943	3,324,545
Direct Loan Limitation	10,000,000	3,240,000
Guaranteed Loan Limitation	5,500,000	1,782,000
Outlays	10,260,943	3,324,545
Commodity Credit Corporation Fund (05-66-4336-351-I):		
401(C) Authority—ASI	5,400	5,400
Outlays	5,400	5,400
Rural Electrification Administration		
Salaries and expenses (05-72-3100-271-A):		
Budget Authority	32,939	10,672
Outlays	29,645	9,605
Reimbursement to the Rural elec. & tel. revolv. fund for int. (05-72-3101-271-A):		
Budget Authority	277,700	89,975
Outlays	277,700	89,975
Purchase of Rural Telephone Bank capital stock (05-72-3102-452-A):		
Budget Authority	29,916	9,693
Outlays	29,916	9,693
Rural communication development fund (05-72-4142-452-A):		
Budget Authority	1,264	410
Outlays	1,264	410
Rural electrification and telephone revolving fund (05-72-4230-271-A):		
Budget Authority	5,202	1,685
Direct Loan Limitation	3,488,538	1,130,286
Direct Loan Floor	1,869,739	605,795
Outlays	234,588	76,007
Rural telephone bank (05-72-4231-452-A):		
Direct Loan Limitation	219,383	71,080
Direct Loan Floor	184,481	59,772
Outlays	9,118	2,954
Farmers Home Administration		
Salaries and expenses (05-75-2001-452-A):		
Budget Authority	443,817	143,797
Outlays	405,400	131,350
Rural water and waste disposal grants (05-75-2066-452-A):		
Budget Authority	216,423	70,121
Outlays	8,657	2,805
Rural community fire protection grants (05-75-2067-452-A):		
Budget Authority	3,221	1,044
Outlays	1,450	470
Rural housing for domestic farm labor (05-75-2004-604-A):		
Budget Authority	11,318	3,667
Outlays	113	37
Mutual and self-help housing (05-75-2006-604-A):		
Budget Authority	8,997	2,915
Outlays	720	233
Very low income housing repair grants (05-75-2064-604-A):		
Budget Authority	13,025	4,220
Outlays	12,374	4,009
Compensation for construction defects (05-75-2071-371-A):		
Budget Authority	521	169
Outlays	260	84

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Rural housing preservation grants (05–75–2070–604–A):		
Budget Authority	19,944	6,462
Outlays	598	194
Rural development grants (05–75–2065–452–A):		
Budget Authority	17,095	5,539
Outlays	2,564	831
Agricultural Credit Insurance Fund (05–75–4140–351–A):		
Budget Authority	3,601	1,167
401(C) Authority—Off. Coll.	162,151	52,537
Direct Loan Limitation	1,671,400	541,534
Guaranteed Loan Limitation	3,164,287	1,025,229
Outlays	1,246,852	403,980
Self-help housing land development fund (05–75–4222–371–A):		
Direct Loan Limitation	521	169
Outlays	130	42
Rural Housing Insurance Fund (Appr.) (05–75–4141–371–A):		
401(C) Authority—Off. Coll.	86,052	27,881
Obligation limitation	308,760	100,038
Direct Loan Limitation	1,985,770	643,389
Outlays	1,232,978	399,485
Rural Development Insurance Fund (Appr.) (05–75–4155–452–A):		
401(C) Authority—Off. Coll.	970	314
Direct Loan Limitation	463,350	150,125
Guaranteed Loan Limitation	201,431	65,264
Outlays	32,572	10,553
Rural development loan fund (05–75–4233–452–A):		
Budget Authority	17,470	5,660
Direct Loan Limitation	20,107	6,515
Outlays	2,011	652
Soil Conservation Service		
Conservation operations (05–78–1000–302–A):		
Budget Authority	500,091	162,029
401(C) Authority—Off. Coll.	10,079	3,266
Outlays	470,163	152,333
Watershed planning (05–78–1066–301–A):		
Budget Authority	9,248	2,996
401(C) Authority—Off. Coll.	236	76
Outlays	8,189	2,653
River basin surveys and investigations (05–78–1069–301–A):		
Budget Authority	12,882	4,174
401(C) Authority—Off. Coll.	269	87
Outlays	12,378	4,010
Watershed and flood prevention operations (05–78–1072–301–A):		
Budget Authority	251,483	81,480
401(C) Authority—Off. Coll.	8,892	2,881
Outlays	159,975	51,832
Great plains conservation program (05–78–2268–302–A):		
Budget Authority	21,811	7,067
401(C) Authority—Off. Coll.	20	6
Outlays	9,500	3,078
Resource conservation and development (05–78–1010–302–A):		
Budget Authority	28,551	9,251
401(C) Authority—Off. Coll.	1,013	328
Outlays	25,132	8,143
Miscellaneous contributed funds (Water resources) (05–78–8210–301–A):		
401(C) Authority	460	149
Outlays	322	104
Miscellaneous contributed funds (Conservation and land mgmt.) (05–78–8210–302–A):		
401(C) Authority	100	32
Outlays	70	23
Animal and Plant Health Inspection Service		
Salaries and expenses (05–79–1600–352–A):		
Budget Authority	371,875	120,488
401(C) Authority—Off. Coll.	29,580	9,584
Outlays	355,523	115,189

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Buildings and facilities (05–79–1601–352–A):		
Budget Authority	14,170	4,591
Outlays	9,934	3,219
Federal Grain Inspection Service		
Salaries and expenses (05–80–2400–352–A):		
Budget Authority	8,568	2,776
Outlays	7,363	2,386
Inspection and weighing services (05–80–4050–352–A):		
401(C) Authority—Off. Coll.	37,164	12,041
Outlays	37,164	12,041
Agricultural Marketing Service		
Marketing services (05–81–2500–352–A):		
Budget Authority	34,753	11,260
401(C) Authority—Off. Coll.	40,381	13,083
Outlays	67,842	21,981
Payments to States and possessions (05–81–2501–352–A):		
Budget Authority	1,288	417
Outlays	335	109
Perishable Agricultural Commodities Act fund (05–81–5070–352–A):		
401(C) Authority	5,675	1,839
Outlays	3,754	1,216
Funds for strengthening markets, income, and supply (section 3 (05–81–5209–605–A):		
401(C) Authority	375,277	121,590
Outlays	44,052	14,273
Miscellaneous trust funds (05–81–9972–352–A):		
401(C) Authority	87,689	28,411
Outlays	66,898	21,675
Milk market orders assessment fund (05–81–8412–351–A):		
401(C) Authority—Off. Coll.	41,032	13,294
Outlays	41,032	13,294
Office of Transportation		
Office of Transportation (05–82–2800–352–A):		
Budget Authority	2,513	814
Outlays	2,096	679
Food Safety and Inspection Service		
Salaries and expenses (05–83–3700–554–A):		
Budget Authority	442,143	143,254
401(C) Authority—Off. Coll.	38,586	12,502
Outlays	446,984	144,823
Exp. & refunds, insp. & grading (05–83–8137–352–A):		
401(C) Authority	1,200	389
Outlays	977	317
Food and Nutrition Service		
Food program administration (05–84–3508–605–A):		
Budget Authority	96,174	31,160
Outlays	85,595	27,733
Child nutrition programs (05–84–3539–605–A):		
Budget Authority	4,135	1,340
Outlays	4,135	1,340
Supplemental feeding programs (05–84–3510–605–A):		
Budget Authority	5,000	1,620
Outlays	5,000	1,620
Food donations programs for selected groups (05–84–3503–605–A):		
Budget Authority	244,174	79,112
Outlays	199,618	64,676
Temporary emergency food assistance program (05–84–3635–351–A):		
Budget Authority	51,915	16,820
Outlays	30,889	10,008
Human Nutrition Information Service		
Human Nutrition Information Services (05–86–3501–352–A):		
Budget Authority	9,441	3,059
Outlays	5,390	1,746

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Packers and Stockyards Administration		
Packers and Stockyards Administration (05–90–2600–352–A):		
Budget Authority	10,024	3,248
Outlays	9,112	2,952
Agricultural Cooperative Service		
Agricultural Cooperative Service (05–92–3000–352–A):		
Budget Authority	4,939	1,600
Outlays	3,541	1,147
Forest Service		
National forest system (05–96–1106–302–A):		
Budget Authority	1,204,404	390,227
Outlays	1,039,851	336,912
Construction (05–96–1103–302–A):		
Budget Authority	231,969	75,158
401(C) Authority—Off. Coll.	2,835	919
Outlays	103,330	33,479
Forest research (05–96–1104–302–A):		
Budget Authority	156,886	50,831
401(C) Authority—Off. Coll.	1,018	330
Outlays	125,922	40,799
State and private forestry (05–96–1105–302–A):		
Budget Authority	116,030	37,594
401(C) Authority—Off. Coll.	604	196
Outlays	62,773	20,338
Forest service fire fighting (05–96–1111–302–A):		
Budget Authority	851,216	275,794
Outlays	827,364	268,066
Range betterment fund (05–96–5207–302–A):		
Budget Authority	4,578	1,483
Outlays	3,718	1,205
Land acquisition (05–96–5004–303–A):		
Budget Authority	66,123	21,424
Outlays	17,951	5,816
Acquisition of lands for nat'l forests (05–96–5208–302–A):		
Budget Authority	1,103	357
Outlays	627	203
Acq. of lands to complete land exchanges (05–96–5216–302–A):		
Budget Authority	1,105	358
Outlays	989	320
Operations and maintenance of quarters (05–96–5219–302–A):		
401(C) Authority	5,888	1,908
Outlays	1,881	609
Forest Service permanent appropriations (05–96–9922–302–A):		
401(C) Authority	148,164	48,005
Outlays	134,761	43,663
Forest Service permanent appropriations (05–96–9921–806–A):		
401(C) Authority	377,425	122,286
Outlays	359,935	116,619
Working capital fund (05–96–4605–302–A):		
401(C) Authority—Off. Coll.	10,101	3,273
Outlays	10,101	3,273
Reforestation trust fund (05–96–8046–302–A):		
401(C) Authority	30,000	9,720
Outlays	29,916	9,693
Cooperative work trust fund (05–96–8028–302–A):		
401(C) Authority	329,502	106,759
Outlays	272,256	88,211
Gifts, donations, bequests for forest and rangeland research (05–96–8034–302–A):		
Budget Authority	30	10
Outlays	30	10

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Total, Department of Agriculture:		
Budget Authority	11,156,261	3,614,528
401(C) Authority	11,627,673	3,767,367
401(C) Authority—Off. Coll.	500,531	162,170
401(C) Authority—ASI	5,400	5,460
Obligation limitation	1,896,228	614,378
Direct Loan Limitation	18,671,832	6,049,573
Direct Loan Floor	2,054,220	665,567
Guaranteed Loan Limitation	8,865,718	2,872,493
Outlays	22,969,964	7,445,921
Department of Commerce		
General Administration		
Salaries and expenses (06–05–0120–376–A):		
Budget Authority	29,132	9,439
Outlays	27,908	9,042
Office of the Inspector General (06–05–0126–452–A):		
Budget Authority	13,968	4,526
Outlays	13,381	4,335
Economic Development Administration		
Grants and loans administration (06–06–0125–452–A):		
Budget Authority	26,561	8,606
Outlays	23,321	7,556
Economic development assistance programs (06–06–2050–452–A):		
Budget Authority	199,522	64,645
Guaranteed Loan Limitation	195,375	63,302
Outlays	19,952	6,464
Bureau of the Census		
Salaries and expenses (06–07–0401–376–A):		
Budget Authority	104,647	33,906
401(C) Authority—Off. Coll.	8,000	2,592
Outlays	101,136	32,768
Periodic censuses and programs (06–07–0450–376–A):		
Budget Authority	1,492,906	483,702
Outlays	1,346,488	436,262
Economic and Statistical Analysis		
Salaries and expenses (06–08–1500–376–A):		
Budget Authority	32,387	10,493
401(C) Authority—Off. Coll.	395	128
Outlays	29,219	9,467
International Trade Administration		
Operations and administration (06–25–1250–376–A):		
Budget Authority	188,725	61,147
401(C) Authority—Off. Coll.	14,600	4,730
Outlays	147,651	47,839
Export Administration		
Operations and administration (06–30–0300–376–A):		
Budget Authority	43,338	14,042
Outlays	36,837	11,935
Minority Business Development Agency		
Minority business development (06–40–0201–376–A):		
Budget Authority	41,484	13,441
Outlays	21,074	6,828
United States Travel and Tourism Administration		
Salaries and expenses (06–44–0700–376–A):		
Budget Authority	14,757	4,781
401(C) Authority—Off. Coll.	1,450	470
Outlays	12,518	4,056
National Oceanic and Atmospheric Administration		
Operations, research, and facilities (06–48–1450–306–A):		
Budget Authority	1,335,049	432,556
401(C) Authority—Off. Coll.	15,315	4,962
Outlays	923,148	299,100

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Fisheries Promotional Fund (06–48–5124–376–A):		
Budget Authority	2,085	676
Outlays	1,149	372
Promote and develop fishery products and research (06–48–5139–376–A):		
401(C) Authority	2,506	812
Outlays	1,381	447
Fishing vessel and gear damage compensation fund (06–48–5119–376–A):		
Budget Authority	109	35
Outlays	109	35
Fishermen's contingency fund (06–48–5120–376–A):		
Budget Authority	765	248
Outlays	728	236
Foreign fishing observer fund (06–48–5122–376–A):		
Budget Authority	2,052	665
Outlays	1,972	639
Coastal energy impact fund (06–48–4315–452–A):		
401(C) Authority—Off. Coll.	8,000	2,592
Outlays	8,000	2,592
Federal ship financing fund, fishing vessels (06–48–4417–376–A):		
401(C) Authority	5,400	1,750
Guaranteed Loan Limitation	480,000	155,520
Outlays	5,319	1,723
Aviation weather services program (06–48–8105–306–A):		
Budget Authority	30,825	9,987
Outlays	30,825	9,987
Patent and Trademark Office		
Salaries and expenses (06–51–1006–376–A):		
Budget Authority	89,866	29,117
401(C) Authority—Off. Coll.	241,620	78,285
Outlays	291,046	94,299
Technology Administration		
Salaries and Expenses (06–53–1100–376–A):		
Budget Authority	4,059	1,315
Outlays	3,491	1,131
Information products and services (06–53–8546–376–A):		
401(C) Authority	53,000	17,172
Outlays	39,287	12,729
National Institute of Standards and Technology		
Scientific and technical research and services (06–55–0500–376–A):		
Budget Authority	171,052	55,421
Outlays	133,421	43,228
Working capital fund (06–55–4650–376–A):		
Budget Authority	562	182
Outlays	282	91
National Telecommunications and Information Administration		
Salaries and expenses (06–60–0550–376–A):		
Budget Authority	14,677	4,755
Outlays	11,742	3,804
Public telecommunications facilities, planning and construction (06–60–0551–503–A):		
Budget Authority	20,847	6,754
Outlays	2,418	783
Total, Department of Commerce:		
Budget Authority	3,859,375	1,250,439
401(C) Authority	60,906	19,734
401(C) Authority—Off. Coll.	289,380	93,759
Guaranteed Loan Limitation	675,375	218,822
Outlays	3,233,803	1,047,748
Department of Defense—Military		
Operation and Maintenance		
Operation and maintenance, Army (07–10–2020–051–A):		
Budget Authority	24,387,435	8,608,765
Outlays	19,851,372	7,007,534

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Operation and maintenance, Navy (07–10–1804–051–A):		
Budget Authority	26,103,242	9,214,444
Outlays	20,099,496	7,095,122
Operation and maintenance, Marine Corps (07–10–1106–051–A):		
Budget Authority	1,887,886	666,424
Outlays	1,374,381	485,156
Operation and maintenance, Air Force (07–10–3400–051–A):		
Budget Authority	23,079,903	8,147,206
Outlays	17,702,286	6,248,907
Operation and maintenance, Defense agencies (07–10–0100–051–A):		
Budget Authority	8,172,250	2,884,804
Outlays	6,946,412	2,452,083
Office of the Inspector General (07–10–0107–051–A):		
Budget Authority	100,866	35,606
Unobligated Balances—Defense	19	7
Outlays	75,663	26,709
Operation and maintenance, Army Reserve (07–10–2080–051–A):		
Budget Authority	911,179	321,646
Outlays	692,496	244,451
Operation and maintenance, Navy Reserve (07–10–1805–051–A):		
Budget Authority	962,741	339,848
Outlays	608,452	214,784
Operation and maintenance, Marine Corps Reserve (07–10–1107–051–A):		
Budget Authority	81,807	28,878
Outlays	58,901	20,792
Operation and maintenance, Air Force Reserve (07–10–3740–051–A):		
Budget Authority	1,053,551	371,904
Outlays	849,162	299,754
Operation and maintenance, Army National Guard (07–10–2065–051–A):		
Budget Authority	1,953,369	689,546
Outlays	1,517,784	535,778
Operation and maintenance, Air National Guard (07–10–3840–051–A):		
Budget Authority	2,115,710	746,846
Outlays	1,707,378	602,704
National Board for the Promotion of Rifle Practice, Army (07–10–1705–051–A):		
Budget Authority	4,837	1,707
Outlays	2,661	939
Court of Military Appeals, Defense (07–10–0104–051–A):		
Budget Authority	4,132	1,459
Outlays	3,471	1,225
Drug Interdiction Defense (07–10–0105–051–A):		
Budget Authority	30,645	10,816
Outlays	12,258	4,327
Goodwill Games (07–10–0106–051–A):		
Budget Authority	15,132	5,342
Outlays	12,106	4,273
Foreign currency fluctuations, Defense (07–10–0801–051–A):		
Unobligated Balances—Defense	299,186	105,613
Environmental restoration, Defense (07–10–0810–051–A):		
Unobligated Balances—Defense	211	74
Outlays	116	41
Humanitarian Assistance (07–10–0819–051–A):		
Budget Authority	10,420	3,678
Outlays	7,638	2,696
Restoration of the Rocky Mountain Arsenal (07–10–5098–051–A):		
401(C) Authority	21,300	7,519
Unobligated Balances—Defense	29,880	10,548
Outlays	21,300	7,519

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Procurement		
Aircraft procurement, Army (07–15–2031–051–A):		
Budget Authority	3,844,510	1,357,112
Unobligated Balances—		
Defense	702,737	248,966
Outlays	591,142	208,673
Missile procurement, Army (07–15–2032–051–A):		
Budget Authority	2,587,403	913,359
Unobligated Balances—		
Defense	651,960	230,142
Outlays	161,968	57,175
Procurement of weapons and tracked combat vehicles, Army (07–15–2033–051–A):		
Budget Authority	2,535,390	894,993
Unobligated Balances—		
Defense	1,097,334	387,359
Outlays	36,327	12,823
Procurement of ammunition, Army (07–15–2034–051–A):		
Budget Authority	2,017,357	712,127
Unobligated Balances—		
Defense	246,335	86,956
Outlays	769,955	271,888
Other procurement, Army (07–15–2035–051–A):		
Budget Authority	3,615,676	1,276,334
Unobligated Balances—		
Defense	1,166,611	411,814
Outlays	430,486	151,933
Aircraft procurement, Navy (07–15–1506–051–A):		
Budget Authority	9,543,052	3,368,697
Unobligated Balances—		
Defense	1,861,479	657,102
Outlays	1,539,612	543,483
Weapons procurement, Navy (07–15–1507–051–A):		
Budget Authority	5,528,022	1,951,392
Unobligated Balances—		
Defense	1,411,075	498,109
Outlays	624,519	220,455
Shipbuilding and conversion, Navy (07–15–1611–051–A):		
Budget Authority	11,682,207	4,123,819
Unobligated Balances—		
Defense	8,439,096	2,979,001
Outlays	804,852	284,113
Other procurement, Navy (07–15–1810–051–A):		
Budget Authority	7,881,196	2,782,062
Unobligated Balances—		
Defense	3,819,915	1,348,430
Outlays	1,275,421	450,224
Procurement, Marine Corps (07–15–1109–051–A):		
Budget Authority	1,210,839	427,426
Unobligated Balances—		
Defense	222,381	78,500
Outlays	225,016	79,431
Aircraft procurement, Air Force (07–15–3010–051–A):		
Budget Authority	16,037,703	5,661,309
Unobligated Balances—		
Defense	7,132,558	2,517,793
Outlays	926,810	327,164
Missile procurement, Air Force (07–15–3020–051–A):		
Budget Authority	6,584,129	2,324,198
Unobligated Balances—		
Defense	2,538,951	896,250
Outlays	1,879,355	663,412
Other procurement, Air Force (07–15–3080–051–A):		
Budget Authority	8,839,294	3,120,271
Unobligated Balances—		
Defense	2,093,509	739,009
Outlays	6,275,429	2,215,226
Procurement, Defense agencies (07–15–0300–051–A):		
Budget Authority	1,387,518	489,794
Unobligated Balances—		
Defense	362,333	127,904
Outlays	507,458	179,133

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
National Guard and Reserve Equipment (07–15–0350–051–A):		
Budget Authority	1,030,246	363,677
Unobligated Balances—		
Defense	476,830	168,321
Outlays	162,765	57,456
Defense Production Act purchases (07–15–0360–051–A):		
Budget Authority	45,305	15,993
Unobligated Balances—		
Defense	47,627	16,812
Chemical agents and munitions destruction, Defense (07–15–0390–051–A):		
Budget Authority	264,898	93,509
Unobligated Balances—		
Defense	17,287	6,102
Outlays	107,512	37,952
Research, Development, Test, and Evaluation		
Research, development, test, and evaluation, Army (07–20–2040–051–A):		
Budget Authority	5,556,752	1,961,533
Unobligated Balances—		
Defense	351,349	124,026
Outlays	3,013,132	1,063,636
Research, development, test, and evaluation, Navy (07–20–1319–051–A):		
Budget Authority	9,885,776	3,489,679
Unobligated Balances—		
Defense	440,048	155,337
Outlays	5,782,461	2,041,209
Research, development, test, and evaluation, Air Force (07–20–3600–051–A):		
Budget Authority	14,042,510	4,957,906
Unobligated Balances—		
Defense	1,874,192	661,590
Outlays	9,152,103	3,230,692
Research, development, test, and evaluation, Defense agencies (07–20–0400–051–A):		
Budget Authority	8,364,756	2,953,919
Unobligated Balances—		
Defense	984,699	347,599
Outlays	5,031,397	1,776,083
Developmental test and evaluation, Defense (07–20–0450–051–A):		
Budget Authority	185,706	65,554
Unobligated Balances—		
Defense	32,733	11,555
Outlays	46,965	16,579
Operational test and evaluation, Defense (07–20–0460–051–A):		
Budget Authority	13,259	4,680
Unobligated Balances—		
Defense	1,909	674
Outlays	606	214
Military Construction		
Military construction, Army (07–25–2050–051–A):		
Budget Authority	760,886	268,522
Unobligated Balances—		
Defense	338,004	119,315
Outlays	351,581	124,108
Military construction, Navy (07–25–1205–051–A):		
Budget Authority	1,167,506	412,130
Unobligated Balances—		
Defense	420,192	148,328
Outlays	261,970	92,475
Military construction, Air Force (07–25–3300–051–A):		
Budget Authority	1,223,616	431,936
Unobligated Balances—		
Defense	558,550	197,168
Outlays	294,058	103,802
Military construction, Defense agencies (07–25–0500–051–A):		
Budget Authority	531,243	187,529
Unobligated Balances—		
Defense	353,696	124,855
Outlays	123,891	43,734

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
North Atlantic Treaty Organization infrastructure (07–25–0804–051–A):		
Budget Authority	419,706	148,156
Unobligated Balances—		
Defense	19,231	6,789
Outlays	87,787	30,989
Military construction, Army National Guard (07–25–2085–051–A):		
Budget Authority	240,171	84,780
Unobligated Balances—		
Defense	93,727	33,086
Outlays	24,040	8,486
Military construction, Air National Guard (07–25–3830–051–A):		
Budget Authority	245,773	86,758
Unobligated Balances—		
Defense	104,179	36,775
Outlays	27,996	9,883
Military construction, Army Reserve (07–25–2086–051–A):		
Budget Authority	103,319	36,472
Unobligated Balances—		
Defense	35,015	12,360
Outlays	18,675	6,592
Military construction, Naval Reserve (07–25–1235–051–A):		
Budget Authority	58,977	20,819
Unobligated Balances—		
Defense	10,545	3,722
Outlays	9,733	3,436
Military construction, Air Force Reserve (07–25–3730–051–A):		
Budget Authority	48,140	16,993
Unobligated Balances—		
Defense	12,163	4,294
Outlays	6,452	2,278
Base realignment and closure account (07–25–0103–051–A):		
Budget Authority	521,000	183,913
Unobligated Balances—		
Defense	85,000	30,005
Outlays	203,616	71,876
Foreign currency fluctuations, construction (07–25–0803–051–A):		
Unobligated Balances—		
Defense	152,484	53,827
Family Housing		
Family housing, Army (07–30–0702–051–A):		
Budget Authority	1,508,704	532,573
Unobligated Balances—		
Defense	92,975	32,820
Outlays	1,055,380	372,549
Family housing, Navy and Marine Corps (07–30–0703–051–A):		
Budget Authority	831,850	293,543
Unobligated Balances—		
Defense	137,094	48,394
Outlays	415,815	146,783
Family housing, Air Force (07–30–0704–051–A):		
Budget Authority	906,544	320,010
Unobligated Balances—		
Defense	57,950	20,456
Outlays	564,695	199,337
Family housing, Defense agencies (07–30–0706–051–A):		
Budget Authority	22,011	7,770
Unobligated Balances—		
Defense	70	25
Outlays	15,116	5,336
Revolving and Management Funds		
National Defense Stockpile transaction fund (07–40–4555–051–A):		
Unobligated Balances—		
Defense	421,828	148,905
Air Force stock fund (07–40–4921–051–A):		
Budget Authority	115,766	40,865
Outlays	45,149	15,938
Army industrial fund (07–40–4992–051–A):		
Budget Authority	31,052	10,961
Outlays	12,110	4,275

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Emergency response fund (07-40-4965-051-A):		
Budget Authority	104,200	36,783
Unobligated Balances—Defense	100,000	35,300
Total, Department of Defense—Military:		
Budget Authority	222,418,893	78,513,871
401(C) Authority	21,300	7,519
Unobligated Balances—Defense	39,294,947	13,871,117
Outlays	114,406,308	40,385,425
Department of Defense—Civil		
Cemeterial Expenses, Army		
Salaries and expenses (08-05-1805-705-A):		
Budget Authority	12,926	4,188
Outlays	9,643	3,124
Corps of Engineers—Civil		
General investigations (08-10-3121-301-A):		
Budget Authority	135,300	43,837
Outlays	94,710	30,686
Construction, general (08-10-3122-301-A):		
Budget Authority	1,008,616	326,792
401(C) Authority—Off. Coll.	250	81
Outlays	403,696	130,798
Operation and maintenance, general (08-10-3123-301-A):		
Budget Authority	1,270,821	411,746
401(C) Authority—Off. Coll.	3,500	1,134
Outlays	1,020,157	330,531
Operation and maintenance, general (08-10-3123-303-A):		
Budget Authority	20,596	6,673
Outlays	20,596	6,673
Regulatory Program (08-10-3126-301-A):		
Budget Authority	71,659	23,218
Outlays	68,076	22,057
Flood control and coastal emergencies (08-10-3125-301-A):		
Budget Authority	20,864	6,760
Outlays	10,432	3,380
General expenses (08-10-3124-301-A):		
Budget Authority	148,699	48,178
Outlays	118,959	38,543
Flood control, Mississippi River and tributaries (08-10-3112-301-A):		
Budget Authority	344,961	111,767
401(C) Authority—Off. Coll.	195	63
Outlays	241,668	78,300
Permanent appropriations (Water resources) (08-10-9921-301-A):		
401(C) Authority	7,000	2,268
Outlays	48	16
Permanent appropriations (08-10-9921-806-A):		
401(C) Authority	5,000	1,620
Revolving fund (08-10-4902-301-A):		
Budget Authority	10,275	3,329
Outlays	8,220	2,663
Inland waterways trust fund (08-10-8861-301-A):		
Budget Authority	122,450	39,674
Outlays	73,470	23,804
Rivers and harbors contributed funds (08-10-8862-301-A):		
401(C) Authority	205,500	66,582
Outlays	96,145	31,151
Harbor maintenance trust fund (08-10-8863-301-A):		
Budget Authority	168,884	54,718
Outlays	168,884	54,718
Soldiers' and Airmen's Home		
Operation and maintenance (08-20-8931-705-A):		
Budget Authority	40,615	13,159
401(C) Authority—Off. Coll.	144	47
Outlays	35,682	11,561
Capital outlay (08-20-8932-705-A):		
Budget Authority	9,768	3,165
Outlays	3,419	1,108

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Forest & Wildlife Conservation, Mil. Reservations		
Wildlife conservation (08-30-5095-303-A):		
401(C) Authority	2,200	713
Outlays	1,450	470
The Mildred and Claude Pepper Foundation		
Mildred and Claude Pepper Foundation (08-31-0826-552-A):		
Budget Authority	10,420	3,376
Outlays	10,420	3,376
Total, Department of Defense—Civil:		
Budget Authority	3,396,854	1,100,580
401(C) Authority	219,700	71,183
401(C) Authority—Off. Coll.	4,089	1,325
Outlays	2,385,675	772,959
Department of Education		
Office of Elementary and Secondary Education		
Compensatory education for the disadvantaged (18-10-0900-501-A):		
Budget Authority	5,593,832	1,812,402
Outlays	671,260	217,488
Impact aid (18-10-0102-501-A):		
Budget Authority	763,111	247,248
Outlays	614,498	199,097
School improvement programs (18-10-1000-501-A):		
Budget Authority	1,477,227	478,622
Outlays	177,264	57,434
Indian education (18-10-0101-501-A):		
Budget Authority	76,729	24,860
Outlays	11,223	3,636
Off. of Bilingual Ed. & Minority Languages Affairs		
Bilingual and Immigrant Education (18-15-1300-501-A):		
Budget Authority	196,598	63,698
Outlays	23,591	7,643
Office of Special Education & Rehabilitative Svcs.		
Education for the handicapped (18-20-0300-501-A):		
Budget Authority	2,141,575	693,870
Outlays	264,558	85,717
Vocational rehabilitation (18-20-0301-506-A):		
Budget Authority	262,285	84,980
Outlays	201,959	65,435
Vocational rehab split for G-R-H: ASI (G-R-H) (18-20-0301-506-I):		
Budget Authority—ASI	68,782	68,782
Outlays	52,962	52,962
Special institutions for the handicapped (Gallaudet) (18-20-0604-501-C):		
Budget Authority	21,629	7,008
Outlays	20,331	6,587
Special institutions for the handicapped (APHB) (18-20-0604-501-D):		
Budget Authority	5,901	1,912
Outlays	5,901	1,912
Special institutions for the handicapped (NTID) (18-20-0604-502-B):		
Budget Authority	37,585	12,178
Outlays	36,164	11,717
Special institutions for the handicapped (Gallaudet) (18-20-0604-502-C):		
Budget Authority	48,854	15,829
Outlays	46,959	15,215
Office of Vocational and Adult Education		
Vocational and adult education (18-30-0400-501-A):		
Budget Authority	1,169,613	378,955
401(C) Authority	7,148	2,316
Outlays	141,213	45,753

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Office of Postsecondary Education		
Student financial assistance (18-40-0200-502-A):		
Budget Authority	6,340,325	2,054,265
Outlays	1,174,049	380,392
Guaranteed student loans (18-40-0230-502-A):		
401(C) Authority—Spec. Rules	44,573	44,573
Outlays	35,658	35,658
Higher education (18-40-0201-502-A):		
Budget Authority	650,763	210,847
Outlays	95,116	30,818
Howard University (18-40-0603-502-A):		
Budget Authority	190,109	61,595
Outlays	181,473	58,797
College housing and academic facilities loans (18-40-0242-502-A):		
Budget Authority	39,709	12,866
Direct Loan Limitation	31,260	10,128
Outlays	6,789	2,200
College housing loans (18-40-4250-502-A):		
401(C) Authority—Off. Coll.	50	16
Outlays	50	16
Office of Educational Research and Improvement		
Research, statistics and improvement of practice (18-50-1100-503-A):		
Budget Authority	99,242	32,154
Outlays	42,674	13,826
Libraries (18-50-0104-503-A):		
Budget Authority	142,385	46,133
Outlays	51,244	16,603
Departmental Management		
Salaries and expenses (Elementary, secondary and vocational ed.) (18-80-0800-501-A):		
Budget Authority	22,634	7,333
Outlays	18,786	6,087
Salaries and expenses (Higher education) (18-80-0800-502-A):		
Budget Authority	100,092	32,430
Outlays	83,076	26,917
Salaries and expenses (Research and general education aids) (18-80-0800-503-A):		
Budget Authority	140,449	45,505
Outlays	116,572	37,769
Salaries and expenses (Social services) (18-80-0800-506-A):		
Budget Authority	22,917	7,425
Outlays	19,021	6,163
Office for Civil Rights (18-80-0700-751-A):		
Budget Authority	46,733	15,141
Outlays	38,789	12,568
Office of the Inspector General (18-80-1400-751-A):		
Budget Authority	24,212	7,845
Outlays	20,096	6,511
Total, Department of Education:		
Budget Authority	19,614,509	6,355,101
Budget Authority—ASI	68,782	68,782
401(C) Authority	7,148	2,316
401(C) Authority—Off. Coll.	50	16
401(C) Authority—Spec. Rules	44,573	44,573
Direct Loan Limitation	31,260	10,128
Outlays	4,151,276	1,404,921
Department of Energy		
Atomic Energy Defense Activities		
Atomic energy defense activities (19-10-0220-053-A):		
Budget Authority	10,052,119	3,548,398
Outlays	6,533,877	2,306,459

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Energy Programs		
General science and research activities (19-20-0222-251-A):		
Budget Authority	1,144,904	370,949
Outlays	865,547	280,437
Energy supply, R&D activities (19-20-0224-271-A):		
Budget Authority	2,277,066	737,769
Outlays	1,138,533	368,885
Uranium supply and enrichment activities (19-20-0226-271-A):		
401(C) Authority—Off. Coll.	1,287,700	417,215
Outlays	1,287,700	417,215
Fossil energy research and development (19-20-0213-271-A):		
Budget Authority	436,081	141,290
Outlays	174,432	56,516
Naval petroleum and shale reserves (19-20-0219-271-A):		
Budget Authority	197,438	63,970
Outlays	108,591	35,183
Energy conservation (Energy conservation) (19-20-0215-272-A):		
Budget Authority	383,621	124,309
Outlays	76,582	24,813
Strategic petroleum reserve (19-20-0218-274-A):		
Budget Authority	200,629	65,004
Outlays	110,346	35,752
SPR petroleum (19-20-0233-274-A):		
Budget Authority	224,310	72,676
401(C) Authority	108,458	35,140
Outlays	296,729	96,140
Energy information administration (19-20-0216-276-A):		
Budget Authority	67,202	21,773
Outlays	43,681	14,153
Emergency preparedness (19-20-0234-274-A):		
Budget Authority	6,857	2,222
Outlays	5,486	1,777
Economic regulation (19-20-0217-276-A):		
Budget Authority	19,160	6,208
Outlays	13,412	4,345
Federal Energy Regulatory Commission (19-20-0212-276-A):		
Budget Authority	120,357	38,996
Outlays	108,946	35,298
Geothermal resources development fund (19-20-0206-271-A):		
Budget Authority	80	26
Outlays	80	26
Clean Coal Technology (19-20-0235-271-A):		
401(C) Authority	956,000	309,744
Outlays	146,002	47,953
Payments to states under Federal Power Act (19-20-5105-806-A):		
401(C) Authority	2,343	759
Nuclear waste disposal fund (19-20-5227-271-A):		
Budget Authority	307,553	99,647
Outlays	153,777	49,824
Isotope production and distribution fund (19-20-4180-271-A):		
Budget Authority	16,689	5,407
401(C) Authority—Off. Coll.	16,243	5,263
Outlays	16,243	5,263
Power Marketing Administration		
Operation and maintenance, Alaska Power Administration (19-50-0304-271-A):		
Budget Authority	1,907	618
Outlays	1,506	488
Operation and maintenance, Southeastern Power Administration (19-50-0302-271-A):		
Budget Authority	385	125
Outlays	327	106
Operation and maintenance, Southwestern Power Administration (19-50-0303-271-A):		
Budget Authority	6,927	1,953
Outlays	3,737	1,211

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Construction, rehabilitation, operation and maintenance, WAPA (19-50-5068-271-A):		
Budget Authority	43,085	13,960
Outlays	19,388	6,282
Bonneville Power Administration fund (19-50-4045-271-A):		
401(C) Authority—Off. Coll.	45,800	14,839
Outlays	45,800	14,839
Colorado river basins power marketing fund, WAPA (19-50-4452-271-A):		
401(C) Authority—Off. Coll.	7,668	2,484
Outlays	7,668	2,484
Departmental Administration		
Departmental administration (Energy information, policy, & reg.) (19-60-0228-276-A):		
Budget Authority	209,594	67,908
401(C) Authority—Off. Coll.	183,413	59,426
Outlays	313,388	101,538
Office of the Inspector General (19-60-0236-276-A):		
Budget Authority	23,679	7,672
Outlays	23,679	7,672
Total, Department of Energy:		
Budget Authority	15,738,793	5,390,880
401(C) Authority	1,066,801	345,643
401(C) Authority—Off. Coll.	1,540,824	499,227
Outlays	11,497,457	3,914,659
Department of Health and Human Services		
Food and Drug Administration		
Program expenses (09-10-0600-554-A):		
Budget Authority	618,452	200,378
Outlays	519,751	168,399
Buildings and facilities (09-10-0603-554-A):		
Budget Authority	8,701	2,819
Outlays	1,305	423
Revolving fund for certification and other services (09-10-4309-554-A):		
401(C) Authority—Off. Coll.	3,230	1,047
Outlays	3,230	1,047
Health Resources and Services		
Health resources and services (health care services) (09-15-0350-551-A):		
Budget Authority	1,073,609	347,849
401(C) Authority—Off. Coll.	365	118
Outlays	561,749	182,007
Health resources and services 2% split (G-R-H) (09-15-0350-551-G):		
Budget Authority—Spec. Rules	10,550	10,550
Outlays	6,330	6,330
Health resources and services (education and training) (09-15-0350-553-A):		
Budget Authority	221,999	71,928
Outlays	123,160	39,904
Vaccine improvement program trust fund (09-15-8175-551-A):		
Budget Authority	5,127	1,661
Outlays	5,053	1,637
Indian Health		
Tribal Health Administration (09-17-0390-551-A):		
Budget Authority	92,295	29,904
Outlays	67,303	21,806
Tribal and Federal Health Services 2% split (G-R-H) (09-17-0390-551-G):		
Budget Authority—Spec. Rules	22,766	22,766
401(C) Authority—Spec. Rules	60	60
Outlays	16,634	16,634

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Indian health facilities 2% split (G-R-H) (09-17-0391-551-G):		
Budget Authority—Spec. Rules	1,493	1,493
Outlays	793	793
Centers for Disease Control		
Disease control (Health care services) (09-20-0943-551-A):		
Budget Authority	1,032,778	334,620
Outlays	567,984	184,027
Disease control (Health research) (09-20-0943-552-A):		
Budget Authority	137,404	44,519
401(C) Authority	346	112
Outlays	75,754	24,544
National Institutes of Health		
National Cancer Institute (Health research) (09-25-0849-552-A):		
Budget Authority	1,664,923	539,435
Outlays	832,859	269,846
National Cancer Institute (Education and training) (09-25-0849-553-A):		
Budget Authority	38,849	12,587
Outlays	1,360	441
National Heart, Lung and Blood Institute (Health research) (09-25-0872-552-A):		
Budget Authority	1,069,015	346,361
Outlays	523,821	169,718
National Heart, Lung and Blood Institute (Education & training) (09-25-0872-553-A):		
Budget Authority	48,741	15,792
Outlays	1,950	632
National Institute of Dental Research (Health research) (09-25-0873-552-A):		
Budget Authority	135,053	43,757
Outlays	74,483	24,132
National Institute of Dental Research (Education and training) (09-25-0873-553-A):		
Budget Authority	6,542	2,120
Outlays	3,568	1,156
National Insti. of Diabetes, and Digestive and Kidney Diseases (09-25-0884-552-A):		
Budget Authority	581,397	188,373
Outlays	187,769	60,837
National Insti. of Diabetes, and Digestive and Kidney Diseases (09-25-0884-553-A):		
Budget Authority	25,604	8,296
Outlays	6,401	2,074
National Institute of Neurological Disorders and Stroke (09-25-0886-552-A):		
Budget Authority	497,068	161,050
Outlays	203,798	66,031
National Institute of Neurological Disorders and Stroke (09-25-0886-553-A):		
Budget Authority	14,200	4,601
Outlays	5,822	1,886
National Institute of Allergy & Infectious Diseases (Research) (09-25-0885-552-A):		
Budget Authority	849,199	275,140
Outlays	285,402	92,470
National Institute of Allergy & Infectious Diseases (Ed.&train.) (09-25-0885-553-A):		
Budget Authority	19,133	6,199
Outlays	2,889	936
National Institute of General Medical Sciences (Health research) (09-25-0851-552-A):		
Budget Authority	621,699	201,430
Outlays	226,553	73,403
National Institute of General Medical Sciences (Ed. & training) (09-25-0851-553-A):		
Budget Authority	88,779	28,764
Outlays	29,208	9,463
Nat. Inst. Child Health and Human Development (Health research) (09-25-0844-552-A):		
Budget Authority	443,866	143,813
Outlays	150,498	48,761

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Nat. Inst. Child Health and Human Development (Ed. & training) (09–25–0844–553–A):		
Budget Authority	17,863	5,788
Outlays	1,880	609
National Eye Institute (Health research) (09–25–0887–552–A):		
Budget Authority	238,881	77,397
Outlays	90,395	29,288
National Eye Institute (Education and training) (09–25–0887–553–A):		
Budget Authority	7,671	2,485
Outlays	765	248
National Institute of Environmental Health Sciences (Research) (09–25–0862–552–A):		
Budget Authority	227,684	73,770
Outlays	126,916	41,121
National Institute of Environmental Health Sciences (Ed.&train.) (09–25–0862–553–A):		
Budget Authority	10,949	3,547
Outlays	6,131	1,986
National Institute on Aging (Health research) (09–25–0843–552–A):		
Budget Authority	239,230	77,511
Outlays	79,142	25,642
National Institute on Aging (Education and training) (09–25–0843–553–A):		
Budget Authority	10,441	3,383
Outlays	3,242	1,050
National Ins. of Arthritis and Musculoskeletal and Skin Diseas (09–25–0888–552–A):		
Budget Authority	168,691	54,656
Outlays	71,197	23,068
National Ins. of Arthritis and Musculoskeletal and Skin Diseas (09–25–0888–553–A):		
Budget Authority	7,386	2,393
Outlays	1,270	411
NID and Other Communicative Disorders (09–25–0890–552–A):		
Budget Authority	119,120	38,595
Outlays	49,128	15,917
NID and Other Communicative Disorders (09–25–0890–553–A):		
Budget Authority	3,428	1,111
Outlays	1,391	451
Research resources (Health research) (09–25–0848–552–A):		
Budget Authority	366,054	118,601
Outlays	234,163	75,869
Research resources (Education and training) (09–25–0848–553–A):		
Budget Authority	2,694	873
Outlays	137	44
National Center for Nursing Research (09–25–0889–552–A):		
Budget Authority	30,559	9,901
Outlays	4,950	1,604
National Center for Nursing Research (09–25–0889–553–A):		
Budget Authority	4,640	1,503
Outlays	742	240
National Center for Human Genome Research (09–25–0891–552–A):		
Budget Authority	58,860	19,071
Outlays	20,703	6,708
National Center for Human Genome Research (09–25–0891–553–A):		
Budget Authority	3,190	1,034
Outlays	1,008	327
John E. Fogarty International Center (09–25–0819–552–A):		
Budget Authority	16,192	5,246
Outlays	7,773	2,518
National Library of Medicine (Health research) (09–25–0807–552–A):		
Budget Authority	30,436	9,861
Outlays	18,505	5,996
National Library of Medicine (Education and training) (09–25–0807–553–A):		
Budget Authority	55,052	17,837
Outlays	33,513	10,858

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Office of the Director (Health research) (09–25–0846–552–A):		
Budget Authority	104,402	33,826
401(C) Authority	200	65
Outlays	49,269	15,963
Office of the Director (Education and training) (09–25–0846–553–A):		
Budget Authority	7,755	2,513
Outlays	3,645	1,181
Buildings and facilities (09–25–0838–552–A):		
Budget Authority	63,606	20,608
Outlays	12,721	4,122
Alcohol,Drug Abuse, and Mental Health Administration		
Alcohol, drug abuse, and mental health (Health care services) (09–30–1361–551–A):		
Budget Authority	1,726,727	559,460
Outlays	579,956	187,906
Alcohol, drug abuse, and mental health (Health research) (09–30–1361–552–A):		
Budget Authority	936,305	303,363
Outlays	346,957	112,414
Alcohol, drug abuse, and mental health (Education and training) (09–30–1361–553–A):		
Budget Authority	73,894	23,942
Outlays	3,642	1,180
Federal subsidy for St. Elizabeths Hospital (09–30–1300–551–A):		
Budget Authority	18,756	6,077
Outlays	18,756	6,077
Office of Assistant Secretary for Health		
Public health service management (Health care services) (09–37–1101–551–A):		
Budget Authority	58,320	18,896
Outlays	29,483	9,552
Public health service management (Health research) (09–37–1101–552–A):		
Budget Authority	21,248	6,884
Outlays	18,445	5,976
Medical treatment effectiveness (09–37–1105–552–A):		
Budget Authority	27,965	9,061
Outlays	15,661	5,074
Health Care Financing Administration		
Program management (Health care services) (09–38–0511–551–A):		
Budget Authority	91,830	29,753
Outlays	91,830	29,753
Program management (Health research) (09–38–0511–552–A):		
Budget Authority	13,384	4,336
Outlays	13,384	4,336
Federal hospital insurance trust fund (09–38–8005–571–A):		
401(C) Authority	103,825	33,639
Obligation limitation	1,040,079	336,986
Outlays	885,502	286,903
FHI 2% split (G-R-H) (09–38–8005–571–S):		
Obligat. limit.—Spec. Rules	1,190,000	1,190,000
Outlays	1,190,000	1,190,000
Federal supplementary medical insurance trust fund (09–38–8004–571–A):		
401(C) Authority	27,599	8,942
Obligation limitation	1,471,689	476,827
Outlays	1,306,263	423,229
FSMI 2% split (G-R-H) (09–38–8004–571–S):		
Obligat. limit.—Spec. Rules	408,000	408,000
Outlays	408,000	408,000
Social Security Administration		
Special benefits for disabled coal miners (09–60–0409–601–A):		
Budget Authority	7,156	2,319
Outlays	7,156	2,319

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Supplemental security income program (09–60–0406–609–A):		
Budget Authority	832,072	269,591
Outlays	832,072	269,591
Family Support Administration		
Program administration (09–70–1500–609–A):		
Budget Authority	89,426	28,974
401(C) Authority—Off. Coll.	417	135
Outlays	62,906	20,382
Family support payment to States (CSE) (09–70–1501–609–B):		
Budget Authority	1,166,599	377,978
401(C) Authority	362,401	117,418
Outlays	1,529,000	495,396
Low income home energy assistance (09–70–1502–609–A):		
Budget Authority	1,503,606	487,168
Outlays	1,368,281	443,323
Refugee and Entrant Assistance (09–70–1503–609–A):		
Budget Authority	390,564	126,543
Outlays	253,867	82,253
Community services block grant (09–70–1504–506–A):		
Budget Authority	397,068	128,650
401(C) Authority	8,041	2,605
Outlays	279,525	90,566
Payments to States for Family Support Activities (09–70–1509–609–A):		
Budget Authority	1,000,000	324,000
Outlays	763,000	247,212
Interim assistance to States for legalization (09–70–1508–506–A):		
401(C) Authority	840,000	272,160
Outlays	252,825	81,915
Human Development Services		
Social services block grant (09–80–1634–506–A):		
Budget Authority	2,800,000	907,200
Outlays	2,660,000	861,840
Human development services (09–80–1636–506–A):		
Budget Authority	3,059,713	991,347
Outlays	1,778,479	576,227
Payments to State for foster care and adoption assistance (09–80–1645–506–A):		
Budget Authority—Spec. Rules	5,132	5,132
Outlays	3,683	3,683
Policy Management		
General Departmental administration (09–90–0120–609–A):		
Budget Authority	82,692	26,792
Outlays	57,884	18,754
Office of the Inspector General (09–90–0128–609–A):		
Budget Authority	52,891	17,137
Outlays	39,670	12,853
Office for Civil Rights (09–90–0135–751–A):		
Budget Authority	18,128	5,873
Outlays	16,496	5,345
Office of Consumer Affairs (09–90–0137–506–A):		
Budget Authority	1,919	622
Outlays	1,535	497
Policy research (09–90–0122–609–A):		
Budget Authority	5,214	1,689
Outlays	2,086	676
Total, Department of Health and Human Services:		
Budget Authority	25,464,694	8,250,561
Budget Authority—Spec. Rules	39,941	39,941
401(C) Authority	1,342,412	434,941
401(C) Authority—Off. Coll.	4,012	1,300
401(C) Authority—Spec. Rules	60	60
Obligation limitation	2,511,768	813,813
Obligat. limit.—Spec. Rules	1,598,000	1,598,000
Outlays	20,120,357	7,617,790

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Health and Human Services Social Security		
Social Security		
Federal old-age and survivors insurance trust fund (16-05-8006-651-A):		
Obligation limitation	1,694,999	549,180
Outlays	1,459,886	473,003
Federal disability insurance trust fund (16-05-8007-651-A):		
Obligation limitation	540,687	175,183
Outlays	471,776	152,855
Total, Health and Human Services Social Security:		
Obligation limitation	2,235,686	724,363
Outlays	1,931,662	625,858
Department of Housing and Urban Development		
Housing Programs		
Subsidized housing programs (Housing assistance) (25-02-0164-604-A):		
Budget Authority	7,528,368	2,439,191
Outlays	71,957	23,314
Asst. for the renewal of expiring section 8 subsidy cont. (25-02-0194-604-A):		
Budget Authority	1,122,844	363,801
Outlays	61,532	19,936
Congregate services program (25-02-0178-604-A):		
Budget Authority	6,074	1,968
Housing counseling assistance (25-02-0156-506-A):		
Budget Authority	3,591	1,163
Section 8 moderate rehab. single room occupancy (25-02-0195-604-A):		
Budget Authority	76,259	24,708
Outlays	3,045	987
Manufactured home inspection and monitoring (25-02-5271-376-A):		
401(C) Authority	7,320	2,372
Outlays	6,500	2,106
Interstate land sales (25-02-5270-376-A):		
401(C) Authority	600	194
Outlays	600	194
FHA Mutual Mortgage and Cooperative Housing Insurance Fund (25-02-4070-371-A):		
Obligation limitation	229,291	74,290
Direct Loan Limitation	74,258	24,060
Guaranteed Loan Limitation	65,345,176	21,171,837
Outlays	229,291	74,290
FHA general and special risk insurance funds (25-02-4072-371-A):		
Obligation limitation	181,451	58,790
Direct Loan Limitation	16,633	5,389
Guaranteed Loan Limitation	11,593,499	3,756,294
Outlays	181,451	58,790
Housing for the elderly or handicapped fund (25-02-4115-371-A):		
Direct Loan Limitation	492,516	159,575
Rental housing assistance fund (25-02-4041-604-A):		
401(C) Authority—Off. Coll.	70,000	22,680
Outlays	70,000	22,680
Nonprofit sponsor assistance (25-02-4042-604-A):		
Direct Loan Limitation	1,114	361
Nehemiah Housing Opportunity Fund (25-02-4071-604-A):		
Budget Authority	25,220	8,171
Public and Indian Housing Programs		
Payments for operation of low income housing projects (25-03-0163-604-A):		
Budget Authority	1,943,363	629,650
Outlays	893,436	289,473

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Government National Mortgage Association		
Guarantees of mortgage-backed securities (25-04-4238-371-A):		
401(C) Authority—Off. Coll.	5,950	1,928
Guaranteed Loan Limitation	85,063,753	27,560,656
Outlays	5,950	1,928
Community Planning and Development		
Community development grants (25-06-0162-451-A):		
Budget Authority	3,014,473	976,689
Guaranteed Loan Limitation	147,722	47,862
Outlays	121,500	39,366
Rental rehabilitation grants (25-06-0182-451-A):		
Budget Authority	133,360	43,209
Urban homesteading (25-06-0171-451-A):		
Budget Authority	13,541	4,387
Outlays	13,541	4,387
Emergency shelter grants program (25-06-0181-604-A):		
Budget Authority	76,237	24,701
Outlays	11,436	3,705
Transitional and supportive housing demonstration programs (25-06-0188-604-A):		
Budget Authority	132,152	42,817
Rental Housing Assistance for the Homeless (25-06-0187-451-A):		
Budget Authority	11,285	3,656
Outlays	5,642	1,828
Rehabilitation loan fund (25-06-4036-451-A):		
401(C) Authority—Off. Coll.	13,703	4,440
Direct Loan Limitation	87,548	28,366
Outlays	29,685	9,618
Policy Development and Research		
Research and technology (25-28-0108-451-A):		
Budget Authority	21,284	6,896
Outlays	6,385	2,069
Fair Housing and Equal Opportunity		
Fair housing activities (25-29-0144-751-A):		
Budget Authority	12,931	4,190
Outlays	1,940	629
Management and Administration		
Salaries & expenses, incl. transfer of funds (Community dev.) (25-35-0143-451-A):		
Budget Authority	178,667	57,888
Outlays	137,501	44,550
Salaries & expenses, incl. transfer of funds (Public assist.) (25-35-0143-604-A):		
Budget Authority	161,003	52,165
Outlays	123,907	40,146
Salaries & expenses, incl. transfer of funds (Federal law acts.) (25-35-0143-751-A):		
Budget Authority	21,566	6,987
Outlays	16,596	5,377
Office of the Inspector General (25-35-0189-451-A):		
Budget Authority	24,912	8,071
Outlays	19,182	6,215
Total, Department of Housing and Urban Development:		
Budget Authority	14,507,130	4,700,308
401(C) Authority	7,920	2,566
401(C) Authority—Off. Coll.	89,653	29,048
Obligation limitation	410,742	133,080
Direct Loan Limitation	672,069	217,751
Guaranteed Loan Limitation	162,150,150	52,536,649
Outlays	2,011,077	651,588
Department of the Interior		
Bureau of Land Management		
Management of lands and resources (10-04-1109-302-A):		
Budget Authority	456,454	147,891
Outlays	397,115	128,665

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Construction and access (10-04-1110-302-A):		
Budget Authority	11,201	3,629
Outlays	2,800	907
Payments in lieu of taxes (10-04-1114-806-A):		
Budget Authority	109,410	35,449
Outlays	109,410	35,449
Oregon and California grant lands (10-04-1116-302-A):		
Budget Authority	66,932	21,686
Outlays	49,530	16,048
Special acquisition of lands and minerals (10-04-1117-302-A):		
401(C) Authority	1,300	421
Outlays	1,300	421
Firefighting (10-04-1119-302-A):		
Budget Authority	277,716	89,980
Outlays	194,401	62,986
Land acquisition (10-04-5033-302-A):		
Budget Authority	16,031	5,194
Outlays	2,405	779
Range improvements (10-04-5132-302-A):		
Budget Authority	10,188	3,301
Outlays	6,418	2,079
Service charges, deposits, and forfeitures (10-04-5017-302-A):		
Budget Authority	6,272	2,032
Outlays	5,519	1,788
Operation and maintenance of quarters (10-04-5048-302-A):		
401(C) Authority	250	81
Outlays	210	68
Miscellaneous permanent appropriations (10-04-9921-302-A):		
401(C) Authority	4,500	1,458
Outlays	4,455	1,443
Miscellaneous permanent appropriations (10-04-9921-806-A):		
401(C) Authority	142,394	46,136
Outlays	140,970	45,674
Miscellaneous trust funds (10-04-9971-302-A):		
Budget Authority	100	32
401(C) Authority	600	194
Outlays	357	116
Minerals Management Service		
Leasing and royalty management (10-06-1917-302-A):		
Budget Authority	184,180	59,674
Outlays	128,926	41,772
Payments to states from receipts under Mineral Leasing Act (10-06-5003-806-A):		
401(C) Authority	531,593	172,236
Outlays	531,593	172,236
Office of Surface Mining Reclamation and Enforcement		
Regulation and technology (10-08-1801-302-A):		
Budget Authority	107,322	34,772
Outlays	63,283	20,504
Abandoned mine reclamation fund (10-08-5015-302-A):		
Budget Authority	200,972	65,115
Outlays	69,372	22,477
Bureau of Reclamation		
Construction program (10-10-0684-301-A):		
Budget Authority	681,370	220,764
401(C) Authority—Off. Coll.	34,000	11,016
Outlays	606,407	196,476
Loan program (10-10-0667-301-A):		
Budget Authority	35,063	11,360
Direct Loan Limitation	31,922	10,343
Outlays	21,564	6,987
General investigations (10-10-5060-301-A):		
Budget Authority	11,889	3,852
Outlays	7,657	2,481
Emergency fund (10-10-5043-301-A):		
Budget Authority	1,027	333
Outlays	621	201

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Operation and maintenance (10–10–5064–301–A):		
Budget Authority	218,949	70,939
401(C) Authority—Off. Coll.	8,143	2,638
Outlays	178,266	57,756
General administrative expenses (10–10–5065–301–A):		
Budget Authority	49,533	16,049
Outlays	44,579	14,444
Colorado River Dam Fund, Boulder Canyon Project (10–10–5656–301–A):		
Budget Authority	–3,262	–1,057
401(C) Authority	53,335	17,281
Outlays	28,692	9,296
Miscellaneous permanent appropriations (10–10–9922–806–A):		
401(C) Authority	280	91
Outlays	224	73
Lower Colorado River basin development fund (10–10–4079–301–A):		
401(C) Authority—Off. Coll.	96,821	31,370
Outlays	96,821	31,370
Upper Colorado River basin fund (10–10–4081–301–A):		
401(C) Authority—Off. Coll.	31,604	10,240
Outlays	31,604	10,240
Working capital fund (10–10–4524–301–A):		
Budget Authority	8,733	2,829
Outlays	6,987	2,264
Reclamation trust funds (10–10–8070–301–A):		
401(C) Authority	97,195	31,491
Outlays	77,907	25,242
Geological Survey		
Surveys, investigations and research (10–12–0804–306–A):		
Budget Authority	525,171	170,155
401(C) Authority	250	81
401(C) Authority—Off. Coll.	78,427	25,410
Outlays	577,359	187,064
Operation and maintenance of quarters (10–12–5055–306–A):		
401(C) Authority	55	18
Outlays	45	15
Bureau of Mines		
Mines and minerals (10–14–0959–306–A):		
Budget Authority	186,651	60,475
Outlays	121,696	39,430
Helium fund (10–14–4053–306–A):		
401(C) Authority—Off. Coll.	4,564	1,479
Outlays	4,564	1,479
Fish and Wildlife Service		
Resource management (10–18–1611–303–A):		
Budget Authority	417,982	135,426
401(C) Authority—Off. Coll.	4,396	1,424
Outlays	338,387	109,637
Construction (10–18–1612–303–A):		
Budget Authority	80,336	26,029
Outlays	16,067	5,206
Land acquisition (10–18–5020–303–A):		
Budget Authority	96,818	31,369
Outlays	43,568	14,116
Migratory bird conservation account (10–18–5137–303–A):		
401(C) Authority	31,600	10,238
Outlays	21,704	7,032
North America Wetlands Conservation Fund (10–18–5241–303–A):		
401(C) Authority	10,000	3,240
Outlays	7,000	2,268
National wildlife refuge fund (10–18–5091–806–A):		
Budget Authority	9,287	3,009
401(C) Authority	6,294	2,039
Outlays	11,455	3,711
Operations and maintenance of quarters (10–18–5050–303–A):		
401(C) Authority	1,809	586
Outlays	648	210

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Miscellaneous permanent appropriations (10–18–9923–303–A):		
401(C) Authority	134,500	43,578
Outlays	40,350	13,073
Sport fish restoration (10–18–8151–303–A):		
401(C) Authority	212,400	68,818
Outlays	63,720	20,645
Contributed funds (10–18–8216–303–A):		
401(C) Authority	5,600	1,814
Outlays	1,776	575
African elephant conservation fund (10–18–8154–303–A):		
401(C) Authority	1,300	421
Outlays	260	84
National Park Service		
Operation of the national park system (10–24–1036–303–A):		
Budget Authority	803,983	260,490
401(C) Authority—Off. Coll.	2,800	907
Outlays	605,767	196,275
National recreation and preservation (10–24–1042–303–A):		
Budget Authority	16,777	5,436
Outlays	12,558	4,069
Construction (10–24–1039–303–A):		
Budget Authority	317,641	102,916
401(C) Authority—Off. Coll.	11,000	3,564
Outlays	58,647	19,002
John F. Kennedy Center for the Performing Arts (10–24–1038–303–A):		
Budget Authority	9,521	3,085
Outlays	4,391	1,423
Illinois & Michigan Canal National Heritage Corridor Commission (10–24–1043–303–A):		
Budget Authority	261	85
Outlays	196	64
Land acquisition (10–24–5035–303–A):		
Budget Authority	125,746	40,742
401(C) Authority	30,000	9,720
Outlays	44,010	14,259
Historic preservation fund (10–24–5140–303–A):		
Budget Authority	34,265	11,102
Outlays	11,289	3,658
Operations and maintenance of quarters (10–24–5049–303–A):		
401(C) Authority	8,795	2,850
Outlays	5,859	1,898
Miscellaneous permanent appropriations (10–24–9924–303–A):		
401(C) Authority	980	318
Outlays	116	38
Bureau of Indian Affairs		
Operation of Indian programs (Conservation and land management) (10–76–2100–302–A):		
Budget Authority	145,333	47,088
Outlays	101,723	32,958
Operation of Indian programs (Area and regional development) (10–76–2100–452–A):		
Budget Authority	610,497	197,801
401(C) Authority—Off. Coll.	2,000	648
Outlays	374,085	121,204
Operation of Indian programs (Elementary, secondary, & vo. ed.) (10–76–2100–501–A):		
Budget Authority	311,502	100,927
Outlays	218,051	70,649
Construction (10–76–2301–452–A):		
Budget Authority	183,547	59,469
Outlays	45,844	14,853
White Earth Settlement Fund (10–76–2204–452–A):		
401(C) Authority	6,000	1,944
Outlays	6,000	1,944
Payment to the Navaho Rehabilitation Trust Fund (10–76–2368–452–A):		
Budget Authority	834	270
Outlays	834	270

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Operations and maintenance of quarters (10–76–5051–452–A):		
401(C) Authority	6,330	2,051
Outlays	654	212
Miscellaneous permanent appropriations (Area and regional dev.) (10–76–9925–452–A):		
401(C) Authority	66,141	21,430
Outlays	5,572	1,805
Miscellaneous permanent appropriations (10–76–9925–808–A):		
401(C) Authority	2,000	648
Outlays	2,000	648
Revolving fund for loans (10–76–4409–452–A):		
401(C) Authority—Off. Coll.	10,890	3,528
Direct Loan Limitation	9,000	2,916
Outlays	11,090	3,593
Indian loan guaranty and insurance fund (10–76–4410–452–A):		
Budget Authority	4,916	1,593
Guaranteed Loan Limitation	45,000	14,580
Outlays	3,599	1,166
Navajo Rehabilitation Trust Fund (10–76–8368–452–A):		
401(C) Authority	872	283
Outlays	872	283
Cooperative fund (Papago) (10–76–8366–452–A):		
401(C) Authority	868	281
Office of Territorial Affairs		
Administration of territories (10–82–0412–808–A):		
Budget Authority	50,875	16,484
Outlays	25,602	8,295
Trust Territory of the Pacific Islands (10–82–0414–808–A):		
Budget Authority	34,310	11,116
Outlays	30,535	9,893
Compact of free association (10–82–0415–808–A):		
Budget Authority	22,345	7,240
Outlays	19,882	6,442
Office of the Secretary		
Salaries and Expenses (10–84–0102–306–A):		
Budget Authority	52,690	17,072
Outlays	47,421	15,364
Construction management (10–84–0103–306–A):		
Budget Authority	1,884	610
Outlays	1,697	550
Oil spill emergency fund (10–84–0119–306–A):		
Budget Authority	7,585	2,458
Outlays	7,585	2,458
Office of the Solicitor		
Office of the Solicitor (10–86–0107–306–A):		
Budget Authority	26,510	8,589
Outlays	23,858	7,730
Office of Inspector General		
Office of Inspector General (10–88–0104–306–A):		
Budget Authority	21,444	6,948
Outlays	19,300	6,253
National Indian Gaming Commission		
National Indian Gaming Commission (10–89–0118–806–A):		
Budget Authority	784	254
Outlays	706	229
Total, Department of the Interior:		
Budget Authority	6,549,575	2,122,062
401(C) Authority	1,357,241	439,747
401(C) Authority—Off. Coll.	284,645	92,224
Direct Loan Limitation	40,922	13,259
Guaranteed Loan Limitation	45,000	14,580
Outlays	5,747,755	1,862,274

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Department of Justice		
General Administration		
Salaries and expenses (11–03–0129–751–A):		
Budget Authority	100,970	32,714
Outlays	90,469	29,312
Office of the Inspector General (11–03–0328–751–A):		
Budget Authority	21,510	6,969
Outlays	20,311	6,581
United States Parole Commission		
Salaries and expenses (11–04–1061–751–A):		
Budget Authority	10,998	3,563
Outlays	9,458	3,064
Legal Activities		
Salaries and expenses, General legal activities (11–05–0128–752–A):		
Budget Authority	308,803	100,052
Outlays	268,658	87,045
Salaries and expenses, Antitrust Division (11–05–0319–752–A):		
Budget Authority	35,910	11,635
401(C) Authority—Off. Coll.	20,000	6,480
Outlays	49,446	16,020
Salaries and expenses, Foreign Claims Settlement Commission (11–05–0100–153–A):		
Budget Authority	461	149
Outlays	334	108
Salaries and expenses, United States Attorneys (11–05–0322–752–A):		
Budget Authority	543,486	176,089
Outlays	478,268	154,959
Salaries and expenses, United States Marshals Service (11–05–0324–752–A):		
Budget Authority	256,848	83,219
401(C) Authority—Off. Coll.	58	19
Outlays	231,221	74,916
Support of United States prisoners (11–05–1020–752–A):		
Budget Authority	165,133	53,503
Outlays	99,080	32,102
Fees and expenses of witnesses (11–05–0311–752–A):		
Budget Authority	70,628	22,883
Outlays	49,510	16,041
Salaries and expenses, Community Relations Service (11–05–0500–752–A):		
Budget Authority	30,201	9,785
Outlays	25,671	8,317
Independent counsel (11–05–0327–752–A):		
401(C) Authority	4,000	1,296
Outlays	4,000	1,296
Civil Liberties Public Education Fund (11–05–0329–808–A):		
401(C) Authority	500,000	162,000
Outlays	500,000	162,000
United States trustees system fund (11–05–5073–752–A):		
Budget Authority	62,847	20,362
Outlays	56,562	18,326
Assets forfeiture fund (11–05–5042–752–A):		
Budget Authority	103,101	33,405
401(C) Authority	272,000	88,128
Outlays	150,040	48,613
Interagency Law Enforcement		
Organized crime drug enforcement (11–07–0323–751–A):		
Budget Authority	223,948	72,559
Outlays	172,440	55,871
Federal Bureau of Investigation		
Salaries and expenses (11–10–0200–751–A):		
Budget Authority	1,763,208	571,279
401(C) Authority—Off. Coll.	20,352	6,594
Outlays	1,413,112	457,848

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Drug Enforcement Administration		
Salaries and expenses (11–12–1100–751–A):		
Budget Authority	574,039	185,989
401(C) Authority—Off. Coll.	1,500	486
Outlays	432,029	139,977
Immigration and Naturalization Service		
Salaries and expenses (11–15–1217–751–A):		
Budget Authority	881,997	285,767
401(C) Authority—Off. Coll.	3,817	1,237
Outlays	709,415	229,850
Immigration emergency fund (11–15–1218–751–A):		
Budget Authority	36,470	11,816
Immigration legalization (11–15–5086–751–A):		
401(C) Authority	33,093	10,722
Outlays	33,093	10,722
Immigration user fee (11–15–5087–751–A):		
401(C) Authority	125,142	40,546
Outlays	125,142	40,546
Immigration examinations fee (11–15–5088–751–A):		
401(C) Authority	157,233	50,943
Outlays	157,233	50,943
Federal Prison System		
Salaries and expenses (11–20–1060–753–A):		
Budget Authority	1,181,055	382,662
401(C) Authority—Off. Coll.	12,746	4,130
Outlays	1,108,765	359,240
National Institute of Corrections (11–20–1004–754–A):		
Budget Authority	10,419	3,376
Outlays	4,168	1,350
Buildings and facilities (11–20–1003–753–A):		
Budget Authority	1,455,909	471,715
Outlays	145,591	47,171
Federal Prison Industries, Incorporated (11–20–4500–753–A):		
Obligation limitation	2,980	966
Outlays	2,980	966
Office of Justice Programs		
Justice assistance (11–21–0401–754–A):		
Budget Authority	640,231	207,435
Outlays	140,851	45,636
Public safety officers' benefits (11–21–0403–754–A):		
Budget Authority	26,075	8,448
Outlays	26,075	8,448
Crime Victims Fund (11–21–5041–754–A):		
401(C) Authority	125,000	40,500
Outlays	62,500	20,250
Total, Department of Justice:		
Budget Authority	8,504,247	2,755,374
401(C) Authority	1,216,468	394,135
401(C) Authority—Off. Coll.	58,473	18,946
Obligation limitation	2,980	966
Outlays	6,566,422	2,127,518
Department of Labor		
Employment and Training Administration		
Program administration (12–05–0172–504–A):		
Budget Authority	67,783	21,962
Outlays	50,295	16,296
Training and employment services (12–05–0174–504–A):		
Budget Authority	4,094,373	1,326,577
Outlays	206,001	66,744
Community service employment for older Americans (12–05–0175–504–A):		
Budget Authority	382,427	123,908
Outlays	68,837	22,303
Federal unemployment benefits and allowances (12–05–0326–504–A):		
Budget Authority	71,000	23,004
Outlays	21,300	6,901

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Federal unemployment benefits and allowances (12–05–0326–603–A):		
Budget Authority	198,500	64,314
Outlays	198,500	64,314
State unemployment insurance and employment services (12–05–0179–504–A):		
Budget Authority	22,924	7,427
Outlays	5,585	1,810
Unemployment trust fund (Training and employment) (12–05–8042–504–A):		
Obligation limitation	1,134,615	367,615
Outlays	487,655	158,000
Unemployment trust fund (Unemployment compensation) (12–05–8042–603–A):		
401(C) Authority	112,800	36,547
Obligation limitation	1,897,652	614,839
Outlays	2,010,452	651,386
Labor-Management Services		
Salaries and expenses (12–10–0104–505–A):		
Budget Authority	77,405	25,079
Outlays	66,297	21,480
Pension Benefit Guaranty Corporation		
Pension Benefit Guaranty Corporation fund (12–12–4204–601–A):		
Obligation limitation	44,274	14,345
Outlays	44,274	14,345
Employment Standards Administration		
Salaries and expenses (12–15–0105–505–A):		
Budget Authority	226,635	73,430
401(C) Authority—Off. Coll.	1,275	413
Outlays	198,720	64,385
Black lung disability trust fund (12–15–8144–601–A):		
Budget Authority	53,591	17,363
Outlays	53,591	17,363
Special workers' compensation expenses (12–15–9971–601–A):		
Obligation limitation	1,057	342
Outlays	1,057	342
Occupational Safety and Health Administration		
Salaries and expenses (12–18–0400–554–A):		
Budget Authority	279,243	90,475
Outlays	243,333	78,840
Mine Safety and Health Administration		
Salaries and expenses (12–19–1200–554–A):		
Budget Authority	176,287	57,117
Outlays	159,434	51,657
Bureau of Labor Statistics		
Salaries and expenses (12–20–0200–505–A):		
Budget Authority	201,386	65,249
401(C) Authority—Off. Coll.	1,100	356
Outlays	165,169	53,515
Departmental Management		
Salaries and expenses (12–25–0165–505–A):		
Budget Authority	122,614	39,727
401(C) Authority—Off. Coll.	425	138
Outlays	103,298	33,469
Inspector General salaries and expenses (12–25–0106–505–A):		
Budget Authority	43,354	14,047
Outlays	32,099	10,400
Total, Department of Labor:		
Budget Authority	6,017,522	1,949,677
401(C) Authority	112,800	36,547
401(C) Authority—Off. Coll.	2,800	907
Obligation limitation	3,077,598	997,141
Outlays	4,115,897	1,333,550

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Department of State		
Administration of Foreign Affairs		
Salaries and expenses (14–05–0113–153–A):		
Budget Authority	1,872,631	606,732
Outlays	1,479,379	479,319
Office of the Inspector General (14–05–0529–153–A):		
Budget Authority	21,625	7,006
Outlays	21,193	6,867
Acquisition and maintenance of buildings abroad (14–05–0535–153–A):		
Budget Authority	305,791	99,076
Outlays	56,266	18,230
Representation allowances (14–05–0545–153–A):		
Budget Authority	4,793	1,553
Outlays	4,122	1,336
Protection of foreign missions and officials (14–05–0520–153–A):		
Budget Authority	9,482	3,072
Outlays	7,681	2,489
Emergencies in the diplomatic and consular service (14–05–0522–153–A):		
Budget Authority	4,830	1,565
Outlays	3,429	1,111
Payment to the American Institute in Taiwan (14–05–0523–153–A):		
Budget Authority	11,610	3,762
Outlays	8,591	2,783
International Organizations and Conferences		
Contributions to international organizations (14–10–1126–153–A):		
Budget Authority	640,780	207,613
401(C) Authority—Off. Coll.	40	13
Outlays	608,781	197,245
Contributions for international peacekeeping activities (14–10–1124–153–A):		
Budget Authority	84,484	27,373
Outlays	84,484	27,373
International conferences and contingencies (14–10–1125–153–A):		
Budget Authority	6,516	2,111
Outlays	4,431	1,436
International Commissions		
Salaries and expenses, IBWC (14–15–1069–301–A):		
Budget Authority	10,950	3,548
Outlays	9,855	3,193
Construction, IBWC (14–15–1078–301–A):		
Budget Authority	11,941	3,869
Outlays	5,970	1,934
American sections, international commissions (14–15–1082–301–A):		
Budget Authority	4,629	1,500
Outlays	3,657	1,185
International fisheries commissions (14–15–1087–302–A):		
Budget Authority	12,657	4,101
Outlays	12,657	4,101
Other		
Migration and refugee assistance (14–25–1143–151–A):		
Budget Authority	446,469	144,656
Outlays	334,852	108,492
United States emergency refugee and migration assistance fund (14–25–0040–151–A):		
Budget Authority	77,900	25,240
Outlays	38,950	12,620
International narcotics control (14–25–1022–151–A):		
Budget Authority	117,832	38,178
Outlays	35,350	11,453
Anti-terrorism assistance (14–25–0114–152–A):		
Budget Authority	10,393	3,367
Outlays	8,314	2,694

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
U.S. bilateral science and technology agreements (14–25–1151–153–A):		
Budget Authority	4,138	1,341
Outlays	4,138	1,341
Soviet-East European research and training (14–25–0118–153–A):		
Budget Authority	4,793	1,553
Outlays	4,793	1,553
Payment to the Asia Foundation (14–25–0525–154–A):		
Budget Authority	14,484	4,693
Outlays	12,967	4,201
International Center, Washington, D.C. (14–25–5151–153–A):		
401(C) Authority	1,284	416
Outlays	1,284	416
Fisherman's protective fund (14–25–5116–376–A):		
Budget Authority	1,042	338
Outlays	1,042	338
Fisherman's guaranty fund (14–25–5121–376–A):		
Budget Authority	938	304
Outlays	938	304
Total, Department of State:		
Budget Authority	3,680,708	1,192,551
401(C) Authority	1,284	416
401(C) Authority—Off. Coll.	40	13
Outlays	2,753,124	892,014
Department of Transportation		
Federal Highway Administration		
Motor carrier safety (21–05–0552–401–A):		
Budget Authority	34,861	11,295
Outlays	28,192	9,134
Railroad-highway crossings demonstration projects (21–05–0557–401–A):		
Budget Authority	5,156	1,671
Outlays	1,031	334
Miscellaneous appropriations (21–05–9911–401–A):		
Budget Authority	152,226	49,321
Outlays	30,445	9,864
Federal-aid highways (21–05–8083–401–A):		
Budget Authority	1,042,000	337,608
401(C) Authority	14,101,139	4,568,769
Obligation limitation	12,722,820	4,122,194
Outlays	2,372,828	768,796
Highway-related safety grants (21–05–8019–401–A):		
401(C) Authority	10,000	3,240
Obligation limitation	9,771	3,166
Outlays	1,954	633
Baltimore-Washington Parkway (21–05–8014–401–A):		
Budget Authority	12,466	4,039
Outlays	2,493	808
Trust fund share of other highway programs (21–05–8009–401–A):		
Budget Authority	10,313	3,341
Outlays	2,062	668
Highway safety research and development (21–05–8017–401–A):		
Budget Authority	6,317	2,047
Outlays	1,263	409
Motor carrier safety grants (21–05–8048–401–A):		
401(C) Authority	62,540	20,263
Obligation limitation	62,540	20,263
Outlays	27,209	8,816
Miscellaneous trust funds—Highway (21–05–9972–401–A):		
Budget Authority	65,824	21,327
Outlays	13,165	4,265
University transportation centers (21–05–8065–401–A):		
Budget Authority	5,194	1,683
Outlays	1,039	337
Right-of-way revolving fund (trust revolving fund) (21–05–8402–401–A):		
Direct Loan Limitation	44,153	14,306
Outlays	44,153	14,306

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
National Highway Traffic Safety Administration		
Operations and research (21–10–0650–401–A):		
Budget Authority	76,600	24,818
Outlays	50,127	16,241
Trust fund share of operations and research (21–10–8016–401–A):		
Budget Authority	33,168	10,746
Outlays	21,706	7,033
State and community highway safety grants (21–10–8020–401–A):		
401(C) Authority	126,000	40,824
Obligation limitation	136,108	44,099
Outlays	55,804	18,080
Federal Railroad Administration		
Office of the Administrator (21–16–0700–401–A):		
Budget Authority	22,550	7,306
Outlays	17,423	5,645
Railroad safety (21–16–0702–401–A):		
Budget Authority	33,000	10,692
Outlays	26,400	8,554
Railroad safety research and development (21–16–0745–401–A):		
Budget Authority	9,966	3,229
Outlays	5,980	1,938
Commuter rail service (21–16–0747–401–A):		
Budget Authority	5,127	1,661
Outlays	564	183
Settlements of railroad litigation (21–16–0708–401–A):		
Budget Authority	235	76
Outlays	235	76
Northeast corridor improvement program (21–16–0123–401–A):		
Budget Authority	25,469	8,252
Outlays	5,094	1,650
Grants to National Railroad Passenger Corporation (21–16–0704–401–A):		
Budget Authority	630,082	204,147
Outlays	582,185	188,628
Amtrak Corridor Improvement Loans (21–16–0720–401–A):		
Budget Authority	3,647	1,182
Outlays	1,824	591
Regional rail reorganization program (21–16–4100–401–A):		
Budget Authority	23	7
Outlays	23	7
Urban Mass Transportation Administration		
Urban mass transportation fund, administrative expenses (21–20–1120–401–A):		
Budget Authority	33,328	10,798
Outlays	29,995	9,718
Research, training and human resources (21–20–1121–401–A):		
Budget Authority	10,389	3,366
Outlays	2,078	673
Interstate transfer grants (21–20–1127–401–A):		
Budget Authority	166,220	53,855
Outlays	3,324	1,077
Washington metro (21–20–1128–401–A):		
Budget Authority	88,304	28,610
Outlays	1,766	572
Formula grants (21–20–1129–401–A):		
Budget Authority	1,693,364	548,650
Outlays	547,310	177,328
Discretionary grants (21–20–8191–401–A):		
401(C) Authority	1,400,000	453,600
Obligation limitation	1,184,316	383,718
Outlays	59,168	19,170
Federal Aviation Administration		
Operations (21–25–1301–402–A):		
Budget Authority	3,164,515	1,025,303
401(C) Authority—Off. Coll.	14,484	4,693
Outlays	2,698,328	874,258

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Aircraft purchase loan guarantee program (21–25–1399–402–A):		
Budget Authority	150	49
Outlays	150	49
Grants-in-aid for airports (Airport and airway trust fund) (21–25–8106–402–A):		
401(C) Authority	1,800,000	583,200
Obligation limitation	1,485,000	481,140
Outlays	237,600	76,982
Facilities and equipment (Airport and airway trust fund) (21–25–8107–402–A):		
Budget Authority	1,793,900	581,224
401(C) Authority—Off. Coll.	49,860	16,155
Outlays	370,968	120,194
Research, engineering & development (Airport & airway trust fund (21–25–8108–402–A):		
Budget Authority	177,593	57,540
401(C) Authority—Off. Coll.	350	113
Outlays	121,824	39,471
Trust fund share of FAA Operations (21–25–8104–402–A):		
Budget Authority	841,083	272,511
Outlays	841,083	272,511
Coast Guard		
Operating expenses (21–30–0201–403–A):		
Budget Authority	2,136,000	692,064
401(C) Authority—Off. Coll.	5,718	1,853
Outlays	1,820,823	589,947
Acquisition, construction, and improvements (21–30–0240–403–A):		
Budget Authority	463,000	150,012
Outlays	50,800	16,459
Alteration of bridges (21–30–0244–403–A):		
Budget Authority	2,421	784
Outlays	557	180
Retired pay (Coast Guard) (21–30–0241–403–A):		
Budget Authority	39,325	12,741
Outlays	39,325	12,741
Reserve training (21–30–0242–403–A):		
Budget Authority	74,580	24,164
Outlays	66,682	21,605
Research, development, test, and evaluation (21–30–0243–403–A):		
Budget Authority	21,350	6,917
Outlays	7,230	2,343
Pollution fund (21–30–5168–304–A):		
401(C) Authority	5,700	1,847
Outlays	1,425	462
Offshore oil pollution compensation fund (21–30–5167–304–A):		
Obligation limitation	60,000	19,440
Deepwater port liability fund (21–30–5170–304–A):		
Obligation limitation	51,940	16,829
Boat safety (21–30–8149–403–A):		
Budget Authority	62,332	20,196
Outlays	40,704	13,188
Maritime Administration		
Operations and training (21–35–1750–403–A):		
Budget Authority	70,405	22,811
Outlays	59,353	19,230
Ready reserve force (21–35–1710–054–A):		
Budget Authority	92,738	32,737
Outlays	71,408	25,207
Federal ship financing fund (21–35–4301–403–A):		
401(C) Authority—Off. Coll.	7,300	2,365
Obligation limitation	4,040	1,309
Outlays	7,300	2,365

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Saint Lawrence Seaway Development Corporation		
Saint Lawrence Seaway Development Corporation (21–40–4089–403–A):		
401(C) Authority—Off. Coll.	1,400	454
Outlays	1,400	454
Operations and maintenance (21–40–8003–403–A):		
Budget Authority	11,906	3,858
Outlays	11,906	3,858
Office of the Inspector General		
Salaries and expenses (21–45–0130–407–A):		
Budget Authority	33,193	10,755
Outlays	28,679	9,292
Research and Special Programs Administration		
Research and special programs (21–50–0104–407–A):		
Budget Authority	17,943	5,814
Outlays	11,842	3,837
Pipeline safety (21–50–5172–407–A):		
Budget Authority	10,604	3,436
Outlays	8,484	2,749
Office of the Secretary		
Salaries and expenses (21–55–0102–407–A):		
Budget Authority	57,812	18,731
Outlays	52,031	16,858
Transportation planning, research, and development (21–55–0142–407–A):		
Budget Authority	7,050	2,284
Outlays	2,799	907
Payments to air carriers, DOT (21–55–0150–402–A):		
Budget Authority	31,930	10,345
Outlays	25,544	8,276
Commission on aviation security and terrorism (21–55–1850–407–A):		
Budget Authority	1,043	338
Working capital fund (21–55–4520–407–A):		
Budget Authority	4,628	1,499
Outlays	4,628	1,499
Total, Department of Transportation:		
Budget Authority	13,281,330	4,305,840
401(C) Authority	17,505,379	5,671,743
401(C) Authority—Off. Coll.	79,112	25,633
Obligation limitation	15,716,535	5,092,158
Direct Loan Limitation	44,153	14,306
Outlays	10,519,713	3,410,456
Department of the Treasury		
Salaries and expenses (15–05–0101–803–A):		
Budget Authority	60,830	19,709
401(C) Authority—Off. Coll.	306	99
Outlays	53,299	17,269
International affairs (15–05–0171–803–A):		
Budget Authority	26,205	8,490
401(C) Authority—Off. Coll.	5,632	1,825
Outlays	28,461	9,221
Office of the Inspector General (15–05–0106–803–A):		
Budget Authority	15,899	5,151
Outlays	13,737	4,451
Federal Law Enforcement Training Center		
Salaries and expenses (15–08–0104–751–A):		
Budget Authority	37,128	12,029
Outlays	33,415	10,826
Acquisitions, construction, improvements, & related expenses (15–08–0105–751–A):		
Budget Authority	15,630	5,064
Outlays	7,815	2,532
Financial Management Service		
Salaries and expenses (15–10–1801–803–A):		
Budget Authority	236,521	76,633
Outlays	190,873	61,843

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Saint Lawrence Seaway toll rebate program (15–10–8865–808–A):		
Budget Authority	10,442	3,383
Outlays	10,306	3,339
Bureau of Alcohol, Tobacco and Firearms		
Salaries and expenses (15–13–1000–751–A):		
Budget Authority	276,520	89,592
Outlays	248,868	80,533
United States Customs Service		
Salaries and expenses (15–15–0602–751–A):		
Budget Authority	1,115,677	361,479
401(C) Authority	157,125	50,908
401(C) Authority—Off. Coll.	16,550	5,362
Outlays	1,068,892	346,321
Operation and maintenance, air interdiction program (15–15–0604–751–A):		
Budget Authority	240,038	77,772
Outlays	132,021	42,775
Customs forfeiture fund (15–15–5693–803–A):		
Budget Authority	15,479	5,015
401(C) Authority	34,510	11,181
Outlays	49,989	16,196
Payments from forfeited assets (15–15–5696–803–A):		
401(C) Authority	40,000	12,960
Outlays	40,000	12,960
Customs services at small airports (15–15–5694–808–A):		
Budget Authority	2,254	730
Outlays	2,254	730
Refunds, transfers and expenses, unclaimed and abandoned goods (15–15–8789–803–A):		
401(C) Authority	17,819	5,773
Outlays	17,819	5,773
Bureau of Engraving and Printing		
Bureau of Engraving and Printing fund (15–20–4502–803–A):		
401(C) Authority—Off. Coll.	32,331	10,475
Outlays	32,331	10,475
United States Mint		
Salaries and expenses (15–25–1616–803–A):		
Budget Authority	52,410	16,981
401(C) Authority—Off. Coll.	106,419	34,480
Outlays	158,001	51,192
Bureau of the Public Debt		
Administering the public debt (15–35–0560–803–A):		
Budget Authority	202,634	65,653
Outlays	177,710	57,578
Internal Revenue Service		
Administration and Management (15–45–0911–803–A):		
Budget Authority	74,484	24,133
Outlays	67,036	21,720
Processing tax returns and assistance (15–45–0912–803–A):		
Budget Authority	1,931,308	625,744
Outlays	1,527,665	494,963
Tax Law Enforcement (15–45–0913–803–A):		
Budget Authority	3,757,106	1,217,302
Outlays	3,377,638	1,094,355
Reimbursement to State and Local Law Enforcement Agencies (15–45–5099–754–A):		
401(C) Authority	100	32
Outlays	100	32
Federal tax lien revolving fund (15–45–4413–803–A):		
401(C) Authority—Off. Coll.	6,000	1,944
Outlays	6,000	1,944
United States Secret Service		
Salaries and expenses (15–55–1408–751–A):		
Budget Authority	383,321	124,196
Outlays	326,726	105,859

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Contribution for annuity benefits (15-55-1407-751-A):		
401(C) Authority	18,000	5,832
Outlays	18,000	5,832
Total, Department of the Treasury:		
Budget Authority	8,453,886	2,739,056
401(C) Authority	267,554	86,686
401(C) Authority—Off. Coll.	167,238	54,185
Outlays	7,588,956	2,458,819
Department of Veterans Affairs		
Veterans Benefits Administration		
Burial benefits and miscellaneous assistance (29-10-0155-701-A):		
Budget Authority	143,100	46,364
Outlays	142,916	46,305
Readjustment benefits (29-10-0137-702-A):		
Budget Authority	238,386	77,237
Outlays	219,300	71,053
Veterans Health Services and Research Administration		
Medical care (29-20-0160-703-A):		
Budget Authority	911,089	295,193
Outlays	763,068	247,234
Medical care (29-20-0160-703-G):		
Budget Authority—Spec. Rules	219,054	219,054
401(C) Authority—Spec. Rules	507	507
Outlays	183,889	183,889
Medical and prosthetic research (29-20-0161-703-A):		
Budget Authority	222,742	72,168
Outlays	164,160	53,188
Medical administration and miscellaneous operating expenses (29-20-0152-703-A):		
Budget Authority	48,912	15,847
Outlays	28,516	9,239
Grants to the Republic of the Philippines (29-20-0144-703-A):		
Budget Authority	513	166
Outlays	46	15
Departmental Administration		
General operating expenses (29-30-0151-705-A):		
Budget Authority	850,300	275,497
Outlays	782,276	253,457
Office of the Inspector General (29-30-0170-705-A):		
Budget Authority	22,847	7,402
Outlays	21,248	6,884
Grants for the construction of State veterans cemeteries (29-30-0183-705-A):		
Budget Authority	4,468	1,448
Outlays	7	2
Construction, major projects (29-30-0110-703-A):		
Budget Authority	425,701	137,927
Outlays	19,582	6,345
Construction, minor projects (29-30-0111-703-A):		
Budget Authority	97,158	31,479
Outlays	50,037	16,212
Grants for construction of state extended care facilities (29-30-0181-703-A):		
Budget Authority	43,003	13,933
Parking garage revolving fund (29-30-4538-703-A):		
Budget Authority	29,742	9,636
Outlays	1,487	482
Total, Department of Veterans Affairs:		
Budget Authority	3,037,961	984,297
Budget Authority—Spec. Rules	219,054	219,054
401(C) Authority—Spec. Rules	507	507
Outlays	2,376,532	894,305

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Environmental Protection Agency		
Salaries and expenses (20-00-0200-304-A):		
Budget Authority	904,736	293,134
401(C) Authority—Off. Coll.	2,200	713
Outlays	780,273	252,808
Office of the Inspector General (20-00-0112-304-A):		
Budget Authority	32,312	10,469
Outlays	19,387	6,281
Research and development (Energy supply) (20-00-0107-271-A):		
Budget Authority	30,756	9,965
Outlays	10,765	3,488
Research and development (Pollution control and abatement) (20-00-0107-304-A):		
Budget Authority	208,852	67,668
401(C) Authority—Off. Coll.	5,000	1,620
Outlays	84,364	27,334
Abatement, control, and compliance (20-00-0108-304-A):		
Budget Authority	832,261	269,653
Outlays	386,063	125,084
Buildings and facilities (20-00-0110-304-A):		
Budget Authority	15,267	4,946
Outlays	2,520	816
Construction grants (20-00-0103-304-A):		
Budget Authority	2,029,846	657,670
Outlays	33,206	10,759
Revolving fund for certification and other services (20-00-4311-304-A):		
401(C) Authority—Off. Coll.	1,200	389
Outlays	200	65
Registration and expedited processing revolving fund (20-00-4310-304-A):		
401(C) Authority—Off. Coll.	16,000	5,184
Outlays	14,738	4,775
Hazardous substance superfund (20-00-8145-304-A):		
Budget Authority	1,595,707	517,009
401(C) Authority—Off. Coll.	13,200	4,277
Obligation limitation	228,800	74,131
Outlays	348,299	112,849
Leaking underground storage tank trust fund (20-00-8153-304-A):		
Budget Authority	77,227	25,022
Obligation limitation	6,096	1,975
Outlays	23,168	7,506
Total, Environmental Protection Agency:		
Budget Authority	5,726,964	1,855,536
401(C) Authority—Off. Coll.	37,600	12,183
Obligation limitation	234,896	76,106
Outlays	1,702,983	551,765
General Services Administration		
Real Property Activities		
Federal buildings fund (23-05-4542-804-A):		
Budget Authority	1,725,617	559,100
401(C) Authority—Off. Coll.	6,900	2,236
Outlays	351,130	113,766
Personal Property Activities		
Federal supply service (23-10-0116-804-A):		
Budget Authority	49,929	16,177
Outlays	43,688	14,155
Expenses of transportation audit contracts (23-10-5250-804-A):		
401(C) Authority	15,760	5,106
Outlays	410	133
Information Resources Management Service		
Operating expenses, information resources management service (23-15-0900-804-A):		
Budget Authority	33,993	11,014
Outlays	15,145	4,907

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Federal Property Resources Activities		
Operating expenses, federal property resources service (General) (23-25-0533-804-A):		
Budget Authority	11,593	3,756
Outlays	8,996	2,915
Real property relocation (23-25-0535-804-A):		
Budget Authority	8,276	2,681
Outlays	753	244
Expenses, disposal of surplus real and related personal property (23-25-5254-804-A):		
401(C) Authority	3,800	1,231
Outlays	3,522	1,141
General Activities		
General management and administration, salaries and expenses (23-30-0110-804-A):		
Budget Authority	142,528	46,179
Outlays	97,123	31,468
Office of Inspector General (23-30-0108-804-A):		
Budget Authority	27,458	8,896
Outlays	24,190	7,838
Allowances and office staff for former Presidents (23-30-0105-802-A):		
Budget Authority	1,487	482
Outlays	1,288	417
Consumer information center fund (23-30-4549-376-A):		
Budget Authority	1,402	454
401(C) Authority—Off. Coll.	551	179
Outlays	763	247
Total, General Services Administration:		
Budget Authority	2,002,283	648,739
401(C) Authority	19,560	6,337
401(C) Authority—Off. Coll.	7,451	2,415
Outlays	547,008	177,231
National Aeronautics and Space Administration		
Research and development (Space flight) (26-00-0108-253-A):		
Budget Authority	2,409,104	780,550
401(C) Authority—Off. Coll.	10,781	3,493
Outlays	1,172,846	380,002
Research and development (Space science, applications, etc) (26-00-0108-254-A):		
Budget Authority	2,537,687	822,211
Outlays	1,347,055	436,446
Research and development (Supporting space activities) (26-00-0108-255-A):		
Budget Authority	20,215	6,550
Outlays	14,452	4,682
Research and development (Air transportation) (26-00-0108-402-A):		
Budget Authority	499,326	161,782
Outlays	275,190	89,162
Space Flight, Control, and Data Comm. (26-00-0105-250-A):		
401(C) Authority—Off. Coll.	26,075	8,448
Outlays	26,075	8,448
Space Flight, Control, and Data Comm. (space flight) (26-00-0105-253-A):		
Budget Authority	3,910,106	1,266,874
Outlays	2,855,748	925,262
Space Flight, Control, and Data Comm. (supporting act.) (26-00-0105-255-A):		
Budget Authority	822,825	266,595
401(C) Authority	113,829	36,881
Outlays	492,049	159,424
Construction of facilities (Space flight) (26-00-0107-253-A):		
Budget Authority	100,845	32,674
Outlays	5,253	1,702
Construction of facilities (Space science, applications, etc) (26-00-0107-254-A):		
Budget Authority	21,444	6,948
Outlays	3,530	1,144

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Construction of facilities (Supporting space activities) (26-00-0107-255-A):		
Budget Authority	241,965	78,397
Outlays	12,018	3,894
Construction of facilities (Air transportation) (26-00-0107-402-A):		
Budget Authority	64,000	20,736
Outlays	3,640	1,179
Research and program management (Space flight) (26-00-0103-253-A):		
Budget Authority	953,874	309,055
401(C) Authority—Off. Coll.	4,141	1,342
Outlays	822,531	266,500
Research & program management (Space science, applications, etc) (26-00-0103-254-A):		
Budget Authority	673,297	218,148
Outlays	577,689	187,171
Research & program management (Supporting space activities) (26-00-0103-255-A):		
Budget Authority	76,573	24,810
Outlays	65,700	21,287
Research and program management (Air transportation) (26-00-0103-402-A):		
Budget Authority	413,093	133,842
Outlays	354,434	114,837
Office of the Inspector General (26-00-0109-255-A):		
Budget Authority	9,092	2,946
Outlays	7,728	2,504
Science, Space and Technology Education Trust Fund (26-00-8978-503-A):		
401(C) Authority	1,000	324
Outlays	1,000	324
Total, National Aeronautics and Space Administration:		
Budget Authority	12,753,446	4,132,118
401(C) Authority	114,829	37,205
401(C) Authority—Off. Coll.	40,997	13,283
Outlays	8,036,938	2,603,968
Office of Personnel Management		
Salaries and expenses (27-00-0100-805-A):		
Budget Authority	116,199	37,548
Outlays	110,389	35,766
Office of the Inspector General (27-00-0400-805-A):		
Budget Authority	3,013	976
Outlays	2,862	927
Government payment for annuitants, employees health benefits (27-00-0206-551-A):		
Budget Authority	3,509,563	1,137,098
Government payment for annuitants, employ. life insur. benefit (27-00-0500-602-A):		
Budget Authority	6,040	1,957
Outlays	5,710	1,850
Revolving fund (27-00-4571-805-A):		
401(C) Authority—Off. Coll.	792	257
Outlays	792	257
Civil service retirement and disability fund (27-00-8135-602-A)		
Obligation limitation	69,287	22,449
Outlays	68,543	22,208
Employees health benefits fund (27-00-8440-551-A):		
Obligation limitation	14,987	4,856
Outlays	14,987	4,856
Employees life insurance fund (27-00-8424-602-A):		
Obligation limitation	1,128	365
Outlays	1,128	365
Retired employees health benefits fund (27-00-8445-551-A):		
Obligation limitation	218	71
Outlays	218	71
Total, Office of Personnel Management:		
Budget Authority	3,634,815	1,177,679
401(C) Authority—Off. Coll.	792	257
Obligation limitation	85,620	27,741
Outlays	204,629	66,300

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Small Business Administration		
Salaries and expenses (28-00-0100-376-A):		
Budget Authority	394,812	127,919
Outlays	289,002	93,637
Office of the Inspector General (28-00-0200-376-A):		
Budget Authority	7,762	2,515
Outlays	6,970	2,258
Business loan and investment fund (28-00-4154-376-A):		
Budget Authority	77,629	25,152
Direct Loan Limitation	77,629	25,152
Guaranteed Loan Limitation	4,684,061	1,517,636
Outlays	51,058	16,543
Disaster loan fund (28-00-4153-453-A):		
Budget Authority	375,000	121,500
Direct Loan Limitation	350,000	113,400
Outlays	140,000	45,360
Surety bond guarantees revolving fund (28-00-4156-376-A):		
Guaranteed Loan Limitation	1,532,400	496,498
Total, Small Business Administration:		
Budget Authority	855,203	277,086
Direct Loan Limitation	427,629	138,552
Guaranteed Loan Limitation	6,216,461	2,014,134
Outlays	487,030	157,798
Other Independent Agencies		
ACTION		
Operating expenses (30-01-0103-506-A):		
Budget Authority	183,376	59,414
Outlays	105,441	34,163
Administrative Conference of the United States		
Salaries and expenses (30-05-1700-751-A):		
Budget Authority	1,952	632
Outlays	1,659	538
Advisory Comm on Conferences in Ocean Shipping		
Advisory Comm on Conferences in Ocean Shipping: S and E (30-10-2500-403-A):		
Budget Authority	314	102
Advisory Commission on Intergovernmental Relations		
Salaries and expenses (30-15-0100-808-A):		
Budget Authority	1,346	436
Outlays	1,232	399
Advisory Committee on Federal Pay		
Salaries and expenses (30-20-1800-805-A):		
Budget Authority	215	70
Outlays	203	66
Advisory Council on Historic Preservation		
Salaries and expenses (30-25-2300-303-A):		
Budget Authority	1,985	643
Outlays	1,945	630
American Battle Monuments Commission		
Salaries and expenses (30-30-0100-705-A):		
Budget Authority	16,804	5,444
Outlays	14,084	4,563
Appalachian Regional Commission		
Appalachian regional development programs (30-40-0200-452-A):		
Budget Authority	154,129	49,938
Outlays	12,330	3,995

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Architectural & Transport Barriers Compliance Board		
Salaries and expenses (30-45-3200-751-A):		
Budget Authority	2,017	654
Outlays	1,801	584
Arms Control and Disarmament Agency		
Arms control and disarmament activities (30-50-0100-153-A):		
Budget Authority	34,955	11,325
Outlays	29,713	9,627
Barry Goldwater Scholarship Foundation		
Barry Goldwater Scholarship and Excellence in Educ. Found. (30-70-8281-502-A):		
401(C) Authority	3,495	1,132
Outlays	1,575	510
Board for International Broadcasting		
Grants and expenses (30-85-1145-154-A):		
Budget Authority	197,980	64,146
Outlays	192,041	62,221
Israel Relay Station (30-85-1146-154-A):		
Budget Authority	190,708	61,789
Outlays	57,212	18,537
Christopher Columbus Quincentennary Jubilee Commission		
Salaries and expenses (31-30-0800-376-A):		
Budget Authority	228	74
Outlays	228	74
Gifts and donations (31-30-8095-376-A):		
401(C) Authority	29	9
Outlays	27	9
Commission for Preservation of America's Heritage Aboard		
Salaries and Expenses (31-50-3700-153-A):		
Budget Authority	208	67
Outlays	208	67
Commission for Study of Intl. Migration and Coop. Econ. Devel.		
Comm. for the Study of Int. Mig. and Coop. Econ. Dev: S (31-55-1400-153-A):		
Budget Authority	1,344	435
Outlays	874	283
Commission of Fine Arts		
Salaries and expenses (31-60-2600-451-A):		
Budget Authority	533	173
Outlays	488	158
National capital arts and cultural affairs (31-60-2602-503-A):		
Budget Authority	5,655	1,832
Outlays	5,655	1,832
Commission on Agricultural Workers		
Commission on Agricultural Workers: Salaries and expens (31-65-0057-352-A):		
Budget Authority	802	260
Outlays	654	212
Commission on Civil Rights		
Salaries and expenses (31-75-1900-751-A):		
Budget Authority	5,977	1,937
Outlays	5,533	1,793
Comm on the Bicentennial of the U.S. Constitution		
Salaries and expenses (32-15-0054-808-A):		
Budget Authority	15,551	5,039
Outlays	10,673	3,458

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Commission on the Ukraine Famine		
Budget Authority	104	34
Outlays	104	34
Committee for Purchase from the Blind and Others		
Salaries and expenses (32-45-2000-505-A):		
Budget Authority	1,093	354
Outlays	997	323
Commodity Futures Trading Commission		
Commodity Futures Trading Commission (32-55-1400-376-A):		
Budget Authority	41,047	13,299
Outlays	36,349	11,777
Competitiveness Policy Council		
Competitiveness policy council (32-68-3750-376-A):		
Budget Authority	786	255
Outlays	707	229
Consumer Product Safety Commission		
Product safety (32-85-0100-554-A):		
Budget Authority	36,699	11,890
401(C) Authority—Off. Coll.	10	3
Outlays	31,204	10,110
Corporation for Public Broadcasting		
Public broadcasting fund (32-90-0151-503-A):		
401(C) Authority	298,870	96,834
Outlays	298,870	96,834
Court of Veterans Appeals		
Salaries and expenses (32-95-0300-705-A):		
Budget Authority	4,070	1,319
Outlays	3,459	1,121
Practice registration fee (32-95-5113-705-A):		
401(C) Authority	5	2
Defense Nuclear Facilities Safety Board		
Salaries and expenses (33-20-3900-053-A):		
Budget Authority	7,219	2,548
Unobligated Balances—		
Defense	252	89
Outlays	7,111	2,510
Delaware River Basin Commission		
Salaries and expenses (33-30-0100-301-A):		
Budget Authority	221	72
Outlays	206	67
Contribution to Delaware River Basin Commission (33-30-0102-301-A):		
Budget Authority	354	115
Outlays	354	115
District of Columbia		
Federal payment to the District of Columbia (33-40-1700-806-A).		
Budget Authority	448,581	145,340
401(C) Authority	20,300	6,577
Outlays	468,881	151,917
Federal payment to D.C. (water and sewer services) (33-40-1700-806-B):		
Budget Authority	9,050	2,932
Outlays	9,050	2,932
Federal payment to D.C. (retirement funds) (33-40-1700-806-C):		
Budget Authority	54,257	17,579
Outlays	54,257	17,579
Federal payment to D.C. (St. Elizabeth's Hospital) (33-40-1700-806-D):		
Budget Authority	15,630	5,064
Outlays	15,630	5,064

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Federal payment to D.C. (Inaugural Expenses) (33-40-1700-806-E):		
Budget Authority	33,106	10,726
Outlays	33,106	10,726
Equal Employment Opportunity Commission		
Salaries and expenses (33-70-0100-751-A):		
Budget Authority	193,719	62,765
Outlays	170,783	55,334
Export-Import Bank of the United States		
Export-Import Bank of the United States (33-90-4027-155-A):		
Budget Authority	134,877	43,700
Obligation limitation	22,646	7,337
Direct Loan Limitation	638,100	206,744
Guaranteed Loan Limitation	10,619,400	3,440,686
Outlays	61,555	19,944
Farm Credit System Assistance Board		
Revolving fund for administrative expenses (34-15-4132-351-A):		
Obligation limitation	2,312	749
Federal Communications Commission		
Salaries and expenses (34-35-0100-376-A):		
Budget Authority	112,734	36,526
Outlays	105,970	34,334
Federal Election Commission		
Salaries and expenses (34-45-1600-808-A):		
Budget Authority	16,061	5,204
Outlays	14,234	4,612
Federal Emergency Management Agency		
Disaster relief (34-50-0104-453-A):		
Budget Authority	1,303,490	422,331
Outlays	108,000	34,992
Salaries and expenses (Defense-related activities) (34-50-0100-054-A):		
Budget Authority	74,172	24,032
Outlays	66,755	21,629
Salaries and expenses (Disaster relief and insurance) (34-50-0100-453-A):		
Budget Authority	82,313	26,669
Outlays	63,944	20,718
Emergency planning and assistance (Defense-related activities) (34-50-0101-054-A):		
Budget Authority	250,248	81,080
Outlays	137,636	44,594
Emergency planning and assistance (Disaster relief & insurance) (34-50-0101-453-A):		
Budget Authority	76,885	24,911
Outlays	19,189	6,217
Office of the Inspector General (34-50-0300-453-A):		
Budget Authority	2,689	871
Outlays	2,474	802
Emergency food and shelter (34-50-0103-605-A):		
Budget Authority	135,556	43,920
Outlays	135,556	43,920
National insurance development fund (34-50-4235-451-A):		
401(C) Authority	242	78
Outlays	242	78
Federal Labor Relations Authority		
Salaries and expenses (34-60-0100-805-A):		
Budget Authority	18,443	5,976
Outlays	15,733	5,097
Federal Maritime Commission		
Salaries and expenses (34-65-0100-403-A):		
Budget Authority	16,188	5,245
Outlays	14,456	4,684

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Federal Mediation and Conciliation Service		
Salaries and expenses (34-70-0100-505-A):		
Budget Authority	27,826	9,016
Outlays	24,851	8,052
Federal Mine Safety and Health Review Commission		
Salaries and expenses (34-75-2800-554-A):		
Budget Authority	4,223	1,368
Outlays	3,743	1,213
Federal Trade Commission		
Salaries and expenses (34-85-0100-376-A):		
Budget Authority	59,073	19,140
401(C) Authority—Off. Coll.	20,000	6,480
Outlays	76,710	24,854
Franklin Delano Roosevelt Memorial Commission		
Salaries and expenses (34-90-0700-808-A):		
Budget Authority	29	9
Outlays	27	9
Harry S Truman Scholarship Foundation		
Harry S Truman memorial scholarship trust fund (35-10-8296-502-A):		
Obligation limitation	3,102	1,005
Outlays	3,058	991
Institute of American Indian and Alaska Native Culture and Arts Development		
Payment to the Institute (35-25-2900-502-A):		
Budget Authority	4,486	1,453
Outlays	4,486	1,453
Institute of Museum Services		
Institute of Museum Services (35-30-0300-503-A):		
Budget Authority	23,633	7,657
Outlays	6,193	2,007
Intelligence Community Staff		
Intelligence community staff (35-35-0400-054-A):		
Budget Authority	29,323	10,351
Outlays	19,646	6,935
Interagency Council on the Homeless		
Interagency Council on the Homeless (35-40-1300-604-A):		
Budget Authority	1,133	367
Outlays	1,020	330
International Cultural and Trade Center Commission		
Intl Cultural and Trade Center Commission: Salaries and expenses (35-50-1800-804-A):		
Budget Authority	1,127	365
Outlays	1,072	347
International Trade Commission		
Salaries and expenses (35-60-0100-153-A):		
Budget Authority	40,299	13,057
Outlays	36,726	11,899
Interstate Commerce Commission		
Salaries and expenses (35-70-0100-401-A):		
Budget Authority	46,338	15,014
Outlays	43,094	13,962
Interstate Commission on the Potomac River Basin		
Contribution to Interstate Commission on the Potomac River (35-80-0446-304-A):		
Budget Authority	308	100
Outlays	308	100

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Japan-United States Friendship Commission		
Japan-United States friendship trust fund (36-15-8025-154-A):		
Budget Authority	1,250	405
Outlays	1,250	405
Legal Services Corporation		
Payment to the Legal Services Corporation (36-50-0501-752-A):		
Budget Authority	329,820	106,862
Outlays	287,272	93,076
Marine Mammal Commission		
Salaries and expenses (36-70-2200-302-A):		
Budget Authority	1,006	326
Outlays	791	256
Martin Luther King, Jr. Federal Holiday Commission		
Salaries and expenses (36-75-0600-808-A):		
Budget Authority	314	102
Outlays	251	81
Merit Systems Protection Board		
Salaries and expenses (36-80-0100-805-A):		
Budget Authority	21,926	7,104
Outlays	20,350	6,593
National Archives and Records Administration		
Operating expenses (37-15-0300-804-A):		
Budget Authority	130,563	42,302
Outlays	100,704	32,628
National archives trust fund (37-15-8436-804-A):		
401(C) Authority—Off. Coll.	11,181	3,623
Outlays	11,181	3,623
National Capital Planning Commission		
Salaries and expenses (37-20-2500-451-A):		
Budget Authority	3,239	1,049
Outlays	2,980	966
Nat Comm on Amer. Indian, Alaska Native, and Native Hawaiian Housing		
Salries and Expenses (37-37-0030-604-A):		
Budget Authority	521	169
Outlays	52	17
National Commission on Libraries and Info. Science		
Salaries and expenses (37-40-2700-503-A):		
Budget Authority	786	255
Outlays	629	204
White House conference on library and information servi (37-40-2701-503-A):		
Budget Authority	3,378	1,094
Outlays	689	223
Nat Comm on Severely Distressed Housing		
Salaries and expenses (37-53-0020-604-A):		
Budget Authority	2,084	675
Outlays	208	67
National Commission to Prevent Infant Mortality		
National Commission to Prevent Infant Mortality (37-90-1500-808-A):		
Budget Authority	419	136
Outlays	419	136
National Council on Disability		
Salaries and expenses (38-05-3500-506-A):		
Budget Authority	1,605	520
Outlays	1,046	339

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
National Endowment for the Arts		
National Endowment for the Arts: Grants and administrat (38-25-0100-503-A):		
Budget Authority	178,543	57,848
Outlays	59,116	19,154
National Endowment for the Humanities		
National Endowment for the Humanities: Grants and admin (38-30-0200-503-A):		
Budget Authority	163,588	53,003
Outlays	74,442	24,119
National Institute of Building Sciences		
Payment to the National Institute of Building Sciences (38-35-3601-376-A):		
Budget Authority	513	166
Outlays	513	166
National Labor Relations Board		
Salaries and expenses (38-40-0100-505-A):		
Budget Authority	146,866	47,585
Outlays	136,144	44,111
National Mediation Board		
Salaries and expenses (38-45-2400-505-A):		
Budget Authority	6,692	2,168
Outlays	5,086	1,648
National Science Foundation		
Research and related activities (38-50-0100-251-A):		
Budget Authority	1,777,559	575,929
Outlays	889,592	288,228
Academic Research Facilities (38-50-0150-251-A):		
Budget Authority	20,517	6,648
Outlays	2,052	665
Office of the Inspector General (38-50-0300-251-A):		
Budget Authority	2,678	868
Outlays	2,544	824
U.S. Antarctic program activities (38-50-0200-251-A):		
Budget Authority	74,975	24,292
Outlays	37,113	12,025
U.S. Antarctic Logistical Support Activities (38-50-0202-251-A):		
Budget Authority	83,078	26,917
Outlays	41,123	13,324
Science and engineering education activities (38-50-0106-251-A):		
Budget Authority	212,844	68,961
Outlays	31,714	10,275
National Transportation Safety Board		
Salaries and expenses (38-60-0310-407-A):		
Budget Authority	28,531	9,244
Outlays	25,964	8,412
Neighborhood Reinvestment Corporation		
Payment to the Neighborhood Reinvestment Corporation (38-75-1300-451-A):		
Budget Authority	27,669	8,965
Outlays	27,669	8,965
Nuclear Regulatory Commission		
Salaries and expenses (38-85-0200-276-A):		
Budget Authority	455,829	147,689
Outlays	341,872	110,767
Office of the Inspector General (38-85-0300-276-A):		
Budget Authority	2,995	970
Outlays	2,216	718
Nuclear Waste Technical Review Board		
Nuclear Waste Technical Review Board: Salaries and Expe (38-95-0500-271-A):		
Budget Authority	2,068	670
Outlays	1,525	494

G-R-H Sequester Amounts—Continued
(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Occupational Safety and Health Review Commission		
Salaries and expenses (39-10-2100-554-A):		
Budget Authority	6,257	2,027
Outlays	5,338	1,730
Office of Government Ethics		
Salaries and expenses (39-20-1100-805-A):		
Budget Authority	3,530	1,144
Outlays	3,392	1,099
Office of Navajo and Hopi Indian Relocation		
Salaries and expenses (39-21-1100-808-A):		
Budget Authority	37,975	12,304
Outlays	13,671	4,429
Office of Special Counsel		
Salaries and expenses (39-22-0100-808-A):		
Budget Authority	5,351	1,734
Outlays	4,976	1,612
Office of the Nuclear Waste Negotiator		
Office of the Nuclear Waste Negotiator: S and E (39-25-0070-271-A):		
Budget Authority	2,068	670
Pennsylvania Avenue Development Corporation		
Salaries and expenses (39-50-0100-451-A):		
Budget Authority	2,487	806
Outlays	2,014	653
Public development (39-50-0102-451-A):		
Budget Authority	3,282	1,063
Outlays	2,462	798
Land acquisition and development fund (39-50-4084-451-A):		
Budget Authority	104	34
401(C) Authority—Off. Coll.	3,000	972
Outlays	3,104	1,006
Postal Service, Payments to the Postal Service		
Payment to the Postal Service fund (39-60-1001-372-A):		
Budget Authority	472,469	153,080
Outlays	472,469	153,080
Payment to the Postal Service fund for nonfunded liabilities (39-60-1004-372-A):		
Budget Authority	37,955	12,297
Outlays	37,955	12,297
President's Comm on Catastrophic Nuclear Accidents		
Presidential Commission on Catastrophic Nuclear Accidents (39-75-2200-453-A):		
Budget Authority	375	122
Outlays	375	122
Railroad Retirement Board		
Rail Industry Pension Fund (40-10-8011-601-A):		
Obligation limitation	33,984	11,011
Outlays	33,984	11,011
Supplemental Annuity Pension Fund (40-10-8012-601-A):		
401(C) Authority	111,820	36,230
Obligation limitation	2,307	747
Outlays	56,900	18,436
Railroad social security equivalent benefit account (40-10-8010-601-A):		
Obligation limitation	32,957	10,678
Outlays	32,957	10,678
Securities and Exchange Commission		
Salaries and expenses (40-30-0100-376-A):		
Budget Authority	174,529	56,547
Outlays	147,127	47,669

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Selective Service System		
Salaries and expenses (40–45–0400–054–A):		
Budget Authority	27,094	9,564
Outlays	22,244	7,852
Smithsonian Institution		
Salaries and expenses (40–55–0100–503–A):		
Budget Authority	236,172	76,520
Outlays	209,082	67,743
Construction and improvements, National Zoological Park (40–55–0129–503–A):		
Budget Authority	6,694	2,169
Outlays	3,012	976
Repair and restoration of buildings (40–55–0132–503–A):		
Budget Authority	27,581	8,936
Outlays	11,032	3,574
Construction (40–55–0133–503–A):		
Budget Authority	8,671	2,809
Outlays	3,468	1,124
Salaries and expenses, National Gallery of Art (40–55–0200–503–A):		
Budget Authority	42,063	13,628
Outlays	36,679	11,884
Repair, restoration and renovation of buildings (40–55–0201–503–A):		
Budget Authority	1,870	606
Outlays	198	64
Salaries and expenses, Woodrow Wilson International Center (40–55–0400–503–A):		
Budget Authority	4,849	1,571
Outlays	3,006	974
Endowment challenge fund (40–55–8188–503–A):		
401(C) Authority	270	87
Outlays	270	87
Canal Zone biological area fund (40–55–8190–503–A):		
401(C) Authority	150	49
Outlays	135	44
State Justice Institute		
State Justice Institute (40–65–0052–752–A):		
Budget Authority	12,394	4,016
Outlays	3,093	1,002
Susquehanna River Basin Commission		
Salaries and expenses (40–70–0500–301–A):		
Budget Authority	206	67
Outlays	194	63

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
Contribution to Susquehanna River Basin Commission (40–70–0501–301–A):		
Budget Authority	283	92
Outlays	283	92
Tennessee Valley Authority		
TVA fund (Energy supply) (40–80–4110–271–A):		
401(C) Authority—Off. Coll.	58,954	19,101
Obligation limitation	58,954	19,101
Outlays	58,954	19,101
TVA fund (Area and regional development) (40–80–4110–452–A):		
Budget Authority	124,985	40,495
Obligation limitation	1,500	486
Outlays	30,746	9,962
United States Holocaust Memorial Council		
Holocaust Memorial Council (41–05–3300–808–A):		
Budget Authority	2,402	778
Outlays	1,900	616
United States Information Agency		
Salaries and expenses (41–10–0201–154–A):		
401(C) Authority—Off. Coll.	7,834	2,538
Outlays	7,834	2,538
Salaries and expenses (41–10–0201–154–A):		
Budget Authority	663,423	214,949
Outlays	551,312	178,625
Office of the Inspector General (41–10–0300–154–A):		
Budget Authority	3,800	1,231
Outlays	3,040	985
Educational and cultural exchange program (41–10–0209–154–A):		
Budget Authority	164,765	53,384
Outlays	84,030	27,226
National Endowment for Democracy (41–10–0210–154–A):		
Budget Authority	17,475	5,662
Outlays	8,291	2,686
Radio broadcasting to Cuba (41–10–0208–154–A):		
Budget Authority	13,113	4,249
Outlays	10,228	3,314
East West Center (41–10–0202–154–A):		
Budget Authority	21,288	6,897
Outlays	21,288	6,897
Radio construction (41–10–0204–154–A):		
Budget Authority	87,587	28,378
Outlays	16,642	5,392

G-R-H Sequester Amounts—Continued

(In thousands of dollars)

Account Title	Sequester Base	Sequester Amount
United States Institute of Peace		
Operating expenses (41–15–1300–153–A):		
Budget Authority	7,884	2,554
Outlays	7,884	2,554
United States Sentencing Commission		
Salaries and expenses (41–30–0938–752–A):		
Budget Authority	7,482	2,424
Outlays	6,887	2,231
Total, Other Independent Agencies:		
Budget Authority	10,033,788	3,252,793
401(C) Authority	435,181	140,998
401(C) Authority—Off. Coll.	100,979	32,717
Obligation limitation	157,762	51,114
Direct Loan Limitation	638,100	206,744
Guaranteed Loan Limitation	10,619,400	3,440,686
Unobligated Balances—Defense	252	89
Outlays	6,566,285	2,128,899
Allowances		
G-R-H aggregate spendout rate requirement (51–05–6070–929–A):		
Outlays	82,000	26,568
Total, Allowances:		
Outlays	82,000	26,568
Total Government:		
Budget Authority	418,807,999	142,439,982
Budget Authority—ASI	68,782	68,782
Budget Authority—Spec. Rules	258,995	258,995
401(C) Authority	35,400,441	11,470,359
401(C) Authority—Off. Coll.	3,566,951	1,155,692
401(C) Authority—ASI	5,400	5,400
401(C) Authority—Spec. Rules	45,140	45,140
Obligation limitation	26,655,452	8,636,366
Obligat. limit.—Spec. Rules	1,598,000	1,598,000
Direct Loan Limitation	20,971,578	6,794,791
Direct Loan Floor	2,054,220	665,567
Guaranteed Loan Limitation	189,406,014	61,368,199
Unobligated Balances—Defense	39,295,199	13,871,206
Outlays	248,957,652	85,459,685

[FR Doc. 90–20459 Filed 8–25–90; 10:24 am]

BILLING CODE 3110–01–C

federal register

Monday
August 27, 1990

Part IX

The President

Emergency Deficit Control Measures for Fiscal Year 1991

Initial Order of August 25, 1990

Presidential

Federal Register
Vol. 55, No. 166
Monday, August 27, 1990

Presidential Documents

Title 3—

The President

Initial Order

Emergency Deficit Control Measures for Fiscal Year 1991

By the authority vested in me as President by the laws of the United States of America, including section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law No. 99–177), as amended by the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Public Law 100–119) (hereafter referred to as "the Act"), and in accordance with the report of the Director of the Office of Management and Budget issued August 25, 1990, pursuant to section 251(a)(2) of the Act, I hereby order, pursuant to section 252(a), that the following actions be taken effective October 1, 1990, to implement the sequestrations and reductions determined by the Director in that report:

(1) Each automatic spending increase that would, but for the provisions of the Act, take effect during fiscal year 1991 is suspended as provided in section 252. The programs with such automatic spending increases subject to reduction in this manner, specified by account title, are National Wool Act, Special Milk Program, and Vocational Rehabilitation

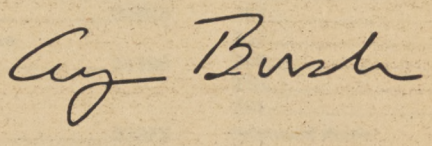
(2) The following are sequestered as provided in section 252: new budget authority; unobligated balances; new loan guarantee commitments or limitations; new direct loan obligations, commitments, or limitations; spending authority as defined in section 401(c)(2) of the Congressional Budget Act of 1974, as amended; and obligation limitations.

(3) For accounts making payments otherwise required by substantive law, the head of each Department or agency is directed to modify the calculation of each such payment to the extent necessary to reduce the estimate of total required payments for the fiscal year by the amount specified in the Director's report.

(4) For accounts making commitments for guaranteed loans and obligations for direct loans as authorized by substantive law, the head of each Department or agency is directed to reduce the level of such commitments or obligations to the extent necessary to conform to the limitations established by the Act and specified in the Director's determination of August 25, 1990.

In accordance with section 252(a)(4)(A), amounts suspended or sequestered under this order shall be withheld from obligation or expenditure pending the issuance of a final order under section 252(b).

This order shall be reported to the Congress and shall be published in the **Federal Register.**



THE WHITE HOUSE,
August 25, 1990.

[FR Doc. 90–20460
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Billing code 3195–01–M

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Federal Register

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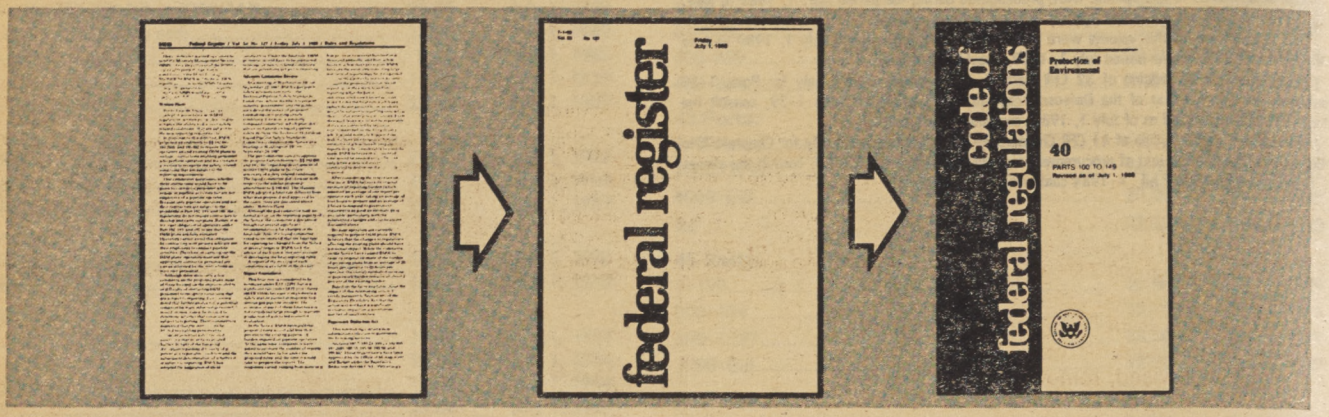

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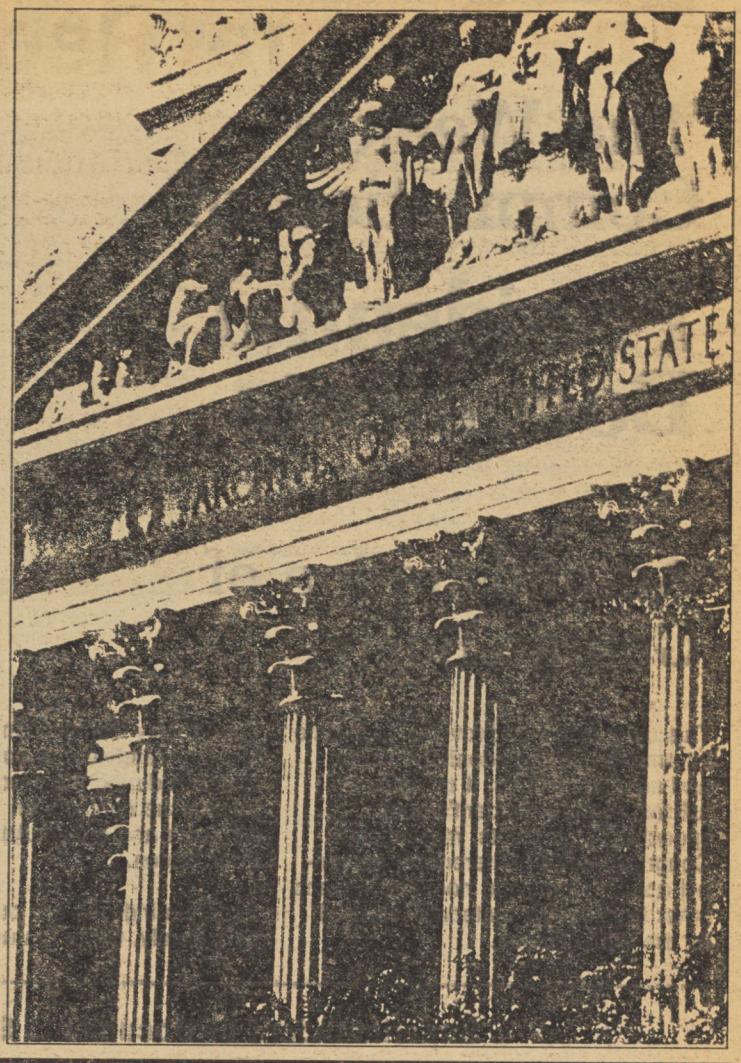

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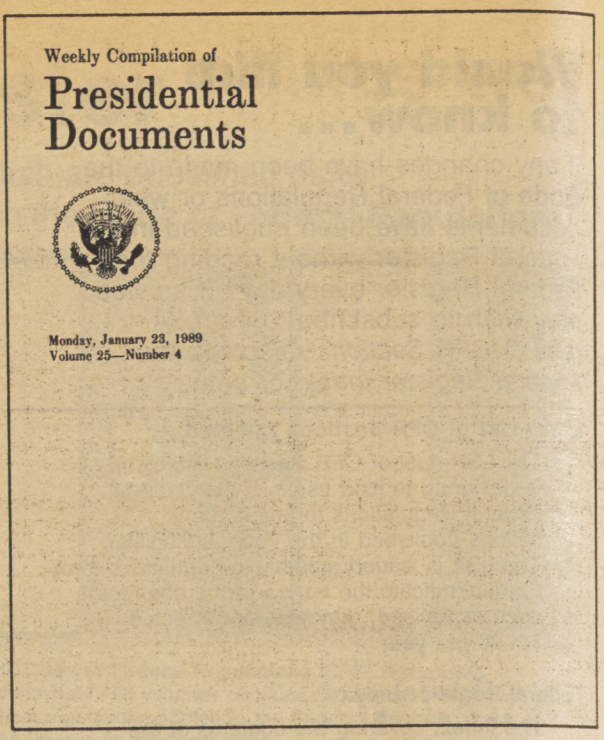

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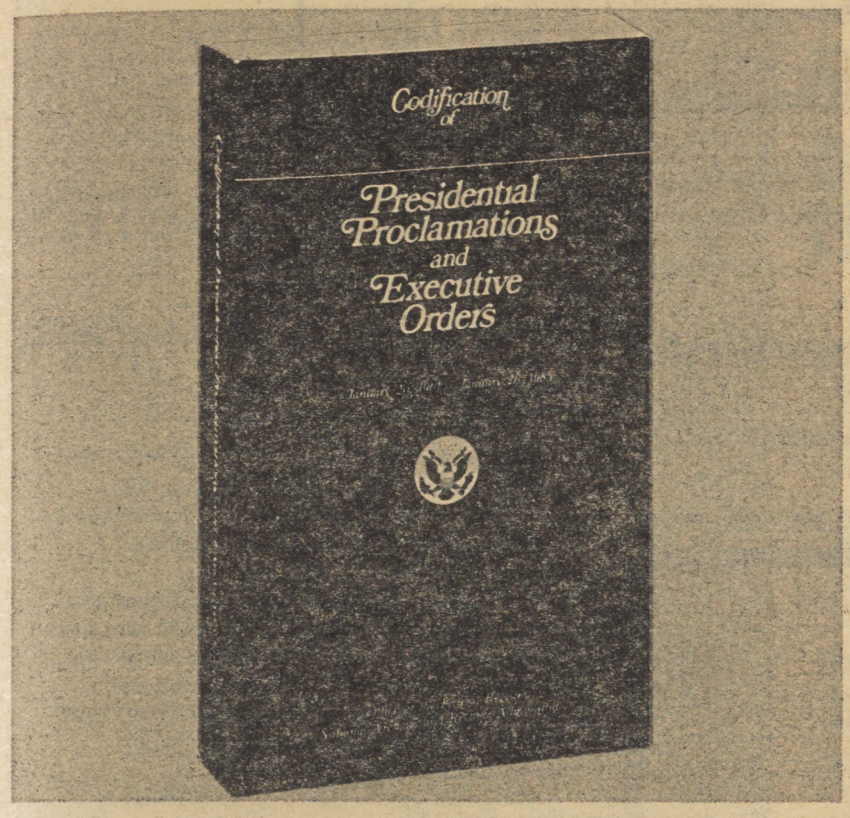

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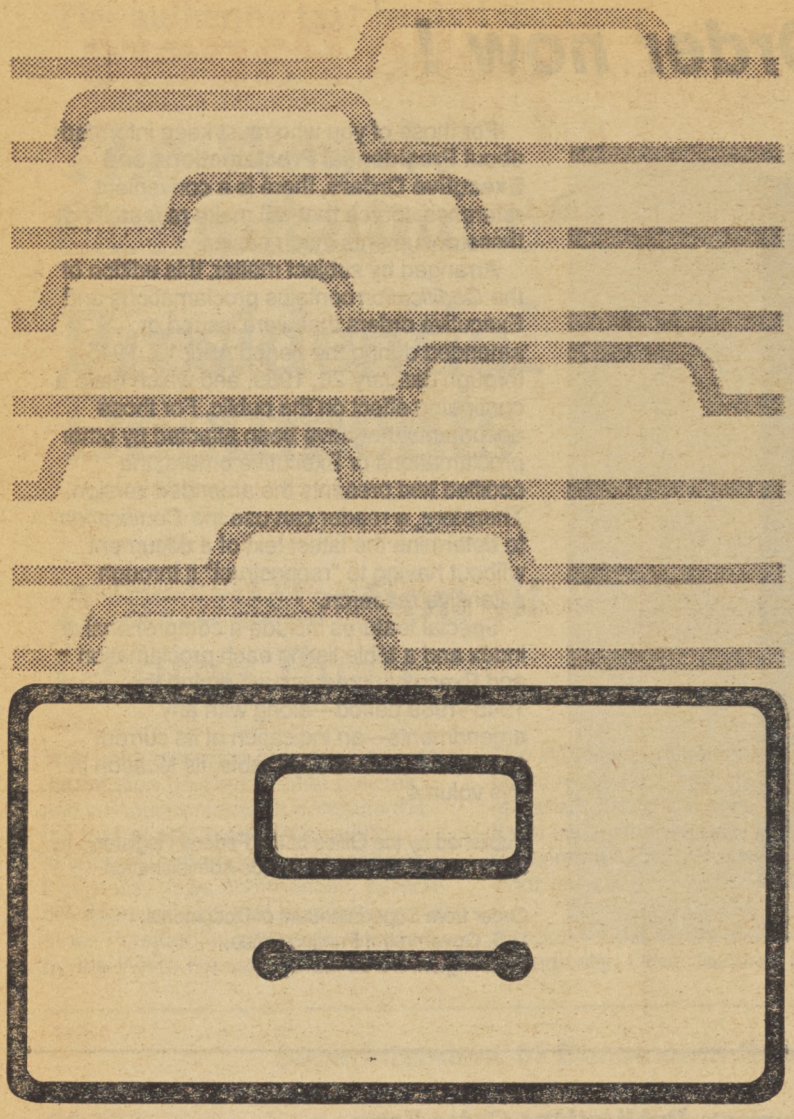

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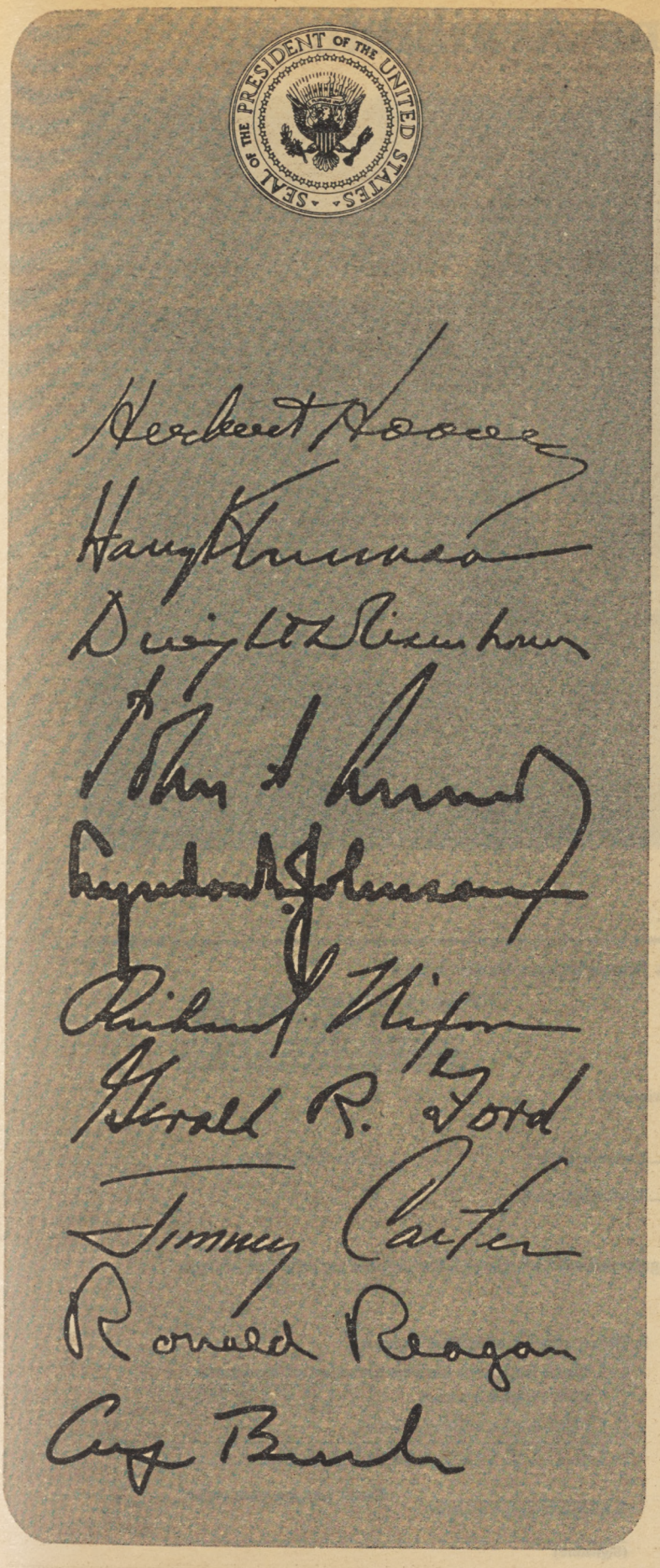

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