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For other telephone numbers, see the Reader Aids section at the end of this issue.

Contents

Federal Register
Vol. 55, No. 212
Thursday, November 1, 1990

Administration Office, Executive Office of the President
RULES
Freedom of Information Act; implementation, 46037

Agency for International Development
NOTICES
Meetings:
International Food and Agricultural Development Board, 46108

Agency for Toxic Substances and Disease Registry
NOTICES
Superfund program:
Hazardous substances priority list (toxicological profiles); correction, 46131

Agricultural Marketing Service
RULES
Olives grown in California, and imported, 46037
PROPOSED RULES
Lettuce grown in Texas, 46072
Pears (winter) grown in Oregon, Washington, and California, 46071
Tomatoes, fresh; grade standards, 46070

Agriculture Department
See also Agricultural Marketing Service; Animal and Plant Health Inspection Service; Federal Grain Inspection Service; Forest Service; Soil Conservation Service
NOTICES
Agency information collection activities under OMB review, 46087

Animal and Plant Health Inspection Service
RULES
Exportation and importation of animals and animal products:
African horse sickness—
Horses from Saudi Arabia, 46039

Antitrust Division
NOTICES
National cooperative research notifications:
Cable Television Laboratories, Inc., et al., 46111

Centers for Disease Control
NOTICES
Passenger cruise ships; sanitation inspection:
Fee collection, 46102

Commerce Department
See International Trade Administration; National Institute of Standards and Technology; National Oceanic and Atmospheric Administration

Defense Nuclear Facilities Safety Board
NOTICES
Recommendations:
Rocky Flats Plant, CO—
Implementation plan, 46093

Energy Department
See Federal Energy Regulatory Commission; Western Area Power Administration

Environmental Protection Agency
NOTICES
Superfund program:
Hazardous substances priority list (toxicological profiles); correction, 46131

Executive Office of the President
See Administration Office, Executive Office of the President; Presidential Documents

Federal Aviation Administration
PROPOSED RULES
VOR Federal airways; correction, 46132

Federal Communications Commission
RULES
Common carrier services:
Direct-inward-dialing answer supervision; billing protection, 46065
Radio stations; table of assignments:
Georgia, 46067
North Dakota, 46067
PROPOSED RULES
Radio stations; table of assignments:
Alabama, 46078
Arkansas, 46078
Georgia, 46079
Ohio, 46079

Federal Energy Regulatory Commission
NOTICES
Electric rate, small power production, and interlocking directorate filings, etc.:
Archbald Power Corp. et al.; correction, 46131
Kansas Gas & Electric Co. et al., 46094
Natural gas certificate filings:
El Paso Natural Gas Co. et al., 46094
Applications, hearings, determinations, etc.:
Algonquin Gas Transmission Co., 46096
Arkla Energy Recources, 46097
Carnegie Natural Gas Co.; correction, 46097
El Paso Natural Gas Co., 46097
North Penn Gas Co., 46097
Northern Natural Gas Co., 46098
Viking Gas Transmission Co.; correction, 46131

Federal Grain Inspection Service
RULES
Shiplot inspection plan (Cu-Sum):
Shiplot, unit train, and lash barge grain in single lots; inspection
Correction, 46131
NOTICES
Agency designation actions:
Alabama, 46088
Illinois, 46090
Iowa, 46089
Iowa et al., 46090

Nebraska, 46088
South Dakota and Missouri, 46087

Federal Highway Administration
PROPOSED RULES
Motor carrier safety standards:
Driver qualifications—
Insulin-using diabetics, 46080

Federal Maritime Commission
NOTICES
Agreements filed, etc., 46101
Casualty and nonperformance certificates:
Cunard Line Ltd. et al., 46101

Federal Reserve System
RULES
Securities credit transactions; OTC margin stocks list (Regulations G, T, U, and X), 46040
NOTICES
Applications, hearings, determinations, etc.:
Banc One Corp. et al., 46101
Greenwood National Corp., 46101
NCNB Corp. et al., 46102
Van Ginkel, J.C., et al., 46102

Fish and Wildlife Service
PROPOSED RULES
Endangered and threatened species
Findings and petitions, etc., 46080
NOTICES
Endangered and threatened species permit applications, 46107
Endangered and threatened species:
Recovery plans—
Ring pink mussel, 46108

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
Supplemental applications approval, 46045
Color additives:
1,4–Bis[4–(2–methacryloxyethyl)phenylamino]anthraquinone; contact lenses coloring
Effective Date, 46044
PROPOSED RULES
Drug labeling:
Human prescription drugs, content and format requirements; "geriatric use" subsection addition to labeling, 46134
NOTICES
Food for human consumption, and animal drugs, feeds and related products:
Human food safety and target animal safety and effectiveness data requirements; supplemental new animal drug applications review; guidelines availability, 46103

Forest Service
NOTICES
Appealable decisions; legal notice:
Alaska region, 46091

General Services Administration
RULES
Acquisition regulations:
Buy America Act-Trade Agreements Act; balance of payments program, etc., 46068
Federal travel:
World-wide lodgings-plus per diem system
Correction, 46064

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry; Centers for Disease Control; Food and Drug Administration; Health Care Financing Administration; Social Security Administration

Health Care Financing Administration
RULES
Medicare:
Inpatient hospital prospective payment system and 1991 FY rates
Correction, 46064
NOTICES
Medicare:
Inpatient hospital deductible and hospital and skilled nursing facility coinsurance amounts (1991 CY), 46103

Hearings and Appeals Office, Interior Department
RULES
Hearings and appeals procedures:
Indian probate proceedings; references and cross-references update
Correction, 46132

Interior Department
See Fish and Wildlife Service; Hearings and Appeals Office, Interior Department; Land Management Bureau; Reclamation Bureau; Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
PROPOSED RULES
Excise taxes:
Transportation by water
Correction, 46132

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
Small electric motors of 5 to 150 horsepower from Japan, 46092

Interstate Commerce Commission
NOTICES
Meetings; Sunshine Act, 46130
Railroad service abandonment:
KCT Railway Corp., 46109

Justice Department
See also Antitrust Division
NOTICES
Pollution control; consent judgements:
Sharon Steel Corp. et al., 46110
Pollution control; consent judgments:
Advanced Environmental Technology Corp., 46109
B.P. Oil, Inc., 46111
Escambia Treating Co., 46109
Vanguard Corp., 46110

Labor Department
See Occupational Safety and Health Administration

Land Management Bureau
NOTICES
Oil and gas leases:
Montana, 46105
Opening of public lands:
Montana, 46105, 46106
(2 documents)
Realty actions; sales, leases, etc.:
Idaho; correction, 46131
Utah, 46106
Survey plat filings:
New Mexico, 46107
Oregon and Washington, 46107

Maritime Administration
NOTICES
Mortgages and trustees; applications approved, disapproved, etc.:
State Street Bank & Trust Co. of Connecticut, 46126

National Highway Traffic Safety Administration
NOTICES
Motor vehicle theft prevention standard; exemption petitions, etc.:
American Honda Motor Co., Inc., 46126

National Institute for Occupational Safety and Health
See Centers for Disease Control

National Institute of Standards and Technology
NOTICES
Meetings:
Computer System Security and Privacy Advisory Board, 46093

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
Bering Sea adn Aleutian Islands groundfish, 46082
NOTICES
Meetings:
Marine Fisheries Advisory Committee, 46093

National Science Foundation
NOTICES
Antarctic Conservation Act of 1978; permit applications etc., 46112
(2 documents)
Committees; establishment, renewal, termination, etc.:
National Science Board, 46112
Meetings:
Antarctic Pollution Control Task Group, 46113

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Northeast Nuclear Energy Co., 46113
Petitions; Director's decisions:
Georgia Power Co., 46114
Applications, hearings, determinations, etc.:
Toledo Edison Co. et al., 46114
University of Puerto Rico, 46115

Occupational Safety and Health Administration
RULES
Safety and health standards:
Electrical safety-related work practices
Correction, 46052
PROPOSED RULES
Safety and health standards:
Highly hazardous chemicals; process safety management, 46074

Oversight Board
NOTICES
Meetings, 46117

Pension Benefit Guaranty Corporation
NOTICES
Agency information collection activities under OMB review, 46117

Personnel Management Office
RULES
Prevailing rate systems, 46140

Postal Service
PROPOSED RULES
Domestic Mail Manual:
Automated rate categories; eligibility requirements, 46078

Presidential Documents
PROCLAMATIONS
Special observances:
Refugee Day (Proc. 6219), 46033
Awareness Month for Children with Cancer, National (Proc. 6220), 46035

Public Health Service
See Agency for Toxic Substances and Disease Registry; Centers for Disease Control; Food and Drug Administration

Reclamation Bureau
NOTICES
Contract negotiations:
Quarterly status tabulation of water services and repayment, 46107

Securities and Exchange Commission
NOTICES
Self-regulatory organizations; proposed rule changes:
National Association of Securities Dealers, Inc., 46120, 46121
(2 documents)

Social Security Administration
RULES
Social security benefits:
Continued payment of benefits during appeal
Correction, 46131

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
Lost River Watershed, WV, 46092

State Department
NOTICES
Bridge permit applications:
Eagle Pass, TX, 46125

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Indiana; correction, 46054

Kentucky, 46054
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
Missouri, 46076

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See also Federal Aviation Administration; Federal Highway Administration; Maritime Administration; National Highway Traffic Safety Administration
NOTICES
Maritime insurance coverage for commercial service in Middle East, 46125

Treasury Department
See also Internal Revenue Service
NOTICES
Agency information collection activities under OMB review, 46127, 46128
(4 documents)

United States Information Agency
PROPOSED RULES
Exchange visitor program:
Designation of consortium, 46073

Veterans Affairs Department
NOTICES
Agency information collection activities under OMB review, 46129

Western Area Power Administration
NOTICES
Power marketing plans, etc.:
Navajo Generating Station, AZ, 46098

Separate Parts In This Issue

Part II
Department of Health and Human Services, Food and Drug Administration, 46134

Part III
Office of Personnel Management, 46140

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR
101 46037
Proclamations:
6219 46033
6220 46035

5 CFR
532 46140

7 CFR
800 46131
932 46037
944 46037
Proposed Rules:
51 46070
927 46071
971 46072

9 CFR
92 46039

12 CFR
207 46040
220 46040
221 46040
224 46040

14 CFR
Proposed Rules:
71 46132

20 CFR
404 46131

21 CFR
73 46044
514 46045
Proposed Rules:
201 46134

22 CFR
Proposed Rules:
514 46073

26 CFR
Proposed Rules:
43 46132

29 CFR
1910 46052
Proposed Rules:
1910 46074

30 CFR
914 46054
917 46054
Proposed Rules:
925 46076

39 CFR
Proposed Rules:
111 46078

41 CFR
301-8 46064

42 CFR
412 46064
413 46064

43 CFR
4 46132

47 CFR
68 46065
73 (2 documents) 46067
Proposed Rules:
73 (4 documents) 46078, 46079

48 CFR
525 46068
552 46068

49 CFR
Proposed Rules:
391 46080

50 CFR
Proposed Rules:
17 46080
611 46082
675 46082

Federal Register
Vol. 55, No. 212
Thursday, November 1, 1990

Presidential Documents

Title 3—

The President

Proclamation 6219 of October 30, 1990

Refugee Day, 1990

By the President of the United States of America

A Proclamation

Ever since the first Europeans came to this country in search of freedom and opportunity, America has been viewed as a safe haven and a source of hope for millions of people around the globe. We take tremendous pride in our leading efforts to assist refugees, and we continue to cherish the great and generous spirit embodied by our magnificent Statue of Liberty. As Emma Lazarus wrote in her timeless sonnet to the famed Mother of Exiles, "from her beacon-hand glows worldwide welcome."

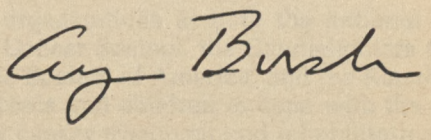
Over the years, the United States has held its doors open to those seeking refuge from tyranny and persecution, and we have encouraged other free nations to do the same. We have proudly received in this country thousands of individuals who—though they arrived with scarcely more than the clothes on their backs—have not only built new lives for themselves and for their families but also made extraordinary contributions to our society. At the same time, we have also worked to overcome those conditions that compel many refugees to flee their homelands. For example, we have steadfastly defended the universal cause of freedom and justice, asserting our conviction that no one should live in fear because of his or her race, nationality, religion, or political belief. We have also strived to promote peace and economic development in countries beset by poverty and strife.

Despite such efforts, however, the population of refugees in the world has increased dramatically during the past few years to its present total of more than 15,000,000 people. Thus, we remain firmly committed to assisting refugees and to advancing respect for individual dignity and human rights around the world. As we continue our own efforts, we call on other nations to increase their assistance to refugees in need. The sad plight of refugees has been brought home to us once again in recent weeks as we have seen hundreds of thousands of refugees fleeing Saddam Hussein's naked aggression in Kuwait and his brutal policies at home.

The Congress, by Senate Joint Resolution 375, has designated October 30, 1990, as "Refugee Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim October 30, 1990, as Refugee Day. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.



[FR Doc. 90-26021
Filed 10-30-90; 2:36 pm]
Billing code 3195-01-M

Presidential Documents

Proclamation 6220 of October 30 1990

National Awareness Month for Children With Cancer, 1990

By the President of the United States of America

A Proclamation

Thanks to the dramatic progress that has been made in early diagnosis and treatment of the disease, young cancer victims and their families no longer need to relinquish their dreams for the future. In many cases, advances in science and technology are bringing hope and healing where there once was only fear and loss.

According to the Department of Health and Human Services, the number of child deaths from cancer in the United States declined by 36 percent between 1973 and 1987—a significant change in a relatively short period of time. Today three out of every four children diagnosed with Hodgkin's disease are being cured. Since 1960, our ability to treat other serious forms of cancer such as Wilm's tumor and non-Hodgkin's lymphoma has improved markedly—nearly 50 percent more children are living for at least five years after diagnosis. The Department also reports that the number of children surviving acute lymphocytic leukemia has risen by 25 percent since 1974.

Nevertheless, despite such encouraging progress, cancer continues to be the leading cause of death by disease among children between the ages of 3 and 14. Families facing the specter of childhood cancer need the best possible medical care and emotional support we can provide. Many need financial help as well. Every family touched by childhood cancer needs the support of its relatives, neighbors, teachers, and clergy. Parents need the understanding and compassion of their employers, and brothers and sisters of young cancer victims need special consideration, both at home and in school. Young cancer patients themselves need every opportunity to express and pursue the fresh, unjaded dreams that are the hallmark of childhood.

Many private organizations and government agencies throughout the United States are working to meet the needs of children with cancer. The National Cancer Institute (NCI), operating within the Department of Health and Human Services, is the Federal Government's principal agency for cancer research. In cooperation with universities and research institutes throughout the Nation, the NCI is engaged in treatment studies for 14 types of childhood cancer. Yielding new and refined methods of treatment, these studies are helping to improve the prognoses for many young cancer victims. For example, many children whose bone cancer, in the past, might have required the amputation of an arm or leg can now benefit from surgical techniques that allow them to keep their limbs without diminished chances of survival.

In addition to advances in research and technology, rehabilitation programs are likewise helping to improve the quality of life enjoyed by young cancer patients. Recent breakthroughs in our understanding of the brain and nervous system, for example, are making it possible for many of those who must use artificial limbs to control them by brain impulses.

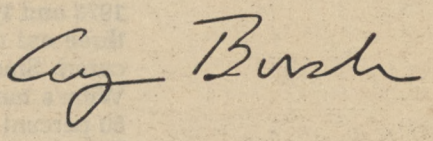
Hundreds of private voluntary organizations at both the national and local levels—including the American Cancer Society, the Candlelighters Childhood Cancer Foundation, the Leukemia Society of America, and the Ronald McDonald Foundation—are helping parents and children to cope with the emotional and financial stresses created by cancer treatment and rehabilitation. Through

the generosity of these and other groups, young cancer patients and their parents may obtain free air travel to treatment centers; parents may benefit from low-cost lodging while their little one is receiving treatment far from home; and youngsters themselves may have the opportunity to spend time at a special summer camp or to see an earnest wish fulfilled.

This month we recognize the dedication and hard work of all those scientists, health care professionals, and volunteers who are working to overcome childhood cancer and to assist its victims. We also reaffirm our admiration and support for the courageous youngsters and parents who struggle with this disease.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim October 1990 as National Awareness Month for Children with Cancer. I encourage all Americans to observe this month through appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord nineteen hundred and ninety, and of the Independence of the United States of America the two hundred and fifteenth.



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Rules and Regulations

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Vol. 55, No. 212
Thursday, November 1, 1990

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF ADMINISTRATION

3 CFR Part 101

Freedom of Information Act Regulations

AGENCY: Office of Administration, Executive Office of the President.

ACTION: Final rule.

SUMMARY: This final rule concerning freedom of information updates the information contained in this part in order to make it consistent with legislative and executive action promulgated since 1973. Specifically, it amends regulation to include certain entities within the Executive Office of the President and to delete references to entities that have been abolished.

EFFECTIVE DATE: December 3, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce L. Overton, Acting General Counsel, (202) 395–2273.

SUPPLEMENTARY INFORMATION: The Office of Administration was created by Executive Order 12028 and Reorganization Plan No. 1 of 1977 and charged with providing administrative support and services to the Executive Office of the President (EOP). The Office of National Drug Control Policy was created by the National Narcotics Leadership Act of 1988 (Pub. L. 100–690 section 1001) and charged with the development of national policy to combat drug abuse through interdiction, enforcement, and treatment. The Office of Science and Technology Policy was created by the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601) and charged with the study and development of presidential policy in science and technology. The Office of the United States Trade Representative was established by the Trade Act of 1974 (19 U.S.C. 2171, Reorganization Plan No 3 of 1979) and charged with negotiating and administering trade agreements on behalf of the United States. These entities are considered "agencies" for purposes of the Freedom of Information Act (FOIA) (5 U.S.C. 552) as amended, and are subject to its provisions. Finally, the Council on Wage and Price Stability was abolished on January 29, 1981 by Executive Order 12288.

By this notice, the Office of Administration, on behalf of the EOP and with the concurrence of the above-listed EOP agencies, is amending 3 CFR part 101 to reflect the current directory of agencies within the EOP subject to the FOIA and the correct references to each agency's regulations.

Bruce L. Overton,

Acting General Counsel.

List of Subjects in 3 CFR Part 101

Freedom of Information.

PART 101—[AMENDED]

1. The authority citation for part 101 is added to read as follows:

Authority: 5 U.S.C. 552.

2. Section 101.3 is revised to read as follows:

§ 10.13 Office of Administration.

Freedom of Information regulations for the Office of Administration appear at 5 CFR part 2502.

3. New §§ 101.6, 101.7, and 101.8 are added to read as follows:

§ 101.6 Office of National Drug Control Policy.

Freedom of Information regulations for the Office of National Drug Control Policy appear at 21 CFR parts 1400–1499.

§ 101.7 Office of Science and Technology Policy.

Freedom of Information regulations for the Office of Science and Technology Policy appear at 32 CFR parts 2402.

§ 101.8 Office of the United States Trade Representative.

Freedom of Information regulations for the Office of the United States Trade Representative appear at 15 CFR part 2004.

[FR Doc. 90–25903 Filed 10–31–90; 8:45 am]

BILLING CODE 3115–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 932 and 944

[Docket No. FV–90–193FR]

Olives Grown in California and Imported Olives, Establishment of Grade and Size Requirements for Limited Use Styles of California Processed Olives for the 1990–91 Season, and Conforming Changes in the Olive Import Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is adopting as a final rule the provisions of an interim final rule which established grade and size requirements for California processed olives used in the production of limited use styles of olives such as wedges, halves, slices, or segments and established similar requirements in the olive import regulation to bring that regulation into conformity with the domestic requirements. The grade and size requirements are the same as implemented last season. Olives used in limited use styles are too small to be desirable for use as whole or whole pitted canned olives because their flesh-to-pit ratio is too low. However, they are satisfactory for use in the production of limited use styles. Their use in such products over the years has helped the California olive industry meet the increasing market needs of the food service industry. The requirements for domestic olives were unanimously recommended by the California Olive Committee (committee), which works with the Department in administering the marketing order program for olives grown in California. The establishment of such requirements for imported olives is required pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937.

EFFECTIVE DATE: Novermber 1, 1990.

FOR FURTHER INFORMATION CONTACT: Patrick Packnett, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96458, room 2530–S, Washington, DC 20090–6456; telephone (202) 475–3862.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Order No. 932 (7 CFR part 932), as amended, regulating the handling of olives grown in California, hereinafter referred to as the order. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This final rule has been reviewed 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 has considered the economic impact of this action on small entities.

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

Information obtained since the September 4, 1990, publication of the interim final rule indicates that there are now six handlers of California olives subject to regulation under the order and approximately 1,450 producers in California. Approximately 25 importers of olives are subject to the olive import regulation. 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. Most but not all of the olive producers and importers may be classified as small entities. None of the olive handlers may be classified as small entities.

Nearly all of the olives grown in the United States are produced in California. The growing areas are scattered throughout California with most commercial production coming from inland valleys. In 1989, about 66 percent of the production came from the San Joaquin Valley and 34 percent from the Sacramento Valley.

Olive production has fluctuated from a low of 24,200 tons during the 1972–73 crop year to a high of 146,500 tons during the 1982–83 crop year. The committee indicated that 1989 production totalled about 118,990 tons. The various varieties of olives produced in California have alternate bearing tendencies with high production one year and low the next. The industry expects the 1990–91 crop to be about 90,000 tons.

The primary use of California olives is for canned ripe whole and whole pitted olives which are eaten out of hand as hors d'oeuvres or used as an ingredient in cooking and in salads. The canned ripe olive market is essentially a domestic market. Very few California olives are exported.

This action will allow handlers to market more olives than would be permitted in the absence of this relaxation in size requirements. This additional opportunity is provided to maximize the use of the California olive supply, facilitate market expansion, and benefit both growers and handlers.

The interim rule was issued August 29, 1990, and was published in the **Federal Register** on September 4, 1990 (55 FR 35891). That rule invited interested persons to submit written comments through October 4, 1990. No comments were received.

The interim rule modified § 932.153 of Subpart-Rules and Regulations (7 CFR 932.108–932.161). The modification established grade and size regulations for 1990–91 crop limited use size olives. The modification was issued pursuant to paragraph (a)(3) of § 932.52 of the order. That rule also made necessary conforming changes in the olive import regulation (Olive Regulation 1; 7 CFR § 944.401). The import regulation is issued pursuant to section 8e of the Act. Section 8e provides that whenever grade, size, quality, or maturity provisions are in effect for specified commodities, including olives, under a marketing order, the same or comparable requirements must be imposed on the imports.

Paragraph (a)(3) of § 932.52 of the marketing order provides that processed olives smaller than the sizes prescribed for whole and whole pitted styles may be used for limited uses if recommended by the committee and approved by the Secretary. The sizes are specified in terms of minimum weights for individual olives in various size categories. The section further provides for the establishment of size tolerances.

To allow handlers to take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives, the committee recommended that grade and size requirements again be established for limited use olives for the 1990–91 crop year (August 1, 1990, through July 31, 1991). The grade requirements are the same as those applied during the 1989–90 crop year, as are the size tolerances. Permitting handlers to use small olives in the production of limited use style canned olives will have a positive impact on industry returns. In the absence of this action, the undersized fruit would have to be used for non-canning uses, like oil, for which returns are lower. Except for the changes necessary in the effective date, the provisions, hereinafter set forth in § 932.153, are the same as those established last season.

Paragraph (b)(12) of § 944.401 of the olive import regulation allows imported bulk olives which do not meet the minimum size requirements for canned whole and whole pitted ripe olives to be used for limited use styles if they meet specified size requirements. Continuation of the limited use authorization for California olives by this interim rule requires that similar changes be made in paragraph (b)(12) of § 944.401 to keep the import regulation in conformity with the applicable domestic requirements. These conforming changes will benefit importers because they will be able to import small-sized olives for limited use during the 1990–91 season which ends July 31, 1991.

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

After consideration of all relevant matter presented, the information and recommendations submitted by the committee, and other available information, it is found that the provisions as hereinafter set forth will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action leaves in effect relaxed requirements currently being applied to California and imported olives under an interim rule; (2) the olive import requirements are mandatory under section 8e of the Act; (3) the interim rule provided a 30-day comment period and no comments were received; and (4) no useful purpose would be served by delaying the effective date of this action.

List of Subjects

7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

7 CFR Part 944

Avocados, Food grades and standards, Grapefruit, Grapes, Imports, Limes, Olives and Oranges.

For the reasons set forth in the preamble, 7 CFR parts 932 and 944 are amended as follows.

PART 932—OLIVES GROWN IN CALIFORNIA

PART 944—FRUITS; IMPORT REGULATIONS

1. The authority citations for 7 CFR parts 932 and 944 continue to read as follows:

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

2. Accordingly, the interim final rule revising § 932.153 and § 944.401(b)(12), which was published in the **Federal Register** on September 4, 1990 (55 FR 35892), is adopted without change as a final rule.

Note: These sections will appear in the Code of Federal Regulations.

Dated: October 29, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–25883 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–02–M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 90–191]

Restrictions on the Importation of Horses From Saudi Arabia

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule.

SUMMARY: We are amending the regulations by adding Saudi Arabia to the list of countries in which the Animal and Plant Health Inspection Service considers African horse sickness to exist. This action is necessary because the veterinary authorities of Saudi Arabia have confirmed the existence of African horse sickness in Saudi Arabia. The intended effect of this action is to prevent the introduction of African horse sickness, a fatal equine viral disease, into the United States.

DATES: Interim rule effective November 1, 1990. Consideration will be given only to comments received on or before December 31, 1990.

ADDRESSES: To help ensure that your comments are considered, send an original and three copies to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket Number 90–191. Comments received may be inspected at USDA, room 1141, South Building, 14th and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Karen James, Senior Staff Veterinarian, Import-Export Animals Staff, VS, APHIS, USDA, room 764, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8170.

SUPPLEMENTARY INFORMATION:

Background

The regulations on animal importations in 9 CFR part 92 (referred to below as the regulations) restrict the importation of horses that could introduce various diseases, including African horse sickness (AHS), into the United States. African horse sickness is a fatal equine viral disease not found in the United States.

Section 92.308(a)(2) of the regulations lists the countries in which AHS is considered by the Animal and Plant Health Inspection Service, to exist, and requires horses intended for importation from any of those countries, including horses that have stopped in or transited those countries, to enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, New York, for at least 60 days.

In response to information received from the Government of Saudi Arabia that there have been outbreaks of AHS, we are amending § 92.308(a)(2) to include Saudi Arabia among the countries considered to be affected with AHS.

As a result of this action, horses intended for importation from Saudi Arabia must now enter the United States only at the port of New York and be quarantined at the New York Animal Import Center in Newburgh, New York, for at least 60 days.

Immediate Action

James W. Glosser, Administrator of the Animal and Plant Health Inspection Service, has determined that there is good cause for publishing this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the introduction of AHS into the United States.

Since prior notice and other public procedures with respect to this interim rule are impracticable and contrary to the public interest under these conditions, there is good cause under 5 U.S.C. 553 to make it effective upon publication. We will consider comments received within 60 days of publication of this interim rule in the **Federal Register.** After the comment period closes, we will publish another document in the **Federal Register,** including a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this rule in conformance with Executive Order 12292, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this rule will have an effect on the economy of less than $100 million; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and will not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

For this action, the Office of Management and Budget has waived its review process required by Executive Order 12291.

We are continuing to allow U.S. importers to import horses from Saudi Arabia, although we are requiring these horses to enter through the port of New York and undergo a quarantine of at least 60 days at the New York Animal Import Center. While importers of horses from Saudi Arabia, who would pay costs for a 3-day quarantine under the current regulations, will incur additional costs because of the longer quarantine under the interim rule, we do not expect this to have a significant economic impact on a substantial number of small entities. There has been an average of 30,000 horses imported into the United States annually during the past five years. During this same period, there have been fewer than 5 horses imported into the United States from Saudi Arabia. We have no reason to anticipate any substantial changes in the number of horses imported from Saudi Arabia.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

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

Executive Order 12372

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

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock and livestock products, Mexico, Poultry and poultry products, Quarantine, Transportation, Wildlife.

Accordingly, 9 CFR part 92 is amended as follows:

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

1. The authority citation for part 92 continues to read as follows:

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

§ 92.308 [Amended]

2. In § 92.308, paragraph (a)(2) is amended by adding "Saudi Arabia," immediately after "Portugal,".

Done in Washington, DC, this 29th day of October 1990.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–25865 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–34–M

FEDERAL RESERVE SYSTEM

12 CFR Parts 207, 220, 221 and 224

Regulations G, T, U and X; Securities Credit Transactions; List of Marginable OTC Stocks; List of Foreign Margin Stocks

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; determination of applicability of regulations.

SUMMARY: The List of Marginable OTC Stocks (OTC List) is comprised of stocks traded over-the-counter (OTC) in the United States that have been determined by the Board of Governors of the Federal Reserve System to be subject to the margin requirements under certain Federal Reserve regulations. The List of Foreign Margin Stocks (Foreign List) represents all foreign equity securities that have met the Board's eligibility criteria under Regulation T. The OTC List and the Foreign List are published four times a year by the Board. This document sets forth additions to or deletions from the OTC List and additions to the Foreign List previously published and effective on August 13, 1990.

EFFECTIVE DATE: November 13, 1990.

FOR FURTHER INFORMATION CONTACT: Peggy Wolffrum, Securities Regulation Analyst, Division of Banking Supervision and Regulation, (202) 452–2781, Board of Governors of the Federal Reserve System, Washington, DC 20551. For the hearing impaired only, Earnestine Hill or Dorothea Thompson, Telecommunications Device for the Deaf (TDD) (202) 452–3544.

SUPPLEMENTARY INFORMATION: Two categories of stock information are listed below. The first group represents additions to or deletions from the OTC List. This supersedes the last OTC List which was effective August 13, 1990. Additions and deletions to the OTC List were published on August 2, 1990 (55 FR 31367). A copy of the complete OTC List incorporating these additions and deletions is available from the Federal Reserve Banks.

The OTC List includes those stocks that meet the criteria in Regulations G, T and U (12 CFR parts 207, 220 and 221, respectively). This determination also affects the applicability of Regulation X (12 CFR part 224). These stocks have the degree of national investor interest, the depth and breadth of market, and the availability of information respecting the stock and its issuer to warrant regulation in the same fashion as exchange-traded securities. The OTC List also includes any OTC stock designated under a Securities and Exchange Commission (SEC) rule as qualified for trading in the national market system (NMS security). Additional OTC stocks may be designated as NMS securities in the interim between the Board's quarterly publications. They will become automatically marginable at broker-dealers upon the effective date of their NMS designation. The names of these stocks are available at the Board and the SEC and will be incorporated into the Board's next quarterly publication of the OTC List.

The second group of securities, represents additions to the Board's Foreign List that are now eligible for margin treatment at broker-dealers pursuant to a recent amendment to Regulation T (12 CFR Part 220). (*See* **Federal Register** of March 27, 1990, at page 11158 for Board action.) These additional foreign equity securities have met the Board's requirements pursuant to Regulation T and are now eligible for margin at broker-dealers on the same basis as domestic margin securities. A copy of the complete Foreign List incorporating these additions is available from the Reserve Banks.

Public Comment and Deferred Effective Date

The requirements of 5 U.S.C. 553 with respect to notice and public participation were not followed in connection with the issuance of this amendment due to the objective character of the criteria for inclusion and continued inclusion on the Lists specified in 12 CFR 207.6 (a) and (b), 220.17 (a), (b), (c) and (d), and 221.7 (a) and (b). No additional useful information would be gained by public participation. The full requirements of 5 U.S.C. 553 with respect to deferred effective date have not been followed in connection with the issuance of this amendment because the Board finds that it is in the public interest to facilitate investment and credit decisions based in whole or in part upon the composition of these Lists as soon as possible. The Board has responded to a request by the public and allowed a two-week delay before the Lists are effective.

List of Subjects

12 CFR Part 207

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, Investments, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 220

Banks, Banking, Brokers, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 221

Banks, Banking, Credit, Federal Reserve System, Margin, Margin requirements, National Market System (NMS Security), Reporting and recordkeeping requirements, Securities.

12 CFR Part 224

Banks, Banking, Borrowers, Credit, Federal Reserve System, Margin, Margin

requirements, Reporting and recordkeeping requirements, Securities.

Accordingly, pursuant to the authority of sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and 78w), and in accordance with 12 CFR 207.2(k) and 207.6(c) (Regulation G), 12 CFR 220.2(u) and 220.17(e) (Regulation T), and 12 CFR 221.2(j) and 221.7(c) (Regulation U), there is set forth below a listing of deletions from and additions to the OTC List; and the additions to the Foreign List.

Deletions From the List of Marginable OTC Stocks

Stocks Removed For Failing Continued Listing Requirements

Action Auto Stores, Inc.
No par common
Airship Industries Limited
American Depositary Receipts representing 80 ordinary shares
Al Copeland Enterprises, Inc.
Series 1, 17.5% exchangeable preferred
Altus Bank, a Federal Savings Bank (Alabama)
$.01 par common
American Film Technologies, Inc.
Warrants (expire 06–30–93)
Anthony, Michael Jewelers, Inc.
$.001 par common
ASTEC Industries, Inc.
Warrants (expire 12–29–91)
BANC One Corporation
Series B, no par convertible preferred
Beauty Labs, Inc.
$.01 par common
Brookfield Bancshares Corporation
$1.00 par common
Brooklyn Savings Bank, The
$1.00 par common
Capital Bancorporation
$.55% par common
Care Plus, Inc.
Class A, Warrants (expire 08–13–90)
CCAIR, Inc.
$.01 par common
Chemfix Technologies, Inc.
Warrants (expire 12–15–90)
Codenoll Technology Corporation
Warrants (expire 09–10–90)
Community Financial Corporation
$.01 par common
Coral Gold Corporation
No par common
Cosmo Communications Corporation
$.01 par common
Country Wide Transport Services, Inc.
$.01 par common
CPT Corporation
$.05 par common
10% convertible subordinated debentures
DST Systems, Inc.
$.01 par common
Eliot Savings Bank (Massachusetts)
$.10 par common
First Citizens Bancshares, Inc.
Class B, $1.00 par common
First Executive Corporation
Warrants (expire 11–15–90)
First Savings Bank, F.S.B. (New Mexico)
$1.00 par common
Fleet Aerospace, Inc.
$.01 par common
Fulton Federal Savings Bank
$1.00 par common
General Building Products Corporation
$.05 par common
HEI Corporation
$.10 par common
Heritage Financial Corporation
$.90 par cumulative convertible preferred
Independence Federal Savings Bank
$.01 par common
Institute of Clinical Pharmacology, PLC
American Depositary Receipts for non-restricted B shares (nominal value FIN 20)
Jesup Group Inc., The
$.01 par common
Microwave Laboratories, Inc.
$.01 par common
Novell, Inc.
7¼% convertible subordinated debentures
Osicom Technologies, Inc.
$.01 par common
Pacesetter Homes, Inc.
$.01 par common
Questech, Inc.
$.05 par common
Retailing Corporation of America
$1.00 par common
S.P.I.–Suspension and Parts Industries Limited
Ordinary shares, IS 250 par value
SFE Technologies
$.1.00 par common
Sructofab, Inc.
$.02 par common
SUNF, Inc.
$.50 par common
Symbion, Inc.
$.01 par common
Syntech International, Inc.
$.10 par common
Tele-Optics, Inc.
$.01 par common
United Savings Bank (Virginia)
$5.00 par common
Vikonics, Inc.
$.02 par common
Vinland Property Trust
No par shares of beneficial interest
Vista Organization Partnership, L.P., The
Depositary units of limited partnership interest
Walker Telecommunications Corporation
$.01 par common
Wall to Wall Sound and Video, Inc.
$.01 par common
Washington Bancorporation (Washington, D.C.)
$2.50 par common
Western Microwave, Inc.
$.10 par common
Williams, A.L., Corporation,
7.25% convertible subordinated debentures
World-Wide Technology, Inc.
$.01 par common

Stocks Removed for Listing on a National Securities Exchange Or Being Involved in an Acquisition

Altos Computer System
No par common
Bio-Medicus, Inc.
$.01 par common
Biotech Research Laboratories, Inc.
$.01 par common
Bogert Oil Company
$.10 par common
Cadence Design Systems, Inc.
$.01 par common
Carolina Bancorp, Inc.
$1.00 par common
Church & Swight Co., Inc.
$1.00 par common
CII Financial, Inc.
No par common
Diagnostek, Inc.
$.01 par common
Dycom Industries, Inc.
$.33⅓ par common
Epsilon Data Management, Inc.
$.01 par common
Fidelity Federal Savings Bank (Indiana)
$.01 par common
Finnigan Corporation
$.01 par common
First Home Federal Savings and Loan Association (Florida)
$100 par common
Florida Public Utilities Company
$1.50 par common
Greenery Rehabilitation Group, Inc.
$.01 par common
Henley International, Inc.
$.001 par common
Integon Corporation
$1.00 par common
Intellicall, Inc.
$.01 par common
International Lease Finance Corp.
$.01 par common
Warrants (expire 1994)
JMB Realty Trust
No par shares of beneficial
Mack Trucks, Inc.
$1.00 par common
Martin Lawrence Limited Editions
$.001 par common
Mid-America Bancorp
No par common
Mountain West Savings Bank F.S.B.
$1.00 par common
Mutual Federal Savings And Loan Association (North Carolina)
$1.00 par common
Mutual Federal Savings Bank, A Stock Corp. (Ohio)
$1.00 par common
National Media Corporation
$.10 par common
North-West Telecommunications, Inc.
$5.00 par common
Old Republic International Corp.
$1.00 par common
Pennview Savings Association
$1.00 par common
Pharmacia AB
American Depository Receipts for non-restricted B shares (par value Skr 10)
Primebank, Federal Savings Bank (Michigan)
$1.00 par common
Shelby Federal Saving Bank (Indiana)
$1.00 par common
Stockholder Systems, Inc.
Class A, $.05 par common
Subaru of America, Inc.
$.01 par common
Summa Medical Corporation
$.01 par common
Tecogen, Inc.

$.10 par common
UTL Corporation
$.25 par common
Webster Clothes, Inc.
$.01 par common

Additions to the List of Marginable OTC Stocks

Advanced Logic Research, Inc.
$.01 par common
Allied Clinical Laboratories, Inc.
$.01 par common
American Business Computers Corporation
$.01 par common
Arcus, Inc.
$.01 par common
Astrocom Corporation
$.10 par common
Bird Medical Technologies, Inc.
$.01 par common
Canyon Resources Corporation
Warrants (expire 12–31–94)
Capitol Bancorp Ltd.
No par common
Circuit Systems, Inc.
No par common
CMS/Data Corporation
$.01 par common
Coho Resources, Inc.
$.01 par common
Deprenyl Research Limited
No par common
Dreco Energy Services Ltd.
Class A, no par common
DVI Financial Corporation
$.005 par common
Easel Corporation
$.01 par common
ESB Bancorp, Inc.
$1.00 par common
Failure Group, Inc., The
$.001 par common
Gerrity Oil & Gas Corporation
$.01 par common
Grant-Norpac, Inc.
$.002 par common
Helix Biocore, Inc.
$.01 par common
High Plains Corporation
$.10 par common
IKOS Systems, Inc.
$.01 par common
Illinois Central Corporation
$.001 par common
In-Store Advertising, Inc.
$.01 par common
Keene Corporation
$.0001 par common
London International Group PLC
American Depositary Receipts
Lunar Corporation
$.01 par common
Marcam Corporation
$.01 par common
Matrix Service Company
$.01 par common
Meca Software, Inc.
$.01 par common
Medical Management of America, Inc.
$.01 par common
Micrografx, Inc.
$.01 par common
Modtech, Inc.
$.01 par common
Molex Incorporated
Class A, $.05 par common
NDE Environmental Corporation
$.0001 par common
Nord Pacific Limited
$.01 par common
O'Charley's Inc.
No par common
Orthopedic Services, Inc.
$.01 par common
Park National Corporation
$6.25 par common
Pinnacle Banc Group, Inc.
$6.25 par common
Radius Inc.
No par common
Republic Health Corporation
$.01 par common
Republic Waste Industries, Inc.
$.01 par common
Rocky Mountain Helicopters, Inc.
$.02 par common
Security Savings Bank, FSB
$1.00 par common
Southmark Corporation
$.01 par common
Class A, $.01 par convertible preferred
Suburban Bankshares, Inc. (Florida)
Class A, $.10 par common
Sylvan Foods Holdings, Inc.
$.001 par common
Tinsley Laboratories, Inc.
No par common
Trimble Navigation Limited
No par common
Uranium Resources, Inc.
$.001 par common
Warrants (expire 02–26–94)
Vanguard Real Estate Fund II
No par shares of beneficial interest
VISX, Incorporated
No par common
Vital Signs, Inc.
No par common
Warrantech Corporation
$.0007 par common
Westwood One, Inc.
Warrants (expire 09–04–97)

Additions to the List of Foreign Margin Stocks

Abbey National PLC
Ordinary shares, par value 10 p
All Nippon Airways Co., Ltd.
Y 50 par common
Allied Lyons PLC
Common, par value 25 p
Argyl Group PLC
Ordinary shares, par value 25 p
Asahi Breweries
Y 50 par common
Asahi Chemical Industry
Y 50 par common
Asahi Glass Co., Ltd.
Y 50 par common
ASDA Group PLC
Ordinary shares, par value 25 p
Associated British Foods PLC
Ordinary shares, par value 5 p
B.A.T. Industries Ltd. PLC
Ordinary shares 25 p
Barclays Bank PLC
Common, par value 100 p
Bass PLC
Ordinary shares, par value 25 p
Bet PLC
Common, par value 25 p
Bicc PLC
Ordinary shares, par value 50 p
Blue Circle Industries PLC
Common, par value 50 p
BOC Group PLC
Common, par value 25 p
Boots Company PLC, The
Common, par value 25 p
BPB Industries PLC
Ordinary shares, par value 50 p
Bridgestone Corporation
Y 50 par common
British Airways PLC
Ordinary shares, par value 25 p
British Petroleum Company PLC
Ordinary shares, par value 25 p
British Steel PLC
Common, par value 50 p
British Telecommunications PLC
Common, par value 25 p
BTR PLC
Common, par value 25 p
Burmah Oil PLC, The
Common, par value 100 p
C. Itoh Fuel Company Ltd.
Y 50 par common
Cable & Wireless PLC
Ordinary shares, par value 50 p
Cadbury Schweppes PLC
Ordinary shares, par value 25 p
Carlton Communications PLC
Common, par value 5 p
Commercial Union Assurance Company PLC
Ordinary shares, par value 25 p
Courtaulds PLC
Common, par value 25 p
DAI Nippon Printing
Y 50 par common
DAI–ICHI Kangyo Bank Ltd.
Y 50 par common
Denki Kagaku Kogyo
Y 50 par common
DOWA Mining
Y 50 par common
Ebara Corporation
Y 50 par common
Enterprise Oil PLC
Ordinary shares, par value 25 p
Fisons PLC
Common, par value 25 p
Fuji Bank Ltd.
Y 50 par common
Fuji Electric Company Ltd.
Y 50 par common
Fujita Corporation
Y 50 par common
Fujitsu Ltd.
Y 50 par common
Furukawa
Y 50 par common
Furukawa Electric Company Ltd.
Y 50 par common

General Accident Fire & Life Assurance Corp. PLC
Common, par value 25 p
GKN PLC
Common, par value 100 p
Glaxo Holdings PLC
Common, par value 50 p
Great Universal Stores PLC
"A" Ordinary shares (non-voting), par value 25 p
Guardian Royal Exchange PLC
Ordinary shares, par value 5 p
Hammerson Property Investment and Development Corp. PLC
Common, par value 25 p
Hanson PLC
Ordinary shares, par value 25 p
Harrisons and Crosfield PLC
Common, par value 25 p
Hawker Siddeley Group PLC
Common, par value 25 p
Hillsdown Holdings PLC
Ordinary shares, par value 10 p
Hino Motors Ltd.
Y 50 par common
Honda Motor Company Ltd.
Y 50 par common
Imperial Chemical Industries PLC
Common, par value 100 p
Ishikawajima-Harima Heavy Industries Company Ltd.
Y 50 par common
Isuzu Motors Ltd.
Y 50 par common
Japan Steel Works
Y 50 par common
Jujo Paper Company Ltd.
Y 50 par common
Kajima Corporation
Y 50 par common
Kanebo Ltd.
Y 50 par common
Kansai Electric Power Company Inc.
Y 500 par common
Kawasaki Heavy Industries Ltd.
Y 50 par common
Kawasaki Kisen
Y 50 par common
Kawasaki Steel Corporation
Y 50 par common
Keihin Electric Express Railway
Y 50 par common
Keio Teito Electric Railway
Y 50 par common
Keisei Electric Railway
Y 50 par common
Kikkoman
Y 50 par common
Kingfisher PLC
Ordinary shares, par value 25 p
Kirin Brewery Company Ltd.
Y 50 par common
Kobe Steel
Y 50 par common
Konica Corporation
Y 50 par common
Koyo Seiko
Y 50 par common
Kubota Corporation Ltd.
Y 50 par common
Kuraray Company Ltd.
Y 50 par common
Kyowa Hakko Kogyo Company Ltd.
Y 50 par common
Ladbroke Group PLC
Ordinary shares, par value 10 p
Land Securities PLC
Common, par value 100 p
Lasmo PLC
Common, par value 25 p
Legal and General Group PLC
Common, par value 25 p
Lloyds Bank PLC
Common, par value 100 p
Lonrho Ltd. PLC
Ordinary shares, par value 25 p
Lucas Industries PLC
Ordinary shares, par value 100 p
Marks & Spencer PLC
Ordinary shares, par value 25 p
Marubeni Corporation
Y 50 par common
Matsuzakaya
Y 50 par common
Maxwell Communication Corporation PLC
Ordinary shares, par value 25 p
Mazda Motor Corporation
Y 50 par common
Meidensha Electric
Y 50 par common
Meiji Milk Products
Y 50 par common
Meiji Seika Kaisha Ltd.
Y 50 par common
Mepc PLC
Common, par value 25 p
Midland Bank PLC
Ordinary shares, par value 100 p
Mitsubishi Corporation
Y 50 par common
Mitsubishi Electric Corporation
Y 50 par common
Mitsubishi Estate Company Ltd.
Y 50 par common
Mitsubishi Heavy Industry Ltd.
Y 50 par common
Mitsubishi Kaisei Corporation
Y 50 par common
Mitsubishi Metal Corporation
Y 50 par common
Mitsubishi Oil Company Ltd.
Y 50 par common
Mitsubishi Paper Mills
Y 50 par common
Mitsubishi Rayon Company Ltd.
Y 50 par common
Mitsubishi Steel Manufacturing
Y 50 par common
Mitsubishi Trust &Banking Corporation
Y 50 par common
Mitsubishi Warehouse & Transportation
Y 50 par common
Mitsui & Co. Ltd.
Y 50 par common
Mitsui Mining & Smelting Company Ltd.
Y 50 par common
Mitsui OSK Lines Ltd.
Y 50 par common
Mitsui Real Estate Development Company Ltd.
Y 50 par common
Mitsui Taiyo Kobe Bank
Y 50 par common
Mitsui Toatsu Chemicals
Y 50 par common
Mitsui Trust and Banking Company Ltd.
Y 50 par common
Morinaga and Company
Y 50 par common
Nachi-Fujikoshi
Y 50 par common
National Westminister Bank PLC
Common, par value 100 p
Navix Line
Y 50 par common
NGK Insulators
Y 50 par common
Nichirei Corporation
Y 50 par common
Nihon Cement
Y 50 par common
Nilgata Engineering
Y 50 par common
Nikko Securities Company Ltd.
Y 50 par common
Nikon Corporation
Y 50 par common
Nippon Beet Sugar Manufacturing
Y 50 par common
Nippon Denso
Y 50 par common
Nippon Kayaku Company LTD.
Y 50 par common
Nippon Light Metal Company Ltd.
Y 50 par common
Nippon Mining Company Ltd.
Y 50 par common
Nippon Oil & Fats
Y 50 par common
Nippon Oil Company Ltd.
Y 50 par common
Nippon Seiko.
Y 50 par common
Nippon Sharyo Seizo
Y 50 par common
Nippon Sheet Glass Company Ltd.
Y 50 par common
Nippon Shinpan Company Ltd.
Y 50 par common
Nippon Steel Corporation
Y 50 par common
Nippon Suisan
Y 50 par common
Nippon Yusen
Y 50 par common
Nissan Motors
Y 50 par common
Nisshin Flour Milling Company Ltd.
Y 50 par common
Nisshin Oil Mills
Y 50 par common
NKK Corporation
Y 50 par common
Noritake
Y 50 par common
NTN Toyo Bearing Company Ltd.
Y 50 par common
Obayashi
Y 50 par common
Odakyu Electric Railway
Y 50 par common
OJI Paper Company Ltd.
Y 50 par common
OKI Electric Industry Company Inc.
Y 50 par common
Okuma Machinery Works Ltd.
Y 50 par common
Onoda Cement Company Ltd.
Y 50 par common
Osaka Gas Company Ltd.
Y 50 par common
Pearson PLC
Ordinary shares, par value 25 p
Peninsular and Oriental Steam Navigation Company
(Deferred Stock) Ordinary shares, par value 100 p

Pilkington PLC
Common, par value 50 p
Prudential Corporation PLC
Common, par value 5 p
Rank Organization PLC
Ordinary shares, par value 25 p
Ranks Hovis McDougall PLC
Common, par value 25 p
Reckitt and Colman PLC
Ordinary shares, par value 25 p
Redland PLC
Common, par value 25 p
Reed International PLC
Common, par value 25 p
Reuters Holdings PLC
Common, par value 10 p
RMC Group PLC
Common, par value 25 p
Rolls Royce PLC
Ordinary shares, par value 20 p
Rothmans International PLC
Common, par value 12–½ p
Royal Bank of Scotland Group PLC
Ordinary shares, par value 25 p
Royal Insurance PLC
Common, par value 25 p
RTZ Corporation, The
Common, par value 10 p
Sainsbury, J. PLC
Ordinary shares, par value 25 p
Sankyo Company Ltd.
Y 50 par common
Sanyo Electric Company
Y 50 par common
Sanyo-Kokusaku Pulp
Y 50 par common
Sapporo Breweries
Y 50 par common
Sato Kogyo Company Ltd.
Y 50 par common
Scottish Newcastle Breweries PLC
Ordinary shares, par value 20 p
Sears Holdings PLC
Ordinary shares, par value 25 p
Sharp Corporation
Y 50 par common
Shell Transport & Trading Company PLC
Ordinary shares, par value 25 p
Shimizu Corporation
Y 50 par common
Shinetsu Chemical Company, Ltd.
Y 50 par common
Shochiku
Y 50 par common
Showa Denko K.K.
Y 50 par common
Showa Electric Wire
Y 50 par common
Showa Line Ltd.
Y 50 par common
Showa Shell Oil
Y 50 par common
Smith & Nephew Associated Company PLC
Ordinary shares, par value 10 p
Smithkline Beecham PLC
"A" Ordinary shares, par value 25 p
Standard Chartered Group PLC
Ordinary shares, par value 100 p
STC PLC
Common, par value 25 p
Sumitomo Bank Ltd.
Y 50 par common
Sumitomo Cement Company Ltd.
Y 50 par common
Sumitomo Chemical Company Ltd.
Y 50 par common
Sumitomo Corporation
Y 50 par common
Sumitomo Electric Industries Ltd.
Y 50 par common
Sumitomo Metal Industries
Y 50 par common
Sumitomo Metal Mining Company Ltd.
Y 50 par common
Sun Alliance Group PLC
Ordinary shares, par value 25 p
Suzuki Motor Company Ltd.
Y 50 par common
Taisho Marine & Fire Insurance Company Ltd.
Y 50 par common
Takara Shuzo
Y 50 par common
Takashimaya Company Ltd.
Y 50 par common
Takeda Chemical Industries Ltd.
Y 50 par common
Tarmac PLC
Common, par value 50 p
Taylor Woodrow PLC
Common, par value 25 p
Teijin Ltd.
Y 50 par common
Teikoku Oil
Y 50 par common
Tekken Construction
Y 50 par common
Tesco PLC
Ordinary shares, par value 5 p
Thames Water PLC
Ordinary shares, par value 100 p
Thorn EMI PLC
Common, par value 25 p
Tobu Railway Company Ltd.
Y 50 par common
Tokio Marine & Fire Insurance Company Ltd.
Y 50 par common
Tokyo Department Store
Y 50 par common
Tokyo Electric Power Company Incorporated
Y 500 par common
Tokyo Gas Company Ltd.
Y 50 par common
Tonen Corporation
Y 50 par common
Toray Industries, Inc.
Y 50 par common
Toshiba Corporation
Y 50 par common
Tosoh Corporation
Y 50 par common
Toto Ltd.
Y 50 par common
Toyo Seikan
Y 50 par common
Toyobo Company Ltd.
Y 50 par common
Trafalgar House PLC
Common, par value 20 p
Trusthouse Forte PLC
Common, par value 25 p
TSB Group PLC
Common, par value 25 p
UBE Industries
Y 50 par common
Ultramar PLC
Ordinary shares, par value 25 p
Unilever PLC
Ordinary shares, par value 5 p
United Biscuits Holdings PLC
Ordinary shares, par value 25 p
Unitika
Y 50 par common
Whitbread & Company PLC
Common, par value 25 p
Yasuda Fire & Marine Insurance Company Ltd.
Y 50 par common
Yokogawa Electric Corporaiton
Y 50 par common
Yokohama Rubber Company Ltd.
Y 50 par common
Yuasa Battery
Y 50 par common

By order of the Board of Governors of the Federal Reserve System, acting by its Staff Director of the Division of Banking Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(18)), October 26, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90–25854 Filed 10–31–90; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 73

[Docket No. 89C–0203]

Listing of Color Additives for Coloring Contact Lenses; 1,4-Bis[4-(2-Methacryloxyethyl) Phenylamino] Anthraquinone; Confirmation of Effective Date

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Food and Drug Administration (FDA) is confirming the effective date of August 27, 1990, for the final rule that amended the color additive regulations to provide for the safe use of 1,4-bis[4-2-methacryloxyethyl) phenylamino] anthraquinone; for coloring contact lenses.

DATES: Effective date confirmed: August 27, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra L. Varner, Center for Food Safety and Applied Nutrition (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 25, 1990 (55 FR 30212), FDA amended 21 CFR part 73 of the color additive regulations by adding § 73.3106 to provide for the safe use of 1,4-bis[4-2-methacryloxyethyl) phenylamino] anthraquinone; for coloring contact lenses.

FDA gave interested persons until August 24, 1990, to file objections or

requests for a hearing. The agency received no objections or requests for a hearing on the final rule. Therefore, FDA finds that the final rule published in the **Federal Register** of July 25, 1990, should be confirmed.

List of Subjects in 21 CFR Part 73

Color additives, Cosmetics, Drugs, Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sections 201, 401, 402, 403, 409, 501, 502, 505, 601, 602, 701, 706 (21 U.S.C. 321, 341, 342, 343, 348, 351, 352, 355, 361 362, 371, 376)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), notice is given that no objections or requests for a hearing were filed in response to the July 25, 1990, final rule. Accordingly, the amendments promulgated thereby became effective August 27, 1990.

Dated: October 25, 1990.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-25829 Filed 10-31-90; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 514

[Docket No. 76N-0358]

New Animal Drug Applications; Approval of Supplemental Applications

AGENCY: Food and Drug Administration; HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is establishing a regulation regarding the approval of supplemental new animal drug applications (NADA's). The regulation provides that FDA will ordinarily approve certain supplemental NADA's without reevaluating the safety or effectiveness data in the parent NADA. For other supplemental NADA's, FDA may reevaluate certain portions or all of the data in the parent NADA and may require submission of new data prior to approval. The regulation will permit FDA to improve internal procedures for processing supplemental applications and will permit expeditious implementation of changes that will provide immediate public health protection. In a separate notice in this issue of the **Federal Register**, FDA is also making available guidelines as aids in the implementation of the new policy.

EFFECTIVE DATE: December 3, 1990.

FOR FURTHER INFORMATION CONTACT: Steven D. Brynes, Center for Veterinary Medicine (HFV-144), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2841.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 23, 1977 (42 FR 64367), FDA proposed new § 514.106 *Approval of supplemental applications*, which sets out principles and criteria for implementing a new policy on the approval of supplemental NADA's. The preamble to the 1977 proposal included FDA's responses to comments submitted in response to an advance notice of proposed rulemaking that had been published in the **Federal Register** of November 12, 1976 (41 FR 50003). An NADA sponsor must submit a supplemental application when the sponsor proposes changes in the original application. The possible changes range from those that would make a significant change in a drug's conditions of use to those that have little or no potential for affecting the drug's safety or effectiveness. FDA has specified when a supplemental application is required and the procedures to be followed in 21 CFR 514.8.

I. Summary of the Proposed and Final Rules

A. The Proposed Rule

The proposed rule provided that FDA would approve certain supplemental NADA's without a complete reevaluation of the underlying safety and effectiveness data when, among other things, the approval posed no increased human risk from exposure to the drug. The proposal represented a change in the agency's policy with regard to supplemental applications. Historically, FDA had viewed the approval of a supplemental NADA as constituting an affirmation that all safety and effectiveness information in the parent application was scientifically adequate by current standards. Accordingly, the agency concluded that it was required to reevaluate all the underlying safety and effectiveness data in the parent NADA when a sponsor submitted a supplemental application and to refuse approval unless current standards were met. However, application of this policy meant delays in FDA's action on supplemental applications for changes that would provide additional public protection. It also meant that the review of safety and effectiveness data in previously approved NADA's was triggered by events beyond the agency's control and did not necessarily occur in a rational, scheduled manner.

The proposed regulation was designed to provide a practical solution to these problems. The proposal provided that the underlying data would not be reviewed if the change proposed by the supplemental application did not increase risk from exposure to the drug. It established three categories of supplemental applications: those that would not require reevaluation of the underlying data; those that would require such reevaluation; and those that might or might not require the reevaluation, depending on the circumstances of the particular application. The agency concluded that, if it did not review the underlying data, approval of the supplement would not imply reaffirmation of the drug's safety and effectiveness by current standards. As part of the decision to revise its supplemental policy, the agency decided to institute a systematic reevaluation of the underlying data that supported all previously approved NADA's; this program was to be known as the cyclic review. The agency also noted that other factors, such as the availability of new information concerning the drug, would continue to trigger a full review of the safety and effectiveness data in an approved NADA (known as a causal review), whether or not a supplemental application had been submitted.

B. Comment, Litigation, and Experience

FDA received two comments on the proposed rule (the comment period closed March 23, 1978 (43 FR 9829; March 10, 1978)). The agency has carefully evaluated the comments, and its response is set forth below. As explained in the preamble to the proposed rule, the agency has, since it issued the advanced notice in 1976, implemented the revised policy on a case-by-case basis. Also, as described further below, the agency has, since publication of the proposed rule, made certain changes in its case-by-case approval of supplemental applications. Further, the evolution of the agency's supplemental policy has been influenced by two cases decided by Federal courts; these cases are also discussed below.

The final rule is based on the comments received, the agency's experience in the implementation of its supplemental policy over more than a decade, the aforementioned litigation, and other considerations as explained in this preamble, in addition to the rationale explained in the advance notice and the preamble to the proposed rule.

During the course of implementing its supplemental policy, FDA has developed guidelines that may be used in deciding whether, when reviewing a supplemental application, it is necessary to review the data in the original

application and, if so, in deciding upon the extent of the review. One guideline concerns human food safety, and the other effectiveness and target animal safety. These guidelines are available to the public, as explained in a separate notice in this issue of the Federal Register.

The final rule, as in the case of the proposed rule, applies to all new animal drugs, whether approved for use in food animals or nonfood animals.

C. The Final Rule

Principles that underlay the proposed rule remain as foundations for the final rule, although FDA has changed some of the means of implementing these principles. As under the proposal, FDA will under the final rule approve certain supplemental applications without reevaluation of the underlying data. However, the scope of that reevaluation, where it does occur, will be more narrow in that it will concern only the data directly affected by the application, rather than all the data in the original NADA.

The final rule assumes the existence of an independent mechanism for reviewing the data in previously approved NADA's, where such review is needed. Instead of relying on both causal and cyclic reviews, however, the agency will utilize only the causal review mechanism.

As in the proposal, the final rule places supplemental applications in categories for purposes of determining whether underlying data in the NADA will be reviewed. However, the categories will be reduced to two: those for which reevaluation is not ordinarily needed (Category I), and those for which reevaluation may be needed (Category II). Also, the lists of types of supplemental applications that are included in each of the categories have been refined.

The final rule and the assignment of individual supplemental applications to categories do not affect the need for appropriate environmental impact information for each supplemental application. Environmental review of agency actions is mandated by the National Environmental Policy Act and defined by FDA's regulations implementing that act, contained in 21 CFR part 25. Part 25 defines various actions, including supplemental new animal drug applications, the types of environmental information required, and the conditions under which a retroactive, or "for cause" (causal), review of underlying environmental data would be initiated.

II. Discussion of the Final Rule

A. Circumstances and Extent of Review of Underlying Data

The proposed rule stated that whether underlying data would be reviewed would depend on the human risk from exposure to the drug that would be brought about by approval of the supplement. The proposed rule contemplated that, if review of underlying data were necessary, all such data would be reviewed—i.e., human food safety, effectiveness, and target animal safety data—regardless of the scope of the supplemental application.

The final rule itself does not contain explicit reference to human risk from exposure to the drug. Nor does it contain any other specific criteria for determining when review of underlying data will occur, other than the division of supplements into two categories. Moreover, the agency does not contemplate conducting a routine review of all safety and effectiveness data in an NADA when review of underlying data is triggered. Instead, FDA will ordinarily review only the data that are directly related to the nature of the proposed change. For example, if the proposed change concerns only human food safety (*e.g.*, a change in withdrawal time), the agency will not review the effectiveness and animal safety data that are in the original NADA, and may review only a portion of the underlying human food safety data.

The two guidelines that FDA is making available in a separate notice describe examples of circumstances under which FDA may review underlying data, and the scope of that review. The human food safety and target animal safety and efficacy guidelines list the kinds of changes that are most frequently requested, explain for each kind of change the kinds of data that ordinarily are submitted in support of the supplement, and discuss whether and to what extent the underlying data may be reviewed. Generally speaking, the circumstances and scope of the review of underlying human food safety data depend on such factors as the amount, nature, and frequency of exposure to drug residues that would result from approval of the drug. The agency may in turn consider these factors to determine whether the approval of the application will result in an increased exposure of humans to drug residues. It should be understood that "increased exposure" has both a qualitative and a quantitative meaning. That is, the agency may assess the potential effects of the approval of a supplemental application on both the amount and the composition of the residues to which consumers will be exposed.

The changes that the agency has made in adopting the final rule offer greater flexibility in determining whether and to what extent the agency will review the underlying NADA data when a sponsor submits a supplemental application. The changes facilitate the approval of supplemental applications that enhance safety and therefore increase protection of the public health. By narrowing the scope of review of the underlying data to those parts of the original application that are directly affected by the supplemental application, the agency will conserve resources both for itself and for NADA sponsors.

The agency believes that these changes are in character with the proposal and that they are a logical outgrowth of the proposal and the comments on it. As shown in the discussion below, the changes are consistent with several of the comments that were submitted in response to the proposed rule. Further, FDA has implemented these changes on a case-by-case basis in the years since it issued the proposal. NADA sponsors and the public have been informed of the changes, e.g., through the Freedom of Information summaries issued at the time of approval of supplemental applications. There has been no objection to the agency's actions.

With respect to the criteria for determining whether any underlying data will be reevaluated, it should be noted first that the regulation no longer contains specific criteria—e.g., increased risk of human exposure—that would be imposed as a binding rule. Instead, the agency will consider proposed changes on a case-by-case basis using the guidelines mentioned above as aids. The potential factors to be considered have been broadened, thus making clear the agency's position that reevaluation may be triggered by more than a projected increase in the quantity of the drug that would be marketed as a result of approval of a supplemental application. This responds to the decision in *Rhodia, Inc., Hess & Clark Div.* v. *Food and Drug Administration*, 608 F.2d 1376 (D.C. Cir. 1979), in which the court held that FDA was arbitrary and capricious in denying a supplemental application that would add approved suppliers of a bulk drug on the ground that such approval would increase the potential risk of human exposure to drug residues. Although FDA has the authority to define changes bearing on safety so as to invoke a full safety and effectiveness review, denial of the particular supplemental

application at issue in *Rhodia* was inconsistent with agency policies then in effect. The court further held that FDA had not structured its regulations to define the available quantity of a drug as a factor triggering invocation of a safety review.

As for limiting the scope of review to areas directly affected by the supplement, the agency gave notice in the preamble to the proposed rule that it might limit the scope of review of NADA data when it stated that it may need "* * * to sever the review of the effectiveness data from the review of the safety data * * *" (42 FR 64367). Further, as explained below in section III, review of all the underlying data, when review is undertaken, is not legally required.

FDA has also deleted from the proposed regulation paragraph (c), which would have required FDA to explain why approval of a supplemental application would not adversely affect safety or effectiveness. The agency has deleted this provision as unnecessary, because it routinely includes such an explanation in the Freedom of Information Summary that the agency releases when it approves a supplemental application that contains safety or effectiveness data and information. Similarly, the provision of former paragraph (c) requiring expeditious approval of a supplemental application that reduces risk from exposure to a drug has been deleted. Although the agency will make every effort to hasten the approval of those types of changes, the agency may need to closely consider the underlying reason for the requested change. For example, a request for a decreased tolerance or a lengthened withdrawal period may be predicated on adverse findings for residues of a particular drug which the agency may wish to investigate thoroughly.

B. Cyclic and Causal Reviews

As explained in the preamble to the proposed rule, FDA had intended to initiate a systematic, or cyclic, review of the safety and effectiveness data contained in original NADA's. The cyclic review was to have been conducted independently of the submission of supplements, although it was to have compensated for the fact that, under the new supplemental policy, underlying data would not be reviewed in many cases when supplemental applications were submitted.

However, because of resource limitations FDA has not initiated a cyclic review of approved NADA's, and does not intend to start such a review in the foreseeable future. Instead, the agency will rereview data in original NADA's, as appropriate, through causal reviews. A causal ("for cause") review is a review of safety or effectiveness data when a specific safety or effectiveness problem comes to the agency's attention. The agency may initiate a causal review at any time, regardless of whether or not a supplemental NADA has been submitted. The scope and complexity of causal reviews may vary, depending on the nature of the problem and the number of products and sponsors involved. However, the scope will ordinarily be limited to the particular problem that has come to the agency's attention. For example, if FDA obtains new information that raises questions about the safety of a drug to the target animal, the causal review will ordinarily be limited to target animal safety.

The agency has, of course, had authority to conduct causal reviews since the passage of the Federal Food, Drug, and Cosmetic Act (the act) in 1938. The agency noted that authority in the preamble to the proposed rule. In 1979, the agency adopted a written procedure for conducting the more complex causal reviews of approved new animal drugs. These procedures have since been revised and are contained in FDA Staff Manual Guide Issuance 1240.3542, which is available upon request from the Center for Veterinary Medicine. The guide provides that FDA may undertake a review of the data in an NADA if safety or effectiveness concerns regarding a drug product or products arise from new information found in the published literature, unpublished research reports, drug experience reports submitted under 21 CFR 510.300 and 510.301, the FDA/U.S. Department of Agriculture residue monitoring program, or other sources.

"New information" which may trigger a causal review includes factors such as the following: (1) New information that the drug or a closely related compound is carcinogenic, mutagenic, teratogenic, more toxic than shown by the previously available data, or that resistance or hypersensitivity is developing; (2) new information that the drug or a closely related compound is unsafe or ineffective to the target animal; (3) an increase in reports of violative residues from the residue monitoring program; and (4) the occurrence of repeated manufacturing problems.

The agency has concluded that the conduct of a cyclic review is not required as a condition to approval of a supplemental application without reevaluation of the underlying data. Because the proposed regulation did not refer to cyclic review, there will be no change in the regulation itself. Where rereview of the data in the NADA is not necessary, the supplemental application is deemed not to affect safety and effectiveness except those aspects of safety and effectiveness that are the subject of the supplemental application itself. Therefore, approval of the supplemental application does not implicate the underlying safety and effectiveness data, which the cyclic review would have addressed.

Experience since the issuance of the proposed rule supports the position that cyclic review is not necessary for the viability of the final rule. There has been no objection to the fact that FDA has not initiated a cyclic review during the years since the issuance of the proposal, despite public knowledge that FDA was implementing the proposed rule on a case-by-case basis, and has approved many supplemental applications during that period without review of the underlying data.

Moreover, to the extent that a plan for a systematic and comprehensive review of underlying data is required to support the final rule, the causal review is an acceptable alternative to the cyclic review. The causal review is systematic in that it results from continuous surveillance of the sources of new information that is available to the agency, and is comprehensive in that it contemplates a thorough review of all areas that are implicated by the new information. Further, the causal review potentially provides greater benefit to the public because, by being problem oriented, it makes more efficient use of limited resources in taking actions that will protect the public health.

Sections 512(e) and (l) of the act provide authority for casual reviews. The agency discussed casual reviews in the preamble to the 1977 proposal, and as described below a comment was submitted on that discussion. Therefore, the public has had notice and an opportunity to comment on the use of casual reviews in support of supplemental approvals.

C. Categories for the Supplemental Applications

The proposed rule provided for three categories of supplements, i.e., Category I (those that do not ordinarily require review of underlying data), Category II (those that may or may not require such review) and Category III (those that ordinarily require such review). The final regulation provides that FDA will assign a supplemental application to one of two categories: Category I or Category II. Supplemental applications

that had been included in proposed Category III will be assigned to Category II.

The proposed regulation assigned only a few kinds of supplemental applications to Category III. Adding those applications to Category II is consistent with the flexibility that is provided for in the final regulation; the guidelines mentioned above may be used to determine whether and to what extent review of the underlying data will be necessary for the supplemental applications that would have been included in proposed Category III. Accordingly, the agency concludes that eliminating proposed Category III as a separate category will not lessen protection of the public health. Finally, eliminating proposed Category III was supported by one of the comments that was submitted.

FDA will assign to Category I supplemental applications that do not require the submission of new safety or effectiveness data and therefore do not ordinarily require a review of any of the original safety or effectiveness data. Exceptions may be made in unusual circumstances if significant safety concerns for the approved product have previously been identified, and the proposed change could further jeopardize human or animal health. Examples of Category I applications include a corporate change that alters the identity of the sponsor; a change that adds a new facility to manufacture, package, or label the product; or a change in the content of labeling or promotional material without adding a new claim.

FDA will assign to Category II applications that may ordinarily require the submission of new safety or effectiveness data and therefore may require reevaluation of some or all of the original safety or effectiveness data before approval. Examples of Category II applications include changes in ingredients that significantly alter the drug's formulation, the addition of new claims, or other changes in the product's conditions of use. If it is necessary for FDA to review any of the underlying data, the existing data may be adequate to resolve any relevant safety or effectiveness issues. In such cases, FDA will not require the sponsor to conduct new scientific studies. In other cases, however, the agency will require additional data to ensure the safety or effectiveness of the drug before approving the supplemental application. In such cases, the data will be required to meet current scientific standards.

As explained above, FDA is making available guidelines that the agency may use as aids in determining whether, and to what extent the data in the NADA may be reviewed in connection with the submission of Category II supplements.

The listings of supplemental changes that are included in the final rule have been changed in some respects from the proposed rule. The changes have primarily been made in response to the comments that were submitted; these changes are discussed in section IV below. The listings that are included in the final rule are not intended to be all inclusive. The agency will categorize on a case-by-case basis any types of supplemental applications that are not listed in the final rule, using the agency's experience with similar kinds of applications.

III. Statutory Authority

FDA's position that it has authority to review the underlying data in an original NADA, on submission of a supplemental application requesting a change that has a bearing on safety and effectiveness has been found to be reasonable and consistent with language in the act. See *American Cyanamid* v. *Young*, 770 F.2d 1213, 1216–18 (DC Cir. 1985). The statutory basis for the agency's authority to review the original data is section 512(e)(1)(F) of the act which states that a supplemental application will be "treated in the same manner" as an original NADA. See *American Cyanamid, supra*, 770 F.2d at 1216. (Section 512(e)(1)(F) provides that approval of an original application shall be withdrawn if FDA finds "that the applicant has made any changes from the standpoint of safety or effectiveness beyond the variations provided for him in the application unless he has supplemented the application by filing with the Secretary adequate information respecting all such changes and unless there is in effect an approval of the supplemental application. The supplemental application shall be treated in the same manner as the original application.")

Although FDA may therefore review the underlying data whenever a supplemental application is submitted, it is not required to do so. See *American Cyanamid, supra*, 770 F.2d at 1217, referring with approval to the supplemental policy that is the subject of this final rule as an exception to FDA's past policy of full safety and effectiveness review.

The theory behind the proposed rule was that, where there would be an increased risk of human exposure as a result of approval of the supplemental application, the application would be "treated as an original application" in that all data in the NADA would be reviewed, and approval would constitute reaffirmation of the underlying data. Where there would not be an increased risk, the supplemental application would not be deemed to affect safety and effectivenes except with respect to those aspects of safety and effectivenss that were the subject of the application. Therefore, the application would not need to have been treated "as an original application" with respect to the underlying data.

The legal theory that supports the final rule is essentially the same, with two refinements. First, instead of reviewing all the underlying data where such review is appropriate, the agency may review only those areas that are directly affected by the supplemental application. The supplemental application would therefore be "treated as an original application" only with respect to those changes. Second, instead of utilizing only the "increased risk" test, the agency may consider one or more of several relevant factors.

IV. Comments on the 1977 Proposal

Comments were received from the Animal Health Institute (AHI), a trade association representing manufacturers of animal health and nutrition products, and from the Ralston Purina Co. (Ralston). Both organizations endorsed the intent of the proposal but requested that certain revisions be incorporated in its finalization.

1. AHI requested clarification of the phrase "no increased human risk from exposure to the new animal drug." AHI stated than an approval of a parent application is based on FDA's finding, assuming maximum consumption by the target animal population at the approved level, than any residue from a new animal drug in the edible tissue of the target animal is safe to the consuming public. AHI argued that, therefore, "increased human risk from exposure to a new animal drug cannot come about by a new combination of already approved new animal drugs for a given species, a new claim for the same species, or even a new distributor for the same drug." Accordingly, AHI requested that FDA modify the regulation to include a specific outline of the factors that may contribute to an increased risk to people exposed to residues of the drug.

The phrase "no increased human risk from exposure to the new animal drug," which appeared in the 1977 proposed rule, is not included in the revised regulation. As mentioned above, the review of underlying human food safety data will depend on such factors as the amount, nature, and frequency of

exposure of humans to drug residues that would result from approval of the supplemental application. The agency will consider these factors to determine whether the approval of the application will result in an increased exposure of humans to drug residues. Although it is true that the agency regulates drugs as if residues occur in the edible tissues of the target animal at the tolerance levels, that fact does not resolve the human food safety issues that are raised by supplemental applications. For example, a proposed addition of a production claim to a drug currently labeled only for therapeutic uses could increase the number of animals, and therefore the number of consumers, that are in fact exposed to the drug. Also, changing the route of administration may result in human exposure to different residues, *e.g.*, different metabolites. In these and other instances, the agency believes that it is necessary to review the available data to determine whether use of the drug under the proposed conditions is safe. The requested data may not have been submitted in the original application, or the agency's data requirements may have changed in the meantime. As a result, it may be necessary for the sponsor to submit new information with the supplement.

The agency does not believe that it is possible or desirable to provide a comprehensive list in the regulation of all conditions that constitute increased exposure to drug residues. Some of the factors that may be considered are mentioned earlier in the preamble.

2. AHI requested that the specific conditions constituting increased human exposure, referred to in § 514.160(b)(3)(iii) of the proposed rule, be listed in the regulation. (This section in the proposed rule referred to Category III supplements, a category that has been eliminated in the final rule.)

As explained above, FDA has decided to delete Category III supplements. Supplemental applications that had been included in the proposed Category III are now assigned to Category II. The agency has responded to AHI's request to specify the conditions constituting increased human exposure in its response to the first comment, above.

3. AHI contended that the four factors discussed in the preamble as grounds for triggering a full review of the safety and effectiveness data of the parent application (causal review) constituted mere "theorizing." (The four factors are listed in section II.B. of this preamble.) AHI requested that these factors be deleted from the final regulation and that the requirements listed in section 512(e)(1) of the act be included instead to serve as a basis for triggering a review.

FDA agrees that the criteria listed in section 512(e)(1) of the act provide the legal basis for a causal review. However, FDA believes that it is in the public interest to identify specific factors which might trigger a rereview of data in the NADA. It has done so in the causal review guideline and in this preamble.

4. AHI also suggested that the agency publish a separate proposal for comment outlining FDA's requirements for the cyclic review of the original NADA's for food-producing animals.

As previously stated in this document, FDA does not foresee initiating a cyclic review of new animal drugs.

5. AHI commented favorably on the discussion of how this regulation may help the agency improve the internal processing of original NADA's by applying the principles contained in the supplemental policy. AHI requested that the two examples contained in the discussion (42 FR 64367 at 64369; comment number (8) be included in § 514.106(b)(2) of the final regulation. The examples included approval of an NADA for a new dosage form of a previously approved drug and an NADA for a combination of drugs previously approved individually. The NADA's would be treated as supplements for purposes of determining the extent to which the underlying data in the original NADA's would be rereviewed.

The request is denied. The discussion in the preamble was in response to a comment that internal procedures for processing NADA's should be improved. The agency agreed with that comment. As an example of the type of improvements envisioned, the agency explained that the supplemental policy concept might be applied to certain kinds of original NADA's. The examples were intended merely to illustrate the agency's willingness to consider more efficient ways of processing NADA's. The agency has, in fact, implemented the practice illustrated by the two examples, on a case-by-case basis in a number of instances. It was not, and is not, the intention of the agency to codify a list of original NADA's that might be treated as supplements.

6. Both AHI and Ralston requested that "changes in active ingredient concentration" be placed in Category I rather than Category II, provided that such change does not constitute a change in dosage.

The agency does not agree with the comment. Changes in active ingredient concentration may affect, among other things, the rate of absorption of a drug and thus, not only affect the amount of human exposure to the drug but also the safety and effectiveness of the drug product. Therefore, any change in the active ingredient concentration may require a review of some of the original underlying safety and effectiveness of the drug product in addition to the review of new data submitted to support the change.

7. Another comment requested that added, new, or revised claims, including production claims, be moved from Category II (§ 514.106(b)(2) (vii) and (viii)) to Category I.

The request is denied. Added, new, or revised claims, including production claims, may not only increase the possibility of exposure of humans to residues (in the case of food-producing animals) but may also influence the safety and effectiveness of the drug for a target species use. In either instance, the request for a new, revised, or added claim will ordinarily require new data to support the claim and may also cause a reevaluation of the original data which pertains to the claim.

8. AHI and Ralston requested that deletion of approved claims or species (proposed § 514.106(b)(2)(x)) be classified a Category I action instead of Category II because such changes would be permitted under proposed § 514.106(b)(1)(xx) (changes permitted by § 514.8(d) in advance of approval).

The agency agrees. Proposed § 514.106(b)(2)(x) has been removed and proposed § 514.106(b)(1)(xx) has been changed to § 514.106(b)(1)(xiii).

9. AHI requested without explanation that proposed § 514.106(b)(2)(xiii) "Change in the withdrawal or milk discard time" be revised to read "A change to decrease the withdrawal or milk discard time." In another related comment, AHI requested that a change in tolerance for drug residues should be included in Category III, under proposed § 514.106(b)(3)(i), only when an increase in the tolerance is proposed.

FDA denies the requests. As stated earlier, FDA has deleted Category III. FDA will assign to Category II any request to change the tolerance, the preslaughter withdrawal period, or the discard time for milk. The decision as to whether to conduct a reevaluation of the data base contained in the original NADA will depend upon the supplemental application's potential for increasing exposure of humans to residues. In those cases for which a lengthened withdrawal time or lowering of the tolerance is requested, the decision as to whether to rereview the original data will, in addition, be based upon the existence of any adverse

information that prompted the proposed change. Proposed § 514.106(b)(2)(xiii) (now § 514.106(b)(2)(x)) has been clarified to read as follows: "A change in the drug withdrawal period prior to slaughter or in the milk discard time." In addition, proposed § 514.106(b)(3)(i) has been redesignated § 514.106(b)(2)(xi), which reads, "A change in the tolerance for drug residues."

10. One comment requested that FDA place in Category I requests for changes in analytical methods for drug residues in tissues that provide a more sensitive assay, unless such changes have an effect upon a determination of the safety and effectiveness of the product. Proposed § 514.106(b)(2)(xiv) placed in Category II all changes in tissue analytical methods.

FDA denies this request. FDA prefers to group all applications requesting a change in analytical methods for residues under Category II. For instance, a revised method may detect higher levels of residues than were previously thought to be present or even detect a different marker residue. Under either circumstance, FDA may choose to reevaluate the underlying human safety data.

11. One comment requested that supplements involving a revised method of synthesis or fermentation of the new animal drug substance (proposed § 514.106(b)(2)(xv)), but not involving any change in specifications, be moved to Category I unless such change affects the safety or effectiveness of the drug.

The request is denied. The agency believes that a change in the synthesis or fermentation process may affect the safety of the drug use and/or the effectiveness of the drug product, even if there is no change in specifications. Therefore, a review of the original data to determine the effect of the change on the safety and effectiveness of the product may be required. The applicable paragraph is adopted as § 514.106(b)(2)(xiii).

12. Two comments suggested that the phrase "safety and effectiveness" in the regulation be revised to read "safety and/or effectiveness".

FDA agrees with the intent of this suggestion and has changed the regulations to read "safety or effectiveness". When FDA determines that a review is required, that review may include an evaluation of safety or effectiveness data, or both.

13. One comment requested that for the sake of consistency between §§ 514.106(b) and 514.8(a)(5), the phrase "and may be placed into effect in advance of approval" be added to the end of the first sentence in § 514.106(b).

FDA has instead deleted the reference to § 514.8(a)(5) from the first sentence of § 514.106(b). The new § 514.106(b)(1)(xiv) now carries the appropriate cross-reference to § 514.8(a)(5).

14. AHI requested a revision of proposed § 514.106(b)(2)(iv) (now listed as § 514.106(b)(2)(ii)). That paragraph concerns changes in the quality, purity, strength, and identity specifications of active and inactive ingredients, except when those changes are more stringent or when they include additional specifications or methods that do not alter the previously approved product standards. AHI suggested that the phrase "except those changes permitted by §§ 514.8(a)(5) or 514.8(d)" be substituted for the statement of exception appearing in the proposed rule.

The changes described in §§ 514.8(a)(5) and 514.8(d) do not constitute as comprehensive an exception as that provided in the proposed and final rules. Accordingly, the request is denied.

15. AHI recognized that the agency included in Category I "most of the kind of changes provided for in § 514.8(a)(5), which may be placed into effect without approval of a supplemental application." AHI noted, however, that those changes specified by § 514.8(a)(5)(vii) (alteration of specifications in accordance with compendial revisions) and § 514.8(a)(5)(x) (changes in label material) were not included in Category I. AHI suggested that those two changes be added to the existing list under Category I, or that a statement be added to the effect that changes permitted under § 514.8(a)(5) may be placed into effect without approval of a supplemental NADA.

Most, if not all, of the changes, discussed in § 514.8(a)(5) do not require the submission of a supplemental application. They may be reported in the next annual drug experience report (DER). However, many sponsors choose to submit such changes in a supplement. As previously discussed, the final regulation deletes those specific changes that are already codified under § 514.8(a)(5) and cross-reference § 514.8(a)(5) changes (in new § 514.106(b)(1)(xiv)) to indicate that they are Category I changes. The two changes identified by AHI are therefore included in Category I.

16. One comment suggested that § 514.106(b)(2)(xvii) of the proposed rule, relating to certain changes in the manufacturing process, is redundant and should be deleted.

The agency disagrees with this comment. Although some manufacturing changes made after the initial approval of an application are included in Category I, there are manufacturing changes that may affect the new drug substance and/or final dosage form; therefore, a review of the product's safety and effectiveness data may be necessary. The review of the proposed change will dictate the need for the safety and effectiveness review. Because of the significance of these kinds of changes, the agency has concluded that they should be specifically provided for in the regulations. The paragraph has been redesignated as § 514.106(b)(2)(xiv).

17. One comment suggested that § 514.106(b)(1)(i), "A corporate reorganization," be revised to read "A corporate change that alters the identity of the applicant."

The requested revision is consistent with language used in the preamble to the proposed rule and § 514.106(b)(1)(i) of the proposed rule is revised to reflect the requested change, as well as to provide for change in address.

18. Another comment recommended that proposed § 514.106(b)(1)(iv) be modified to refer to personnel changes covered in § 514.8(a)(5)(ii).

The agency concurs. This is one of a number of changes covered by § 514.8(a)(5). The regulation has been revised to delete those specific changes and to cover them collectively under § 514.106(b)(1)(xiv).

19. AHI stated in a comment that proposed § 514.106(b)(1)(v), under which a supplement providing for a bulk drug shipment would be classified in Category I, would be clearer if the phrase "bulk drug shipments" was revised to read "change in the manufacturing source of the bulk drug."

The agency does not agree with this contention. Bulk drug shipments can be made during the various stages of drug manufacturing, *e.g.*, processing, packaging, relabeling, etc. A change in the manufacturing source of a bulk drug is different from a bulk drug shipment. As discussed in the preamble to the proposed rule, the term "bulk drug shipments" may refer not only to a bulk shipment of active ingredients but also to bulk shipments of nonfinished drug product, e.g., granulations, or finished products for repackaging, or other manufacturing process operations.

AHI also stated that § 514.106(b)(1)(v) should include changes in active ingredient sources. The agency has determined that a change in the physical source (supplier) for the active ingredient of a drug can be appropriately classified in Category I. Proposed § 514.106(b)(1)(xviii) (alternate

manufacturer has been renumbered to two new paragraphs, § 514.106(b)(1)(xi) (addition of an alternate manufacturer, repackager, or relabeler of the drug product(, and § 514.106(b)(1)(xii) (addition of an alternate supplier of the new drug substance). These sections cover all changes in the site of manufacture, whether that site is under the control of a sponsor or an alternate independent manufacturer, or an independent company or corporation, and all stages of manufacture from manufacture of an active ingredient to the manufacture of a finished drug product. Such a change will not ordinarily require a rereview of safety and effectiveness data. Because the approved NADA manufacturing process must be used, however, FDA will review the supplemental application to determine adherence to current good manufacturing practice regulations at the new location. (This review will be conducted whether the change involves the manufacture of a dosage form or the new drug substance itself). All aspects of the manufacturing process have to be reviewed to determine if required standards (purity, identity, quality, and potency) are being met. However, any change in the active ingredient itself will be classified under Category II, § 514.106(b)(2)(i), (ii), or (xiii) of the final regulation.

20. AHI and Ralston Purina both requested that proposed § 514.106(b)(1)(vii) be revised to make reference to distributor supplements as provided in § 514.8(a)(6). The proposed paragraph referred to distributor supplements that do not significantly increase distribution.

Since 1981, the agency has not handled the addition of a distributor as a change requiring a supplemental application. Sponsors instead are permitted to provide copies of distributor labeling as part of the NADA's periodic DER requirements. Therefore, § 514.106(b)(1)(vii) is deleted.

21. One comment suggested that proposed § 514.106(b)(1)(viii) "Revision of promotional material for prescription drugs" should be amended to refer specifically to the changes not exempted by § 514.8(a)(3)(i) and (ii).

The agency agrees. The paragraph has been changed to read: "A change in promotional material for a prescription drug not exempted by § 514.8(a)(3)(i) and (ii)." The proposed paragraph is now listed as § 514.106(b)(1)(vi).

22. AHI and Ralston requested a revision of proposed § 514.106(b)(1)(x) (change in container style) and commented that change in container size (proposed § 514.106(b)(2)(ii)) should be taken out of Category II.

The agency agrees with these comments. It has revised § 514.106(b)(1)(x), not redesignated as § 514.106(b)(1)(iv), to refer to container style, shape, size, or components and has deleted proposed § 514.106(b)(2)(ii). A change in container style, shape, or size will not affect the safety and efficacy of the drug product. Such changes are physical container changes. It has been the agency's experience that the industry uses FDA-approved packing materials that have previously been approved under food additive regulations. Although information must be submitted to assure that a change in container components does not adversely affect the product, reevaluation of underlying safety and effectiveness data is not required. A change in container material requires a review of existing and/or the development of new, stability data for the drug product in the new container. The agency will assure by this means that the new container material will not affect the safety and effectiveness of the drug or drug product. Current good manufacturing practice regulations (e.g., 21 CFR 211.94 and 211.166), and the Center's stability guidelines, will assure that the container or components cause no adverse affects.

To clarify the meaning of proposed § 514.106(b)(1)(xi), now listed as § 514.106(b)(1)(v), the agency has decided to change the paragraph from "Revision of labeling color or style" to "A change in approved labeling (color, style, format, addition, deletion, or revision of certain statements, e.g., trade name, storage, expiration dates, etc.)." The change clarifies the meaning of the paragraph and provides greater flexibility in making administrative changes. Proposed § 514.106(b)(1)(ix) has been deleted. Its text "A change in the trade name" has been added to § 514.106(b)(1)(v); see above.

23. One comment recommended a change in proposed § 514.106(b)(1)(xii), which placed in Category I "Changes in shipment that do not alter the method of manufacture." The comment suggested that the word "equipment" be used in place of the word "shipment".

"Equipment" is the correct word, and has been substituted for shipment. Section 514.106(b)(1)(xii), which has been redesignated as § 514.106(b)(1)(vii), has also been changed to include changes in manufacturing instructions in addition to changes in equipment, and to include changes that do not change the final dosage form as well as those that do not alter the method of manufacture. The terms "equipment" and "manufacturing instructions" are often mutually inclusive within the context of general manufacturing operations. In addition, manufacturing instructions are often changed to account for current technology or procedures that provide for more efficient process operations. These changes do not ordinarily affect safety and effectiveness. However, changes that would alter the final dosage form or the method of manufacture would not be included. Accordingly, the paragraph has been reworded to state: "Changes in maufacturing processes that do not alter the method of manufacture or change the final dosage form." Also, because repackaging operations are part of the manufacturing process and are included in the text of the phrase "manufacturing process," proposed § 514.106(b)(1)(vi) has been deleted.

24. One comment stated that proposed § 514.106(b)(1)(xiv) and (xv) would be clearer if worded the same as § 514.8(a)(5)(v) and (viii), respectively.

The agency does not agree with the comment. Proposed § 514.106(b)(1)(xiv) includes changes in analytical control procedures other than those specified in § 514.8(a)(5)(v), *e.g.*, changes to more stringent specifications. Section 514.106(b)(1)(xiv) is now listed as § 514.106(b)(1)(ix). Since recordkeeping is a part of the manufacturing process itself, the agency has decided to delete proposed § 514.106(b)(1)(xiv) and place it under the new § 514.106(b)(1)(vii) explained above under comment 23.

25. One comment stated that proposed § 514.106(b)(1)(xix) (changes in sponsor's name or address) is covered under "A corporate reorganization"" as previously provided for in proposed § 514.106(B)(1)(i).

The agency agrees, in views of the change in §514.106(b)(1)(i) as explained above. Proposed § 514.106(b)(1)(xix) has been deleted. New § 514.106(b)(1)(i) is intended to include a change in a sponsor's name or address.

26. AHI stated that the specific language of the exception noted in proposed § 514.106(b)(2)(xii) should be deleted. That paragraph states that changes in statements regarding side effects and the like are Category II changes, except when such statements are added to labeling or advertisements. AHI suggested that this paragraph should cross-reference proposed § 514.106(b)(1)(xx), which refers to changes permitted in advance of approval. (**Note:** § 514.106(b)(2)(xii) of the proposed regulation has been changed to § 514.106(b)(2)(ix).)

The agency disagrees. It believes that new § 514.106(b)(2)(ix) as written is more readily understandable than if the suggested cross-referencing were made.

V. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(8) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required

VI. Economic Impact

The agency has examined the economic effects of this final rule and has determined that it does not require either a regulatory impact analysis, as specified in Executive Order 12291, or a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96–354). This final rule does not impose new or different requirements on industry. The agency, therefore, concludes that this rule is not a major rule as defined in Executive Order 12291. Furthermore, the agency certifies that the final rule will not have a significant impact on a substantial number of small business entities, as defined in the Regulatory Flexibility Act.

List of Subjects in 21 CFR Part 514

Administrative practice and procedure, Animal drugs, Confidential business information, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 514 is amended as follows:

PART 514—NEW ANIMAL DRUG APPLICATIONS

1. The authority citation for 21 CFR part 514 continues to read as follows:

Authority: Sections 501, 502, 512, 701, 706, 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, 360b, 371, 376, 381).

2. New § 514.106 is added to subpart B to read as follows:

§ 514.106 Approval of supplemental applications

(a) With 180 days after a supplement to an approved application is filed pursuant to § 514.8, the Commissioner shall approve the supplemental application in accordance with procedures set forth in § 514.105(a)(1) and (2) if he/she determines that the appplication satisfies the requirements of applicable statutory provisions and regulations.

(b) The Commissioner will assign a supplemental application to its proper category to ensure processing of the application.

(1) *Category I.* Supplements that ordinarily do not require a reevaluation of any of the safety or effectiveness data in the parent application. Category I supplements include the following:

(i) A corporate change that alters the identity or address of the sponsor of the new animal drug application (NADA).

(ii) The sales, purchase, or construction of manufacturing facilities.

(iii) The sale of purchase of an NADA.

(iv) A change in container, container style, shape, size, or components.

(v) A change in approved labeling (color, style, format, addition, deletion, or revision or certain statements, e.g., trade name, storage, expiration dates, etc).

(vi) A change in promotional material for a prescription drug not exempted by § 514.8(a)(3)(i) and (a)(3)(ii).

(vii) Changes in manufacturing processes that do not alter the method of manufacture of change in the final dosage form.

(viii) A change in bulk drug shipments.

(ix) A change in an analytical method or control procedures that do not alter the approved standards.

(x) A change in an expiration date.

(xi) Addition of an alternate manufacturer, repackager, or relabeler of the drug product.

(xii) Addition of an alternate supplier of the new drug substance.

(xiii) A change permitted in advance of of approval as listed in § 514.8(d).

(xiv) Changes not requiring prior approval which are listed under § 514.8(a)(5) when submitted as supplemental application.

(2) *Category II.* Supplements that may require a reevaluation of certain safety or effectiveness data in the parent application. Category II supplements include the following:

(i) A change in the active ingredient concentration or composition of the final product.

(ii) A change in quality, purity, strength, and identity specifications of the active or inactive ingredients.

(iii) a change in does (amount of drug administered per dose).

(iv) A change in the treatment regimen (shedule of dosing).

(v) Addition of a new therapeutic claim to the approved uses of the product.

(vi) Addition of a new or revised animal production claim.

(vii) Addition of a new species.

(viii) A change in the prescription or over-the-counter status of a drug product.

(ix) A change in statements regarding side effects, warnings, precautions, and contraindications, except the addition of approved statements to container, package, and promotional labeling, and prescription drug advertising:

(x) A change in the drug withdrawal period prior to slaughter or in the milk discard time.

(xi) A change in the tolerance for drug residues.

(xii) A change in analytical methods for drug residues.

(xiii) A revised method of synthesis of fermentation of the new drug substance.

(xiv) Updating or changes in the manufacturing process of the new drug substance and/or final dosage form (other than a change in equipment that does not alter the method of manufacture of a new animal drug, or a change from one commercial batch size to another without any change in manufacturing procedure), or changes in the methods, facilities, or controls used for the manufacture, processing, packaging, or holding of the new animal drug (other than use of an establishment not covered by the approval that is in effect) that give increased assurance that the drug will have the characteristics of identity, strength, quality, and purity which it purports or is represented to possess.

Dated: May 15, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90–25830 Filed 10–31–90; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Docket S–016

RIN 1218–AA32

Electrical Safety-Related Work Practices; Correction

AGENCY: Occupational Safety and Health Administration, U.S. Department of Labor.

ACTION: Final rule; correction.

SUMMARY: The Occupational Safety and Health Administration (OSHA) is correcting the final standard on electrical safety-related work practices published in the **Federal Register** on August 6, 1990 (55 FR 31984).

FOR FURTHER INFORMATION CONTACT: Mr. James F. Foster, U.S. Department of Labor, Occupational Safety and Health Administration, room N3637, 200 Constitution Avenue, NW., Washington, DC 20210 (202–523–8148).

SUPPLEMENTARY INFORMATION: The **Federal Register** published on August 6, 1990, contained OSHA's final standard

on electrical safety-related work practices (55 FR 31984). The notice, as published, contained some errors and inaccuracies. The following table lists these errors and the corresponding corrections.

Additionally, due to the recent issuance of new Secretary of Labor's Order No. 1–90 (55 FR 9033), the authority citations for the document itself and for most of the subparts revised in the document are not accurate. This notice also corrects these errors.

This document was prepared under the direction of G.F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

This document is issued under sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR part 1911.

Signed at Washington, DC this 25th day of October 1990.

Gerard F. Scannell,

Assistant Secretary of Labor.

1. The following corrections are made to the final electrical safety-related work practices standard as it appeared in the **Federal Register** on August 6, 1990 (55 FR 31984–32020):

Section	FR Page	Column and line	Correction
Preamble	31987	Table 2, Total fatalities	Change "126" to "128".
Preamble	31988	2d: 12th from bottom	Change "chapter" to "Chapter".
Preamble	31988	3d: 9th, 16th, 18th, and 33d from bottom	Change "part" to "Part".
Preamble	31989	1st: 13th and 20th from bottom	Change "part" to "Part".
Preamble	31989	2d: 17th and 34th from top, and 13th from bottom	Change "part" to "Part".
Preamble	31989	2d; 15 from bottom	Change "were" to "was".
Preamble	31989	3d: 36th from top	Change "part" to "Part".
Preamble	31991	1st: 18th from top	Change "near" to "directly associated with".
Preamble	31993	1st: 33d from bottom	Change "electrical" to "electric".
Preamble	31993	3d: 6th from bottom	Change "there" to "these".
Preamble	31994	1st: 23d from bottom	Change "subpart" to "Subpart" and "part" to "Part".
Preamble	31994	2d: 6th from top and 2d (in two places), 30th, and 31st from bottom.	Change "subpart" to "Subpart".
Preamble	31994	2d: 30th from bottom	Change "urges" to "argues".
Preamble	31994	3d: 5th from top	Change "1981" to "1971".
Preamble	31994	3d: 14th, 36th, and 37th full text lines from top	Change "subpart" to "Subpart".
Preamble	31995	1st: 25th from bottom	Change "Code Panel 1" to "Code Panel I".
Preamble	31995	1st: 3d, 6th, and 9th from bottom	Change "subpart" to "Subpart".
Preamble	31996	3d: 35th from bottom	Change "are" to "were".
Preamble	31997	2d: 24th line of text from top	This line, which reads, "The definition reads as follows", is not part of the quotation and should not be in fine print.
Preamble	31997	3d: 16th from top	The sentence starting with "It should be noted" begins a new paragraph.
Preamble	31998	3d: 3d from bottom	Change "part" to "Part".
Preamble	31999	2d: 33d from bottom	Change "(Tr. 1–176 to I–" to "(Tr.1–176 to 1–".
Preamble	31999	2d: 25th from bottom	The words "He goes on to note that" are not part of the quotation and should begin a new line in regular type. The remainder of the paragraph is another quotation and should begin with an ellipsis.
Preamble	32000	3d: 19th from top	Change "(Ex. 5)" to "(Ex. 4–5)".
Preamble	32001	2d: 25th from bottom	Change "part" to "Part".
Preamble	32001	2d: 14th from bottom	Change "chapter" to "Chapter".
Preamble	32001	2d: 13th from bottom	Change "subparagraph" to "Subparagraph".
Preamble	32002	3d: 3d from top	Change "part" to "Part".
Preamble	32003	2d: 29th to 25th from bottom	The sentence beginning "He further stated" should begin a new paragraph and should be in regular type. A double quotation mark should end the sentence.
Preamble	32003	3d: 2d from top	Change "July 1, 1972, to June 30, 1988" to "July 1, 1972 to June 30, 1988".
Preamble	32003	3d: 23d to 24th from top	Remove "(Ex. 10; across the entire electric utility industry".
Preamble	32004	2d: 31st from bottom	Change "inspection" to "inspections".
Preamble	32004	2d: 19th from bottom	Place the period after the parenthesis.
Preamble	32005	3d: 8th from top	Add "lines" after "distribution".
Preamble	32006	2d: 39th from top	Change "(Tr. 1–32 to I–" to "(Tr. 1–32 to 1–".
Preamble	32006	2d: 8th from bottom	Change "insulated aerial lifts are used" to "an insulated aerial lift is used".
Preamble	32008	3d: 4th from bottom	Change "l910.335" to "1910.335".
Preamble	32009	1st: 10th from bottom	Change "Hoses" to "Hose".
Preamble	32009	2d: 13th from bottom	Change "1910.331(c)(1)" to "1910.331(c)(1)".
Preamble	32009	3d: 26th from bottom	Change "believe OSHA is" to "believed OSHA would be".
Preamble	32010	1st: 28th from bottom	This line, which reads "They further stated:", is not part of the quotation and should be in regular type.
Preamble	32010	3d: top line	Change "1910.252(a)(6)(iv)(*d*)(*2*)" to "1910.253(f)(4)(iv)(B)".
Preamble	32010	3d: 12th line of text from bottom	Change "includes" to "include".
Preamble	32011	1st: 7th line of text from top	Change "(xi)" to "(ix)".
Preamble	32011	2d: 5th from top	Remove comma after "considerations".
Preamble	32012	Table 7	Move "Subtotal" (in two places) and "Total" to the middle column of the table.
Preamble	32014	2d: 20th and 21st from bottom	Change "Secretary of Labor's Order No. 9–83 (48 FR 35736)" to "Secretary of Labor's Order No. 1–90 (55 FR 9033)".
1910.252	32015	3d: top line	Change "1910.252" to "1910.253".
1910.252	32015	3d: 3d from top	Change "1910.252 *Welding, cutting, and brazing*" to "1910.253 *Oxygen-fuel gas welding and cutting*".
1910.331(b)(2)(i)	32017	2d: 23d from top	Add "written" before "copy".
1910.333(b)(2)(v)	32017	3d: 3d from bottom	Change "re-energized" to "reenergized".

Section	FR Page	Column and line	Correction
1910.333(c)(3)	32018	1st: 13th to 11th from bottom.	Change "If protective measures are provided such as guarding, isolating, or insulating," to "If protective measures, such as guarding, isolating, or insulating, are provided,".
Table S-5	32018	2d: Title of Table S-5	Add a dash between "Employees" and "Alternating".
1910.334(a)(2)(ii)	32019	2d: 16th and 17th from bottom	Change "necessary repairs and tests" to "repairs and tests necessary".
1910.334(c)(2)	32020	1st: 17th and 18th from top	Change "necessary repairs and tests" to "repairs and tests necessary".
1910.399	32020	3d: 5th from top	Change "l910.399" to "1910.399".
1910.399	32020	3d: 7th from top	Change "19l0.399" to "1910.399".

2. On page 32014, 2d column, subpart D, item No. 1 is corrected to read as follows:

1. The authority citation for subpart D of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 1–90 (55 FR 9033), as applicable.

Sections 1910.23, 1910.24, 1910.25, 1910.26, and 1910.28 also issued under 29 CFR part 1911.

3. On page 32014, 3d column, subpart F, item No. 3 is corrected to read as follows:

3. The authority citation for subpart F of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 1–90 (55 FR 9033), as applicable.

Sections 1910.66, 1910.67, 1910.68, and 1910.70 also issued under 29 CFR part 1911.

4. On page 32015, 1st column, subpart G, item No. 6 is corrected to read as follows:

6. The authority citation for subpart G of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 1–90 (55 FR 9033), as applicable.

Sections 1910.94 and 1910.99 also issued under 29 CFR part 1911.

5. On page 32015, 1st column, subpart H, item No. 8 is correctly revised to read as follows:

8. The authority citation for subpart H of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 1–90 (55 FR 9033), as applicable.

Sections 1910.103, 1910.106, 1910.107, 1910.108, and 1910.109 are also issued under 29 CFR part 1911. Section 1910.110 is also issued under 5 U.S.C. 553 and 29 CFR part 1911.

Section 1910.111 is also issued under 29 CFR part 1911. Section 1910.120 is also issued under sec. 126 of the Superfund Amendments and Reauthorization Act of 1986 as amended (29 U.S.C. 655 note), 5 U.S.C. 553, and 29 CFR part 1911.

6. On page 32015, 2d column, subpart N, item No. 12 is corrected to read as follows:

12. The authority citation for subpart N of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 1–90 (55 FR 9033), as applicable.

Section 1910.177 also issued under 5 U.S.C. 553 and 29 CR part 1911.

Sections 1910.176, 1910.178 1910.179, 1910.183, 1910.184, 1910.189, and 1910.190 also issued under 39 CFR part 1911.

7. On page 3015, 3d column, subpart R, item No. 19 is correctly revised to read as follows:

19. The authority citation for subpart R of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), or 1–90 (55 FR 9033), as applicable.

Sections 1910.261, 1910.262, 1910.265, 1910.266, 1910.267, 1910.268, and 1910.269 also issued under 29 CFR part 1911.

Section 1910.272 also issued under 5 U.S.C. 553 and 29 CFR part 1911.

Sections 1910.274 and 1910.275 also issued under 29 CFR part 1911.

8. On page 32015, 3d column, subpart S, item No. 23 is correctly revised to read as follows:

23. The authority citation for subpart S of part 1910 is revised to read as follows:

Authority: Secs. 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 8–76 (41 FR 25059) or 1–90 (55 FR 9033), as applicable; 29 CFR part 1911.

[FR Doc. 90–25821 filed 10–31–90; 8:45 am]

BILLING CODE 4510–26–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 914

Indiana Regulatory Program

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

ACTION: Final rule; correction.

SUMMARY: OSM is correcting an error in the final rule published on Monday, September 24, 1990 (55 FR 38987), approving changes to the Indiana regulatory program pursuant to Indiana Senate Enrolled Act No. 513.

FOR FURTHER INFORMATION CONTACT: Mr. Richard D. Rieke, Director, Indianapolis Field Office, Office of Surface Mining Reclamation and Enforcement, Minton-Capehart Federal Building, 575 North Pennsylvania Street, Room 301, Indianapolis, Indiana 46204; Telephone (317) 226–6166.

SUPPLEMENTARY INFORMATION:

On page 38988, third column, second paragraph, line 14, Ohio should be corrected to read Indiana. The corrected sentence reads as follows:

In his oversight of the Indiana program, the Director will recognize only the statutes, regulations and other materials approved by him, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Indiana of only such provisions.

Dated: October 23, 1990.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 90–25828 Filed 10–31–90; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 917

Kentucky Regulatory Program; Mining Modifications

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

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval, with one exception, of a proposed amendment to the Kentucky regulatory program (hereinafter referred to as the Kentucky program) under the Surface Mining Control and Reclamation Act of 1979 (SMCRA). The proposed amendment introduces a subset of minor revisions called "minor field revisions" and provides for the processing of these revisions in the regional offices of the Department of Surface Mining Reclamation and Enforcement (DSMRE), rather than in the DSMRE central office in Frankfort.

EFFECTIVE DATE: November 1, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. William Kovacic, Director, Lexington Field Office, Office of Surface Mining Reclamation and Enforcement, 340 Legion Drive, suite 28, Lexington, Kentucky 40504; Telephone (606) 233–7327.

SUPPLEMENTARY INFORMATION:

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

I. Background on the Kentucky Program

The Secretary of the Interior conditionally approved the Kentucky regulatory program effective May 18, 1982. Information pertinent to the general background and revisions to the permanent program submission as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the May 18, 1982, **Federal Register** (47 FR 21404). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 917.11, 30 CFR 917.15, 30 CFR 917.16, and 30 CFR 917.17.

II. Submission of Amendment

By letter dated August 15, 1989, Kentucky submitted proposed regulations to revise Kentucky Administrative Regulations (KAR) at 405 KAR 8:010 section 20 (Administrative Record No. KY–911). The proposed amendment identifies 27 minor revisions that can be processed in the regional offices, rather than the central office, of DSMRE. It also establishes procedures for processing these "minor field revisions." OSM announced receipt of the proposed amendment in the October 2, 1989, **Federal Register** (54 FR 40413), and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period ended on November 1, 1989.

On November 30, 1989, Kentucky resubmitted the proposed amendment as modified during the State regulation promulgation process (Administrative Record No. KY–941). This document responds to written comments received during the formal promulgation process. OSM announced receipt of the resubmitted amendment in the January 12, 1990, **Federal Register** (55 FR 1216), and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendment. The reopened public comment period ended on February 12, 1990.

III. Director's Findings

Set forth below pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Kentucky program. Only substantive changes are discussed in detail. Revisions not specifically discussed are found to be no less stringent than SMCRA and no less effective than the Federal regulations.

1. 405 KAR 8:010 Section 20(3)(a)

Kentucky proposes to amend 405 KAR 8:010 section 20(3)(a) by identifying minor revisions that can be approved in the regional offices, rather than the central office, of DSMRE. These minor revisions are referred to as "minor field revisions." Like the minor revisions of which they are a sub-set, "minor field revisions" are subject to sections 5, 7, 12, 13(1), 13(2), (13)(3), 14(1), through 14(6), 14(10) through 14(16), 14(19) through 14(21), 15, 16(1) through 16(4), 18, and 24 of 405 KAR 8:010. Unlike other minor revisions under the Kentucky program, "minor field revisions" are not subject to the administrative completeness determination of section 13(2) of 405 KAR 8:010, and the time frame for review of these revisions, as established in section 16(1)(a)(3), begins at the time of application submittal rather than after a determination of administrative completeness. The amendment also requires that all minor revisions be submitted on forms prescribed by Kentucky's Natural Resources and Environmental Protection Cabinet (Cabinet).

The Federal regulations at 30 CFR 774.13(b) establish requirements for processing permit revisions. Paragraph (2) of that rule allows the regulatory authority discretion in establishing guidelines for differentiating between those permit revisions for which all of the permit application information requirements and procedures of subchapter G, including notice, public participation, and notice of decision requirements of applicable subsections, shall apply (significant revisions) and those that mandate only partial adherence to the permitting requirements (insignificant revisions).

The Secretary of Interior in his conditional approval of the Kentucky program approved the guidelines and procedures proposed by Kentucky in processing significant and insignificant revisions, referred to as "major" and "minor" revisions respectively in the Kentucky program (47 FR 21435, May 18, 1982). The Director finds that delegation of authority for approval or disapproval of "minor field revisions" by the Frankfort DSMRE office to the DSMRE's regional offices does not alter the basis for the Secretary's conditional approval so long as Kentucky has demonstrated that they have sufficient personnel located in the regional offices, and adequate overview by Frankfort to assure that sound decisions will be made by the regional offices.

On February 8, 1990, in a meeting with representatives of OSM, and the Office of the Solicitor, Kentucky made representations that the DSMRE regional offices have appropriate personnel and procedures to make decisions to approve or disapprove minor field revisions (Administrative Record No. KY–898). In this meeting, Kentucky stated that to qualify as a minor field revision, the revision had to be one which could be decided upon by field personnel without the assistance of technical experts. On February 9, 1990, Kentucky submitted further information to clarify the oversight procedures to be used by the Frankfort DSMRE office in reviewing decisions of the regional offices on minor field revisions and, if necessary, for overruling them. Under the proposed procedures, minor field revisions processed by regional offices would be reviewed by a single individual in the DSMRE central office who would advise the Director of the Division of Field Services on the appropriateness of the decision. If the Director of the Division of Field Services determines that the minor field revision should not have been issued or that it should be modified, or that further information is needed to evaluate the proposal, he informs the Regional Administrator in writing and requests appropriate action. The Regional Administrator may modify or rescind the minor field revision. If the minor field revision is rescinded, the permittee must obtain an ordinary revision

(Administrative Record No. KY–1006). On the basis of the representations and information submitted by Kentucky concerning personnel and oversight procedures, OSM finds the changes proposed at 405 KAR 8:010 section 20(3)(a) to be not inconsistent with the discretion granted States by the Federal regulations at 30 CFR 774.13.

2. 405 KAR 8:010 Section 20(3)(d)

A new paragraph (d) is added to 405 KAR 8:010 section 20(3) to identify 27 minor field revisions. Paragraph (d) provides further that if the number of persons that potentially could have an interest that may be adversely affected by the proposed revision is large enough, the Regional Administrator of DSMRE will determine that the proposed revision is a major revision and that it shall not be processed under this paragraph. Below is a list of the 27 minor revisions proposed to be identified as minor field revisions.

(1) Proposals for minor relocation of underground mine entries are categorized as minor field revisions so long as: (a) No structures or renewable resources overlie the area, (b) the permit boundary does not change, (c) the new entry is on the same face-up area and coal seam as originally permitted and is within the same drainage area, (d) the drainage from the entry is controlled by the same sedimentation pond, and (e) the revision will not result in increased disturbed acreage within the drainage area of that pond.

(2) Proposals to retain concrete platforms and small buildings are categorized as minor field revisions where (a) there is no change in the approved postmining land use and (b) the application for the revision contains a notarized letter from the suface owner requesting the retention of the structure.

(3) Proposals to leave roads as permanent, except roads to impoundments, excess spoil fills, coal mine waste fills, or air shafts; roads within 100 feet of an intermittent or perennial stream; and roads in areas designated unsuitable for mining under KAR 24:040 Section 2.

(4) Proposals to increase the diameter of culverts used as road cross-drains, not including culverts used for stream crossings, provided the same type pipe as previously approved is used.

(5) Proposals to install additional culverts used as road crossdrains, not including culverts used for stream crossings, provided the diameter of the culvert and type of pipe is the same as the nearest downstream cross-drain.

(6) Proposals to relocate on bench sedimentation control structures (dugouts only) in order to locate the structures at low spots on the same bench where: (a) The drainage area to the structure will remain the same as the original design, (b) the proposed new location will not cause short-circuiting of the structure, (c) the proposed permit boundary does not change.

(7) Proposals to retain diversions of overland flow (not including stream diversions) as permanent facilities where: (a) The application contains a notarized letter including a request to retain the diversion from the surface owner who will accept responsibility for maintaining the structure and (b) the diversions were designed to the permanent diversion standards.

(8) Proposals to relocate topsoil storage areas where: (a) There is no change in permit boundary, (b) the new location was previously permitted as a disturbed area within the same drainage area as the original location, controlled by the same sedimentation pond, and (c) there will be no additional disturbed acreage within that drainage area.

(9) Proposals to substitute plant species where: (a) The proposed species is the same vegetative type as the original species, (b) the proposed species will serve the equivalent function of the original species with respect to the previously approved revegetation plan, postmining land use plan, and fish and wildlife protection and end hancement plan, and (c) the proposed species and its application or planting rate are compatible with the remainder of the previously approved plant species mixture to be planted.

(10) Proposals to utilize hydroseeding for trees instead of planting trees where: (a) Hydroseeding is an appropriate method for the tree species being established and (b) the tree species does not change (unless approved in accordance with another provision).

(11)Proposals to change the type and rate of application of mulch to be used.

(12) Proposals to retain small depressions in reclaimed areas.

(13) Proposals to increase the frequency of air-blast

(14) Proposals to increase the frequency of air pollutional monitoring.

(15) Proposals to employ more effective or additional fugitive dust controls.

(16) Proposals to add a portable crusher where: (a) The crusher is completely portable, (b) the crusher is used for crushing coal only from the permit area, (c) no coal mine waste is generated, (d) the permit boundary remains the same, and (e) the equipment is always located in the mining pit or other areas previously permitted as a disturbed area controlled by a previously approved sedimentation pond and no additional disturbed acreage or delayed reclamation will result.

(17) Proposals to change the time periods or types or patterns of warning or all-clear signals when explosives are to be detonated.

(18) Proposals to relocate an explosive storage area within the existing permit area in accordance with Federal mine safety laws.

(19) Proposals for minor relocation of support facilities such as conveyors, hoppers, and coal stockpiles where: (a) There is no proposed change in permit boundary and (b) the proposed new location, previously permitted as disturbed area within the same drainage area as the original location, is controlled by the same sedimentation pond, and there will be no additional disturbed acreage within the drainage area of that sedimentation pond.

(20) Proposals for modification of shared facilities where the modification has been already approved in a revision for one of the permittees by DSMRE's Division of Permits and no additional bond was required for the initial revision.

(21) Proposals to add a hopper to a permitted area where: (a) There is no proposed change in permit boundary and (b) the proposed location was previously permitted as a disturbed area controlled by an approved sedimentation pond and there will be no additional disturbed areas or delayed reclamation within the drainage area of that sedimentation pond.

(22) Proposals to change the brush disposal plan, not including any proposals to bury brush in backfilled areas on steep slopes or in excess spoil fills or coal mine waste fills.

(23) Proposals to cut berms, provided that the cuts will not cause bypassing or short-circuiting of on-bench sedimentation structures.

(24) Proposals to change the basis for evaluating revegetation from reference areas to the technical standards established in 405 KAR chapters 7 through 24.

(25) Proposals for incidental boundary revisions for minor off-permit disturbances where: (a) The total acreage of the minor off-permit disturbance is no more than 1 acre per proposal, (b) the cumulative acreage limitation established in 405 KAR 7:020 is not exceeded, (c) the area does not include wetlands, prime farmlands, stream buffer zones, Federal lands, habitats of unusually high value for fish and wildlife, areas that may contain threatened or endangered species, or areas designated unsuitable for mining

under 405 KAR chapter 24, (d) no coal extraction or future coal extracton will occur from the area, (e) there are no structures such as excess spoil fills, coal mine waste disposal fills or impoundments, or water impoundments involved, (f) the surface owner of the area to be permitted is the surface owner of the disturbed area under the existing permit, and (g) an additional performance bond in the amount of $5000 has been filed by the permittee.

(26) Proposals to remove sedimentation ponds previously approved as permanent impoundments where the application for revision contains a notarized letter from the surface owner requesting the elimination of the impoundment, the application contains an acceptable plan for removal, and the criteria for sedimentation pond removal have been met. The removal of a sedimentation pond would not be treated as a minor field revision: (a) Where the structure has a hazard classificaiton of B or C, (b) where the impoundment is a developed water resource land use, (c) where the removal of the structure may cause an adverse affect on significant fish and wildlife habitats or threatened or endangered species, (d) where the impoundment may be a necessary element in the achievement of the previously approved postmining land use, or (e) where the impoundment was originally planned to be left for the purpose of enhancing fish and wildlife and related environmental values.

(27) Proposals to approve exemptions from the requirement to pass drainage through sedimentation ponds for disturbed areas that due to unexpected field conditions will not drain to an approved sedimentation pond where: (a) There has not been any acid drainage or drainage containing concentrations of total iron or manganese from this or nearby areas of the mine that could result in water quality violations if untreated, (b) the application contains justification that it is not feasible to control the drainage by a sedimentation pond, (c) the disturbed area is one acre or less, (d) the application contains a plan to immediately use alternative sedimentation controls, (e) the application contains sufficient plan views and cross sections certified by a professional engineer to clearly illustrate the feasibility of the proposal and the location of alternate control methods, and (f) the application contains a map certified by a qualified registered professional engineer clearly showing the location of the disturbed area and the drainage area.

The Federal regulations at 30 CFR 774.13(b)(2) require that the regulatory authority establish guidelines for the scale or extent of proposals for which all permit application requirements will apply. In his conditional approval of the Kentucky permanent program on May 18, 1982, **Federal Register** (47 FR 21404) the Secretary of Interior approved the guidelines proposed by Kentucky in differentiating between significant and insignificant permit proposals, which are referred to as major and minor proposals respectively in the Kentucky program. In evaluating the specific list of minor field proposals proposed by Kentucky in this amendment, the Director finds that all proposals conform to the approved Kentucky guidelines as they are set forth in 405 KAR 8:010 section 20(3), except for the revision listed in section 20(3)(d)(23) pertaining to the cutting of berms.

The minor field revision, cutting of berms, as described at 405 KAR 8:010 section 20(3)(d)(23), is not consistent with the approved guidelines since it could result in actions by the permittee to allow water to leave the permit area without first passing through a siltation structure. Cutting berms to relieve ponding is also contrary to the approved Kentucky performance standards at 405 KAR 18:060 section 1(4)(b) 4 and 5, 405 KAR 18:060 section 2, and 405 KAR 18:060 section 3. Allowing the practice of cutting berms to relieve impounded water would render the Kentucky regulations less effective than the Federal regulations at 30 CFR 816/817.46(b)(2) in that it would also allow the permittee to remove ponded water from the permit area without first passing it through a siltation structure. The remaining list of minor field revisions are found to be consistent with the approved Kentucky program and by extension consistent with the Federal program. The Director finds the minor field revisions listed at 405 KAR 8:010 section 20(3)(d), with the exception of the revision listed in paragraph 23 of that proposed Kentucky regulation, to be not inconsistent with the discretion given to the States by the Federal regulations at 30 CFR 774.13(b)(2).

3. 405 KAR 8:010 Section 20(3)(e)

Kentucky proposes to amend 405 KAR 8:010 section 20(3) by adding a new paragraph (e) that provides that proposed minor revisions which seek only to change the engineering design of impoundments and diversions of overland flow where no change in permit boundary is involved shall not be subject to the administrative completeness determination of section 13(2). However, the application shall be processed, and written notice that the application has been determined to be subject to paragraph (e) and is being forwarded for technical review shall be provided to the applicant within 10 working days. Paragraph (e) also provides that the time frame for review as set forth in section 16(1)(a)(3) shall begin at the time of this notice.

The Federal regulations at 30 CFR 774.13(b) establish requirements for processing permit revisions. The Federal regulations at paragraph (2) of this rule allow the regulatory authority the discretion of establishing guidelines for differentiating between those permit revisions for which all of the permit application information requirements and procedures of subchapter G, including notice, public participation, and notice of decision requirements of applicable subsections shall apply (significant revisions) and those that require only partial adherence to the permitting requirements (insignificant revisions). The Director finds that the proposed Kentucky rule at 405 KAR 8:010 section 20(3)(e) is not inconsistent with the discretion afforded to Kentucky under 30 CFR 774.13(b)(2).

4. 405 KDAR 8:010 Section 20(5)

Kentucky proposes to amend its regulations at 405 KAR 8:010 section 20(5) by adding language to except minor field revisions from the requirement to pay the basic permit application fee of $375. The Federal regulations at 30 CFR 777.17 allow the regulatory authority broad discretion in the setting of permit fees. The Director finds the proposed amendment to be no less effective than the Federal regulations at 30 CFR 777.17.

5. 405 KAR 8:010 Section 22(2)(a)(4)

Kentucky proposes to amend its regulations at 405 KAR 8:010 section 22(2)(a) by deleting section (4). Subsection (4) contains the provisions that allow a permittee to transfer waivers obtained by him, in compliance with 405 KAR 24:040 section (2)(5), when transferring, assigning or selling his permit rights.

Since neither SMCRA nor the Federal regulations contain counterpart provisions for the transfer of the waivers described in the amendment, the Director finds the amendment to be not inconsistent with SMCRA or the Federal regulations.

IV. Disposition of Comments

Agency Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i), comments

were solicited from various Federal agencies.

By letter dated October 12, 1989, the U.S. Environmental Protection Agency (EPA) commented that the amendment proposed at 405 KAR 8:010 section 20(3)(d) 9 allowing the substitution of plant species in an approved revegetation plan to be approved as a minor field revision by regional office personnel could jeopardize the success of reclamation efforts on wetlands (Administrative Record No. KY–926).

The Director disagrees with the EPA commenter. As prescribed by 405 KAR 8:010 section 20(3)(d)(9)(b), substitute plant species must serve the equivalent function of the original species with respect to the postmining land use plan and the fish and wildlife protection and enhancement plan. As explained in Findings 1 and 2 of this notice, the Director finds that Kentucky has the appropriate personnel and internal oversight procedures necessary to make sound decisions consistent with the requirements of the Kentucky approved program. Thus, the effects of using substitute species will be considered when wetlands is the approved postmining land use.

Public Comments

The public comment period and opportunity to request a public hearing was announced for the initial submittal of this amendment in the October 2, 1989, **Federal Register** (54 FR 40413). The initial comment period closed on November 1, 1989. Several comments were received. No one requested an opportunity to testify at the scheduled public hearing and no hearing was held.

The public comment period was reopened and the opportunity to request a public hearing on the resubmitted amendment was announced in the January 12, 1990, **Federal Register** (55 FR 1216). The reopened comment period ended on February 12, 1990. No one requested an opportunity to testify at the scheduled public hearing and no hearing was held.

All substantive comments received during both comment periods are discussed below. Comments were received from the Kentucky Coal Association (KCA), the Kentucky Resources Council (KRC), and one concerned citizen representing his own interest.

1. General Comments

a. KRC commented that permit files both in Frankfort and in the regional office must be kept current to assure public access. Public access was believed necessary in order to assure program accountability.

OSM agrees that all public copies of the permit should reflect all revisions approved by the regulatory authority. As stated on page 44377 of the September 23, 1983, **Federal Register** Notice (48 FR 44344), OSM believes that because the permit is the document which authorized the operator to mine, it must be kept accurate. DSMRE has informed OSM that copies of approved minor field revisions will be retained in the files of the inspector, the regional office and the central office (Administrative Record No. KY–911).

b. KRC commented that surface landowners, where different from the permittee and adjouning surface owners, should be given notice of proposed minor field revisions that would result in alterations of temporary environmental conditions or permanent changes to the postmining land configuration or use(s). It was believed that such notice should also be given to that class of persons who initially objected to the issuance of a particular permit. The commenter explained that it is far more rational to enfranchise the public at the front end rather than risk adjudicating challenges after the fact. In regard to public notice, the commenter requested clarification as to the criteria to be used by field offices to make determinations under 405 KAR 8:010 section 20(3)(c). This section of Kentucky's rules requires that the Cabinet provide written notification to those persons, if any, that the Cabinet determines could have an interest that may be adversely affected by a change proposed as a minor permit revision.

Section 511(a)(2) of SMCRA requires public notice of any revisions that propose significant alterations in the reclamation plan. By definition, minor revisions do not involve significant alterations in the reclamation plan and, therefore, are not subject to public notice requirements. Kentucky rules at 405 KAR 8:010 section 20(2) require full public notice as prescribed at 405 KAR 8:010 section 8 for all major revisions. Kentucky has adopted a provision at section 20(3)(c) which also provides for the notice of those persons that have an interest that may be adversely affected by a proposed minor revision as determined by the Cabinet. Kentucky has clarified this provision by stating that it will make case-by-case assessments when determining whether to provide written notification of proposed minor field revisions (Administrative Record No. KY–911). There is no Federal counterpart to these notice requirements for minor field revisions. Therefore, this provision concerning public notice is not inconsistent with SMCRA or the Federal rules.

c. KRC commented that OSM has an obligation to assure that there will be central office oversight of the field offices implementation of procedures to approve minor field revisions and that the State must be required to modify the State program narrative to include a detailed written plan for implementation of this practice.

OSM agrees with the commenter that the central office in Frankfort must provide oversight of field office decisions regarding minor field revisions. As stated in the Director's Finding 1, Kentucky has set forth a plan to conduct oversight of field office decisions. OSM finds that this plan is acceptable. A modification of the State program narrative is believed to be unnecessary since there is ample description of the State's oversight plan in the administrative record for this program amendment approval.

d. KRC had no objection to the proposal to include with the class of minor field revisions those activities which are listed in 405 KAR 8:010 section 20(3)(d) 1, 6, 8, 10, 11, 13, 14, 20, 22, 24, and 26 provided there are adequate procedures for central office review and there is public notice and access to permit files.

As indicated, OSM believes sufficient central office review has been provided for, and that there will be adequate public notification and access to permit files.

e. KCA generally viewed the amendment positively and expressed its feeling that the amendment's implementation would result in savings in terms of manpower, paperwork, and costs for the coal operators and DSMRE, without sacrificing the environment.

f. A citizen of Kentucky commented on her behalf expressing her belief that the regional offices have already been given too much autonomy and that she does not support actions to provide them with more authority.

State regulatory authorities are given considerable flexibility to administer their approved programs provided they demonstrate that they have adequate personnel and funding to achieve the purposes of the approved program. The Kentucky DSMRE has provided convincing evidence that the appropriate personnel are available in its regional offices and that adequate internal controls have been instituted to ensure that decisions reached in the regional offices will conform to the approved provisions of the Kentucky program.

2. Specific Comments on Proposed Minor Field Revisions

a. 405 KAR 8:010 Section 20(3)(d)1

KCA disagreed with the inclusion of the condition that a relocation of an underground entry may be considered a minor field revision only when no renewable resource land overlies the area. KCA argued that if the definition of renewable resource land includes forest land, the proposed provision would be rendered useless since 90 percent of underground mines are overlain with forests. KCA asked for clarification of the term renewable resource lands.

Section 511(a)(2) of SMCRA provides the regulatory authority discretion in determining the scale or extent of a permit revision request for which all permit application information requirements and procedures shall apply. OSM believes that Kentucky has properly exercised this discretion by limiting minor field revisions to those situations where relocation of an underground entry will not affect renewable resource lands. In response to the commenter's request for clarification of the term "renewable resource lands," Kentucky has revised 405 KAR 8:010 section 20(3)(d)1a to reference paragraph (b) in the definition of "renewable resource lands" given in 405 KAR 7:020 section 1. OSM believes this revision has clarified the amendment and its application to situations where underground mines are overlain with forest.

b. 405 KAR 8:010 Section 20(3)(d)2

KRC stated that the retention of structures must be limited to those circumstances where the structures are a component of an approved postmining land use and that Congress in its legislative debates indicated concerns with derelict buildings. KRC points out that the Federal regulations at 30 CFR 816.132(b) provide that structures can only be retained if compatible with the approved postmining land use.

OSM agrees with the commenter in that all structures retained on site must be compatible with the postmining land use. The proposed rule does not change this requirement which is already a part of the State program.

KCA felt that it is an unnecessary burden on the operator to require a notarized letter from the landowner requesting retention of minor structures. The commenter noted that this was not a requirement of the Federal program and suggested that the signatures of two witnesses would serve as a good alternative.

Kentucky has required letters to be notarized for good reason. Notary publics function as quasi-public officials, and their certifications have legal significance. A document may be entered as evidence in an adjudicatory proceeding with the notary certification serving as prima facie evidence that it is authentic. This does not hold true for documents signed by witnesses. The Director therefore believes the State requirement is reasonable and within its discretionary authority.

c. 405 KAR 8:010 Section 20(3)(d)3

KRC stated that leaving roads as permanent features within buffer zone areas established under 405 KAR 24:040 section 2 must be prohibited.

KRC's comment was submitted in response to Kentucky's initial submission of this amendment (Administrative Record No. KY-911). In a Statement of Consideration of the initial amendment, the Cabinet agreed with the commenter and modified the amendment before resubmitting it in its present form to OSM (Administrative Record No. KY-941). The current submission does not contain the provision to which KRC objected. DSMRE has revised the amendment to exclude from consideration as a minor field revision proposals to leave permanent roads within areas designated unsuitable for mining under 405 KAR 24:040 section 2, regardless of previous waivers or approvals.

KCA felt that roads providing access to impoundments, excess spoil fills, coal mine waste fills or air shafts; and roads within 100 feet of an intermittent or perennial stream should be approved as permanent features when requested as minor field revisions. The Director believes that it is within the State's discretionary authority to determine the nature of decisions to be made in the regional offices and those to be made in the DSMRE central office. Kentucky has decided that decisions to retain roads which provide access to impoundments, excess spoil fills, coal waste fills or air shafts; and roads within 100 feet of an intermittent or perennial stream should not be made by regional offices. Such roads are often either not suitable for the postmining land use or cannot be retained for environmental reasons. Accordingly the Director supports DSMRE's decision to process this type of revision in only the central office.

KCA also objected to Kentucky's requirement that an application for a minor field revision that includes a proposal to leave a road as permanent include a notarized letter from the surface owner accepting maintenance responsibility for the road to be retained.

The Kentucky program at 405 KAR 16:20 section 1(4)(b) and 405 KAR 18:230 section 1(4)(b) requires that roads cannot be retained as permanent roads unless maintenance of the road is assured. Requiring a notarized letter from the landowner provides a justifiable basis for the Cabinet to find that road maintenance will be a part of the postmining land use. The Director believes that it is within the State's discretionary authority to require a landowner to accept maintenance responsibilities for a road that is to be retained as a permanent feature.

d. 405 KAR 8:010 Section 20(3)(d)4 and 5

KRC stated that installations of additional or larger diameter culverts may cause significant hydrologic impacts on areas downslope from the culverts and that it is inapproprite to allow such decisions to be made by regional offices. OSM agrees with the commenter that there is a possibility that revisions in the number or size of culverts may be cause significant hydrologic impacts on areas downslope. In these situations, the regional office would be expected to require the permittee to submit a major permit revision which would be evaluated by the DSMRE central office.

KCA objected to the requirement that an operator must seek a permit revision to install additional cross drains or cross drains of a larger size. KCA explained its position by noting that these were elementary mining practices whereby the operator was replacing one structure with a more conservative one.

The State's rules at 405 KAR 8:030 section 24(3)(b)(6) and section 33 require permit applications to show the location and provide a description of each water diversion, collection, and conveyance facility. OSM believes that under 405 KAR 8:010 Section 20(1) the State has authority to require operators to obtain a minor field revision when modifying cross drains. Such revisions help to maintain the veracity and accuracy of the permit file.

e. 405 KAR 8:010 Section 20(3)(d)6

KCA objected to the need for an operator to apply for a minor field revision when on-bench sediment control structures (dugouts only) are to be relocated.

Kentucky regulations at 405 KAR 8:030 require that surface coal mining operations, including sediment control structures, be accurately described, shown and located on maps and plans retained in the permit file. The Director

believes that under 405 KAR 8:010 section 20(1) the State has authority to require operators to obtain a minor field revision when relocating sediment control structures. Such revisions help to maintain the veracity and accuracy of the permit file.

f. 405 KAR 8:010 Section 20(3)(d)7

KRC expressed concern that the proposed minor field revision allowing diversions or overland flow to be retained as permanent facilities would be used to circumvent land restoration and approximate original contour requirements. No further explanation was given by the commenter.

Kentucky is obligated to implement this minor field revision in a manner consistent with the approved State program. This provision will be subject to oversight by the DSMRE central office and by OSM to assure that it is properly applied by the regional offices.

KCA objected to the requirement that surface owners must accept responsibility for maintenance of diversions that are to be retained as permanent structures. There is no Federal counterpart to this regulation. The Director believes that it is within the State's discretionary authority to require that a landowner accept the maintenance responsibility for diversions that are retained as permanent structures. This requirement helps to assure that the diversion, if retained, will become part of the approved postmining land use.

g. 405 KAR 8:010 Section 20(3)(d)8

KCA commented that any type of revision or paperwork required to relocate topsoil storage piles serves very little purpose since mining is a dynamic process. The commenter suggested that the relocation of topsoil storage piles be allowed without obtaining a permit revision.

The Kentucky program at 405 KAR 8:030 section 24(3)(b)5 requires permit applicants to show on maps and plans where soil storage is proposed. Under 405 KAR 8:010 section 20(1), the regulatory authority may require maps and plans in a permit to be updated to reflect actual field conditions and to keep permit information current. The Director believes that this is a valid purpose which is necessary for an effective regulatory program.

h. 405 KAR 8:10 Section 20(3)(d)9

KRC commented that the substitution of plant species by minor field revision should be limited to those species meeting the standards of 405 KAR 16:200, including the controls on use of introduced species. Moreover, KRC felt that the landowner, where different from the permittee, should in all cases be notified and required to consent to a substitution of species since such a change may adversely affect postmining land use capability.

The Director agrees with the commenter that the requirements of 405 KAR 16:200 must be met when considering the substitution of plant species. However, the Director believes that a landowner's consent need not be required since Kentucky has included limitations as to the scope and type of substitutions that may be approved. These limitations which consider vegetative type, functional performance and compatibility of the species should be sufficient to protect the landowner's interest. In cases where there is doubt about a plant species acceptability, the Director advises the permittee to consult with the landowner and regulatory authority prior to seeking a minor field revision.

i. 405 KAR 8:010 Section 20(3)(d)12

KRC commented that the minor field revision which would allow small depressions is far too open-ended and potentially undercuts the obligation to restore mined lands to approximate original contour. The commenter believed that small depressions are authorized only if demonstrated to be needed for retention of moisture, minimization of erosion, or enhancement of fish and wildlife habitat and not as a cure for poor regrading and backfilling practices.

The existing rules at 405 KAR 16:190 section 2(5) and 405 KAR 18:190 section 2(4), which govern small depressions, are applicable to all minor revisions. The Director believes these existing rules provide adequate restrictions to the practice of leaving small depressions to meet the State's obligation to restore mined lands to approximate original contour.

j. 405 KAR 8:010 Section 20(3)(d)13

KCA objected to the proposed minor revision concerning increases in the frequency of air blast monitoring. KCA argued that Kentucky has no legal mandate to require an operator to obtain the State's permission to increase his airblast monitoring frequency.

In response to the KCA comment, Kentucky has revised section 20(3)(d)13 to allow the permittee to increase airblast monitoring of his own accord without obtaining approval from DSMRE. OSM believes this revision has clarified the amendment and adequately addressed KCA concerns. Where increased monitoring is required by the Cabinet to abate a violation, the permittee must obtain a minor field revision in order to maintain an accurate and complete permit file.

k. 405 KAR 8:010 Section 20(3)(d)14

KCA disagreed with the minor field revision which implied that there was a requirement to obtain prior approval from the State regulatory authority to increase air pollution monitoring frequency.

In response to the KCA comment, Kentucky has revised section 20(d)14 to allow a permittee to increase air pollution monitoring on his own accord without obtaining DSMRE approval. Where increased monitoring is required by the Cabinet to abate a violation, the permittee must obtain a DSMRE minor field revision in order to maintain an accurate and complete permit file. OSM believes this revision has clarified the amendment and adequately addressed KCA concerns.

l. 405 KAR 8:010 Section 20(3)(d)15

KRC commented that fugitive dust controls proposed as substitutes should be limited to additional measures and that changes which alter the nature of controls should require a local public notice.

In response to comments, Kentucky has revised section 20(3)(d)15 to allow a permittee to add additional fugitive dust control practices of his own accord without obtaining DSMRE approval. Where additional controls are required by the Cabinet or where more effective controls are proposed as substitutes by the permittee, the permittee must obtain a minor field revision. Kentucky has acknowledged that there are persons that may be adversely affected by a proposed change in fugitive dust controls (Statement of Consideration, page 13). Under 405 KAR 8:010 section 20(3)(c), the Cabinet will provide notice to such persons either by letter or newspaper advertisement. OSM believes this clarification of the amendment adequately addresses the commenter's concerns.

m. 405 KAR 8:010 Section 20(3)(d)16

KRC stated that adding a portable crusher to an existing mine site should not be considered a minor field revision since crushers can be expected to generate significant amounts of noise and dust. KRC explained that such proposals do not qualify as minor field revisions since they must be accompanied by a revised fugitive dust control plan, notice to adjoining landowners and an appropriate permit from Kentucky's Division of Air Quality.

The Director disagrees with the commenter's contention that the addition of a portable crusher to an existing mine site will always result in a significant permit revision. He believes that, although a Division of Air Pollution Control permit will always be required, each case must be evaluated on its own merit to determine what effects, if any, it may have on adjoining landowners and the environmemt. In certain situations, the impact on the environment will be negligible and there will be few, if any, nearby residents that could be affected Kentucky has stated that a case-by-case analysis will be done each proposal to add a coal crusher to determine how it may effect adjacent landowners and the environment, and to determine the type of landowner notice that is appropriate (Administrative Record No. KY–1001). This approach is acceptable given the discretionary powers provided to state regulatory authorities under section 511(a)(2) of SMCRA.

KCA commented that the proposed minor filed revision relating to portable coal crushers was too limited since it would not allow permittees to use the minor revision process to add a portable crusher to crush coal from two adjacent permits or from other permits as well.

The State has justified the restricted use of this revision on the premise that adding a portable crusher to a mine is normally and inconsequential activity relative to the entire mining operation (Adminstrative Record No. KY–911). However, if the crusher is used to process coal from other operations as well as the one where it is located, the crushing operation takes on a new dimension requiring the consideration of access to the site, contemporaneous reclamation and other issues. The State has chosen to handle such proposals from the DSMRE central office. The Director believes that the decision by Kentucky to limit the applicability of minor field revisions to situations where the area on which it is proposed to be located is a proper use of the discretionary authority of the State.

n. 405 KAR 8:010 Section 20(3)(d)(17

KRC commented that to allow open-ended changes in the time periods during which explosives are to be detonated violates 30 CFR 816.64 and 405 KAR 16:120. These regulations require all blasts approved by the regulatory authority to be announced in a blasting schedule that is published and distributed to the public in the vicinity of the operation. Moreover the commenter felt that since such schedules are generally couched in broad ranges of time and that provisions are made for unscheduled emergecy blasts, allowing field revision of such schedules without public notice and publication is, "unnecessary, ill-considered, and illegal."

This proposed minor revision to allow changes in a blasting schedule does not void the existing requirement that a permittee publish and redistribute revised blasting schedules in accordance with 405 KAR 16:120 section 3(c) or 405 KAR 18:120 section 3(c). The same requirement is also found in 30 CFR 816.64(b). Because these provisions of the Federal and State rules remain in effect, OSM disagrees with the commenter's conclusion that this provision is a violation of Federal and State rules.

KCA commented that the amendment should be broadened to allow minor filed revisions for changes in the types and patterns of warning or all-clear signals. In response to the comment, Kentucky has revised the amendment to include the commenter's suggestion. When implementing this provision, Kentucky will require a revised blasting schedule to be published and distributed after the revision is approved. The permittee will be expected to follow the time frames for such publication and distribution which are established in 405 KAR 16:02 section 3 and 405 KAR 120 section 3.

o. 405 KAR 8:010 Section 20(3)(d)18

KRC commented that revisions to allow the relocation of explosive storage areas should be restricted so as to prevent a hazard to life or dwellings in the event stored explosives are detonated.

The proposed regulation allows the relocation of explosive storage areas as long as the regulations at 27 CFR 55.206, 55.218, 55.219, 55.220 and 30 CFR 77.1301(c) are complied with. The incorporation by reference of these requirements of the Bureau of Alcohol, Tobacco, and Firearms and the Mine Safety and Health Administration provides for the regulation of explosive storage in proximity to dwellings, and other considerations. The commenter is specifically referred to the regulations of the Bureau of Alcohol, Tobacco, and Firearms at 27 CFR 55.206 and the table of distance for storage of explosives materials at 27 CFR 55.128. OSM believes these Federal regulations governing the storage of explosives provide the necessary safeguards to prevent loss of life and damage to dwellings.

KCA did not believe a minor field revision should be necessary to relocate an explosive storage area. KCA also objected to the incorporation of MSHA requirements, and the Bureau of Alcohol, Tobacco, and Firearms requirements, in the requirements of the Cabinet.

The commenter's concern regarding relocation of explosive storage areas is addressed at 405 KAR 8:030 section 24(3)(b)10 and 405 KAR 8:040 section 24(3)(b)(9). These rules require that permit applications identify the specific locations of explosive storage areas. Under 405 KAR 8:010 Section 20(1), DSMRE shall require a revision to a permit to be obtained when there are changes in the surface coal mining and reclamation operations described in the existing application and approved under the current permit. OSM believes that a minor field revision is the quickest and most convenient way for operators to comply with this requirement. Furthermore, OSM believes Kentucky's incorporation of Federal controls of explosives into the State's regulatory program adds no additional burden on mine operators since under 405 KAR 16:120(1)(l) they are already required to comply with all applicable local, State and Federal laws and regulations in the use of explosives. This provision of the Kentucky program requiring compliance with Federal, State and local laws and regulations is necessary in order for the State's rules to be as effective as their Federal counterpart.

p. 405 KAR 8:010 Section 20(3)(d)19

KRC questioned the meaning of the term "facilities" and stated that further clarification is needed concerning the treatment of the minor relocation of support facilities and how this will be accomplished to assure that the performance standards of 405 KAR 16:250 section 2 are not compromised. Moreover, KRC felt that any relocation proposal should be accompanied by a demonstration that the alteration will not result in additional contributions of flow or suspended solids beyond the design parameters of the sedimentation pond. Lastly, KRC felt that if such facilities are to be moved closer to dwellings or other buildings, the public should be given notice of the intended move.

KRC's comments were directed at Kentucky's initial amendment submission (Administrative Record No. KY–911). Kentucky's revised amendment (Administrative Record No. KY–941) clarifies that conveyors, hoppers and coal stockpiles are to be considered support facilities under this provision. The amendment makes no change in the permittee's responsibility under the permit for compliance with all of the existing performance standards including those that are concerned with

sediment and drainage control. OSM believes that the limitations provided in the amendment assure that the relocation of a support facility will not result in additional contributions of flow or suspended solids. Kentucky has stated that providing public notice of relocation of support facilities will be considered on a case-by-case basis (Administrative Record No. KY–1001). If relocation is to a site significantly closer to a dwelling, notice will be required. If not, notice may not be necessary. The Director agrees that this is a prudent handling of the minor relocations of conveyors, hoppers, or coal stockpiles.

KCA felt that an operator should be allowed to relocate support facilities without obtaining a minor permit revision. Kentucky rules at 405 KAR 8:030 section 24(2)(b)(5) and 3(b) 1 and 4, and their underground mining counterparts in 405 KAR 8:040 section 24 require permit applications to include the specific location of facilities such as conveyors, hoppers and coal stockpiles. As previously stated, information required in a permit application package and changes to that information require a permit revision to assure the veracity and accuracy of the permit file.

q. 405 KAR 8:010 Section 20(3)(d)20

KCA felt that applying for a minor field revision for modification of shared facilities where that modification has been already approved for one of the permittees served no purpose and should be automatic.

OSM does not believe extensive review and analysis of minor field revisions involving shared facilities will be necessary because the proposed modification has previously been evaluated and found acceptable. However, the permit revision does serve an important purpose and must be required under the terms of the Kentucky program. It serves to assure the veracity and accuracy of each individual permit file. This is to the operator's advantage since it clearly indicates to the inspector and all other persons what is authorized under the permit. By processing these changes as minor field revisions, Kentucky has chosen to minimize the burden on permittees.

r. 405 KAR 8:010 Section 20(3)(d) 21

KRC suggested that the term "hopper" be clarified since no definition exists in the Kentucky program. KRC also expressed a concern that adding a hopper might contribute to increase runoff or to the amount of suspended solids entering a sedimentation pond. Moreover, KRC was concerned with noise and air pollution that might result from the addition of a hopper, and with public participation in the approval process.

"Hopper" is a commonly used term in mining that refers to a storage bin or funnel that is loaded at the top and discharges through a door or chute at the bottom. The Director has not received any indication or has he envisioned any circumstances where that term will be used differently. This amendment makes no change in the permittee's responsibility for compliance with appropriate performance standards, including those related to sediment and drainage control, noise and air pollution, nor does it modify the regulations on public participation in the approval process.

KCA felt that mine operators should be allowed to add a hopper to their mining operations without obtaining a minor field revision. Kentucky rules at 405 KAR 8:030 section 24 (2)(b)3, (2)(b)5, (3)(b)1, and (3)(b)4 and the underground counterparts in 405 KAR 8:040 section 24 require permit applications to contain maps and plans for all mine facilities including hoppers. As previously stated, a permit revision is required whenever there are changes to information that is part of an approved permit application.

s. 405 KAR 8:010 section 20(3)(d)22

KCA did not believe that changes in brush disposal plans need DSMRE approval since such plans are not required under Federal or Kentucky rules.

The commenter is correct in his assertion that brush disposal plans are not specifically mandated by Federal or State rules. However, Kentucky has chosen to apply its rules at 405 KAR 8:030 section 24 (1), (2), and (3) and their underground counterpart at 405 KAR 8:040 section 24 in a broad manner and in certain situations to require a brush disposal plan as part of the permit application package. To maintain an accurate mining and reclamation plan, it is necessary to submit a permit revision whenever there are changes in these plans. OSM believes that under sections 507 and 508 of SMCRA, Kentucky has the authority to require plans for brush disposal and to require changes to these plans to be made by permit revision.

t. 405 KAR 8:010 section 20(3)(d)23

KRC commented that the proposal to cut berms must consider the hydrologic impacts to the receiving streams and adjoining lands. Moreover, KRC states that the proposal fails to require that flows be controlled by a pond, and fails to require engineering documentation that existing ponds or siltation controls can handle the changes in flow.

For the reasons discussed in Finding 2 of this notice, the practice of cutting berms cannot be approved in that it may allow water to leave the permit area without first passing through a siltation structure.

KCA felt that the practice of cutting of berms to relieve ponded water should not require a minor field revision or other State approval. KCA argued that there is rarely sufficient time to give the State adequate notice and that the discharged water would be passed through a siltation structure.

For the reasons discussed in Finding 2 of this notice, the practice of cutting berms cannot be approved in that it may allow water to leave the permit area without first passing through a siltation structure. The Director agrees with KCA that in most cases the discharged water would eventually pass through a siltation structure located downslope from the mine pit. However, before doing so it would leave the permit area and affect unpermitted land. This cannot be allowed.

u. 405 KAR 8:010 section 20(3)(d)25

KRC strongly disagreed with the provision to allow incidental boundary revisions for minor off-permit disturbances to be treated as minor field revisions. KRC stated that this proposed amendment is an obvious attempt to circumvent the mandatory enforcement obligations of the regulatory authority. KRC further stated that any off-site disturbance should result in the regulatory authority issuing an imminent harm cessation order in accordance with 30 CFR 843.11(a)(2).

OSM disagrees with the commenter's position that incidental boundary revisions should not be treated as minor field revisions. Kentucky has placed several conditions to limit the size of the area, the surface ownership and resources that may be affected by a revision. Given these limitations and the limited potential for environmental harm, the Director believes this amendment to be a reasonable effort to balance all of the factors involved. The commenter is correct in his assertion that Kentucky is obligated to take enforcement action when there is unapproved off-site disturbance.

KCA supported the proposed revision and suggested that the size limitations for minor off-site disturbances that may be treated as minor field revisions be raised to include 1 acre plus any undisturbed acreage. Section 511(a)(2) of SMCRA provides the regulatory authority discretion in determining the scale or extent of a permit revision request for which all permit application

information requirements and procedures shall apply. Kentucky has reasonably exercised this discretion by limiting minor field revisions to no more than 1 acre combined per proposal.

v. 405 KAR 8:010 section 20(3)(d)26

KCA objected to paragraph (e) of the proposal to treat the removal of sediment ponds previously approved as permanent impoundments as minor field revisions. Paragraph (e) prohibits the use of minor field revisions where the impoundment was originally planned to be left for the purpose of enhancing fish, wildlife and related environmental values. KCA believes that too much emphasis is given to the need for ponds under the fish and wildlife postmining land use and that this unduly restricts the operator's ability to adjust his operations.

Water sources are a very important consideration in fulfilling the mandate of section 515(b)(24) of SMCRA which requires operators to protect and to achieve enhancement of fish, wildlife and related environmental values where practicable. DSMRE believes the evaluation of such proposals will require technical reviews of a scope that would place an undue burden on their regional offices and, therefore, has determined that such proposals must be processed by the central office. OSM believes that this is a reasonable exercise of the discretion provided to states in section 511(a)(2) of SMCRA.

w. 405 KAR 8:010 section 20(3)(d)(27)

KRC characterizes this proposal to approve exemptions from the requirement to pass drainage through sedimentation ponds as overbroad, unclear and in need of further clarification, and suggests that the proposal will undercut the obligation to apply the best technology currently available as required by 30 CFR 816.45(a). The Director believes that, given the conditions provided by Kentucky, the amendment is a reasonable effort to balance all of the factors involved and to maintain the best alternative environmental controls where construction of a pond is not the best practical solution.

X. 405 KAR 8:010 Section 20(3)(e)

One commenter recommended that section 20(3)(e) be clarified to convey that the 15 day working period allowed for action on a minor field revision begin when the revision is assigned for technical review rather than upon receipt. Kentucky agreed with the commenter and has revised the language of the amendment to reflect this.

V. Director's Decision

Based on the above findings, the Director is approving, with the exception of the provision pertaining to the cutting of berms, the proposed amendment as submitted on August 15, 1989, revised and resubmitted on November 30, 1989. As discussed in Finding No. 2, the cutting of berms proposed in 405 KAR 8:010 section 20(3)(d)23 is not consistent with Kentucky's approved program and would result in State regulations that are less effective than the Federal rules.

This final rule is being made effective immediately to expedite the State program amendment process.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to a State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved programs. In the oversight of the Kentucky program, the Director will recognize only the approved program, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Kentucky of such provisions.

EPA Concurrence

Under 30 CFR 732.17(h)(11)ii), the Director is required to obtain the written concurrence of the Administrator of the Environmental Protection Agency (EPA) with respect to any provisions of a State program amendment that relates to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that this amendment contains no provisions in these categories and that EPA's concurrence is not required.

VI. Procedural Determinations

National Environmental Policy Act

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

Executive Order 12291 and the Regulatory Flexibility Act

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

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure more timely and efficient processing of permit revisions.

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 935

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

Dated: October 26, 1990.

Carl C. Close,

Assistant Director, Eastern Support Center.

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

PART 917—KENTUCKY

1. The authority citation for part 917 continues to read as follows:

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

2. In § 917.15, a new paragraph (ee) is added to read as follows:

§ 917.15 Approval of regulatory program amendments.

* * * * *

(ee) The following amendments pertaining to "minor field revisions" submitted to OSM on August 15, 1989, and revised on November 30, 1989, are approved effective November 1, 1990. Revisions to Kentucky Administrative Regulations at 405 KAR 8:010 section 20(3) and 405 KAR 8:010 section 20(5) are approved except the proposed provision at 405 KAR 8:010 section 20(3)(d)(23) pertaining to cutting of berms.

[FR Doc. 90–25874 Filed 10–31–90; 8:45 am]

BILLING CODE 4310–05–M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 301-8

[FTR Amdt. 10]

RIN 3090-AD52

Federal Travel Regulation; Worldwide Lodgings-Plus Per Diem System

AGENCY: Federal Supply Services, GSA.

ACTION: Final rule; correction.

SUMMARY: This document corrects certain amendatory language contained in a final rule appearing in the **Federal Register** of Friday, October 12, 1990 (55 FR 41525). The rule implemented a uniform worldwide lodgings-plus per diem computation system.

FOR FURTHER INFORMATION CONTACT: Doris Jones, Travel Management Division (FBT), Washington, DC 20406, telephone FTS 557-1253 or commercial (703) 557-1253.

Accordingly, beginning on page 41533 the following correction is made to FR Doc. 90-24097 in the issue of October 12, 1990:

PART 301-8—REIMBURSEMENT OF ACTUAL SUBSISTENCE EXPENSES—[AMENDED]

On page 41533, in the first column, the amendatory instruction 8 should read:

"8. Section 301-8.1 is amended by revising the introductory text to read as follows:

§ 301-8.1 General.

This part applies worldwide (both within and outside CONUS) except as specifically provided herein.

* * * * *

Dated: October 25, 1990.

Donna D. Bennett,

Director, Travel Management Division.

[FR Doc. 90-25839 Filed 10-31-90; 8:45 am]

BILLING CODE 6820-24-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 412 and 413

[BPD-673-CN]

RIN 0938-AE56

Medicare Program; Changes to the Inpatient Hospital Prospective Payment System and FY 1991 Rates; Correction

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

ACTION: Final rule; correction.

SUMMARY: In the September 4, 1990 issue of the **Federal Register** (FR Doc. 90-20677), (55 FR 35990), we made revisions to the Medicare inpatient hospital prospective payment system and set forth the prospective payment rates for FY 1991. This notice corrects errors made in that document.

EFFECTIVE DATE: October 1, 1990.

FOR FURTHER INFORMATION, CONTACT: Barbara Wynn, (301) 966-4529.

SUPPLEMENTARY INFORMATION:

On September 24, 1990, we published a notice (55 FR 39775) to correct typographical errors contained in the September 4, 1990 final rule (55 FR 35990). We are now publishing a notice to make additional corrections to the September 4, 1990 final rule.

1. On page 36033, in the first column, in line ten of the second paragraph of the Response, "changes for FY 1991." is changed to read "changes for FY 1992."

2. On page 36035, in the second column, in line four from the top of the page, "37 DRGs" is changed to read "35 DRGs".

3. On page 36049, in the second column, beginning in line seven of the second full paragraph, "we propose to implement a separate market basket for excluded hospitals an units." is changed to read "we are implementing a separate market basket for excluded hospitals and units."

4. On page 36052, in the third column, in line two of the paragraph following the table named Significant Disruptions to Travel Time, "exceeded" is changed to read "met or exceeded".

5. On page 36058, in the second column, delete the second full paragraph from the bottom of the page, the corresponding discharge table and the first full paragraph from the bottom of the page.

6. On page 36076, in the first column, in line three of the fifth full paragraph, the rural outlier adjustment factor of ".997373" is corrected to read ".977373".

7. On page 36076, in the third column, in the ninth line from the top of the page, "Payment + Geometric Mean" is corrected to read "Payment ÷ Geometric Mean".

8. On page 36076, in the third column, in the fourteenth line from the bottom of the page:

"$100,000 − [1 + (.0744 + .1212)] × .80 = $66,912.01"

is corrected to read:

"$100,000 ÷ [1 + (.0744 + .1212)] × .80 = $66,912.01".

Table 4f

9. On page 36109, in the third column, in Table 4f, the FY 1991 wage index value of "0.9008" for Tallahassee, FL is corrected to read "0.9140". This value was published incorrectly because the 1984 wage index data that we used to to determine the wage index value did not include a correction submitted by a Tallahassee hospital.

Tables 5, 7A, and 7B

10. We are correcting the information set forth in Tables 5, 7A, and 7B for DRGs 434, 435, 436, and 437. These corrections are necessary because, when we recalibrated the DRG weights for FY 1991, we failed to account for certain changes in diagnosis and procedure codes that were effective October 1, 1989. When ICD-9-CM diagnosis and procedure codes that affect DRG assignment are added, revised, or deleted, we seek to take these changes into account in recalibration. To the extent possible, we convert, or "map," the existing codes into their equivalents under the revised code definitions so that cases including these codes will be classified in their new DRG assignments before recalibration. Because the FY 1991 weights are based on FY 1989 data, it is necessary to map the FY 1989 diagnosis and procedure codes that have been revised into their FY 1991 equivalents. In completing this map for the FY 1991 recalibration, we inadvertently omitted changes that affected the logic for the DRGs in MDC 20 (Alcohol/Drug Use and Alcohol/Drug Induced Organic Mental Disorders). Effective October 1, 1989, procedure codes 94.61 (Alcohol rehabilitation), 94.64 (Drug rehabilitation), and 94.67 (Combined alcohol and drug rehabilitation) replaced diagnosis code V57.89 (Rehabilitation procedure, NEC) in the logic for DRG 436, and procedure codes 94.63 (Alcohol rehabilitation and detoxification), 94.66 (Drug rehabilitation and detoxification), and 94.69 (Combined alcohol and drug rehabilitation and detoxification) replaced diagnosis code V57.89 and procedure code 94.25 (Psychiatric drug therapy) in the logic for DRG 437. Because we did not map the revised codes, in our recalibration, all of the cases that should have grouped to DRGs 436 and 437 grouped instead to DRGs 434 and 435. Therefore, the DRG weights and other information presented in Tables 5, 7A, and 7B in the September 4, 1990 document for those four DRGs were based on incorrectly grouped cases. We have corrected our map and

regrouped the affected cases. The revisions are as follows:

Table 5

11. On page 36123, the following lines 14 through 17 of Table 5 are incorrect:

434 20	ALC/drug abuse or dependence, detox or other sympt trt with cc	.8830	7.0	38
435 20	ALC/drug abuse or dependence, detox or other sympt w/o with cc	.7177	7.0	38
436 20	ALC/drug dependence w rehabilitation therapy	.9873	8.1	37
437 20	ALC/drug dependence, combined rehab & detox therapy	1.2005	3.5	33

The corrected lines 14 through 17 are as follows:

434 20	ALC/drug abuse or dependence, detox or other sympt trt with cc	.7649	5.5	35
435 20	ALC/drug abuse or dependence, detox or other sympt trt w/o cc	.5007	4.5	34
436 20	ALC/drug dependence w rehabilitation therapy	.9979	13.5	43
437 20	ALC/drug dependence, combined rehab & detox therapy	1.1437	13.9	43

Table 7A

12. On page 36150, the following lines 15 and 16 of Table 7A are incorrect:

434	22513	10.3661	2	4	7	14	24
435	21013	10.6439	2	4	7	15	27

The corrected lines 15 and 16 of Table 7A and two new lines adding DRGS 436 and 437 are:

434	17241	8.0612	2	3	5	9	16
435	12456	6.7228	2	3	5	7	14
436	3578	17.0143	4	9	16	26	29
437	10251	16.9185	5	9	16	25	29

Table 7B

13. On page 36160, the following lines 14 and 15 of Table 7B are incorrect:

434	22488	10.3286	2	4	7	14	24
435	21020	10.6450	2	4	7	15	27

The corrected lines 14 and 15 of Table 7B and two new lines adding DRGS 436 and 437 are:

434	17223	8.0114	2	3	5	9	16
435	12456	6.7228	2	3	5	7	14
436	3578	17.0143	4	9	16	26	29
437	10251	16.9185	5	9	16	25	29

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: October 24, 1990.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 90-25877 Filed 10-31-90; 8:45 am]

BILLING CODE 4120-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 68

[CC Docket No. 89-114; FCC 90-337]

Billing Protection

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Part 68 of the rules of the Federal Communications Commission (FCC), 47 CFR part 68, governing "Billing protection" is amended as set forth in this Report and Order (R&O). The rule amendment generally conforms to the proposals in the Notice of Proposed Rulemaking (NPRM) in the matter of Petitions for adoption of a new

§ 68.314(h) of the Commission's Rules, CC Docket 89–114, FCC 89–152, 4 FCC Rcd 4577 (1989) [54 FR 24721, June 9, 1989]. The NPRM was issued in response to a petition filed by American Telephone and Telegraph Company (AT&T), who requests a means of assurance that customers placing direct-inward-dialing (DID) calls to stations behind private branch exchanges (PBXs) are properly billed. The rule will provide a balanced solution for equipment connected to the network in the future while affording equitable treatment to ratepayers. (The term PBX as used herein includes all customer premises equipment, i.e., key systems, multifunction systems, multiplexers, etc., which employ "reverse battery" for returning answer supervison.)

EFFECTIVE DATE: December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Abraham A. Leib, Chief, Domestic Services Branch, Domestic Facilities Division, Common Carrier Bureau, (202) 634–1816.

SUPPLEMENTARY INFORMATION: The "summary" and "supplementary information" in this notice summarize the amended rule in a concise, nontechnical manner. For an analysis of the issues and comments, and changes adopted by the FCC in this R&O in CC Docket 89–114, FCC 90–337, adopted October 5, 1990 and released October 24, 1990, interested persons should refer to the R&O and comments which are available for inspection and copying during the weekday hours (excluding federal holidays) of 9 a.m. to 4:30 p.m. in the FCC's Public Reference Room, Room 239, 1919 M St., NW., Washington, DC. Copies of the file may be purchased from the duplicating contractor, International Transcription Services, 2100 M Street, NW., Suite 140, Washington, DC 20037, (202) 857–3800. The item also will be published in the FCC Record.

Part 68 of the rules, 47 CFR part 68, sets forth the terms and conditions under which subscribers may connect customer premises equipment and wiring to the telephone network. A primary objective of part 68 is to assure consumers, manufacturers and carriers that customer premises equipment attached to the network causes no harm. The term "Harm" defined in § 68.3 ("Definitions") as "Electrical hazards to telephone company personnel, damage to telephone company equipment, malfunction of telephone company billing equipment, and degradation of service to persons . . . " The NPRM was initiated by a petition for rulemaking filed by AT&T which sought amendment of part 68 because, it alleges, many PBXs are failing to return answer supervision signals to telephone company billing equipment in response to DID calls. According to AT&T, such failure of equipment to return answer supervision signals denies telephone companies of tens of millions of dollars in revenues annually.

Normally, when a called party lifts the telephone handset, Central Office (CO) equipment activates billing mechanisms. When a PBX is used between the CO and called station, however, the PBX must in some way "notify" the CO when the called station answers in order for the billing equipment to be activated. The problem is complicated when calls received at the PBX are rerouted to another number in a distant city.

In the NPRM, the FCC proposed that a new paragraph (h) be added to § 68.314, "Billing protection," the objective being to assure that PBXs will return answer supervision for proper billing on certain DID calls. Fifteen comments and eight reply comments were filed. Based on the record, the FCC is adopting a rule which "addresses the billing fraud issue prospectively and relies on carriers' toll fraud detection efforts and normal PBX retirement and replacement to resolve the problem involving installed and in-the-pipeline equipment." Although this approach will not remove offending equipment from the market immediately, over time the market should be free of noncomplying equipment. Moreover, the FCC views this approach as causing the least disruption in the marketplace while imposing minimal costs on equipment manufacturers, carriers, and suppliers and users, while affording equitable treatment to ratepayers.

Final Regulatory Flexibility Analysis

I. The regulations adopted by this R&O are required to protect the public switched telephone network from harm which, as defined in 47 CFR 68.3, includes malfunction of telephone company billing equipment, e.g., that caused by failure of PBXs to return answer supervision signals. The regulations will require PBXs to provide such signals under a variety of circumstances designed to prevent billing losses to carriers.

II. No comments were filed in response to the Initial Regulatory Flexibility Analysis.

III. The FCC considered the alternatives raised by the parties in this proceeding and considered all timely filed comments directed to those issues. After carefully weighing all aspects of this proceeding, the FCC has adopted the most reasonable course of action under the Communications Act of 1934, as amended.

Paperwork Reduction Act Statement: The new rule contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found not to impose a new or modified information collection requirement on the public.

Ordering Clause

It is ordered, pursuant to sections 1, 4(i), 4(j), 201, 202, 203, 204, 205, 215, 218, 303(r) 313, and 412 of the Communications Act of 1934, as amended, that part 68 of the Commission's Rules and Regulations, 47 CFR part 68, is amended as set forth below. The rule amendment adopted herein shall become effective sixty days after publication in the **Federal Register.**

List of Subjects in 47 CFR Part 68

Definitions, Connection of terminal equipment to telephone network, Registration requirement, Billing protection, Communications equipment (telephone).

Part 68 of the Commission's Rules and Regulations (chapter I of title 47 of the Code of Federal Regulations, part 68) is amended as follows:

1. The authority citation for part 68 continues to read:

Authority: Secs. 4, 201, 202, 203, 204, 205, 208, 215, 218, 313, 314, 403, 404, 410, 602, 48 Stat. 1066, as amended; 47 U.S.C. 154, 201, unless otherwise noted.

2. Section 68.314 is amended by adding paragraph (h) to read as follows:

§ 68.314 Billing protection.

* * * * *

(h) Operating Requirements for Direct-Inward-Dialing ("DID"). (1) Answer supervision for DID calls to stations connected to the telephone company network through a Private Branch Exchange or similar system ("PBX") shall be returned to the central office on all calls which are:

(i) Answered by the called DID station,

(ii) Answered by an attendant,

(iii) Routed to an announcement, except for "number invalid," "not in service," or "not assigned" recordings,

(iv) Routed to a dialing prompt, or

(v) Routed back to the public switched network by the PBX, including calls routed to "number invalid," "not in service," or "not assigned" recordings.

(2) DID calls which do not require the PBX to return answer supervision are those:

(i) which are not routed back to the

public switched network and. in addition, are:

(A) Unanswered, i.e., the called DID station receives a ring or other alerting signal, but does not answer, or the DID station to which the call is forwarded receives a ring or other alerting signal, but does not answer,

(B) Routed to a busy signal,

(C) Routed to a reorder signal, or

(D) Routed to a recorded announcement stating "number invalid," "not in service," or "not assigned"; and those

(ii) which are routed back to the public switched network and, in addition, are:

(A) Unanswered, i.e., the called station receives a ring or other alerting signal, but does not answer, or the DID station to which the call is forwarded receives a ring or other alerting signal, but does not answer,

(B) Routed to a busy signal, or

(C) Routed to a reorder signal.

(3) Answer supervision on DID calls shall be provided in accordance with industry engineering standards.

(4) PBX and similar systems manufactured one year from December 31, 1990, shall comply with the paragraph. PBX and similar systems of earlier manufacture shall comply with the paragraph if newly installed or relocated on a customer's premises eighteen months from December 31, 1990, or any time thereafter. Such equipment must be reregistered by the manufacturer or other person responsible for equipment compliance with part 68, if already registered but not compliant with this paragraph (h). Compliance with the paragraph shall require that the equipment be designed, manufactured and installed so that it will return answer supervision in conformity with this rule in a manner which cannot be readily altered by software control or other user controlled media.

(5) As used in this § 68.314(h), "Private Branch Exchange or similar system ("PBX") means customer premises equipment, such as private branch exchanges, key equipment, multifunction systems, multiplexers, and any equipment for which adopted industry standard signalling is the standard mode of returning answer supervision.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 25549 Filed 10–31–90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89–515; RM–6898]

Radio Broadcasting Services; Clarkesville, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 275C3 for Channel 275A at Clarkesville, Georgia, and modifies the construction permit for Station WMJE(FM) to specify operation on the higher powered channel, at the request of Clara Morris Martin. See 54 FR 48650, November 24, 1989. Channel 275C3 can be allotted to Clarkesville in compliance with the minimum distance separation requirements of the Commission's Rules with a site restriction of 12.3 kilometers (7.7 miles) south of the community. The coordinates for this allotment are North Latitude 34–30–00 and West Longitude 83–30–00. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 13, 1990.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–515, adopted September 28, 1990, and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 275A and adding Channel 275C3 at Clarkesville.

Federal Communications Commission.

Kathleen B. Levitz,

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

[FR Doc. 90–25885 Filed 10–31–90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-527; RM–7044]

Radio Broadcasting Services; Valley City, ND

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Ingstad Broadcasting, Inc., substitutes Channel 266C1 for Channel 265A at Valley City, North Dakota, and modifies its license for Station KOVC–FM to specify operation on the higher powered channel. See 54 FR 50004, December 4, 1989. Channel 266C1 can be allotted to Valley City in compliance with the Commission's minimum distance separation requirements with a site restriction of 8.2 kilometers (5.1 miles) southwest to avoid a short-spacing to Station KBHP, Channel 266C1, Bemidji, Minnesota. The coordinates for Channel 266C1 at Valley City are North Latitude 46–50–52 and West Longitude 98–03–02. Candian concurrence for the allotment of Channel 266C1 at Valley City has been received since the community is located within 320 kilometers of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: December 13, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–527, adopted September 28, 1990, and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under North Dakota, is amended by removing Channel 265A

and adding Channel 266C1 at Valley City.

Federal Communications Commission.

Kathleen B. Levitz,

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

[FR Doc. 90-25886 Filed 10-31-90; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 525 and 552

[Acquisition Circular AC-90-2]

General Services Administration Acquisition Regulation; Deviation to FAR Buy American Act—Trade Agreements Act—Balance of Payment Program

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Temporary rule with request for comments.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR), Chapter 5 (ADP 2800.12A), is temporarily amended by revising paragraph (b) of section 525.402; by designating the current text of section 525.407 as paragraph (a) and adding paragraph (b); and by adding section 552.225-8 and section 552.225-9. These changes are made in order to authorize GSA contracting officers to deviate from FAR 52.225-8 and FAR 52.225-9. The class deviation authorizes contracting officers to insert the provision at 552.225-8 and the clause at 552.225-9 in lieu of the FAR provision and clause in procurements subject to the Trade Agreements Act. The intended effect is to provide a provision and clause for use which is consistent with the ruling of the General Services Administration Board of Contract Appeals (GSBCA) in the protest of the *International Business Machines Corporation*, GSBCA No. 10532-P, May 18, 1990.

DATES: Effective date: October 29, 1990; Expiration date: October 29, 1991.

Comment Date: Comments should be submitted to the Office of GSA Acquisition Policy at the address shown below on or before December 31, 1990, to be considered in the final rule.

ADDRESSES: Comments should be addressed to Ms Marjorie Ashby, Office of GSA Acquisition Policy, 18th and F Streets, NW., Room 4026, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Edward J. McAndrew, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. *Determination to Issue a Temporary Regulation.* A determination has been made to issue the regulation in GSAR as a temporary rule. This action is necessary to authorize a class deviation from an existing FAR provision and clause consistent with the GSBCA's ruling. However, pursuant to Pub. L. 98-577 and FAR 1.501, public comments are solicited and will be considered in formulating a final rule.

B. *Executive Order 12291.* The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. *Regulatory Flexibility Act.* This temporary rule is not expected to have significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., because it authorizes a deviation from a FAR provision and clause that will resolve an inconsistency with the current FAR provision and clause based upon the GSBCA's ruling. Therefore, an Initial Regulatory Flexibility Analysis has not been prepared.

D. *Paperwork Reduction Act.* This temporary rule does not contain information collection requirements that require approval of OMB under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501).

List of Subjects in 48 CFR Parts 525 and 552

Government procurement.

1. The authority citation for 48 CFR parts 525 and 552 continues to read as follows:

Authority: 40 U.S.C. 486(c).

2. 48 CFR parts 525 and 552 are amended by the following Acquisition Circular:

General Services Administration Acquisition Regulation Acquisition Circular (AC-90-2)

October 24, 1990.

To: All GSA contracting Activities.

Subject: Deviation to FAR 52.225-8, Buy American Act—Trade Agreements Act—Balance of Payment Certificate and 52.225-9, Buy American Act—Trade Agreements Act—Balance of Payment Program

1. *Purpose.* This Acquisition Circular temporarily amends the General Services Administration Acquisition Regulation (GSAR) Chapter 5 (APD 2800.12A) to authorize GSA contracting activities to deviate from the FAR 52.225-8, Buy American Act—Trade Agreements Act—Balance of Payments Program Certificate and FAR 52.225-9, Buy American Act—Trade Agreements Act—Balance of Payment Program, in the manner prescribed in this Acquisition Circular.

2. *Background.*

a. The Federal Acquisition Regulation (FAR) subpart 25.4, the provision at 52.225-8 and the clause at 52.225-9 are intended to implement the provisions of the Buy American Act (BAA) and the Trade Agreements Act (TAA) in acquisitions subject to the TAA. The cited provision and clause require an offeror to supply either a "domestic end product" (i.e., a product manufactured in the United States (U.S.) where more than fifty percent of the cost of components is attributed to components of U.S. origin) or a "designated country end product" (i.e., a product "substantially transformed" in a designated country). Consequently, all offers of end products other than offers of domestic end products or designated country end products must be rejected. Where an offered product is "substantially transformed" in the United States, but fails the fifty percent component cost test, such product cannot be considered a domestic product. Additionally, an offer of such product cannot be considered a product of a designated country because the United States is not a designated country. Accordingly, offers of such products must be rejected because such products are neither domestic products nor designated country end products.

b. The General Services Administration Board of Contract Appeals (GSBCA), in the protest of *International Business Machines Corporation*, GSBCA No. 10532-P, May 18, 1990, ruled that FAR clause 52.225-9 was invalid to the extent that it does not treat certain products made in the United States, as defined by the TAA's rule of origin (i.e., substantial transformation), as exempt from the purchasing prohibition in the TAA. The GSBCA, however, did not rule on the application of the administrative requirements (i.e., the 6 or 12 percent evaluation factors) of the BAA in acquisitions subject to the TAA.

c. As a result of the GSBCA's ruling, a class deviation from the use of FAR provision at 52.225-8 and FAR clause at 52.225-9 has been approved for use by GSA contracting activities in procurements subject to the TAA. In lieu of the FAR provision and clause, this Acquisition Circular prescribes a new provision and clause for use in procurements subject to the TAA.

3. *Effective Date.* October 29, 1990.

4. *Expiration Date.* This Acquisition Circular expires October 29, 1991, unless cancelled earlier.

5. Reference to regulation. Sections 525.402, 525.407, 552.225–8 and 552.225–9 of the GSAR.

6. *Explanation of change.*

Subpart 525.4—Purchases Under the Trade Agreements Act of 1979

a. Section 525.402 is amended to revise paragraph (b) to read as follows:

525.402 Policy.

* * * * *

(b) As a result of the General Services Administration Board of Contract Appeals (GSBCA) decision in the protest of "International Business Machines Corporation," GSBCA No. 10532–P, May 18, 1990, contracting officers are hereby authorized to deviate from the FAR provision at 52.225–8, Buy American Act—Trade Agreements Act—Balance of Payment Program Certificate and FAR clause at 52.225–9, Buy American Act—Trade Agreements Act—Balance of Payment Program, in solicitations and contracts that are subject to the Trade Agreements Act by incorporating the provision and clause prescribed in 525.407(b).

* * * * *

b. Section 525.407 is amended by designating the existing paragraph as paragraph (a) and adding a new paragraph (b) to read as follows:

525.407 Solicitation provision and contract clause.

* * * * *

(b) The contracting officer shall insert the provision at 552.225–8, Trade Agreements Act Certificate, and the clause at 552.225–9, Trade Agreements Act, in solicitations and contracts subject to the Trade Agreements Act.

c. Sections 552.225–8 and 552.225–9 are added to read as follows:

552.225–8 Trade Agreements Act Certificate.

As prescribed in 525.407(b), insert the following provision:

552.225–8 Trade Agreements Act Certificate (OCT 1990) (Deviation FAR 52.225–8)

(a) The Offeror hereby certifies that each end product to be delivered under this contract is a U.S. made end product, a designated country end product, or a Caribbean Basin country end product as defined in the clause entitled "Trade Agreements Act" 552.225–9 (Deviation FAR 52.225–9).

(b) Offers will be evaluated in accordance with subpart 25.4 of the Federal Acquisition Regulation except that offers of U.S. made end products shall be evaluated without the restrictions of the Buy American Act or the Balance of Payments Program.

(End of provision)

552.225–9 Trade Agreements Act.

As prescribed in 525.407(b), insert the following clause.

552.225–9 Trade Agreements Act (OCT 1990) (Deviation FAR 52.225–9)

(a) This clause implements the Trade Agreements Act of 1979 (19 U.S.C. 2501–2582) by providing a preference for U.S. made end products, designated country end products, and Caribbean Basin country end products over other products.

"Caribbean Basin country end products," as used in this clause, means an article that: (1) is wholly the growth, product, or manufacture of a Caribbean Basin country (as defined in section 25.401 of the Federal Acquisition Regulation (FAR)), or (2) in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term includes services (except transportation services) incidental to its supply; provided that the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such. The term excludes products that are excluded from duty free treatment from Caribbean countries under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)). These exclusions presently consist of (i) textiles and apparel articles that are subject to textile agreements; (ii) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated as eligible articles for the purpose of the Generalized System of Preference under title V of the Trade Act of 1974; (iii) tuna, prepared or preserved in any manner in airtight containers; (iv) petroleum, or any product derived from petroleum; and (v) watches and watch parts (including cases, bracelets and straps) of whatever type including, but not limited to, mechanical, quartz digital or quartz analog, if such watches or watch parts contain any material that is the product of any country to which the Tariff Schedule of the United States (TSUS) column 2 rates of duty apply.

"Designated country end product," as used in this clause, means an article that (1) is wholly the growth, product, or manufacture of the designated country (as defined in section 25.401 of the Federal Acquisition Regulation (FAR)), or (2) in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed. The term includes services (except transportation services) incidental to its supply, provided that the value of those incidental services does not exceed that of the product itself. It does not include service contracts as such.

"End products," as used in this clause, means those articles, materials, and supplies to be acquired under this contract for public use.

"U.S. made end product," as used in this clause, means an article which (1) is wholly the growth, product, or manufacture of the United States, or (2) in the case of an article which consists in whole or in part of materials from another country or instrumentality, has been transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

"Nondesignated country end products," as used in this clause, means any end product which is not a U.S. made end product or designated country end product.

"United States," as used in this clause, means the United States, its possessions, Puerto Rico, and any other place which is subject to its jurisdiction, but does not include leased bases or trust territories.

(b) The Contractor agrees to deliver under this contract only U.S. made end products, designated country end products, Caribbean Basin country end product, or, if a national interest waiver is granted under section 302 of the Trade Agreements Act of 1979, nondesignated country end products. Only if such waiver is granted may a nondesignated country end product be delivered under this contract(s).

(c) Offers will be evaluated in accordance with the policies and procedures of part 25 of the FAR except that offers of U.S. made end products shall be evaluated without the restrictions of the Buy American Act or the Balance of Payments Program.

(End of Clause)

Richard H. Hopf, III,

Associate Administrator for Acquisition Policy.

[FR Doc. 90–25795 Filed 10–31–90; 8:45 am]

BILLING CODE 6820–61–M

Proposed Rules

Federal Register
Vol. 55, No. 212
Thursday, November 1, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 51

[Docket Number FV-90-203]

Fresh Tomatoes; Grade Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed action would revise the United States Standards for Grades of Fresh Tomatoes. The proposal would require that when the voluntary U.S. Standards are utilized, the size of the tomatoes in any standard type shipping container be specified and marked on the container; would establish four mandatory size designations each with a 1/32 inch overlap; and would require that only one of the four sizes be marked on the container. This would eliminate the comingling of different sizes within a container. The California Tomato Board, the Florida Tomato Committee, the Florida Tomato Growers Exchange, the Florida Tomato Exchange, and the National Tomato Handler's Association, representing a major part of the fresh market tomato growers, packers, and wholesalers, has jointly requested that the USDA update the size section of the grade standards. The groups recommending this action contend that these changes would promote uniform trading practices. The Agricultural Marketing Service (AMS), has the responsibility to develop and improve standards of quality, condition, quantity, grade, size, and packaging in order to encourage uniformity and consistency in commercial practices.

DATES: Comments must be postmarked or courier dated on or before December 31, 1990.

ADDRESSES: Interested parties are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Standardization Section, Fresh Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, room 2056 South Building, Washington, DC 20090-6456. Comments should make reference to the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the above office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marlene M. Betts, at the above address or call (202) 447-2188.

SUPPLEMENTARY INFORMATION: This 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 "nonmajor" rule.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities. This proposed rule for the revision of U.S. Standards for Grades of Fresh Tomatoes will not impose substantial direct economic cost, recordkeeping, or personnel workload changes on small entities, and will not alter the market share or competitive position of these entities relative to large businesses. In addition, under the Agricultural Marketing Act of 1946, the application of these standards is voluntary.

The United States Standards for Grades of Fresh Tomatoes were last revised in April 1976. The standards are covered under the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 *et seq.*). The California Tomato Board, the Florida Tomato Committee, the Florida Tomato Growers Exchange, the Florida Tomato Exchange, and the National Tomato Handler's Association have requested that section 51.1859 of the United States Standards for Grades of Fresh Tomatoes be amended to require that when the voluntary U.S. Standards are utilized, the size of the tomatoes in any standard type shipping container be specified and marked on the container, to establish four mandatory size designations each with a 1/32 inch overlap, and to require that only one size be marked on a container. This would eliminate the commingling of different sizes within a container, if the voluntary U.S. standards were utilized.

The current standards do not require that the size be specified on the container. However, the current standards do provide that when the size of tomatoes is specified according to the size designations of Section 51.1859, the size of the tomatoes must be within the ranges of the diameters specified Current standards have six size designations with no overlap between size designations in that section, and commingling is allowed.

Specifically, the proposed revision would require any standard type shipping container to be marked. This means any container weighing 30 pounds or less, except consumer containers, would have to be marked to one of the size designations set forth in Table I if the voluntary U.S. Standards are being utilized. Since the proposal requires that a container be marked with just one size, this would eliminate commingling of sizes such as medium-large. However, consumer packages and their master containers are exempt. But, if consumer packages or their master containers are marked they can only be marked with a size listed in Table I, and then the same requirements would apply to this package as any other. If consumer packages or master containers are not marked in accordance with Table I, then size would not be determined unless specifically requested.

In addition, because they are too small to meet the size designations of Table I, cherry tomatoes, pear shaped tomatoes, and other similar types are exempt from marking requirements, but may be specified in terms of minimum diameter or minimum and maximum diameter.

Also, when containers are marked either with a size designation or with a minimum, or a minimum and maximum diameter, the markings on at least 85 percent of the containers in a lot must be legible.

The groups recommending these revisions contend that the requested changes would promote more uniform trading practices for the industry. They also assert that the overlapping of sizes would eliminate what they believe to be difficulty in sizing tomatoes to meet existing size requirements. These requirements were developed prior to the introduction of varieties which are characteristically oblong as opposed to

the more traditional spherical-shaped varieties.

List of Subjects in 7 CFR Part 51

Agricultural commodities, Food grades and standards, Fruits, Nuts, Reporting and recordkeeping requirements, Vegetables.

PART 51—[AMENDED]

For reasons set forth in the preamble, it is proposed that 7 CFR part 51 be amended to read as follows:

1. The authority citation for 7 CFR Part 51 continues to read as follows:

Authority: Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624, unless otherwise noted.

2. Section 51.1859 would be revised to read as follows:

§ 51.1859 Size.

(a) The size of tomatoes packed in any standard type shipping container shall be specified and marked according to one of the size designations set forth in Table I. Individual containers shall not be marked with more than one size designation. Consumer packages and their master container are exempt; however, if they are marked, the same requirements would apply.

(1) When containers are marked in accordance with Table I, the markings on at least 85 percent of the containers in a lot must be legible.

(2) In determining compliance with the size designations, the measurement for minimum diameter shall be the largest diameter of the tomato measued at right angles to a line from the stem end to the blossom end. The measurement for maximum diamater shall be the smallest dimension of the tomato determined by passing the tomato through a round opening in any position.

(b) In lieu of marking containers in accordance with paragraph (a) of this section or specifying size in accordance with the dimensions defined in Table I, for Cerasiforme type tomatoes commonly referred to as cherry tomatoes and Pyriforme type tomatoes commonly referred to as pear shaped tomatoes, and other similar types, size may be specified in terms of minimum diameter or minimum and maximum diameter expressed in whole inches, and not less than thirty-second inch fractions thereof or millimeters in accordance with the facts. Tomatoes of these types are exempt from marking requirements. However, when marked to a minimum or minimum and maximum diameter, the markings on at least 85 percent of the containers in a lot must be legible.

(c) For tolerances see § 51.1861

TABLE I

Size designation	Inches	
	Minimum diameter [1]	Maximum diameter [2]
Small	2 4/32	2 9/32
Medium	2 8/32	2 17/32
Large	2 16/32	2 25/32
Extra large	2 24/32	.....

[1] Will not pass through a round opening of the designated diameter when tomato is placed with the greatest transverse diameter across the opening.
[2] Will pass through a round opening of the designated diameter in any position.

Dated: October 26, 1990.

Kenneth C. Clayton,

Acting Administrator.

[FR Doc. 90-25819 Filed 10-31-90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 927

[Docket No. FV-90-204]

Winter Pears Grown in Oregon, Washington, and California; Order Directing That Referendum Be Conducted; Determination of Representative Period for Voter Eligibility; and Designation of Referendum Agents To Conduct the Referendum

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document directs that a referendum be conducted among eligible growers of winter pears in Oregon, Washington, and California to determine whether they favor continuance of the marketing order regulating the handling of winter pears grown in the production area.

DATES: The representative production period is from July 1, 1989, through June 30, 1990. The referendum will be conducted from November 13 through December 13, 1990.

FOR FURTHER INFORMATION CONTACT: Patrick A. Packnett, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; Telephone: 202-475-3862.

SUPPLEMENTARY INFORMATION: This referendum order directs that a referendum be conducted among producers, under Marketing Order No. 927 (7 CFR part 927), regulating the handling of winter pears grown in Oregon, Washington, and California. The order is effective under the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (17 U.S.C. 601-674), hereinafter referred to as the Act. The referendum is to be conducted among the growers in the production area who, during the period July 1, 1989, through June 30, 1990 (which period is hereby determined to be a representative period for purposes of such referendum), were engaged in the production of winter pears covered by the said marketing order to ascertain whether they favor continuance of the order. The referendum will be conducted during the period November 13 through December 13, 1990.

Section 927.78(d) of the order provides that the Secretary shall conduct a continuance referendum within every six-year period beginning August 28, 1986 (which is the effective date of the most recent order amendment), to determine if continuance of the order is favored by producers.

The Secretary of Agriculture has determined that continuance referenda are an effective means for ascertaining whether growers favor continuation of marketing order programs. The Secretary would consider termination of the order if less than two-thirds of the growers of winter pears voting in the referendum and growers of less than two-thirds of the volume of winter pears represented in the referendum favor continuance. However, in evaluating the merits of continuance versus termination, the Secretary would not only consider the results of the continuance referendum but also all other relevant information concerning the operation of the order and the relative benefits and disadvantages to growers, handlers, and consumers in order to determine whether continued operation of the order would tend to effectuate the declared policy of the Act.

In any event, section 8c(16)(B) of the Act requires the Secretary to terminate an order whenever the Secretary finds that a majority of all growers favor termination, and such majority produced for market more than 50 percent of the commodity covered by such order.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the ballot material that will be used in the referendum herein ordered has been submitted to and approved by the Office of Management and Budget (OMB) and has been assigned OMB No. 0581-0089. It has been estimated that it will take an average of 20 minutes for each of the approximately 1,800 growers who elect to participate in the voluntary referendum balloting.

Teresa Hutchinson and Joseph C. Perrin, Northwest Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, USDA,

are hereby designated as referendum agents of the Secretary of Agriculture to conduct such referendum. The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda in Connection with Marketing Orders for Fruits, Vegetables, and Nuts Pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (7 CFR 900.400 *et seq.*).

Copies of the text of the aforesaid marketing order may be examined in the office of the referendum agents at 1220 SW. Third Avenue, room 369, Portland, Oregon 97204 or in the Office of the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456.

Ballots to be cast in the referendum may be obtained from the referendum agents and from their appointees.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

Authority: Agricultural Marketing Agreement Act of 1937, as amended; secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

Dated: October 25, 1990.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 90–25818 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–02–M

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7 CFR Part 971

[Docket No. FV–90–210]

South Texas Lettuce; Expenses and Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would authorize expenditures and establish an assessment rate under Marketing Order 971 for the 1990–91 fiscal period. Authorization of this budget would allow the South Texas Lettuce Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program would be derived from assessments on handlers.

DATES: Comments must be received by November 13, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Caroline C. Thorpe, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456, telephone 202–447–2020.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 144 and Marketing Order No. 971 (7 CFR part 971), regulating the handling of lettuce grown in the Lower Rio Grande Valley of South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

This 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 proposal on small entities.

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

There are approximately 10 handlers and 20 producers of South Texas lettuce covered under this marketing order. 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 the handlers and producers may be classified as small entities.

The budget of expenses for the 1990–91 fiscal year was prepared by the South Texas Lettuce Committee (committee), the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are handlers and producers of lettuce. They are familiar with the committee's needs and with the costs for goods, services and personnel in their local area and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

A freeze damaged the South Texas lettuce crop during the 1989–90 season. As a result, some producers have cut back on production for the 1990–91 season to avoid losses similar to last year. This has lowered production and budget estimates for this season.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of lettuce. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses.

The committee met on October 4, 1990, and unanimously recommended a 1990–91 budget of $25,864. Last season's budget was $51,531.49. Major decreases in expenses include staff salaries, rent, equipment, travel and marketing development and production research projects.

The committee also unanimously recommended an assessment rate of $0.05 per carton, the same rate as last season's. This would yield $25,800 in assessment revenue, based on anticipated shipments of 516,000 cartons of lettuce. This amount, when added to $64 from the reserve fund, would be adequate to cover budgeted expenses.

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

This action should be expedited because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1990–91 fiscal period began in August, and the marketing order requires that the rate of assessment apply to all assessable lettuce handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting. Therefore, it is found that a comment period of 10 days is appropriate because the budget and

assessment rate approval for this program needs to be expedited. The commitee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis.

List of Subjects in 7 CFR Part 971

Lettuce, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR part 971 be amended as follows:

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

1. The authority citation for 7 CFR part 971 continues to read as follows:

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

2. A new § 971.230 is added to read as follows:

§ 971.230 Expenses and assessment rate.

Expenses of $25,864 by the South Texas Lettuce Committee are authorized and an assessment rate of $0.05 per carton of lettuce is established for the fiscal period ending July 31, 1991. Unexpended funds may be carried over as a reserve.

Dated: October 29, 1990.

Robert C. Keeney,

Deputy Director,

Fruit and Vegetable Division.

[FR Doc. 90–25884 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–02–M

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

[Rulemaking No. 8]

Designation of Consortium, Exchange-Visitor Program

AGENCY: United States Information Agency.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The present regulations do not provide for the designation of a college or university consortium as a sponsor of an Exchange-Visitor Program. By this notice the Agency will consider public comment as to whether such consortia should be designated as Exchange-Visitor sponsors, and if so, what form the implementing regulations governing such program should take.

DATES: Comments regarding questions raised in this notice should be submitted no later than December 3, 1990, in order to be considered by the Agency.

ADDRESSES: Questions regarding this notice should be addressed to Merry Lymn, Assistant General Counsel, Office of the General Counsel, room 700, United States Information Agency, 301 Fourth Street SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: Merry Lymn, Assistant General Counsel, Office of the General Counsel, room 700, United States Information Agency, 301 Fourth Street SW., Washington, DC 20547, (202) 619–6829.

SUPPLEMENTARY INFORMATION: A consortium of universities has applied for a designation as an Exchange-Visitor sponsor. Because, at this time, there are no regulations providing for consortia as designated sponsors, the Agency has not yet acted on the application. The Agency is now considering whether and under what circumstances consortia should be designated, and if designated what regulations should govern such programs. Modifications to the current system of individual university designation, or reductions in the existing authority and prerogatives of designated universities, are not contemplated.

Preliminarily, the Agency would define a consortium as a form of voluntary interinstitutional cooperation in which three or more accredited institutions of higher education share educational resources, conduct research, and/or develop new programs for the purpose of enriching the opportunities offered by all without duplication of sponsorship of Exchange-Visitor Programs designated by the Agency. The consortium would assist its constituent colleges and universities in the development of exchange programs to promote mutual educational exchange activities.

On the one hand, clear advantages would seem to accrue from the designation of consortia. Certainly, colleges and universities which are not now designated but wish to conduct Exchange-Visitor Programs would benefit directly from participation in a consortium. More importantly, a consortium could yield economies of scale in contacts overseas with foreign governments, educational institutions, scholars and students. A consortium could be an efficient clearinghouse for information and opportunities in the field for member colleges and universities.

On the other hand, the Agency questions the necessity of designating a consortium as an Exchange-Visitor sponsor if each of the member institutions is already designated. The Agency believes that the individual institutions should be making the decisions as to whether particular participants should be invited to their institutions. Thus, if consortia are issuing the Form IAP–66, students should receive prior admissions and faculty members should receive prior placement in a position in which they are to be contributing as an exchange lecturer, professor, or researcher. Where individual members are designated sponsors, the members can issue Form IAP–66 to facilitate the entry of the Exchange-Visitor into the United States after making the appropriate determinations with regard to the proposed participants. Thus, conferring Form IAP–66 issuance authority on the consortium would be duplicative.

The Agency believes that duplication may have deleterious effects upon the efficient administration of the Exchange-Visitor Program. One problem immediately apparent is whether the receiving institution or the consortium would be responsible for the Exchange-Visitor. Which organization would be supervising the Exchange-Visitor's activity? Can proper supervision be administered when the sponsor is removed from the premises? Which organization would be responsible for purchasing insurance, for counselling, for assisting with day-to-day problems, and to help the participants achieve the goals for which they entered the program? Can the responsibilities be divided and still ensure that one organization is ultimately responsible? Will the college or university lose control over decisions affecting the best interests of the Exchange-Visitor and the host institution if the Form IAP–66 issuance authority is conferred upon a consortium?

Initially, the Agency suggests the following plan for consideration and comment by the interested public:

(1) The current system of Exchange-Visitor Program designation for individual colleges and universities would remain unchanged;

(2) Designation will be accorded to a consortium or consortia composed of accredited public or private colleges or universities within a state for issuance

of Form IAP–66 to visiting students and scholars intending to attend constituent institutions which do not have individual designation;

(3) For both consortium and non-consortium exchange students and scholars, the Form IAP–66 would be issued only after the student or scholar has been granted admission or acceptance by the individual college or university applying institutional standards of admissions or acceptance;

(4) Colleges and universities could select whether to participate in the Exchange-Visitor Program individually (assuming the usual requirements are met), or through the consortium by advance notification to USIA. Permission to change status (i.e. operate through individual designation or participation in the consortium) would be liberally granted; and

(5) The consortium would operate on a not-for-profit basis.

The proposed scheme would (1) Preserve the existing university designation system; (2) allow consortia to be designated; (3) allow universities the option to choose between individual or consortia responsibilities for the visiting students and scholars; and (4) not create a consortium designation scheme with overlapping and perhaps conflicting lines of authority vis-a-vis existing universities.

The public is invited to comment upon specific questions posed herein or upon any other matter which may be relevant to the issue of designation of consortia.

List of Subjects in 22 CFR Part 514

Cultural exchange programs; Reporting and recordkeeping requirements.

Authority: United States Information and Educational Exchange Act of 1948, as amended, Pub. L. 80–402, as amended (22 U.S.C. 1431–1442); Mutual Educational and Cultural Exchange Act of 1961, as amended, Pub. L. 87–256, as amended, 75 Stat. 527, 534, 535 (22 U.S.C. 2451–2460 and 8 U.S.C. 1101, 1182, 1258; Pub. L. 97–241, 96 Stat. 291; 66 Stat. 166, 182, 184, 204 (8 U.S.C. 1101(a)(15)(j), 1182(e), 1182(j), 1258); Pub. L. 91–225, 84 Stat. 116, 117, (8 U.S.C. 1101, 1182); Pub. L. 97–116, 95 Stat. 1611, 1612, 1613, (8 U.S.C. 1101, 1182); Reorg. Plan No. 2 of 1977; E.O. 12048 of March 27, 1978; USIA Delegation Order No. 85–5 (50 FR 27393).

Dated: September 26, 1990.

Alberto J. Mora,

General Counsel.

[FR Doc. 90–25787 Filed 10–31–90; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket S–026]

RIN 1218–AB20

Process Safety Management of Highly Hazardous Chemicals

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; announcement of an additional informal public hearing site; additional issues; extension of written comment period.

SUMMARY: This document schedules an additional informal public hearing in Houston, Texas, to begin on February 26, 1991, concerning the notice of proposed rulemaking (NPRM) issued on July 17, 1990 (55 FR 29150), regarding process safety management of highly hazardous chemicals. In order to allow interested parties adequate opportunity to decide to participate in the Houston hearing, OSHA is allowing additional time for the submission of notices of intention to appear, testimony and documentary evidence for that hearing.

Also, additional issues have surfaced during the preliminary stages of this rulemaking and OSHA would like to bring them to the attention of interested parties and organizations as possible points of discussion.

Finally, since the hearing in Houston could not be scheduled until February, OSHA believes it is reasonable to extend the written comment period to allow additional public input.

DATES: The informal public hearings are scheduled to begin in Washington, DC, on November 27, 1990, at 9:30 a.m., and may continue for more than one day based on the number of notices of intention to appear. Once all parties who wish to do so have testified in Washington, DC, the hearing will be recessed and reconvened in Houston, Texas, on February 26, 1991, at 9:30 a.m for the receipt of testimony from parties who prefer to testify at that location. The Houston, Texas, hearings may also continue for more than one day based on the number of notices of intention to appear at that location.

The deadlines for notices of intention to appear (October 15, 1990) and for the submission of testimony and documentary evidence (November 5, 1990) for the Washington, DC, hearing remain as originally scheduled in the July 17 NPRM.

Notices of intention to appear at the hearing in Houston, Texas, must be postmarked by January 22, 1991. Testimony and all documentary evidence which will be offered into the Houston hearing record must be postmarked by February 5, 1991.

Written comments on the proposed standard must be postmarked by January 22, 1991.

ADDRESSES: Four copies of the notice of intention to appear, testimony and documentary evidence which will be introduced into the hearing record must be sent to Mr. Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523–8615. For additional information on how to submit notices of intention to appear, see the section on public participation under Supplementary Information.

The hearings will be held in the Departmental Auditorium in the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210 and in the Hilton Southwest, 6780 Southwest Freeway, Houston, Texas 77074.

Four copies of comments on the proposal should be submitted to the Docket Officer, Docket S–026, U.S. Department of Labor, Occupational Safety and Health Administration, room N2625, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Hearing procedures: Mr. Tom Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, U.S. Department of Labor, room N3647, 200 Constitution Avenue NW., Washington DC 20210, (202) 523–8615.

Proposal and hearing issues: Mr. James F. Foster, Occupational Safety and Health Administration, U.S. Department of Labor, room N3647, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523–8151.

SUPPLEMENTARY INFORMATION: On July 17, 1990, OSHA published a notice of proposed rulemaking (NPRM) concerning process safety management of highly hazardous chemicals (55 FR 29150). A public hearing was scheduled in this NPRM to begin on November 27, in Washington, DC.

Since publication of the NPRM, OSHA has been requested by the Oil, Chemical and Atomic Workers International Union, AFl–CIO, to hold a regional hearing in Houston, Texas, in order to facilitate participation in the hearings of individuals in the Houston area. OSHA has agreed to this suggestion and has scheduled a hearing in Houston at the time and address indicated above.

Through these hearings OSHA solicits testimony and evidence pertinent to any aspect of the proposal, including issues raised in the NPRM (see particularly, 55 FR 29157–29159), the public comments, the hearing requests, and the notices of intention to appear. The Agency also specifically solicits testimony, with supporting evidence, on the following additional issues which have surfaced during this rulemaking.

Issues

Issue 1. In paragraph (k) of the proposed rule, OSHA proposed to require that employers issue permits for hot work. It has been suggested that OSHA require employers to issue permits for additional hazardous activities such as line-breaking. It is contended that this would provide greater control of hazardous activities at a facility including contractor activities. OSHA would like comments regarding the use of a broader permit system and what activities should be included in such a permit system.

Issue 2. In the proposal, a process must have the threshold quantity of the highly hazardous chemical to be covered by the requirements of the standard. Some commenters have questioned whether OSHA's use of the plural "processes" in paragraphs (b)(1)(i), (ii), and (v), setting forth the applicable scope of the proposal, means that these listed chemicals' quantities are aggregated for a facility. OSHA did not intend that facilities aggregate quantities of covered chemicals. The important factor is the amount of a listed chemical that could be released at one point in time. If the total amount of a listed chemical in a plant exceeds its threshold quantity of 1000 pounds, for example, but the chemical is used in small quantities around a plant and it not concentrated in one process or in one area, OSHA believes that a catastrophic release of the entire material would be unlikely. However, OSHA is interested in suggestions concerning at what point materials should be aggregated due to their proximity (*e.g.*, two storage tanks located next to each other where the failure of one could lead to the failure of the other).

Issue 3. It has also come to OSHA's attention that some confusion exists regarding the proposal's application to hydrocarbon fuels. Paragraph (b)(1)(ii)(A) excepts from coverage "Hydrocarbon fuels used solely for workplace consumption as a fuel (*e.g.*, propane or oil used for comfort heating)." It has been asked if this includes furnaces used in a process. OSHA believes this needs to be clarified. Should fuel used solely for operation of process furnaces be included in this exception? If not, why not?

Issue 4. In paragraph (b)(1)(ii)(B), OSHA also proposed to except from coverage flammable liquids stored or transferred which are kept below their atmospheric boilding point without benefit of chilling or refrigeration. This could be interpreted to mean by some interested persons as all storage tanks, including those feeding a process or receiving end products and waste products. OSHA invites comment on the appropriateness and scope of this exception. Is there a need to clarify where a process begins and ends, or should the standard address any tanks which have potential for a release that could be affected by a process?

Public Participation

Public hearings. Pursuant to section 6(b)(3) of the Occupational Safety and Health Act, an opportunity for the public to present oral testimony concerning issues related to the proposal is being provided. As previously scheduled in the July 17 NPRM, OSHA will hold a public hearing beginning at 9:30 a.m. on November 27, 1990 The hearing will be held in the Auditorium of the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

A regional hearing will be held beginning at 9:30 a.m. on February 26, 1991, in Houston, Texas, at the Hilton Southwest, 6780 Southwest Freeway, Houston, Texas 77074, (713) 977–7911.

Notice of intention to appear. Any interested person desiring to participate at the hearing, including the right to question witnesses, must file four copies of a notice of intention to appear. As scheduled in the July 17 NPRM, the notice of intention to appear at the Washington, DC hearing had to be postmarked by October 15, 1990, and is not being changed by this notice. The notices of intention to appear at the Houston hearing must be postmarked by January 22, 1991, and addressed to Mr. Tom Hall, Division of Consumer Affairs, room N3649, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523–8615. The notice of intention to appear also may be transmitted by facsimile to (202) 523–5986 provided that the original and four copies of the notice are sent to the above address immediately thereafter.

The notice of intention to appear at the Houston hearing must contain the following:

1. The name, address, and telephone number of each person to appear;
2. The capacity in which the person will appear;
3. The approximate amount of time required for the presentation;
4. The specific issues that will be addressed;
5. A statement of the position that will be taken with respect to each issue addressed; and
6. Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

Filing of testimony and evidence before the haring. Any party requesting more than 10 minutes for presentation at the hearing or who will present documentary evidence, must provide four copies of the complete text of testimony, including all documentary evidence to be presented at the hearing. These materials must be postamrked no later than Februrary 5, 1991, and sent to Mr. Tom Hall Division of Consumer affairs, at the address given above.

Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact. Any party who has not substantially complied with the above requirements, may be limited to a 10 minute presentation and may be requested to return for questioning at a later time. Any party who has not filed a notice of intention to appear may be allowed to testify, as time permits, at the discretion of the Administrative Law Judge who presides at the hearing.

OSHA emphasizes that the hearing is open to the public, and that interested parties are welcome to attend. However, only persons who have filed proper notices of intention to appear at the hearing will be entitled to ask questions and otherwise participate fully in the proceeding.

Notices of intention to appear, testimony and evidence, will be available for inspection and copying at the Docket Office, Docket S-026, room N2625, 200 Constitution Avenue NW., Washington, DC 20210.

Conduct and nature of hearing. The hearings in Washington, DC, and in Houston, Texas, will be conducted in the same manner as described below and as was also described in the July 17 NPRM at 55 FR 29162–29163. The Houston hearing is scheduled to commence at 9:30 a.m. on February 26, 1991. At that time, any procedural matters relating to the proceeding will

be resolved. The informal nature of the rulemaking hearing to be held is established in the legislative history of section 6 of the Act and is reflected by the OSHA hearing regulations (*see* 29 CFR 1911.15(a)). Although the presiding officer is an Administrative Law Judge and questioning by interested persons is allowed on crucial issues, it is clear that the proceeding shall remain informal and legislative in type.

The purpose of the hearing is to provide an opportunity for effective oral presentation by interested persons which can be carried out expeditiously and in the absence of rigid procedures which might unduly impede or protract the rulemaking process.

The hearing will be conducted in accordance with 29 CFR part 1911. The presiding Administrative Law Judge, will have the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR part 1911, including the powers:

1. To regulate the course of the proceedings;
2. To dispose of procedural requests, objections and comparable matters;
3. To confine the presentation to the matters pertinent to the issues raised;
4. To regulate the conduct of those present at the hearing by appropriate means;
5. In the Judge's discretion, to question and permit the questioning of any witness, and to limit the time for questioning; and
6. In the Judge's discretion, to keep the record open for a reasonable stated time to receive written information and additional data, views, and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record of the hearing to the Assistant Secretary of Labor for Occupational Safety and Health. The Administrative Law Judge does not make or recommend any decisions as to the content of a final standard.

The proposal will be reviewed in light of all written submissions and testimony received as part of the rulemaking record. Decisions on the provisions of a final standard will be made by the Assistant Secretary based on the entire record of the proceeding.

Written comments. Interested persons are invited to submit written data, views, and arguments with respect to any issue on this proposal including those discussed in this notice. Comments must be postmarked by January 22, 1991. Four copies of comments must be submitted to the OSHA Docket Officer, Docket S-026, U.S. Department of Labor, Occupational Safety and Health Administration, room N2625, 200 Constitution Avenue NW., Washington, DC 20210. The telephone number of the Docket Office is (202) 523–7894, and its hours of operation are 8:15 a.m. to 4:45 p.m., Monday through Friday. Comments limited to 10 pages or less may also be transmitted by facsimile to (202) 523–5046, provided that the original and four copies of the comment are sent to the Docket Officer thereafter. Written submissions must clearly identify the provisions or issues of the proposal which are addressed and the position taken on each issue.

All materials submitted will be available for inspection and copying at this address. All timely submissions will be part of the record of the proceedings.

Authority

This document has been prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

It is issued under section 6(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655); Secretary of Labor's Order No. 1–90 (55 FR 9033); and 29 CFR part 1911.

Signed at Washington, DC, on this 26th day of October, 1990.

Gerard F. Scannell,

Assistant Secretary of Labor.

[FR Doc. 90–25822 Filed 10–31–90; 8:45 am]

BILLING CODE 4510–22–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Missouri Permanent Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Missouri permanent regulatory program (hereinafter, the "Missouri program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to prime farmlands, signs and markers, topsoil, hydrologic balance, air resources, explosives, excess spoil, coal waste, backfilling and grading, postmining land use, roads and other transportation facilities, revegetation, prohibitions and limitations on mining, coal exploration, requirements for legal, financial, and compliance information, requirements for information on environmental resources, requirements for operation and reclamation plans, review and approval of permit applications, bond requirements, duration and release of reclamation liability, permit revocation, bond forfeiture and authorization to expend reclamation fund monies, definitions, inspection and enforcement, penalty assessment, applicability and general requirements, and revegetation success guidelines. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards, incorporate the additional flexibility afforded the revised Federal regulations, and improve operational efficiency.

This notice sets forth the times and locations that the Missouri program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4 p.m., c.s.t. December 3, 1990. If requested, a public hearing on the proposed amendments will be held on November 26, 1990. Requests to present oral testimony at the hearing must be received by 4 p.m., c.s.t. on November 16, 1990.

ADDRESSES: Written comments should be mailed or hand delivered to Jerry R. Ennis at the address listed below.

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

Jerry R. Ennis, Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte Street, room 500, Kansas City, MO 64105, Telephone: (816) 374–6405.

Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, MO 65102, Telephone: (314) 751–4041.

FOR FURTHER INFORMATION CONTACT: Jerry R. Ennis, Director, Kansas City

Field Office on telephone number (816) 374–6405.

SUPPLEMENTARY INFORMATION:

I. Background on the Missouri Program

On November 21, 1980, the Secretary of Interior conditionally approved the Missouri program. General background information on the Missouri program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Missouri program can be found in the November 21, 1980, **Federal Register** (45 FR 77017). Subsequent actions concerning Missouri's program and program amendments can be found at 30 CFR 925.12, 925.15, and 925.16.

II. Proposed Amendment

By letter dated October 10, 1990, (Administrative Record No. MO–519) Missouri submitted a proposed amendment to its program pursuant to SMCRA. Missouri submitted the proposed amendment (1) in response to a May 11, 1989 letter from OSM in accordance with 30 CFR part 732 requiring certain provisions of the State program to be updated for consistency with the Federal regulations regarding ownership and control, and permit rescission; (2) in response to a November 6, 1989 letter from OSM in accordance with 30 CFR part 732 requiring certain provisions of the State program to be updated for consistency with the Federal regulations through August 30, 1989; (3) in response to a February 7, 1990 letter from OSM in accordance with 30 CFR part 732 requiring certain provisions of the State program to be updated for consistency with the Federal regulations regarding incidental coal extraction; (4) to address previously disapproved State program provisions at 30 CFR 925.10; (5) to address required program amendments at 30 CFR 925.16; (6) to address concerns identified in issue letters sent to the State regarding program amendments submitted to OSM on January 17, 1989 and August 3, 1989; (7) to incorporate into its State program several regulation changes not previously submitted; and (8) at the States own initiative to improve its program.

The regulations that Missouri proposes to amend are: 10 CSR 40–2.110, Prime Farmland Performance Standards; 10 CSR 40–3.010, Signs and Markers—General Requirements; 10 CSR 40–3.030, Requirements for Topsoil Removal, Storage and Redistribution; 10 CSR 40–3.040, Requirements for Protection of the Hydrologic Balance; 10 CSR 40–3.050, Requirements for the Use of Explosives; 10 CSR 40–3.060, Requirements for the Disposal of Excess Spoil; 10 CSR 40–3.080, Requirements for the Disposal of Coal Processing Waste; 10 CSR 40–3.090, Requirements for the Protection of Air Resources; 10 CSR 40–3.110, Backfilling and Grading Requirements; 10 CSR 40–3.120, Revegetation Requirements; 10 CSR 40–6.130, Postmining Land Use Requirements; 10 CSR 40–3.140, Road and Other Transportation Requirements; 10 CSR 40–3.190, Requirements for Topsoil Removal, Storage and Redistribution for Underground Operations; 10 CSR 40–3.200, Requirements for Protection of the Hydrologic Balance for Underground Operations; 10 CSR 40–3.210, Requirements for the Use of Explosives for Underground Operations; 10 CSR 40–3.220, Disposal of Underground Development Waste and Excess Spoil; 10 CSR 40–3.230, Requirements for Disposal of Coal Processing Waste for Underground Operations; 10 CSR 40–3.240, Air Resource Protection; 10 CSR 40–3.250, Requirements for the Protection of Fish, Wildlife and Related Environmental Values and Protection Against Slides and Other Damage; 10 CSR 40–3.260, Requirements for Backfilling and Grading for Underground Operations; 10 CSR 40–3.270, Revegetation Requirements for Underground Operations; 10 CSR 40–3.290, Requirements for Road and Other Transportation Associated with Underground Operations; 10 CSR 40–3.300, Postmining Land Use Requirements for Underground Operations; 10 CSR 40–4.030, Operations on Prime Farmland; 10 CSR 40–5.010, Prohibitions and Limitations on Mining In Certain Areas; 10 CSR 40–6.010, General Requirements for Permits, Permit Applications and Coal Exploration; 10 CSR 40–6.020, General Requirements for Coal Exploration, Permits; 10 CSR 40–6.030, Surface Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related Information; 10 CSR 40–6.040, Surface Mining Permit Applications—Minimum Requirements for Information on Environmental Resources; 10 CSR 40–6.050, Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operations Plan; 10 CSR 40–6.070, Review, Public Participation and Approval of Permit Application and Permit Terms and Conditions; 10 CSR 40–6.100, Underground Mining Permit Applications—Minimum Requirements for Legal, Financial, Compliance and Related Information; 10 CSR 40–6.110, Underground Mining Permit Applications—Minimum Requirements for Information on Environmental Resources; 10 CSR 40–6.120, Underground Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan; 10 CSR 40–7.011, Bond Requirements; 10 CSR 40–7.021, Duration and Release of Reclamation Liability; 10 CSR 40–7.031, Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies; 10 CSR 40–8.010, Definitions; 10 CSR 40–8.030, Permanent Program Inspection and Enforcement; 10 CSR 40–8.040, Penalty Assessment; and 10 CSR 40–8.070, Applicability and General Requirements. Missouri is also proposing guidelines on methods for determination of revegetation success prior to phase III bond release as required by the Federal regulations at 30 CFR 816.116(a)(1) and 817.116(a)(1).

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Missouri program.

Written Comments

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

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by 4 p.m., c.s.t. November 16, 1990. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all person scheduled to comment having been heard. Persons in the audience who have been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person under **"FOR FURTHER INFORMATION CONTACT."** All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under **"ADDRESSES."** A written summary of each meeting will be made a part of the administrative record.

List of Subjects in 30 CFR Part 925

Intergovenmental relations, Surface mining, Underground mining.

Dated: October 25, 1990.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

[FR Doc. 90-25873 Filed 10-31-90; 8:45 am]

BILLING CODE 4310-05-M

POSTAL SERVICE

39 CFR Part 111

Eligibility Requirements for Automated Rate Categories

AGENCY: Postal Service.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The Postal Service published in the **Federal Register** (55 FR 40560-40596) on October 3, 1990, a proposal to amend the Domestic Mail Manual to update the physical preparation, optical character reader (OCR) readability, and barcode preparation requirements for pieces qualifying for current automation based rate categories (First-Class nonpresorted ZIP + 4, ZIP + 4 Presort, ZIP + 4 barcoded; and third-class basic ZIP + 4, 5-digit ZIP + 4 and ZIP + 4 barcoded mail). The Postal Service requested comments by November 2, 1990. Due to the complexity of the proposed changes, and the receipt of requests for additional time, the Postal Service is extending the comment period to November 9, 1990.

DATES: Comments on the proposed rule change must be received on or before November 9, 1990.

ADDRESSES: All written comments should be mailed or delivered to the Director, Office of Classification and Rates Administration, U.S. Postal Service, room 8430, 475 L'Enfant Plaza SW., Washington, DC 20260-5360. Copies of all written comments will be available for inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in room 8430 at the above address.

FOR FURTHER INFORMATION CONTACT: Mrs. Lynn Martin, (202) 268-5176, for information on all aspects except addressing requirements for finest level of ZIP + 4 code, standardized or complete addresses, and CASS certification.

Mr. Paul Bakshi, (202) 268-3520, for information concerning the requirements for finest level of ZIP + 4 code, standardized or complete addresses, and CASS certification.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 90-25790 Filed 10-31-90; 8:45 am]

BILLING CODE 7710-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-476, RM-7343]

Radio Broadcasting Services; Cordova, Holly Pond & Warrior, AL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Radio South, Inc., licensee of Station WFFN(FM), Cordova, Alabama, seeking the substitution of Channel 254C3 for Channel 237A at Cordova, and modification of the license accordingly. In order to accommodate its request, petitioner seeks the substitution of Channel 237A for Channel 254A at Warrior, Alabama, for which six applications are pending, as well as the substitution of Channel 260A for Channel 238A at Holly Pond, Alabama, for which one application is pending. The Cordova proposal contemplates an "incompatible channel swap" with Warrior, Alabama, pursuant to the provisions of § 1.420(g)(3) of the Commission's Rules. Therefore, in the absence of a demonstration that the Cordova "incompatible channel swap" proposal should be considered differently, other expressions of interest in the use of Channel 254C3 at that community will not be entertained. Coordinates used for Channel 254C3 at Cordova are 33-46-38 and 87-07-45. Coordinates used for Channel 237A at Warrior are 33-48-14 and 86-56-38. Coordinates used for Channel 260A at Holly Pond are 34-15-40 and 86-35-12.

DATES: Comments must be filed on or before December 20, 1990, and reply comments on or before January 4, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Erwin G. Krasnow, Esq., Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, 901—15th Street, NW., Washington, DC 20005-2301.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-476, adopted September 28, 1990, and released October 29, 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 discision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

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

[FR Doc. 90-25887 Filed 10-31-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-530; RM-6901; 6948]

Radio Broadcasting Services; Ashdown and DeQueen, AR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses two mutually-exclusive petitions for rule making in the state of Arkansas, based upon each proponents' withdrawal of interest. The first, filed on behalf of KARQ Radio, Inc., proposed modifications of the facilities of Station KARQ(FM), Channel 221A, Ashdown, Arkansas, to specify operation on Channel 223C3. Also, Channel 225A was proposed as a substitute for Channel 224A, licensed to Jay W. and Anne W. Bunyard ("Bunyards") at DeQueen, Arkansas, for Station KDQN–FM, to accommodate the Ashdown proposal. The second proposal, filed on behalf of the Bunyards, proposed the substitition of Channel 225C3 for Channel 224A and modification of the facilities of Station KDQN–FM, to specify operation on the higher powered channel. See 54 FR 50001, December 4, 1989. With this action, the proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89–530, adopted September 28, 1990 and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

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

[FR Doc. 90–25888 Filed 10–31–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–475, RM–7280, RM–7328]

Radio Broadcasting Services; Dawson and Sasser, GA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requested comments on two conflicting petitions. The first petition, filed by Dawson Broadcasting Company, licensee of Station WAZE(FM), Channel 221A, Dawson Georgia, seeking the substitution of Channel 299A for Channel 221A at Dawson, Georgia, and modification of the license for Station WAZE to specify the new class A channel. The second petition, filed by Clyde and Scott/d.b.a. EME Communications, requests the allotment of Channel 299C3 to Sasser, Georgia, as the community's first local FM service. The coordinates for Channel 299A at Dawson are North Latitude 31–43–44 and West Longitude 84–20–34. The coordinates for Channel 299C3 at Sasser are North Latitude 31–40–53 and West Longitude 84–25–07.

DATES: Comments must be filed on or before December 20, 1990, and reply comments on or before January 4, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Clyde and Scott/d.b.a. EME Communications, Rt. 3, Box 485–C, Moultrie, Georgia 31768 (petitioner for Sasser, Georgia). amd John M. Spencer, Leibowitz & Spencer, 3050 Biscayne Blvd., suite 501, Miami, Florida 33137 (Counsel for Dawson Broadcasting Co.).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–475, adopted September 28, 1990, and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

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

[FR Doc. 90–25889 Filed 10–31–90; 8:45 am]

BILLING CODE 6712–01–M

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47 CFR Part 73

[MM Docket No. 90–474, RM–7355]

Radio Broadcasting Services; Geneva, OH

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Ray-Mar Broadcasting Company, licensee of Station WDON(FM), Channel 285A, Geneva, Ohio, seeking the substitution of Channel 284A for Channel 285A at Geneva and the modification of its license to specify operation on the alternate Class A channel. The substitution of channels could enable Station WDON(FM) to increase its power from 3 kW to 6 kW. Channel 284A can be allotted to Geneva in compliance with the Commission's minimum distance separation requirements with respect to all domestic allotments with a site restriction of 15 kilometers (9.3 miles) west to accommodate petitioner's desired transmitter site, at coordinates North Latitude 41–48–39 and West Longitude 81–07–33. However, to avoid a conflict with the pending application of Station WEZE–FM, Pittsburgh, Pennsylvania (BPH–900228IA), the Commission alternatively proposes a site restriction of 12.4 kilometers (7.7 miles) northwest at coordinates North Latitude 41–54–07 and West Longitude 81–01–19. Canadian concurrence is required since Geneva is located within 320 kilometers (200 miles) of the U.S.-Canadian border.

DATES: Comments must be filed on or before December 20, 1990, and reply comments on or before January 4, 1991.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the

petitioner, or its counsel or consultant, as follows: Kenneth C. Howard, Jr., Esq., Linda R. Bocchi, Esq., Baker & Hostetler, 1050 Connecticut Avenue, NW., suite 1100, Washington, DC 20036 (Counsel to petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90–474, adopted September 28, 1990, and released October 29, 1990. The full text of this Commission decision is available for inspection and copying during normal busines hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service (202) 857–3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Kathleen B. Levitz,

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

[FR Doc. 90–25890 Filed 10–31–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 391

[FHWA Docket No. MC–87–17]

RIN 2125–AB91

Qualifications of Drivers; Diabetes

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Extension of comment period.

SUMMARY: The FHWA issued a notice of proposed rulemaking (NPRM) which was published in the **Federal Register** on October 5, 1990 (55 FR 41028). The comment period is presently scheduled to close on December 4, 1990. The FHWA has received a written request from the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America (IBT) for a 30-day extension of the comment period. In order to give the Medical Advisory Committee of the IBT sufficient time to prepare comments; the FHWA is granting the requested extension. The comment period is, therefore, extended 30 days. No further requests for extensions of this rulemaking action will be considered.

DATES: Comments must be received on or before January 3, 1991.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MV–87–17, room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Commenters may, in addition to submitting "hard copies" of their comments, submit a foppy disk (either 1.2Mb or 360Kb density) in a format that is compatible with either word processing programs, WordPerfect, WordStar, or Microsoft "Word" for MacIntosh. Please indicate which word processing program was used. The software used should be identified by the commenter (e.g., WordPerfect 5.0). All comments received will be available for examiniation at the above address from 8:30 a.m. to 3:30 p.m., ET, Monday through Friday, except legal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Neill L. Thomas, Office of Motor Carrier Standards, (202) 366–2981, or Mr. Thomas P. Holian, Office of the Chief Counsel, (202) 366–1350, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., et, Monday through Friday, except legal holidays.

SUPPLEMENTARY INFORMATION: The IBT has requested a 30-day extension to the comment period. The IBT stated that an extension would provide their Medical Advisory Committee, which is scheduled to meet on December 7, 1990, three days after the comment period closes, an opportunity to consult on the NPRM. The IBT also stated that the meeting cannot be rescheduled to an earlier date. The IBT believes that it is important to have the benefit of consultation with this committee before it finalizes its comments on this proposed rule. The IBT believes it is important to include the Committee's documentary record as part of its comments to the docket.

This rulemaking action would, if adopted, eliminate the blanket prohibition against insulin-using diabetics driving commercial motor vehicles in interstate commerce. The FHWA believes that receiving comments from the IBT Medical Advisory Committee will be beneficial. The FHWA, therefore, concludes that the request to extend the comment period has merit. Accordingly, the comment period for this docket is being extended until Thursday, January 3, 1991.

List of Subjects in 49 CFR Part 391

Driver qualifications, Medical standards, Highway safety, Highways and roads, Motor carriers, Reporting and recordkeeping requirements.

(Catalog of Federal Domestic Assistance Program Number 20.217, motor carrier safety)

Authority: 49 U.S.C. 504 and 3102; 49 U.S.C. App. 2505; 49 CFR 1.48.

Issued on: October 26, 1990.

T.D. Larson,

Administrator.

[FR Doc. 90–25859 Filed 10–31–90; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Findings and Commencement of Status Reviews for Five Petitions to List Six Species as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces 90-day findings on pending petitions to add six species to the Lists of Endangered and Threatened Wildlife and Plants. Five petitions to list six species have been found to present substantial information indicating that the requested actions may be warranted. Through issuance of this notice, the Service is commencing a formal review of the status of these species.

ADDRESSES: Data, information, comments, or questions concerning the status of the petitioned species described below should be submitted to the Assistant Regional Director, Fish and Wildlife Enhancement, U.S. Fish

and Wildlife Service, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon 97232. The petitions, findings, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

DATES: The findings announced in this notice were made on October 2, 1990. Comments and materials related to these petition findings may be submitted to the Assistant Regional Director, at the above address until further notice.

FOR FURTHER INFORMATION CONTACT: Karla Dramer, Listing Coordinator, at the above address (503/231–6131 or FTS 429–6131).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to bew made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register.** If the Service finds that a petition presents substantial information indicating that a requested action may be warranted, then the Service initiaties a status review on that species. The Service announces 90-day findings on five petitions to list six species as endangered or threatened. The Service has, therefore, initiated status reviews on two plants (*Mimulus clivicola* and *Chorizanthe robusta* var. *Hartweigii*), three butterflies (*Speyeria zerene behrensii, Speyeria zerene myrtleae,* and *Coenympha tullia yontocket*), and a fish (*Oregonichthys crameri*). Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned actions are warranted, within 1 year of the receipt of a petition that presents substantial information.

The Service has determined that the following petitions present substantial information that the requested actions may be warranted.

On May 11, 1989, the Service received a partial petition from Mr. Steve Paulson, representing Friends of the Clearwater, Lenore, Idaho, to list a plant, *Mimulus clivicola* (bank monkeyflower) as endangered. On June 28, 1989, the petitioner submitted supporting information thereby completing the petition. The petitioner stated that *Mimulus clivicola* is threatened due to its extremely limited occurrence, road construction projects, disturbance by cattle, spraying programs, competition from introduced species, and human disturbance.

The range of *Mimulus clivicola* extends from northern Idaho and adjacent Washington, southward to the southern end of the Snake River Canyon in Union County, Oregon. Prior to 1989, five extant populations of this species were known in Idaho, and six extant sites were known in Oregon; the status of this species in Washington is unclear. A 1989 field effort by the Idaho Department of Fish and Game's Natural Heritage Program on the Nez Perce and Clearwater National Forests confirmed a total of 56 populations at 29 sites. Although a number of new populations were discovered as a result of this survey, the total area known to be occupied by this plant in Idaho is less than 30 acres. The majority of sites contain less than 200 flowering individuals. A 1988 field investigation by the Idaho Natural Heritage Program suggests that many of the historic sites of *M. clivicola* have disappeared, primarily due to habitat modification. The 1989 Heritage report states that seven known populations of bank monkeyflower have been extirpated by road construction and maintenance, invasion and exotic weeds, inundation by Dworshak Reservior, and recreational disturbances. No new sites were found in Oregon in 1989. The Service finds that the petition to list *Mimulus clivicola* presents substantial information because of the plants limited distribution and documented threats facing some sites.

On June 29, 1989, the Service received a petition from Dr. Dennis Murphy of the Standford University Center for Conservation Biology to list Behren's silverspot butterfly (*Speyeria zerene behrensii*) and Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*) as endangered.

The range of Behren's silverspot butterfly extends from the immediate coast of northern Sonoma County to southern Mendocino County, California. Myrtle's silverspot butterfly had a former distribution from the coastal areas of San Francisco Bay and the Pacific Ocean from San Mateo County northward into Sonoma County. The petitioner stated that these two animals merit protection under the Act because they are endangered by natural and anthropogenic factors. The salt spray meadows and coastal dunes inhabited by these butterflies may be threatened by invasive exotic vegetation, levels of fire that are too intensive, livestock grazing, urban development, and other human influences. The taking of specimens by butterfly collectors is an unknown, but potentially damaging activity. Because of the documented threats facing these two animals, the Service finds that the petition presented substantial information that the requested action may be warranted

On January 8, 1990, the Service received a petition from Dr. Dennis Murphy of the Stanford University Center for Conservation Biology to list the Yontocket ringlet butterfly (*Coenonympha tullia yontocket*) as a threatened or endagered species. The petition stated that the Yontocket ringlet butterfly merits protection under the Act because the butterfly is known only from a single coastal dune locality in Del Norte County, California. The area is used for target shooting, driving off-road vehicles, dumping garbage, and some camping. Invasive exotic vegetation is also likely to threaten the species. The taking of specimens by butterfly collectors is an unknown, but potentially damaging activity. Some of the habitat may be developed for urban housing and/or improved camping facilities. A substantial amount of survey work has been conducted on butterflies in this region, providing a good information base for this group of insects. The Service finds that the petition to list the Yontocket ringlet butterfly has presented substantial information that the petitioned action may be warranted because of the species limited distribution and documented threats to its dune habitat.

On April 10, 1990, the Service received a petition from Dr. Douglas F. Markle of Oregon State University in Corvallis, Oregon, to list the Oregon chub (*Oregonichthys crameri*) as an endagered species and to designate critical habitat. Dr. Markle submitted taxonomic, biological, distributional and historic information and cited numerous scientific articles in support of the petition. The petition and accompanying data described the species as imperiled because of a 98 percent reduction in the range of the species and potential threats at existing known population sites.

The Oregon chub in the Willamette River drainage has had a history of anecdotal consideration as a different taxon from the Umpqua River drainage populations. Recently, the Umpqua chub has been formally described as taxonomically separate from

Oregonichthys crameri. The name Oregon chub therefore, refers only to *Oregonichthys* within the Willamette River drainage.

The Oregon chub formerly inhabited sloughs and overflow ponds throughout the Williamette River drainage, but the only remaining known populations are limited to a 30 kilometer stretch above the Dexter Dam. Decline of the species is attributed to loss and alteration of its backwater habitats. The construction of flood control structures coincides with the period of decline. The introduction of exotic species may have exacerbated the stituation and may limit the potential for expansion beyond its present restricted range. Remaining populations occur near rail and highway corridors any may be threatened by potential chemical spills, siltation from logging activities, and changes in water level or flow conditions from construction, diversions, or natural desiccation. The Service finds that the petition to list the Oregon Chub has presented substantial information.

On May 16, 1990, the Service received a petition from Steve McCabe, president, and Randall Morgan, of the Santa Cruz Chapter of the California Native Plant Society to list the Scotts Valley spineflower (*Chorizanthe robusta* var. *hartwegii*) as endangered.

The petition reported that only three populations of the Scotts Valley spineflower are currently known, represented by approximately 10,000 individuals. This taxon is apparently restricted to dry sandy meadows on outcrops of Santa Cruz mudstone and Purisma formation sandstones in the Scotts Valley area of Santa Cruz County, California. The petition indicated that all three populations are threatened by two proposed housing developments on privately owned lands.

Dr. John Hunter Thomas, Professor of Biological Sciences at Stanford University, has questioned the taxonomic validity of var. *hartwegii*. After the rediscovery of this taxon by Morgan in 1989 however, Dr. James L. Reveal, Professor of Botany at the University of Maryland, confirmed the distinctiveness of var. *hartwegii*, and with Morgan, published the new combination *C. robusta* var. *hartwegii*.

Dr. Thomas has also raised the possibility that the taxon occurs at Fort Ord, Monterey County, 40 miles to the south of Scotts Valley. Dr. Reveal has indicated that identification of specimens at Fort Ord cannot be confirmed as *C. robusta* var. *hartwegii*. Although the identify of these specimens has not been clearly determined, a number of environmental factors at the Fort Ord site point to the conclusion that these specimens are unlikely to be *C. robusta* var. *hartwegii*. A review of historical specimens as well as recent fieldwork in what appears to be suitable habitat has failed to locate any other populations of Scotts Valley spineflower. It therefore seems unlikely that additional large or protected sites exist. Because of the ongoing threat of development within this plant's entire known range, the Service finds that the petition has presented substantial information that the petitioned action may be warranted.

Based on scientific and commercial information contained in the above petitions, referenced in the petitions, and otherwise available to the Service at this time, the Service has determined that the petitions to list *Mimulus clivicola* (bank monkeyflower), Behren's silverspot butterfly (*Speyeria zerene behrensii*), Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*), Yontocket ringlet butterfly (*Coenonympha tullia yontocket*), Oregon chub (*Oregonichthys crameri*), and Scotts Valley spineflower (*Chorizanthe robusta* var. *hartwegii*) present substantial information that listing may be warranted for these species.

These findings initiate a status review for each of the above species. The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of these species.

Author

This notice was prepared by Robert Parenti (Boise Field Station), Constance Rutherford (Ventura Field Station), Dennis Lassuy (Portland Field Station) and Leslie Propp (Portland Regional Office).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500; unless otherwise noted.

Dated: October 24, 1990.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 90–25847 Filed 10–31–90; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 675

[Docket No. 900958–0258]

RIN 0648–AD43

Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Proposed rule, request for comments.

SUMMARY: NOAA proposes to delay the start of the directed fishing season for yellowfin sole, "other flatfish," and turbot in the Bering Sea and Aleutian Islands area until May 1 of any fishing year, and to amend the directed fishing standards for yellowfin sole and "other flatfish." Delaying the fishing season is necessary to allow more groundfish to be harvested by reducing bycatches of Pacific halibut, red king crab, and possibly Tanner crab (*Chionoecetes bairdi*), for which prohibited species catch limits are established. Amending the directed fishing standards is necessary to reduce discards of yellowfin sole and "other flatfish" while fishing for rock sole. These actions are intended to allow fuller utilization of the groundfish optimum yield, thereby promoting the goals and objectives of the North Pacific Fishery Management Council with respect to groundfish management off Alaska.

DATES: Comments are invited until November 28, 1990.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Copies of the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the same address. Comments on the environmental assessment are particularly requested.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone of the Bering Sea and Aleutian Islands area (BSAI) are managed by the Secretary of Commerce (Secretary) under the Fishery Management Plan for Bering Sea/ Aleutian Islands Groundfish

(FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management Act (Magnuson Act) and is implemented by regulations for the foreign fishery at 50 CFR part 611 and for the U.S. fishery at 50 CFR part 675.

At times, regulatory amendments are necessary to resolve problems pertaining to management of the groundfish fisheries. At its June 25–30, 1990, meeting, the Council recommended this regulatory amendment, which would implement two measures pertaining to management issues in the BSAI flatfish fisheries, including fisheries for yellowfin sole, "other flatfish," rock sole, and Greenland turbot. The first measure would delay the start of the directed fishing seasons for yellowfin sole, "other flatfish," and Greenland turbot until May 1 of any fishing year. The purpose of this new season starting date is to reduce incidental catches of fish species important to U.S. fishermen in other fisheries. These fish species include halibut, red king crab, and possibly Tanner crab (*c. bairdi*). The second measure would modify directed fishing standards for yellowfin sole and "other flatfish" while fishing for rock sole. The purpose of these measures is to allow more retention of yellowfin sole and "other flatfish," thereby reducing unnecessary waste of otherwise marketable species of groundfish.

Delay the Start of the Flatfish Fishing Season

The current season in the BSAI for the flatfish fishery is January 1 through December 31, subject to other closures. U.S. fishermen in both domestic annual processing (DAP) and joint venture processing (JVP) operations participate in the flatfish fishery.

This fishery is conducted mostly with bottom trawls. It results in bycatches of halibut, red king crab, and Tanner crab, which are controlled by measures contained in the FMP and implementing regulations.

Amendment 12a to the FMP established a series of prohibited species catch (PSC) limits for halibut, Tanner crab, and red king crab within zones in the BSAI defined at 50 CFR part 675 and listed as follows:

Zone 1—Statistical Areas 511, 512, and 516.
Zone 2—Statistical Areas 513, 517, and 521.
Zone 2H—Statistical Area 517.

This amendment expires December 31, 1990. However, if Amendment 16 to the FMP is implemented, the bycatch zones listed above will be continued indefinitely and PSC limits will be apportioned annually as bycatch allowances to: (1) The "JVP flatfish fishery" (yellowfin sole, rock sole, and "other flatfish"), (2) the "DAP flatfish fishery" (yellowfin sole and "other flatfish"), (3) the "DAP rock sole fishery", (4) the "DAP other fishery", and (5) the "DAP turbot fishery." The "DAP other fishery" would include such species as pollock and Pacific cod.

Further descriptions of the PSC limits are as follows:

Red king crab—An overall PSC limit of 200,000 animals is established in Zone 1.

Tanner crab—Overall PSC limits of 1,000,000 and 3,000,000 animals are established in Zone 1 and Zone 2, respectively.

Halibut—An overall PRIMARY PSC limit of 4,400 metric tons (mt) is established in Zones 1 and 2H, combined. An overall SECONDARY PSC limit of 5,333 mt is established for the BSAI. The PRIMARY PSC limit is a subset of the SECONDARY PSC limit.

During 1990, DAP and JVP flatfish fisheries in the above mangement zones were conducted with unexpectedly high bycatch rates of halibut and red king crab. Weekly reporting requirements were inadequate to monitor the fishery relative to these high rates. By the time information was received indicating that the fishery should be closed, some PSC bycatch allowances had been substantially exceeded. Likewise, the DAP fishery for turbot was conducted with an unexpectedly high bycatch of halibut. The Council had expected that DAP and JVP fishermen would be encouraged actively to avoid prohibited species when it established the PSC allowances, and thus DAP and JVP fishermen would be able to harvest as much flatfish as possible within bycatch constraints. Instead of changing fishing practices to avoid prohibited species, the fishing fleets accelerated harvests to maximize catch before attainment of a PSC allowance closed bottom trawling. As a result, they experienced high bycatch rates of halibut and crab.

For example, JVP fishermen experienced high bycatch rates of red king crab in Zone 1 while fishing for flatfish in early January 1990. The bycatch of red king crab in Zone 1 was 161,816 crabs, which exceeded the JVP bycatch allowance of 50,000 crabs by 224 percent. In early January, bycatch rates of red king crab experienced by JVP fishermen were 4.4 crabs per ton of groundfish, which increased to 7.5 crabs later in January. These rates are high compared to rates experienced by JVP fishermen during the first and second quarters of 1987 and 1988. In 1987, the first and second quarter rates in statistical area 511 within Zone 1 were 0.17 and 3.48 crabs per ton of groundfish. In 1988, the first and second quarter rates in Zone 1 in this statistical area were 0.78 and 0.28 crabs per ton of groundfish.

Although the abundance of red king crab stocks appeared to have increased between 1989 and 1990, the high rates of red king crab bycatch are believed to have occurred as a result of fishing practices by individual vessels. Rather than fishing in a manner to avoid red king crab, and maximize the JVP flatfish catch for all vessels, individual vessels may have attempted to catch as much of the JVP flatfish specification as possible before the red king crab PSC was reached.

During 1990, when JVP flatfish fishing effort shifted west of Zone 1, halibut PSC allowances became constraining. This redirected effort caused the JVP flatfish fishery to close in Zones 1 (statistical areas 511, 512, and 516) and 2H (statistical area 517) on February 27 (55 FR 7337; March 1, 1990), when the primary halibut PSC allowance was reached, and the JVP flatfish fishery in all of the BSAI management area to close on March 5 (55 FR 8954; March 9, 1990), when the secondary PSC allowance for Pacific halibut was reached. Amounts of JVP harvests of yellowfin sole, rock sole, and "other flatfish" that might have occurred in Zone 1 and the BSAI were foregone. About 98,000 mt of yellowfin sole, 22,100 mt of "other flatfish," and 5,900 mt of rock sole were left unharvested.

At $152 per mt, roughly $19 million of exvessel gross revenue was foregone as a result.

Likewise, the 1990 DAP flatfish fishery (primarily rock sole) was closed prematurely when the primary and secondary PSC allowances for halibut for this fishery were reached. Zones 1 and 2H were closed to the DAP flatfish fishery on March 14 (55 FR 10246; March 20, 1990) due to attainment of the primary PSC allowance for halibut. Further fishing outside of Zone 2H occurred, but attainment of the secondary PSC allowance of halibut resulted in the entire BSAI being closed to the DAP flatfish fishery on March 19 (55 FR 10779; March 23, 1990).

Large amounts of the specified total allowable catch (TAC) for yellowfin sole and "other flatfish," as well as TACs for other species, will not be harvested in 1990 due to these closures. This has resulted in substantial losses in gross exvessel revenue for U.S. fishermen and failure to attain optimum yield from the groundfish resource. The Council reviewed the circumstances underlying the JVP and DAP flatfish fishery

closures during its April 24–27, 1990, meeting and again at its June 25–30, 1990, meeting. It noted that much of the flatfish harvest has occurred in the early winter months in Zone 1 just north of the Alaska Peninsula in areas where seasonal concentrations of flatfish, including rock sole, occur. Fishing for flatfish in Zone 1 occurs in early winter, because flatfish are concentrated in this area at that time, and because the southern edge of the ice pack during early winter prohibits fishing farther north. The Council also noted that foreign and JVP fisheries have profitably operated north of Zone 1 from mid-May through June, once the yellowfin sole have migrated into this area.

Because distribution of red king crab occurs mostly in Zone 1, a closure of only that area would address the problem of high red king crab bycatches. However, the Council recognized that fishing effort would then shift into westward areas (e.g., statistical areas 513, 515, and 517), where halibut bycatch problems could be worse. The Council's Ad Hoc Bycatch Committee, after considering information received from NMFS that closure of Zone 1 until later in the year would reduce the bycatch rate of red king crab in the flatfish fishery, recommended that the entire BSAI be closed to directed fishing for flatfish until later in the year. To address the problem of excessive red king crab and halibut bycatches in the flatfish fisheries, the Council recommended that the Secretary implement a regulatory amendment to delay the start of the directed flatfish fisheries until May 1 of any fishing year.

The regulatory amendment's measure to delay the start of the flatfish fishery does not apply to the directed fishery for rock sole, which is a roe fishery conducted by DAP fishermen. Significant amounts of red king crab bycatch also occur in this fishery. Through March 17, 1990, the DAP rock sole fishery caught 79,000 red king crab as bycatch, while catching about 18,000 mt of rock sole. The rock sole roe fishery starts in late December and ends in March of the following fishing year. The potential exvessel value of this fishery is about $70 million a year, even though it lasts only a few months. U.S. fishermen could lose gross revenue equal to this amount if the rock sole roe fishery were prevented due to a mid-year season starting date.

Therefore, the Secretary proposes to delay the yellowfin sole and "other flatfish" directed fishing season until May 1. This proposal is necessary to reduce economic waste in the BSAI groundfish fisheries that is likely to occur again in 1991 and beyond, if these fisheries continue to be closed prior to attainment of TAC due to premature attainment of PSC allowances for red king crab or Pacific halibut. It is intended to further the opportunity to harvest available flatfish while affording continued protection for red king crab.

Delay the Start of the Turbot Fishing Season

During 1990, the DAP turbot fishery was conducted mostly in areas 515 and 540 with some fishing also occurring in area 517. This fishery was conducted in late winter months when closure of the Bering Sea pollock roe fishery was believed imminent. This is a deep water fishery. Because halibut also are found in deep water during late winter months, halibut bycatch rates were high. Halibut bycatches in this fishery were counted against the halibut PSC allowance for the "DAP other fishery." Zones 1 and 2H were closed to bottom trawling for pollock and Pacific cod on May 30 (55 FR 22919; June 5, 1990), when the primary halibut PSC allowance for this fishery was reached. The entire BSAI was closed to the "DAP other fishery" on June 30 (55 FR 27643; July 5, 1990), when the secondary halibut PSC allowance was reached. High bycatch rates of halibut that occurred when fishing for turbot accelerated these closures for the "DAP other fishery".

The Council reviewed the circumstances underlying this closure during its June 25–30, 1990, meeting. It noted that much of the turbot fishery occurred during late winter months when halibut coexist in deep water with turbot. The Council recommended that the turbot-directed fishery be delayed until May 1 on an annual basis, at which time halibut would have migrated into shallower water. Turbot remain in deep water and a directed fishery starting in May would result in lower halibut bycatch rates.

Therefore, the Secretary proposes to delay the turbot directed fishing season until May 1. This proposal is necessary to reduce economic waste in the BSAI groundfish fisheries that is likely to occur again in 1991 and beyond, if these fisheries continue to be closed prematurely. It is intended to further the opportunity to harvest available turbot while affording continued protection for halibut.

Amend the Directed Fishing Standards for Yellowfin Sole and "Other Flatfish"

Some U.S. fishermen requested that the directed fishing standard for yellowfin sole and "other flatfish" be increased to avoid wastage when caught while conducting a directed fishery for rock sole. They explained that bycatch of yellowfin sole and "other flatfish' in the rock sole fishery sometimes occurs at a high rate. Because the current directed fishing standards for both yellowfin sole and "other flatfish" constrain bycatches of these species categories to less than 20 percent, fishermen must discard amounts of yellowfin sole and "other flatfish" that they catch as bycatch while fishing for rock sole. Because a DAP market for yellowfin sole, as well as for "other flatfish," is increasing, being forced by regulations to discard bycatch amounts of these species is an unacceptable waste to these fishermen.

Industry sources were queried to determine rates (proportions) of yellowfin sole in the rock sole fishery. Rates varied from about 1 percent in the western side of statistical area 511 to as high was 45.7 percent in the eastern side. Fishermen move west to east as they harvest rock sole. The unweighted average of the proportions was 19.9 percent. Although some yellowfin sole or "other flatfish" bycatch rates are low, high rates of these categories can occur in a rock sole fishery.

Because yellowfin sole or "other flatfish" stocks are at high levels and would not benefit from lower bycatch levels, the Council recognized that allowing a higher percentage would eliminate waste during times when actual bycatches are large in a rock sole fishery. The council recommended that the directed fishing standard for both yellowfin sole and "other flatfish" in the rock sole trawl fishery be increased from 20 percent to 35 percent.

Therefore, the Secretary proposes a directed fishing standard for both yellowfin sole and "other flatfish" of: (1) 35 percent of the amount of rock sole retained at the same time during the same trip, plus (2) 20 percent of the total amount of other fish species (besides rock sole, yellowfin sole, and "other flatfish") retained at the same time during the same trip.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this proposed rule is necessary for the conservation and management of the groundfish fishery off Alaska, and that it is consistent with the Magnuson Act and other applicable law.

The Alaska Region, NMFS, prepared an environmental assessment (EA) for this proposed rule and the Assistant Administrator concluded that no significant impact on the environment will occur as a result of its

implementation. You may obtain a copy of the EA from the Regional Director at the above address.

The Assistant Administrator initially determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis (RIR) under Executive Order 12291. This determination is based on the socioeconomic impacts discussed in the EA/RIR prepared by the Alaska Region, NMFS.

The Alaska Region, NMFS, prepared an initial regulatory flexibility analysis (IRFA) as part of the EA/RIR/IRFA, which concludes that this proposed rule, if adopted, would have significant effects on small entities. A summary of this analysis follows:

A May 1 starting date for the directed flatfish fishery (early-second quarter) is superior to January 1 with respect to reducing bycatch rates of red king crab and possibly Tanner crab and salmon, assuming fishing effort concentrates in area 514 where high flatfish catch rates would occur. A May 1 starting date also is superior to January 1 with respect to reducing bycatch rates of halibut. More herring might be caught if flatfish fishing indeed concentrated in Area 514.

If the starting date for the directed flatfish fishery remains January 1, fishermen would likely begin flatfish fishing in Zone 1 (areas 511 and 516) where high catches of flatfish would occur, but where high bycatch rates of red king crab are likely. This might cause premature closure to flatfish fishing in Zone 1. High bycatch rates of red king crab (1.890–4.069 crab per metric ton of yellowfin sole) experienced in 1990 caused early closure of the JVP flatfish fishery in Zone 1 on January 25. JVP fishermen then moved into westward areas where high halibut bycatch rates (0.012 mt of halibut per metric ton of yellowfin sole) were experienced, resulting in closure of Zone 2H to flatfish fishing and then the entire Bering Sea to JVP flatfish fishing. About 126,000 mt of flatfish with a value of $19 million were foregone. Fewer herring might be caught, depending on the location of the directed flatfish fishing effort.

Likewise, if the starting date for the turbot directed fishery remains January 1, DAP fishermen who participate in the turbot fishery during the first quarter could experience high bycatch rates of halibut. This might cause premature closure to further bottom trawling for pollock and Pacific cod in Zones 1 and 2H and even the entire Bering Sea. High bycatch rates (114 kilograms of halibut per metric ton of turbot) experienced by DAP fishermen in the turbot directed fishery in 1990 contributed to early closure of the DAP pollock and cod bottom trawl fishery in Zones 1 and 2H on May 30, and the entire Bering Sea on June 30.

A May 1 starting date for the tubot directed fishery would allow fishing for turbot at a time when halibut would have moved into more shallow waters, thereby reducing the halibut bycatch in the turbot fishery which is conducted in deeper waters than where halibut would be at that time of year.

A May 1 starting date is superior to a January 1 starting date in terms of better and safer working conditions with the advent of better weather and longer daylight. Better working conditions would increase overall working efficiency and reduce operating costs.

This proposed rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

NOAA has determined that this proposed 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 agency under section 307 of the Coastal Zone Management Act.

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

List of Subjects

50 CFR Part 611

Fisheries.

50 CFR Part 675

Fisheries.

Dated: October 26, 1990.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 611 and 675 are proposed to be amended as follows:

PART 611—FOREIGN FISHING

1. The authority citation for part 611 continues to read as follows:

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

2. In § 611.93, paragraph (b)(3)(i) and the first sentence in paragraph (c)(5) are revised and paragraph (b)(5)(iii) is added to read as follows:

§ 611.93 Bering Sea and Aleutian Islands groundfish fishery.

* * * * *

(b)* * *

(3)* * *

(i) The catching in the management area and retention of any groundfish for which a nation has an allocation is permitted during open seasons specified under § 675.23 of this chapter, except as provided in this section.

* * * * *

(5) * * *.

(iii) Receipts of U.S.-harvested yellowfin sole, "other flatfish," and Greenland turbot are permitted during open seasons specified under § 675.23 of this chapter

(c) * * *

(5) *Receipts of fish at sea.* Foreign fishing vessels holding permits to receive U.S.-harvested fish may receive those fish during open seasons specified under § 675.23 of this chapter in the management area between 3 and 12 nautical miles from the baseline from which the United States territorial sea is measured. * * *

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS

3. The authority citation for part 675 continues to read as follows:

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

4. In § 675.20 paragraphs (h)(2), (h)(3), (h)(4), and (h)(5) are redesignated as (h)(3), (h)(4), (h)(5), and (h)(6) respectively; paragraph (h)(1) and newly designated paragraph (h)(6) are revised; and a new paragraph (h)(2) is added to read as follows:

§ 675.20 General limitations

* * * * *

(h) * * *

(1) *Using trawl gear for pollock, Pacific cod, or rock sole.* The operator of a vessel is engaged in directed fishing for pollock, Pacific cod, or rock sole if he retains at any time during a trip an amount of any one of these species caught using trawl gear equal to or greater than 20 percent of the aggregate catch of the other fish retained at the same time during the same trip.

(2) *Using trawl gear for yellowfin sole or "other flatfish."* The operator of a vessel is engaged in directed fishing for yellowfin sole or "other flatfish" if he retains at any time during a trip an aggregate amount of yellowfin sole and "other flatfish" caught using trawl gear equal to or greater than a total of:

(i) 35 percent of the amount of rock sole retained at the same time on the vessel during the same tirp, plus

(ii) 20 percent of the total amount of other fish species (besides rock sole, yellowfin sole, and "other flatfish") retained at the same time by the vessel during the same trip.

* * * * *

(6) *Other.* Except as provided under paragraphs (h)(1) through (h)(5) of this section, the operator of a vessel is engaged in directed fishing for a specific species or species group if he retains at any particular time during a trip that species or species group in an amount equal to or greater than 20 percent of the amount of all other fish species retained

at the same time on the vessel during the same trip.

* * * * *

5. In § 675.23, paragraph (a) is revised, and paragraph (c) is added to read as follows:

§ 675.23 Seasons.

(a) Fishing for groundfish in the subareas and statistical areas of the Bering Sea and Aleutians Islands is authorized from 00:01 AM on January 1 through 12:00 midnight Alaska local time, December 31, subject to the other provisions of this part, except as provided in paragraphs (b) and (c) of this section.

* * * * *

(c) Directed fishing for yellowfin sole, "other flatfish," and turbot is authorized from 12 noon Alaska local time, May 1 through December 31, subject to the other provisions of this part

[FR Doc. 90-25806 Filed 10-29-90; 10:28 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 55, No. 212
Thursday, November 1, 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

Forms Under Review by Office of Management and Budget

October 26, 1990.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) An indication of whether section 3504(h) of Pub. L. 96–511 applies; (9) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Revision

- Agricultural Stabilization and Conservation Service

Request for Long-Term Agreement and Long-Term Agreement ACP–310 and ACP–311
On occasion
Individuals or households; Farms; 18,000 responses; 9,000 hours; not applicable under 3504(h)
Clayton Furukawa, (202) 475–5571

- Agricultural Marketing Service

Onions Grown in Certain Designated Counties in Idaho, and Malheur County, Oregon Marketing Order No. 958
Recordkeeping; On occasion; Biennially
Farms; Businesses or other for-profit; 4557 responses; 327 hours; not applicable under 3504(h)
Richard Schultz, (202) 245–5172

- Food and Nutrition Service

WIC Program Regulations-Reporting and Recordkeeping Burden and New Food Delivery Regulations
Recordkeeping; Monthly; Semi-annually; Annually; Biennially
Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies or employees; Non-profit institutions; Small businesses or organizations; 9,198,843 responses; 1,117,884 hours; not applicable under 3504(h)
Michael T. Buckley, (703) 756–3730

Revision

- Agricultural Marketing Service

Navel Oranges Grown in Arizona and Designated Part of California, Marketing Order No. 907
Recordkeeping; On occasion, Weekly; Annually; Daily
Farms; Businesses or other for-profit; Small businesses or organizations; 210,486 responses; 25,232 hours; not applicable under 3504(h)
Richard Schultz, (202) 245–5172

Extension

- Agricultural Marketing Service

Application for Plant Variety Protection Certificate and Objective Description of Variety
CSSD–470 and CSSD–470 series
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Federal agencies or employees; Small businesses or organizations; 779 responses; 1,024 hours, not applicable under 3504(h)
Kenneth H. Evans, (301) 344–2518

Reinstatment

- Federal Crop Insurance Corporation

Crop Insurance Acreage Report and Unit Division Option Form FCI–19 and FCI–553
Annually
Individuals or households; Farms; 160,000 responses; 77,500 hours; not applicable under 3504(h)
Garland Westmoreland, (202) 447–5251

Donald E. Hulcher,
Acting Department Clearance Officer.
[FR Doc. 90–25817 Filed 10–31–90; 8:45 am]
BILLING CODE 3410–01–M

Federal Grain Inspection Service

Designation Renewal of the Aberdeen (SD) Agency and the State of Missouri (MO)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces the designation renewal of Aberdeen Grain Inspection, Inc. (Aberdeen), and the Missouri Department of Agriculture (Missouri), as official agencies responsibile for providing official services under the U.S. Grain Standards Act, as amended (Act).

EFFECTIVE DATE: December 1, 1990.

ADDRESSES: Neil E. Porter, Deputy Director, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Neil E. Porter, telephone 202–447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Aberdeen's and Missouri's designations terminate on November 30, 1990, and requested applications for official agency designation to provide official services within specified geographic areas in the June 1, 1990, **Federal Register** (55 FR 22362). Applications were to be postmarked by July 2, 1990. Aberdeen was the only applicant, and applied for the entire area. There were two applicants for the Missouri designation. Missouri applied for designation renewal in the entire area currently assigned to that agency. Anthony L. Marquardt dba Qunicy Grain Inspection & Weighing Service applied for designation only in Lewis, Marion, and Pike Counties, Missouri.

The Service announced the applicant names in the August 1, 1990, **Federal**

Register (55 FR 31204) and requested comments on the applicants for designation. Comments were to be postmarked by September 17, 1990. No comments were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and in accordance with section 7(f)(1)(B), determined that Aberdeen is able to provide official services in the geographic area for which the Service is renewing its designation. The Service also determined that Missouri is better able than the other applicant to provide official services in the entire State of Missouri.

Effective December 1, 1990, and terminating November 31, 1993, Aberdeen and Missouri are designated to provide official inspection services in their specified geographic areas, as previously described in the June 1 **Federal Register.**

Interested persons may obtain official services by contacting Aberdeen at 605–225–8432, and Missouri at 314–751–5515.

Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*)

Dated: October 25, 1990.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 90–25734 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–EN–M

Request for Comments on the Designation Applicant in the Geographic Area Currently Assigned to the State of Alabama (AL)

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to the Alabama Department of Agriculture and Industries (Alabama).

DATES: Comments must be postmarked on or before December 17, 1990.

ADDRESSES: Comments must be submitted in writing to Paul Marsden, RM, FGIS, USDA, room 0628 South Building, P.O. Box 96454, Washington, DC 20090–6454. *SprintMail* users may respond to (PMARSDEN/FGIS/USDA). *Telecopier* users may send responses to the automatic telecopier machine at 202–447–4628, attention: Paul Marsden. All comments received will be made available for the public inspection at the above address located at 1400 Independence Avenue SW., during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT: Paul Marsden, telephone (202) 475–3428.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule of regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic area in the September 4, 1990, **Federal Register** (55 FR 35912). Applications were to be postmarked by October 4, 1990. Alabama was the only applicant for designation in that area, and applied for the entire area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the applicant for designation. Commenters are encouraged to submit reasons for support or objection to this designation action and include pertinent data to support their views and comments. All comments must be submitted to the Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the **Federal Register**, and the applicant will be informed of the decision in writing.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et al.*))

Dated: October 25, 1990.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 90–25735 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–EN–M

Request for Designation Applicants to Provide Official Services in the Geographic Area Currently Assigned to the Lincoln (NE) and Omaha (NE) Agencies

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of the U.S. Grain Standards Act, as Amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of two agencies will terminate, in accordance with the Act, and requests applications from parties interested in being designated as the official agency to provide official services in the geographic areas currently assigned to the specified agencies. The official agencies are Lincoln Inspection Service, Inc. (Lincoln), and Omaha Grain Inspection Service, Inc. (Omaha).

DATES: Applications must be postmarked on or before December 3, 1990.

ADDRESSES: Applications must be submitted to Neil E. Porter, Deputy Director, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. All applications received will be made available for public inspection at this address located at 1400 Independence Avenue SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Neil E. Porter, telephone 202–447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Lincoln, located at 505 Garfield Street, Lincoln, NE 68502, and Omaha, located at 2525 South 13th Street, Omaha, NE 68108, were designated under the Act on May 1, 1988, as official agencies to provide official inspection services.

The designations of these official agencies terminate on April 30, 1991. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Lincoln, in the States of Iowa and Nebraska, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North (in Nebraska) by the northern York, Seward, and Lancaster County lines; the northern Cass County line east to the Missouri River; the Missouri River south to U.S. Route 34; (in Iowa) U.S. Route 34 east to Interstate 29;

Bounded on the East by Interstate 29 south to the Fremont County line; the

northern Fremont and Page County lines; the eastern Page County line south to the Iowa-Missouri State line; the Iowa-Missouri State line west to the Missouri River; the Missouri River south-southeast to the Nebraska-Kansas State line;

Bounded on the South by the Nebraska-Kansas State line west to County Road 1 mile west of U.S. Route 81; and

Bounded on the West (in Nebraska) by County Road 1 mile west of U.S. Route 81 north to State Highway 8; State Highway 8 east to U.S. Route 81; U.S. Route 81 north to the Thayer County line; the northern Thayer County line east; the western Saline County line; the southern and western York County lines.

Exceptions to Lincoln's assigned geographic area are the following locations inside Lincoln's area which have been and will continue to be serviced by the following official agency:

Omaha Grain Inspection Service, Inc.: Fremont Company Coop, McPaul, Fremont County, Iowa; and Lincoln Grain, Murray, Cass County, Nebraska.

The geographic area presently assigned to Omaha, in the States of Iowa and Nebraska, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by Nebraska State Route 91 from the western Washington County line east to U.S. Route 30; U.S. Route 30 east to the Missouri River; the Missouri River north to Iowa State Route 175; Iowa State Route 175 east to Iowa State Route 37; Iowa State Route 37 southeast to the eastern Monona County line;

Bounded on the East by the eastern Monona County line; the southern Monona County line west to Iowa State Route 183; Iowa State Route 183 south to the Pottawattamie County line; the northern and eastern Pottawattamie County lines; the southern Pottawattamie County line west to M47; M47 south to Iowa State Route 48; Iowa State Route 48 south to the Montgomery County line;

Bounded on the South by the southern Montgomery County line; the southern Mills County line west to Interstate 29; Interstate 29 north to U.S. Route 34; U.S. Route 34 west to the Missouri River; the Missouri River north to the Sarpy County line (in Nebraska); the southern Sarpy County line; the southern Saunders County line west to U.S. Route 77; and

Bounded on the West by the U.S. Route 77 north to the Platte River; the Platte River southeast to the Douglas County line; the northern Douglas County line east; the western Washington County line northwest to Nebraska State Route 91.

The following locations, outside of the above contiguous geographic area, are part of this geographic area assignment: Murren Grain, Elliot, Montgomery County, Iowa; Hemphill Feed & Grain, and Hansen Feed & Grain, both in Griswold, Cass County, Iowa (located inside Central Iowa Grain Inspection Service, Inc.'s area); Farmers Coop Business Assn., Rising City, Butler County, Nebraska; Farmers Coop Business Assn., Shelby, Polk County, Nebraska (located inside Fremont Grain Inspection Department, Inc.'s area); and Fremont Company Coop, McPaul Fremont County, Iowa; Lincoln Grain, Murray, Cass County, Nebraska (located inside Lincoln Inspection Service, Inc.'s area).

Exceptions to Omaha's assigned geographic area are the following locations inside Omaha's area which have been and will continue to be serviced by the following official agency:

Fremont Grain Inspection Department, Inc.: Farmers Cooperative, and Krumel Grain and Storage, both in Wahoo, Saunders County, Nebraska.

Interested parties, including Lincoln and Omaha, are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning May 1, 1991, and ending April 30, 1994. Parties wishing to apply for designation should contact the Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: October 25, 1990.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 90–25736 Filed 10–31–90; 8:45 a.m.]

BILLING CODE 3410–EN–M

Request for Designation Applicants to Provide Official Services in the McGregor, IA, Area

AGENCY: Federal Grain Inspection Service (Service), USDA.

ACTION: Notice.

SUMMARY: This notice announces that the Service has determined that the designation of McGregor Grain Inspection and Weighing Corporation, Inc. (McGregor), will not be renewed, and is requesting applications for designation to provide official services under the U.S. Grain Standards Act, as Amended (Act) in the area serviced by McGregor.

DATES: Applications must be postmarked on or before December 3, 1990.

ADDRESSES: Applications must be submitted to Neil E. Porter, Deputy Director, Compliance Division, FGIS, USDA, room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454. All applications received will be made available for public inspection at this address located at 1400 Independence Avenue SW., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Neil E. Porter, telephone 202–447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that McGregor's designation terminates on November 30, 1990, and requested applications for official agency designation to provide official services within a specified geographic area in the June 1, 1990, Federal Register (55 Fr 22362). Applications were to be postmarked by July 2, 1990. McGregor was the only applicant for designation and applied for the entire area currently assigned to that agency.

The Service announced the applicant name in the August 1, 1990, Federal Register (55 FR 31204) and requested comments on the applicant for designation. Comments were to be postmarked by September 17, 1990. No comments were received.

Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially, and may be renewed according to the criteria and procedures prescribed in the Act. Accordingly, the Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and in accordance with the provisions of section 7(f), determined that McGregor's designation will not be renewed. In accordance with the Act

and regulations, McGregor's designation will terminate on November 30, 1990.

The Service is again requesting applications for designation to provide official services in the specified geographic area.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

The geographic area, in the State of Iowa, which may be assigned to the applicant selected for designation is as follows:

Bounded on the North by the Iowa-Minnesota State line from the western Howard County line east to the Mississippi River;

Bounded on the East by the Mississippi River south-southeast to the southern Clayton County line;

Bounded on the South by the southern Clayton, Fayette, and Bremer County lines; and

Bounded on the West by the western Bremer County line north to State Route 3; State Route 3 east to U.S. Route 218; U.S. Route 218 north to Chickasaw County; the western Chickasaw County line north to Howard County; the western Howard County line north to the Iowa-Minnesota State line.

The following location, outside of the above contiguous geographic area, is part of this geographic area assignment: Paris and Sons Grain Elevator, Masonville, Delaware County (located inside Eastern Iowa Grain Inspection and Weighing Service, Inc.'s area).

Exceptions to McGregor's assigned geographic area are the following locations inside McGregor's area which have been and will continue to be serviced by the following official agency: Central Iowa Grain Inspection Service, Inc.: Nashua Equity Co-op, Nashua, Chickasaw County; and Plainfield Co-op, Plainfield, Bremer County.

Interested parties are hereby given opportunity to apply for official agency designation to provide the official services in the geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. Accordingly, designation in the specified geographic area is for a period not to exceed 3 years. Parties wishing to apply for designation should contact the Compliance Division, at the address listed above for forms and information.

Applications and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area

Persons or firms located in this geographic area requiring official inspection service should contact the FGIS Cedar Rapids Field Office at 319–364–0047 to obtain such service beginning December 1, 1990, until such time as an applicant is designated to perform official services.

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: October 19, 1990.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 90–25737 Filed 10–31–90; 8:45 am]

BILLING CODE 3410-EN-M

Designation Renewal of the Mid-Iowa (IA) Agency, the State of Oregon (OR), and the South Illinois (IL) Agency

Correction

The purpose of this notice is to correct the September 4, 1990, **Federal Register** notice in which the geographic area which was assigned to Decatur Grain Inspection, Inc. (Decatur), was inadvertently omitted.

In FR Doc. 90–20594, beginning on page 35911 in the issue of Tuesday, September 4, 1990, make the following correction under "**SUMMARY.**" On page 35911, in the third column, in the first complete paragraph of this notice, insert the following as the second sentence:

"This notice also announces that the designation of Decatur Grain Inspection, Inc., is amended to add an additional geographic area."

On page 35912, in the first column, in the first complete paragraph, under "**SUPPLEMENTARY INFORMATION**", the sentence should read:

"Mid-Iowa and Oregon were the only applicants for designation in those areas and each applied for the entire area currently assigned to that agency. There were two applicants for the Southern Illinois designation. Southern Illinois applied for the designation renewal in the entire area currently assigned to that agency, except for Sigel Elevator Co., Inc., Sigel, Illinois. Decatur Grain Inspection, Inc., a neighboring official agency, in whose territory this grain elevator facility is located, applied for designation only for that facility."

On page 35912, in the first column, in the third complete paragraph, insert the following at the end of the first sentence:

"* * * and that Decatur is able to provide official services in the geographic area for which the Service is designating that agency."

On page 35912, in the first column, the fourth complete paragraph should read:

"Effective October 1, 1990, and terminating September 30, 1993, Mid-Iowa and Oregon will provide official inspection services in their specified geographic areas, previously described in the April 2 **Federal Register**. For that same time period, Southern Illinois will provide official inspection services in the specified geographic area previously described in the April 2 **Federal Register**, with the exception of Sigel Elevator Co., Inc., Sigel, Illinois. The Service is designating Decatur to provide official services to Sigel Elevator Co., Inc., Sigel, Illinois. Decatur will provide official inspection services to that point effective October 1, 1990, and terminating December 31, 1990, when that agency's current designation terminates. Decatur's designation is hereby amended by adding the above mentioned geographic area."

On page 35912, in the first column, in the fifth complete paragraph, insert the following as the second sentence:

"Decatur may be contacted at 217–429–2466."

(Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Dated: October 25, 1990.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 90–25738 Filed 10–31–90; 8:45 am]

BILLING CODE 3410-EN-M

Designation of the Southern Illinois Grain Inspection Service, Inc., in the Paris, Illinois, Geographic Area (IL)

AGENCY: Federal Grain Inspection Service (Service).

ACTION: Notice.

SUMMARY: This notice announces the designation of Southern Illinois Grain Inspection Service, Inc. (Southern Illinois), as an official agency responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act), in the Paris, Illinois, geographic area.

EFFECTIVE DATE: December 1, 1990.

ADDRESSES: Neil E. Porter, Deputy Director, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090–6454.

FOR FURTHER INFORMATION CONTACT: Neil E. Porter, telephone 202–447–8262.

SUPPLEMENTARY INFORMATION: This action has been reviewed and

determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512–1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that, due to the death of the sole proprietor, Robert R. Beals, the designation of Paris Illinois Grain Inspection (Paris) terminated on March 31, 1990, and requested applications for official agency designation to provide official services within the specified geographic area in the April 4, 1990, Federal Register (55 FR 12539).

Applications were to be postmarked by May 4, 1990; a total of six applications were received. Each of the six applicants applied for the entire geographic area. All applicants planned to establish at least one specified service point within the available geographic area to provide official service.

The six applicants were: 1. Champaign/Danville Grain Inspection Departments, Inc., Danville, Illinois (Champaign); 2. Thomas E. Chappell Jr. and Ellen L. Chappell, Decatur, Illinois, proposing to do business as Chappell Grain Inspection, Inc. (Chappell); 3. Ruth E. Eddings, and Ronald D. Eddings, Cerro Gordo, Illinois, proposing to do business as Eddings Grain Inspection Inc. (Eddings); 4. James W. Beals, Hughetta Beals, and Fenton Veach, Paris, Illinois, proposing to do business as Paris Grain Inspection, Inc. (Beals/Beals/Veach); 5. Southern Illinois Grain Inspection Service, Inc., O'Fallon, Illinois (Southern Illinois); and 6. Ruth E. Eddings and Thomas E. Chappell, Jr., Decatur, Illinois, proposing to do business as Terre Haute Grain Inspection, Inc (Terre Haute).

The Service announced the applicant names in the June 1, 1990, Federal Register (55 FR 22361) and requested comments on the applicants for designation. Comments were to be postmarked by July 16, 1990. A total of 27 comments were received, with some commenters commenting on more than one applicant.

Champaign received 20 comments: six were from grain firms in Champaign's area commenting on the good service they provide; 12 were from grain firms in the Paris area supporting Champaign (five from different commenters at two separate grain firms); and one was from a neighboring official agency manager supporting Champaign. In addition, Champaign's president/chief inspector sent FGIS a letter regarding what the agency had done in connection with informing grain firms of the services they agency would provide.

Chappell received one comment from a grain firm currently serviced by Decatur Grain Inspection, Inc. (Decatur), the official agency Mr. Chappell is currently employed by, supporting the proposed Chappell agency.

Eddings received one comment from a grain firm currently serviced by Decatur, the agency Ms. Eddings is currently employed by, supporting the proposed Eddings agency.

Beals/Beals/Veach received three comments, all from grain firms which had previously been serviced by the Paris agency and supporting that proposed agency.

Southern Illinois received one comment from a grain firm in Southern Illinois' area commenting on the good service that it provides.

Terre Haute received four comments from grain firms in Decatur's area with two comments supporting the proposed Terre Haute agency, and two comments supporting Ms. Eddings and Mr. Chappell.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and in accordance with section 7(f)(1)(B), determined that Southern Illinois is better able than any other applicant to provide official services in the geographic area for which the Service is designating it.

Effective December 1, 1990, and terminating upon the end of Southern Illinois' present designation, September 30, 1993, Southern Illinois will provide official inspection services in the specified geographic area previously described in the April 4 Federal Register. Southern Illinois' designation is hereby amended by adding the aforementioned geographic area.

Interested persons may obtain official services by contacting Southern Illinois at 618–632–1921.

Authority: Pub. L. 94–582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*).

Dated: October 23, 1990.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 90–25866 Filed 10–31–90; 8:45 am]

BILLING CODE 3410-EN-M

Forest Service

Alaska Region; Legal Notice of Appealable Decisions

AGENCY: USDA, Forest Service.

ACTION: Notice.

SUMMARY: This notice supersedes the Alaska Regional Forester's Legal Notice of Appealable Decisions published in the Federal Register on April 13, 1990 (55 FR 13923). In accordance with 36 CFR part 217, Deciding Officers in the Alaska Region will publish Notice of Decisions subject to Administrative Appeal in the Legal Notice Section of the newspapers listed in the Supplementary Information Section of this Notice. As provided in 36 CFR 217.5, such notice shall constitute legal evidence that the agency has given timely and constructive Notice of Decisions that are subject to Administrative Appeal. Newspaper publication of Notices of Decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

DATES: Use of these newspapers for purposes of publishing legal Notices of Decision subject to Appeal under 36 CFR part 217 shall be effective on October 31, 1990.

FOR FURTHER INFORMATION CONTACT: Thomas J. Sheehy, Regional Appeals Coordinator, Alaska Region, USDA, Forest Service, PP&B, P.O. Box 21628, Juneau, Alaska 99802, Area Code 907–586–8887.

SUPPLEMENTARY INFORMATION: On April 13, 1990, at 55 FR 13923, the Alaska Regional Forester gave notice of the newspapers which will be used to publish decisions made by Deciding Officers of the Alaska Region. In accordance with 36 CFR 217.5(d) which requires at least biannual notification in the Federal Register, this notice supersedes the previous notice of April 13, 1990. Deciding Officers in the Alaska Region will give legal Notice of Decisions subject to Appeal in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive Notice of Decisions that are subject to Administrative Appeal. As provided in 36 CFR 217.5(d), the timeframe for Appeal shall be based on the date of publication of a Notice of Decision in the primary newspaper.

Decisions by the Regional Forester

"Juneau Empire," published daily, except Saturday, Sunday, and official holidays, in Juneau, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decision of Region-wide impact.

"Anchorage Times," published daily in Anchorage, Alaska, for decisions

affecting National Forest System lands in the State of Alaska and for any decisions of Region-wide impact.

Decisions by all Deciding Officers of the Ketchikan Area of the Tongass National Forest, Alaska

"Ketchikan Daily News," published daily except Saturday, Sunday, and official holidays, in Ketchikan, Alaska.

"Island News," published weekly for distribution on Prince of Wales Island, Alaska.

Decisions by Deciding Officers at the following offices

Stikine Area of the Tongass National Forest, Alaska, Forest Supervisor; and Petersburg Ranger District.

"Petersburg Pilot," published weekly in Petersburg, Alaska.

Decisions by the Wrangell District Ranger

"Wrangell Sentinel," published weekly in Wrangell, Alaska.

Decisions by Deciding Officers at the following offices Chatham Area of the Tongass National Forest, Alaska, Forest Supervisor; Hoonah, Juneau, and Yakutat Ranger Districts; and Admiralty Island National Monument.

"Juneau Empire," published daily except Saturday, Sunday, and official holidays in Juneau, Alaska.

Decisions by the Sitka District Ranger

"Sitka Sentinel," published daily except Saturday, Sunday, and official holidays in Sitka, Alaska.

Decisions by all Deciding Officers of the Chugach National Forest

"Anchorage Times," published daily in Anchorage, Alaska.

"Seward Phoenix Log," "Valdez Vanguard," and "Cordova Times," published weekly in Seward, Valdez, and Cordova, Alaska respectively.

"Peninsula Clarion," published daily except Saturday, Sunday, and official holidays in Kenai, Alaska.

Dated: October 23, 1990.

Michael A. Barton,

Regional Forester.

[FR Doc. 90–25869 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Lost River Watershed, WV; Availability of a Supplemental Information Report

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of availability of supplemental information report.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that a Supplemental Information Report has been prepared for the Lost River Watershed, Hardy County, West Virginia.

FOR FURTHER INFORMATION CONTACT: Rollin N. Swank, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia, 26505, telephone 304–291–4151.

The project concerns a plan for flood control, recreation, and watershed protection. The planned works of improvement include four single-purpose floodwater retarding dams, one multiple-purpose floodwater retarding and recreation dam, and accelerated technical assistance for land treatment.

The Notice of Availability of a Supplemental Information Report has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the report are available to fill single copy requests at the above address.

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

Dated: October 25, 1990.

Rollin N. Swank,

State Conservationist.

[FR Doc. 90–25879 Filed 10–31–90; 8:45 am]

BILLING CODE 3410–16–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–090]

Certain Small Electric Motors of 5 to 150 Horsepower From Japan; Intent To Terminate Suspended Investigation

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

ACTION: Notice of intent to terminate suspended investigation.

SUMMARY: The Department of Commerce is notifying the public of its intent to terminate the suspended investigation on certain small electric motors of 5 to 150 horsepower from Japan. Interested parties who object to this termination must submit their comments in writing not later than November 30, 1990.

EFFECTIVE DATE: November 1, 1990.

FOR FURTHER INFORMATION CONTACT: Bruce Harsh or Linda Pasden, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377–3793.

SUPPLEMENTARY INFORMATION:

Background

On November 6, 1980, the Department of Commerce ("the Department") published an agreement suspending the antidumping duty investigation on certain small electric motors from Japan (53 FR 52358). The Department has not received a request to conduct an administrative review of the agreement suspending the antidumping duty investigation for the most recent four consecutive annual anniversary months.

The Department may terminate a suspended investigation if the Secretary of Commerce concludes that the suspension agreement is no longer of interest to interested parties. Accordingly, as required by § 353.25(d)(4) of the Department's regulations (19 CFR 353.25(d)(4)), we are notifying the public of our intent to terminate this suspended investigation.

Opportunity To Object

Not later than November 30, 1990, interested parties, as defined in § 353.2(k) of the Department's regulations (19 CFR 353.2(k)), may object to the Department's intent to terminate this suspended investigation.

Seven copies of any such objections should be submitted to the Assistant Secretary for Import Administration, International Trade Administration, Room B–099, U.S. Department of Commerce, Washington, DC 20230.

If interested parties do not request an administrative review by November 30, 1990, in accordance with the Department's notice of opportunity to request administrative review, or object to the Department's intent to terminate by November 30, 1990, we shall conclude that the suspended investigation is no longer of interest to interested parties and shall proceed with the termination.

This notice is in accordance with 19 CFR 353.25(d).

Dated: October 30, 1990.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance

[FR Doc. 90–26019 Filed 10–31–90; 8:45 am]

BILLING CODE 3510–DS–M

National Institute of Standards and Technology

Announcing a Meeting of Computer System Security and Privacy Advisory Board

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that the Computer Systems Security and Privacy Advisory Board will meet Tuesday, December 11, 1990, and Wednesday, December 12, 1990, from 8:30 a.m. to 4:30 p.m. This is the seventh meeting of the Advisory Board Established by the Computer Security Act of 1987 (Pub. L. 100–235) to advise the Secretary of Commerce and the Director of NIST on security and privacy issues pertaining to Federal computer systems.

DATES: The meeting will be held on December 11 and 12, 1990, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will take place at the Holiday Inn Crown Plaza National Airport, 300 Army/Navy Drive, Arlington, VA 22202. Please contact the individual in the "**FOR FURTHER INFORMATION CONTACT**" section to obtain specific building and conference room assignment. Inquiries regarding the Board meeting should not be directed to the conference facility.

Agenda

—Welcome
—Administrative business
—E-Mail Privacy Issues
—Data Categorization Issues
—Computer Security Personnel Issues
—Review of Board's Work Plan for 1991
—Pending Business and Subcommittee Reports
—Public Participation

PUBLIC PARTICIPATION: The Board Agenda will include a period of time, not to exceed thirty minutes, for oral comments and questions from the public. Each speaker will be limited to five minutes. Members of the public who are interested in speaking are asked to contact the Board Secretariat at the telephone number indicated below. In addition, written statements are invited and may be submitted to the Board at any time. Written statements should be directed to the Computer Systems Security and Privacy Advisory Board, National Computer Systems Laboratory, Building 225, room B154, National Institute of Standards and Technology, Gaithersburg, MD 20899. It would be appreciated if fifteen copies of written material could be submitted for distribution to the Board by November 29, 1990. Approximately fifteen seats will be available for the public, including three seats reserved for the media. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn McNulty, Associate Director for Computer Security, National Computer Systems Laboratory, National Institute of Standards and Technology, Building 225, room B154, Gaithersburg, MD 20899, telephone: (301) 975–3240.

Dated: October 26, 1990.

Raymond G. Kammer,

Acting Director.

[FR Doc. 90–25848 Filed 10–31–90; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Marine Fisheries Advisory Committee; Public Meeting

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

TIME AND DATE: Meeting will convene at 8:30 a.m., November 28, 1990, and adjourn at 4:30 p.m., November 29, 1990.

PLACE: The Tysons Corner Marriott Hotel, 8028 Leesburg Pike, Vienna, Virginia.

STATUS: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, environmental, state, consumer, academic, and other national interests.

MATTERS TO BE CONSIDERED: November 28, 1990, 8:30 a.m.–5:30 p.m., (1) data management, (2) habitat, (3) NOAA grants management, (4) enforcement, and (5) budget and strategic planning—NMFS needs assessment report, NMFS laboratory consolidation study, NOAA/NMFS strategic plan.

November 29, 1990, 8:30 a.m.–4:30 p.m., (1) fisheries legislation, (2) fisheries management issues—gillnets, by-catch, (3) Wallop-Breaux Trust Fund, (4) fisheries trade, and (5) NMFS budget.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, Policy and Coordination Office, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Telephone: (301) 427–2259.

Dated: October 26, 1990.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, NOAA.

[FR Doc. 90–25834 Filed 10–31–90; 8:45 am]

BILLING CODE 3510-01-M

DEPARTMENT OF DEFENSE

Defense Nuclear Facilities Safety Board

[Recommendation 90–5]

Implementation Plan for Recommendation 90–5 at the Department of Energy's (DOE) Rocky Flats Plant, CO

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Implementation plan; acceptance and request.

SUMMARY: The Defense Nuclear Facilities Safety Board has received DOE's implementation plan for recommendation 90–5 and has concluded that it satisfies the Board's criteria for judging the adequacy of DOE's implementation plan and that the plan is acceptable. In addition, the Board has requested that DOE develop an implementation plan for the Savannah River Site's Safety Evaluation Plan and provide it to the Board as soon as practicable.

FOR FURTHER INFORMATION CONTACT: Robert M. Andersen, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., suite 700, Washington, DC 20004, or telephone (202) 208–6387, (FTS) 268–6400.

Dated: October 29, 1990.

Robert M. Andersen,

General Counsel.

October 24, 1990.

The Honorable James D. Watkins,
Secretary of Energy, Washington, DC 20585.

Dear Mr. Secretary: By letter dated october 15, 1990, you forwarded the Department of Energy's (DOE) implementation plan for Recommendation 90–5 which calls for development of a Systematic Evaluation Plan at the Rocky Flats Plant. The Board has carefully considered DOE's proposed implementation plan for Recommendation 90–5. We have concluded that it satisfies the Board's criteria for judging the adequacy of DOE's implementation plan and that the plan is acceptable.

We understand that, because your completion date extends beyond one year, you will communicate this schedule to the appropriate congressional committees.

We are pleased that you have directed that an SEP also be initiated for the reactors at the Savannah River Site. The Board requests that you develop an implementation plan for the Savannah River Site SEP and transmit it to the Board as soon as practicable.

Sincerely,

John T. Conway,

Chairman.

[FR Doc. 90–25824 Filed 10–31–90; 8:45 am]

BILLING CODE 6820–KD–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket NOs. ER85–461–012, et al.]

Kansas Gas & Electric, et al., Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Kansas Gas & Electric

[Docket No. ER85–461–012]

October 24, 1990.

Take notice that on October 18, 1990, Kansas Gas and Electric Company (KG&E) tendered for filing in its compliance changes in its FERC Electric Service Tariff Nos. 87, 89, 128, 134, 135, 144, 149, 152, 153, 154, 155, 156, 157, 161, 162, 166, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179 and 181. The compliance rates and requisite contract amendments fulfill the requirements of the Order, issued by the Commission on September 20, 1989 in Docket No. ER85–461–011.

KG&E states that copies of the filing were served upon the affected customers and other parties to these dockets.

Comment date: Novmeber 8, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. American Ref-Fuel Company of Bergen County

[Docket NO. QF86–917–001

October 25, 1990.

On October 15, 1990, American Ref-Fuel Company of Bergen County (Applicant), of P.O. Box 3151, Houston, Texas 77253, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located in Ridgefield, New Jersey. The facility will consist of four solid waste-fired boilers and one condensing turbine generating unit. The primary energy source will be biomass in the form of commercial and municipal solid waste.

The certification of the original application was issued on October 29, 1986, 37 FERC ¶ 62,077 (1986). The instant recertification is requested due to changes in the design and configuration, and an increase in the maximum net electric power production capacity of the facility. In addition, Applicant requests a clarification that occasional increases in the net electric power production capacity over 80 MW limit is consistent with section 3(17)(A) of the FPA, as amended by section 201 of PURPA, as long as the maximum net capacity is maintained at 80 MW over any rolling one-hour time period. The number of steam turbine generators has decreased from two to one. Applicant states that in all other respects the facility remains the same as set forth in the original application.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–25807 Filed 10–31–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP91–196–000, et al.]

El Paso Natural Gas Co., et al.; Natural Gas Certificate Filings

October 25, 1990.

Take notice that the following filings have been made with the Commission:

1. El Paso Natural Gas Co.

[Docket No. CP91–196–000]

Take notice that on October 19, 1990, El Paso Natural Gas Company (El Paso) P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP91–196–000, a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (NGA) (18 CFR 157.205) to certificate certain existing meter stations, which were initially installed under section 311(a) of the Commission's Regulations under the Natural Gas Policy Act of 1978 (NGPA), and their continued operation as delivery points, under the authorization issued in Docket No. CP82–435–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

El Paso states that it has constructed a number of delivery points under section 311(a) of the NGPA exclusively for use in the transportation of natural gas under subpart B of part 284 of the Commission's Regulations. El Paso states that the regulatory restriction placed on facilities installed under section 311(a) prohibits El Paso and the shipper(s) from utilizing these delivery points under any transportation arrangement other than a Subpart B transportation arrangement. Since it now renders significant transportation service under its subpart G blanket certificate in Docket No. CP88–433–000 and specific certificates issued under section 7(c) of the NGA, El Paso states that it is imperative that maximum flexibility be attained as to the use of its facilities for the benefit of all customers of El Paso's system. El Paso states that such regulatory restriction limits its flexibility to render service.

El Paso states that, given the Commission's recent Interim Rule and Notice of Proposed Rulemaking (NOPR) issued August 2, 1990, in Docket Nos. RM90–7–000 and RM90–13–000, respectively, wherein the Commission has revised (and may further revise) its definition of the "on behalf of" test, the authority to utilize these meter stations in the future has become uncertain. Moreover, El Paso states that some shippers on its system may no longer qualify under the revised definition. El Paso believes that if these shippers desire to continue to ship gas, they must either convert their arrangements to service under subpart G or request new transportation service agreements on El Paso's system. Therefore, in view of the regulatory restriction associated with delivery point meter stations

[1] These prior notice requests are not consolidated.

constructed under section 311(a), the flexibility limitations imposed on shippers' arrangements utilizing section 311(a) meter stations and the Commission's recent interim rule and NOPR, El Paso states that it is of the opinion that certification of each delivery point meter station originally installed and operated pursuant to section 311(a), under § 157.212 of the Commission's Regulations is now necessary and in the public interest. El Paso states that grant of the requested authorization will allow it to utilize these facilities for any jurisdictional service under the Commission's Regulations.

Comment date: December 10, 1990, in accordance with Standard Paragraph G at the end of this notice.

2. Trunkline Gas Comapny

[Docket Nos. CP91–207–000 and CP91–208–000]

Take notice that on October 19, 1990, Trunkline Gas Company (Applicant), Post Office Box 1642, Houston, Texas 77251–1642, filed in the respective dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86–586–000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by the Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: December 10, 1990, in accordance with Standard Paragraph G at the end of this notice.

Docket No. (date filed)	Shipper name	Peak day,[1] average, annual	Points of		Start up date, rate schedule	Related [2] dockets
			Receipt	Delivery		
CP91–207–000 (10–19–90)	Access Energy Corporation.	100,000 100,000	Off TX, Off LA	Off TX	8–15–90, PT	ST91–140–000.
CP91–208–000 (10–19–90)	Enron Gas Marketing, Inc.	50,000 50,000 18,250,000	IL, IN, On LA, Off LA, On TX, Off TX.	IL	8–21–90, PT	ST91–137–000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

3. Transcontinental Gas Pipe Line Corporation

[Docket Nos. CP91–108–000, CP91–109–000, CP91–110–000, CP91–111–000, CP91–116–000, CP91–117–000, CP91–122–000, CP91–123–000, CP91–128–000, CP91–129–000, CP91–130–000, CP91–134–000, CP91–135–000, CP91–136–000]

Take notice that on October 10, 11 and 12, 1990, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77251, filed 14 requests in the above-referenced dockets pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon, partially, certain sales services to 14 customers, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the customer, the volume of the existing firm sales entitlement, the conversion date, and the volume of the proposed sales reduction has been provided by the applicant and is summarized in the attached appendix.

Comment date: November 15, 1990, in accordance with Standard Paragraph E at the end of this notice.

[2] These requests are not consolidated.

Docket No. (date filed)	Sales customer	Rate schedule	Firm sales entitlement (Mcf)	Conversion date	Proposed firm sales reduction (Mcf)	Revised firm sales entitlement (Mcf)
CP91–108–000 (10/10/90)	Brooklyn Union Gas Company	CD–3	121,696	11/1/89	30,000	91,696
CP91–109–000 (10/10/90)	Consolidated Edison of New York, Inc.	CD–3	227,166	11/1/89	65,000	162,166
CP91–110–000 (10/10/90)	Eastern Shore Natural Gas Company	CD–3	16,030	11/1/89	5,000	11,030
CP91–111–000 (10/10/90)	Delmarva Power & Light Company	CD–3	38,360	11/1/89	5,780	32,580
CP91–116–000 (10/11/90)	Elizabethtown Gas Company	CD–3	39,702	11/1/89	15,000	24,702
CP91–117–000 (10/11/90)	Atlanta Gas Light Company	CD–1	91,460	11/1/89	16,140	75,320
CP91–122–000 (10/11/90)	National Fuel Gas Supply Corporation	CD–3	25,442	11/1/89	25,442	0
CP91–123–000 (10/11/90)	Public Service Electric & Gas Company	CD–3	227,952	11/1/89	70,000	157,952
CP91–128–000 (10/12/90	South Carolina Pipeline Company	CD–2	20,510	11/1/89	6,000	14,510
CP91–129–000 (10/12/90)	Piedmont Natural Gas Company	CD–2	143,640	11/1/89	40,000	103,640
CP91–130–000 (10/12/90)	Public Service Company of North Carolina, Inc..	CD–2	111,020	11/1/89	30,000	81,020
CP91–134–000 (10/12/90)	Washington Gas Light Company	CD–2	38,500	11/1/89	11,000	27,500
CP91–135–000 (10/12/90)	Fort Hill Natural Gas Authority	CD–2	10,115	11/1/89	1,785	8,330
CP91–136–000 (10/12/90)	Commissioners of Public Works of the City of Greenwood, South Carolina.	CD–3	6,020	11/1/89	1,500	4,520

4. Algonquin Gas Transmission Company

[Docket No. CP91–12–000]

Take notice that on October 1, 1990, Algonquin Gas Transmission Company (Algonquin), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP91–12–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to abandon by reclaim the Uncasville Meter Station (Uncasville Station), serving Yankee Gas Services Company (Yankee Gas) under the authorization issued in Docket No. CP87–317–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.[3]

Algonquin included in its application a letter dated September 12, 1990, wherein Yankee Gas states that (1) it no longer requires the Uncasville Station to be maintained as an alternative delivery point, (2) it supports Algonquin's abandonment of the station, and (3) it would dismantle the station in accordance with all applicable laws and regulations in the event abandonment authorization is granted by the Commission.

Algonquin explains that on April 19, 1989, the Commission issued an order granting a certificate in Docket No. CP88–438–000, *et al.*, (47 FERC ¶ 61,075 (1989)) to construct and operate the Montville Station, at Montville, Connecticut, as a replacement for the Uncasville Station. It is stated that the Uncasville Station, located approximately 500 feet from the Montville Station, was intended to serve as an alternative delivery point pending satisfactory operation of the Montville Station. It is further stated that the Montville Station has operated satisfactorily and that the parties now desire to remove the Uncasville Station.

Algonquin states that, because the Uncasville Station was operated as an alternative delivery point after the Montville Station was completed, the proposed abandonment would not impair Algonquin's ability to meet its existing contract commitments with its customers.

Algonquin states that Yankee Gas' predecessor, Connecticut Light and Power Company, paid for and owned the Uncasville Station.

Comment date: December 10, 1990, in accordance with Standard Paragraph G at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 90–25808 Filed 10–31–90; 8:45 am]

BILLING CODE 6717–01–M

[3] The original application was filed as a case specific application for abandonment authorization under section 7(b) of the Natural Gas Act. By supplement filed October 23, 1990, Algonquin requested that the application be treated as a request for abandonment authorization pursuant to the prior notice procedure and provided additional material to conform the filing to the requirements of § 157.205 of the regulations.

[Docket No. TQ91–1–20–000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

October 25, 1990.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on October 24, 1990, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1, as set forth in the revised tariff sheets:

Proposed to be effective November 1, 1990

46 Rev Sheet No. 201
8 Rev Sheet No. 201A
47 Rev Sheet No. 203
43 Rev Sheet No. 204
40 Rev Sheet No. 205

Algonquin states that it is making the instant Out-of-Cycle Purchased Gas Adjustment filing to revise its estimated cost of purchases to reflect projected increases in costs to be paid to its pipeline suppliers, Texas Eastern Transmission Corporation, National Fuel Gas Supply Corporation and CNG Transmission Corporation.

Algonquin states that the effect of the change in rates is to decrease the demand charges by 9.90¢ per MMBtu and to increase the commodity charges by 14.35¢ per MMBtu under all of Algonquin's firm sales rate schedules from those rates contained in Algonquin's Interim PGA filing of August 31, 1990 in Docket No. TF90–3–20–000. In addition, the rate under Rate Schedule I–1 has increased by 14.35¢ per MMBtu, while Rate Schedule WS–1 excess commodity has increased by 12.37¢ per MMBtu and Rate Schedule E–1 has increased by 14.03¢ per MMBtu. The revised rate sheets filed herein are proposed to be effective on November 1, 1990.

Algonquin notes that copies of this filing were served upon each affected party and interested state commission.

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., Wasington, 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 November 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90-25809 Filed 10-31-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-11-000]

Arka Energy Resources, a Division of Arkla, Inc.; Proposed Changes in FERC Gas Tariff

October 25, 1990.

Take notice that on October 23, 1990, Arkla Energy Resources ("AER"), a division of Arkla, Inc., tendered for filing proposed changes in its FERC Gas Tariff, Volume No. _____. The proposed changes consist of an increase to AER's commodity rates applicable to all jurisdictional throughput on AER's system, over the six-year period from November 1, 1990 through October 31, 1996. AER states that the purpose of its filing is to provide for the recovery of approximately $55 million in take-or-pay buyout and buydown expenses, incurred in order to resolve disputed claims arising out of AER's alleged failure to take gas or to pay for gas not taken.

AER's principal proposal would give AER the opportunity to recover through commodity rates 100% of the costs described above, plus interest. In the alternative, AER proposes to absorb at least 25% of such costs and to be granted the opportunity to recover through commodity rates the remaining 75% of such costs, plus interest.

AER's filing includes certain commercially sensitive data for which AER has requested confidential treatment. Accordingly, AER's filing includes a proposed protective order which, if approved by the Commission, would govern parties' access to the confidential materials. AER states that copies of AER's filing, without this confidential data, have been served upon the company's jurisdictional customers and affected state regulatory commission.

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 November 2, 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 those portions for which AER has not sought confidential treatment are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 90-25810 Filed 10-31-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. CP90-2214-000 and CP91-121-000 (Not Consolidated).]

El Paso Natural Gas Co.; Technical Conference

October 24, 1990.

Take notice that on November 8, 1990, the Commission Staff will hold a technical conference to discuss issues raised by the parties and Staff as a result of El Paso Natural Gas Company's (El Paso) proposals in the above referenced dockets. All parties should be prepared to discuss those technical issues which pertain directly to the proposal and El Paso should be prepared to answer the questions of the parties and Staff. Please bring adequate copies of any further written materials that are to be provided in support of points raised in previous pleadings.

Docket No. CP90-2214-000 was filed on September 17, 1990, and a Notice of Application in that docket was issued by the Commission on September 25, 1990, and published in the **Federal Register** on October 3, 1990, (55 FR 40429).

Docket No. CP91-121-000 was filed on October 11, 1990, and a Notice of Application in that docket was issued by the Commission on October 18, 1990, and will be published in the **Federal Register** on October 26, 1990.

The primary technical issues which will be discussed at the technical conference are:

(1) Criteria for optional certificate treatment,

(2) Proposed incremental rate structure and rate design,

(3) Cost allocation between new and existing facilities,

(4) Cost allocation among directions of natural gas flows,

(5) Capacity allocation, scheduling, and curtailments,

(6) Capacity availability, as shown on flow diagrams,

(7) Impacts on service to full requirements customers, and

(8) Pro forma tariff structure and language.

Environmental issues will not be discussed at this conference.

The technical conference will be held at the Commission's offices in Washington, DC on November 8, 1990, and held over to November 9, 1990, if necessary. The conference will begin at 10 a.m. in one of the Commission's hearing rooms at 810 First Street NE., Washington, DC. Specific room designation will be posted on the day of the conference.

The Commission Staff will provide an agenda for the technical conference. The agenda will include an initial presentation of about 30 minutes by El Paso to summarize their proposal. The Commission Staff will announce any further procedures, as necessary, at the conference.

For further procedural information please contact Richard Foley of the Commission Staff at (202) 208-2245. Please confirm your attendance, the number of persons in your group that will attend, and any special needs by letter to Mr. Richard Foley, FERC/Office of Pipeline and Producer Regulation, PR-21-1, room 7300, 825 North Capitol Street, NE., Washington, DC 20426, by November 6, 1990.

Lois D. Cashell,

Secretary.

[FR Doc. 90-25811 Filed 10-31-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-10-000]

North Penn Gas Co.; Compliance Filing

October 25, 1990.

Take notice that North Penn Gas Company (North Penn) on October 22, 1990 tendered for filing supplemental workpapers and revised Annual PGA schedules in compliance with the Federal Energy Regulatory Commission's (Commission) data request letter dated August 29, 1990, in the above referenced docket.

North Penn has included as a part of this compliance filing, tariff sheets that contain language that includes standby charges, as was stated in North Penn's compliance filing in Docket TQ90-3-27-000.

While North Penn believes that no other waivers are necessary for this filing, as proposed, North Penn respectfully requests waiver of any of

the Commission's Rules and Regulations as may be required for this filing.

North Penn states that copies of this letter of transmittal and all enclosures are being mailed to each of North Penn's jurisdictional customers and State Commissions shown on the attached service list.

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 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All such motions or protests should be filed on or before November 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–25812 Filed 10–31–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP88–259–038, RP89–136–021 and CP89–1227–007]

Northern Natural Gas Co., Division of Enron Corp.; Proposed Changes in FERC Gas Tariff

October 25, 1990.

Take notice that on October 23, 1990, Northern Natural Gas Company, Division of Enron Corp., (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

First Revised Sheet No. 52C.1
Third Revised Sheet No. 52C.2a
Third Revised Sheet No. 52C.3
First Revised Sheet No. 52C.4
Fourth Revised Sheet No. 52C.5
Second Revised Sheet No. 52C.6
First Revised Sheet No. 52C.7
Third Revised Sheet No. 52C.9
Second Revised Sheet No. 52C.9a
Third Revised Sheet No. 52C.10
First Revised Sheet No. 52F.1
Sixth Revised Sheet No. 52F.3
First Revised Sheet No. 52F.3a
Fourth Revised Sheet No. 52F.4
Second Revised Sheet No. 52F.5
Second Revised Sheet No. 52F.6
Third Revised Sheet No. 52F.7
Second Revised Sheet No. 52F.8
First Revised Sheet No. 52F.9
First Revised Sheet No. 52F.10
First Revised Sheet No. 52F.11
Second Revised Sheet No. 52F.14
Second Revised Sheet No. 52F.15
Fifth Revised Sheet No. 52F.21
First Revised Sheet No. 850.4
Second Revised Sheet No. 85P.4

Northern states that such tariff sheets are being submitted in compliance with the Commission's Order Approving Settlement Subject To Modifications dated September 19, 1990, in this proceeding. An effective date of December 1, 1990 has been requested for this filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before November 2, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–25813 Filed 10–31–90; 8:45 am]

BILLING CODE 6717–01–M

Western Area Power Administration

Conversion of Exchange Power to Sales Power From the Navajo Generating Station

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of conversion of power available for exchange to power available for sale from the Navajo Generating Station, Central Arizona Project, and request for applications.

SUMMARY: On May 13, 1988 (53 FR 17102), The Western Area Power Administration (Western) requested applications for power from the Navajo Generating Station (Navajo) (Original Power Allocation). By **Federal Register** notice dated July 28, 1989 (53 FR 31368), Western allocated 250 megawatts (MW) of power available for sale and 150 MW of the power available for exchange (Navajo Surplus) from Navajo to Arizona applicants. Subsequently, some of these entities have indicated that they do not wish to contract for all or part of the power allocated by Western.

In accordance with the long-term Navajo Power Marketing Plan (Plan) (52 FR 48328, December 21, 1987), any Navajo Surplus not placed under contract may be reoffered for sale by Western in accordance with the order of priority specified in section VI(A) of the Plan. In addition, section VI(C) provides that Western, in consultation with the Central Arizona Water Conservation District (CAWCD) and the Bureau of Reclamation (Reclamation), may determine that any capacity and energy not subscribed to by Arizona entities for exchange may be offered for long-term sale in the order of priority stated in section VI(A) of the Plan, or may be offered to non-Arizona entities for exchange.

Western, after consultation with CAWCD and Reclamation, has determined that it will convert that portion of the Original Power Allocation available for exchange, but not contracted for by Arizona entities, to Navajo Surplus available for sale. It is anticipated that up to 150 MW of the power available for exchange from the Original Power Allocation may be available for sale.

Western will immediately begin accepting applications for any Navajo Surplus converted from power available for exchange to power available for sale. The Navajo Surplus will be offered for sale in the order of priority spacified in section VI(A) of the Plan and in accordance with the other conditions specified in the Request for Applications and Allocation Criteria section of this notice. Because of the type of power being offered and the specific contract terms being required, it in recommended that all interested parties review the Request for Applications and Allocation Criteria section of this notice and contact Western (name and telephone number of contact person is listed below) for further information, a copy of the proposed contract, or a copy of the Navajo Power Marketing Plan before applying. All Original Power Allocation priority 1 and 2 applicants (refer to the July 28, 1989, **Federal Register** notice) who responded affirmatively to Western's letter of interest in a reoffer of the Navajo Surplus, mailed on August 24, 1990 (Reoffer Letter), do not need to reapply under this notice. All other entities (including all Original Power Allocation applicants) must apply pursuant to this notice.

DATES: Applications will be accepted until December 3, 1990. Applications postmarked after that date will not be accepted.

ADDRESSES: Applications should be submitted to: Mr. Thomas A Hine, Area Manager, Phoenix Area Office, Western Area Power Administration, P.O. Box 6457, Phoenix, AZ 85005.

FOR FURTHER INFORMATION CONTACT: Mr. Earl W. Hodge, Assistant Area Manager for Power Marketing, Boulder City Office, Western Area Power Administration, P.O. Box 200, Boulder City, NV 89005, (702) 294–3255.

SUPPLEMENTARY INFORMATION:

Contents:

A. Background.
B. Request for Applications and Allocation Criteria.
C. Applicant Profile Data.
D. Regulatory Procedural Requirements.

A. Background

Section 107 of the Hoover Power Plant Act of 1984 (98 Stat. 1333, 1339) required the Secretary of the Interior to adopt the plan deemed most acceptable for the purpose of optimizing the availability of Navajo Surplus and providing financial assistance in the timely construction and repayment of construction costs of authorized features of the Central Arizona Project (CAP). The Commissioner of Reclamation adopted the Plan on December 1, 1987, and the Plan was published in the **Federal Register** on December 21, 1987 (52 FR 48328). The Plan provides that the Secretary of Energy will market and exchange the Navajo Surplus in a manner consistent with the Plan. The Plan provides that 400 MW of capacity, less the capacity used for exchange purposes, would be available for sale on a long-term basis. A maximum of 150 MW of the 400 MW may be used for exchanges on a long-term basis. There will be 760 kilowatthours (kWh) of energy per year for each kilowatt of capacity. Any capacity or energy not sold or exchanges in accordance with the Plan may be sold under appropriate long-term or short-term arrangements or may be integrated with the Federal system.

Consistent with the Plan, Western published requests for applications in the **Federal Register** on May 13, 1988 (53 FR 17102). The Original Power Allocation of Navajo Surplus was published in the **Federal Register** on July 28, 1989 (54 FR 31368), which stated that 250 MW of capacity and associated energy available for sale and 150 MW of capacity and associated energy available for exchange was allocated to Arizona applicants. That **Federal Register** notice further provided that any capacity and associated energy withdrawn or returned to Western may be reallocated without further public process and reoffered by Western in accordance with the order of priority specified in section VI of the Plan. The notice also provided that Western, in consultation with CAWCD and Reclamation, may determine that any capacity and energy not contracted for by Arizona entities for exchange may be offered for long-term sale in the order of priority stated in section VI of the Plan or may be offered to non-Arizona entities for exchange.

Following the allocation, Western, CAWCD, and Reclamation began negotiations with the allottees for contracts that would provide financial assistance in the timely construction and repayment of construction costs of authorized features of the CAP, as provided for in the Hoover Power Plant Act of 1984 (98 Stat. 1333) and the Plan. Subsequently, several Arizona allottees have withdrawn their request for an allocation in whole or in part. Western has contracted for 200 MW of the 250 MW of the Original Power Allocation available for sale. Western, CAWCD, and Reclamation are continuing to negotiate with the remaining allottees for portions of the Navajo Surplus allocated for long-term sale or exchange under the Original Power Allocation. Western has also contacted the priority 1 and 2 Original Power Allocation applicants to determine their interest in the reallocation of such Navajo Surplus. The applicants showing interest will be considered for reallocation of the Navajo Surplus.

In addition, in consultation with CAWCD and Reclamation, Western has determined that it will be necessary to convert the Navajo Surplus not contracted for exchange with the Arizona applicants to Navajo Surplus available for sale. This remaining Navajo Surplus power converted from exchange to sale will be offered to applicants in the order of priority specified in section VI(A) of the Plan. It is anticipated that up to 150 MW may be available for reallocation.

B. Request for Applications and Allocation Criteria

Western is requesting applications for sale of long-term Navajo Surplus for the contract period to commence on October 1, 1992, through September 30, 2011. Up to 150 MW of capacity may be offered for sale. There will be 760 kWh of energy per year available for each kilowatt of capacity, which is less than a 9-percent load factor. Contractors with long-term contracts terminating in 2011 shall be given the first opportunity for new long-term contracts for approximately the same amount of power contained in the terminated contracts with available capacity and energy distributed pro rata among the contractors.

Criteria for the sale of Navajo Surplus are provided in the Plan, a copy of which can be requested from Western's Boulder City Office. The Navajo Surplus will be offered for sale in the following order of priority:

1. Preference entities within Arizona.
2. Preference entities within the Boulder City marketing area.
3. Preference entities in adjacent Federal marketing areas.
4. Nonpreference entities in the Boulder City marketing area.

In the event that a potential contractor fails to execute a contract within the period specified by Western and in accordance with the terms and conditions offered by Western, the allocation to that entity will be withdrawn. Any capacity and associated energy withdrawn may be reallocated without further public process in accordance with the order of priority specified above. In addition, any capacity or energy not allocated and sold under this notice may be sold under appropriate long-term or short-term arrangements or may be integrated with the Federal system and sold by Western under arrangements developed in cooperation with CAWCD and Reclamation, as provided for in section V(C) of the Plan.

New allottees will be offered sale contracts with substantially the same terms and conditions as those offered to allottees under the Original Power Allocation. The allottees must be able to enter into the contract as offered. The contract will be a four-party contract among Western, Reclamation, CAWCD, and the allottee. The power sales contracts will be used to secure the payment of bonds issued by CAWCD. Each contract must be adequate in the judgment of CAWCD to secure the payment of bonds at interest rates and in principal amounts satisfactory to CAWCD. The contractor will be obligated to pay for the contracted capacity amount, at $6 per kilowatt per month ($72 per kilowatt per year), for the full term of the contract. This obligation will be absolute and unconditional and will not be subject to reduction or termination for any reason except as specifically set forth in the contract. The contractor will also pay monthly for the energy scheduled and delivered, at a mills-per-kWh rate based on Western's and Reclamation's costs of supplying the Navajo Surplus power. Contract entitlements will be measured or calculated at the 500-kilovolt (kV) bus of the Navajo Generating Station. Capacity and energy, less losses, will be scheduled and delivered at a voltage of 500 kV to contractors at points on the Navajo transmission systems as agreed by the parties. Any necessary transmission service beyond the agreed-

upon points of delivery will be the responsibility of the contractor. A copy of the proposed contract and a copy of the Navajo Power Marketing Plan may be obtained from Western prior to applying for the power.

If the requests for the power under this notice exceed the power available, Western will allocate the power based on the applicant's 3-year load data, in the same manner that was used in the Original Power Allocation, published in the **Federal Register** on July 28, 1989 (54 FR 31368). The power will be allocated in the order of priority stated above. Western will not allocate in units of less than 1 MW. This minimum allocation may be increased by Western, if Western, in consultation with CAWCD and Reclamation, determines that a delivery of 1 MW to an applicant may create operational problems. An applicant may not be allocated an amount of power greater than its load. To be considered within a priority category, an entity's central headquarters and service areas must be exclusively in the area specified.

To be considered for a reoffer of the Navajo Surplus under this notice, all Original Power Allocation applicants that did not affirmatively respond to Western's Reoffer Letter and all other entities must request an allocation pursuant to this notice. Applicants must supply the following applicant profile data (APD), as approved by the Office of Management and Budget (OMB No. 1910–1200).

C. Applicant Profile Data

An entity requesting an allocation of Navajo Surplus needs to provide the following information. If an entity provided the APD information with an Original Power Allocation application, it is only necessary to submit an application with the information requested in item 5, Service Requested, and update any other information that may be out of date. If an item in the APD does not apply, please state the reason why it does not apply. If an applicant is applying for power on behalf of another organization that is not a member or subsidiary of the applicant, the applicant should provide a statement to that effect, which includes the reason(s) why the other organization is not applying for power on its own behalf. All items of information in the APD should be answered as if prepared by the organization seeking the allocation of Federal power.

1. Applicant Organization

a. Organization name and address.

b. Name, address, title, and telephone number of person(s) who will represent the entity in dealing with Western.

c. Type of organization (municipality, rural electric cooperative, irrigation district, State agency, Federal agency, and other). Parent organization, if applicable. Names of members, if applicable. Applicable law under which organization was established.

d. Organization's geographic service area. If readily available, submit a map of the service area and indicate the date the map was prepared.

e. Number and types of customers served and percentage of load: residential, commercial, industrial, agricultural, military base, etc.

2. Loads

a. Maximum demand (kW) and energy use (kWh) for each month for each year of 1985, 1986, and 1987.

b. Daily peak demands for the peak week in the years, 1985, 1986, and 1987.

3. Resources

a. Operating generating resources, if any, including for each resource, rated capacity, plant factor by month for 1987, type of fuel, and location.

b. If the applicant's loads are served wholly or partially by purchases from others, please provide for each purchase, the name of the power supplier, amounts of firm and nonfirm capacity and energy supplied under the contract, and the termination date.

4. Transmission

a. A brief description of the applicant's transmission and distribution system, including major interconnections.

b. Requested point(s) of delivery on the Navajo transmission system, voltage of service required, and capacity desired at each of the points of delivery.

c. Description of the transmission arrangements necessary to deliver power from the requested point(s) of delivery to the applicant's load. (If transmission service by another entity will be necessary, please describe the arrangements necessary to obtain the service.) Please provide a single-line drawing of the applicant's service arrangements, if one is readily available.

5. Service Requested

a. The amount of capacity requested, up to 150 MW. (The request must be for capacity, not energy.)

6. Other

a. Any other information the applicant wishes to include.

b. The signature and title of an appropriate official who is able to attest to the validity of the information submitted and who is authorized to submit the application.

D. Regulatory Procedural Requirements

Executive Order 12291

Under the provisions of section 3 of Executive Order 12291, dated February 17, 1981, a regulatory impact analysis must be made prior to the publication of a major rule. The proposal is of a technical nature and considered to be a nonmajor rule within the meaning of the Executive order. Western has an exemption from sections 3, 4, and 7 of Executive Order 12291; accordingly, no clearance of this procedure by the Office of Management and Budget is required.

National Environmental Policy Act

In compliance with the National Environmental Policy Act of 1969 (NEPA), the Council on Environmental Quality Regulations, and the Department of Energy guidelines for compliance with NEPA, republished and amended in the **Federal Register** on December 15, 1987 (52 FR 47662), Western prepared an environmental assessment of the potential impacts of the marketing of long-term Navajo Surplus. The Department of Energy determined that Western's proposed actions would not lead to any significant environmental impacts and issued a finding of no significant impact on March 18, 1988. As the proposed action falls within the provisions of the Plan, and the total amount of power to be marketed under the Plan has not changed, no further NEPA documentation is required.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*), each agency, when required to publish a general notice of proposed rule, shall prepare for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. In this instance, this proposal relates to particular electric services and rates provided by Western. Under 5 U.S.C. 601(2), such rules and practices relating to services are not considered rules within the meaning of this Act. Accordingly, no regulatory flexibility analysis is required.

Issued at Golden, Colorado, October 23, 1990.

William H. Claggett,

Administrator.

[FR Doc. 90–25871 Filed 10–31–90; 8:45 am]

BILLING CODE 6450–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; City of Long Beach/Pacific Maritime Services, Inc.

The Federal Maritime Commissioin hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–004016–003.

Title: City of Long Beach/Pacific Maritime Services, Inc. Terminal Agreement.

Parties: City of Long Beach, Pacific Maritime Services, Inc.

Synopsis: The Agreement amends the basic preferential assignment agreement to provide a new compensation formula to apply through April 30, 1995.

Dated: October 29, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90–25855 Filed 10–31–90; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages; Issuance of Certificate (Casualty)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (46 U.S.C. 817(d)) and the Federal Maritime Commission's implementing regulations at 46 CFR part 540, as amended:

Cunard Line Limited and Cunard Cruise Ships Limited, 555 Fifth Ave., New York, NY 10017.

Vessel: Cunard Princess.

Dated: October 29, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90–25856 Filed 10–31–90; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Banc One Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than November 22, 1990.

A. **Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Banc One Corporation, Columbus, Ohio, and Banc One Wisconsin Corporation, Milwaukee, Wisconsin; to acquire 100 percent of the voting shares of Marine Bank Chicago, Chicago, Illinois.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. CBT Corporation, Big Timber, Montana; to become a bank holding company by acquiring at least 90 percent of the voting shares of Citizens Bank & Trust Company, Big Timber, Montana.

Board of Governors of the Federal Reserve System, October 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–25850 Filed 10–31–90; 8:45 am]

BILLING CODE 6210–01–M

Greenwood National Corp.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Greenwood National Corporation,* Greenwood, South Carolina; to engage *de novo* in providing management consulting services to client banks, pursuant to § 225.25(b)(11) of the Board's Regulation Y.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of

Governors not later than November 20, 1990.

Board of Governors of the Federal Reserve System, October 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–25852 Filed 10–31–90; 8:45 am]

BILLING CODE 6210–01–M

NCNB Corp., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

A. **Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. NCNB Corporation, Charlotte, North Carolina; to engage through its subsidiaries NCNB Life Insurance Company, Dallas Texas, and NCNB Texas Life Insurance Company, Dallas, Texas, in acting as underwriter and reinsurer for credit life and credit accident and health insurance sold in connection with extensions of credit by all NCNB affiliated banks, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y.

B. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Alpha Financial Group, Inc., Minonk, Illinois; to engage through its subsidiary Dace Insurance Agency, Toluca, Illinois, in general insurance activities pursuant to § 225.25(b)(8)(iii) of the Board's Regulation Y.

2. Comerica Incorporated, Detroit, Michigan; to engage in servicing loans or other extensions of credit for affiliated and nonaffiliated institutions through its wholly owned subsidiary, Comerica Acceptance Corporation, Detroit, Michigan, pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than November 19, 1990.

Board of Governors of the Federal Reserve System, October 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–25853 Filed 10–31–90; 8:45 am]

BILLING CODE 6210–01–M

J.C. Van Ginkel, et al., Change in Bank Control Notices, Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and §225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than November 19, 1990.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. J. C. Van Ginkel, Atlantic, Iowa, James Van Ginkel, Atlantic, Iowa, Charles Wendt, Exira, Iowa, and Gary Hested, Jewell, Iowa; to acquire 100 percent of the voting shares of Schroeder Goodonow Management Company, Atlantic, Iowa, and thereby indirectly acquire Exchange State Bank, Exira, Iowa.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Claude Allen Berry, Jr., Eminence, Kentucky, and Claude Allen Berry, III, Eminence, Kentucky; to acquire an additional 9.91 percent (totally 28.02 percent) of the voting shares of Farmers Deposit Bancorp, Eminence, Kentucky, and thereby indirectly acquire Farmers Deposit Bank, Eminence, Kentucky.

Board of Governors of the Federal Reserve System, October 26, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–25851 Filed 10–31–90; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control

Revision of Fees For Sanitation Inspections of Cruise Ships

AGENCY: Centers for Disease Control (CDC), Public Health Service, HHS.

ACTION: Revision of fees for sanitation Inspections of cruise ships.

SUMMARY: Revised fees for vessel sanitation inspections are presented to become effective January 1, 1991.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Linda Anderson, Chief, Special Programs Group, Center for Environmental Health and Injury Control (F29), CDC, Atlanta, Georgia, 30333. Telephone: FTS: 236–4595, Commercial: (404) 488–4595.

SUPPLEMENTARY INFORMATION:

Purpose and Background

CDC began collecting fees for sanitation inspections of passenger cruise ships currently inspected under the Vessel Sanitation Program (VSP), on

$$\text{Average cost per inspection} = \frac{\text{Total Cost of VSP}}{\text{Weighted No. of Annual Inspections}}$$

March 1, 1988; the fee schedule was first published in the **Federal Register** on Tuesday, November 24, 1987, (52 FR 45019).

The formula used to determine the fees is as follows:

The average cost per inspection is multiplied by a size/cost factor to determine the fee for vessels in each size category. The size/cost factor was established in the proposed fee schedule published in the **Federal Register** on Friday, July 17, 1987, (52 FR 27060) and revised in a schedule published in the **Federal Register** on Tuesday, November 28, 1989, (54 FR 48942) and is as follows:

	Average cost ×
Extra Small (<3,001 GRT [1])	0.25
Small (3,001–15,000 GRT)	0.5
Medium (15,001–30,000 GRT)	1.0
Large (30,001–60,000 GRT)	1.5
Extra Large (60,000 GRT)	2.0

[1] GRT-Gross Register tonnage in cubic feet, as shown in Lloyd's Register of Shipping.

Fees

The following fee schedule will be effective January 1, 1991, through December 31, 1991. However, should there be a substantial increase in the cost of air transportation, it may be necessary to re-adjust the fees prior to December 31, 1991, since travel constitutes a sizable portion of the costs of this Program. If such a re-adjustment in the fee schedule is necessary, a notice will be published in the **Federal Register** 30 days prior to the effective date.

Vessel sizes	Fee
Extra Small Ship (3,001–15,000 GRT):	$693
Small Ship (3,001–(15,001–30,000 GRT):	1,386
Medium Ship (15,001–30,000 GRT):	2,772
Large Ship (30,001–60,000 GRT):	4,158
Extra Large Ship (>60,000 GRT):	5,544

Inspections and reinspections involve the same procedure, require the same amount of time and will therefore be charged at the same rate.

Applicability

The fees will be applicable to all passenger cruise vessels for which sanitation inspections are conducted as part of the Vessel Sanitation Program, CDC.

Dated: October 25, 1990.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 90–25880 Filed 10–3–90; 8:45 am]

BILLING CODE 4160–18–M

Food and Drug Administration

[Docket No. 90D–0079]

Human Food Safety and Target Animal Safety and Effectiveness Data Requirements for Review of Supplemental New Animal Drug Applications; Guidelines; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of two guidelines entitled (1) "Guideline for the Human Food Safety Review of Category II Supplemental New Animal Drug Applications" and (2) "Guideline for the Target Animal Safety and Efficacy Review of Category II Supplemental Applications: New Animal Drug Applications." "Guideline for the Human Food Safety Review of Category II Supplemental New Animal Drug Applications" explains when a supplement to an approved new animal drug application (NADA) may raise human food safety concerns so as to require review of original and new scientific data. "Guideline for the Target Animal Safety and Efficacy Review of Category II Supplemental Applications: New Animal Drug Applications" describes when review of original and new safety and effectiveness data may be triggered by submission of a supplement to an approved NADA. The guidelines are intended to aid in implementing the final rule concerning the approval of supplemental NADA's.

ADDRESSES: Submit written requests for single copies of the "Guideline for the Human Food Safety Review of Category II Supplemental New Drug Applications" and the "Guideline for the Target Animal Safety and Efficacy Review of Category II Supplemental Applications: New Animal Drug Applications" to the Division of Chemistry (HFV–144), Center for Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the two guidelines to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. Copies of the two guidelines and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Steven D. Brynes, Center for Veterinary Medicine (HFV–144), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–2841.

SUPPLEMENTARY INFORMATION: The guidelines listed above are intended to aid sponsors of supplemental NADA's in understanding how FDA will implement new § 514.106 *Approval of supplemental applications* (21 CFR 514.106). The final rule establishing revised agency policies and procedures governing review and approval of supplements to approved NADA's in § 514.106 is published elsewhere in this issue of the **Federal Register.**

The agency advises that these guidelines represent its current position on the implementation of the final rule concerning the approval of supplemental NADA's, and they may be followed by the sponsors of NADA's. A person may also choose to use alternate procedures even though they are not provided for in the guidelines. If a person chooses to use alternate procedures, that person may wish to discuss the matter further with the agency to prevent an expenditure of money and effort on activities that may later be determined to be unacceptable to FDA. These guidelines are not binding, nor do they create or confer any rights, privileges or benefits for or on any person.

Dated: October 26, 1990.

James S. Benson,

Acting Commissioner of Food and Drugs.

[FR Doc. 90–25831 Filed 10–31–90; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

[OACT-36-N]

RIN 0938-AE68

Medicare Program; Inpatient Hospital Deductible and Hospital and Skilled Nursing Facility Coinsurance Amounts for 1991

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

ACTION: Notice.

SUMMARY: This notice announces the inpatient hospital deductible and the hospital and skilled nursing facility coinsurance amounts for services furnished in calendar year 1991 under Medicare's hospital insurance program (part A). The Medicare statute specifies the formulae to be used to determine these amounts.

The inpatient hospital deductible will be $628. The daily coinsurance amounts will be: (a) $157 for the 61st through 90th days of hospitalization in a benefit period; (b) $314 for lifetime reserve days; and (c) $78.50 for the 21st through 100th days of extended care services in a skilled nursing facility in a benefit period.

EFFECTIVE DATE: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Barbara S. Klees, (301) 966-6388. (For case mix analysis only), Gregory J. Savord, (301) 966-6384.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1813 of the Social Security Act (the Act) provides for an inpatient hospital deductible to be subtracted from the amount payable by Medicare for inpatient hospital services furnished to a beneficiary. It also provides for certain coinsurance amounts to be subtracted from the amounts payable by Medicare for inpatient hospital and extended care services. Section 1813(b)(2) of the Act requires the Secretary to determine and publish between September 1 and September 15 of each year the amount of the inpatient hospital deductible and the hospital and skilled nursing facility (SNF) coinsurance amounts applicable for services furnished in the following calendar year.

II. Computing the Inpatient Hospital Deductible for 1991

Section 1813(b) of the Act stipulates the method for computing the amount of the inpatient hospital deductible for any year, beginning with the deductible for 1989. The inpatient hospital deductible is an amount equal to the inpatient hospital deductible for the preceding calendar year, changed by the Secretary's best estimate of the payment-weighted average of the applicable percentage increases (as defined in section 1886(b)(3)(B) of the Act) used for updating the payment rates to hospitals for discharges in the fiscal year (FY) that begins on October 1 of the same preceding calendar year, and adjusted to reflect real case mix. The adjustment to reflect real case mix is determined on the basis of the most recent case mix data available. The amount determined under the formula is rounded to the nearest multiple of $4 (or, if midway between two multiples of $4, to the next higher multiple of $4).

For FY 1991, section 1886(b)(3)(B) of the Act provides that the applicable percentage increase for all hospitals is the market basket percentage increase. This increase, for FY 1991, if 5.2 percent, as announced in the **Federal Register** on September 4, 1990 (55 FR 35990). Thus, the Secretary's best estimate of the payment-weighted average of the increases in the payment rates for FY 1991 is also 5.2 percent. We recognize that Congress has frequently revised the payment rate increase provisions found in section 1886(b)(3)(B) of the Act during the budget reconciliation process, subsequent to the determination and promulgation of the deductible. Such revisions may occur this year as well and may affect the FY 1991 payment rate increase. However, at the time of this determination, we must use the payment rate increase specified in current law to determine the 1991 deductible.

To develop the adjustment for real case mix, an average case mix was first calculated for each hospital that reflects the relative costliness of that hospital's mix of cases compared to that of other hospitals. We then computed the increase in average case mix for hospitals paid under the Medicare prospective payment system in FY 1990 compared to FY 1989. (Hospitals excluded from the prospective payment system were excluded from this calculation since their payments are based on reasonable costs and are affected only by real increases in case mix.) We used bills from prospective payment hospitals received in HCFA as of the end of July 1990. These bills represent a total of about 7.0 million discharges for FY 1990 and provide the most recent case mix data available at this time. Based on these bills, the increase in average case mix in FY 1990 is 0.33 percent. However, since the diagnosis-related group (DRG) relative weights were reduced by 1.22 percent for FY 1990, the 0.33 percent increase in average case mix must be adjusted upward by 1.22 percent, yielding the effective average case mix increase of 1.55 percent for FY 1990.

Although average case mix has increased by 1.55 percent in FY 1990, section 1813 of the Act requires that the inpatient hospital deductible be increased only by that portion of the case mix increase that is determined to be real. We estiamte that the increase in real case mix is about 1 percent. This is based on a study performed by the RAND Corporation which disaggregated the case mix increase in FY 1987 into its components. The RAND study found that about two-thirds of the increase in case mix in FY 1987 was for real changes in case mix severity. Consequently, we estimate that 1 percent of the increase, which is about two-thirds of the 1.55 percent increase for FY 1990, is due to real case mix changes.

Thus, the estimate of the payment-weighted average of the applicable percentage increases used for updating the payment rates is 5.2 percent, and the real case mix adjustment factor for the deductible is 1.0 percent. Therefore, under the statutory formula, the inpatient hospital deductible for services furnished in calendar year 1991 is $628. This deductible amount is determined by multiplying $592 (the inpatient hospital deductible for 1990) by the payment rate increase of 1.052 multiplied by the increase in average real case mix of 1.01, which equals $629.01 and is rounded to $628.

III. Computing the Inpatient Hospital and Skilled Nursing Facility Coinsurance Amounts for 1991

The coinsurance amounts provided for in section 1813 of the Act are defined as fixed percentages of the inpatient hospital deductible for services furnished in the same calendar year. Thus, the increase in the deductible generates increases in the coinsurance amounts. For inpatient hospital and extended care services furnished in 1991, in accordance with the fixed percentages defined in the law, the daily coinsurance for the 61st through 90th days of hospitalization in a benefit period will be $157 (¼ of the inpatient hospital deductible); the daily coinsurance for lifetime reserve days will be $314 (½ of the inpatient hospital deductible); and the daily coinsurance for the 21st through 100th days of

extended care services in a SNF in a benefit period will be $78.50 (⅛ of the inpatient hospital deductible).

IV. Cost to Beneficiaries

We estimate that in 1991 there will be about 8.1 million deductibles paid at $628 each, about 3.1 million days subject to coinsurance at $157 per day (for hospital days 61 through 90), about 1.2 million lifetime reserve days subject to coinsurance at $314 per day, and about 6.7 million extended care days subject to coinsurance at $78.50 per day. Similarly, we estimate that in 1990 there will be about 7.8 million deductibles paid at $592 each, about 3.0 million days subject to coinsurance at $148 per day (for hospital days 61 through 90), about 1.2 million lifetime reserve days subject to coinsurance at $296 per day, and about 8.9 million extended care days subject to coinsurance at $74 per day. (The number of extended care days subject to coinsurance is expected to be higher in 1990 than in 1991 due to the "catastrophic transition" provisions of Public Law 101–234, which are in effect for 1990 but not for 1991.) Therefore, the estimated total increase in cost to beneficiaries is about $400 million (rounded to the nearest $10 million), due to (1) The increase in the deductible and coinsurance amounts and (2) the change in the number of deductibles and daily coinsurance amounts paid.

V. Regulatory Impact Statement

This notice merely announces amounts required by legislation. This notice is not a proposed rule or a final rule issued after a proposal and does not alter any regulation or policy. Therefore, we have determined, and the Secretrary certifies, that no analyses are required under Executive Order 12291, the Regulatory Flexibility Act (5 U.S.C. 601 through 612), or section 1102(b) of the Act.

(Section 1813(a)(3) and (b)(2) of the Social Security Act (42 U.S.C. 1395e(a)(3) and (b)(2)))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance)

Dated: September 28, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

Approved: October 15, 1990.

Louis W. Sullivan,

Secretary.

[FR Doc. 90–25876 Filed 10–31–90; 8:45 am]

BILLING CODE 4120-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT-920-91-4111-13; MTM 75440]

Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petition for reinstatement of oil and gas lease MTM 75440, Carbon County, Montana, was timely filed and accompanied by the required rental accruing from the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new lease terms for rentals and royalties at rates of $10 per acre and 18⅔% respectively. Payment of a $500 administration fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease, effective as of the date of termination, subject to the original terms and conditions of the lease, the increased rental and royalty rates cited above, and reimbursement for cost of publication of this Notice.

Dated: October 22, 1990.

June A. Bailey,

Chief, Leasing Unit.

[FR Doc. 90–25840 Filed 10–31–90; 8:45 am]

BILLING CODE 4310-DN-M

[E-930-1-4212-13; MTM 75431]

Conveyance and Order Providing for Opening of Public Land in Powell County; MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq (FLPMA), to the operation of the public land laws and the mining laws. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

The public interest was well served through completion of this exchange since expanded public recreational opportunities and improved resource management were accomplished in this exchange.

EFFECTIVE DATE: January 9, 1991.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, Montana 59107, 406–255–2935.

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that pursuant to section 206 of FLPMA, the following described lands were transferred to Cominco American Incorporated:

Principal Meridian, Montana

T. 10 N., R. 9 W.,
Sec. 4, SW¼NW¼,S½S½,NE¼SE¼;
Sec. 9, lot 2;
Sec. 10, SW¼SW¼; and
Sec. 20, lot 1, NE¼NW¼.
T. 10 N., R. 10 W.,
Sec. 24, SE¼.
Aggregating 559.27 acres.

2. Inexchange for the above selected land, the United States acquired the following described surface and locatable mineral estate from Cominco American Incorporated:

Principal Meridian, Montana

T. 11 N., R.10 W.,
Sec. 21, N½,NE¼SW¼,N½SE¼.
Containing 440 acres.

3. The values of the Federal public land and the private land were appraised at $375,000 each.

Opening Date

4. At 9 a.m. on January 9, 1991, the lands described in paragraph 2 above that were conveyed to the United States will be opened to the operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law. All valid applications under the public land laws received at or prior to 9 a.m. on January 9, 1991, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. At 9 a.m. on January 9, 1991, the lands described in paragraph 2 above will be opened to location and entry under the United States mining laws. Appropriation of any of the lands described in paragraph 2 of this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempt appropriation, including attempted adverse possession under 30 U.S.C. 38, shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: October 23, 1990.

John E. Moorhouse,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 90-25837 Filed 10-31-90; 8:45 am]

BILLING CODE 4310-DN-M

[E-930-1-4212-13; MTM 76693]

Notice of Conveyance and Order Providing for Opening of Public Land in Beaverhead County; MT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This order will open lands reconveyed to the United States in an exchange under the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1701 et seq (FLPMA), to the operation of the public land laws and the mineral leasing laws only. It also informs the public and interested state and local governmental officials of the issuance of the conveyance document.

The public interest was well served through completion of this exchange since the Bureau acquired riverfront lands with high public values and increased management efficiency of the other public lands in the area will result.

EFFECTIVE DATE: January 9, 1991.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, P.O. Box 36800, Billings, MT 59107, 406-255-2935.

SUPPLEMENTARY INFORMATION:

1. Notice is hereby given that pursuant to Sec. 206 of FLPMA, the following described lands were transferred to Cherry Creek Angus Ranch:

Principal Meridian, Montana

T. 3S., R. 9 .,
Sec. 3, NW¼SW¼;
Sec. 4, lots 6 and 7, SW¼NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, W½SE¼.
Containing 408.95 acres.

2. Pursuant to Sec. 206 of FLPMA, the following described lands were transferred to the Thelma Thomas Sheltered Trust and the Jack G. Thomas Trust:

Principal Meridian, Montana

T. 13 S., R. 5 W.,
Sec. 17, SW¼SW¼;
Sec. 20, NW¼NE¼, S½NE¼, NW¼, NE¼SE¼.
Containing 360 acres.

3. In exchange for the above selected lands, the United States acquired the following described surface and mineral estate from Cherry Creek Angus Ranch:

Principal Meridian, Montana

T. 3S., R. 9 W.,
Sec. 2, Parcel 1, Certificate of Survey No. 633 filed for record May 24, 1989, under Beaverhead County Clerk and Recorder's Reception No. 201401.
Containing 44.26 acres, more or less.

4. The values of the Federal public land were appraised at $36,700 and the values of the private land were appraised at $35,000. A cash equalization payment of $1,700 was made to the United States.

Opening Date

5. At 9 a.m. on January 9, 1991, the lands described in paragraph 3 above that were conveyed to the United States will be opened to the operation of the public land laws generally, subject to valid existing rights and the requirements of applicable law, and to applications and offers under the mineral leasing laws, but are not open to the mining laws. All valid applications received at or prior to 9 a.m. on January 9, 1991, shall be considered as sumultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Dated: October 23, 1990.

John E. Moorhouse,

Acting Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 90-25841 Filed 10-31-90; 8:45 am]

BILLING CODE 4310-DN-M

[UT080-91-4212-13, UTU-61935]

Notice of Realty Action; Exchange of Public and Private Lands; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; exchange of public and private lands, UTU-61935.

SUMMARY: The following described lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

Salt Lake Meridian, UT

T. 3 South, R. 21 East, Section 20 Tract 37 containing five (5) acres of public land.

In exchange for these lands, the Federal government will acquire the surface only on the following described private lands in Uintah County from Mr. Barry Gale, 1587 West 1500 North, Vernal, Utah 84078.

Salt Lake Meridian, UT

T. 3 South, R. 21 East, Section 20 SE¼SE¼NW¼ containing five (5) acres of private land.

In addition, Mr. Gale will donate an additional five (5) acres inclusive in the above description.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire non-Federal lands to facilitate recreation management and access to the Red Mountain Recreation Complex. The exchange will also resolve an unauthorized use of public lands by the exchange proponent. The exchange is consistent with the Bureau's planning for the lands involved. The values of the lands to be exchanged are equal.

Lands to be transferred from the United States will be subject to the following reservations and terms and conditions:

1. Reservation of right-of-way for ditches and canals pursuant to the Act of August 30, 1890 (43 U.S.C. 945).

2. Mineral rights for oil and gas and phosphate shall be reserved to the United States, together with the right to prospect for, mine, and remove minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this BLM office.

Publication of this notice in the **Federal Register** segregates the public lands identified from the operation of the public land laws, including the mining law. The segregation effect will end upon issuance of a patent or two (2) years from the date of publication, whichever occurs first.

DATES: On or before December 17, 1990, interested parties may submit comments to the Vernal District Office. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this proposed realty action. In the absence of any objections, this proposed realty action will become final.

ADDRESSES: Written comments should be addressed to David Little, District Manager, Vernal District Office, Bureau of Land Management, 170 South 500 East, Vernal, Utah 84078.

FOR FURTHER INFORMATION CONTACT: Kathy Stubbs, Realty Specialist, Vernal District Office, 170 South 500 East, Vernal, Utah 84078.

Dated: October 25, 1990.

David E. Little,

District Manager.

[FR Doc. 90-25838 Filed 10-31-90; 8:45 am]

BILLING CODE 4310-DQ-M

[NM 940-00-4730-12]

New Mexico; Filing of Plat of Survey

October 22, 1990.

The plats of survey described below are scheduled to be officially filed in the New Mexico State Office, Bureau of Land Management, Sante Fe, New Mexico, effective at 10 a.m. on December 14, 1990.

A dependent resurvey of a portion of the Second Standard Parallel South, through Range 12 East, a portion of the North boundary of the Mescalero Apache Indian Reservation, New Mexico Principal Meridian, New Mexico, for Group 730 NM. This survey was requested by the Superintendent, Mescalero Indian Reservation.

A dependent resurvey of a portion of the Fifth Standard Parallel North through Range 10 West, portions of the East and North boundaries, and a portion of the subdivisional lines, and the subdivision of Section 4, and the survey of the boundary of the Chaco Culture National Historical Park in sections 33 and 34, Township 21 North, Range 10 West, New Mexico Principal Meridian, New Mexico for Group 872 NM. This survey was requested by the Regional Director, National Park Service (NPS), Southwest Region, Santa Fe, New Mexico.

A dependent resurvey of portions of the East boundary, the West boundary, and portions of the subdivisional lines, and the survey of the boundary of the Chaco Culture National Historical Park, in Sections 1, 2, 3 and 12, Township 20 North, Range 10 West, New Mexico Principal Meridian, New Mexico for Group 872 NM. This survey was requested by the Regional Director, National Park Service (NPS), Southwest Region, Santa Fe, New Mexico.

The supplemental plat showing a subdivision of lot 22, into lots 33 and 34, Section 18 Township 4 South, Range 1 East, New Mexico Principal Meridian, New Mexico. This plat was requested by the Area Manager, Socorro Resource Area Office, Socorro, New Mexico.

These plats will be in the open files of the New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87504–1449. Copies may be obtained from this office upon payment of $2.50 per sheet.

John P. Bennett,

Chief, Branch of Cadastral Survey.

[FR Doc. 90–25796 Filed 10–31–90; 8:45 am]

BILLING CODE 4310-FB-M

[OR-942-00-4730-12: GP1-017]

Filing of Plats of Survey: Oregon/ Washington

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 33 S., R. 1 E., accepted 9/28/90.

Washington

T. 6 N., R. 17 E., accepted 9/28/90.

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1300 NE 44th Avenue, Portland, Oregon 97213, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 1300 NE 44th Avenue, P.O. Box 2965, Portland, Oregon 97208.

Dated: October 23, 1990.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 90–25836 Filed 10–31–90; 8:45 am]

BILLING CODE 4310-33-M

Bureau of Reclamation

Addition to the Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of an additional proposed contractual action pending through December 1990. This notice is an addition to the Quarterly Status Tabulation of Water Service and Repayment Contract Negotiations published in the **Federal Register** on October 16, 1990, Vol. 55, No. 200.

ADDRESSES: Additional information pertaining to this additional contract proposal may be obtained by calling or writing the Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, NV 89005, telephone (702) 293–8536.

FOR FURTHER INFORMATION CONTACT: Dick L. Porter, Chief, Contracts & Repayment Division, Bureau of Reclamation, 1849 C Street NW., Washington, DC 20240; telephone (202) 208–3014, [FTS] 268–3014.

SUPPLEMENTARY INFORMATION: The following information is added to the list of proposed or amendatory repayment contract actions in the Lower Colorado Region:

20. City of Yuma, Gila Project, Arizona: Amendment of current Contract No. 4–07–30–W0055 to add an additional point of diversion and to provide for water treatment by the Yuma Desalting Plant.

Except for the above addition the October 16, 1990, **Federal Register** notice remains the same.

Dated: October 29, 1990.

Dick L. Porter,

Acting Assistant Commissioner.

[FR Doc. 90–25882 Filed 10–31–90; 8:45 am]

BILLING CODE 4310-09-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT–752605

Applicant: Gary Thatcher, Payson, UT.

The applicant requests a permit to purchase captive-hatched scarlet-chested parakeets (*Neophema*

splendida), turquoise parakeets (*Neophema pulchella*) and red-capped parrots (*Pionopsitta pileata*) from S.E. Bird & Supply Co., 211 Agostino Road, San Gabriel, California, for captive breeding purposes.

PRT–752527

Applicant: Minnesota Zoological Garden, Apple Valley, MN.

The applicant requests a permit to import one captive born male Amur leopard (*Panthera pardus orientalis*) from the Moscow Zoo, U.S.S.R., for zoological display and captive breeding purposes.

PRT–753031

Applicant: Texas A&M University, College Station, TX.

The applicant requests a permit to import frozen serum, urine and feces collected from one male Asian elephant (*Elephas maximus*) currently held in captivity at the Calgary Zoo, Calgary, Alberta, Canada, for scientific research purposes.

PRT–753410

Applicant: Kurt E. Landig, Fremont, OH.

The applicant requests a permit to import two male and two female white-eared pheasants (*Crossoptilon crossoptilon*) from Mr. Elmo Stoll, RR4, Aylmer, Ontario, Canada, for the enhancement of propagation and survival of the species.

PRT–753408

Applicant: The Lubee Foundation, Inc., Gainesville, FL.

The applicant requests a permit to import one captive-born female black-footed cat (*Felis nigripes*) from the Frankfurt Zoo, Frankfurt, Germany for the purpose of captive breeding.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) room 430, 4401 N. Fairfax Dr., Arlington VA 22203, or by writing to the Director, U.S. Office of Management Authority, 4401 N. Fairfax Drive, room 432, Arlington, VA 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: October 26, 1990.

Karen Willson,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 90–25289 Filed 10–31–90; 8:45 am]

BILLING CODE 4310–55–M

Availability of a Draft Recovery Plan for Ring Pink Mussel for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability and public comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the ring pink mussel (*Obovaria retusa*). This freshwater mussel historically occurred in the Ohio River and its large tributaries in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Kentucky, Tennessee, and Alabama. Presently, the ring pink mussel is known from four relic, apperently nonreproducing, populations—two reaches of the Tennessee River (one in the State of Kentuchy and one in the State of Tennessee), one reach of the Green River in Kentucky, and one reach of the Cumberland River in Tennessee. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before December 31, 1990 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Asheville Field Office, U.S. Fish and Wildlife Service, 100 Otis Street, room 224, Asheville, North Carolina 28801. Written comments and materials regarding the plan should be addressed to the Field Supervisor at the above address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Biggins at the above address (704/259–0321; FTS 672–0321).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure, self-sustaining members of their ecosystems is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, criteria for recognizing the recovery levels for downlisting or delisting them, and initial estimates of time and costs to implement the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that a public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The primary species considered in this draft recovery plan is the ring pink mussel (*Obovaria retusa*). The area of emphasis for recovery actions are the major tributaries of the Ohio River drainage in Pennsylvania, West Virginia, Ohio, Indiana, Illinois, Kentucky, Tennessee, and Alabama. Habitat protection, reintroduction, and preservation of genetic material are major objectives of this recovery plan.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified above will be considered prior to approval of the plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: October 24, 1990.

Brian P. Cole,

Field Supervisor.

[FR Doc. 90–25835 Filed 10–31–90; 8:45 am]

BILLING CODE 4310–55–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the One Hundred and Second Meeting of the Board for International Food and Agricultural Development (BIFAD) on November 15, 1:30 p.m. to 6 p.m. and November 16, 1990, 8:30 a.m. to 12 noon.

The purposes of the Meeting are, on November 15: (1) A Business Session,

and (2) to discuss (a) the Africa Bureau University Collaboration Program, (b) the S&T/RUR (University Center) University Linkages Program, and, (c) at 4 p.m., a progress report from the Task Force on Development Assistance and Cooperation; and on November 16: Board Orientation and Planning I, to (1) discuss current development issues, (2) consider how BIFADEC and the Universities can constructively relate to these issues, and (3), as time permits, to discuss the Board agenda for the coming year. The Board orientation session will be continued at the next meeting.

Both Meetings will be held in the Department of State, room 1105, Main State Department Building. Any interested person may attend and may present oral statements in accordance with procedures established by the Board and to the extent time is available for the meeting permits.

The Bureau for Diplomatic Security has implemented new procedures for being in the Department of State building. All persons, visitors and employees, are required to wear proper identification or a visitor's pass at all times while in the building.

Please let the BIFAD Staff know (tel. nos. 663–2585 or 663–2578) that you expect to attend the meeting and on which days. Provide your full name, name of employing company or organization, address and telephone number not later than Friday, November 9, 1990.

A BIFAD Staff member will meet you at the South Entrance of the Department of State at 2201 C Street with your visitor's pass.

Visitors who are not pre-cleared will have to wait in line and present valid identification with photograph to the receptionist before they can be admitted to the building.

Curtis Jackson, Bureau of Science and Technology, Office of Research and University Relations, Agency for International Development is designated as A.I.D. Advisory Committee Representative at this Meeting. It is suggested that those desiring further information write to Dr. Jackson, in care of the Agency for International Development, room 309, SA–18, Washington, DC 20523, or telephone him on (703) 875–4005.

Dated: October 25, 1990.

C. Stuart Callison,

Acting Executive Director, BIFAD.

[FR Doc. 90–25849 Filed 10–31–90; 8:45 am]

BILLING CODE 6116–01–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–335; Sub-No. 2X]

KCT Railway Corporation—Abandonment Exemption—in Franklin, Anderson, and Allen Counties, KS

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903–10904, the abandonment by KCT Railway Corporation of its 50.2-mile line of railroad between milepost 58+1368 feet at Ottawa, and milepost 108+2185 feet near Iola, in Franklin, Anderson, and Allan Counties, KS, subject to environmental and standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on December 1, 1990. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2), must be filed by November 13, 1990, petitions to stay must be filed by November 19, 1990, and petitions for reconsideration must be filed by November 26, 1990.

ADDRESSES: Send pleadings referring to Docket No. AB–335 (Sub-No. 2X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

(2) Stephen W. McVearry, suite 800, 1350 New York Ave., NW., Washington, DC 20005.

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 Service (202) 275–1721.]

Decided: October 25, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–25862 Filed 10–31–90; 8:45 am]

BILLING CODE 7035–01–M

[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

DEPARTMENT OF JUSTICE

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy as set forth in 28 CFR 50.7, notice is hereby given that a proposed consent decree in *United States* v. *Advanced Environmental Technology Corporation*, Civil Action No. 90–3792, has been lodged with the United States District Court of the District of New Jersey on October 23, 1990. The proposed consent decree concerns the clean-up of the Chemical Control Superfund Site in Elizabeth, New Jersey. The proposed concent decree requires the defendants to perform and fund remedial activities at the Site, and to reimburse the United States for certain past costs.

The United States Department of Justice will receive comments relating to the proposed consent decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *Advanced Environmental Technology Corporation*, DJ 90–11–2–293.

The proposed consent decree may be examined at the Office of the United States Attorney, District of New Jersey, Federal Building, 970 Broad Street, room 502, Newark, New Jersey 07102, and at the Region II Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. A copy of the proposed consent decree and attachments can be obtained in person or by mail at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $31.00 (25 cents per page reproduction costs) payable to the Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–25797 Filed 10–31–90; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Partial Consent Decree Pursuant to Resource Conservation and Recovery Act

In accordance with Department policy, 28 CFR 50.7, notice is hereby given that on October 19, 1990, a proposed Partial Consent Decree in

United States v. *Escambia Treating Company*, was lodged in the United States District Court for the Northern District of Florida. This Decree resolves the United States' claims for injunctive relief and civil penalties for violations of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et. seq., inter alia*, by seven affiliated defendant companies. Under the proposed Partial Consent Decree, the settling companies will perform remedial actions, including closure and post-closure care and implementation of corrective action, at wood treating plants located in Pensacola, Florida, Brookhaven, Mississippi, and Camilla and Brunswick, Georgia.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments concerning the proposed Partial Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044, and should refer to *United States* v. *Escambia Treating Co.*, D.J. Ref. No. 90–7–1–454.

The proposed Partial Consent Decree may be examined at any of the following offices: (1) The United States Attorney for the Northern District of Florida, 114 East Gregory Street, Pensacola, Florida (contact Assistant U.S. Attorney Samuel A. Alter, Jr.; (2) the U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, Georgia (contact Assistant Regional Counsel Truly Bracken); and (3) the Environmental Enforcement Section, Environment & Natural Resources Division, U.S. Department of Justice, room 1541, 10th & Pennsylvania Avenue, NW., Washington, DC. Copies of the proposed Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 1333 F Street NW., suite 600, Washington, DC 20004, telephone (202) 347–2072. For a copy of the Partial Consent Decree without attachments please enclose a check in the amount of $12.75 (25 cents per page reproduction charge) payable to Consent Decree Library. For a copy of the Partial Consent Decree with attachments (including memoranda of understanding and scopes of work) please enclose a check in the amount of $78.00 (25 cents per page reproduction charge) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–25798 Filed 10–31–90; 8:45 am]

BILLING CODE 4410–01–M

Consent Judgment in Action to Enjoin Violation of the Clean Air Act ("CAA")

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a Consent Decree in *United States* v. *Vanguard Corporation*, Civil Action No. CV–85–0244 was lodged with the United States District Court for the Eastern District of New York on October 23, 1990. The Consent Decree provided for penalties for violation of New York State emission standards on volatile organic compounds and enjoins the Vanguard Corporation from further violations of the Clean Air Act ("CAA"), 42 U.S.C. 7401 *et seq.*, and 40 CFR part 82.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice, written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Vanguard Corporation* D.O.J. Ref. No. 90–5–2–1–746.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of New York, 1 Pierrepont Plaza, 11th Floor, Brooklyn, New York 11201; at the Region II office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278; and the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 1333 F Street, suite 600, NW., Washington, DC 20004, telephone number (202) 347–2072. In requesting a copy, please enclose a check in the amount of $2.75 (25 cents per page reproduction charge) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–25799 Filed 10–31–90; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Proposed Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a draft consent decree in *United States* v. *Sharon Steel Corp. et al*, Civil Action No. 86–924J (D. Utah), (hereafter referred to as "*Sharon Steel*") is available to the public for review and comment. The draft consent decree resolves litigation in this matter with respect to the Atlantic Richfield Company ("ARCO"). The terms of the draft decree are summarized in this notice to facilitate public review, and a copy of the draft decree is being made available at the Department of Justice in Washington, DC and at the Office of the United States Attorney in Salt Lake City, Utah at the addresses below. The public is invited to submit comments concerning the draft decree to the Department of Justice, at the address specified below, until Monday, November 12, 1990.

The original complaint in *Sharon Steel* was filed by the United states on October 8, 1986 pursuant to sections 106 and 107 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. 9696 and 9607, more commonly known as the "Superfund" statute. The complaint was subsequently amended in 1988 and 1989 and contains a series of allegations which are summarized below. It alleges that Sharon Steel Corporation ("Sharon Steel"), UV Industries Inc. ("UV"), the UV Industries Liquidating Trust ("UV Trust") and ARCO are liable for injunctive relief and for reimbursement of response costs incurred by the United States in connection with the Sharon Steel Midvale Tailings Site, located in Midvale, Utah. It alleges that the Sharon Steel site is a facility from which hazardous substances, in the form of various heavy metals and arsenic, have been released thereby causing the United States to incur response costs. The complaint also alleges that the releases and threatened releases from the site may present an imminent and substantial endangerment to public health or welfare or the environment. Sharon Steel and UV are alleged to be liable as the current and past owner and operator of the Midvale Tailings Site, respectively. ARCO is alleged to be liable as a joint operator of the site and as one who arranged for the disposal of hazardous substances at the site.

Two previous consent decrees have been entered in the *Sharon Steel* matter. The first involves defendant Sharon Steel Corporation. It has been made available for public comment, and the United States District Court has scheduled a hearing on November 13, 1990 to consider the parties' request that the court approve and fianlly entry that decree. The second consent decree involves defendants UV Liquidating

Trust and UV Industries, Inc. That decree has also already been subject to public comment, and the District Court will also entertain the parties' request that decree be approved and entered on November 13, 1990.

Consideration by the court of the ARCO consent decree at the same time as the two prior consent decrees would be in the public interest because resolution of the Untied States' claims against ARCO will facilitate the approval of the other two decrees and will also facilitate the confirmation of the Sharon Steel Plan of Reorganization that is scheduled for consideration by the Bankruptcy Court in the Western District of Pennsylvania on November 15, 1990. Accordingly, even though the ARCO consent decree has not yet been finally approved by the Department of Justice, this notice is being published and the draft decree is being made available, in the interests of providing the public with the maximum opportunity to review and comment on the decree consistent with seeking its approval and entry by the District Court in Utah on November 13, 1990.

In summary, the draft decree provides that ARCO, while denying its liability for injunctive relief or response costs, will pay the United States $21 million in settlement of the litigation. The United States and the State of Utah have agreed to provide ARCO releases from environmental claims relating to the Tailings Site and the adjacent Midvale Slag Site (as to which ARCO has not been named a potentially responsible party) and a release from claims for damages to natural resource damages. Pursuant to the requirements of CERCLA, the proposed decree contains "reopener" provisions that permit institution of new proceedings by the United States or the State against ARCO based on previously unknown conditions or new information concerning the Tailings Site or the Slag Site.

The comment period regarding the proposed ARCO decree is being shortened, pursuant to 28 CFR 50.7(c), because the Assistant Attorney General has determined that the public interest will not be compromised by a shortened comment period in these circumstances. The Assistant Attorney General's determination is based on the fact that there is no statutory requirement for public comment on a CERCLA consent decree of this type; a 30 day comment period was provided regarding two similar consent decrees in this matter; and, pursuant to CERLA and EPA regulations, EPA has and will continue to provide for significant public participation in selection of the remedial action at the Sharon Steel Midvale Tailings and Slags Sites. Fianally, consideration and approval of the ARCO decree, with its resulting impact on ARCO's cross claims against Sharon Steel, will significantly enhance the prospects for confirmation of the Sharon Steel Plan of Reorganization, pursuant to which Sharon Steel may be able to emerge from bankruptcy.

The Department of Justice will receive comments relating to the proposed consent decree until November 12, 1990. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Sharon Steel Corp. et al.*, DOJ Ref. No. 90–11–2–146.

The draft consent decree may be examined at the office of the United States Attorney, District of Utah, 350 South Main Street, Room 430, Salt Lake City, Utah 84111. Copies of the draft consent decree may also be examined and obtained in person at the Environmental Enforcement Section Document Center, 1333 "F" Street, NW., Suite 600 Washington, DC 20004 (Telephone 202–347–'7829). A copy of the draft consent decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $7.50 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–25924 Filed 10–31–90; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Department policy, 28 CFR 50.7, and 33 U.S.C. 1251 *et seq.* notice is hereby given that on October 23, 1990, a proposed Consent Decree in *United States* v. *B.P. Oil, Inc.*, Civil Action No. 86–0792, was lodged with the United States District Court for the Eastern District of Pennsylvania. The Consent Decree requires defendant to pay a civil penalty of $2,191,000 for violations of the Clean Water Act at its petroleum refinery in Marcus Hook, Pennsylvania, and to comply with the Act in the future.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to *United States* v. *B.P. Oil, Inc.*; DOJ Ref. No. 90–5–1–2439.

The proposed Consent Decree may be examined at the Office of the United States Attorney, 3310 U.S. Courthouse, 601 Market Street, Independence Mall West, Philadelphia, Pennsylvania 19106. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section, Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $2.80 (25 cents per page reproduction costs) payable to "Consent Decree Library".

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90–25832 Filed 10–31–90; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—Cable Television Laboratories, Inc. and General Instrument Corporation

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Cable Television Laboratories, Inc. ("CableLabs") and General Instrument Corporation through its Jerrold Communications Division ("GI") on September 20, 1990, filed written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identity of the parties to this agreement and (2) the nature and objectives of this agreement. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to section 6(b) of the Act, the identities of the parties to this agreement and the general areas of planned activity are given below.

The current parties to this agreement are:

Cable Television Laboratories, Inc., 1050 Walnut Street, suite 500, Boulder, Colorado 80302.

General Instrument Corporation, Jerrold Communications Division, 2200 Byberry Road, Hatboro, PA 19040.

The area of planned activity is cooperation in the conduct of National

Television System Committee (NTSC) visual degradation tests to evaluate the subjective effects of typical impairments and other conditions on NTSC television pictures generated in cable television systems.

Joseph H. Widmar,
Director of Operations, Antitrust Division.
[FR Doc. 90–25833 Filed 10–31–90; 8:45 am]
BILLING CODE 4410-01-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.

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 and September 4, 1990, the National Science Foundation published notices in the **Federal Register** of permit applications received. Permits were issued to Mahlon Kennicutt on October 18, 1990 and John Bengtson on October 19, 1990. A permit was awarded to Mary Olson on October 19, 1990 with the provision that no seal specimens may be taken. This is because the applicant, Mary Olson, does not possess a valid Marine Mammal Protection Act permit to take seals.

Charles E. Myers,
Permit Office, Division of Polar Programs.
[FR Doc. 90–25814 Filed 10–31–90; 8:45 am]
BILLING CODE 7555-01-M

Denial of Permit Application Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of denial of permit application 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 or denied under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers, Permit Office, Division of Polar Programs, National Science Foundation, Washington, DC 20550.

SUPPLEMENTARY INFORMATION: On September 4, 1990, the National Science Foundation published a notice in the **Federal Register** of permit applications received. One applicant, John Bengtson, requested permission to take various bird specimens for scientific research. On October 18, 1990 this application was denied.

Charles E. Myers,
Permit Office, Division of Polar Programs.
[FR Doc. 90–25815 Filed 10–31–90; 8:45 am]
BILLING CODE 7555-01-M

National Science Board

Nominations for Membership November 1, 1990

The National Science Board (NSB) is the policymaking body of the National Science Foundation (NSF). The Board consists of 24 members appointed by the President, with the advice and consent of the Senate, for six-year terms, in addition to the NSF Director *ex officio*, as follows:

Terms Expire May 10, 1992

Dr. Frederick P. Brooks, Jr., Kenan Professor of Computer Science, Department of Computer Science, University of North Carolina, Chapel Hill, North Carolina

Dr. F. Albert Cotton, W.T. Doherty-Welch Foundation Distinguished Professor of Chemistry and Director, Laboratory for Molecular Structure and Bonding, Texas A&M University, College Station, Texas

Dr. Mary L. Good (Chairman, National Science Board), Senior Vice President, Technology, Allied-Signal, Inc., P.O Box 1021R, Morristown, New Jersey

Dr. John C. Hancock, Retired Executive Vice President, United Telecommunications, Inc., Consultant, 4550 Warwick Boulevard, Suite 901, Kansas City, Missouri

Dr. James B. Holderman, Vice Chairman, Koger Properties, Inc., and Koger Equity, Inc., P.O. Box 4520, Jacksonville, Florida

Dr. James L. Powell, President, Reed College, 3203 Southeast Woodstock Boulevard, Portland Oregon

Dr. Frank H.T. Rhodes, President, Cornell University, 300 Day Hall, Ithaca, New York

Dr. Howard A. Schneiderman, Senior Vice President, Research and Development and Chief Scientist, Monsanto Company, 800 N. Lindbergh Boulevard, St. Louis, Missouri

Terms Expire May 10, 1994

Dr. Warren J. Baker, President, California Polytechnic State University, San Luis Obispo, California

Dr. Arden L. Bement, Jr., Vice President, Science and Technology, TRW, Inc., 1900 Richmond Road, Cleveland, Ohio

*Dr. W. Glenn Campbell, Counselor, Hoover Institution, Standford Universtiy, Stanford, California

Dr. Daniel C. Drucker, Graduate Research Professor, Department of Aerospace Engineering, Mechanics and Engineering Science, University of Florida, 231 Aerospace Building, Gainesville, Florida

Dr. Charles L. Hosler, Acting Executive Vice President and Provost of the University, and Senior Vice President for Research and Dean of Graduate School, 201 Old Main, The Pennsylvania State University, University Park, Pennsylvania

Dr. Peter H. Raven, Director, Missouri Botanical Garden, P.O. Box 299, St. Louis, Missouri

Dr. Roland W. Schmitt, President, Rensselaer Polytechnic Institute, Pittsburgh Building, Troy, New York

Dr. Benjamin S. Shen, Reese W. Flower Professor, Department of Astronomy and Astrophysics, University of Pennsylvania, 209 S. 33rd Street, Philadelphia, Pennsylvania

Terms Expire May 10, 1996

Dr. Perry L. Adkisson, Chancellor, The Texas A&M University System, System Admin. Building, Executive Offices, Room 219, College Station, Texas

Dr. Bernard F. Burke, William A. M. Burden Professor of Astrophysics, Massachusetts Institute of Technology, Room 26–335, Cambridge, Massachuestts

Dr. Thomas B. Day (Vice Chairman, National Science Board), President, San Diego State University, 5300 Campanile Drive, San Diego, California

Dr. James J. Duderstadt, President, The University of Michigan, 2074 Fleming Administration Building, Ann Arbor, Michigan

*Mr. Jaime Oaxaca, Vice Chairman, Coronado Communications Corporation, 11340 West Olympic Boulevard, Suite 206, Los Angeles, California

Dr. Howard E. Simmons, Jr., Vice President for Central Research and Development, E. I. du Pont de Nemours & Co., Room D–6038, Wilmington, Delaware

*Dr. Phillip A. Griffiths, Provost, Duke University, 220 Allen Building, Durham, North Carolina

(One Vacancy)

*NSB Nominee.

Member Ex Officio

Dr. Frederick M. Bernthal (Chairman, NSB Executive Committee), Acting Director, National Science Foundation, Washington, DC

Section 4(c) of the National Science Foundation Act of 1950, as amended, states that: "The persons nominated for appointment as members of the Board (1) shall be eminent in the fields of the basic, medical, or social science, engineering, agriculture, education, research management, or public affairs; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall be so selected as to provide representation of the views of scientific and engineering leaders in all areas of the Nation."

Seven of the members whose terms expire in May 1992 are eligible for reappointment.

The Board and the Director solicit and evaluate nominations for submission to the President. Nominations accompanied by biographical information may be forwarded to the Chairman, National Science Board, Washington, DC, 20550, no later than January 4, 1990.

Any questions should be directed to Mrs. Susan E. Fannoney, Staff Assistant, National Science Board (202/357–7512)

Mary L. Good

Chairman, National Science Board.

[FR Doc. 90–24879 Filed 10–31–90; 8:45 am]

BILLING CODE 7555-01-M

Division of Polar Programs; Meeting

The National Science Foundation announces the following meeting:

Name: Antarctic Pollution Control Task Group.

Date and time: November 5, 1990; 11:00 am to 5:00 pm.

Place: National Science Foundation, 1800 G St., NW. Washington, DC 20550 Room 540B

Type of Meeting: Open/Closed.

Contact Person: Lawrence Rudolph, Deputy General Councel, Office of the General Counsel, Room 501, National Science Foundation, Washington, DC 20550 (202) 357–9435.

Purpose of Meeting: The Committee will advise the Foundation on the designation of pollutants and their disposal or discharge from any source within the Antarctica.

Agenda: * 11:00 am to 12:00 pm—Review of Progress to date (Open). * 1:00 pm to 5:00 pm—Discussion (Closed).

Summary of Agenda: Possible discharge standards and regulatory and policy considerations will be among the topics discussed.

Reason for Closed Portion: This working group will continue to discuss the tasks, issues and framework for permit regulations. Therefore, it is necessary to close the second portion of the meeting to the public pursuant to exemption (9)(B) of the Government Sunshine Act.

Reason for late Notice: Because of the short-term nature of this group and the frequency of meetings required, it is necessary to meet as schedules permit.

Dated: October 30, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–25963 Filed 10–31–90; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–245, 50–336 and 50–423]

Northeast Nuclear Energy Co., Millstone Nuclear Power Station, Unit Nos. 1, 2 and 3; 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 appendix E to 10 CFR part 50 to Northeast Nuclear Energy Company, et al. (the licensee) for the Millstone Nuclear Power Station, Unit Nos. 1, 2 and 3, located at the licensee's site in New London County, Connecticut.

Environmental Assessment

Identification of Proposed Action

At the present time, there is a full participation emergency preparedness (EP) exercise scheduled for December 1990 and a partial participation EP exercise scheduled for October 1991.

The licensee in a letter dated April 18, 1990 as supplemented by letter dated August 1, 1990, requested an exemption from section IV.F.3 of 10 CFR part 50, appendix E, "Emergency Planning and Preparedness for Production and Utilization Facilities," to allow the December 1990 full participation exercise to be postponed to October 1991. A partial participation exercise would be held in December 1990.

Appendix E to 10 CFR part 50 requires that licensee's emergency plans be exercised at least once a year (10 CFR 50, appendix E, section IV.F.2) and that off-site emergency plans be exercised every other year (10 CFR 50, appendix E, section IV.F.3).

Regarding the Millstone Nuclear Power station, Unit Nos. 1, 2, and 3, full participation exercise scheduled during the month of December 1990, the off-site aspects of the exercise were to be evaluated by the Federal Emergency Management Agency (FEMA). Due to other commitments in Region I, FEMA representatives will not be available during this time frame. Since FEMA cannot evaluate the exercise as planned. Northeast Nuclear Energy Company (NNECO) has requested a schedular exemption from the requirements of 10 CFR part 50, appendix E, section IV.F.3 to allow the December 1990 full participation exercise to be postponed to October 1991. A partial participation exercise would be held in December 1990.

In a July 30, 1990 letter form FEMA to the NRC, granting an exemption from FEMA's schedular requirements in 44 CFR 350.9(c), FEMA states:

> The proposed schedule change results in no adverse public health and safety implications. Millstone and the State of Connecticut have conducted numerous successful exercises since 1982. The State of Connecticut also exercises its offsite emergency response plans with the Connecticut Yankee (Haddam Neck) Nuclear Power Plant on the same biennial cycle as Millstone. Thus, the State's emergency response organization is exercised twice as often as required. This organization was last exercised on May 19, 1990, at Haddam Neck with no deficiencies resulting. Granting NNECO's request for an exemption from the 1990 Millstone exercise until 1991 would allow for annual exercising of the State of Connecticut's plans and promote easier planning for the NRC, FEMA, NNECO, Connecticut Yankee Atomic Power Company, and the State of Connecticut. The next full participation exercise for Millstone would be conducted in October 1991.

The Need for the Proposed Action

The exemption is needed to allow scheduling of emergency plan exercises in a resource-efficient manner.

Environmental Impacts of the Proposed Action

The proposed exemption from the requirements of appendix E to 10 CFR part 50, section IV.F.3 involves no changes in plant operation or any accident and thus involves no changes in plant effluents or any changes in the use of resources. Accordingly, the Commission concludes that the proposed Action would have no impact on the environment.

Alternatives to the Proposed Action

It has been concluded that there is no measurable impact associated with the proposed exemption; any alternatives to the exemption would have either essentially the same or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of any resources different form or beyond

the scope of resources used during normal plant operation, which were assessed in the Final Environmental Statements relating to plant operation, dated June 1973 for Units 1 and 2, and December 1984 for Unit 3.

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request that supports the proposed exemption. The staff did not consult other agencies or persons.

Finding of No Significant Impact

Based upon the foregoing environmental assesment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

For further details with respect to this action, see the request for exemption dated April 18, 1990 and the supplement dated August 1, 1990. A copy is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland this 24th day of October 1990.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I–4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90–25783 Filed 10–31–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–321, 50–366, 50–424 and 50–425]

Georgia Power Co., Edwin I. Hatch Nuclear Plant and Vogtle Electric Generating Plant; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that attorneys for Messrs. Marvin B. Hobby and Allen L. Mosbaugh submitted to the Chairman of the Nuclear Regulatory Commission (NRC) on September 11, 1990, a "Request for Proceedings and Imposition of Civil Penalties for Improperly Transferring Control of Georgia Power Company's Licenses to the SONOPCO Project and for the Unsafe and Improper Operation of Georgia Power Company Licensed Facilities" (Petition). A supplement to the Petition was also submitted October 1, 1990. The Petitioners are employees or former employees of the Georgia Power Company (GPC) and the Petition makes a number of allegations regarding the management of GPC nuclear facilities, particularly the Vogtle facility. Included were allegations of deliberate misrepresentations by GPC to the NRC and deliberate violations of nuclear safety requirements. The Petition sought immediate and swift action by the NRC based on its allegations. In a letter dated October 23, 1990, acknowledging receipt of the Petitions, I have determined that no immediate action by the NRC, other than certain actions already undertaken, is necessary regarding the matters raised in the Petition.

The Petition has been referred to the Director of the Office of Nuclear Reactor Regulation for the preparation of a Director's Decision pursuant to 10 CFR 2.206. As provided by §2.206, appropriate action will be taken with regard to the Petition within a reasonable time.

A copy of the Petition is available for inspection at the Commission's Public Document Room at 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Rooms for the Hatch facility located at Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513, and the Vogtle facility located at Burke County Library, 412 Fourth Street, Waynesboro, Georgia 30830. The supplement to the Petition is being withheld from the Public Document Rooms pending and NRC determination regarding Petitioner's request for withholding.

Dated at Rockville, Maryland this 23rd day of October, 1990.

For the Nuclear Regulatory Commission.

Thomas E. Murley,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 90–25864 Filed 10–31–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–346]

Toledo Edison Co. and Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station); Exemption

I

Toledo Edison Company and Cleveland Electric Illuminating Company (the licensees) are the holders of Facility Operating License No. NPF–3, which authorizes operation of the Davis-Besse Nuclear Power Station. The license provides, among other things, that the licensees are subject to all rules, regulations and orders of the Commission now or hereafter in effect.

The facility consists of a pressurized water reactor at the licensees' site located in Ottawa County, Ohio.

II

Pursuant to 10 CFR 55.59(a)(2), each reactor operator and senior reactor operator shall pass a comprehensive requalification written examination and an annual operating test.

III

By letter dated April 20, 1990, the Toledo Edison Company requested an exemption from the requirements set forth in 10 CFR 55.59(a)(2) for those reactor operators and senior reactor operators selected to take the May 1990 NRC requalification examination so that they be allowed a 6-month, one-time extension to the schedule required for the requalification examinations administered by Toledo Edison Company.

Immediate compliance with 10 CFR 55.59(a)(2) requires those reactor operators and senior reactor operators who have taken the May 1990 NRC requalification examination to take the Toledo Edison-administered requalification examination in November 1990. These two examinations are similar in nature and serve the same purpose.

Pursuant to 10 CFR 55.11, "The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of the regulations in this part as it determines are authorized by law and will not endanger life or property and are otherwise in the public interest."

IV

Requiring the reactor operators and senior reactor operators who have successfully passed the May 1990 NRC requalification examination to take the November 1990 Toledo Edison requalification examination would duplicate those operators' efforts to prepare for the examination. In order to minimize those duplicating efforts which otherwise can be used in keeping the plant in safe operation, it would be in the public interest to grant this exemption only for those reactor operators and senior reactor operators who have successfully passed the May 1990 NRC requalification examination. Those operators will continue to attend scheduled training and meet all other requirements for satisfactory completion of the requalification programs.

Those reactor operators and senior reactor operators who failed the May 1990 NRC requalification examination

are not included in the exemption. They are scheduled to take the November 1990 NRC-administered requalification examination only for those portions (written examination, job performance measures, and dynamic simulator examinations) they failed during the May 1990 examination.

The staff has reviewed the licensee's request for exemption and finds that requiring those operators who passed the May 1990 examinations to take the Toledo Edison requalification examination in November would not enhance the protection of the Toledo Edison environment and would result in an expenditure of licensee resources not required for public health and safety.

The staff also concludes that issuance of this exemption will not endanger life or property and will have no significant effect on the safety of the public or the plant.

Pursuant to 10 CFR 51.21, 51.32, and 51.35, an environmental assessment and finding of no significant impact has been prepared and published in the **Federal Register** on October 5, 1990 (55 FR 40958). Accordingly, based upon the environmental assessment, the Commission has determined that the issuance of this exemption will not have a significant effect on the quality of the human environment.

Accordingly, the Commission has determined, pursuant to 10 CFR 55.11, that an exemption as described in section III is authorized by law, will not endanger life or property and is otherwise in the public interest. Therefore, the Commission hereby grants the following exemption:

Toledo Edison is granted an exemption for those licensed reactor operators and senior reactor operators who successfully passed the NRC requalification written examination and annual operating test administered in May 1990 from the requirement of 10 CFR 55.59(a)(2) for a period of six months through November 1991. Those reactor operators and senior reactor operators who failed portions of the May 1990 requalification examination will have to be reexamined on that portion of the requalification examination by the NRC in November 1990.

For further details with respect to this action, see the licensee's request dated April 20, 1990 which is available for public inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC and at the University of Toledo Library, Document Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 25th day of October 1990.

For the Nuclear Regulatory Commission.

Martin J. Virgilio,

Acting Director, Division of Reactor Projects—III, IV, V and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 90–25863 Filed 10–31–90; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 030–13584 and 030–31462, License Nos. 52–01946–07 and 52–01946–09(08), EA 90–076]

University of Puerto Rico, San Juan, PR; Order Imposing Civil Monetary Penalties

I

University of Puerto Rico (Licensee) is the holder of Broad Medical and Teletherapy License Nos. 52–01946–07 and 52–01946–09(08) issued by the Nuclear Regulatory Commission (NRC or Commission) on January 3, 1978 and March 8, 1990, respectively. The licenses authorize the Licensee to use byproduct material in accordance with the conditions specified therein.

II

An inspection of the Licensee's activities was conducted on April 2–3, 1990. The results of this inspection indicated that the Licensee had not conducted its activities in full compliance with NRC requirements. A written Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was served upon the Licensee by letter dated July 19, 1990. The Notice states the nature of the violations, the provisions of the NRC's requirements that the Licensee had violated, and the amount of the civil penalties proposed for the violations. The Licensee responded to the Notice by letter dated September 4, 1990. In its response, the Licensee admitted the violations but proposed that the civil penalties be decreased or eliminated.

III

After consideration of the Licensee's response and the statements of fact, explanation, and argument for mitigation contained therein, the NRC staff has determined, as set forth in the Appendix to this Order, that the violations occurred as stated and that the penalties proposed for the violations designated in the Notice should be imposed.

IV

In view of the foregoing and pursuant to section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It is hereby ordered that:*

The Licensee pay civil penalties in the amount of $12,500 within 30 days of the date of this Order, by check, draft, or money order, payable to the Treasurer of the United States and mailed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555.

V

The Licensee may request a hearing within 30 days of the date of this Order. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be addressed to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, ATTN: Document Control Desk, Washington, DC 20555. Copies also shall be sent to the Assistant General Counsel for Hearings and Enforcement at the same address and to the Regional Administrator, NRC Region II, 101 Marietta Street NW., Atlanta, Georgia 30323.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If the Licensee fails to request a hearing within 30 days of the date of this Order, the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event the Licensee requests a hearing as provided above, the issues to be considered at such hearing shall be:

Whether on the basis of the violations which were admitted by the Licensee, this Order should be sustained.

Dated at Rockville, Maryland this 19th day of October 1990.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

Appendix. Evaluations And Conclusions

On July 19, 1990, a Notice of Violation and Proposed Imposition of Civil Penalties (Notice) was issued for violations identified during an NRC inspection. University of Puerto Rico responded to the Notice on September 4, 1990. In the response the licensee admitted the violations, but requested that the civil penalties be decreased or eliminated. The NRC's evaluation and conclusion regarding the licensee's requests are as follows:

Restatment of Violations

I. Violations of License No. 52–01946–07 (Broad License)

A. 10 CFR 35.415(a)(4) requires, in part, that for each patient receiving implant therapy, a licensee promptly, after implanting the

material, survey the dose rates in contiguous restricted and unrestricted areas with a radiation measurement survey instrument to demonstrate compliance with the requirements of 10 CFR part 20.

Contrary to the above, on April 13, 1989, October 11, 1989, and January 4, 1990, the licensee did not conduct any surveys for dose rates in the contiguous restricted and unrestricted areas to demonstrate compliance with the requirements of 10 CFR part 20 after implanting the material in a patient receiving implant therapy.

B. 10 CFR 35.404(a) requires, in part, that immediately after removing the last temporary implant therapy source from a patient, a licensee make a radiation survey of the patient to confirm that all sources have been removed.

Contrary to the above, on April 17, 1989, the licensee did not make any survey of an implant therapy patient immediately after the removal of iridium-192 temporary implant therapy sources to confirm that all the sources had been properly removed.

C. 10 CFR 20.207(a) requires that licensed materials stored in an unrestricted area be secured against unauthorized removal from the place of storage. 10 CFR 20.207(b) requires that licensed materials in an unrestricted area and not in storage be tended under the constant surveillance and immediate control of the licensee. As defined in 10 CFR 20.3(a)(17), an unrestricted area is any area access to which is not controlled by the licensee for purposes of protection of individuals from exposure to radiation and radioactive materials.

Contrary to the above, on April 2, 1990, licensed materials located in the radiopharmaceutical storage and preparation laboratory (hot lab) of the Nuclear Medicine Department, an unrestricted area, was not secured against unauthorized removal and were not under the constant surveillance and immediate control of the licensee in that the laboratory was left open and unattended.

This is a repeat violation (Inspection 89–01).

D. 10 CFR 35.59(b)(2) requires that a licensee in possession of any sealed sources or brachytherapy sources test the sources for leakage at intervals not to exceed six months or other intervals approved by the Commission and described in the manufacturer's label or brochure that accompanies the sealed sources.

Contrary to the above, between June 1989 and April 3, 1990, and interval exceeding six months, the licensee did not test any sealed source of brachytherapy source in its possession for leakage and no other intervals for testing these sources had been approved by the Commission.

This a repeat violation (Inspection 87–01).

E. 10 CFR 35.59(g) requires, in part, that a licensee in possesion of any sealed sources of brachytherapy sources shall conduct a quarterly physical inventory of all such sources in its possession.

Contrary to the above, between December 12, 1988 and May 3, 1989 (the 1st quarter of 1989, and between May 3, 1989 and October 6, 1989 (the 3rd quarter of 1989), the licensee did not conduct quarterly physical inventories of any sealed sources and brachytherapy sources in its possession.

This is a repeat violation (Inspection 85–01).

F. 10 CFR 35.59(h) requires, in part, that a licensee in possession of any sealed sources or brachytherapy sources measure the ambient dose rates quaterly in all areas where such sources are stored.

Contrary to the above, between June 1989 and April 3, 1990 (the 3rd and 4th quarter of 1989, and 1st quarter of 1990), the licensee did not measure the ambient dose rates in any areas where sealed or brachytherapy sources are stored.

G. 10 CFR 20.201(b) requires that each licensee make such surveys as may be necessary to comply with the regulations of Part 20, and which are reasonable under the circumstances to evaluate the extent of radiation hazards that may be present. As defined in 10 CFR 20.201(a), "survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such an evaluation includes physical survey of the location of materials and equipment, and measurements of levels of radiation and concentrations of radioactive material present.

10 CFR 20.103(b)(1) requires, in part, that a licensee, as a precautionary procedure, use process or other engineering controls to limit concentrations of radioactive material in air to the extent practicable.

Contrary to the above, between January 1989 and April 3, 1990, the licensee's survey made to verify compliance with the requirements of 10 CFR 20.103(b)(1) were inadequate in that air flow rates in fume hoods used as process and engineering controls for the handling and storage of multiple dose vials containing millicurie quantities of iodine-131 were not being measured and evaluated.

This is a repeat violation (Inspection 87–01).

H. 10 CFR 35.205(e) requires that a licensee measure the ventilation rates available in areas of radioactive gas use each six months.

Contrary to the above, between January 1989 and April 3, 1990, the licensee did not measure the ventilation rates available in the room where xenon-133 gas was used.

This is a repeat violation (Inspection 87–01).

I. Condition of License No. 52–01946–07 requires that the licensee conduct its program in accordance with the statements, representations, and procedures described in the licensee's application dated August 29, 1988.

Item 10.7, page 30, of the licensee's application dated August 29, 1988, states that packages containing radioactive material will be opened in accordance with the procedures described in Appendix L of Regulatory Guide 10.8, Revision 2, "Guide for the Preparation of Applications for Medical Use Programs" (August 1987) (RG 10.8). Step 2.c of Appendix L requires that radiation dose rate measurements be made at one meter from the package and on contact with the package surface.

Contary to the above, on April 11, 1989, no radiation survey measurements were made either at one meter from the package or at contact with the package, upon receipt of a package containing iridium-192 implant therapy sources.

This is a repeat violation (Inspection 85–01).

J. 10 CFR 35.22(b)(6) requires that to oversee the use of licensed materials, the Radiation Safety Committee must review annually, with the assistance of the Radiation Safety Officer, the radiation safety program.

Contrary to the above, an annual review of the radiation safety program was not performed by the Radiation Safety Committee and the Radiation Safety Officer for 1988. The last two reviews were performed in March 1990 (for 1989) and in April 1988 (for 1987).

K. 10 CFR 35.50(e) (2), (3), and (4) require that records of dose calibrator accuracy, linearity, and geometric dependence tests, include the signature of the Radiation Safety Officer.

Condition 20 of License No. 52–01946–07 requires that the licensee conduct its program in accordance with the statements, representations, and procedures described in the licensee's application dated August 29, 1988.

Item 9.3 of the application dated August 29, 1988, requires that the model procedures in appendix C, RG 10.8, be followed for calibration of the dose calibrator. Procedure 8. of appendix C requires that the RSO review and sign the reocrds of all geometry, linearity, and accuracy tests.

Contrary to the above, between April 1989 and April 3, 1990, the Radiation Safety Officer did not review or sign the does calibrator accuracy, linearity, and geometric dependence test records.

These violations have been categorized in the aggregate as a Severity Level III problem (Supplements IV and VI).

Cumulative Civil Penalty—$6,250 (assessed equally among the 11 violations).

II. Violations of License Number 52–01946–09 (Teletherapy License)

A. 10 CFR 35.634(a) requires, in part, that a licensee authorized to use teletherapy units for medical use perform output spot checks on each teletherapy unit once in each calendar month. 10 CFR 35.634(c) requires, in part, that a licensee have the teletherapy physicist review the results of each spot check within 15 days.

Contrary to the above, between April 1989 and April 3, 1990, the licensee did not have the teletherapy physicist (Radiation Safety Officer) review the results of each spot check either within the 15 days required or at anytime during the 12-month period from April 1989 to the date of the inspection.

B. 10 CFR 35.632(a)(3) and (f) require, in part, that a licensee authorized to use a teletherapy unit for medical use perform full calibration measurements at intervals not to exceed one year and that these full calibration measurements be performed by the licensee's teletherapy physicist.

License Condition 11.B of License No. 52–01946–09 specifies the licensee's designated teletherapy physicists by name.

Contrary to the above, between April 1, 1987 and April 3, 1990 the designated

teletherapy physicist did not perform the annual full calibration measurements of the teletherapy system documented for June 9, 1987, June 9, 1988 and June 9, 1989. Instead, these annual full calibrations were performed by an individual not meeting the qualifications of a teletherapy physicist and not designated by License No. 52–01946–09 to perform such measurements.

C. 10 CFR 35.59(b)(2) requires, in part, that a licensee in possession of any sealed sources test the sources for leakage at intervals not to exceed six months or at other intervals approved by the Commission and described in the label or brouchure that accompanies the sealed sources.

Contrary to the above, between June 1989 and April 3, 1990, an interval exceeding six months, the licensee did not test the teletherapy system sealed source in its possession for leakage and no other intervals for testing this source had been approved by the Commission.

These violations have been categorized in the aggregate as a Severity Level III problem (Supplements IV and VI).

Civil Penalty—$6,250 (assessed $1,500 for Violation A, $4,250 for Violation B and $500 for Violation C).

Summary of Licensee's Request for Mitigation

The licensee requests that the civil penalties be decreased or eliminated due to the fact that the alleged violations were corrected, and the licensee has taken the necessary steps to avoid future violations. The licensee asks that NRC's evaluation consider that the University is a non-profit organization dedicated to higher education and, in particular, the Medical Sciences Campus provides services for medically indigent patients who would otherwise not receive the services anywhere else in Puerto Rico.

NRC Evaluation of Licensee's Request for Mitigation

The correction of identified violations is always required and is not a basis for mitigation of a civil penalty unless the action taken is prompt and comprehensive. As stated in the NRC's July 19, 1990 letter, neither escalation nor mitigation of the base civil penalty for the violations in Section I or II of the Notice was warranted for the licensee's corrective action to prevent recurrence because, although it was considered comprehensive, it was not prompt.

The NRC acknowledges that the University is a non-profit organization that provides essential services for medically indigent patients. As stated in the NRC Enforcement Policy, it is not the NRC's intention that the economic impact of a civil penalty be such that it puts a licensee out of business or adversely affects a licensee's ability to safely conduct licensed activities. In fact, in developing the base civil penalties in Table I.A, consideration was given to the fact that some licensees, such as the University, are non-profit organizations.

NRC Conclusion

The staff concludes that the violations occurred as stated and that the licensee has not provided a sufficient basis for mitigation of the proposed civil penalties. Consequently the proposed civil penalties of $12,500 should be imposed.

[FR Doc. 90–25784 Filed 10–31–90; 8:45 am]

BILLING CODE 7590–01–M

OVERSIGHT BOARD

Oversight Board Meeting

AGENCY: Oversight Board.

ACTION: Meeting.

DATES: Thursday, November 15, 1990, 4 p.m.

ADDRESSES: Office of Personnel Management Auditorium, 1900 E Street NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Felisa M. Neuringer, Press Officer, Office of Public Affairs, 1777 F Street NW., Washington, DC 20232, (202) 786–9672.

SUPPLEMENTARY INFORMATION: Discussion Agenda:

*Report on the Resolution Trust Corporation's (RTC Affordable Housing Disposition Program.

*Other agenda items to be determined.

Closed session to follow.

Dated: October 30, 1990.

Felisa M. Neuringer,

Press Officer, Office of Public Affairs.

[FR Doc. 90–25938 Filed 10–31–90; 8:45 am]

BILLING CODE 2222–01–M

PENSION BENEFIT GUARANTY CORPORATION

Request for Approval of a Collection of Information Under the Paperwork Reduction Act

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval.

SUMMARY: The Pension Benefit Guaranty Corporation has requested that the Office of Management and Budget approve a new collection of information under the Paperwork Reduction Act. The purpose of this collection of information, which would apply only to companies maintaining single-employer pension plans with large aggregate underfunding, is to verify or correct data presented by PBGC showing the amount of each employer's plans' underfunding (including underfunding for benefits guaranteed by PBGC). This information is used by PBGC to publish annually a list of the 50 companies with the largest pension plan underfunding (aggregating all of a company's underfunded plans), in order to educate the public about major plan underfunding of benefits guaranteed by PBGC. The PBCG has requested expedited review by OMB pursuant to 5 CFR 1320.18, and, therefore, PBGC is publishing with this notice the two versions of the survey letter and response form comprising this new collection of information. The effect of this notice is to advise the public of PBGC's request for OMB approval of, and to solicit public comment on, this collection of information.

DATES: Comments must be submitted on or before November 15, 1990.

ADDRESSES: All written comments (at least three copies) should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 725 17th Street, NW., room 3208, Washington, DC 20503, with a copy to the Pension Benefit Guaranty Corporation, Office of the General Counsel (Code 22500), 2020 K Street, NW., Washington, DC 20006.

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

SUPPLEMENTARY INFORMATION: In order to educate the public about major pension plan underfunding of benefits guaranteed by the Pension Benefit Guaranty Corporation (PBGC), the PBGC decided to publish annually a list of the 50 companies with the largest aggregate pension plan underfunding, showing for each company the total underfunding in all of the company's underfunded plans ("Top 50 List"). The PBGC published the first such list in May 1990.

To develop the first Top 50 List, PBGC used data from corporate Annual Reports prepared by plan sponsors and adjusted the data to make it uniform for all companies and to show benefit liabilities at the interest rates used by PBGC to value benefits in underfunded terminated plans. PBGC also used a standard adjustment factor to estimate the portion of vested benefits that are guaranteed by PBGC.

In order to make future Top 50 Lists as accurate as possible, the PBGC plans to solicit the necessary plan funding data from companies that, based on data from their Annual Reports or Form 5500 filings, appear to have large (greater than $25 million) aggregate pension plan underfunding. Specifically, PBGC will send each company a letter informing the company of the data the PBGC has, and asking the firm to verify or correct the data and to provide additional relevant information (*e.g.*, plan mortality assumption used to value benefits). A simple form will be included for the company's response. The information gathered through this survey will be used by the PBGC to determine which companies to include in each year's Top 50 List and the amount of pension plan underfunding to be reported for each company. PBGC will also use the data to identify plans for monitoring because of possible risk to the insurance program.

As noted above, this collection of information will be directed to firms that the PBGC believes maintain plans with more than $25 million in underfunding. (At present, this would cover 110 companies.) Response to this survey is voluntary. This survey will be conducted annually. The PBGC estimates that, assuming all companies reply, the total annual burden of responsing to the survey will be 385 hours.

The PBGC wants to initiate this collection of information as soon as possible in order to be able to publish a new Top 50 List that will update and correct any inaccuracies in the May list. To this end, the PBGC is requesting expedited OMB review of this new collection of information, pursuant to 5 CFR 1320.18(g). As part of the expedited review process, the PBGC is hereby publishing for public comment the two versions of the survey letter and response form that the PBGC plans to use for this collection of information.

Issued at Washington, DC, this 26th day of October, 1990.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

Version #1—To Be Used If Data Taken From Annual Report

Dear _____: In May 1990, the Pension Benefit Guaranty Corporation released a list of the 50 companies that sponsor underfunded pension plans insured by the Pension Benefit Guaranty Corporation that are in aggregate the largest underfunded. That news release was based on information obtained from calendar year 1988 Annual Reports as recorded by Standard and Poor's Compustat Services Inc.'s PC Plus. A copy of that news release is enclosed for your convenience. In developing the Top 50 list, we eliminated non-U.S. based plans and non-qualified (e.g., "Top Hat") plans that we could readily identify from annual report footnotes. Financial Accounting Standard #87 (FASB 87), however, does not require the disclosure of the information necessary to determine whether a plan is insured by the Pension Benefit Guaranty Corporation. Further, FASB 87 does not require disclosure of all the information necessary to allow the values reported in the footnotes to be adjusted to a common interest rate and mortality table, nor does it indicate what portion of vested benefits are guaranteed by the PBGC.

The Pension Benefit Guaranty Corporation intends to issue an updated version of the list this autumn. In developing this year' list, we are reviewing information obtained from corporate annual reports for fiscal years ending from January 1989 through December 1989, and 1987 Form 5500 information. Based on this information, we have determined that your firm may have enough unfunded pension liabilities (when adjusted to a common interest rate and mortality rate) that your firm *may* be included on the list.

More specifically, for your firm we have obtained the information listed below for plans whose accumulated benefits exceed assets as reported in the annual report for the fiscal year ending _____. The figures exclude obligations and assets of non-U.S. based and/or non-covered plans that could be identified from the footnotes to the annual report.

Projected Benefit Obligations.	$_____
Accumulated Benefit Obligations.	$_____
Vested Benefit Obligations..	$_____
Plan Assets.....	$_____
Projected Benefit Obligations in excess of Plan Assets.	$_____
Valuation Date	mm/dd/yy
Interest Rate.....	_____%

Based on the methodology we used last year, we would report the following figures for your firm.

Adjusted Guaranteed Benefits.	$_____
Assets	$_____
Adjusted Unfunded Guaranteed Liability.	$_____
Funding Ratio.....	_____%

We would like you to take the opportunity to complete the attached form so we can report your firm's adjusted unfunded guaranteed liability as accurately as possible in the event your firm is included in our Top 50 list. You may if you wish also provide us with an estimate of guaranteed benefits, especially if the benefits that the PBGC would have guaranteed as of the date of valuation would be significantly less than the vested benefits. If you choose to do so, please value them on the same basis (i.e., interest, mortality table) as you used for vested benefits.

If you would like to provide us with this information, please do so within two weeks of the date of this letter. If we do not hear from you, we will base our release on the above information, unless better information becomes available to us.

We will inform you immediately prior to publication if after we analyze this information, it appears your company will be on the list. Please provide us with the name, address, telephone number, and fax number of the person you would like us to contact.

If you have any specific questions, you may contact John Hirschmann at 202–778–8817.

Sincerely,

James B. Lockhart III,

Executive Director.

Attachment

FORM A.—FORM TO GO TO FIRMS BEING QUERIED BASED ON ANNUAL REPORT INFORMATION

[Approved OMB 1212-00xx; Expires 00/00/00]

	PBGC covered plans					Non PBGC covered	Total
Plan Name						xxxxxxx	xxxxxxx
EIN							
Plan Number							
Vested Benefits							
Guaranteed Benefits (optional)							
Plan Assets at Market Value							
Interest Rate Used							
Mortality Table Used							

FORM A.—FORM TO GO TO FIRMS BEING QUERIED BASED ON ANNUAL REPORT INFORMATION—Continued

[Approved OMB 1212-00xx; Expires 00/00/00]

	PBGC covered plans					Non PBGC covered	Total

Person to Contact:

Title:

Phone Number:

Instructions: Include as many columns as necessary. All non-PBGC covered plans may be included in one column. If necessary, use additional sheets for PBGC covered plans.

Version #2—To Be Used If Information Is Taken From 1987 Form 5500's

Dear _____: In May 1990, the Pension Benefit Guaranty Corporation released a list of the 50 companies that sponsor underfunded pension plans insured by the Pension Benefit Guaranty Corporation that are in aggregate the largest underfunded. That news release was based on information obtained from calendar year 1988 Annual Reports as recorded by Standard and Poor's Compustat Services Inc.'s PC Plus. A copy of that news release is enclosed for your convenience. In developing the Top 50 list, we eliminated non-U.S. based plans and non-qualified (e.g., "Top-Hat") plans that we could readily identify from the footnotes shown in PC Plus. Financial Accounting Standard #87 (FASB 87), however, does not require the release of the information necessary to determine whether a plan is insured by the Pension Benefit Guaranty Corporation. Further, FASB 87 does not require disclosure of all the information necessary to allow the values reported in the footnote to be adjusted to a common interest rate and mortality table, nor does it indicate what portion of vested benefits would be guaranteed by the PBGC.

The Pension Benefit Guaranty Corporation intends to issue an updated version of the list this autumn. In developing this year's list, we are reviewing information obtained from corporate annual reports for fiscal years ending from January 1989 through December 1989 and from 1987 Form 5500 information. Based on this information, we have determined that your firm may have enough unfunded pension liabilities (when adjusted to a common interest rate and mortality rate) that your firm *may* be concluded on the list.

For your firm, the following information was obtained from the 1987 Form 5500 filings for the following plans.

	Plan #1	Plan #2	Plan #3	Plan #4
Plan Name				
EIN				
PIN				
(Schedule B Info):				
Plan Assets				
Line 6c				
Retired Liabilities:				
Vested				
Line 6d(i)				
Other Liabilities:				
Vested				
Line 6d(ii)				
Interest Rate Used for:				
Items 6d & 6c				
Line 12c				

Based on the methodology we used last year, we would report the following figures for your firm.

Adjusted Guaranteed Benefits.	$_____
Assets	$_____
Adjusted Unfunded Guaranteed Liabilities.	$_____
Funding Ratio	_____%

Since this information was prepared as of 1987, we would like to be able to present the information as of a more current date. Unfortunately, while we realize you have already filed your Form 5500's for the plan year commencing January 1, 1989 [_____, 1988 for non-calendar year plans], that information will not be available to us for quite some time. Therefore, we would like to give you the opportunity to provide the information to us so that it can be reflected in the autumn update. You can do so either by completing the enclosed form or sending us copies of the appropriate Schedule B's from your Form 5500 filings. You should supply information for all plans insured by the PBGC that are underfunded for vested benefits.

You may if you wish also provide us with an estimate of guaranteed benefits, especially if you believe that the benefits that the PBGC would have guaranteed as of the date of valuation would be significantly less than the vested benefits. If you choose to do so, please value them on the same basis (i.e., interest, mortality table) as you used for vested benefits.

Please send us your information within two weeks of the date of this letter. If we do not hear from you, we will base our release on the above information, unless better information becomes available to us.

We will inform you immediately prior to publication if it appears your company will be on the Top 50 list. Please provide us with the name, address, telephone number, and fax number of the person you would like us to contact.

If you have any specific questions, you may contact John Hirschmann at 202-778-8817.

Sincerely,

James B. Lockhart III

Executive Director

Attachment

FORM B.—FIRMS BEING QUERIED BASED ON 1987 FORM 5500 INFORMATION

[Approved OMB 1212-OOXX; Expires 00/00/00]

	Plan #1	Plan #2	Plan #3	Plan #4
Plan Name				
EIN				
Plan Number				
(Schedule B Info):				
Plan Assets				
Line 6c				
Retired Liabilities:				
Vested				
Line 6d(i)				
Other Liabilities:				
Vested				

FORM B.—FIRMS BEING QUERIED BASED ON 1987 FORM 5500 INFORMATION—Continued

[Approved OMB 1212-OOXX; Expires 00/00/00]

	Plan #1	Plan #2	Plan #3	Plan #4
Line 6d(ii)				
Guaranteed Benefits (Optional)				
Interest Rate Used for:				
Items 6d & 6c				
Line 12c				
Mortality Table Code Used for				
Items 6d & 6e				
Line 12 b(i) (Male)				
Line 12b(ii) (Male)				
Person to Contact:				
Title:				
Phone Number:				

Instructions: Include as many columns as necessary to include all PBGC covered plans. If necessary, use additional sheets.

[FR Doc. 90-25881 Filed 10-31-90; 8:45 am]
BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-28583; File No. SR-NASD-89-25]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment to Proposed Rule Change of National Association of Securities Dealers, Inc., Relating to the Automated Confirmation Transaction Service

I. Introduction

On May 31, 1989, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change (File No. SR-NASD-89-25), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), and rule 19b-4 thereunder, and Amendment Nos. 1, 2, 3, and 4 thereto on June 20, 1989, September 1, 1989, March 22, 1990, and June 6, 1990 respectively, to create new section 2551 entitled "Rules of Practice and Procedures for the Automated Confirmation Transaction Service ("ACT Rules"). ACT is intended to facilitate the comparison and clearing of inter-dealer over-the-counter ("OTC") equity trades by requiring input of trade reports within specific time frames, comparing that trade data, and submitting matched, "locked-in" trades to clearing.

Notice of the original filing and Amendment No. 1 was given in Securities Exchange Act Release No. 26991 (June 29, 1989), 54 FR 28531, and the Commission received seven comment letters in response thereto. In response to those comment letters, the NASD, in Amendment No. 2, separated the ACT Rules into rules applicable to self-clearing firms only, and rules applicable to clearing firms. The Commission provided notice of Amendment No. 2 and granted partial accelerated approval to those ACT Rules applicable to self-clearing firms in Securities Exchange Act Release No. 27229 (September 7, 1989), 54 FR 38484. The Commission did not receive comments on this Amendment. Notice of Amendment No. 3 was given in Securities Exchange Act Release No. 27977 (May 2, 1990), 55 FR 19407. The Commission also did not receive comments on that Amendment. Amendment No. 4 modifies the time frames for reporting and accepting trades within ACT.[1] This order approves the proposal.

II. Background

In its filing with the Commission, the NASD stated that the back office problems experienced by the securities industry in comparing trades and submitting trade reports to clearing agencies following the October 1987 market break highlighted the need for same-day, automated comparison procedures. The rate of uncompared trades in the OTC market rose from an average of 5% to 12% in the month of October, 1987, and NASDAQ and the exchanges closed their markets two hours earlier from October 23 through October 30, 1987, to allow broker-dealers time to complete back office work. The Presidential Task Force on Market Mechanisms, the Commission staff, and the Working Group on Financial Markets, as part of their extensive analyses of the causes and effects of the October 1987 market break, recognized the potential dangers in procedures for comparing and clearing trades, and focused on measures necessary to expedite the process.[2] The NASD noted that the Commission, in its *Report on the 1987 Market Break*, stated that "while the securities industry deserves praise for its fast resolution of an unprecedented number of uncompared trades, the Division staff believes that the (New York Stock Exchange) and the NASD should consider accelerating their efforts * * * to generate same day compared trades, thereby enabling members to know their positions and market exposure before trading commences the next day."

The NASD stated that it developed the ACT system as the primary vehicle for compressing the comparison cycle, thereby reducing the inherent risks of market fluctuations for all OTC inter-dealer trades that are not already subject to system comparison. The NASD maintained that the primary feature of the ACT system is its ability to capture trade information close in time to execution and lock in the details of the trade for submission to clearing.

[1] As amended, the time frames for participants required to submit trade reports into ACT are 90 seconds after execution for reported securities (*i.e.*, NASDAQ/National Market System securities) and 15 minutes after execution for non-reported securities (*i.e.*, NASDAQ-only securities). On the other hand, parties that are not required to submit trade reports, but are permitted to browse through the files, must accept or cancel reports within 20 minutes after execution.

The Commission is publishing notice of and granting accelerated approval to amendment No. 4 in this Release.

[2] *See Report of the Presidential Task Force on Market Mechanisms*, Study VI (January, 1988); Division of Market Regulation, *The October 1987 Market Break*, Chapter 10 (February, 1988); and *Interim Report of the Working Group on Financial Markets*, Appendix D (May 1988).

III. Description

In its filing with the Commission, the NASD stated that the ACT service is designed to facilitate comparison and clearing of inter-dealer OTC equity trades by requiring input of trade reports within specific time frames, comparing that trade data, and submitting matched, locked-in trades to clearing. Participation in ACT will be mandatory for all NASD broker-dealers that are clearing or comparison members of a clearing agency registered pursuant to section 17A of the Act, or that have a clearing or comparison agreement with such a firm. ACT has three primary features: (1) Match processing that will compare trade information and submit locked-in trades for regular way settlement to clearing on a trade date or next day ("T+1") basis; (2) trade reporting for transactions in NMS securities that must be reported pursuant to the NMS Securities Designation Plan with Respect to NASDAQ Securities; and (3) risk management features that will provde firms with a centralized, automated environment for assessment of market exposure during and after the trading day, and that will permit clearing firms to monitor and respond to the ongoing trading activities of their correspondents.

The NASD filed Amendment No. 1 on June 20, 1989, to clarify the trade input responsibilities of ACT participants, and to amend Schedule D and the Small Order Execution System ("SOES") Rules by eliminating the 20-day suspension from SOES and NASDAQ to accommodate ACT participant and NASDAQ/NMS market makers who lose their clearing arrangements and thus are removed from ACT and from NASDAQ-NMS. That Amendment permits market makers that have withdrawn from NASDAQ-NMS because of loss of a clearing arrangement to reenter NASDAQ, SOES and ACT after a clearing arrangement is reestablished.

In order to expedite implementation of the ACT system, the NASD filed Amendment No. 2 on September 1, 1989, which separated the ACT Rules into rules applicable only to self-clearing firms, and rules applicable to clearing firms. As noted above, the Commission granted partial accelerated approval to those rules applicable only to self-clearing firms. That Amendment also modified two of the risk management features—the "Net Trade Threshold" and the "Pre-Alert Threshold"—in response to concerns expressed by the clearing firms.

Initially, ACT's risk management features contained a net trade threshold calculation and provided that the ACT system would offset the value of purchases and sales during the trading day. ACT would aggregate the clearing firms' exposure into one net amount. The clearing firms were concerned about this netting feature, and engaged in many discussions with the NASD about a viable resolution of this issue. In response to the clearing firms' concerns, the NASD filed Amendment No. 3 on March 22, 1990, which created a new section in the ACT Rules to include a "super cap" calculation for risk management purposes. That Amendment also established two gross dollar thresholds for each correspondent firm.

The super cap was designed to enhance notice to ACT participants that certain trades may not compare, and to place a limit on exposure to large trades for firms that clear for correspondent broker-dealers. The super cap calculation is derived from the amount that a clearing firm establishes it would be willing to clear in a single day for its correspondent executing brokers, *i.e.*, the daily gross threshold. If during the trading day, the correspondent firm exceeds twice the daily gross threshold for purchases or sales, with a minimum of $1,000,000, the super cap would be penetrated. When that occurs, ACT will produce a notice to ACT participants that the correspondent has exceeded the cap. Only trades compared by ACT on trade date would accumulate into the super cap calculation, thereby minimizing the chance that a one-sided erroneous or malicious trade entry could cause the super cap to be penetrated.

A. ACT Processing

ACT-processed transactions will be submitted to the National Securities Clearing Corporation ("NSCC") as locked-in trades on trade date or T+1. ACT is designed as an on-line, end-of-day matching system that will allow two participants, usually a market maker and an order entry firm, to lock-in details of a trade within minutes of the transaction. Once the two sides have negotiated an OTC transaction, the market maker participating in ACT will be obligated to input the details of the trade, including security identification, unit price, quantity, buy or sell, and contra side—both executing broker and clearing broker, within specific time frames depending on the security and the method of accessing the system.[3]

Transactions in OTC reportable securities, *i.e.*, round lots of NMS securities, must be reported to ACT within 90 seconds after execution, and the ACT system will forward the reports to the NMS high speed tape, the National Trade Reporting System. Firms that access the ACT system through computer interface must report all trades within 90 seconds after execution. Firms that report to ACT through terminal entry, either Harris, Harris emulation or NASDAQ Workstation, must report NMS trades to ACT within 90 seconds, if acting as a selling market maker, and all other trades within 6.5 minutes.

The order entry side, if a terminal entry firm, also may input details of the trade, or utilize the Browse feature of the system and accept or decline the trade as reported, within the 6.5 minute time frame.

Locked-in trades must be guaranteed to settle by the two parties to the transaction, except that clearing firms that allow their names to be given up by executing correspondents also must guarantee the trades of those correspondents. The ACT system utilizes three methods to lock-in trades on trade date: trade-by-trade match, trade acceptance, or aggregate volume match. As both sides of the trade are reported to ACT, or one side is reported and accepted by the other, the ACT system performs on-line match processing, and if all elements match or the trade report has been accepted by the other side, the trade will be locked-in and submitted as such to the NSCC at the end of the day. In addition to matched and accepted trades, ACT processing will run a batch-type comparison at the end of each day that will aggregate volume of previously unmatched trade reports to effect a match. For example, if a market maker enters reports of two trades, 300 shares and 400 shares of the same stock, same price and same contra side, but the order entry side aggregates the volume and reports one 700-share trade, the trades would not match in the trade-by-trade comparison process because the "number of shares" field in the trade reports are not identical. At the end of the day, however, the ACT aggregate volume match cycle will compare the remaining unmatched trade reports, select those in which all the other trade data fields match, aggregate the share volume in the reports, lock those trades in and submit them in clearing.

[3] For ease of description, the Commission has used trades between a market maker and an order entry firm to illustrate how the system would be used. ACT can be used, however, for trades between any two NASD members.

Not all trade reports will be processed and locked-in by ACT on trade date. If a trade report has been declined by the order entry side on trade date, the ACT system will delete the report at the end of the day and the trade report will not be sent to clearing. A participant may decline a trade because there is a mistake in the terms reported, and may enter his version of the transaction into ACT. The market maker also has the opportunity to correct the error that caused the trade to be declined. In addition, any trade report that is "open," *i.e.*, unmatched and not declined at the end of trade date processing, will be carried over to T+1 for further processing.

ACT matching continues on T+1: trade date reports submitted on T+1 will be considered "as-of" trades and will be accepted for matching. Any other corrections or adjustments to trade date input by the entering party will be accepted from either side of the transaction. At the end of the T+1 cycle, declined trades and open "as-of" trades will be removed from the system and not forwarded to NSCC.

ACT T+1 trade acceptance and end-of-day-matching procedures are similar to those described above for trade date, with one notable exception. Those trade date reports that remain open at the end of the T+1 cycle will automatically be treated as locked-in trades and sent as such to NSCC. For example, two ACT participants negotiate a trade for 500 shares of XYZ stock at 20½. The market maker reports the transaction to ACT as 500 shares at 20½; the order entry side, however, reports the trade to ACT as 500 shares at 20⅝. Because match-by-match processing will not lock-in this trade, it will appear in each party's ACT trade file as an open report on trade date and on T+1. If neither the market maker nor the order entry side reviews its open trades on the ACT display and accepts or corrects the open trades, at the end of T+1 processing both trades will be treated as locked-in and both participants will be obligated to clear and settle 1000 shares of XYZ stock. Further, in the example noted above in which one side inputs two trade reports, but the other side aggregates the reports, if one side has input an erroneous number, the system will match and aggregate to the extent possible and display any remaining shares to each side as an open report. Take for example a situation in which there were two trades for 300 and 400 shares, but the market maker erroneously submits trade reports for 500 and 400 shares, for a total of 900 shares, into the system. The order entry side, believing the trades to be for 300 and 400 shares, appropriately aggregates the reports and inputs a trade report of 700 shares into ACT. The end of day aggregate volume process will match and lock-in 700 shares, but the ACT system will now display the remaining 200 shares to each participant as an open trade. If neither party declines this report, at the end of T+1, each will be obligated to accept and clear the 200-share trade.

B. Tape Reporting and Risk Management

The ACT Rules will require participants to report tape-reportable NMS trades to the system within 90 seconds after execution, and the system will transmit the appropriate trade reports, *i.e.*, internalized and inter-dealer NMS trades of round lots, to the NASDAQ/NMS high speed tape. The ACT Rules in no way abolish or abrogate any of the obligations of market makers or reporting members as defined in Schedule D, Part XII, Reporting Transactions in NASDAQ National Market System Designated Securities, except to the extent that participants in ACT will not be obligated to report NMS transactions to two systems. Transactions not reported within 90 seconds after execution shall be reported as late, and the ACT system will transmit the late reports to the high speed tape. In addition, although the NMS reporting rules permit aggregation of trade reports in certain circumstances,[4] the ACT system can only match aggregated reports of transactions with the same contra party. Therefore, if a market maker wishes to aggregate all reports of orders received prior to the opening for tape reporting purposes, he would later be required to amend the reports and distinguish the contra sides for ACT purposes.

The ACT system offers several risk management features designed to enhance firms' back office operations. First, the ACT system has the capacity to compute the dollar value of each trade report entered, thus enabling firms to assess their market exposure during the trading day, if the firm chooses to access ACT through computer interface. Second, even without computer interface, ACT participants will be able to review the details of each trade entered into the system naming their firm as a party to the trade, so that the day's trading is available for review and analysis. Third, clearing firms will, for the first time through ACT, be able to assess dynamically their ultimate market exposure by having the ability to monitor their correspondents' positions, both intra-day and after trading hours.

Further, to be responsive to clearing firms' concerns about immediate liability for correspondent activity in a locked-in trading environment, the Association has developed numerous facilities that will provide them with enhanced risk management capabilities:

(1) Clearing firms will be able to establish daily threshold dollar amounts for each correspondent's trading activity;

(2) The system will alert clearing firms when a correspondent approaches (at 70%) and reaches the daily threshold;

(3) The system will provide clearing firms with intra-day access to correspondents' transactions as well as an end-of-day recap; and

(4) The system will provide clearing firms the ability to remove themselves from a clearing arrangement at any time.

In addition to these risk management applications, the Association has developed a "single trade limit" feature that establishes a 15-minute review period for clearing firms prior to becoming obligated to clear a trade of $1,000,000 or more executed by one of its correspondents. This feature allows a clearing firm 15 minutes to decide whether to accept or decline clearing obligations for a large trade and was designed as an additional risk management tool for clearing firms on large locked-in trades. The Association believes that the risk management features of the ACT system preserve the integrity of a "floor-derived," same-day comparison system, while at the same time offering protections and opportunities for clearing firms to perform risk management analyses unsurpassed in today's marketplace.

C. Implementation of ACT

1. Eligible Securities

Securities eligible for inclusion in the ACT system will be phased in over a long range implementation schedule.[5] Phase 1 will include all NASDAQ securities, NMS and NASDAQ-only, brought on to the system alphabetically as operational considerations permit.[6] Phase 2 will add listed securities traded in the third market. Planning for phases 3 and 4 for ACT-eligible securities include, respectively, non-NASDAQ stocks cleared by a registered clearing agency and all other OTC equity securities, for comparison purposes

[4] *See* Schedule D, part XII, section 2(f).

[5] Self-clearing broker-dealers with NASDAQ compatible equipment, both terminal-based and computer interface, have begun participating and, as of February 2, 1990, all NASDAQ securities have been eligible for inclusion in ACT processing.

[6] Phase I securities have been implemented.

only.[7] During all phases of ACT implementation, the securities available for actual inclusion in the system will be added on a gradual basis, consistent with the system's operational considerations. The Association has no specific timetable for phasing in eligible securities, but will proceed at a pace designed to accommodate the participants and the system's capabilities, and will update the Division of Market Regulation staff periodically as to the status of each phase of implementation.

2. Eligible Participants

Although participation in ACT is mandatory for all NASD members that are members of a registered clearing agency or that have a clearing arrangement with such a member, the system has been designed to support firms that may not be immediately capable of participating in ACT when it becomes operational or that may, from time to time, experience operational difficulties. These various stages of readiness are identified in the system as "availability states":

(1) Not Ready, where a firm is not yet an ACT Participant (e.g., firms that intend to access ACT through computer interface, but whose programming may not be completed);

(2) Unavailable, where an ACT Participant is temporarily unable to participate due to technical malfunctions; and

(3) Available, where the firm is an ACT Participant and all ACT rules and procedures apply.

A firm's ability to interact with the system will determine the scope of its participation. For example, a Not Ready firm, while it is unable to enter trade reports into ACT, may be able to view the trades entered by contra parties naming it as a party to the trade, but the system will not lock-in any such trade. Instead, ACT will submit a one-sided trade report to NSCC at the end of trade date processing on behalf of the firm that made the ACT entry, and NSCC will handle that trade report as it does today, without the Association's identifying it as a locked-in ACT trade. A firm that is "Unavailable" for ACT processing will also be protected from automatic processing; at the end of the T+1 cycle, the open trades entered against an Unavailable firm will not be locked-in, as described above, but will be sent to NSCC as one-sided trade reports.[8] "Available" firms will of course be able to participate in all of the ACT system's features and will be obligated to abide by the rules and procedures of the system.

3. Interaction With Other NASD Systems

As an independent system, ACT was designed initially to compare trade reports and locked-in trades for submission to clearing. Because the membership and the Board decided to make participation in ACT mandatory for firms with clearing arrangements, and because the tape reporting and risk management applications were integrated into the system, ACT necessarily interacts with many other automated systems. For example, all SOES market makers in NMS securities are required to maintain a clearing arrangement with a registered clearing agency and may be penalized with a 20-day suspension for an unexcused withdrawal from SOES. But, if a market maker loses its clearing arrangement because of some activity in ACT, it will be removed from the ACT system and necessarily from NASDAQ/NMS until it establishes another clearing arrangement, the market maker would face the 20-day suspension because of the SOES Rules. The Uniform Practice Committee recommended, and the Board approved, an exception to the 20-day SOES penalty so that a market maker that loses its clearing arrangement in ACT would not be penalized in SOES. The ACT Rules and the amendment to the SOES Rules would therefore allow a market maker to be reinstated in SOES when a clearing arrangement has been reestablished.[9]

One of the back office features available through ACT is the maintenance of a "Net-Amount Traded" file for each executing broker. Every applicable non-systematized inter-dealer OTC equity transaction will be reported to ACT and the system has the capacity to track each firm's activity, thereby offering an on-line risk management monitoring capability as well as offering clearing firms an overview of their correspondents' market activity at any given moment. In order to be truly effective for clearing firms, however, correspondent trades that are occurring in SOES and OCT and in the MSI's Advanced Computerized Execution System ("ACES"), are planned to be interfaced with the ACT system software so that those trades will also be reflected in the firm's "Net-Amount Traded" balances.

D. System Capacity

At its April 1989 meeting, the Board of Directors of Market Services Inc., the NASD subsidiary that operates ACT, authorized the purchase of 24 Tandem VLX processors and associated processing equipment to support the traffic that will be generated by the ACT system. The ACT system operations will use the Association's processing centers in Trumbull, Connecticut and Rockville, Maryland in a shared-load processing environment where the front-end and validation processing in Connecticut will be connected on-line to the back-end application processing in Maryland. Each site will be configured with sufficient hardware to provide disaster recovery back-up in the event the other site becomes inoperable. In the load-sharing mode, the operations and software support staff at both sites will be processing parts of the on-line operations on a daily basis, thus providing the discipline and experience required to support the ACT system and react to effect a complete switch-over, should it ever be necessary. The NASD's technical staff has reviewed and analyzed projected ACT traffic patterns and has represented that the processing equipment being purchased and installed to operate the ACT system will be sufficient to operate the system effectively.[10] As of the date of this order, the NASD had not completed its stress testing of the ACT system. Although the Commission, by this order, has approved the proposed rule change, the NASD is not permitted to implement the new ACT system unless and until it (1) Successfully completes its stress tests and (2) has provided the staff with representations on those tests.

IV. Comments

The Commission received eight comment letters in response to its notice of filing of the original proposal and Amendment No. 1.[11] As stated earlier,

[7] Before implementing each Phase, the NASD would have to submit a proposed rule change for the Commission's review.

[8] A firm that is Unavailable must call the NASD to report that it is unable to use ACT. The NASD is able to verify that the firm is, in fact, Unavailable by sending messages to the firm and having the system reject them as not having been received. In addition, if the NASD were to find that a firm was inappropriately designating itself as Unavailable, the NASD would have the authority to bring a disciplinary action against the firm for a violation of the ACT rules.

[9] The amendment to the SOES rules was approved by the Commission when it granted partial accelerated approval to the ACT Rules applicable to self-clearing firms.

[10] *See* letter from Robert N. Riess, Senior Vice President, NASD, to Alden S. Adkins, Chief, Office of Automation and International Markets, dated September 13, 1990.

[11] *See* letters to Jonathan G. Katz Secretary, SEC, from the following: Eugene E. Eilbacher, Vice President, Broadcourt Capital Corporation, dated August 7, 1989; Richard Brueckner, Chairman, Clearing Firms Committee, Securities Industry Association, dated August 8, 1989; Robert C. Harrison, General Counsel, Dominick & Dominick,

Continued

no comments were received in response to the notices for Amendments No. 2 and 3, which were submitted in response to the comments received on the proposal and which answered the commentators concerns.

Two of the seven commentators supported the NASD's proposal. The Security Traders Association ("STA") stated that it believes the proposal is consistent with the aim of the Group of Thirty in recommending immediate action in the international arena to standardize clearance and settlement procedures. STA also believes that the "fail safe" mechanisms of the proposal appear to provide adequate protection against the concerns expressed by other commentators regarding the risk management features.

Southwest Securities, Inc. ("Southwest") also stated that it supports the proposed ACT Rules and believes that these Rules will give the clearing broker-dealer more protection and control, and will enable clearing firms to monitor transactions entered into the system by introducing firms on an ongoing basis.

The Securities Industry Association ("SIA") stated in its comment letter that it "agrees in principle" with the NASD's statement of purpose in proposing the ACT Rules, *i.e.*, to facilitate comparison and clearing of inter-dealer OTC equity trades. The SIA also stated that it agrees that the proposed ACT Rules will "further systematize and accelerate the matching of OTC trade data and, for the first time, will lock in the contracting broker-dealers to the terms of a transaction within minutes of its execution." The SIA stated that it believes, however, that the ACT Rules go beyond the NASD's statement of purpose by requiring that clearing agents guarantee all trades by their introducing firms without any prior opportunity to review the transactions. SIA therefore recommended that the guarantee feature be rejected or, alternatively, substantially modified, and stated that its suggested modifications (discussed below) would "substantially ameliorate the potential negative impact of the proposed ACT Rules."

Specifically, SIA recommended that the guarantee feature of ACT be modified and enhanced to provide for: (1) Separate daily long and short thresholds; and (2) automatic "no-match" deletion, in whole or in part, whenever and to the extent that either of those thresholds is exceeded, in the aggregate, with the option to match and clear all "above limit" trades on an "as of" basis pursuant to the agreement of the clearing firm on T+1. SIA stated that adoption of these two modifications would "make ACT more equitable for both introducing and clearing firms and, at the same time, would provide the trading community with realistic guarantees in recognition of its need for certainty and reliability in OTC transactions."

Dominick & Dominick, Q & R Clearing Corp., Cowen & Company, and Bear Stearns generally agreed with the SIA's position, *i.e.*, they objected generally to the guarantee feature of the proposed ACT Rules and believed that clearing firms should not be required to guarantee all transactions executed by their correspondents without the ability to review those transactions in advance. Q & R believes that modification of the guarantee aspect of the ACT Rules would be a "fair and equitable one for the industry."

V. Discussion

The Commission has determined to approve the NASD's proposed rule change because it believes that implementation of the ACT system is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires, among other things, that the NASD's rulemaking initiatives be designed to foster cooperation and coordination with persons engaged in clearing, settling and facilitating transactions in securities.

As stated earlier, participation in ACT by self-clearing firms was approved by the Commission on September 7, 1989.[12] Since that time, the NASD and representatives of the clearing firms negotiated the implementation of the ACT Rules for firms that clear for other broker-dealers (correspondent executing brokers).

After a series of lengthy negotiations among the SIA, the NASD and the Commission staff, the NASD and the clearing firms reached a viable compromise on the ACT system. As a result of the NASD's responsiveness to the clearing firms concerns, the NASD modified two of the risk management features in response to the concerns expressed by representatives of the clearing firms.[13] First, the "Net Trade Threshold" was changed to a "Gross Dollar Threshold." This modification will allow clearing firms to establish, on an inter-day or intra-day basis, a gross dollar amount that they would be willing to clear for each executing correspondent.

The NASD's second modification changed the pre-alert threshold from 80% to 70%. The NASD made this change in response to the clearing firms' concerns about liability for correspondent trades. The ACT system now will alert the correspondent and clearing firm when the correspondent reaches or passes 70% of its gross dollar threshold.

In Amendment No. 3, the NASD created a new section in the ACT Rules to include a "super cap" calculation for risk management purposes. The super cap was designed to enhance notice to ACT participants that certain trades may not compare, and to place a limit on exposure to large trades for firms that clear for correspondent broker-dealers.

Treating open trade reports that were input on trade date at the end of T+1 processing as locked-in trades is necessary to maintain the integrity of the system and promote the goals of certainty and finality of trades in the OTC market. Furthermore, ACT has been designed to provide participants with ample opportunities to review trade details, both intra-day and with end-of-day recaps, and a conscientious participant, using the safeguards provided by the system should not be caught unaware and obligated for multiple trade reports.

VI. Conclusion

Based on the foregoing, the Commission has concluded that the proposed rule change is consistent with the requirements of the Act, and that it is appropriate to approve the NASD ACT Rules. The Commission believes that the ACT system will facilitate the prompt and accurate clearance and settlement of trades by performing the comparison automatically and transmitting locked-in trades to the clearing agency.

The Commission finds good cause for approving those portions of the NASD's proposal that were amended by Amendment No. 4 prior to the 30th day

Inc., dated August 10, 1989; Raymond L. Aronson, Managing Director, Bear Stearns, dated August 9, 1989; Peter Quick, Executive Vice President, Q & R Clearing Corp., dated August 10, 1989; Lawrence S. Leibowitz, General Counsel, Cowen & Company, dated August 10, 1989; Austin H. George, Chairman, and John L. Watson, III, President, Security Traders Association, dated August 31, 1989; and Don A. Buchholz, Chief Executive Officer, Southwest Securities, Inc., dated August 17, 1989. In addition, the Commission also received a letter from the NASD responding to the comment letters received. *See* letter from Lynn Nellius, Secretary, NASD, to Jonathan Katz, Secretary, dated August 21, 1989.

[12] Securities Exchange Act Release No. 27229 (September 7, 1989), 54 FR 38484 (Notice of Amendment No. 2 and Order Granting Partial Accelerated Approval).

[13] *See* Amendment No. 2 to the ACT filing.

after the date of publication of the amendments in the **Federal Register**. The original filing was the subject of a 35-day notice period that generated no comment letters on the subject of the reporting time frames and the amended time frames are less stringent than those originally submitted. In addition, the amendment did not raise significant, new issues. Finally, a corresponding proposed rule change that applied the modified time frames to self-clearing firms for whom the ACT Rules have already been approved was published for comment and no comments were received.

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 4. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number of the caption above and should be submitted by November 22, 1990.

Based on the foregoing, the Commission has concluded that the proposed rule change is consistent with the requirements of the Act, and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that File No. SR–NASD–89–25, be, and hereby is, approved, with implementation of the proposed rule change subject to (1) Successful completion of the stress tests and (2) provision of a report to the Commission on the test results.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: October 26, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–25857 Filed 10–31–90; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 34–28582; File No. SR–NASD–90–47]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the Order of Closing Statements in NASD Arbitration Proceedings

The National Association of Securities Dealers, Inc. ("NASD") submitted on September 6, 1990 to the Securities and Exchange Commission ("Commission") a proposed rule change pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b–4 thereunder.[2] The proposal will be published in the NASD Code of Arbitration Procedure to clarify that it is the practice in NASD arbitration proceedings to allow claimants to proceed first in closing argument with rebuttal argument being permitted. Claimants may reserve their entire closing argument for rebuttal. The hearing procedures may, however, be varied in the discretion of the arbitrators, provided all parties are allowed a full and fair opportunity to present their respective cases.

Notice of the proposal together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 34–28439, September 17, 1990) and publication in the **Federal Register** (55 FR 39222, September 25, 1990). No comments were received regarding the proposal.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of section 15A [3] and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[4]

Dated: October 26, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–25858 Filed 10–31–90; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1989).

[3] 15 U.S.C. 78*o*–3 (1982).

[4] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice No. 1283]

Eagle Pass, Texas; Application for Bridge Permit

Notice is hereby given that the Department of State has received an application for a permit authorizing construction of a bridge across the Rio Grande River from the City of Eagle Pass, Texas to Piedras Negras, Coahuila, Mexico.

The Department's jurisdiction with respect to this application is based upon Executive Order 11423, dated August 16, 1968, and the International Bridge Act of 1972 (Pub. L. 92–434, 86 Stat. 731, 33 U.S.C. 535 approved September 26, 1972).

As required by E.O. 11423, the Department of State is circulating this application to concerned agencies for comment.

Interested persons may submit their views regarding the application in writing by December 3, 1990, to Mr. Irwin Rubenstein, Border Coordinator, Office of Mexican Affairs, Room 4258, U.S. Department of State, 2201 C Street, NW., Washington, DC 20520.

The application and related documents made part of the record to be considered by the Department of State in connection with this application are available for inspection in the Office of Mexican Affairs during normal business hours.

Any questions relating to this notice may be addressed to the Border Coordinator at the above address or by telephone, No. (202) 647–9894.

Dated: October 24, 1990.

Irwin Rubenstein,

Border Coordinator, Office of Mexican Affairs.

[FR Doc. 90–25868 Filed 10–31–90; 8:45 am]

BILLING CODE 4710–29–M

DEPARTMENT OF TRANSPORTATION

Maritime Insurance Coverage for Commercial Service in the Middle East

October 26, 1990.

Subject: Provision of Maritime Insurance Coverage for commercial service.

By virtue of the authority delegated to me by Presidential Memorandum of August 29, 1990, and by virtue of the authority set forth in section 1202 of the Merchant Marine Act, 1936, as amended (Act), 46 U.S.C. App. 1282, I hereby:

Approve, on behalf of the President, the Department of Transportation's provision of insurance or reinsurance of vessels (including cargoes and crew) entering the Middle East region against loss or damage by war risks in the manner and to the extent provided in Title XII of the Act, 46 U.S.C. App. 1281, *et seq.*, for purposes of responding to the current crisis in the Middle East, whenever, after consultation with the Department of State, I determine that such insurance adequate for the needs of the waterborne commerce of the United States cannot be obtained on reasonable terms and conditions from companies authorized to do an insurance business in a State of the United States.

This action is taken in consultation with the Secretary of State and the Director of the Office of Management and Budget.

This approval is effective for sixty days. It shall be brought to the attention of all operators and published in the **Federal Register.**

Samuel K. Skinner,

Secretary of Transportation.

Approved.

Linda W. Senese,

Certifying Officer.

[FR Doc. 90–25785 Filed 10–31–90; 8:45 am]

BILLING CODE 4910–62–M

Maritime Administration

State Street Bank and Trust Co. of Connecticut; Approval of Applicant as Trustee

Notice is hereby given that State Street Bank and Trust Company of Connecticut, National Association, with offices at 100 Constitution Plaza, Hartford, Connecticut, has been approved as Trustee pursuant to Public Law 100–710 and 46 CFR part 221.

Dated: October 26, 1990.

By Order of the Maritime Administrator.

Joel C. Richard,

Assistant Secretary.

[FR Doc. 90–25826 Filed 10–31–90; 8:45 am]

BILLING CODE 4910–81–M

National Highway Traffic Safety Administration

Petition for Exemption From the Vehicle Theft Prevention Standard; American Honda Motor Co., Inc.

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

ACTION: Grant of petition for exemption.

SUMMARY: This notice grants the petition by American Honda Motor Co., Inc. (Honda) for an exemption from the parts marking requirements of the vehicle theft prevention standard for a new Honda car line for Model Year (MY) 1992. The agency takes this action under section 605 of the Motor Vehicle Information and Cost Savings Act. The agency has determined that the antitheft device which the petitioner intends to install on this line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts marking requirements.

DATES: The exemption granted by this petition will become effective beginning with the 1992 Model Year.

SUPPLEMENTARY INFORMATION: On July 5, 1990, this agency received from Honda a petition for exemption from the theft prevention standard for a new Model Year (MY) 1992 Honda car line pursuant to 49 CFR part 543, Exemption from Vehicle Theft Prevention Standard. The agency reviewed the July 5, 1990, submission and concluded that it constituted a complete petition. Accordingly, July 5, 1990 is the date on which the statutory 120 day period for processing Honda's petition began.

On September 18, 1990, NHTSA's Office of Chief Counsel received from Honda a request for confidential treatment of certain information in the petition, filed pursuant to 49 CFR part 512. The agency reviewed the request and in a letter dated October 12, 1990, notified Honda that it was granting confidential treatment of the information.

In its petition, Honda included a detailed description and diagrams of the identity, design, and location of the components of the antitheft device for the new MY 1992 Honda car line.

The antitheft device is a comprehensive security alarm system which includes an engine starter interrupt function and an alarm function. The antitheft device is activated by one of two ways. The first way is by removing the key from the ignition, closing all doors, the engine hood and trunk lid, and locking the driver or passenger door with the key. Honda stated that the new car line is equipped with an automatic lock system as standard equipment. This means that in addition to arming the system, this procedure activates the automatic door lock system for all doors.

The system may also be armed without using a key, by pushing down the button on the driver's door and closing the driver's door. When the driver's door button is pushed down, all other door button(s) go down automatically. When the driver's door button is used to lock the door and arm the system, a security indicator light, located on the driver's door lining, enables one to visually check to see whether the system is armed. The indicator light starts flashing after the arming procedure is completed. The engine starter-interrupt function of the system is armed immediately upon completion of the arming procedure. The alarm is armed 15 seconds after the last door is locked.

Honda states if the last door is locked while a person is left in the vehicle, the person can open any door within fifteen seconds without activating the alarm. Additionally, if any door window were left open after the door is locked, the door button could be pulled up and the door opened without triggering the alarm, if all of this is accomplished within the 15 second time frame. However, upon leaving the vehicle, the operator must ensure all door buttons are down in order to rearm the system.

The alarm monitors the doors, hood, trunk lid, battery terminals, engine starter circuit, battery circuit and radio. If the doors, hood or trunk lid are forced opened, battery terminal(s) removed and reconnected, or the engine starter circuit and battery circuit are bypassed by breaking the ignition switch, the front hood, engine hood, or trunk lid opener located inside the vehicle are forced, or the radio is removed, the alarm will go off. When this happens, the horns will sound, headlights pop up and flash, and sidemarker lamps, position lamps, and tail lamps will flash for about two minutes. These audible and visual alarms will draw the attention of the people around the vehicle to the illegal efforts of the unauthorized person. After the activation of the alarm for about two minutes, the system is automatically rearmed and if any of the conditions described above occur, the alarm will activate again. The system is disarmed when either the driver's side door or front passenger door is unlocked by using the key.

As already noted, the theft deterrent system of the new MY 1992 Honda car line has an engine starter interrupt feature. While the theft deterrent system is armed, the electric line which activates an engine starter motor is kept interrupted by the starter relay. As a result of this, the engine cannot be started by bypassing the engine starter and battery circuit or rotating the ignition switch by means other than the authentic key.

The theft deterrent functions reinforce one another, making theft of the vehicle more difficult. Even if an unauthorized person could enter the vehicle without activating the alarm, Honda states it is impossible to move the vehicle because the new car line is equipped with a

steering lock device. If the steering lock device is broken, the engine starter interrupt function is still in operation and makes it impossible to start the engine. If the starter circuit and the battery circuit are bypassed for starting the engine, the alarm is activated.

Honda also states that the system is designed to make attempts to defeat the system difficult. All the switches and wiring activating the system are inaccessible from outside of the vehicle to prevent tampering by an unauthorized person. The battery terminals are not accessible without opening the front hood (if it is opened, an alarm will activate). If the battery terminal(s) could be disconnected from under the vehicle, the alarm will activate when the disconnected terminal(s) is reconnected in order to start the engine. The new MY 1992 Honda car line has two horns, both of which are part of the alarm system. One of them is placed under the front hood compartment where it is more difficult to tamper with than the other horn.

In order to ensure the reliability and durability of the system, Honda conducted the following tests, based on their own specified standards: Instant power source voltage cut test; power source voltage test; surge test; battery reversed connection test; electromagnetic wave test; high and low temperature test; temperature and humidity change test; temperature and humidity resistance test; vibration resistance test; drop test; thermal shock test; operation endurance test; static electricity test; noise resistance test; and walkie talkie test.

Honda stated that since it has no market experience with the theft deterrence system of the type proposed to be installed on the new MY 1992 Honda car line, no theft record has been established and no objective data can be provided to determine that the system is likely to be as effective as compliance with the parts-marking requirements.

Honda made a comparison of the system on the new MY 1992 Honda car line with those systems used on car lines which NHTSA has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. Honda states that the following car lines have similar NHTSA approved theft deterrent systems as the one proposed for the new Honda car line; Chrysler Conquest, Mazda RX–7, Nissan Maxima, Toyota Cressida, and Mitsubishi Starion. In selecting these similar systems, the following criteria were considered by Honda: Similar sensor switches that are incorporated in the doors, door key cylinders, trunk, engine hood, and ignition key of the theft deterrent system to activate the alarm; the kind of audio/visual alarm the system provides; and incorporation of a starter interrupt function.

Honda concludes that the theft deterrent system to be installed on the new MY 1992 Honda car line would not be less effective than those systems in the above car lines for which NHTSA has granted exemptions from the parts-marking requirements.

Based on this substantial evidence, the agency believes that the antitheft device for the new Honda car line to be introduced in MY 1992 is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the theft prevention standard (49 CFR part 541).

The agency believes that the device will provide the types of performance listed in 49 CFR 543.6(a)(3): Promoting activation; attracting attention to unauthorized entries; preventing defeat or circumventing of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by section 605(b) of the statute and 49 CFR 543.6(a)(4), the agency also finds that Honda has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information Honda provided on its device. This information included a description of reliability and functional tests conducted by Honda for the antitheft system and its components. As was previously stated, Honda asserts that the function and design of the Honda antitheft device is similar to those of other devices is similar to those of other devices, such as that on the Chrysler Conquest, Mazda RX–7, Nissan Maxima, Toyota Cressida, and Mitsubishi Starion that the agency previously has considered likely to be at least as effective as complying with part 541 would be.

For the foregoing reasons, the agency hereby exempts the new MY 1992 Honda car line in whole from the requirements of 49 CFR part 541.

If Honda decides not to use the exemption for the new MY 1992 car line, it should formally notify the agency. If this is the case, these car lines must be marked according to the requirements under 49 CFR 541.5 and 541.6 (marking of major component parts and those replacement parts).

The agency notes that the limited and apparently conflicting data on the effectiveness of the pre-standard parts marking programs continue to make it difficult to compare the effectiveness of an antitheft device with the effectiveness of compliance with the theft prevention standard. The statute clearly invites such a comparison, which the agency has made on the basis of the limited data available.

NHTSA notes that if Honda wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Section 543.7(d) states that a part 543 exemption applied only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption was based. Further, § 543.9(c)(2) provides for the submission of petitions "(t)o modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption."

However, the agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself. The agency did not intend in drafting part 543 to require the submission of a modification petition for every change in the components or design of an antitheft device. The significance of many such changes could be *de minimis*. Therefore, NHTSA suggests that if Honda contemplates making any changes the effects of which might be characterized as *de minimis*, then the company should consult the agency before preparing and submitting a petition to modify.

15 U.S.C. 2025, delegation of authority at 49 CFR 1.50)

Issued on: October 26, 1990.

Jeffrey R. Miller,

Deputy Administrator.

[FR Doc. 90–25793 Filed 10–31–90; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: October 25, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex,

1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Bureau of Alcohol, Tobacco and Firearms

OMB number: 1512–0204.
Form number: ATF F 5110.38.
Type of review: Extension.
Title: Formula for Distilled Spirits Under the Federal Alcohol Administration Act.
Description: ATF F 5110.38 is used to determine the classification of distilled spirits for labeling and for consumer protection. The form describes the person filing, type of product to be made, and restrictions to the labeling and manufacture. The form is used by ATF to ensure that a product is made and labeled properly and to audit distilled spirits operations.
Respondents: Small businesses or organizations.
Estimated number of respondents: 200.
Estimated burden hours per respondent: 1 hour.
Frequency of response: On occasion.
Estimated total reporting burden: 4,000 hours.

OMB number: 1512–0469.
Form number: None.
Type of review: Extension.
Title: Labeling of Sulfites in Alcoholic Beverages.
Description: In a final rule published in the **Federal Register** on July 9, 1986 (51 FR 34706) the Food and Drug Administration established 10 parts per million as the threshold for declaration of sulfites in food and wine products. The Bureau of Alcohol, Tobacco and Firearms on September 30, 1986, published a final rule (ATF–236) (51 FT 34706) establishing the same threshold for declaration of sulfites in alcoholic beverages.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated number of respondents: 4,787.
Estimated burden hours per response: 40 minutes.
Frequency of response: On occasion.
Estimated total reporting burden: 3,159 hours

Clearance officer: Robert Masarsky (202) 566–7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.
OMB reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 90–25801 Filed 10–31–90; 8:45 am]
BILLING CODE 4810-EN-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: October 26, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Comptroller of the Currency

OMB number: 1556–0124.
Form number: TA–1.
Type of review: Extension.
Title: Transfer Agent Registration and Amendment Form
Description: This form is used by national banks and national bank subsidiaries for registration and amendment to registration as a transfer agent.
Respondents: Businesses or other for-profit, Small businesses or organizations.
Estimated number of respondents: 55.
Estimated burden hours per response: 28 minutes.
Frequency of response: On occasion.
Estimated total reporting burden: 26 hours.
Clearance officer: John Ference (202) 447–1177, Comptroller of the Currency, 5th Floor, L'Enfant Plaza, Washington, DC 20219.
OMB reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503.

Dale A Morgan,
Departmental Reports, Management Officer.
[FR Doc. 90–25802 Filed 10–31–90; 8:45 am]
BILLING CODE 4810-33-M

Public Information Collection Requirements Submitted to OMB for Review.

Dated: October 26, 1990.

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB number: Revision.
Form number: 5472.
Type of review: Resubmission.
Title: Information Return of a 25% Foreign Owned Corporation
Description: Form 5472 is filed by U.S. corporations and foreign corporations that are 25% foreign-owned. IRS uses Form 5472 to determine if the transactions between these corporations, and the 25% foreign shareholder and other related parties are correct.
Respondents: Businesses or other for-profit.
Estimated number of respondents: 75,000.

Estimated burden hours per response/ recordkeeping

Recordkeeping—11 hours, 29 minutes
Learning about the law or the form—1 hour, 17 minutes
Preparing and sending the form to IRS—1 hours, 32 minutes.

Frequency of response: Annually.
Estimated total recordkeeping/ reporting burden: 1,073,250 hours.
Clearance officer: Garrick Shear (202) 535–4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.
OMB reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports Management Officer.
[FR Doc. 90–25803 Filed 10–31–90; 8:45 am]
BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: October 26, 1990.

The Department of Treasury has submited the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Office of Thrift Supervision

OMB number: 1550–0042.
Form number: None.
Type of review: Reinstatement.
Title: Capital Forbearance.
Description: 12 CFR 567.20 grandfathers capital forbearance granted to savings associations prior to the enactment of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), Public Law No. 101–73, 103 Stat. 183. Such associations must have entered into a capital plan pursuant to section 10 of the Home Owner's Loan Act or section 416 of the National Housing Act as in effect prior to FIRREA.
Respondents: Businesses or other for-profit.
Estimated number of respondents: 12.
Estimated burden hours per response: 20 hours.
Frequency of response: Semi-annually.
Estimated total reporting burden: 480 hours.
Clearance officer: John Turner (202) 906–6025, Office of Thrift Supervision, 1700 G Street, NW., 3rd Floor, Washington, DC 20552.
OMB reviewer: Milo Sunderhauf (202) 395–6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,
Departmental Reports, Management Officer.
[FR Doc. 90–25804 Filed 10–31–90; 8:45 am]
BILLING CODE 4810–25–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, (20A5A), 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 addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by December 3, 1990.

Dated: October 26, 1990.

By direction of the Secretary.

Frank E. Lalley,
Director, Office of Information Resources Policies.

Extension

1. Veterans Benefits Administration.
2. Statement of Disappearance.
3. VA Form 21–1775.
4. The form is used to gather the necessary information from individuals to determine if a decision of formal presumption of death can be made for benefits payment purposes when a veteran has been missing for seven years. The information is used to determine death benefit entitlement.
5. On occasion.
6. Individuals or households.
7. 2,000 responses.
8. 2¾ hours.
9. Not applicable.

[FR Doc. 90–25891 Filed 10–31–90; 8:45 am]
BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 212
Thursday, November 1, 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).

INTERSTATE COMMERCE COMMISSION

Commission Voting Conference

TIME AND DATE: 10:00 a.m., Tuesday, November 6, 1990.

PLACE: Hearing Room A, Interstate Commerce Commission, 12th & Constitution Avenue, NW., Washington, DC 20423.

STATUS: The following agenda item is added to the Commission Voting Conference notice published at 55 FR 45718 on October 30, 1990:

Finance Docket No. 30965 (Sub-No. 1) and (Sub-No. 2), *Delaware & Hudson Railway Company—Lease and Trackage Rights Exemption—Springfield Terminal Railway Company*

CONTACT PERSON FOR MORE INFORMATION: Al Dennis Watson, Office of External Affairs, Telephone: (202) 275–7252, TDD: (202) 275–1721.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–25985 Filed 10–30–90; 12:40 pm

BILLING CODE 7035–01–M

Corrections

Federal Register
Vol. 55, No. 212
Thursday, November 1, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Federal Grain Inspection Service

7 CFR Part 800

RIN 0580-AA09

Shiplot Inspection Plan (Cu-Sum)

Correction

In rule document 90-11957 beginning on page 24030 in the issue of Wednesday, June 13, 1990, make the following correction:

§ 800.86 [Corrected]

1. In § 800.86(a)(2), on page 24043, in the middle column, in "table 4" corresponding with the "Special grade or factor" entry "smutty", the first entry under "Grade limit" should read "More than 0.20%".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. QF85-292-004, et al.]

Archbald Power Corp., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Correction

In notice document 90-25076 appearing on page 42860 in the issue of Wednesday, October 24, 1990, make the following correction:

In the second column, under "2. New England Power Co.", the next line should read "[Docket No. ER91-13-000]".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. TQ91-1-63-000 and TM91-1-63-001]

Carnegie Natural Gas Co.; Proposed Changes in FERC Gas Tariff

Correction

In notice document 90-23691 beginning on page 41129 in the issue of Tuesday, October 9, 1990, the docket heading was inadvertently omitted and should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. TM91-1-82-002]

Viking Gas Transmission Co.; Filing

Correction

In notice document 90-24967 beginning on page 42764 in the issue of Tuesday, October 23, 1990, the docket number was inadvertently omitted and should read as set forth above.

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

ENVIRONMENTAL PROTECTION AGENCY

[ATSDR-27]

Fourth List of Hazardous Substances That Will Be the Subject of Toxicological Profiles

Correction

In notice document 90-24362 beginning on page 42067 in the issue of Wednesday, October 17, 1990, make the following corrections:

1. On page 42067, in the second column, in the fifth line from the bottom, "October 26, 1990." should read "October 26, 1989."

2. On the same page, in the third column, in the table, the tenth entry should read "100-44-7 Benzyl chloride"; in the third line from the bottom the CAS number should read, "7647-01-0."; and in the last entry, "Bis(2-chloroisoproplyl) ether." should read "Bis(2-chloroisopropyl) ether."

3. On page 42068, in the first column, in the second line, "substance" should read "substances".

4. On the same page, in the second column, in the second full paragraph, in the third line from the bottom, "has" should read "had".

5. On page 42071, in the 1st column, in the 18th line, "The" should read "This".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 404

[Reg. No. 4]

RIN AD00

Federal Old-Age, Survivor's, and Disability Insurance Benefits

Correction

In rule document 90-25077 beginning on page 35578 in the issue of Friday, August 31, 1990, make the following correction:

On the beginning page, in the first column, under "**SUMMARY**", in the fifth line "223(f)" should read "223(g)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID-943-90-4212-13; IDI-26430, et al.]

Issuance of Land Exchange Conveyance Documents; Idaho

Correction

In notice document 90-6470 appearing on page 10693 in the issue of Thursday, March 22, 1990, make the following correction:

In the 2nd column, in the 29th line, "S½SE¼" should read "S½NE¼'.

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

43 CFR Part 4

Department Hearing and Appeal Procedures; Indian Probate Proceedings

Correction

In rule document 90-25380 beginning on page 43132 in the issue of Friday, October 26, 1990, make the following corrections:

1. On page 43132, in the second column, under "**SUMMARY**", in the next-to-last line of the paragraph, "later" should read "alter".

2. In the same column, under "**Paperwork Reduction Act**", the last line should read "3501 *et seq.*".

3. On page 43133, in the first column, in amendatory instruction 11, in the first line, "§ 4.320" should read "§ 4.302".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AAL-9]

Proposed Establishment of VOR Federal Airway, AK

Correction

In proposed rule document 90-24082 beginning on page 45144 in the issue of Friday, October 12, 1990, the issue date, at the end of the document, on page 41545 should read "September 12, 1990" not "September 2, 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 43

[PS-069-90]

RIN 1545-AP03

Tax on Transportation by Water

Correction

In proposed rule document 90-24050 beginning on page 41545 in the issue of Friday, October 12, 1990, make the following correction:

§ 43.4472-1 [Corrected]

On page 41546, in the first column, in § 43.4472-1, in the sixth line of paragraph (e), "and my" should read "and any".

BILLING CODE 1505-01-D

federal register

Thursday
November 1, 1990

Part II

Department of Health and Human Services

Food and Drug Administration

21 CFR Part 201

Specific Requirements on Content and Format of Labeling for Human Prescription Drugs; Proposed Addition of "Geriatric Use" Subsection in the Labeling; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89N-0474]

21 CFR Part 201

Specific Requirements on Content and Format of Labeling for Human Prescription Drugs; Proposed Addition of "Geriatric Use" Subsection in the Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend its regulations governing the content and format of labeling for human prescription drug products. The proposal would require such labeling to include information on the use of the drug in the elderly (persons aged 65 years and over). The proposal reflects a growing awareness in FDA and elsewhere of the special concerns associated with prescription drug use in this age group. FDA believes that providing access to information on these issues is necessary for the safe and effective use of the drugs in older populations. The proposal would make this information readily available through a special section in prescription drug labeling providing pertinent information about the drug's use in the elderly.

DATES: Comments by December 31, 1990. FDA proposes that any final rule based on this proposal become effective 1 year after its date of publication in the Federal Register.

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

FOR FURTHER INFORMATION CONTACT: Diane P. Goyette or Philip L. Chao, Center for Drug Evaluation and Research (HFD-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8049.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is proposing to amend its regulations pertaining to the content and format for prescription drug labeling (21 CFR 201.57) to require a subsection in the labeling on geriatric use. The proposed labeling would describe available information on geriatric use of the drug or indicate that data on such use are unavailable. This proposal reflects growing recognition, by FDA, Congress, and others, of the special concerns associated with prescription drug use in the elderly. People over 65 constitute approximately 12 percent of the U.S. population and consume over 30 percent of prescription drug products and 40 percent of nonprescription drug products. Although both young and elderly patients can exhibit a range of responses to drug therapy, factors contributing to different responses to drug therapy are comparatively more common among the elderly. For example, elderly patients are more likely to have impaired mechanisms of drug excretion (e.g., decreased kidney function), to be on other medications that can interact with the newly prescribed agent, or to have illness that can interact with drug therapy.

FDA has taken a number of steps regarding prescription drug products and the elderly. In conjunction with major national and community-based organizations, FDA conducted or participated in several workshops devoted to drug development and older citizens. At these workshops, FDA employees discussed tentative guidelines and recommendations pertaining to clinical testing in elderly subjects, and the pharmaceutical industry has adopted many of those proposals.A survey of recent new drug application (NDA) approvals, for example, revealed that elderly patients represented approximately 30 percent of the patients studied, and many NDA submissions now include analyses of the drug's effect on the elderly and specific studies of the drug's pharmacokinetics in elderly subjects. On March 5, 1990 (55 FR 7777), FDA announced, in the Federal Register the availability of a final guideline entitled, "Guideline for the Study of Drugs Likely to be Used in the Elderly." The guideline provides detailed advice on the evaluation of new drugs in older patients and is intended to encourage routine and thorough evaluation of the effects of drugs in elderly populations so that physicians will have sufficient information to use drugs properly in their older patients.

FDA has also cooperated with several organizations, such as the American Association for Retired Persons and the National Council of Senior Citizens, to develop patient education materials on prescription drugs. One result of such cooperation is the Medication Information Leaflets for Seniors (MILS) program. MILS leaflets provide elderly patients with information on specific drug products, including indications, routes of administration, and side effects. In addition, FDA has kept health practitioners informed about important developments in geriatric drug therapy through the FDA "Drug Bulletin," "FDA Consumer," and articles in selected medical journals.

A. Description of the Proposed Rule

The proposed rule furthers FDA efforts to promote safe and effective prescription drug use in the elderly. The proposed rule would require a person marketing a prescription drug to collect and disclose available information about the drug's use in the elderly. "Available information" would encompass all information in the applicant's possession that is relevant to an evaluation of the appropriate geriatric use of the drug, including the results from controlled studies or other pertinent premarketing or postmarketing studies or experience (e.g., adverse drug reaction reports) or information obtainable from a literature search. The information would be placed in a separate section of "Precautions" entitled "Geriatric use," with reference, as appropriate, to more detailed discussions in other parts of the labeling, such as the "Warnings" or "Dosage and Administration" sections. FDA emphasizes, however, that information about specific geriatric indications, e.g., "senile dementia," would not be appropriately placed in the proposed "Geriatric Use" section. Specific geriatric indications must appear in the "Indications" section and must be supported by substantial evidence of effectiveness. The proposed rule is not intended to alter the type or amount of evidence necessary to support approval, but to ensure that special information about the use in the elderly of drugs approved for all adults is well-organized, comprehensive, and accessible.

The proposed subsection would contain several kinds of statements about drug use in the elderly reflecting increasing amounts of available information. If clinical studies did not include sufficient numbers of elderly subjects to permit a determination whether elderly subjects responded differently than younger subjects, and other reported clinical experience has not identified such differences, the labeling would declare that no distinction between elderly subjects and younger subjects could be made. The labeling would further advise that dosing for older patients should be cautious, reflecting the greater frequency of concomitant disease and drug therapy and decreased hepatic, renal, and cardiac function in elderly patients. If clinical studies did include sufficient numbers of elderly subjects to

have shown a difference between younger and older patients, but no significant differences were seen, and other reported clinical experience has not identified such a difference, the proposal would require disclosure of the number or percentage of elderly subjects in the study, and would require the labeling to note that while no overall safety or effectiveness differences were observed, greater sensitivity in some older individuals cannot be ruled out. If use of a drug is associated with differences (in effectiveness, safety, or dosage) between elderly and younger subjects, the proposal would require disclosure of such differences as well as appropriate statements, descriptions, and references in the "Contraindications," "Warnings," and "Dosage and Administration" portions of the labeling. Finally, in those instances where specific pharmacokinetic or pharmacodynamic studies have been carried out involving elderly subjects, the proposal would require that they be described in the "Clinical Pharmacology" section.

The proposal also would require certain statements advising caution for drugs known to be substantially excreted by the kidney and in other situations where older patients may be at particular risk.

Although FDA encourages further study of drug effects in the elderly, the proposed labeling change is not intended to require additional clinical studies. The "Geriatric use" subsection is intended to establish a place in prescription drug labeling where practitioners can find pertinent information that is already available from clinical experience and investigations. FDA believes that providing this information in a clear and accessible way should promote the safe and effective use of prescription drugs in the elderly.

B. Legal Authority

FDA's proposal to provide for geriatric use labeling is authorized by the Federal Food, Drug, and Cosmetic act (the act). Section 502(f)) of the Act (21 U.S.C. 352(f) states that a drug will be deemed to be misbranded unless its labeling bears "adequate directions for use." Section 201.5 of FDA's general labeling regulations defines "adequate directions for use" as "directions under which the layman can use a drug safely and for the purposes for which it is intended." Because licensed practitioners must supervise the administration of prescription drugs, prescription drug products cannot bear adequate directions for use by laymen within the meaning of section 502(f)(1) of the act. Instead, prescription drug products, under 21 CFR 201.100(d), must bear labeling that contains adequate information under which licensed practitioners can use the drug safely and effectively. Section 201.57 describes specific categories of information, including information for drug use in selected subgroups of the general population, which must be presented to meet the requirements of § 201.100. To ensure the safe and effective use of prescription drugs by practitioners, FDA proposes to amend § 201.57, by adding new paragraph (f)(10) to include appropriate information for the use of drug products in geriatric patients.

In addition to its general authority under the misbranding provisions at section 502 of the act, the premarket approval provisions of the act also authorize FDA to ensure that drug labeling provides the practitioner with adequate information to permit safe and effective use of the drug product. Under section 505 of the act, FDA will approve an NDA only if the drug is shown to be both safe and effective for its intended use under the conditions set forth in the drug's labeling. For biologic drug products, FDA examines labeling pursuant to its authority under section 351 of the Public Health Service Act (42 U.S.C. 262) and FDA regulations.

The proposed rule, if finalized, will be applicable to the labeling of all prescription drug products including biologics.

C. Proposed Implementation Scheme

FDA proposes that any final rule based on this proposal become effective 1 year after its date of publication in the **Federal Register**. After this date, drug products whose labeling is not in compliance with the rule will be misbranded under section 502 of the act.

For products that are subject to section 505 or section 507 of the act, FDA urges manufacturers to consider what labeling revisions, if any, will be necessary before FDA publishes the final rule, and to submit supplements proposing any revised labeling at the earliest opportunity. Changes in or substantive new information about other aspects of drug safety and effectiveness based on clinical studies or other clinical experience, will require prior FDA approval of a supplemental application in accordance with 21 CFR 314.70(b). Changes to add or strengthen contraindications, warnings, precautions, or adverse reactions or to add or strengthen dosage and administration instructions to increase a product's safety may be put into effect at the time a supplement covering the change is submitted to FDA in accordance with § 314.70(c). Minor editorial changes may be made in accordance with § 314.70(d).

FDA anticipates that it may be unable to review all supplements proposing the adoption of revised labeling by the final rule's effective date. The agency may therefore exercise its enforcement discretion not to take action against any product that lacks revised labeling, provided that the applicant has submitted its proposed labeling changes in a timely manner and otherwise acted in good faith to comply with the requirements of the final regulation. FDA does not anticipate that it will request recalls of old labeling.

For products that are the subject of an approved abbreviated application, FDA proposes to require sponsors to adopt revised labeling that is the same as the labeling for the listed product effective 4 months after FDA has approved labeling changes for the listed product. FDA will notify holders of approved abbreviated applications of the approval of the listed product's labeling.

For those products subject to section 351 of the Public Health Service Act, labeling changes should be made in accordance with 21 CFR 601.12. Persons who have questions regarding such changes should contact the Division of Product Certification, Center for Biologics Evaluation and Research (HFB–240), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5433.

II. Environmental Impact

The agency has determined under 21 CFR 25.24(a)(11) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Economic Impact

FDA has carefully considered the economic impact of this proposed rule and has determined that it requires neither a regulatory impact analysis, as specified by Executive Order 12291, nor a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 96–354). The agency believes that the proposed rule, if finalized, would generate costs that are well below the thresholds that would signify a major rule, and so the proposed rule does not require regulatory impact analysis.

The proposed rule would require a "Geriatric use" section on prescription drug labeling. The rule would enable health professionals and elderly patients

to use human drug products more effectively and thus avoid expensive treatment and hospital care costs for conditions resulting from improper prescription drug use. A recent General Accounting Office report, citing information from a health insurance carrier, estimated that the annual cost of such treatment and hospital care was $4.5 billion in 1983. Consequently, even if the rule prevents only a fraction of these hospitalizations, the economic savings to the nation would be tremendous.

FDA believes that any costs resulting from the rule would be comparatively small in relation to its potential benefits. As stated earlier, approximately 50 percent of existing prescription drug labeling contains some geriatric use information. The cost of compliance for these products would be minimal. The cost of compliance for products whose labeling does not contain geriatric use information would depend upon the type of the geriatric use information to be added, but FDA believes that the costs would be largely offset by savings in treatment and hospitalization costs yielded by the rule's adoption. In addition, the proposed extended effective date would permit manufacturers to defer making any required changes until the next scheduled, routine, labeling revision, thereby reducing the economic impact even further.

For these reasons, the agency concludes that the proposed rule is not a major rule as defined in Executive Order 12291. Further, the agency certifies that this proposed rule, if promulgated, would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act.

IV. Request for Comments

Interested persons may, on or before December 31, 1990, submit to the Dockets Management Branch written comments regarding this proposal. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 201

Drugs, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 201 be amended as follows:

PART 201—LABELING

1. The authority citation for 21 CFR part 201 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 505, 506, 507, 508, 510, 512, 701, 704, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 355, 356, 357, 358, 360, 360b, 371, 374, 376); secs. 215, 301, 351, 354–360F, 361 of the Public Health Service Act (42 U.S.C. 216, 241, 262, 263b–263n, 264).

2. Section 201.57 is amended by adding new paragraph (f)(10) to read as follows:

§ 201.57 Specific requirements on content and format of labeling for human prescription drugs.

* * * * *

(f) * * *

(10) *Geriatric use:* A specific geriatric indication, if any, shall be described under the "Indications and Usage" section of the labeling, and appropriate geriatric dosage shall be stated under the "Dosage and Administration" section of the labeling. This subsection shall contain specific statements on geriatric use of the drug for an indication approved for adults generally, as distinguished from a geriatric indication. Such statements may be based on: (i) The results of controlled studies or in some instances; (ii) other pertinent premarketing or postmarketing studies and experience. This subsection of the labeling shall contain the following statements, or reasonable alternatives, as applicable:

(*a*) If clinical studies did not include sufficient numbers of patients aged 65 and over to determine whether elderly patients respond differently than younger patients, and other clinical experience has not identified such differences, the following statement is required to be included: "Clinical studies of (name of drug) did not include sufficient numbers of patients aged 65 and over to determine whether they respond differently from younger patients. Other reported clinical experience has not identified differences in responses between the elderly and younger patients. In general, dose selection for an elderly patient should be cautious, usually starting at the low end of the dosing range, reflecting the greater frequency of decreased hepatic, renal, or cardiac function, and of concomitant disease or other drug therapy."

(*b*) If clinical studies included enough elderly patients to make it likely that a difference between elderly and younger patients would have been detected, but no differences in effectiveness or safety were observed, and other clinical experience has not identified such differences, the following statement is required to be included: "Of the total number of patients in clinical studies of (name of drug), ____ percent were 65 and over, while ____ percent were 75 and over. (Alternatively, the labeling may state the total number of patients included in the studies who were 65 and over and 75 and over.) No overall differences in effectiveness or safety were observed between these patients and younger patients, and other reported clinical experience has not identified differences in responses between the elderly and younger patients, but greater sensitivity of some older individuals cannot be ruled out."

(*c*) If use of the drug in elderly patients is associated with differences in effectiveness or safety, or requires specific monitoring or dosage adjustment, the observed differences or specific monitoring or dosage requirements shall be described in this subsection of the labeling, and, as appropriate, in the "Contraindications," "Warnings," or "Dosage and Administration" sections of the labeling This subsection of the labeling shall describe such information briefly, if it is described in detail elsewhere, and refer to the location of the information in full.

(*d*)(*1*) If specific pharmacokinetic or pharmacodynamic studies have been carried out in the elderly, they shall be described briefly in this subsection of the labeling and in detail under the "Clinical Pharmacology" section. The "Clinical Pharmacology" section and "Drug Interactions" section shall contain information on drug-disease and drug-drug interactions that may be particularly relevant to the elderly, who are more likely to have concomitant illness and disease.

(*2*) For drugs that are known to be substantially excreted by the kidney, this subsection shall include the statement "This drug is known to be substantially excreted by the kidney, and the risk of toxic reactions to this drug may be greater in patients with impaired renal function. Because elderly patients are more likely to have decreased renal function, care should be taken in dose selection, and it may be useful to monitor renal function. Creatinine clearance can be measured or can be estimated by using the following formulae:

For males,

$$Cl_cr = \frac{(140 - \text{age}) \times \text{weight in kilograms}}{72 \times C_cr \text{ (milligram per 100 milliliter)}} \text{ (milliliter per minute)}$$

where Cl_cr is the creatinine clearance, and C_cr is serum creatinine.

For females,

$$Cl_cr = 0.85 \times \frac{(140 - \text{age}) \times \text{weight in kilograms}}{72 \times C_cr \text{ (milligram per 100 milliliter)}} \text{ (milliliter per minute)}$$

where Cl_cr is the creatinine clearance, and C_cr is serum creatinine."

(e) Labeling under paragraphs (f)(10)(ii) (*a*) through (*d*) of this section shall include statements, if appropriate, reflecting good clinical practice or past experience in a particular situation, e.g., for a sedating drug, it shall include a statement to the effect that "Many sedating drugs are more likely to cause confusion and oversedation in the elderly; elderly patients should be started on low dosage of (name of drug) and observed closely."

* * * * *

Dated: May 25, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-25481 Filed 10-31-90; 8:45 am]

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vember 1 1990

Part III

Office of Personnel Management

5 CFR Part 532
Prevailing Rate Systems; Final Rule

Office of Personnel Management

5 CFR Part 532

RIN 3206-AD70

Prevailing Rate Systems

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing final regulations to define certain policies, practices, and criteria for fixing and administering the pay of prevailing rate employees. OPM has determined that these policies, practices, and criteria constitute rulemaking under the terms of the Administrative Procedure Act. The final regulations bring OPM into compliance with the Act.

EFFECTIVE DATE: December 3, 1990.

FOR FURTHER INFORMATION CONTACT: Allan Summers, (202) 606-2848.

SUPPLEMENTARY INFORMATION: OPM published proposed regulations (55 FR 6878) on February 27, 1990, with a 60-day comment period. The purpose of this regulatory proposal was to revise and expand the prevailing rate (wage) systems regulations to include a number of longstanding policies, practices, and criteria of the Federal Wage System now described in Federal Personnel Manual (FPM) Supplements 532-1 and 532-2.

OPM received written comments from one employee organization and two agencies. The employee organization did not oppose the proposal, although it expressed concern that FPM Supplements 532-1 and 532-2 not be "depleted" because of the regulatory change. Other than routine updating, there will be no revisions to the two supplements as a result of these regulations. One of the agencies was in favor of the proposed regulations, while the other agency suggested that the five nonappropriated fund (NAF) wage areas in the Washington, DC, area should be combined into one wage and survey area identical to that authorized for appropriated fund employees in the same area. We did not adopt this suggestion because the prevailing rate law requires that NAF wage area boundaries not extend beyond the immediate locality in which NAF employees are employed (5 U.S.C. 5343(a)(1)(B)(i)). Each of the five NAF wage areas meets OPM criteria for establishment of a local wage area.

The final regulations include a number of minor editorial changes to correct technical errors or omissions in the proposed regulations.

E.O. 12291, Federal Regulation

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

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Government employees, Wages.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM is amending 5 CFR part 532 as follows:

PART 532—PREVAILING RATE SYSTEMS

1. The authority for part 532 continues to read as follows:

Authority: 5 U.S.C 5343, 5346; § 532.707 also issued under 5 U.S.C. 552, Freedom of Information Act, Pub. L. 92-502.

2. Section 532.203(d)(2) is revised and § 532.203(d)(3) is added to read as follows:

§ 532.203 Structure of regular wage schedules.

* * * * *

(d) * * *

(2) For grades WS-11 through WS-18, the second rate of WS-10, plus 5, 11.5, 19.6, 29.2, 40.3, 52.9, 67.1, and 82.8 percent, respectively, of the difference between the step 2 rates of WS-10 and WS-19; and

(3) For grade WS-19, the third rate in effect for General Schedule grade GS-14 at the time of the area wage schedule adjustment. The WS-19 rate shall include any cost of living allowance payable for the area under 5 U.S.C. 5941.

* * * * *

3. Section 532.209(d) is revised to read as follows:

§ 532.209 Local wage survey committee.

* * * * *

(d) Recommendations of local wage survey committees shall be developed by majority vote. Any member of a local wage survey committee may submit a minority report to the lead agency relating to any local wage survey committee majority recommendation.

* * * * *

4. In § 532.211, the introductory text to paragraph (d) is revised to read as follows:

§ 532.211 Responsibilities of participating organizations.

* * * * *

(d) Lead agencies are responsible for:

* * * * *

5. Section 532.213 is amended by revising the introductory text to paragraph (b) as set out below and by removing the phrase "and alternate establishments" in paragraph (d).

§ 532.213 Preparation for full-scale wage surveys.

* * * * *

(b) The lead agency shall consider the local wage survey committee's report if:

* * * * *

6. In § 532.215, paragraph (c) is removed, paragraph (d) is redesignated as paragraph (c), and paragraph (b) is revised to read as follows:

§ 532.215 Conduct of full-scale wage survey.

* * * * *

(b) Data collection for a full-scale wage survey shall be accomplished by personal visit to the establishment. The following required data shall be collected:

(1) General information about the size, location, and type of product or service of the establishment sufficient to determine whether the establishment is within the scope of the survey and properly weighted, if the survey is a sample survey;

(2) Specific information about each job within the establishment that is similar to one of the jobs covered by the survey, including a brief description of the establishment job, the number of employees in the job, and their rate(s) of pay to the nearest mill (including any cost-of-living adjustments required by contract or that are regular and customary and monetary bonuses that are regular and customary); and

(3) Any other information the lead agency believes is appropriate and useful in determining local prevailing rates.

* * * * *

7. Section 532.219 is amended by revising paragraph (d) to read as follows:

§ 532.219 Review by the lead agency.

* * * * *

(d) If the lead agency determines a wage area to be inadequate under paragraph (c) of this section, it shall promptly refer the problem to OPM for resolution. OPM shall:

(1) Authorize the lead agency to continue to survey the area if the lead agency believes the survey is likely to

be adequate in the next full-scale survey;

(2) Authorize the lead agency to expand the scope of the survey; or

(3) Abolish the wage area and establish it as part of one or more other wage areas.

8. In § 532.221, the heading and paragraphs (a) and (b) are revised to read as follows:

§ 532.221 Analysis of usable wage survey data.

(a)(1) The lead agency shall compute a weighted average rates for each appropriated fund survey job having at least 10 unweighted matches and for each nonappropriated fund job having at least 5 unweighted matches. The weighted average rates shall be computed using the survey job data collected in accordance with §§ 532.215 and 532.227 of this subpart and the establishment weight.

(2)(i) Incentive and piece-work rates shall be excluded when computing weighted average rates if, after establishment weights have been applied, 90 percent or more of the total usable wage survey data reflect rates paid on a straight-time basis only.

(ii) When sufficient incentive and piece-work rate data are obtained, the full incentive rate shall be used in computing the job weighted average rate when it is equal to or less than the average nonincentive rate. If the full incentive rate is greater than the average nonincentive rate, the incentive rate shall be discounted by 15 percent. The discounted incentive rate shall be compared with the guaranteed minimum rate and the average nonincentive rate, and the highest rate shall be used in computing the job weighted average rate.

(b) The lead agency shall compute paylines using the weighted average rates computed under paragraph (a) of this section.

(1) The lead agency shall compute unit and frequency paylines using the straight-line, least squares regression formula: $Y=a+bx$, where Y is the hourly rate, x is grade, a is the intercept of the payline with the Y-axis, and b is the slope of the payline.

(i) The unit payline shall be computed using a weight of one for each of the usable survey jobs and the weighted average rates identified and computed under paragraph (a) of this section.

(ii) The frequency payline shall be computed using a weight equal to the number of weighted matches for each of the usable survey jobs and the weighted average rates identified and computed under paragraph (a) of this section.

(2) Either or both of the lines computed according to paragraph (b)(1) of this section may be recomputed after eliminating survey job data that cause distortion in the lines.

(3) The lead agency may compute midpoint paylines using the following formula: $Y=(a_u+a_f)/2+((b_u+b_f)/2)x$, where Y is the hourly rate, x is the grade, a_u is the intercept of the unit payline, a_f is the intercept of the frequency payline, b_u is the slope of the unit payline, and b_f is the slope of the frequency payline. A midpoint line may be computed using the paylines based on all of the usable survey job data as described in paragraph (b)(1) of this section, and a second midpoint line may be computed using the paylines based on limited survey job data authorized in paragraph (b)(2) of this section.

(4) The lead agency may compute other paylines for the purpose of instituting changes in the scope of the survey.

* * * * *

§ 532.233 [Amended]

9. In § 532.233, paragraphs (c) and (d) are amended by replacing all occurrences of the terms "Payline rates", "payline rate", and "payline rates" with the terms "Step 2 rates", "step 2 rate", and "step 2 rates", respectively.

§ 532.235 [Amended]

10. In § 532.235, paragraphs (c) and (d) are amended by replacing all occurrences of the terms "Payline rates", "payline rate", and "payline rates" with the terms "Step 2 rates", "step 2 rate", and "step 2 rates", respectively.

§§ 532.233 and 532.235 [Redesignated as §§ 532.255 and 532.257]

11. Sections 532.233 and 532.235 are redesignated as §§ 532.255 and 532.257, respectively.

§ 532.234 [Redesignated as § 532.259]

12. Section 532.234 is redesignated as § 532.259.

[Redesignations]

13. The following sections are redesignated as set out below:

Old section	New section
§ 532.207	§ 532.227
§ 532.209	§ 532.229
§ 532.211	§ 532.231
§ 532.213	§ 532.233
§ 532.215	§ 532.235
§ 532.217	§ 532.237
§ 532.219	§ 532.239
§ 532.221	§ 532.241
§ 532.223	§ 532.243
§ 532.225	§ 532.245
§ 532.227	§ 532.247
§ 532.229	§ 532.249
§ 532.231	§ 532.251

14. New §§ 532.207, 532.209, 532.211, 532.213, 532.215, 532.217, 532.219, 532.221, 532.223, and 532.225 are added to read as follows:

§ 532.207 Time schedule for wage surveys.

(a) Wage surveys shall be conducted on a 2-year cycle at annual intervals.

(b) A full-scale survey shall be made in the first year of the 2-year cycle and shall include development of a current sample of establishments and the collection of wage data by visits to establishments.

(c) A wage-change survey shall be made every other year using only the same employers, occupations, survey jobs, and establishment weights used in the preceding full-scale survey. Data may be collected by telephone, mail, or personal contact.

(d) Scheduling of surveys shall take into consideration the following criteria:

(1) The best timing in relation to wage adjustments in the principal local private enterprise establishments;

(2) Reasonable distribution of workload of the lead agency;

(3) The timing of surveys for nearby or selected wage areas; and

(4) Scheduling relationships with other pay surveys.

(e) The Office of Personnel Management may authorize adjustments in the normal cycle as requested by the lead agency and based on the criteria in paragraph (d) of this section or to accommodate special studies or adjustments consistent with determining local prevailing rates.

(f) The beginning month of appropriated and nonappropriated fund wage surveys and the fiscal year during which full-scale surveys will be conducted are set out as Appendices A and B to this subpart and are incorporated in and made part of this section.

§ 532.209 Lead Agency.

(a) The Office of Personnel Management shall select a lead agency for each appropriated and nonappropriated fund wage area based on the number of agency employees covered by the regular wage schedule for that area and the capability of the agency in providing administrative and clerical support at the local level necessary to conduct a wage survey.

(b) OPM may authorize exceptions to these criteria where this will improve the administration of the local wage survey.

(c) The listing in Appendix A to this subpart shows the lead agency for each appropriated fund wage area. The Department of Defense is the lead agency for each nonappropriated fund wage area.

§ 532.211 Criteria for establishing appropriated fund wage areas.

(a) Each wage area shall consist of one or more survey areas along with nonsurvey areas, if any.

(1) *Survey area:* A survey area is composed of the counties, parishes, cities, or townships in which survey data are collected. Except in very unusual circumstances, a wage area that includes a Metropolitan Statistical Area shall have the Metropolitan Statistical Area as the survey area or part of the survey area.

(2) *Nonsurvey area:* Nonsurvey counties, parishes, cities, or townships may be combined with the survey area(s) to form the wage area through consideration of the criteria in paragraph (d)(1) of this section.

(b) Wage areas shall include wherever possible a recognized economic community such as a Metropolitan Statistical Area or a political unit such as a county. Two or more economic communities or political units, or both, may be combined to constitute a single wage area; however, except in unusual circumstances and as an exception to the criteria, an individually defined Metropolitan Statistical Area or county shall not be subdivided for the purpose of defining a wage area.

(c) Except as provided in paragraph (a) of this section, wage areas shall be established when:

(1) There is a minimum of 100 wage employees of one agency subject to the regular schedule and the agency involved indicates that its local installation has the capacity to do the survey; and

(2) There is, within a reasonable commuting distance of the concentration of Federal employment;

(i) A minimum of either 20 establishments within survey specifications having at least 50 employees each; or 10 establishments having at least 50 employees each, with a combined total of 1,500 employees; and

(ii) The total private enterprise employment in the industries surveyed in the survey area is at least twice the Federal wage employment in the survey area.

(d)(1) Adjacent economic communities or political units meeting the separate wage area criteria in paragraphs (b) and (c) of this section may be combined through consideration of:

(i) Distance, transportation facilities, and geographic features;

(ii) Commuting patterns; and

(iii) Similarities in overall population, employment, and the kinds and sizes of private industrial establishments.

(2) When two wage areas are combined, the survey area of either or both may be used, depending on the concentrations of Federal and private employment and locations of establishments, the proximity of the survey areas to each other, and the extent of economic similarites or differences as indicated by relative levels of wage rates in each of the potential survey areas.

(e) Appropriated fund wage and survey area definitions are set out as appendix C to this subpart and are incorporated in and made part of this section.

§ 532.213 Industries included in regular appropriated fund wage surveys.

(a) Industries in the following Standard Industrial Classifications (SIC) shall be included in all wage surveys for regular wage schedules:

Manufacturing	
SIC 20 through 26 and 28 through 38.	All manufacturing classes except SIC 27 (printing, publishing, and allied industries) and SIC 39 (miscellaneous manufacturing industries).
Transportation, Communications, Electric, Gas, and Sanitary Services	
SIC 40	Railroad transportation
SIC 41 (except 412)	Local and suburban transit and interurban highway passenger transportation except taxicabs (SIC 412).
SIC 42	Motor freight transportation and warehousing.
SIC 45	Transportation by air.
SIC 48	Communication.
SIC 49	Electric, gas, and sanitary services.
Wholesale Trade	
SIC 50	Wholesale trade—durable goods.
SIC 51	Wholesale trade—nondurable goods.

(b) A lead agency may add other industry classes to a regular survey in an area where these industries account for significant proportions of local private employment of the kinds and levels found in local Federal employment.

(c) Specifically excluded from all wage surveys for regular wage schedules are food service and laundry establishments and industries having peculiar employment conditions that directly affect the wage rates paid and that are the basis for special wage surveys.

§ 532.215 Establishments included in regular appropriated fund surveys.

(a) All establishments having a total employment of 50 or more employees in the prescribed industries within a survey area shall be included within the survey universe. On rare occasions and as an exception to the rule, OPM may authorize lower minimum size levels based on a recommendation of the lead agency for the wage area.

(b) Establishments to be covered in surveys shall be selected under standard probability sample selection procedures. In areas with relatively few establishments, surveys shall cover all establishments within the prescribed industry and size groups.

(c) A lead agency may not delete from a survey an establishment properly included in an establishment list drawn under statistical sampling procedures.

§ 532.217 Appropriated fund survey jobs.

(a) A lead agency shall survey the following required jobs:

Job title	Job grade
Janitor (Light)	1
Janitor	2
Material Handler	2
Maintenance Laborer	3
Packer	4
Helper (Trades)	5
Warehouseman	5
Forklift Operator	5
Material Handling Equipment Operator	5
Truckdriver (Medium)	6
Truckdriver (Heavy)	7
Machine Tool Operator II	8
Machine Tool Operator I	9
Carpenter	9
Electrician	10
Automotive Mechanic	10
Sheet Metal Mechanic	10
Pipefitter	10
Welder	10
Machinist	10
Electronics Mechanic	11
Toolmaker	13

(b) A lead agency may not omit a required survey job from a regular schedule wage survey.

(c) A lead agency may survey the following jobs on an optional basis:

Job title	Job grade
Aircraft Structures Assembler B	7
Aircraft Structures Assembler A	9
Aircraft Mechanic	10
Electrician, Ship	10
Pipefitter, Ship	10
Shipfitter	10
Shipwright	10
Machinist, Marine	10
Cable Splicer (Electric)	10
Electrical Lineman	10
Electrician (Powerplant)	10
Telephone Installer-Repairer	9
Central Office Repairer	11
Heavy Mobile Equipment Mechanic	10
Heavy Mobile Equipment Operator	10
Air Conditioning Mechanic	10
Rigger	10
Trailer Truck Driver	8
Tool Crib Attendant	6
Painter (Finish)	9
Light Vehicle Operator	5
Boiler Plant Operator	9
Boiler Plant Operator	10
Meat Cutter	8
Equipment Mechanic	10
Boom Crane Operator	9
Boom Crane Operator (Precision)	11
Tool and Parts Attendant	4
Painter (Rough)	7
Industrial Electronic Controls Repairer	10
Electronic Test Equipment Repairer	11
Electronic Computer Mechanic	11
Television Station Mechanic	11

(d) A lead agency may add the following survey jobs to the survey when the Hospital industry is included in the survey:

Job title	Job grade
Laundry Worker	1
Food Service Worker	2
Cook	8

(e) A lead agency must obtain prior approval of OPM to add a job not authorized under paragraph (a), (c), or (d) of this section.

§ 532.219 Criteria for establishing nonappropriated fund wage areas.

(a) Each wage area shall consist of one or more survey areas along with nonsurvey areas, if any, having nonappropriated fund employees.

(1) *Survey area:* A survey area is composed of the counties, parishes, cities, or townships in which survey data are collected.

(2) *Nonsurvey area:* Nonsurvey counties, parishes, or townships may be combined with the survey area to form the wage area through consideration of the criteria in paragraph (c) of this section.

(b) Wage areas shall be established when:

(1) There is a minimum of 26 NAF wage employees in the survey area and local activities have the capability to do the survey; and

(2) There is within the survey area a minimum of 1,800 private enterprise employees in establishments within survey specifications.

(c) Two or more counties may be combined to constitute a single wage area through consideration of:

(1) Proximity of largest activity in each county;

(2) Transportation facilities and commuting patterns; and

(3) Similarities of the counties in:

(i) Overall population;

(ii) Private employment in major industry categories; and

(iii) Kinds and sizes of private industrial establishments.

(d) The nonappropriated fund wage and survey area definitions are set out as appendix D to this subpart and are incorporated in and made part of this section.

§ 532.221 Industries included in regular nonappropriated fund surveys.

(a) Industries in the following Standard Industrial Classifications (SIC) shall be included in all wage surveys for regular wage schedules:

SIC	Title
Wholesale:	
5013	Motor vehicle supplies and new parts.
5122	Drugs, drug proprietaries, and druggists' sundries.
5198	Paints, varnishes, and supplies.
5131	Piece goods and notions.
5136	Men's and boys' clothing and furnishings.
5137	Women's children's and infants clothing and accessories.
5139	Footwear.
5145	Confectionery.
5064	Electrical applicances, television and radio sets.
5065	Electrical parts and equipment.
5072	Hardware.
5171	Petroleum bulk stations and terminals.
5172	Petroleum and petroleum products wholesalers, except bulk stations and terminals.
5194	Tobacco and tobacco products.
5111	Printing and writing paper.
5112	Stationery supplies.
5113	Industrial and personal service paper.
5021	Furniture.
5023	Home furnishings.
5091	Sporting and recreational goods and supplies.
5092	Toys and hobby goods and supplies.
5043	Photographic equipment and supplies.
5094	Jewelry, watches, diamonds, and other precious stones.
5099	Durable goods not elsewhere classified.
5159	Farm-product raw materials not elsewhere classified.
5191	Farm supplies.
5192	Books, periodicals, and newspapers.
5193	Flowers and florists' supplies.
5199	Nondurable goods not elsewhere classified.
Retail:	
5311	Department stores.
5331	Variety stores.
5962	Automatic merchandising machine operators.
5541	Gasoline service stations.
5812	Eating places.
5813	Drinking places (alcoholic beverages).
Services and Recreation:	
7011	Hotels, motels, and tourist courts.
7933	Bowling centers.
7997	Membership sports and recreation clubs (golf and country clubs only).

(b) A lead agency may add other industry classes from within the wholesale, retail, and service industry divisions in an area where these industries account for significant proportions of local private employment of the kinds and levels found in local NAF employment.

(c) Additional industries shall be defined in terms of entire industry classes (fourth digit breakdown).

§ 532.223 Establishments included in regular nonappropriated fund surveys.

(a) All establishments having 20 or more employees in the prescribed industries within a survey area shall be included in the survey universe. Establishments in SIC 5962, SIC 5541, SIC 7933, and SIC 7997 shall be included in the survey universe if they have eight or more employees.

(b) Establishment selection procedures are the same as those prescribed for appropriated fund surveys in paragraphs (b) and (c) of § 532.213 of this subpart.

§ 532.225 Nonappropriated fund survey jobs.

(a) A lead agency shall survey the following required jobs:

Job title	Job grade
Janitor (Light)	1
Food Service Worker	1
Food Service Worker	2
Fast Food Worker	2
Janitor	2
Laborer (Light)	2
Laborer (Heavy)	3
Service Station Attendant	3
Stock Handler	4
Short Order Cook	5
Materials Handling Equipment Operator	5
Warehouseman	5
Service Station Attendant	5

Job title	Job grade
Truck Driver (Light)	5
Truck Driver (Medium)	6
Truck Driver (Heavy)	7
Cook	8
Carpenter	9
Painter	9
Automotive Mechanic	10
Electrician	10

(b) A lead agency may not omit a required survey job from a regular schedule wage survey.

(c) A lead agency may survey the following jobs on an optional basis:

Job title	Job grade
Service Station Attendant	1
Groundskeeper	4
Grill Attendant	4
Tractor Operator	6
Bowling Equipment Mechanic	7
Building Maintenance Worker	7
Vending Machine Mechanic	8
Building Maintenance Worker	8
Air Conditioning Equipment Mechanic	8
Truck Driver (Trailer)	8
Air Conditioning Equipment Mechanic	10

(d) A lead agency must obtain prior approval of OPM to add a job not listed under paragraph (a) or (c) of this section.

15. A new § 532.253 is added to read as follows:

§ 532.253 Special rates or rate ranges for leader, supervisory, and production facilitating positions.

(a) When special rates or rate ranges are established for nonsupervisory positions, a lead agency also shall establish special rates for leader, supervisory, and production facilitating positions, classified to the same occupational series and title, that lead, supervise, or perform production facilitating work directly relating to the nonsupervisory jobs covered by the special rates.

(b) The step rate structure shall be the same as that of the related nonsupervisory special rate or rate range.

(c) The following formulas shall be used to establish a special rate or rate range:

(1) A single rate shall equal the top step of the appropriate leader, supervisory, or production facilitating grade on the regular schedule, plus the cents per hour difference between the top step of the appropriate nonsupervisory grade on the regular schedule and the special nonsupervisory rate.

(2) For a multiple rate range, the step 2 rate shall equal the step 2 rate of the appropriate leader, supervisory, or production facilitating grade on the regular schedule, plus the cents per hour difference between the prevailing rate of the appropriate nonsupervisory grade on the regular schedule and the prevailing rate of the special rate position. Other required step rates shall be computed in accordance with the formula established in § 532.203 of this subpart.

16. New §§ 532.261, 532.263, 532.265, 532.267, 532.269, 532.271, 532.273, 532.275, 532.277, 532.279, 532.281, and 532.283 are added to subpart B to read as follows:

§ 532.261 Special wage schedules for leader and supervisory schedules for leader and supervisory wage employees in the Puerto Rico wage area.

(a) The Department of Defense shall establish special wage schedules for leader and supervisory wage employees in the Puerto Rico wage area.

(b) The step 2 rate for each grade of the leader wage schedule shall be equal to 120 percent of the rate for step 2 of the corresponding grade of the nonsupervisory regular wage schedule for the Puerto Rico wage area.

(c) The step 2 rate for the supervisory wage schedule shall be:

(1) For grades WS–1 through WS–10, equal to the rate for step 2 of the corresponding grade of the nonsupervisory regular wage schedule for the Puerto Rico wage area, plus 60 percent of the rate for step 2 of WG–10;

(2) For grades WS–11 through WS–18, the second rate of WS–10 plus 5, 11.5, 19.6, 29.2, 40.3, 52.9, 67.1, and 82.8 percent, respectively, of the difference between the step 2 rates of WS–10 and WS–19; and

(3) For grade WS–19, the third rate in effect for General Schedule grade GS–14 at the time of the area wage schedule adjustment. The WS–19 rate shall include any cost of living allowance payable for the area under 5 U.S.C. 5941.

(d) Step rates shall be developed by using the formula established in § 532.203 of this subpart.

§ 532.263 Special wage schedules for production facilitating positions.

(a) The lead agency in each FWS wage area shall establish special nonsupervisory and supervisory production facilitating wage schedules for employees properly allocable to production facilitating positions under applicable Federal Wage System job grading standards.

(b) Nonsupervisory schedules shall have 11 pay levels, and supervisory schedules shall have 9 pay levels.

(c) Pay levels and rates of pay for nonsupervisory (WD) schedules and supervisory (WN) schedules shall be identical to the pay levels and rates of pay for the corresponding grades on the local FWS regular supervisory wage schedule. Pay levels shall be determined in accordance with the following table:

	WN supervisory level	WS grade
WD nonsupervisory Level:		
1		3
2		4
3		5
4		6
5	1	7
6	2	8
7	3	9
8	4	10
9	5	11
10	6	12
11	7	13
	8	14
	9	15

(d) Special production facilitating wage schedules shall be effective on the same date as the regular wage schedules in the FWS wage area.

§ 532.265 Special wage schedules for apprentices and shop trainees.

(a) Agencies may establish special wage schedules for apprentices and shop trainees who are included in:

(1) Formal apprenticeship programs involving training for journeyman level duties in occupations that are recognized as apprenticeable by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or

(2) Formal shop trainee programs involving training for journeyman level duties in nonapprenticeable occupations that require specialized trade or craft skill and knowledge.

(b) Special schedules shall consist of a single wage rate for each training period. Wage rates shall be determined as follows:

(1) Rates shall be based on the current second step rate of the target journeyman grade level on the regular nonsupervisory wage schedule for the area where the apprentice or trainee is employed.

(2) The entrance rate shall be computed at 65 percent of the journeyman level, step 2, rate, or the WG–1, step 1, rate, whichever is greater.

(3) When the WG–1, step 1, rate is used, the apprentice rate shall be increased by a minimum of 5 cents per hour for each succeeding increment interval until the rate obtained by this method equals the rate computed under the formula. No increase shall be less then 5 cents per hour.

(c) Advancement to higher increments shall be at 26-week intervals, regardless

of the total length of the training period. Intermediate rates shall be established by subtracting the entrance rate from the journeyman level, step 2 rate, and dividing the difference by the number of 26-week periods of the particular training term. The resulting quotient equals the increment for each succeeding rate.

(d) Agencies may hire at advanced rates or accelerate progression through scheduled wage rates if prescribed by approved agency training standards or programs.

(e) If the employee is promoted to the target job or to a job at the same grade level, the promotion shall be to the second step rate. If the employee is assigned to a job at a grade level that is less than the grade level of the target job, existing pay fixing rules shall be followed.

§ 532.267 Special wage schedules for aircraft, electronic, and optical instrument overhaul and repair positions in Puerto Rico.

(a) The Department of Defense shall conduct special industry surveys and establish special wage schedules for wage employees in Puerto Rico whose primary duties involve the performance of work related to aircraft, electronic equipment, and optical instrument overhaul and repair.

(b) Except as provided in this section, regular appropriated fund wage survey and wage-setting procedures are applicable.

(c) Special survey specifications are as follows:

(1) Surveys shall, as a minimum, include the air transportation and electronics industries in SICs 3571, 3572, 3575, 3577, 3663, 3669, 3679, 3672, 3695, 3812, 4512, 4513, 4522, 4581, 5044, and 5045.

(2) Surveys shall cover all establishments in the surveyed industries.

(3) Surveys shall, as a minimum, include all the following jobs:

Job titles	Job grades
Aircraft Cleaner	3
Fleet Service Worker	5
Aircraft Mechanic	10
Industrial Electronic Controls Repairer	10
Aircraft Instrument Mechanic	11
Electronic Test Equipment Repairer	11
Electronics Mechanic	11
Electronic Computer Mechanic	11
Television Station Mechanic	11

(d) The data collected in a special wage survey shall be considered adequate if there are as many weighted matches used in computing the nonsupervisory payline as there are employees covered by the special wage rate schedules.

(e) Each survey job used in computing the nonsupervisory payline must include a minimum of three unweighted matches.

(f) Special schedules shall have three step rates with the payline fixed at step 2. Step 1 shall be set at 96 percent of the payline rate, and step 3 shall be set at 104 percent of the payline rate.

(g) The waiting period for within-grade increases shall be 26 weeks between steps 1 and 2 and 78 weeks between steps 2 and 3.

(h) Special wage schedules shall be effective on the same date as the regular wage schedules for the Puerto Rico wage area.

§ 532.269 Special wage schedules for Corps of Engineers, U.S. Army navigation lock and dam employees.

(a) The Department of Defense shall establish special wage schedules for nonsupervisory, leader, and supervisory wage employees of the Corps of Engineers, U.S. Army, who are engaged in operating lock and dam equipment or who repair and maintain navigation lock and dam operating machinery and equipment.

(b) Employees shall be subject to one of the following pay provisions:

(1) If all navigation lock and dam installations under a District headquarters office are located within a single wage area, the employees shall be paid from special wage schedules having rates identical to the regular wage schedule applicable to that wage area.

(2) If navigation lock and dam installations under a District headquarters office are located in more than one wage area, employees shall be paid from a special wage schedule having rates identical to the regular wage schedule authorized for the headquarters office.

(c) Each special wage schedule shall be effective on the same date as the regular schedule on which it is based.

§ 532.271 Special wage schedules for National Park Service positions in overlap areas.

(a)(1) The Department of the Interior shall establish special schedules for wage employees of the National Park Service whose duty station is located in one of the following NPS jurisdictions:

(i) Blue Ridge Parkway;

(ii) Natchez Trace Parkway; and

(iii) Great Smoky Mountains National Park.

(2) Each of these NPS jurisdictions is located in (i.e., overlaps) more than one FWS wage area.

(b) The special overlap wage schedules in each of the NPS jurisdictions shall be based on a determination concerning which regular nonsupervisory wage schedule in the overlapped FWS wage areas provides the most favorable payline for the employees.

(c) The most favorable payline shall be determined by computing a simple average of the 15 nonsupervisory second step rates on each one of the regular schedules authorized for each wage area overlapped. The highest average obtained by this method will identify the regular schedule that produces the most favorable payline.

(d) Each special schedule shall be effective on the same date as the regular schedule on which it is based.

(e) If there is a change in the identification of the most favorable payline, the special scheule for the current year shall be issued on its normal effective date. The next special scheule shall be issued on the effective date of the next regular schedule that produced the most favorable payline for the NPS jurisdiction in the previous year.

§ 532.273 Special wage schedules for United States Information Agency Radio Antenna Rigger positions.

(a) The United States Information Agency shall establish special wage schedules for Radio Antenna Riggers employed at transmitting and relay stations in the United States.

(b) The wage rate shall be the regular wage rate for the appropriate grade for Radio Antenna Rigger for the wage area in which the station is located, plus 25 percent of that rate.

(c) The 25 percent differential shall be in lieu of any environmental differential that would otherwise be payable.

(d) The special schedules shall be effective on the same date as the regular wage schedules for the wage area in which the positions are located.

§ 532.275 Special wage schedules for ship surveyors in Puerto Rico.

(a) The Department of Defense shall establish special wage schedules for nonsupervisory ship surveyors and supervisory ship surveyors in Puerto Rico.

(b) Rates shall be computed as follows:

(1) The step 2 rate for nonsupervisory ship surveyors shall be set at 149.5 percent of the WG–10, step 2, rate on the overseas schedule.

(2) The step 2 rate of supervisory ship surveyors shall be set at 166.75 percent

of the WG–10, step 2, rate on the overseas schedule.

(3) Step rates shall be developed by using the standard formulas established in § 532.203 of this part.

(c) The special wage schedules shall be effective on the same date as the regular wage schedules applicable to the Puerto Rico wage area.

§ 532.277 Special wage schedules for U.S. Navy positions in Bridgeport, California.

(a) The Department of Defense shall establish special wage schedules for prevailing rate employees at the United States Marine Corps Mountain Warfare Training Center in Bridgeport, California.

(b) Schedules shall be established by increasing the step 2 rates on the Reno, Nevada, regular wage schedule by 10 percent.

(c) Step rates shall be developed by using the standard formulas established in § 532.203 of this subpart.

(d) The special wage schedules shall be effective on the same date as the regular wage schedules applicable to the Reno, Nevada, wage area.

§ 532.279 Special wage schedules for printing positions.

(a) The lead agency in a special printing schedule area listed in paragraph (j) of this section shall conduct special printing surveys and establish special printing schedules for positions properly allocable to the 4400 printing job familiy or the 5330 printing equipment repairing job series under FWS job grading standards.

(b) Except as provided in this section, regular appropriated fund wage survey and wage-setting procedures established in §§ 532.213 through 532.227 of this subpart shall be applicable to printing surveys and schedules.

(c) Specifications for printing surveys shall be as follows:

(1) Standard industrial code 2752 shall be included in the printing survey. A lead agency may also add other SICs in Major Group 27 to the survey in light of survey experience.

(2) Surveys shall cover establishments with a total employment of 20 or more.

(3) A lead agency shall survey the following jobs:

Job title	Job grade
Opaquer	4
Offset Press Helper	5
Bindery Machine Operator (Helper)	5
Film Assembler-Stripper (Single Flat-Single Color)	5
Platemaker (Single Color)	5
Film Assembler-Stripper (Partial and Composite Flats)	7
Platemaker (Double Exposure and Multicolor Line)	7
Offset Press Operator	8
Bindery Machine Operator (Paper Cutter)	8
Bindery Machine Operator (Power Folder)	8
Film Assembler-Stripper (Multiple Flat-Multiple Color)	8
Platemaker (Multicolor Halftones and Screen Tints)	8
Bindery Machine Operator	9
Offset Operator (15–18 Thru 14–20)	9
Offset Operator (17–22 Thru 19–25)	9
Offset Operator (22–29 Thru 35–39)	9
Offset Operator (35–45 and Larger)	10
Offset Photographer (Halftone)	10
Negative Engraver	10
Bookbinder	10
Lithographic Pressman Multicolor (17–22 Thru 25–39)	10
Lithographic Pressman Multicolor (34–44 and Larger)	11
Offset Photographer (Process Color)	11

(d) The data collected in a special printing survey shall be considered adequate for computing paylines if the unweighted job matches for nonsupervisory jobs include at least 20 matches in the grade 1 through 5 range, 20 matches in the grade 6 through 8 range, 40 matches in the grade 9 and above range, and 60 additional matches at any grade.

(e) Each survey job used in computing printing schedule paylines must include a minimum of three unweighted matches.

(f) Special printing schedules shall have three step rates with the payline fixed at step 2. Step 1 shall be set at 96 percent of the payline rate, and step 3 shall be set at 104 percent of the payline rate.

(g) No step 3 rate on a special printing schedule shall be less than the maximum rate of the corresponding grade on the regular wage schedule for the wage area. If an adjustment is required under this provision, the payline rate of the special schedule shall be adjusted so as to provide a step 3 special schedule rate equal to the maximum rate of the corresponding regular schedule grade when the formula in paragraph (f) of this section is applied. Step 1 shall be set at 96 percent of the adjustment payline rate.

(h) The waiting period for within-grade increases under special printing schedules is 26 weeks between steps 1 and 2 and 78 weeks between steps 2 and 3.

(i) Speical printing schedules shall be effective on the same date as the regular wage schedules for the authorized wage areas.

(j) Special printing schedules are authorized in the following wage areas:

(1) Washington, DC.

(2) St. Louis, Missouri.

(3) Kansas City, Missouri.

(4) Philadelphia, Pennsylvania.

(5) New York, New York.

(6) Atlanta, Georgia.

(7) San Francisco, California.

(8) Los Angeles, California.

(9) San Diego, California.

(10) Detroit, Michigan.

(11) Seattle-Everett-Tacoma, Washington.

§ 532.281 Special wage schedules for Divers and Tenders.

(a) Agencies are authorized to establish special schedule payments for prevailing rate employees who perform diving and tending duties.

(b) Employees who perform diving duties shall be paid 175 percent of the locality WG–10, step 2, rate for all payable hours of the shift.

(c) Employees who perform tending duties shall be paid at the locality WG–10, step 2, rate for all payable hours of the shift.

(d) Employees whose regular scheduled rate exceeds the diving/tending rate on the day they perform such duties shall retain their regular scheduled rate on that day.

(e) An employee's diving/tending rate shall be used as the basic rate of pay for computing all premium payments for a shift.

(f) Employees who both dive and tend on the same shift shall receive the higher diving rate as the basic rate for all hours of the shift.

§ 532.283 Special wage schedules for nonappropriated fund tipped employees classified as Waiter/Waitress.

(a) Tipped employees shall be paid from the regular nonappropriated fund (NAF) schedule applicable to the employee's duty station.

(b) A tip offset may be authorized for employees classified as Waiter/Waitress. For purposes of this section, a tipped employee is one who is engaged in an occupation in which he or she customarily and regularly receives more than $30 a month in tips, and a tip offset is the amount of money by which an employer, in meeting legal minimum wage standards, may reduce a tipped employee's cash wage in consideration of the receipt of tips.

(c) A tip offset may be established, abolished, or adjusted by NAF instrumentalities on an annual basis and at such additional times as new or revised minimum wage statutes require. The amount of any tip offset may vary within a single instrumentality based on location, type of service, or time of service.

(d) If tipped employees are represented by a labor organization holding exclusive recognition, the employing NAF instrumentality shall negotiate with such organization to arrive at a determination as to whether, when, and how much tip offset shall be applied. Changes in tip offset practices may be made more frequently than annually as a result of collective bargaining agreement.

(e) Tip offset practices shall be governed by the Fair Labor Standards Act, as amended, or the applicable statutes of the State, possession or territory where an employee works, whichever provides the greater benefit to the employee. In locations where tip offset is prohibited by law, the requirements of paragraphs (c) and (d) of this section do not apply.

17. Appendices A, B, C, and D to subpart B are added to read as follows:

Appendix A to Subpart B of Part 532—Nationwide Schedule of Appropriated Fund Regular Wage Surveys

This appendix shows the annual schedule of wage surveys. It lists all States alphabetically, each State being followed by an alphabetical listing of all wage areas in the State. Information given for each wage area includes—

(1) The lead agency responsible for conducting the survey;

(2) The month in which the survey will begin; and

(3) Whether full-scale surveys will be done in odd or even numbered fiscal years.

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full-scale survey odd or even
Alabama	Anniston-Gadsden	DoD	April	Even.
	Birmingham	VA	January	Even.
	Dothan	DoD	July	Odd.
	Huntsville	DoD	April	Even.
Alaska	Alaska	DoD	July	Even.
Arizona	Northeastern Arizona	DoD	March	Odd.
	Phoenix	DoD	March	Odd.
	Tucson	DoD	March	Odd.
Arkansas	Little Rock	DoD	August	Even.
California	Fresno	DoD	February	Odd.
	Los Angeles	DoD	September	Even.
	Sacramento	DoD	February	Odd.
	Salinas-Monterey	DoD	February	Even.
	San Bernardino-Riverside-Ontario	DoD	September	Even.
	San Diego	DoD	September	Odd.
	San Francisco	DoD	September	Odd.
	Santa Barbara	DoD	September	Even.
	Stockton	DoD	February	Odd.
Colorado	Denver	DoD	January	Odd.
	Southern & Western Colorado	DoD	January	Even.
Connecticut	New Haven-Hartford	VA	April	Odd.
	New London	DoD	September	Even.
Delaware	Wilmington	DoD	November	Even.
District of Columbia	Washington, D.C.	DoD	August	Odd.
Florida	Cocoa Beach-Melbourne	DoD	October	Even.
	Jacksonville	DoD	January	Odd.
	Miami	DoD	January	Odd.
	Orlando	DoD	September	Odd.
	Panama City	DoD	September	Even.
	Pensacola	DoD	September	Odd.
	Tampa-St. Petersburg	VA	April	Even.
Georgia	Albany	DoD	August	Odd.
	Atlanta	DoD	May	Odd.
	Augusta	DoD	June	Odd.
	Columbus	DoD	August	Odd.
	Macon	DoD	June	Odd.
	Savannah	DoD	May	Odd.
Hawaii	Hawaii	DoD	June	Even.
Idaho	Boise	DoD	July	Odd.
Illinois	Champaign-Urbana	DoD	September	Odd.
	Chicago	VA	September	Even.
Indiana	Bloomington-Bedford-Washington	DoD	October	Odd.
	Fort Wayne-Marion	VA	November	Odd.
	Indianapolis	DoD	October	Odd.
Iowa	Cedar Rapids-Iowa City	VA	July	Even.
	Davenport-Rock Island-Moline	DoD	October	Even.
	Des Moines	VA	September	Odd.
	Dubuque	DoD	October	Even.
Kansas	Topeka	DoD	November	Even.
	Wichita	DoD	November	Even.
Kentucky	Lexington	DoD	February	Even.
	Louisville	DoD	February	Odd.
Louisiana	Lake Charles-Alexandria	DoD	April	Even.
	New Orleans	VA	February	Odd.
	Shreveport	DoD	May	Even.
Maine	Augusta	VA	May	Odd.
	Central and Northern Maine	DoD	June	Even.
	Portland	DoD	May	Odd.
Maryland	Baltimore	DoD	September	Odd.
	Hagerstown-Martinsburg-Chambersburg	DoD	January	Even.
Massachusetts	Boston	VA	August	Even.
	Central and Western Massachusetts	DoD	June	Even.

State	Wage area	Lead agency	Beginning month of survey	Fiscal year of full-scale survey odd or even
Michigan	Detroit	DoD	January	Odd.
	Northwestern Michigan	DoD	August	Odd.
	Oscoda-Alpena	DoD	August	Odd.
	Southwestern Michigan	VA	October	Even.
Minnesota	Duluth	DoD	June	Odd.
	Minneapolis-St. Paul	VA	March	Odd.
Mississippi	Biloxi	DoD	November	Even.
	Columbus-Aberdeen	DoD	February	Even.
	Jackson	DoD	February	Odd.
	Meridian	DoD	February	Odd.
Missouri	Kansas City	DoD	October	Odd.
	St. Louis	DoD	October	Odd.
	Southern Missouri	DoD	October	Odd.
Montana	Great Falls	DoD	July	Even.
Nebraska	Omaha	DoD	October	Odd.
Nevada	Las Vegas	DoD	September	Even.
	Reno	DoD	March	Even.
New Hampshire	Portsmouth	DoD	September	Even.
New Mexico	Albuquerque	DoD	April	Odd.
New York	Albany-Schenectady-Troy	DoD	March	Odd.
	Buffalo	VA	September	Even.
	Newburg	DoD	March	Even.
	New York	DoD	January	Even.
	Northern New York	DoD	March	Odd.
	Rochester	VA	February	Even.
	Syracuse-Utica-Rome	DoD	March	Even.
North Carolina	Asheville	VA	June	Even.
	Central North Carolina	DoD	May	Even.
	Charlotte	VA	August	Odd.
	Southeastern North Carolina	DoD	January	Odd.
North Dakota	North Dakota	DoD	March	Even.
Ohio	Cincinnati	VA	January	Odd.
	Cleveland	NASA	April	Odd.
	Columbus	DoD	January	Odd.
	Dayton	DoD	January	Even.
Oklahoma	Oklahoma City	DoD	August	Odd.
	Tulsa	DoD	August	Odd.
Oregon	Portland	DoD	August	Odd.
	Southwestern Oregon	VA	May	Even.
Pennsylvania	Harrisburg	DoD	January	Even.
	Philadelphia	DoD	October	Even.
	Pittsburgh	VA	August	Odd.
	Scranton-Wilkes-Barre	DoD	August	Odd.
Puerto Rico	Puerto Rico	DoD	July	Odd.
Rhode Island	Narragansett Bay	DoD	January	Odd.
South Carolina	Charleston	DoD	July	Even.
	Columbia	DoD	May	Even.
South Dakota	Eastern South Dakota	VA	October	Odd.
Tennessee	Eastern Tennessee	VA	February	Odd.
	Memphis	DoD	February	Even.
	Nashville	DoD	February	Even.
Texas	Austin	DoD	June	Even.
	Corpus Christi	DoD	June	Even.
	Dallas-Fort Worth	DoD	October	Odd.
	El Paso	DoD	April	Even.
	Houston-Galveston-Texas City	VA	March	Even.
	San Antonio	DoD	June	Odd.
	Texarkana	DoD	April	Odd.
	Waco	DoD	May	Odd.
	Western Texas	DoD	May	Odd.
	Wichita Falls-Southwestern Oklahoma	DoD	August	Even.
Utah	Utah	DoD	July	Odd.
Virginia	Norfolk-Portsmouth-Newport News-Hampton	DoD	May	Even.
	Richmond	DoD	November	Odd.
	Roanoke	VA	November	Even.
Washington	Seattle-Everett-Tacoma	DoD	September	Even.
	Southeastern Washington-Eastern Oregon	DoD	June	Odd.
	Spokane	DoD	July	Odd.
West Virginia	West Virginia	DoD	March	Odd.
Wisconsin	Madison	VA	July	Even.
	Milwaukee	VA	June	Odd.
	Southwestern Wisconsin	DoD	June	Even.
Wyoming	Wyoming	DoD	January	Even.

Appendix B to Subpart B of Part 532—Nationwide Schedule of Nonappropriated Fund Regular Wage Surveys

This appendix shows the annual schedule of NAF wage surveys. It lists all States alphabetically, each State being followed by an alphabetical listing of all wage areas in the State. Information given for each wage area includes—

(1) The lead agency responsible for conducting the survey;

(2) The month in which the survey will begin; and

(3) Whether full-scale surveys will be conducted in odd or even numbered fiscal years.

State	Wage area	Beginning month of survey	Fiscal year of full-scale survey odd or even
Alabama	Calhoun	April	Even.
	Madison	April	Even.
	Montgomery	August	Odd.
Alaska	Anchorage	July	Even.
Arizona	Maricopa	March	Odd.
	Pima	March	Odd.
	Yuma	October	Even.
Arkansas	Pulaski	August	Odd.
California	Alameda-Contra Costa	September	Odd.
	Imperial	September	Odd.
	Kern	February	Odd.
	Los Angeles	September	Even.
	Marin-Sonoma	September	Odd.
	Merced	February	Odd.
	Monterey	February	Odd.
	Orange	September	Even.
	Riverside	October	Odd.
	Sacramento	February	Odd.
	San Bernardino	October	Odd.
	San Diego	September	Odd.
	San Francisco	September	Odd.
	San Joaquin	February	Odd.
	Santa Barbara	September	Even.
	Santa Clara	September	Odd.
	Solano	September	Odd.
	Ventura	September	Even.
Colorado	Adams-Denver	January	Even.
	El Paso	January	Even.
Connecticut	New London	September	Even.
Delaware	Kent	November	Even.
District of Columbia	Washington, DC	August	Even.
Florida	Bay	September	Odd.
	Brevard	October	Even.
	Dade	January	Odd.
	Duval	January	Odd.
	Escambia	September	Odd.
	Hillsborough	July	Even.
	Monroe	January	Odd.
	Okaloosa	September	Odd.
	Orange	October	Even.
Georgia	Chatham	June	Odd.
	Clayton-Cobb-Fulton	June	Odd.
	Columbus	August	Odd.
	Dougherty	August	Odd.
	Houston	June	Odd.
	Lowndes	August	Odd.
	Richmond	June	Odd.
Guam	Guam	September	Even.
Hawaii	Honolulu	May	Even.
Idaho	Ada-Elmore	July	Odd.
Illinois	Champaign	October	Even.
	Cook	October	Odd.
	Lake	October	Odd.
	Rock Island	October	Even.
	St. Clair	November	Odd.
Indiana	Marion	October	Odd.
Kansas	Leavenworth/Jackson-Johnson	November	Odd.
	Sedgwick	November	Odd.
Kentucky	Christian-Montgomery	February	Even.
	Clark-Hardin-Jefferson	February	Even.
Louisiana	Bossier-Caddo	May	Odd.
	Orleans	February	Odd.
	Rapides	May	Odd.
Maine	Aroostook	July	Odd.
	Cumberland	May	Odd.
Maryland	Anne Arundel	October	Odd.
	Charles-St. Marys	August	Even.
	Harford	October	Odd.
	Montgomery-Prince Georges	August	Even.
	Washington	January	Even.

State	Wage area	Beginning month of survey	Fiscal year of full-scale survey odd or even
Massachusetts	Hampden	July	Odd.
	Middlesex	September	Even.
	Norfolk	September	Even.
Michigan	Macomb	January	Odd.
	Marquette	August	Odd.
Minnesota	Hennepin	March	Odd.
Mississippi	Harrison	October	Even.
	Lauderdale	February	Odd.
	Lowndes	February	Odd.
Montana	Cascade	July	Odd.
Nebraska	Douglas-Sarpy	October	Odd.
Nevada	Churchill-Washoe	March	Odd.
	Clark	October	Odd.
New Hampshire	Rockingham	September	Even.
New Jersey	Burlington	October	Even.
	Monmouth	January	Even.
	Morris	August	Odd.
	Ocean	October	Even.
New Mexico	Bernalillo	April	Odd.
	Dona Ana	April	Odd.
New York	Clinton	March	Even.
	Kings-Queens	January	Even.
	Niagara	January	Odd.
	Oneida	March	Even.
	Orange	March	Even.
North Carolina	Craven	January	Odd.
	Cumberland	May	Even.
	Onslow	May	Odd.
	Wayne	May	Even.
North Dakota	Grand Forks	March	Odd.
	Ward	March	Odd.
Ohio	Franklin	January	Odd.
	Greene-Montgomery	January	Odd.
Oklahoma	Comanche	August	Even.
	Oklahoma	August	Odd.
Pennsylvania	Allegheny	August	Odd.
	Montgomery	October	Even.
	Cumberland	May	Even.
	Franklin	January	Even.
	Lebanon	January	Even.
	Philadelphia	October	Even.
	York	May	Even.
Puerto Rico	Guaynabo-San Juan	July	Odd.
Rhode Island	Newport	January	Odd.
South Carolina	Charleston	July	Even.
	Horry	January	Odd.
	Richland	May	Even.
South Dakota	Pennington	January	Even.
Tennessee	Shelby	February	Even.
Texas	Bell	June	Odd.
	Bexar	June	Even.
	Dallas	November	Odd.
	El Paso	April	Odd.
	Lubbock	June	Odd.
	McLennan	April	Even.
	Nueces	June	Even.
	Tarrant	November	Odd.
	Taylor	June	Odd.
	Tom Green	June	Odd.
	Travis	June	Even.
	Wichita	August	Even.
Utah	Davis-Salt Lake-Weber	March	Odd.
Virginia	Alexandria-Arlington-Fairfax	August	Even.
	Chesterfield-Richmond	November	Even.
	Hampton-Newport News	May	Even.
	Norfolk-Portsmouth-Virginia Beach	May	Even.
	Prince William	August	Even.
Washington	King	July	Even.
	Kitsap	September	Even.
	Pierce	August	Even.
	Spokane	July	Odd.
Wyoming	Laramie	January	Even.

Appendix C to Subpart B of Part 532—Appropriated Fund Wage and Survey Areas

This appendix lists the wage area definitions for appropriated fund employees. With a few exceptions, each area is defined in terms of county units, independent cities, or, in the New England States, of entire township or city units. Each wage area definition consists of:

(1) *Wage area title.* Wage areas usually carry the title of the principal city in the area. Sometimes, however, the area title reflects a broader geographic area, such as Wyoming or Eastern Tennessee.

(2) *Survey area definition.* Lists each county, independent city, or township in the survey area.

(3) *Area of application definition.* Lists each county, independent city, or township which, in addition to the survey area, is in the area of application.

Definitions of Wage and Wage Survey Areas

Alabama

Anniston-Gadsden

Survey Area

Alabama:
- Calhoun
- Etowah
- Talladega

Area of Application. Survey area plus:

Alabama:
- Cherokee
- Clay
- Cleburne
- De Kalb
- Randolph

Birmingham

Survey area

Alabama:
- Jefferson
- St. Clair
- Shelby
- Tuscaloosa
- Walker

Area of Application. Survey area plus:

Alabama:
- Bibb
- Blount
- Cullman
- Fayette
- Greene
- Hale
- Lamar
- Marengo
- Perry
- Pickens

Dothan

Survey area

Alabama:
- Dale
- Houston

Georgia:
- Early

Area of Application. Survey area plus:

Alabama:
- Barbour
- Coffee
- Geneva
- Henry

Georgia:
- Clay
- Miller
- Seminole

Huntsville

Survey area

Alabama:
- Limestone
- Madison
- Marshall
- Morgan

Area of Application. Survey area plus:

Alabama:
- Colbert
- Franklin
- Jackson
- Lauderdale
- Lawrence
- Marion
- Winston

Tennessee:
- Franklin
- Giles
- Lawrence
- Lincoln
- Moore
- Wayne

Alaska

Survey area

Alaska:
- Anchorage
- Fairbanks
- Juneau (and the areas within a 15-mile radius of their corporate city limits)

Area of Application. State of Alaska (except special area schedules).

Arizona

Northeastern Arizona

Survey Area

Arizona:
- Apache
- Coconino
- Navajo

New Mexico:
- McKinley
- San Juan

Area of Application. Survey area plus:

Colorado:
- La Plata
- Montezuma

Utah:
- Kane
- San Juan [1]

Phoenix

Survey area

Arizona:
- Gila
- Maricopa

Area of Application. Survey area plus:

Arizona:
- Pinal
- Yavapai

Tucson

Survey area

Arizona:
- Pima

Area of Application. Survey area plus:

Arizona:
- Cochise
- Graham
- Greenlee
- Santa Cruz

Arkansas

Little Rock

Survey Area
- Jefferson
- Pulaski
- Saline

Area of Application. Survey area plus:

Arkansas:
- Arkansas
- Ashley
- Baxter
- Boone
- Bradley
- Calhoun
- Chicot
- Clay
- Clark
- Cleburne
- Cleveland
- Conway
- Dallas
- Desha
- Drew
- Faulkner
- Franklin
- Fulton
- Garland
- Grant
- Greene
- Hot Spring
- Independence
- Izard
- Jackson
- Johnson
- Lawrence
- Lincoln
- Logan
- Lonoke
- Madison
- Marion
- Monroe
- Montgomery
- Newton
- Ouachita
- Perry
- Phillips
- Pike
- Polk
- Pope
- Prairie
- Randolph
- Scott
- Searcy
- Sebastian
- Sharp
- Stone
- Union
- Van Buren
- White
- Woodruff

[1] Does not include the Canyonlands National Park portion.

Yell

California

Fresno

Survey area

California
Fresno
Kings
Tulare

Area of Application. Survey area plus:

California:
Kern [2]
Madera
Mariposa
Merced
Tuolumne [3]

Los Angeles

Survey area

California:
Los Angeles

Area of Application. Survey area plus:

California:
Inyo
Kern [4]
Orange
Riverside [5]
San Bernardino [6]
Ventura

Sacramento

Survey area

California:
Placer
Sacramento
Sutter
Yolo
Yuba

Area of Application. Survey area plus:

California:
Alpine
Amador
Butte
Colusa
Del Norte
El Dorado
Glenn
Humboldt
Lake
Modoc
Nevada
Plumas
Shasta
Sierra
Siskiyou
Tehama
Trinity

[2] Does not include China Lake Naval Weapons Center, Edwards Air Force Base and portions occupied by Federal activities at Boron (City).

[3] Only includes Yosemite National Park portion.

[4] Only includes the China Lake Naval Weapons Center, Edwards Air Force Base and portions occupied by Federal activities at Boron (City).

[5] Only includes the Joshua Tree National Monument portion.

[6] All of San Bernardino County except that portion occupied by, and south and west of the Angeles and San Bernardino National Forests.

Salinas-Monterey

Survey area

California:
Monterey

Area of Application. Survey area plus:

California:
San Benito

San Bernardino-Riverside-Ontario

Survey area

California:
Riverside [7]
San Bernardino [8]

Area of Application. Survey area.

San Diego

Survey area

California:
San Diego

Area of Application. Survey area plus:

California:
Imperial
Arizona:
La Paz
Yuma

San Francisco

Survey area

California:
Alameda
Contra Costa
Marin
Napa
San Francisco
San Mateo
Santa Clara
Solano

Area of Application. Survey area plus:

California:
Mendocino
Santa Cruz
Sonoma

Santa Barbara

Survey area

California:
Santa Barbara

Area of Application. Survey area plus:

California:
San Luis Obispo

Stockton

Survey area

Calfornia:
San Joaquin

Area of Application. Survey area plus:

California:
Calaveras
Stanislaus
Tuolumne [9]

[7] Does not include the Joshua Tree National Monument portion.

[8] Only that portion occupied by, and south and west of the Angeles and San Bernardino National Forests.

[9] Does not include the Yosemite National Park portion.

Colorado

Denver

Survey area

Colorado:
Adams
Arapahoe
Boulder
Denver
Douglas
Gilpin
Jefferson

Area of Application. Survey area plus:

Colorado:
Clear Creek
Elbert
Grand
Jackson
Larimer
Logan
Morgan
Park
Phillips
Sedgwick
Summit
Washington
Weld
Yuma

Southern and Western Colorado

Survey area

Colorado:
El Paso
Pueblo
Teller

Area of Application. Survey area plus:

Colorado:
Alamosa
Archuleta
Baca
Bent
Chaffee
Cheyenne
Conejos
Costilla
Crowley
Custer
Delta
Dolores
Eagle
Fremont
Garfield
Gunnison
Hinsdale
Huerfano
Kiowa
Kit Carson
Lake
Las Animas
Lincoln
Mesa
Mineral
Montrose
Otero
Ouray
Pitkin
Prowers
Rio Blanco
Rio Grande
Routt
Saguache
San Juan
San Miguel

Connecticut

New Haven—Hartford

Survey Area

Connecticut:
The following cities and towns in:
Fairfield County
Stratford
Hartford County
Bloomfield
East Granby
East Hartford
East Windsor
Enfield
Glastonbury
Hartford
Manchester
Newington
Rocky Hill
Suffield
West Hartford
Wethersfield
Windsor
Windsor Locks
Middlesex County
Cromwell
Middlefield
New Haven County
Branford
East Haven
Hamden
Meriden
Milford
New Haven
North Branford
North Haven
Orange
Wallingford
West Haven

Area of application. Survey area plus:

Connecticut:
Fairfield County (nonsurvey area part)
Hartford County (nonsurvey area part)
Litchfield County
Middlesex County (nonsurvey area part except Old Saybrook)
New Haven County (nonsurvey area part)
Tolland County (except Somers and Somersville)

New London

Survey Area

Connecticut:
The following cities and towns in:
Middlesex County
Old Saybrook
New London County
Baltic
Bozrah
East Lyme
Gales Ferry
Groton
Hanover
Jewett City
Ledyard
Lisbon
Lyme
Montville
Mystic
New London
Noank
Norwich
Oakdale
Old Mystic
Old Lyme
Pawcatuck
Poquonock Bridge
Preston
Quaker Hill
Stonington
Submarine Base
Uncasville
Versailles
Waterford
West Mystic
Rhode Island:
The following cities and towns in:
Washington County
Hopkinton
Westerly

Area of application. Survey area plus:

Connecticut:
New London (nonsurvey area part)
Windham

Delaware

Wilmington

Survey Area

Delaware:
Kent
New Castle
Maryland:
Cecil
New Jersey:
Salem

Area of Application. Survey area plus:

Delaware:
Sussex
Maryland:
Caroline
Dorchester
Kent
Queen Annes
Somerset
Talbot
Wicomico
Worcester[10]

Distric of Columbia

Washington, DC

Survey Area

District of Columbia:
Washington, D.C.
Maryland:
Charles
Frederick
Montgomery
Prince Georges
Virginia (cities):
Alexandria
Fairfax
Falls Church
Virginia (counties):
Arlington
Fairfax
Loudoun
Prince William

Area of Application. Survey area plus:

Maryland:
Calvert
St. Marys
Virginia:
Fauquier
King George
Stafford

Florida

Cocoa Beach-Melbourne

Survey Area

Florida:
Brevard

Area of Application. Survey area plus:

Florida:
Indian River

Jacksonville

Survey Area

Florida:
Alachua
Baker
Clay
Duval
Nassau
St. Johns

Area of Application. Survey area plus:

Florida:
Bradford
Citrus
Columbia
Dixie
Flagler
Gilchrist
Hamilton
Lafayette
Lake
Levy
Madison
Marion
Putnam
Sumter
Suwannee
Taylor
Union
Georgia:
Brantley
Camden
Charlton
Glynn
Pierce

Miami

Survey Area

Florida:
Dade

Area of Application. Survey area plus:

Florida:
Broward
Collier
Glades
Hendry
Highlands
Martin
Monroe
Okeechobee
Palm Beach
St. Lucie

Orlando

Survey Area

Florida:
Orange
Osceola

[10] Does not include the Assateague Island portion.

Seminole

Area of Application. Survey area plus:

Florida:
Volusia

Panama City

Survey Area

Florida:
Bay
Gulf

Area of Application. Survey area plus:

Florida:
Calhoun
Franklin
Gadsden
Holmes
Jackson
Jefferson
Leon
Liberty
Wakulla
Washington

Pensacola

Survey Area

Florida:
Escambia
Santa Rosa

Area of Application. Survey area plus:

Florida
Okaloosa
Walton
Alabama:
Baldwin
Clarke
Conecuh
Covington
Escambia
Mobile
Monroe
Washington

Tampa-St. Petersburg

Survey Area

Florida:
Hillsborough
Pasco
Pinellas

Area of Application. Survey area plus:

Florida:
Charlotte
De Soto
Hardee
Hernando
Lee
Manatee
Polk
Sarasota

Georgia

Albany

Survey Area

Georgia:
Colquitt
Dougherty
Lee
Mitchell
Worth

Area of Application. Survey area plus:

Georgia:
Atkinson
Baker
Ben Hill
Berrien
Brooks
Calhoun
Clinch
Coffee
Cook
Decatur
Echols
Grady
Irwin
Lanier
Lowndes
Randolph
Sumter
Terrell
Thomas
Tift
Turner
Ware

Atlanta

Survey Area

Georgia:
Butts
Cherokee
Clayton
Cobb
De Kalb
Douglas
Fayette
Forsyth
Fulton
Gwinnett
Henry
Newton
Paulding
Rockdale
Walton

Area of Application. Survey area plus:

Georgia:
Banks
Barrow
Bartow
Carroll
Chattooga
Clarke
Coweta
Dawson
Fannin
Floyd
Franklin
Gilmer
Gordon
Greene
Habersham
Hall
Haralson
Heard
Jackson
Lumpkin
Madison
Morgan
Murray
Oconee
Oglethorpe
Pickens
Pike
Polk
Rabun
Spalding
Stephens
Towns
Union
White
Whitfield

Augusta

Survey Area

Georgia:
Columbia
McDuffie
Richmond
South Carolina:
Aiken

Area of Application. Survey area plus:

Georgia:
Burke
Elbert
Emanuel
Glascock
Hart
Jefferson
Jenkins
Lincoln
Taliaferro
Warren
Wilkes
South Carolina:
Allendale
Bamberg
Barnwell
Edgefield
McCormick

Columbus

Survey Area

Georgia (Counties):
Chattahoochee
Georgia (Consolidated government):
Columbus
Alabama:
Autaugo
Elmore
Lee
Macon
Montgomery
Russel

Area of Application. Survey area plus:

Georgia:
Harris
Marion
Meriwether
Quitman
Schley
Stewart
Talbot
Taylor
Troup
Webster
Alabama:
Bullock
Butler
Chambers
Chilton
Coosa
Crenshaw
Dallas
Lowndes
Pike
Tallapoosa
Wilcox

Macon

Survey area

Georgia:
Bibb
Houston
Jones
Laurens
Twiggs
Wilkinson

Area of Application. Survey area plus:

Georgia:
Baldwin
Bleckley
Crawford
Crisp
Dodge
Dooly
Hancock
Jasper
Johnson
Lamar
Macon
Monroe
Montgomery
Peach
Pulaski
Putnam
Telfair
Treutlen
Upson
Washington
Wheeler
Wilcox

Savannah

Survey Area

Georgia:
Bryan
Chatham
Effingham
Liberty

Area of Application. Survey area plus:

Georgia:
Appling
Bacon
Bulloch
Candler
Evans
Jeff Davis
Long
McIntosh
Screven
Tattnall
Toombs
Wayne
South Carolina:
Beaufort [11]
Hampton
Jasper

Hawaii

Survey area

Hawaii:
Honolulu

Area of Application. Survey area plus:

Hawaii:
Hawaii
Kauai [12]
Maui [13]

Idaho

Boise

Survey Area

Idaho:
Ada
Boise
Canyon
Elmore
Gem

Area of Application. Survey area plus:

Idaho:
Adams
Bannock
Bear Lake
Bingham
Blaine
Bonneville
Butte
Camas
Caribou
Cassia
Clark
Custer
Franklin
Fremont
Gooding
Jefferson
Jerome
Lemhi
Lincoln
Madison
Minidoka
Oneida
Owyhee
Payette
Power
Teton
Twin Falls
Valley
Washington

Illinois

Champaign-Urbana

Survey area

Illinois:
Champaign
Menard
Sangamon
Vermilion

Area of Application. Survey area plus:

Illinois:
Christian
Clerk
Coles
Crawford
Cumberland
De Witt
Douglas
Edgar
Ford
Jasper
Logan
McLean
Macon
Moultrie
Piatt
Shelby

Chicago

Survey area

Illinois:
Cook
Du Page
Kane
Lake
McHenry
Will

Area of Application. Survey area plus:

Illinois:
Boone
De Kalb
Grundy
Iroquois
Kankakee
Kendall
La Salle
Lee
Livingston
Ogle
Stephenson
Winnebago
Indiana:
Benton
Jasper
Lake
La Porte
Newton
Porter
Pulaski
Starke

Indiana

Bloomington-Bedford-Washington

Survey area

Indiana:
Daviess
Greene
Knox
Lawrence
Martin
Monroe
Orange

Area of Application. Survey area plus:

Indiana:
Brown
Brawford
Dubois
Gibson
Jackson
Owen
Perry
Pike
Posey
Spencer
Vanderburgh
Warrick
Washington
Illinois:
Edwards
Gallatin
Hardin
Lawrence
Richland
Wabash
White
Kentucky:
Crittenden
Daviess
Hancock
Henderson

[11] The portion south of Broad River.

[12] Kauai county includes the islands of Kauai and Niihau.

[13] Mauai county includes the islands of Mauai, Molokai, Lanai and Kohoolawe.

Livingston
McLean
Ohio
Union
Webster

Ft. Wayne-Marion

Survey area

Indiana:
Adams
Allen
DeKalb
Grant
Huntington
Wells

Area of Application. Survey area plus:

Indiana:
Blackford
Carroll
Cass
Elkhart
Fulton
Howard
Jay
Kosciusko
Lagrange
Marshall
Miami
Noble
St. Joseph
Steuben
Wabash
White
Whitley
Ohio:
Allen
Defiance
Fulton
Henry
Mercer
Paulding
Putnam
Van Wert
Williams

Indianapolis

Survey area

Indiana:
Boone
Hamilton
Hancock
Hendricks
Johnson
Marion
Morgan
Shelby

Area of Application. Survey area plus:

Indiana:
Bartholomew
Clay
Clinton
Decatur
Delaware
Fayette
Fountain
Henry
Madison
Montgomery
Parke
Putnam
Rush
Sullivan
Tippecanoe
Tipton
Vermillion
Vigo
Warren

Iowa

Cedar Rapids-Iowa City

Survey area

Iowa:
Benton
Black Hawk
Johnson
Linn

Area of Application. Survey area plus:

Iowa:
Allamakee
Bremer
Buchanan
Butler
Cedar
Chickasaw
Clayton
Davis
Delaware
Fayette
Floyd
Grundy
Henry
Howard
Iowa
Jefferson
Jones
Keokuk
Mitchell
Tama
Van Buren
Wapello
Washington
Winneshiek

Davenport-Rock Island-Moline

Survey area

Iowa:
Scott
Illinois:
Henry
Rock Island

Area of Application. Survey area plus:

Iowa:
Des Moines
Lee
Louisa
Muscatine
Illinois:
Adams
Brown
Bureau
Cass
Fulton
Hancock
Henderson
Knox
McDonough
Marshall
Mason
Mercer
Peoria
Putnam
Schuyler
Stark
Tazewell
Warren
Woodford

Des Moines

Survey area

Iowa:
Polk
Story
Warren

Area of Application. Survey area plus:

Iowa:
Adair
Appanoose
Boone
Calhoun
Carroll
Cerro Gordo
Clarke
Dallas
Decatur
Franklin
Greene
Guthrie
Hamilton
Hancock
Hardin
Humboldt
Jasper
Kossuth
Lucas
Madison
Mahaska
Marion
Marshall
Monroe
Poweshiek
Ringgold
Union
Wayne
Webster
Winnebago
Worth
Wright

Dubuque

Survey area

Iowa:
Clinton
Dubuque
Jackson
Illinois:
Carroll
Jo Daviess
Whiteside

Area of Application. Survey area.

Kansas:

Topeka

Survey area

Kansas:
Geary
Jefferson
Osage
Shawnee

Area of Application. Survey area plus:

Kansas:
Brown
Clay
Cloud
Coffey
Dickinson
Jackson
Lyon
Marshall

Morris
Nemaha
Ottawa
Pottawatomie
Republic
Riley
Saline
Webaunsee
Washington

Wichita

Survey area

Kansas:
Butler
Sedgwick

Area of Application. Survey area plus:

Kansas:
Barber
Barton
Chase
Chautauqua
Cheyenne
Clark
Comanche
Cowley
Decatur
Edwards
Elk
Ellis
Ellsworth
Finney
Ford
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Harvey
Haskell
Hodgeman
Jewell
Kearny
Kingman
Kiowa
Labette
Lane
Lincoln
Logan
McPherson
Marion
Meade
Mitchell
Montgomery
Morton
Neosho
Ness
Norton
Osborne
Pawnee
Phillips
Pratt
Rawlins
Reno
Rice
Rooks
Rush
Russell
Scott
Seward
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wallace
Wichita
Wilson
Woodson

Kentucky

Lexington

Survey area

Kentucky:
Bourbon
Clark
Fayette
Jessamine
Madison
Scott
Woodford

Area of Application. Survey area plus:

Kentucky:
Anderson
Bath
Bell
Boyle
Breathitt
Casey
Clay
Estill
Fleming
Franklin
Garrard
Green
Harrison
Jackson
Knott
Knox
Laurel
Lee
Leslie
Lincoln
McCreary
Marion
Menifee
Mercer
Montgomery
Morgan
Nicholas
Owen
Owsley
Perry
Powell
Pulaski
Robertson
Rockcastle
Rowan
Taylor
Washington
Wayne
Whitley
Wolfe

Louisville

Survey area

Kentucky:
Bullitt
Hardin
Jefferson
Oldham
Indiana:
Clark
Floyd
Jefferson

Area of Application. Survey area plus:

Kentucky:
Breckinridge
Grayson
Hart
Henry
Larue
Meade
Nelson
Shelby
Spencer
Trimble
Indiana:
Harrison
Jennings
Scott

Louisiana

Lake Charles-Alexandria

Survey area

Louisiana:
Allen
Beauregard
Calcasieu
Grant
Rapides
Sabine
Vernon

Area of Application. Survey area plus:

Louisiana:
Acadia
Avoyelles
Caldwell
Cameron
Catahoula
Concordia
Evangeline
Franklin
Jefferson Davis
Lafayette
La Salle
Madison
Natchitoches
St. Landry
Tensas
Vermilion
Winn

New Orleans

Survey area

Louisiana:
Jefferson
Orleans
Plaquemines
St. Bernard
St. Tammany

Area of Application. Survey area plus:

Louisiana:
Ascension
Assumption
East Baton Rouge
East Feliciana
Iberia
Iberville
Lafourche
Livingston
Pointe Coupee
St. Charles
St. Helena

St. James
St. John the Baptist
St. Martin
St. Mary
Tangipahoa
Terrebonne
Washington
West Baton Rouge
West Feliciana

Shreveport

Survey area

Louisiana:
Bossier
Caddo
Webster

Area of Application. Survey area plus:

Louisiana:
Bienville
Claiborne
De Soto
East Carroll
Jackson
Lincoln
Morehouse
Ouachita
Red River
Richland
Union
West Carroll
Texas:
Cherokee
Gregg
Harrison
Panola
Rusk

Maine

Augusta

Survey area

Maine:
Kennebec
Knox
Lincoln

Area of Application. Survey area.

Central and Northern Maine

Survey area

Maine:
Aroostook
Penobscot

Area of Application. Survey area plus:

Maine:
Hancock
Piscataquis
Somerset
Waldo
Washington

Portland

Survey area

Maine:
Androscoggin
Cumberland
Sagadahoc

Area of Application. Survey area plus:

Maine:
Franklin
Oxford
New Hampshire:
Coos

Maryland

Baltimore

Survey area

Maryland:
Baltimore City
Anne Arundel
Baltimore
Carroll
Harford
Howard

Area of Application. Survey area

Hagerstown-Martinsburg-Chambersburg

Survey area

Maryland:
Washington
Pennsylvania:
Franklin
West Virginia
Berkeley

Area of Application: Survey area plus:

Maryland
Allegany
Garrett
Virginia (cities):
Harrisonburg City
Winchester City
Virginia (counties):
Clarke
Culpeper
Frederick
Greene
Madison
Page
Rappahannock
Rockingham
Shenandoah
Warren
West Virginia
Hampshire
Hardy
Jefferson
Mineral
Morgan

Massachusetts

Boston

Survey Area

Massachusetts:
The following cities and towns in:
Essex County
Beverly
Boxford
Danvers
Hamilton
Lynn
Lynnfield
Manchester
Marblehead
Middleton
Nahant
Peabody
Salem
Saugus
South Hamilton
Swampson
Topsfield
Wenham
Middlesex County
Acton
Arlington
Ashland
Bedford
Belmont
Boxborough
Burlington
Cambridge
Carlisle
Concord
Everett
Framingham
Holliston
Lexington
Lincoln
Malden
Medford
Melrose
Natick
Newton
North Reading
North Wilmington
Reading
Sherborn
Somerville
Stoneham
Sudbury
Wakefield
Waltham
Watertown
Wayland
West Concord
Weston
Wilmington
Winchester
Woburn
Norfolk County
Bellingham
Braintree
Brookline
Canton
Cohasset
Dedham
Dover
East Walpole
Foxborough
Franklin
Harding
Holbrook
Islington
Medfield
Medway
Millis
Milton
Needham
Norfolk
North Cohasset
Norwood
Quincy
Randolph
Sharon
South Walpole
Stoughton
Walpole
Wellesley
Westwood
Weymouth
Wrentham
Plymouth County
Abington
Duxbury
Hanover
Hanson
Hingham
Hull
Kingston
Marshfield
Marshfield Hills

North Scituate
Norwell
Oceanbluff
Pembroke
Rockland
Scituate
Shore Acres
South Duxbury
South Hingham
West Hanover
Suffolk County

Area of Application. Survey area plus:

Massachusetts:
Barnstable
Dukes
Nantucket
Plymouth (non-survey area part)
The following cities and towns in:
Bristol County
Easton
Essex County
Andover
Essex
Gloucester
Ipswich
Lawrence
Methuen
Rockport
Rowley
Middlesex County
Ayer
Billerica
Chelmsford
Dracut
Dunstable
Groton
Hopkinton
Hudson
Littleton
Lowell
Marlborough
Maynard
Pepperell
Stow
Tewksbury
Tyngsborough
Westford
Norfolk County
Avon

Central and Western Massachusetts

Survey area

Massachusetts:
The following cities and towns in:
Hampden County
Agawam
Chicopee
East Longmeadow
Feeding Hills
Hampden
Holyoke
Longmeadow
Ludlow
Monson
Palmer
Southwick
Springfield
Three Rivers
Westfield
West Springfield
Wilbraham
Hampshire County
Easthampton
Granby
Hadley
Northampton
South Hadley
Worcester County
Warren
West Warren
Connecticut:
Tolland County
Somers
Somersville

Area of Application. Survey area plus:

Massachusetts:
Berkshire
Franklin
Worcester (except Blackstone and Millville)
The following towns and cities in:
Hampshire County
Amherst
Belchertown
Chesterfield
Cummington
Goshen
Hatfield
Huntington
Middlefield
Pelham
Plainfield
Southampton
Ware
Westhampton
Williamsburg
Worthington
Hampden County
Blandford
Brimfield
Chester
Granville
Holland
Montgomery
Russell
Tolland
Wales
Middlesex County
Ashby
Shirley
Townsend
New Hampshire:
Belknap
Carroll
Cheshire
Grafton
Hillsborough
Merrimack
Sullivan
Vermont:
Addison
Bennington
Caledonia
Essex
Lamoille
Orange
Orleans
Rutland
Washington
Windham
Windsor

Michigan

Detroit

Survey area

Michigan:
Lapeer
Livingston
Macomb
Oakland
St. Clair
Wayne

Area of Application. Survey area plus:

Michigan:
Arenac
Bay
Clare
Clinton
Eaton
Genesee
Gladwin
Gratiot
Huron
Ingham
Isabella
Lenawee
Midland
Monroe
Saginaw
Sanilac
Shiawassee
Tuscola
Washtenaw
Ohio:
Lucas
Wood

Northwestern Michigan

Survey area

Michigan:
Delta
Dickinson
Marquette

Area of Application. Survey area plus:

Michigan:
Alger
Baraga
Chippewa
Gogebic
Houghton
Iron
Keweenaw
Luce
Mackinac
Menominee
Ontonagon
Schoolcraft

Oscoda-Alpena

Survey area

Michigan:
Alcona
Alpena
Iosco

Area of Application. Survey area plus:

Michigan:
Antrim
Benzie
Charlevoix
Cheboygan
Crawford
Emmet
Grand Traverse
Kalkaska
Leelanau
Manistee
Missaukee
Montmorency
Ogemaw
Oscoda
Otsego

Presque Isle
Roscommon
Wexford

Southwestern Michigan

Survey area

Michigan:
Barry
Calhoun
Kalamazoo
Van Buren

Area of Application. Survey area plus:

Michigan:
Allegan
Berrien
Branch
Cass
Hillsdale
Ionia
Jackson
Kent
Lake
Mason
Mecosta
Montcalm
Muskegon
Newaygo
Oceana
Osceola
Ottawa
St. Joseph

Minnesota

Duluth

Survey area

Minnesota:
Carlton
St. Louis
Wisconsin:
Douglas

Area of Application. Survey area plus:

Minnesota:
Aitkin
Beltrami
Cass
Cook
Crow Wing
Hubbard
Itasca
Koochiching
Lake
Lake of the Woods
Pine
Wisconsin:
Ashland
Bayfield
Burnett
Iron
Sawyer
Washburn

Minneapolis-St. Paul

Survey area

Minnesota:
Anoka
Carver
Chisago
Dakota
Hennepin
Ramsey
Scott
Washington
Wright
Wisconsin:
St. Croix

Area of Application. Survey area plus:

Minnesota:
Benton
Big Stone
Blue Earth
Brown
Chippewa
Cottonwood
Dodge
Douglas
Faribault
Freeborn
Goodhue
Grant
Isanti
Kanabec
Kandiyohi
Lac Qui Parle
Le Sueur
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Nicollet
Olmsted
Pope
Redwood
Renville
Rice
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wadena
Waseca
Watonwan
Yellow Medicine
Wisconsin:
Pierce
Polk

Mississippi

Biloxi

Survey area

Mississippi:
Hancock
Harrison
Jackson
Stone

Area of Application. Survey area plus:

Mississippi:
George
Pearl River

Survey area

Mississippi:
Clay
Lee
Lowndes
Monroe
Oktibbeha

Area of Application. Survey area plus:

Mississippi:
Alcorn
Bolivar
Calhoun
Caroll
Chickasaw
Choctaw
Coahoma
Grenada
Itawamba
Lafayette
Leflore
Montgomery
Noxubee
Panola
Pontotoc [14]
Prentiss
Quitman
Sunflower
Tallahatchie
Tishomingo
Union
Washington
Webster
Winston
Yalobusha

Jackson

Survey area

Mississippi:
Adams
Claiborne
Hinds
Jefferson
Rankin
Warren

Area of Application. Survey area plus:

Mississippi:
Amite
Attala
Copiah
Covington
Franklin
Holmes
Humphreys
Issaquena
Jefferson Davis
Lamar
Lawrence
Lincoln
Madison
Marion
Pike
Scott
Sharkey
Simpson
Smith
Walthall
Wilkinson
Yazoo

Meridian

Survey area

Mississippi:
Forrest
Lauderdale
Alabama:
Choctaw

Area of Application. Survey area plus:

Mississippi:
Clarke
Greene
Jasper

[14] Excluding Holly Springs National Forest.

Jones
Kemper
Leake
Neshoba
Newton
Perry
Wayne
Alabama:
Sumter

Missouri

Kansas City

Survey area

Missouri:
Cass
Clay
Jackson
Platte
Ray
Kansas:
Johnson
Leavenworth
Wyandotte

Area of Application. Survey area plus:

Missouri:
Adair
Andrew
Atchison
Bates
Buchanan
Caldwell
Carroll
Chariton
Clinton
Cooper
Daviess
De Kalb
Gentry
Grundy
Harrison
Henry
Holt
Howard
Johnson
Lafayette
Linn
Livingston
Macon
Mercer
Nodaway
Pettis
Putnam
Saline
Schuyler
Sullivan
Worth
Kansas:
Allen
Anderson
Atchison
Bourbon
Doniphan
Douglas
Franklin
Linn
Miami

Survey area

Missouri:
St. Louis City
Franklin
Jefferson
St. Charles
St. Louis
Illinois:
Clinton
Madison
Monroe
St. Clair

Area of Application. Survey area plus:

Missouri:
Audrain
Boone
Callaway
Clark
Cole
Crawford
Gasconade
Knox
Lewis
Lincoln
Marion
Monroe
Montgomery
Osage
Pike
Ralls
Randolph
St. Francois
Ste. Genevieve
Scotland
Shelby
Warren
Washington
Illinois:
Alexander
Bond
Calhoun
Clay
Effingham
Fayette
Franklin
Greene
Hamilton
Jackson
Jefferson
Jersey
Johnson
Macoupin
Marion
Massac
Montgomery
Morgan
Perry
Pike
Pope
Pulaski
Randolph
Saline
Scott
Union
Washington
Wayne
Williamson

Southern Missouri

Survey area

Missouri:
Christian
Greene
Laclede
Phelps
Pulaski
Webster

Area of Application. Survey area plus:

Missouri:
Barry
Barton
Benton
Bollinger
Butler
Camden
Cape Girardeau
Carter
Cedar
Dade
Dallas
Dent
Douglas
Hickory
Howell
Iron
Jasper
Lawrence
McDonald
Madison
Maries
Miller
Mississippi
Moniteau
Morgan
New Madrid
Newton
Oregon
Ozark
Perry
Polk
Reynolds
Ripley
St. Clair
Scott
Shannon
Stoddard
Stone
Taney
Texas
Vernon
Wayne
Wright
Kansas:
Cherokee
Crawford

Montana

Great Falls

Survey area

Montana:
Cascade
Lewis and Clark
Yellowstone

Area of Application. Survey area plus:

Montana:
Beaverhead
Big Horn
Blaine
Broadwater
Carbon
Carter
Chouteau
Custer
Daniels
Dawson
Deer Lodge
Fallon
Fergus
Flathead
Gallatin
Garfield
Glacier
Golden Valley
Granite

Hill
Jefferson
Judith Basin
Lake
Liberty
Lincoln
McCone
Madison
Meagher
Mineral
Missoula
Musselshell
Park
Petroleum
Phillip
Pondera
Powder River
Powell
Prairie
Ravalli
Richland
Roosevelt
Rosebud
Sanders
Sheridan
Silver Bow
Stillwater
Sweet Grass
Teton
Toole
Treasure
Valley
Wheatland
Wibaux
Wyoming
Big Horn
Park

Nebraska

Omaha

Survey area

Nebraska:
Douglas
Sarpy
Lancaster
Iowa:
Pottawattamie

Area of Application. Survey area plus:

Nebraska:
Adams
Antelope
Arthur
Blaine
Boone
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cherry
Clay
Colfax
Cuming
Custer
Dakota
Dawson
Dixon
Dodge
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Garfield
Gosper
Grant
Greeley
Hall
Hamilton
Harlan
Hayes
Hitchcock
Holt
Hooker
Howard
Jefferson
Johnson
Kearney
Keith
Keya Paha
Knox
Lincoln
Logan
Loup
McPherson
Madison
Merrick
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Pierce
Platte
Polk
Red Willow
Richardson
Rock
Saline
Saunders
Seward
Sherman
Stanton
Thayer
Thomas
Thurston
Valley
Washington
Wayne
Webster
Wheeler
York

Iowa:
Adams
Audubon
Buena Vista
Cass
Cherokee
Clay
Crawford
Fremont
Harrison
Ida
Mills
Monona
Montgomery
O'Brien
Page
Palo Alto
Plymouth
Pocahontas
Sac
Shelby
Sioux
Taylor
Woodbury

Nevada

Las Vagas

Survey area

Nevada
Clark
Nye

Area of Application. Survey area plus:

Nevada
Esmeralda
Lincoln
Arizona:
Mohave

Reno

Survey area

Nevada:
Lyon
Mineral
Storey
Washoe

Area of Application. Survey area plus:

Nevada (cities)
Carson City
Nevada (counties)
Churchill
Douglas
Elko
Eureka
Humboldt
Lander
Pershing
White Pine
California:
Lassen
Mono [15]

Survey area

New Hampshire:
Rockingham (except the following cities and towns: Newton; Plaistow; Salem; and Westville)
Stafford
Maine:
York
Massachusetts:
The following cities and towns in:
Essex County
Amesbury
Georgetown
Groveland
Haverhill
Merrimac
Newbury
Newburyport
North Andover
Salisbury
South Byfield
West Newbury

Area of Application. Survey area plus:

New Hampshire:
The following towns in:
Rockingham County
Newton

[15] Does not cover locations to which Bridgepo t. Calif, special schedule applies.

Plaistow
Salem

New Mexico

Albuquerque

Survey area

New Mexico
Bernalillo
Sandoval

Area of Application. Survey area plus:

New Mexico
Catron
Cibola
Colfax
Curry
De Baca
Guadalupe
Harding
Lincoln [16]
Los Alamos
Mora
Quay
Rio Arriba
Roosevelt
San Miguel
Santa Fe
Socorro [16]
Taos
Torrance
Union
Valencia

New York

Albany-Schenectady-Troy

Survey area

New York
Albany
Montgomery
Rensselaer
Saratoga
Schenectady

Area of Application. Survey area plus:

New York:
Columbia
Fulton
Greene
Schoharie
Warren
Washington

Buffalo

Survey area

New York:
Erie
Niagara

Area of Application. Survey area plus:

New York:
Cattaraugus
Chautauqua

Newburgh

Survey area

New York:
Dutchess
Orange
Ulster

Area of Application. Survey area plus:

New York:
Delaware
Sullivan

Survey area

New York:
Bronx
Kings
Nassau
New York
Putnam
Queens
Richmond
Rockland
Suffolk
Westchester
New Jersey:
Bergen
Essex
Hudson
Middlesex
Monmouth
Morris
Passaic
Somerset
Union

Area of Application. Survey area plus:

New Jersey:
Sussex

Northern New York

Survey area

New York:
Clinton
Franklin
Jefferson
St. Lawrence
Vermont:
Chittenden
Franklin
Grand Isle

Area of Application. Survey area plus:

New York:
Essex
Lewis

Rochester

Survey area

New York:
Livingston
Monroe
Ontario
Orleans
Steuben
Wayne

Area of Application. Survey area plus:

New York:
Allegany
Chemung
Genesee
Schuyler
Seneca
Wyoming
Yates

Syracuse-Utica-Rome

Survey area

New York:
Herkimer
Madison
Oneida
Onondaga
Oswego

Area of Application. Survey area plus:

New York:
Broome
Cayuga
Chenango
Cortland
Hamilton
Otsego
Tioga
Tompkins

North Carolina

Asheville

Survey area

North Carolina:
Buncombe
Haywood
Henderson
Madison
Transylvania

Area of Application. Survey area plus:

North Carolina:
Avery
Burke
Caldwell
Cherokee
Clay
Graham
Jackson
McDowell
Macon
Mitchell
Polk
Rutherford
Swain
Yancey

Central North Carolina

Survey area

North Carolina
Cumberland
Durham
Edgecombe
Harnett
Johnston
Orange
Wake
Wayne
Wilson

Area of Application. Survey area plus:

North Carolina
Alamance
Bladen
Caswell
Chatham
Davidson
Davie
Forsyth
Franklin
Granville
Guilford
Halifax
Hoke
Lee
Montgomery
Moore
Nash
Northampton
Person

[16] Does not include White Sands Proving Ground portion

Randolph
Richmond
Robeson
Rockingham
Sampson
Scotland
Stokes
Surry
Vance
Warren
Yadkin
South Carolina:
Dillon
Marion
Marlboro

Charlotte

Survey area

North Carolina:
Cabarrus
Gaston
Mecklenburg
Rowan
Union

Area of Application. Survey area plus:

North Carolina:
Alexander
Anson
Catawba
Cleveland
Iredell
Lincoln
Stanly
Wilkes
South Carolina:
Chesterfield
Lancaster
York

Southeastern North Carolina

Survey area

North Carolina:
Brunswick
Carteret
Columbus
Craven
Jones
Lenoir
New Hanover
Onslow
Pamlico
Pender
South Carolina:
Harry

Area of Application. Survey area plus:

North Carolina:
Beaufort
Bertie
Dare
Duplin
Greene
Hertford
Hyde
Martin
Pitt
Tyrrell
Washington

North Dakota

Survey area

North Dakota:
Burleigh
Cass
Grand Forks
McLean
Mercer
Morton
Oliver
Traill
Ward
Minnesota:
Clay
Polk

Area of Application. Survey area plus:

North Dakota:
Adams
Barnes
Benson
Billings
Bortineau
Bowman
Burke
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
Mountrail
Nelson
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Walsh
Wells
Williams
Minnesota:
Becker
Clearwater
Kittson
Mahnomen
Marshall
Norman
Otter Tail
Pennington
Red Lake
Roseau
Wilkin

Ohio

Cincinnati

Survey area

Ohio:
Clermont
Hamilton
Warren
Kentucky:
Boone
Campbell
Kenton
Indiana:
Dearborn

Area of Application: Survey are plus:

Ohio:
Adams
Brown
Butler
Highland
Indiana:
Franklin
Ohio
Ripley
Switzerland
Kentucky:
Bracken
Carroll
Gallatin
Grant
Mason
Pendleton

Cleveland

Survey area

Ohio:
Cuyahoga
Geauga
Lake
Medina

Area of Application. Survey area plus:

Ohio:
Ashland
Ashtabula
Columbiana
Erie
Huron
Lorain
Mahoning
Ottawa
Portage
Sandusky
Senaca
Stark
Summit
Trumbull
Wayne

Columbus

Survey area

Ohio:
Delaware
Fairfield
Franklin
Licking
Madison
Pickaway

Area of Application. Survey area plus:

Ohio:
Coshocton
Crawford
Fayette
Guernsey
Hancock
Hardin
Hocking
Holmes
Knox

Marion
Morrow
Muskingum
Perry
Richmond
Ross
Union
Wyandot

Dayton

Survey area

Ohio:
Champaign
Clark
Greene
Miami
Montgomery
Preble

Area of Application. Survey area plus:

Ohio:
Auglaize
Clinton
Darke
Logan
Shelby
Indiana:
Randolph
Union
Wayne

Oklahoma

Oklahoma City

Survey area

Oklahoma:
Canadian
Cleveland
McCain
Oklahoma
Pottawatomie

Area of Application. Survey area plus:

Oklahoma:
Alfalfa
Atoka
Beckham
Blaine
Bryan
Caddo
Carter
Coal
Custer
Dewey
Ellis
Garfield
Garvin
Grady
Grant
Harper
Hughes
Johnston
Kingfisher
Lincoln
Logan
Love
Major
Marshall
Murray
Noble
Payne
Pontotoc
Roger Mills
Seminole
Washita
Woods
Woodward

Tulsa

Survey area

Oklahoma:
Creek
Mayes
Muskogee
Osage
Pittsburg
Rogers
Tulsa
Wagoner

Area of Application. Survey area plus:

Oklahoma:
Adair
Cherokee
Choctaw
Craig
Delaware
Haskell
Kay
Latimer
LeFlore
McCurtain
McIntosh
Nowata
Okfuskee
Okmulgee
Ottawa
Pawnee
Pushmataha
Sequoyah
Washington
Arkansas:
Benton
Carroll
Washington

Oregon

Portland

Survey area

Oregon:
Clackamas
Marion
Multnomah
Polk
Washington
Washington:
Clark

Area of Application. Survey area plus:

Oregon:
Clatsop
Columbia
Gilliam
Hood River
Sherman
Tillamook
Wasco
Yamhill
Washington:
Cowlitz
Klickitat
Pacific
Skamania
Wahkiakum

Southwestern Oregon

Survey area

Oregon
Douglas
Jackson
Lane

Area of Application. Survey area plus:

Oregon:
Benton
Coos
Crook
Curry
Deschutes
Jefferson
Josephine
Klamath
Lake
Lincoln
Linn

Pennsylvania

Harrisburg

Survey Area

Pennsylvania:
Adams
Cumberland
Dauphin
Lebanon
Perry
York

Area of Application. Survey area plus:

Pennsylvania:
Berks
Juniata
Lancaster
Lycoming [17]
Mifflin
Montour
Northumberland
Snyder
Union

Philadelphia

Survey Area

Pennsylvania:
Bucks
Chester
Delaware
Montgomery
Philadelphia
New Jersey:
Burlington
Camden
Gloucester

Area of Application. Survey area plus:

Pennsylvania:
Lehigh
Northampton
New Jersey:
Atlantic
Cape May
Cumberland
Hunterdon
Mercer
Ocean
Warren

Pittsburgh

Survey Area

Pennsylvania:
Allegheny:
Beaver
Washington
Westmoreland

[17] Allenwood Federal Prison Camp portion only.

Area of Application. Survey area plus:

Pennsylvania:
- Armstrong
- Bedford
- Blair
- Butler
- Cambria
- Cameron
- Centre
- Clarion
- Clearfield
- Clinton
- Crawford
- Elk
- Erie
- Fayette
- Forest
- Fulton
- Greene
- Huntingdon
- Indiana
- Jefferson
- Lawrence
- McKean
- Mercer
- Potter
- Somerset
- Venango
- Warren

Ohio:
- Belmont
- Carroll
- Harrison
- Jefferson
- Tuscarawas

West Virginia:
- Brooke
- Hancock
- Marshall
- Ohio

Scranton-Wilkes-Barre

Survey Area

Pennsylvania:
- Lackawanna
- Luzerne
- Monroe

Area of Application. Survey area plus:

Pennsylvania:
- Bradford
- Carbon
- Columbia
- Lycoming [18]
- Pike
- Schuylkill
- Sullivan
- Susquehanna
- Tioga
- Wayne
- Wyoming

Puerto Rico

Survey Area

Puerto Rico (Municipios):
- San Juan
- Bayamon
- Canovanas
- Carolina
- Catano
- Guaynabo
- Juana Diaz
- Loiza
- Penuelas
- Ponce
- Toa Baja
- Trujillo Alto
- Villalba

Area of Application. Puerto Rico

Rhode Island

Narragansett Bay

Survey Area

Rhode Island:
- Bristol
- Newport

The following cities and towns in:
- *Kent County*
- Anthony
- Coventry
- East Greenwich
- Greene
- Warwick
- West Warwick
- *Providence County*
- Ashton
- Burrillville
- Central Falls
- Cranston
- Cumberland
- Cumberland Hill
- East Providence
- Esmond
- Forestdale
- Greenville
- Harrisville
- Johnston
- Lincoln
- Manville
- Mapleville
- North Providence
- North Smithfield
- Oakland
- Pascoag
- Pawtucket
- Providence
- Saylesville
- Slatersville
- Smithfield
- Valley Falls
- Wallum Lake
- Woonsocket
- *Washington County*
- Davisville
- Galilee
- La Fayette
- Narragansett
- North Kingstown
- Point Judith
- Quonset Point
- Saunerstown
- Slocum

Massachusetts:

The following cities and towns in:
- *Bristol County*
- Attleboro
- Fall River
- North Attleboro
- Rehoboth
- Seekonk
- Somerset
- Swansea
- Westport
- *Norfolk County*
- Caryville
- Plainville
- South Bellingham
- *Worcester County*
- Blackstone
- Millville

Area of Application. Survey area plus:

Rhode Island:

The following cities and towns in:
- *Kent County*
- West Greenwich
- *Providence County*
- Foster
- Glocester
- Scituate
- *Washington County*
- Charlestown
- Exeter
- New Shoreham
- Richmond
- South Kingstown

Massachusetts

The following cities and towns in:
- *Bristol County*
- Acushnet
- Berkley
- Dartmouth
- Dighton
- Fairhaven
- Freetown
- Mansfield
- New Bedford
- Norton
- Raynham
- Taunton

South Carolina

Charleston

Survey Area

South Carolina:
- Berkeley
- Charleston
- Dorchester

Area of Application. Survey area plus:

South Carolina:
- Beaufort [19]
- Colleton
- Georgetown
- Williamsburg

Columbia

Survey area

South Carolina:
- Darlington
- Florence
- Kershaw
- Lee
- Lexington
- Richland
- Sumter

Area of Application. Survey area plus:

South Carolina:
- Abbeville
- Anderson
- Calhoun
- Cherokee
- Chester
- Clarendon
- Fairfield
- Greenville
- Greenwood
- Laurens
- Newberry

[18] Excluding Allenwood Federal Prison Camp.

[19] The portion north of Broad River.

Oconee
Orangeburg
Pickens
Saluda
Spartanburg
Union

South Dakota

Eastern South Dakota

Survey Area

South Dakota:
Minnehaha

Area of Application. Survey area plus:

South Dakota
Aurora
Beadle
Bennett
Bon Homme
Brookings
Brown
Brule
Buffalo
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Davison
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Haakon
Hamlin
Hand
Hanson
Hughes
Hutchinson
Hyde
Jackson
Jerauld
Jones
Kingsbury
Lake
Lincoln
Lyman
McCook
McPherson
Marshall
Mellette
Miner
Moody
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Washabaugh
Yankton
Zieback
Iowa:
Dickinson
Emmet
Lyon
Osceola
Minnesota:
Jackson
Lincoln
Lyon
Murray
Nobles
Pipestone
Rock

Tennessee

Eastern Tennessee

Survey Area

Tennessee:
Carter
Hawkins
Sullivan
Unicoi
Washington
Virginia (City):
Bristol
Virginia (counties):
Scott
Washington

Area of Application. Survey area plus:

Tennessee:
Cocke
Greene
Hancock
Johnson
Virginia:
Buchanan
Grayson
Lee
Russell
Smyth
Tazewell
Norton City
North Carolina:
Alleghany
Ashe
Watauga
Kentucky:
Harlan
Letcher

Memphis

Survey area

Tennessee:
Shelby
Tipton
Arkansas:
Crittenden
Mississippi
Mississippi:
De Soto

Area of Application. Survey area plus:

Tennessee:
Carroll
Chester
Crockett
Dyer
Fayette
Gibson
Hardeman
Hardin
Haywood
Lake
Lauderdale
Madison
McNairy
Obion
Arkansas:
Craighead
Cross
Lee
Poinsett
St. Francis
Mississippi:
Benton
Lafayette [20]
Marshall
Pontotoc [20]
Tate
Tippah
Tunica
Union [20]
Missouri:
Dunklin
Pemiscot

Nashville

Survey area

Tennessee:
Cheatham
Davidson
Dickson
Montgomery
Robertson
Rutherford
Sumner
Williamson
Wilson
Kentucky:
Christian

Area of Application. Survey area plus

Tennessee:
Anderson
Bedford
Benton
Bledsoe
Blount
Bradley
Campbell
Cannon
Claiborne
Clay
Coffee
Cumberland
Decatur
DeKalb
Fentress
Grainger
Grundy
Hamblen
Hamilton
Henderson
Henry
Hickman
Houston
Humphreys
Jackson
Jefferson
Knox
Lewis
Loudon
McMinn
Macon
Marion
Marshall
Maury
Meigs
Monroe
Morgan

[20] Holly Springs National Forest portion only.

Overton
Perry
Pickett
Polk
Putnam
Rhea
Roane
Scott
Sequatchie
Sevier
Smith
Stewart
Trousdale
Union
Van Buren
Warren
Weakley
White
Kentucky:
Adair
Allen
Ballard
Barren
Butler
Caldwell
Calloway
Carlisle
Clinton
Cumberland
Edmondson
Fulton
Graves
Hickman
Hopkins
Logan
Lyon
McCracken
Marshall
Metcalfe
Monroe
Muhlenberg
Russell
Simpson
Todd
Trigg
Warren
Georgia:
Catossa
Dade
Walker

Texas

Austin

Survey area

Texas:
Hays
Milam
Travis
Williamson

Area of Application. Survey area plus:

Texas:
Bastrop
Blanco
Burleson
Burnet
Caldwell
Fayette
Lampasas
Lee
Llano
Mason
San Saba

Survey area

Texas:
Nueces
San Patricio

Area of Application: Survey area plus:

Texas:
Aransas
Bee
Calhoun
Goliad
Jim Wells
Kleberg
Live Oak
Refugio
Victoria

Dallas-Fort Worth

Survey area

Texas:
Collin
Dallas
Denton
Ellis
Grayson
Hood
Johnson
Kaufman
Parker
Rockwall
Tarrant
Wise

Area of Application. Survey area plus:

Texas:
Cooke
Delta
Erath
Fannin
Henderson
Hopkins
Hunt
Jack
Lamar
Montague
Navarro
Palo Pinto
Rains
Smith
Somervell
Van Zandt
Wood

Survey area

Texas:
El Paso
New Mexico:
Dona Ana
Otero

Area of Application. Survey area plus:

New Mexico:
Chaves
Eddy
Grant
Hidalgo
Lincoln [21]
Luna
Sierra
Socorro [21]
Texas:
Culberson
Hudspeth

[21] Only White Sands Proving Ground portions.

Houston-Galveston-Texas City

Survey area

Texas:
Brazoria
Fort Bend
Galveston
Harris
Liberty
Montgomery
Waller

Area of Application. Survey area plus:

Texas:
Angelina
Austin
Chambers
Colorado
Grimes
Hardin
Houston
Jackson
Jasper
Jefferson
Lavaca
Madison
Matagorda
Nacogdoches
Newton
Orange
Polk
Sabine
San Augustine
San Jacinto
Shelby
Trinity
Tyler
Walker
Washington
Wharton

San Antonio

Survey area

Texas:
Bexar
Comal
Guadalupe

Area of Application. Survey area plus:

Texas:
Atascosa
Bandera
Brooks
Cameron
De Witt
Dimmit
Duval
Edwards
Frio
Gillespie
Gonzales
Hidalgo
Jim Hogg
Karnes
Kendall
Kenedy
Kerr
Kinney
La Salle
McMullen
Maverick
Medina
Real
Starr
Uvalde

Val Verde
Webb
Willacy
Wilson
Zapata
Zavala

Survey area

Texas:
Bowie
Arkansas:
Little River
Miller

Area of Application. Survey area plus:

Texas:
Camp
Cass
Franklin
Marion
Morris
Red River
Titus
Upshur
Arkansas:
Columbia
Hempstead
Howard
Lafayette
Nevada
Sevier

Waco

Survey area

Texas:
Bell
Coryell
McLennan

Area of Application. Survey area plus:

Texas:
Anderson
Bosque
Brazos
Falls
Freestone
Hamilton
Hill
Leon
Limestone
Mills
Robertson

Western Texas

Survey area

Texas:
Callahan
Ector
Howard
Jones
Lubbock
Midland
Nolan
Taylor
Tom Green

Area of Application. Survey area plus:

Texas:
Andrews
Armstrong
Bailey
Borden
Brewster
Briscoe
Brown
Carson
Castro
Childress
Cochran
Coke
Coleman
Collingsworth
Comanche
Concho
Cottle
Crane
Crockett
Crosby
Dallam
Dawson
Deaf Smith
Dickens
Donley
Eastland
Fisher
Floyd
Gaines
Garza
Glasscock
Gray
Hale
Hall
Hansford
Hartley
Haskell
Hemphill
Hockley
Hutchinson
Irion
Jeff Davis
Kent
Kimble
King
Lamb
Lipscomb
Loving
Lynn
McCulloch
Martin
Menard
Mitchell
Moore
Motley
Ochiltree
Oldham
Parmer
Pecos
Potter
Presidio
Randall
Reagan
Reeves
Roberts
Runnels
Schleicher
Scurry
Shackelford
Sherman
Stephens
Sterling
Stonewall
Sutton
Swisher
Terrell
Terry
Throckmorton
Upton
Ward
Wheeler
Winkler
Yoakum
Oklahoma:
Beaver
Cimarron
Texas
New Mexico:
Lea

Wichita Falls, Texas—Southwestern Oklahoma

Survey area

Texas:
Archer
Clay
Wichita
Oklahoma:
Comanche
Cotton
Stephens
Tillman

Area of Application. Survey area plus:

Texas:
Baylor
Foard
Hardeman
Knox
Wilbarger
Young
Oklahoma:
Greer
Harmon
Jackson
Jefferson
Kiowa

Utah

Survey area

Utah:
Box Elder
Davis
Salt Lake
Tooele
Utah
Weber

Area of Application. Survey area plus:

Utah:
Beaver
Cache
Carbon
Daggett
Duchesne
Emery
Garfield
Grand
Iron
Juab
Millard
Morgan
Piute
Rich
San Juan [22]
Sanpete
Sevier
Summit
Uintah
Wasatch
Washington
Wayne
Colorado:
Moffat

[22] Only includes the Canyonlands National Park portion.

Virginia

Norfolk-Portsmouth-Newport News-Hampton

Survey area

Virginia (cities):
- Chesapeake
- Hampton
- Newport News
- Norfolk
- Poquoson
- Portsmouth
- Suffolk
- Virginia Beach
- Williamsburg

Virginia (counties):
- Gloucester
- James City
- York

North Carolina
- Currituck

Area of Application. Survey area plus:

Virginia (cities):
- Franklin

Virginia (counties):
- Accomack
- Isle of Wight
- Mathews
- Northampton
- Southampton
- Surry

North Carolina:
- Camden
- Chowan
- Gates
- Pasquotank
- Perquimans

Maryland:
- Assateague Island part of Worcester

Richmond

Survey area

Virginia (cities):
- Colonial Heights
- Hopewell
- Petersburg
- Richmond

Virginia (counties):
- Charles City
- Chesterfield
- Dinwiddie
- Goochland
- Hanover
- Henrico
- New Kent
- Powhatan
- Prince George

Area of Application. Survey area plus:

Virginia (cities):
- Charlottesville
- Emporia
- Fredericksburg

Virginia (counties):
- Albemarle
- Amelia
- Brunswick
- Buckingham
- Caroline
- Charlotte
- Cumberland
- Essex
- Fluvanna
- Greensville
- King and Queen
- King William
- Lancaster
- Louisa
- Lunenberg
- Mecklenburg
- Middlesex
- Northumberland
- Nottoway
- Orange
- Prince Edward
- Richmond
- Spotsylvania
- Sussex
- Westmoreland

Roanoke

Survey area

Virginia (cities):
- Radford
- Roanoke
- Salem

Virginia (counties):
- Botetourt
- Craig
- Montgomery
- Roanoke

Area of Application. Survey area plus:

Virginia (cities):
- Bedford
- Buena Vista
- Clifton Forge
- Covington
- Danville
- Galax
- Lexington
- Lynchburg
- Martinsville
- South Boston
- Staunton
- Waynesboro

Virginia (counties):
- Alleghany
- Amherst
- Appomattox
- Augusta
- Bath
- Bedford
- Bland
- Campbell
- Carroll
- Floyd
- Franklin
- Giles
- Halifax
- Henry
- Highland
- Nelson
- Patrick
- Pittsylvania
- Pulaski
- Rockbridge
- Wythe

Washington

Seattle-Everett-Tacoma

Survey area

Washington:
- King
- Kitsap
- Pierce
- Snohomish

Area of Application. Survey area plus:

Washington:
- Chelan [23]
- Clallam
- Grays Harbor
- Island
- Jefferson
- Lewis
- Mason
- San Juan
- Skagit
- Thurston
- Whatcom

Southeastern Washington-Eastern Oregon

Survey area

Washington:
- Benton
- Franklin
- Walla Walla
- Yakima

Oregon:
- Umatilla

Area of Application. Survey area plus:

Oregon:
- Baker
- Grant
- Harney
- Malheur
- Morrow
- Union
- Wallowa
- Wheeler

Washington:
- Kittitas [24]

Spokane

Survey area

Washington:
- Spokane

Area of Application. Survey area plus:

Washington:
- Adams
- Asotin
- Chelan [25]
- Columbia
- Douglas
- Ferry
- Garfield
- Grant
- Kittitas [26]
- Lincoln
- Okanogan
- Pend Oreille
- Stevens
- Whitman

Idaho:
- Benewah
- Bonner
- Boundary
- Clearwater
- Idaho
- Kootenai
- Latah
- Lewis
- Nez Perce
- Shoshone

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[23] North Cascades Park section only.

[24] Only includes the Yakima Firing Range portion.

[25] Excluding North Cascades Park.

[26] Does not include the Yakima Firing Range portion.

West Virginia

Survey area

West Virginia:
Cabell
Harrison
Kanawha
Marion
Monogalia
Putnam
Wayne
Ohio:
Lawrence
Kentucky:
Boyd
Greenup

Area of Application. Survey area plus:

West Virginia:
Barbour
Boone
Braxton
Calhoun
Clay
Doddridge
Fayette
Gilmer
Grant
Greenbrier
Jackson
Lewis
Lincoln
Logan
McDowell
Mason
Mercer
Mingo
Monroe
Nicholas
Pendleton
Pleasants
Pocahontas
Preston
Raleigh
Randolph
Ritchie
Roane
Summers
Taylor
Tucker
Tyler
Upshur
Webster
Wetzel
Wirt
Wood
Wyoming
Ohio:
Athens
Gallia
Jackson
Meigs
Monroe
Morgan
Noble
Pike
Scioto
Vinton
Washington
Kentucky:
Carter
Elliott
Floyd
Johnson
Lawrence
Lewis
Magoffin
Martin
Pike
Virginia:
Dickenson
Wise

Wisconsin

Madison

Survey area

Wisconsin:
Dane

Area of Application. Survey area plus:

Wisconsin:
Columbia
Dodge
Grant
Green
Green Lake
Iowa
Jefferson
Lafayette
Marquette
Rock
Sauk

Milwaukee

Survey Area

Wisconsin:
Milwaukee
Ozaukee
Washington
Waukesha

Area of Application. Survey area plus:

Wisconsin:
Brown
Calumet
Door
Fond du Lac
Kenosha
Kewaunee
Manitowoc
Outagamie
Racine
Sheboygan
Walworth
Winnebago

Southwestern Wisconsin

Survey area

Wisconsin:
Chippewa
Eau Claire
La Crosse
Monroe
Trempealeau

Area of Application. Survey area plus:

Wisconsin:
Adams
Barron
Buffalo
Clark
Crawford
Dunn
Florence
Forest
Jackson
Juneau
Langlade
Lincoln
Marathon
Marinette
Menominee
Oconto
Oneida
Pepin
Portage
Price
Richland
Rusk
Shawano
Taylor
Vernon
Vilas
Waupaca
Waushara
Wood
Minnesota:
Fillmore
Houston
Wabasha
Winona

Wyoming

Survey area

Wyoming:
Albany
Laramie
Natrona
South Dakota:
Pennington

Area of Application. Survey area plus:

Wyoming:
Campbell
Carbon
Converse
Crook
Fremont
Goshen
Hot Spring
Johnson
Lincoln
Niobrara
Platte
Sheridan
Sublette
Sweetwater
Teton
Uinta
Washakie
Weston
Nebraska:
Banner
Box Butte
Cheyenne
Dawes
Deuel
Garden
Kimball
Morrill
Scotts Bluff
Sheridan
Sioux
South Dakota:
Butte
Custer
Fall River
Harding
Lawrence
Meade
Perkins
Shannon

Appendix D to Subpart B of Part 532—Nonappropriated Fund Wage and Survey Areas

This appendix lists the wage area definitions for NAF employees. With a few exceptions, each area is defined in terms of county units or independent cities. Each wage area definition consists of:

(1) *Wage area title.* Wage areas usually carry the title of the county or counties surveyed.

(2) *Survey area definition.* Lists each county or independent city in the survey area.

(3) *Area of application definition.* Lists each county or independent city which, in addition to the survey area, is in the area of application.

DEFINITIONS OF WAGE AND WAGE SURVEY AREAS

Alabama

Calhoun

Survey area

Alabama:
Calhoun

Area of Application. Survey area plus:

Alabama:
Jefferson

Madison

Survey area

Alabama:
Madison

Area of Application. Survey area plus:

Tennessee:
Coffee
Davidson
Hamilton
Rutherford

Montgomery

Survey area

Alabama:
Montgomery

Area of Application Survey area plus:

Alabama
Dale
Dallas
Macon

Alaska

Anchorage

Survey area

Alaska: (Census divisions)
Anchorage

Area of Application. Survey area plus:

Alaska: (Census divisions)
Aleutian Islands
Barrow-North Slope
Bethel
Bristol Bay
Fairbanks
Juneau
Kenai-Cook Inlet
Ketchikan
Kobuk
Kodiak
Kuskokwim
Nome
Outer Ketchikan
Sitka
Southeast Fairbanks
Upper Yukon
Wade Hampton
Yukon-Koyukuk

Arizona

Maricopa

Survey area

Arizona:
Maricopa

Area of Application. Survey area plus:

Arizona:
Coconino
Yavapai

Pima

Survey area

Arizona:
Pima

Area of Application. Survey area plus:

Arizona:
Cochise

Yuma

Survey area

Arizona:

Area of Application. Survey area plus:

Arkansas

Pulaski

Survey area

Arkansas:
Pulaski

Area of Application. Survey area plus:

Jefferson
Sebastian
Washington

California

Alameda-Contra Costa

Survey area

California
Alameda
Contra Costa

Area of Application. Survey area plus:

Imperial

Survey area

California:
Imperial

Area of Application. Survey area plus:

Kern

Survey area

California:
Kern

Area of Application. Survey area plus:

California:
Kings

Los Angeles

Survey area

California:
Los Angeles

Area of Application. Survey area plus:

Marin-Sonoma

Survey area

California:
Marin
Sonoma

Area of Application. Survey area plus:

California:
Del Norte
Humboldt
Mendocino

Merced

Survey area

California:
Merced

Area of Application. Survey area plus:

California:
Fresno

Monterey

Survey area

California:
Monterey

Area of Application. Survey area plus:

Orange

Survey area

California:
Orange

Area of Application. Survey area plus:

Riverside

Survey area

California:
Riverside

Area of Application. Survey area plus:

Sacramento

Survey area

California:
Sacramento

Area of Application. Survey area plus:

California:
Yuba
Oregon:
Jackson
Klamath

San Bernardino

Survey area

California:
San Bernardino

San Bernardino

Area of Application. Survey area plus:

San Diego

Survey area

California:
San Diego

Area of Application. Survey area plus:

San Francisco

Survey area

California:
San Francisco

Area of Application. Survey area plus:

San Joaquin

Survey area

California:
San Joaquin

Area of Application. Survey area plus:

Santa Barbara

Survey area

California:
Santa Barbara

Area of Application. Survey area plus:

California:
San Luis Obispo

Santa Clara

Survey area

California:
Santa Clara

Area of Application. Survey area plus:

California:
San Mateo

Solano

Survey area

California:
Solano

Area of Application. Survey area plus:

Ventura

Survey area

California:
Ventura

Area of Application. Survey area plus:

Colorado

Adams-Denver

Survey area

Colorado:
Adams
Denver

Area of Application. Survey area plus:

Colorado:
Arapahoe
Mesa

El Paso

Survey area

Colorado:
El Paso

Area of Application. Survey area plus:

Colorado:
Bent
Pueblo

Connecticut

New London

Survey area

Connecticut:
New London

Area of Application. Survey area plus:

Connecticut:
New Haven

Delaware

Kent

Survey area

Delaware:
Kent

Area of Application. Survey area plus:

Delaware:
Sussex
Maryland:
Kent

District of Columbia

Survey area

District of Columbia:
Washington, D.C.

Area of Application. Survey area plus:

Florida

Bay

Survey area

Florida
Bay

Area of Application. Survey area.

Brevard

Survey area

Florida:
Brevard

Area of Application. Survey area plus:

Dade

Survey area

Florida:
Dade

Area of Application. Survey area plus:

Florida:
Palm Beach

Duval

Survey area

Florida:
Duval

Area of Application. Survey area plus:

Florida:
Alachua
Clay

Columbia
Georgia:
Camden

Escambia

Survey area

Florida:
Escambia

Area of Application. Survey area plus:

Florida
Santa Rosa

Hillsborough

Survey area

Florida:
Hillborough

Area of Application. Survey area plus:

Florida:
Pinellas
Polk

Monroe

Survey area

Florida:
Monroe

Area of Application. Survey area plus:

Okaloosa

Survey area

Florida:
Okaloosa

Area of Application. Survey area plus:

Walton

Orange

Survey area

Florida:

Area of Application. Survey area plus:

Georgia

Chatham

Survey area

Georgia:
Chatham

Area of Application. Survey area plus:

Georgia:
Glynn
Liberty
South Carolina:
Beaufort

Clayton-Cobb-Fulton

Survey area

Georgia:
Clayton
Cobb
Fulton

Area of Application. Survey area plus:

Georgia:
Bartow
Clarke
De Kalb

Columbus

Survey area

Georgia:
Columbus

Area of application: Survey area plus:
Georgia:
Chattahoochee

Dougherty

Survey area
Georgia:
Doughtery

Area of application. Survey area.

Houston

Survey area
Georgia:
Houston

Area of application. Survey area plus:
Georgia:
Laurens

Lowndes

Survey area
Georgia:
Lowndes

Area of application. Survey area.

Richmond

Survey area
Georgia:
Richmond

Area of application: Survey area plus:
South Carolina:
Aiken

Guam

Survey area
Guam

Area of application: Survey area.

Hawaii

Honolulu

Survey area
Hawaii:
Honolulu

Area of application. Survey area plus:
Hawaii (counties):
Hawaii
Kauai
Maui
Pacific Islands
Midway Island
Johnston Island
American Samoa

Idaho

Ada-Elmore

Survey area
Idaho:
Ada
Elmore

Area of application. Survey area.

Illinois

Champaign

Survey area
Illinois:
Champaign

Area of application. Survey area plus:
Illinois:
Ford
Vermillion

Cook

Survey area
Illinois:
Cook

Area of application. Survey area.

Lake

Survey area
Illinois:
Lake

Area of application. Survey area plus:
Wisconsin:
Dane
Milwaukee

Rock Island

Survey area
Illinois:
Rock Island

Area of application. Survey area plus:
Illinois:
Carroll
Iowa:
Johnson

St. Clair

Survey area
Illinois:
St. Clair

Area of application. Survey area plus:
Illinois:
Madison
Williamson
Missouri: (cities)
St. Louis
Missouri: (counties)
Jefferson
Pulaski

Indiana

Marion

Survey area
Indiana:
Marion

Area of application: Survey area plus:
Allen
Grant
Martin
Miami

Kansas

Sedgwick

Survey area
Kansas:
Sedgwick

Area of application. Survey area plus:
Kansas:
Geary
Saline

Leavenworth/Jackson-Johnson

Survey area
Kansas:
Leavenworth
Missouri:
Jackson
Johnson

Area of application: Survey area plus:
Kansas:
Shawnee
Missouri:
Boone
Camden
Cass

Kentucky

Christian-Montgomery

Survey area
Kentucky:
Christian
Tennessee:
Montgomery

Area of application. Survey area.

Clark-Hardin-Jefferson

Survey area
Indiana:
Clark
Kentucky:
Hardin
Jefferson

Area of application. Survey area plus:
Indiana:
Jefferson
Kentucky:
Fayette
Madison
Warren

Louisiana

Bossier-Caddo

Survey area
Louisiana:
Bossier
Caddo

Area of application. Survey area plus:
Texas:
Bowie

Orleans

Survey area
Louisiana:
Orleans

Area of application. Survey area plus:
Plaquemines

Rapides

Survey area
Louisiana:
Rapides

Area of application. Survey area plus:
Louisiana:
Vernon

Maine

Aroostook

Survey area

Maine:
Aroostook

Area of application. Survey area plus:

Maine:
Washington County

Cumberland

Survey area

Maine:
Cumberland

Area of application. Survey area plus:

Maine:
Hancock
Kennebec
Knoc
Penobscot
Sagadahoc

Maryland

Anne Arundel

Survey area

Maryland:
Anne Arundel

Area of application. Survey area plus:

Maryland: (cities)
Baltimore
Maryland: (counties)
Baltimore

Charles-St. Marys

Survey area

Maryland:
Charles
St. Marys

Area of application. Survey are plus:

Maryland:
Calvert
Virginia:
King George

Harford

Survey area

Maryland:
Harford

Area of application. Survey area plus:

Maryland:
Cecil

Montgomery-Prince Georges

Survey area

Maryland:
Montgomery
Prince Georges

Area of application. Survey area plus:

Washington

Survey area

Maryland:
Washington

Area of application. Survey area plus:

Maryland:
Frederick
West Virginia:
Berkeley

Massachusetts

Hampden

Survey area

Massachusetts:
Hampden

Area of application. Survey area plus:

Connecticut:
Hartford
Massachusetts:
Hampshire

Middlesex

Survey area

Massachusetts:
Middlesex

Area of application. Survey area plus:

New Hampshire:
Hillsborough

Norfolk

Survey area

Massachusetts:
Norfolk

Area of application. Survey area plus:

Massachusetts:
Barnstable
Plymouth
Nantucket
Suffolk

Michigan

Macomb

Survey area

Michigan:
Macomb

Area of application. Survey area plus:

Michigan:
Alpena
Calhoun
Crawford
Grand Traverse
Huron
Iosco
Leelanau
Saginaw
Washtenaw
Wayne
Ohio:
Ottawa

Marquette

Survey area

Michigan:
Marquette

Area of application. Survey area plus:

Michigan:
Chippewa
Dickinson
Houghton
Wisconsin:
Langlade

Minnesota

Hennepin

Survey area

Minnesota:

Hennepin

Area of application. Survey area plus:

Minnesota:
Morrison
Murray
Ramsey
Stearns
St. Louis
Wisconsin:
Juneau
Monroe
Polk

Mississippi

Harrison

Survey area

Mississippi:
Harrison

Area of application. Survey area plus:

Alabama:
Mobile
Mississippi
Forest
Jackson

Lauderdale

Survey area

Mississippi:
Lauderdale

Area of application. Survey area plus:

Mississippi:
Hinds
Rankin
Warren

Lowndes

Survey area

Mississippi:
Lowndes

Area of application area plus:

Alabama:
Tuscaloosa

Montana

Cascade

Survey area

Montana:
Cascade

Area of application. Survey area plus:

Montana:
Fergus
Flathead
Hill
Lewis and Clark
Valley
Yellowstone

Nebraska

Douglas-Sarpy

Survey area

Nebraska:
Douglas
Sarpy

Area of application. Survey area plus:

Iowa:
Marion

Polk
Woodbury
Nebraska:
Hall
Lancaster
Saunders
South Dakota:
Minnehaha

Nevada

Churchill-Washoe

Survey area

Nevada:
Churchill
Washoe

Area of Application. Survey area plus:

California:
Lassen
Mono
Nevada:
Mineral

Clark

Survey area

Nevada:
Clark

Area of Application. Survey area.

New Hampshire

Rockingham

Survey area

New Hampshire:
Rockingham

Area of Application. Survey area plus:

Maine:
York
Vermont:
Windsor

New Jersey

Burlington

Survey area

New Jersey:
Burlington

Area of Application. Survey area plus:

New Jersey:
Atlantic

Monmouth

Survey area

New Jersey:
Monmouth

Area of application. Survey area.

Morris

Survey area

New Jersey:
Morris

Area of Application. Survey area plus:

New Jersey:
Somerset
Pennsylvania:
Monroe

Ocean

Survey area

New Jersey:
Ocean

Area of Application. Survey area.

New Mexico

Bernalillo

Survey area

New Mexico:
Bernalillo

Area of Application. Survey area plus:

New Mexico:
McKinley

Dona Ana

Survey area

New Mexico:
Dona Ana

Area of Application. Survey area plus:

New Mexico:
Chaves
Otero

New York

Clinton

Survey area

New York:
Clinton

Area of Application. Survey area plus:

Vermont:
Chittenden
Franklin

Kings-Queen

Survey area

New York:
Kings
Queens

Area of Application. Survey area plus:

New Jersey:
Essex
Hudson
New York:
Bronx
Nassau
New York
Richmond
Suffolk

Niagara

Survey area

New York:
Niagara

Area of Application. Survey area plus:

New York:
Erie
Genesee
Pennsylvania:
Erie

Oneida

Survey area

New York:
Oneida

Area of Application. Survey area plus:

New York:
Albany
Jefferson
Onondago
Ontario
Saratoga
Schenectady
Seneca
Steuben

Orange

Survey area

New York:
Orange

Area of Application. Survey area plus:

New York:
Dutchess
Westchester

North Carolina

Craven

Survey area

North Carolina:
Craven

Area of Application. Survey area plus:

North Carolina:
Carteret
Dare
Onslow

Cumberland

Survey area

North Carolina:
Cumberland

Area of Application. Survey area plus:

North Carolina:
Durham
Rowan
Onslow

Survey area

North Carolina:
Onslow

Area of Application. Survey area.

Wayne

Survey area

North Carolina:
Wayne

Area of Application. Survey area plus:

North Carolina:
Halifax

North Dakota

Grand Forks

Survey area

North Dakota:
Grand Forks

Area of Application. Survey area plus:

North Dakota:
Cass
Cavalier
Steele

Ward

Survey area

North Dakota:
Ward

Area of Application. Survey area plus:

North Dakota:
Divide

Ohio

Franklin

Survey area

Ohio:
Franklin

Area of Application. Survey area plus:

Ohio:
Licking
Ross
West Virginia:
Cabell
Raleigh

Greene-Montgomery

Survey area

Ohio:
Greene
Montgomery

Area of Application. Survey area plus:

Ohio:
Clinton
Hamilton

Oklahoma

Comanche

Survey area

Oklahoma:
Comanche

Area of Application. Survey area plus:

Oklahoma:
Cotton
Jackson

Oklahoma

Survey area

Oklahoma:
Oklahoma

Area of Application. Survey area plus:

Oklahoma:
Garfield
Muskogee
Pittsburg

Pennsylvania

Allegheny

Survey area

Pennsylvania:
Allegheny

Area of Application. Survey area plus:

Ohio:
Cuyahoga
Trumbull
Pennsylvania:
Butler
Westmoreland
West Virginia:
Harrison

Montgomery

Survey area

Pennsylvania:
Montgomery

Area of Application. Survey area plus:

Pennsylvania:
Bucks
Luzerne

Cumberland

Survey area

Pennsylvania:
Cumberland

Area of Application. Survey area.

Franklin

Survey area

Pennsylvania:
Franklin

Area of Application. Survey area plus:

Pennsylvania:
Blair

Lebanon

Survey area

Pennsylvania:
Lebanon

Area of Application. Survey area plus:

Pennsylvania:
Columbia

Philadelphia

Survey area

Pennsylvania:
Philadelphia

Area of Application. Survey area plus:

Delaware:
New Castle
New Jersey:
Camden
Cape May
Gloucester
Salem
Pennsylvania:
Chester

York

Survey area

Pennsylvania:
York

Area of Application. Survey area.

Puerto Rico

Guaynabo-San Juan

Survey area

Puerto Rico (municipalities)
Guaynabo
San Juan

Area of Application. Survey area plus:

Puerto Rico: (municipalities)
Aguadilla
Isabela
Ponce
Toa Baja
Ceiba
Vieques
U.S. Virgin Islands
St. Croix
St. Thomas

Rhode Island

Newport

Survey area

Rhode Island:
Newport

Area of Application. Survey area.

Rhode Island:
Providence
Washington

South Carolina

Charleston

Survey area

South Carolina:
Charleston

Area of Application. Survey area plus:

South Carolina:
Berkeley

Horry

Survey area

South Carolina:
Horry

Area of Application. Survey area plus:

North Carolina:
New Hanover

Richland

Survey area

South Carolina:
Richland

Area of Application. Survey area plus:

North Carolina:
Buncombe
South Carolina:
Sumpter
Tennessee:
Washington

South Dakota

Pennington

Survey area

South Dakota:
Pennington

Area of Application. Survey area plus:

Montana:
Custer
South Dakota:
Fall River
Meade
Wyoming:
Sheridan

Tennessee

Shelby

Survey area

Tennessee:
Shelby

Area of Application. Survey area plus:

Arkansas:
Mississippi
Missouri:
Butler

Texas

Bell

Survey area

Texas:
Bell

Area of Application. Survey area plus:

Texas:
Coryell
Falls
McLennan

Bexar

Survey area

Texas:
Bexar

Area of Application. Survey area plus:

Texas:
Comal
Kerr
Val Verde

Dallas

Survey area

Texas:
Dallas

Area of Application. Survey area plus:

Texas:
Fannin
Galveston
Harris

El Paso

Survey area

Texas:
El Paso

Area of Application. Survey area.

Lubbock

Survey area

Texas:
Lubbock

Area of Application. Survey area plus:

New Mexico
Curry
Texas:
Potter
McLennan

Survey area

Texas:
McLennan

Area of Application. Survey area.

Nueces

Survey area

Texas:
Nueces

Area of Application. Survey area plus:

Texas:
Bee
Calhoun
Kleberg
Webb

Tarrant

Survey area

Texas:
Tarrant

Area of Application. Survey area plus:

Texas:
Cooke
Palo Pinto

Taylor

Survey area

Texas:
Taylor

Area of Application. Survey area.

Tom Green

Survey area

Texas:
Tom Green

Area of Application. Survey area plus:

Texas:
Howard

Travis

Survey area

Texas:
Travis

Area of Application. Survey area plus:

Texas:
Burnet

Wichita

Survey area

Texas:
Wichita

Area of Application. Survey area.

Utah

Davis-Salt Lake-Weber

Survey area

Utah:
Davis
Salt Lake
Weber

Area of Application. Survey area plus:

Utah:
Box Elder
Tooele
Uintah

Virginia

Alexandria-Arlington-Fairfax

Survey area

Virginia: (cities)
Alexandria
Virginia: (counties)
Arlington
Fairfax

Area of Application. Survey area.

Chesterfield-Richmond

Survey area

Virginia: (cities)
Richmond
Virginia: (counties)—
Chesterfield

Area of Application. Survey area plus:

Virginia: (cities)
Bedford
Charlottesville
Salem
Virginia: (counties)
Caroline
Nottoway
Prince George

West Virginia:
Pendleton

Hampton-Newport News

Survey area

Virginia: (cities)
Hampton
Newport News

Area of Application. Survey area plus:

Virginia: (cities)
Williamsburg
Virginia: (counties)
York

Norfolk-Portsmouth-Virginia Beach

Survey area

Virginia: (cities)
Norfolk
Portsmouth
Virginia Beach

Area of Application. Survey area plus:

North Carolina:
Pasquotank
Virginia: (cities)
Chesapeake
Suffolk
Virginia: (counties)
Accomack
Northampton

Prince William

Survey area

Virginia:
Prince William

Area of Application. Survey area plus:

Virginia:
Fauquier

Washington

King

Survey area

Washington:
King

Area of Application. Survey area plus:

Washington:
Island
Snohomish
Whatcom
Yakima

Kitsap

Survey area

Washington:
Kitsap

Area of Application. Survey area plus:

Clallam

Pierce

Survey area

Washington:
Pierce

Area of Application. Survey area plus:

Oregon:
Clatsop
Coos
Douglas
Multnomah

Tillamook
Washington:
Clark
Grays Harbor

Spokane

Survey area

Washington:
Spokane

Area of Application. Survey area plus:

Oregon:
Umatilla
Washington:
Adams
Walla Walla

Wyoming

Laramie

Survey area

Wyoming:
Laramie

Area of Application. Survey area.

§ 532.307 [Amended]

18. Section 532.307(a) is amended by removing the phrase "in accordance with the instructions issued by the Office of Personnel Management" in the last sentence.

§ 532.311 [Amended]

19. Section 532.311 is amended by removing the phrase "in accordance with instructions in the Federal Personnel Manual" in the first sentence.

§532.313 [Redesignated as § 532.17]

20. Section 532.313 is redesignated as § 532.317, and paragraph (a)(1) is revised to read as follows:

§ 532.317 Use of data from the nearest similar area.

(a)(1) For prevailing rate employees other than those in the Department of Defense, the lead agency shall, in establishing the regular schedule under the provisions of this subpart, analyze and use the acceptable data from the nearest similar wage area together with the data obtained from inside the local wage survey area. The regular schedule for Department of Defense prevailing rate employees shall be based on local wage data only.

* * * * *

21. New §§ 532.313 and 532.315 are added to subpart C to read as follows:

§ 532.313 Private sector industries.

(a) For appropriated fund surveys, a lead agency shall use the following private sector industries in making its determinations for each specialized industry:

Aircraft

SIC 3721 Aircraft
SIC 3724 Aircraft engines and engine parts
SIC 3728 Aircraft parts and auxiliary equipment
SIC 3764 Guided missile and space vehicle propulsion units and propulsion unit parts
SIC 3769 Guided missile and space vehicle parts and auxiliary equipment
SIC 4512 Air transportation, scheduled
SIC 4513 Air courier services
SIC 4522 Air transportaiton, nonscheduled carriers
SIC 4581 Airports, flying fields, and airport terminal services

Ammunition

SIC 2892 Explosives
SIC 3482 Small arms ammunition
SIC 3483 Ammunition, except for small arms

Artillery and combat vehicles

SIC 3273 Ready mixed concrete
SIC 3489 Ordnance and accessories
SIC 351 Engines and turbines
SIC 3523 Farm machinery and equipment
SIC 3531 Construction machinery and equipment
SIC 3536 Hoists, industrial cranes, and monorail systems
SIC 3537 Industrial trucks, tractors, trailers, and stackers
SIC 3711 Motor vehicles and passenger car bodies
SIC 3713 Truck and bus bodies
SIC 3714 Motor vehicle parts an accessories
SIC 3715 Truck trailers
SIC 3795 Tanks and tank components
SIC 4041 Railway express service
SIC 421 Trucking, local and long distance
SIC 4812 Radiotelephone communications
SIC 4813 Telephone communciation, except radiotelphone
SIC 4911 Electric services
SIC 492 Gas production and distribution
SIC 493 Combination electric and other utility services
SIC 501 Motor vehicles and motor vehicle parts and supplies, except SIC 5015—motor vehicle parts, used
SIC 5082 Construction and mining machinery and equipment
SIC 5083 Farm and garden machinery and equipment

Communications

SIC 3612 Power, distribution, and specialty transformers
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3812 Search, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment
SIC 3825 Instruments for measuring and testing of electricity and electrical signals
SIC 4812 Radiotelephone communciations
SIC 4813 Telephone communication, except radiotelphone
SIC 4832 Radio broadcasting
SIC 4833 Television broadcasting
SIC 4841 Cable and other pay TV services
SIC 4899 Communciation services, NEC

Electronics

SIC 3571 Electronic computers
SIC 3572 Computer storage devices
SIC 3575 Computer terminals
SIC 3577 Computer peripheral equipment, not elsewhere classified
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3672 Printed circuit boards
SIC 3674 Semi-conductors and related devices
SIC 3675 Electronic capacitors
SIC 3676 Resistor, for electronic applications
SIC 3677 Electronic coils, transformers, and other inductors
SIC 3678 Connecters, for electronic applications
SIC 3679 Electronic components, not elsewhere classified
SIC 3695 Recording media
SIC 3812 Search, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment
SIC 5044 Office equipment
SIC 5045 Computer and computer peripheral equipment and software

Guided missiles

SIC 3571 Electronic computers
SIC 3572 Computer storage devices
SIC 3575 Computer terminals
SIC 3577 Computer peripheral equipment, not elsewhere classified
SIC 3663 Radio and TV broadcasting and communication equipment
SIC 3669 Communication equipment, not elsewhere classified
SIC 3724 Aircraft engines and engine parts
SIC 3728 Aircraft parts and auxiliary equipment
SIC 3761 Guided missiles and space vehicles
SIC 3764 Guided missile and space vehicle propulsion units and propulsion unit parts
SIC 3769 Guided missile and space vehicle parts and auxiliary equipment
SIC 3812 Search, navigation, aeronautical, and nautical systems, instruments, and equipment
SIC 8711 Engineering services
SIC 8712 Architectural services
SIC 8713 Surveying services

Heavy duty equipment

SIC 3531 Construction machinery and equipment
SIC 3536 Hoists, industrial cranes, and monorail systems
SIC 3537 Industrial trucks, tractors, trailers, and stackers
SIC 5082 Construction and mining machinery and equipment

Shipbuilding

SIC 3731 Shipbuilding and repairing

Sighting and fire control equipment

SIC 3571 Electronic computers
SIC 3572 Computer storage devices
SIC 3575 Computer terminals
SIC 3577 Computer peripheral equipment, not elsewhere classified
SIC 3663 Radio and TV broadcasting and communication equipment

SIC 3669 Communication equipment, not elsewhere classified
SIC 3812 Search, navigation, guidance, aeronautical, and nautical systems, instruments, and equipment
SIC 3827 Optical instruments and lenses

Small arms

SIC 3484 Small arms.

(b) Industries in SICs 3273, 4041, 421, 4812, 4813, 4911, 492 and 493, listed in paragraph (a) of this section are limited in special job coverage to automotive mechanic, diesel engine mechanic, and heavy mobile equipment mechanic.

(c) For nonappropriated fund surveys, the lead agency shall use SIC 581 (eating and drinking places industry) in making its determination for a specialized industry.

§ 532.315 Additional survey jobs.

(a) For appropriated fund surveys, when the lead agency adds to the industries to be surveyed, it shall add to the required survey jobs the specialized survey jobs listed below opposite the industry added:

Specialized industry	Specialized survey jobs	Grade
Aircraft	Electronics Mechanic	WG-11
	Aircraft Structures Assembler B.	WG-7
	Aircraft Structures Assembler A.	WG-9
	Aircraft Mechanic	WG-10
	Aircraft Mechanic includes:	
	Aircraft Electrician	WG-10
	Aircraft Welder	WG-10
	Aircraft Sheetmetal Worker	WG-10
	Hydromechanical Fuel Control Repairer.	WG-10
	Aircraft Engine Mechanic	WG-10
	Aircraft Jet Engine Mechanic.	WG-10
	Flight Line Mechanic	WG-10
	Aircraft Attendant (ground services).	WG-7
Ammunition	Munitions Handler	WG-4
	Munitions Operator	WG-4
	Munitions Operator	WG-6
	Munitions Operator	WG-8
	Munitions Operator	WG-9
	Explosives Operator	WG-9
Artillery and combat vehicles.	Automotive Mechanic (limited to data obtained in special industries).	WG-10
	Heavy Mobile Equipment Mechanic.	WG-10
	Artillery Repairer	WG-9
	Combat Vehicle Mechanic	WG-8
	Combat Vehicle Mechanic (Engine).	WG-10
	Combat Vehicle Mechanic	WG-11
	Diesel Engine Mechanic (limited to data obtained in special industries.	WG-10
Communications.	Telephone Installer-Repairer.	WG-9
	Central Office Repairer	WG-11
	Electronic Test Equipment Repairer.	WG-11
	Television Station Mechanic.	WG-11
Electronics	Electronics Mechanic	WG-11
	Industrial Electronic Controls Repairer.	WG-10
	Electronic Test Equipment Repairer.	WG-11
	Electronic Computer Mechanic.	WG-11
	Television Station Mechanic.	WG-11
Guided missiles.	Electronic Computer Mechanic.	WG-11
	Guided Missile Mechanical Repairer.	WG-11
Heavy duty equipment.	Heavy Mobile Equipment Mechanic.	WG-10
Shipbuilding	Electronics Mechanic	WG-11
	Electrician, Ship	WG-10
	Pipefitter, Ship	WG-10
	Shipfitter	WG-10
	Shipwright	WG-10
	Machinist (Marine)	WG-10
Sighting and fire control.	Electronic Computer Mechanic.	WG-11
	Fire Control Instrument Repairman.	WG-11
	Electronic Fire Control Systems Repairer.	WG-11
	Electronic Fire Control Systems Repairer.	WG-12
	Electronic Fire Control Systems Repairer.	WG-13
Small arms	Small Arms Repairer	WG-8

(b) For nonappropriated fund surveys, a lead agency must obtain prior approval of OPM to add a job not listed in § 532.223 of this subpart.

22. In § 532.401, the definition of "equivalent increase" is revised to read as follows:

§ 532.401 Definitions.

* * * * *

Equivalent increase means an increase or increases in an employee's rate of basic pay equal to or greater than the difference between the rate of pay for the grade and step occupied by the employee and the rate of pay for the next higher step of that grade, except in the situations specified in § 532.417 of this subpart. In the case of a promotion, the grade and step occupied means the grade and step to which promoted.

* * * * *

23. In § 532.417, paragraph (e) is added to read as follows:

§ 532.417 Within-grade increases.

* * * * *

(e) *Equivalent increase.* The following shall not be counted as equivalent increases:

(1) Application of a new or revised wage schedule or application of a new pay or evaluation plan;

(2) Payment of additional compensation in the form of nonforeign or foreign post differentials or nonforeign cost-of-living allowances;

(3) Adjustment of the General Schedule;

(4) Premium payment for overtime and holiday duty;

(5) Payment of night shift differential;

(6) Hazard pay differentials;

(7) Payment of rates above the minimum rate of the grade in recognition of specific qualifications, or in jobs in specific hard-to-fill occupations;

(8) Correction of an error in a previous demotion or reduction in pay;

(9) Temporary limited promotion followed by change to lower grade to the former or a different lower grade;

(10) A transfer or reassignment in the same grade and step to another local wage area with a higher wage schedule;

(11) Repromotion to a former or intervening grade of any employee whose earlier change to lower grade was not for cause and was not at the employee's request; and

(12) An increase resulting from the grant of a quality step increase under the General Schedule.

24. In § 532.511, paragraph (d) is added to read as follows:

§ 532.511 Environmental differentials.

* * * * *

(d) The schedule of environmental differentials is set out as Appendix A to this subpart and is incorporated in and made a part of this section.

25. Appendix A to subpart E is added to read as follows:

Appendix A to Subpart E of Part 532—Schedule of Environmental Differentials Paid for Exposure to Various Degrees of Hazards, Physical Hardships, and Working Conditions of an Unusual Nature

This appendix lists the environmental differentials authorized for exposure to various degrees of hazards, physical hardships, and working conditions of an unusual nature.

PART I.—PAYMENT FOR ACTUAL EXPOSURE

Differential rate (percent)	Category for which payable	Effective date
100	1. *Flying.* Participating in flights under one or more types of the following conditions	Nov. 1, 1970.
	a. Test flights of a new or repaired plane or modified plane when the repair or modification may affect the flight characteristics of the plane;	
	b. Flights for test performance of plane under adverse conditions such as in low altitude or severe weather conditions, maximum load limits, or overload;	
	c. Test missions for the collection of measurement data where two or more aircraft are involved and flight procedures require formation flying and/or rendezvous at various altitudes and aspect angles;	
	d. Flights deliberately undertaken in extreme weather conditions such as flying into a hurricane to secure weather data;	
	e. Flights to deliver aircraft which have been prepared for one-time flight without being test flown prior to delivery flight;	
	f. Flights for pilot proficiency training in aircraft new to the pilot under simulated emergency conditions which parallel conditions encountered in performing flight tests;	
	g. Low-level flights in small aircraft including helicopters at altitude of 500 feet and under in daylight and 1,000 feet and under at night when the flights are over mountainous terrain, or in fixed-wing aircraft involving maneuvering at the heights and times specified above, or in helicopters maneuvering and hovering over water at altitudes of less than 500 feet;	
	h. Low-level flights in an aircraft flying at altitudes of 200 feet and under while conducting wildlife surveys and law enforcement activities, animal depredation abatement and making agricultural applications, and conducting or facilitating search and rescue operations; flights in helicopters at low levels involving line inspection, maintenance, erection, or salvage operations;	
	i. Flights involving launch or recovery aboard an aircraft carrier;	
	j. Reduced gravity light testing in an aircraft flying a parabolic flight path and providing a testing environment ranging from weightlessness up through 2 gravity conditions;	
25	2. *High work*.....	Nov. 1, 1970.
	a. Working on any structure of at least 100 feet above the ground, deck, floor or roof, or from the bottom of a tank or pit;	
	b. Working at a lesser height:	
	(1) If the footing is unsure or the structure is unstable; or	
	(2) If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example, working from a swinging stage, boatswain chair, a similar support); or	
	(3) If adverse conditions such as darkness, steady rain, high wind, icing, lightning or similar environmental factors render working at such height(s) hazardous.	
15	3. *Floating targets.* Servicing equipment on board a target ship or barge in which the employee is required to board or leave the target vessel by small boat or helicopter.	Nov. 1, 1970.
4	4. *Dirty work.* Performing work which subjects the employee to soil of body or clothing:	Nov. 1, 1970.
	a. Beyond that normally to be expected in performing the duties of the classification; and	
	b. Where the condition is not adequately alleviated by the mechanical equipment or protective devices being used, or which are readily available, or when such devices are not feasible for use due to health considerations (excessive temperature, asthmatic conditions, etc); or	
	c. When the use of mechanical equipment, or protective devices, or protective clothing results in an unusual degree of discomfort.	
5	5. *Cold work.* a. Working in cold storage or other climate-controlled areas where the employee is subjected to temperatures at or below freezing (32 degrees Fahrenheit).	Nov. 1, 1970.
	b. Working in cold storage or other climate-controlled areas where the employee is subjected to temperatures at or below freezing (32 degrees Fahrenheit) where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.	Mar. 13, 1977.
4	6. *Hot work.* a. Working in confined spaces wherein the employee is subjected to temperatures in excess of 110 degrees Fahrenheit.	Nov. 1, 1970.
	b. Working in confined spaces wherein the employee is subjected to temperatures in excess of 110 degrees Fahrenheit where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.	Mar. 13, 1977.
4	7. *Welding preheated metals.* Welding various metals or performing an integral part of the welding process when the employee must work in confined spaces in which large sections of metal have been preheated to 150 degrees Fahrenheit or more, and the discomfort is not alleviated by protective devices or other means, or discomforting protective equipment must be worn.	Nov. 1, 1970.
4	8. *Micro-soldering or wire welding and assembly.* Working with binocular-type microscopes under conditions which severely restrict the movement of the employee and impose a strain on the eyes, in the soldering or wire welding and assembly of miniature electronic components..	Nov. 1, 1970.
25	9. *Exposure to hazardous weather or terrain.* Exposure to dangerous conditions of terrain, temperature and/or wind velocity, while working or traveling when such exposure introduces risk of significant injury or death to employees; such as the following:	July 1, 1972.
	Examples:	
	—Working on cliffs, narrow ledges, or steep mountainous slopes, with or without mechanical work equipment, where a loss of footing would result in serious injury or death.	
	—Working in areas where there is a danger of rockfalls or avalanches.	
	—Traveling in the secondary or unimproved roads to isolated mountaintop installations at night, or under adverse weather conditions (snow, rain, or fog) which limits visibility to less than 100 feet, when there is danger of rock, mud, or snowslides	
	—Traveling in the wintertime, either on foot or by vehicle, over secondary or unimproved roads or snowtrails, in sparsely settled or isolated areas to isolated installations when there is danger of avalanches, or during "whiteout" phenomenon which limits visibility to less than 100 feet	
	—Working or traveling in sparsely settled or isolated areas with exposure to temperatures and/or wind velocity shown to be of considerable or very great danger on the windchill chart (Exhibit 1 of this appendix), and shelter (other than temporary shelter) or assistance is not readily available	
	—Snowplowing or snow and ice removal on primary, secondary or other class of roads, when (a) there is danger of avalanche or (b) there is danger of missing the road and falling down steep mountainous slopes, because of lack of snow-stakes, "whiteout" conditions, or sloping icepack covering the snow	
25	10. *Unshored work.* Working in excavation areas before the installation of proper shoring or other securing barriers, or in catastrophe areas, where there is a possibility of cave-in, building collapse or falling debris when such exposures introduce risk of significant injury or death to employees, such as the following:	July 1, 1972
	Examples:	
	—Working adjacent to the walls of an unshored excavation at depths greater than six feet (except when the full depth of the excavation is in stable solid rock, hard slag, or hard shale, or the walls have been graded to the angle of repose; that is, where the danger of slides is practically eliminated), when work is performed at a distance from the wall which is less than the height of the wall	
	—Working within or immediately adjacent to a building or structure which has been severely damaged by earthquake, fire, tornado or similar cause	

PART I.—PAYMENT FOR ACTUAL EXPOSURE—Continued

Differential rate (percent)	Category for which payable	Effective date
	—Working underground in the construction and/or inspection of tunnels and shafts before the necessary lining of the passageway have been installed —Duty underground in abandoned mines where lining of tunnels or shafts is in a deteriorated condition	
15	11. *Ground work beneath hovering helicopter.* Participating in operation to attach or detach external load to helicopter hovering just overhead.	July 1, 1972.
15	12. *Hazardous boarding or leaving of surface craft.* Boarding or leaving vessels or transferring equipment to or from a surface craft under adverse conditions of foul weather, ice, or night when sea state is high (three feet and above), and deck conditions and/or wind velocity in relation to the size of the craft introduce unusual risks to employees. *Examples:* —Boarding or leaving vessels at sea. —Boarding or leaving, or transferring equipment between small boats or rafts and steep, rocky, or coral-surrounded shorelines —Transferring equipment between a small boat and a rudimentary dock by improvised or temporary facility such as an unfastened plank leading from boat to dock —Boarding or leaving, or transferring equipment from or to ice covered floats, rafts, or similar structures when there is danger of capsizing due to the added weight of the ice	July 1, 1972.
8	13. *Cargo handling during lightering operations.* Off-lading of cargo and supplies from surface ships to Landing Craft-Medium (LCM) boats when swells or wave action are sufficiently severe as to cause sudden listing or pitching of the deck surface or shifting or falling of equipment, cargo, or supplies which could subject the employee to falls, crushing, ejection into the water or injury by swinging cargo hooks.	July 1, 1972.
15	14. *Duty aboard surface craft.* Duty aboard a surface craft when the deck conditions or sea state and wind velocity in relation to the size of the craft introduces the risk of significant injury or death to employees, such as the following:. Participating as a member of a water search and rescue team in adverse weather conditions when winds are blowing at 35 m.p.h. (classified as gale winds) or in water search and rescue operations at night —Participating as a member of a weather projects team when work is performed under adverse weather conditions, when winds are blowing at 35 m.p.h., and/ or when seas are in excess of 14 feet, or when working on outside decks when decks are slick and icy when swells are in excess of 3 feet —When embarking, disembarking or traveling in small craft (boat) on Lake Ponchartrain when wind direction is from north northeast or northwest, and wind velocity is over 15 knots; or when travel on Lake Ponchartrain is necessary in small craft, without radar equipment, due to emergency or unavoidable conditions and the trip is made in dense fog run procedures —Participating in deep research vessel sea duty wherein the team member is engaged in handling equipment on or over the side of the vessel when the sea state is high (12-knot winds and 3-foot waves) and the work is done on relatively unprotected deck areas —Transferring from a ship to another ship via a chair harness hanging from a highline between the ships when both vessels are under way —Duty performed on floating platforms, camels, or rafts, using tools equipment or materials associated with ship repair or construction activities, where swells or wave action are sufficiently severe to cause sudden listing or pitching of the deck surface or dislodgement of equipment which could subject the employee to falls, crushing, or ejection into the water	July 30, 1972.
50	15. *Work at extreme heights.* Working at heights 100 feet or more above the ground, deck, floor or roof, or from the bottom of a tank or pit on such open structures as towers, girders, smokestacks and similar structures: (1) If the footing is unsure or the structure is unstable; or (2) If safe scaffolding, enclosed ladders or other similar protective facilities are not adequate (for example, working from a swinging stage, boatswain chair, or a similar support); or (3) If adverse conditions such as darkness, steady rain, high wind, icing, lightning, or similar environmental factors render working at such height(s) hazardous	Oct. 22, 1972.
6	16. *Fibrous Glass Work.* Working with or in close proximity to fibrous glass material which results in exposure of the skin, eyes or respiratory system to irritating fibrous glass particles or slivers where exposure is not practically eliminated by the mechnical equipment or protective devices being used.	Feb. 28, 1975.
50	17. *High Voltage Electrical Energy.* Working on energized electrical lines rated at 4,160 volts or more which are suspended from utility poles or towers, when adverse weather conditions such as steady rain, high winds, icing, lightning, or similar environmental factors make the work unusually hazardous.	Apr. 11, 1977.
6	18. *Welding, Cutting or Burning in Confined Spaces.* Welding, cutting, or burning within a confined space which necessitates working in a horizontal or nearly horizontal position, under conditions requiring egress of at least 14 feet over and through obstructions including: (1) access openings and baffles having dimensions which greatly restrict movements, and (2) irregular inner surfaces of the structure or structure components.	Jan. 18, 1978.

PART II.—PAYMENT ON BASIS OF HOURS IN PAY STATUS

Differential rate (percent)	Category for which payable	Effective date
50	1. *Duty aboard submerged vessel.* Duty aboard a submarine or other vessel such as a deep-research vehicle while submerged.	Nov. 1, 1970.
8	2. *Explosives and incendiary material—high degree hazard.* Working with or in close proximity to explosives and incendiary material which involves potential personal injury such as permanent or temporary, partial or complete loss of sight or hearing, partial or complete loss of any or all extremities; other partial or total disabilities of equal severity; and/or loss of life resulting from work situations wherein protective devices and/or safety measures either do not exist or have been developed but have not practically eliminated the potential for such personal injury. Normally, such work situations would result in extensive property damage requiring complete replacement of equipment and rebuilding of the damaged area; and could result in personal injury to adjacent employees. *Examples* —Working with, or in close proximity to operations involved in research, in testing, manufacturing, inspection, renovation, maintenance and disposal, such as: —Screening, blending, drying, mixing, and pressing of sensitive explosives and pyrotechnic compositions such as lead azide, black powder and photoflash powder —Manufacture and distribution of raw nitroglycerine —Nitration, neutralization, crystallization, purification, screening and drying of high explosives	Nov. 1, 1970.

PART II.—PAYMENT ON BASIS OF HOURS IN PAY STATUS—Continued

Differential rate (percent)	Category for which payable	Effective date
	—Manufacture of propellants, high explosives and incendiary materials —Melting, cast loading, pellet loading, drilling, and thread cleaning of high explosives —Manufacture of primary or initiating explosives such as lead azide —Manufacture of primer or detonator mix —Loading and assembling high-energy output flare pellets —All dry-house activities involving propellants or explosives —Demilitarization, modification, renovation, demolition, and maintenance operations on sensitive explosives and incendiary materials —All operations involving fire fighting on an artillery range or at an ammunition manufacturing plant or storage area, including heavy duty equipment operators, truck drivers, etc. —All operations involving regrading and cleaning of artillery ranges —At-sea shock and vibration tests. Arming explosive charges and/or working with, or in close proximity to, explosive-armed charges in connection with at-sea shock and vibration tests of naval vessels, machinery, equipment and supplies —Handling or engaging in destruction operations on an armed (or potentially armed) warhead	
4	3. *Explosives and incendiary material—low degree hazard.* a. Working with or in close proximity to explosives and incendiary material which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation and possible adjacent employees; minor irritation of the skin; minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used.	Nov. 1, 1970.
	b. Working with or in close proximity to explosives and incendiary material which involves potential injury such as laceration of hands, face, or arms of the employee engaged in the operation and possible adjacent employees; minor irritation of the skin; minor burns and the like; minimal damage to immediate or adjacent work area or equipment being used and wherein protective device and/or safety measures have not practically eliminated the potential for such injury	Mar. 13, 1977.
	Examples —All operations involving loading, unloading, storage and hauling of explosive and incendiary ordnance material other than small arms ammunition. (Distribution of raw nitroglycerine is covered under high degree hazard—see category 2 above.) —Duties such as weighing, scooping, consolidating and crimping operations incident to the manufacture of stab, percussion, and low energy electric detonators (initiators) utilizing sensitive primary explosives compositions where initiation would be kept to a low order of propagation due to the limited amounts permitted to be present or handled during the operations —Load, assembly and packing of primers, fuses, propellant charges, lead cups, boosters, and time-train rings —Weighing, scooping, loading in bags and sewing of ignitor charges and propellant zone charges —Loading, assembly, and packing of hand-held signals, smoke signals, and colored marker signals —Proof-testing weapons with a known overload of powder or charges —Arming/disarming or the installation/removal of any squib, explosive device, or component thereof, connected to or part of a solid propulsion system, including work situations involving removal, inspection, test and installation of aerospace vehicle egress and jettison systems and other cartridge actuated devices and rocket assisted systems or components thereof, when accidental or inadvertent operation of the system or a component might occur	
8	4. *Poisons (toxic chemicals)—high degree hazard.* Working with or in close proximity to poisons (toxic chemicals), other than tear gas or similar irritants, which involves potential serious personal injury such as permanent or temporary, partial or complete loss of faculties and/or loss of life including exposure of an unusual degree to toxic chemicals, dust, or fumes of equal toxicity generated in work situations by processes required to perform work assignments wherein protective devices and/or safety measures have been developed but have not practically eliminated the potential for such personal injury.	Nov. 1, 1970.
	Examples —Handling and storing toxic chemical agents including monitoring of areas to detect presence of vapor or liquid chemical agents; examining of material for signs of leakage or deteriorated material; decontaminating equipment and work sites; work relating to disposal of deteriorated material (exposure to conjunctivitis, pulmonary edema, blood infection, impairment of the nervous system, possible death) —Renovation, maintenance, and modification of toxic chemicals, guided missiles, and selected munitions —Operating various types of chemical engineering equipment in a restricted area such as reactors, filters, stripping units, fractioning columns, blenders, mixers, pumps, and the like utilized in the development, manufacturing, and processing of toxic or experimental chemical warfare agents —Demilitarizing and neutralizing toxic chemical munitions and chemical agents —Handling or working with toxic chemicals in restricted areas during production operations —Preparing analytical reagents, carrying out colorimetric and photometric techniques, injecting laboratory animals with compounds having toxic, incapacitating or other effects —Recording analytical and biological tests results where subject to above types of exposure —Visually examining chemical agents to determine conditions or detect leaks in storage containers —Transferring chemical agents between containers —Salvaging and disposing of chemical agents	
4	5. *Poisons (toxic chemicals)—low egress hazard.* a. Working with or in close proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents.	Nov. 1, 1970.
	b. Working with or in close proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents and wherein protective devices and/or safety measures have not practically eliminated the potential for personal injury	Mar. 13, 1977.
	Example —Handling for shipping, marking, labeling, hauling and storing loaded containers of toxic chemical agents that have been monitored	
8	6. *Micro-organisms—high degree hazard.* Working with or in close proximity to micro-organisms which involves potential personal injury such as death, or temporary, partial, or complete loss of faculties or ability to work due to acute, prolonged, or chronic disease. These are work situations wherein the use of safety devices and equipment, medical prophylactic procedures such as vaccines and antiserims and other safety measures do not exist or have been developed but have not practically eliminated the potential for such personal injury.	Nov. 1, 1970.
	Examples —Direct contact with primary containers of organisms pathogenic for man such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material. Operating or maintaining equipment in biological experimentation or production	

PART II.—PAYMENT ON BASIS OF HOURS IN PAY STATUS—Continued

Differential rate (percent)	Category for which payable	Effective date
	—Cultivating virulent organisms on artificial media, including embryonated hen's eggs and tissue cultures where inoculation or harvesting of living organisms is involved for production of vaccines, toxides, etc., or for sources of material for research investigations such as antigenic analysis and chemical analysis	
4	7. *Micro-organisms—low degree hazard.* a. Working with or in close proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material	Nov. 1, 1970.
	b. Working with or in close proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material and wherein the use of safety devices and equipment and other safety measures have not practically eliminated the potential for personal injury	Mar. 13, 1977.
8	8. *Pressure chamber and centrifugal stress.* Exposure in pressure chamber which subjects employee to physical stresses or where there is potential danger to participants by reason of equipment failure or reaction to the test conditions; or exposure which subjects an employee to a high degree of centrifugal force which causes an unusual degree of discomfort	July 1, 1972.
	Examples	
	—Participating as a subject in diving research tests which seek to establish limits for safe pressure profiles by working in a pressure chamber simulating diving or, as an observer to the test or as a technician assembling underwater mock-up components for the test, when the observer or technician is exposed to high pressure gas piping systems, gas cylinders, and pumping devices which are susceptible to explosive ruptures	
	—Participating in altitude chamber studies ranging from 18,000 to 150,000 feet either as subject or as observer exposed to the same conditions as the subject	
	—Participating as subject in centrifuge studies involving elevated G forces above the level of 5 G's whether or not at reduced atmospheric pressure	
	—Participating as a subject in a rotational flight simulator in studies involving continuous rotation in one axis through 360° at rotation rates greater than 15 r.p.m. for periods exceeding three minutes	
8	9. *Work in fuel storage tanks.* When inspecting, cleaning or repairing fuel storage tanks where there is no ready access to an exit, under conditions requiring a breathing apparatus because all or part of the oxygen in the atmosphere has been displaced by toxic vapors or gas, and failure of the breathing apparatus would result in serious injury or death within the time required to leave the tank	July 1, 1972.
	10. *Firefighting.* Participating or assisting in firefighting operations on the immediate fire scene and in direct exposure to the hazards inherent in containing or extinguishing fires	July 1, 1972.
25	*High degree*	
	—Fighting forest and range fires on the fireline	
8	*Low degree*	
	—All other firefighting	
8	11. *Experimental landing/recovery equipment tests*	July 1, 1972.
	—Participating in tests of experimental or prototype landing and recovery equipment where personnel are required to serve as test subjects in spacecraft being dropped into the sea or laboratory tanks	
8	12. *Land impact or pad abort of space vehicle.* Actual participation in dearming and safing explosive ordnance, toxic propellant, and high-pressure vessels on vehicles that have land impacted or on vehicles on the launch pad that have reached a point in the countdown where no remote means are available for returning the vehicle to a safe condition	July 1, 1972.
4	13. *Mass explosives and/or incendiary material.* Working within a controlled danger area in, on, or around wharves, transfer areas, or temporary holding areas in a transshipment facility when explosives are in the process of being shifted to or from a conveyance	July 1, 1972.
	Such an area shall include land and sea areas within which it has been determined that personnel are subject to an unusual degree of exposure or liability to serious injury or death from potential explosive effect	
	A transshipment facility for this purpose is a port or sea terminal established for the marshalling or temporary assembly of explosives prior to shipment where amounts in excess of 250,000 pounds net explosive weight (NEW) are present on a regular or recurring basis	
4	14. *Duty aboard aircraft carrier.* Duty aboard an aircraft carrier when exposed to hazards connected with aircraft launch and recovery:	July 1, 1972.
	Examples	
	—Participating in carrier suitability trials aboard aircraft carriers when work is performed on the flight deck during launch, recovery and refueling operations	
	—Operating or monitoring camera equipment adjacent to flight deck in the area of maximum hazard during landing sequence while conducting photographic surveys aboard aircraft carriers during periods of heavy aircraft operations	Mar. 4, 1974.
8	15. *Participating in missile liquid propulsion or solid propulsion situations.* Participating in research and development, or preoperational test and evaluation situation involving missile liquid or solid propulsion systems where mechanical, or other equipment malfunction, or accidental combination of certain fuels and/or chemicals, or transient voltage and current buildup on or within the system when the system is in a "go" condition on the test stand, or sled, can result in explosion, fire, premature ignition or firing	
	Examples	
	—Test stand or track tests, when adequate protective devices and/or safety measures either do not exist or have been developed but have not practically eliminated the potential for personal injury, under any of the following conditions:	
	a. Tanks are being pressurized above normal servicing pressure	
	b. Assembly, disassembly, or repair of contaminated plumbing containing inhibited red fuming nitric acid and unsymmetrical dimethylhydrazine or other hypergolic fuels is required	
	c. Fueling and defueling	
	—Hoisting hypergolic liquid fueled systems into, or out of, a test stand, where the working area is confined, and external plumbing is present resulting in a situation where the plumbing may be damaged causing a leak	
	—Tests on foreign missiles where technical data is questionable or not available	
	—Manned test firings of small, close support missiles for which safety performance data are not yet available	
	—Removal of a missile, propulsion system or component thereof from a test stand, fixture, or environmental chamber where there is reason to believe that the item may be unusually hazardous due to damage resulting from the test	
8	16. *Asbestos.* Working in an area where airborne concentrations of asbestos fibers may expose employees to potential illness or injury and protective devices or safety measures have not practically eliminated the potential for such personal illness or injury	Mar. 9, 1975.

Exhibit 1

WINDCHILL CHART

	Local temperature (°F)										
Wind Speed (MPH)	32	23	14	5	−4	−13	−22	−31	−40	−49	−58
Calm	32	23	14	5	−4	−13	−22	−31	−40	−49	−58
5	29	20	10	1	−9	−18	−28	−37	−47	−56	−65
10	18	7	−4	−15	−26	−37	−48	−59	−70	−81	−92
15	13	−1	−13	−25	−37	−49	−61	−73	−85	−97	−109
20	7	−6	−19	−32	−44	−57	−70	−83	−96	−109	−121
25	3	−10	−24	−37	−50	−64	−77	−90	−104	−117	−130
30	1	−13	−27	−41	−54	−68	−82	−97	−109	−123	−137
35	−1	−15	−29	−43	−57	−71	−85	−99	−113	−127	−142
40	−3	−17	−31	−45	−59	−74	−87	−102	−116	−131	−145
45	−3	−18	−32	−46	−61	−75	−89	−104	−118	−132	−147
50	−4	−18	−33	−47	−62	−76	−91	−105	−120	−134	−148
	Little danger		Considerable danger			Very great danger					
For properly clothed persons						Danger from freezing of exposed flesh					

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Thursday, November 1, 1990

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46033-46186.....1

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LIST OF PUBLIC LAWS

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H.J. Res. 682/Pub. L. 101-466

Waiving certain enrollment requirements with respect to any reconciliation bill, appropriation bill, or continuing resolution for the remainder of the One Hundred First Congress. (Oct. 27, 1990; 104 Stat. 1084; 2 pages) Price: $1.00

H.J. Res. 687/Pub. L. 101-467

Making further continuing appropriations for the fiscal year 1991, and for other purposes. (Oct. 28, 1990; 104 Stat. 1086; 2 pages) Price: $1.00

TABLE OF EFFECTIVE DATES AND TIME PERIODS—NOVEMBER 1990

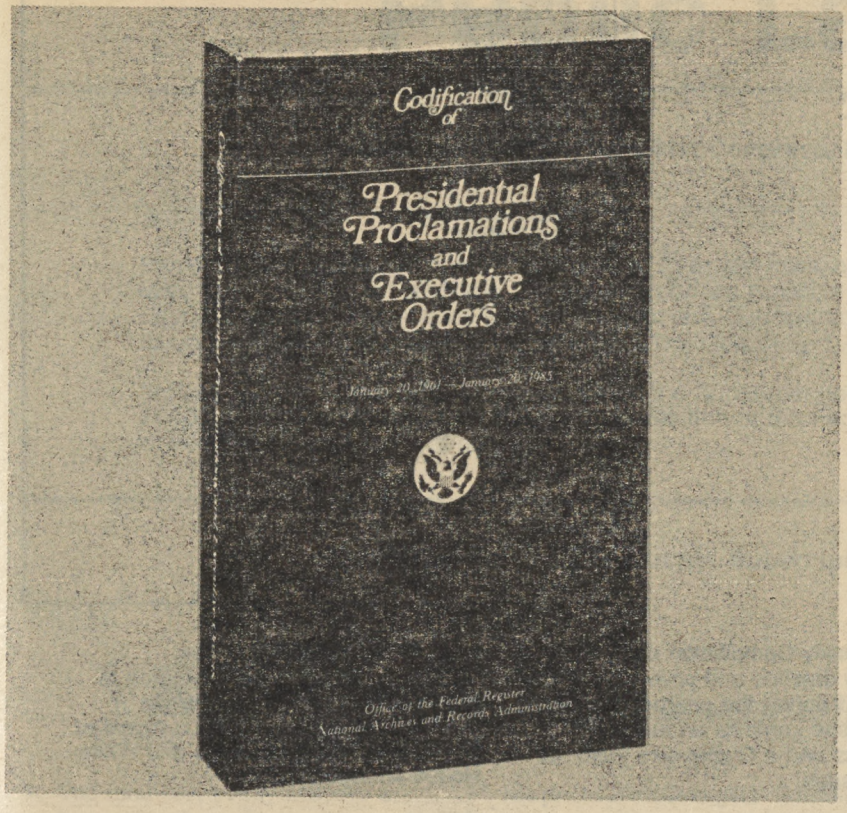
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November 6	November 21	December 6	December 21	January 7	February 4
November 7	November 23	December 7	December 24	January 7	February 5
November 8	November 23	December 10	December 24	January 7	February 6
November 9	November 26	December 10	December 24	January 8	February 7
November 13	November 28	December 13	December 28	January 14	February 11
November 14	November 29	December 14	December 31	January 14	February 12
November 15	November 30	December 17	December 31	January 14	February 13
November 16	December 3	December 17	December 31	January 15	February 14
November 19	December 4	December 19	January 3	January 18	February 19
November 20	December 5	December 20	January 4	January 22	February 19
November 21	December 6	December 21	January 7	January 22	February 19
November 23	December 10	December 24	January 7	January 22	February 21
November 26	December 11	December 26	January 10	January 25	February 25
November 27	December 12	December 27	January 11	January 28	February 25
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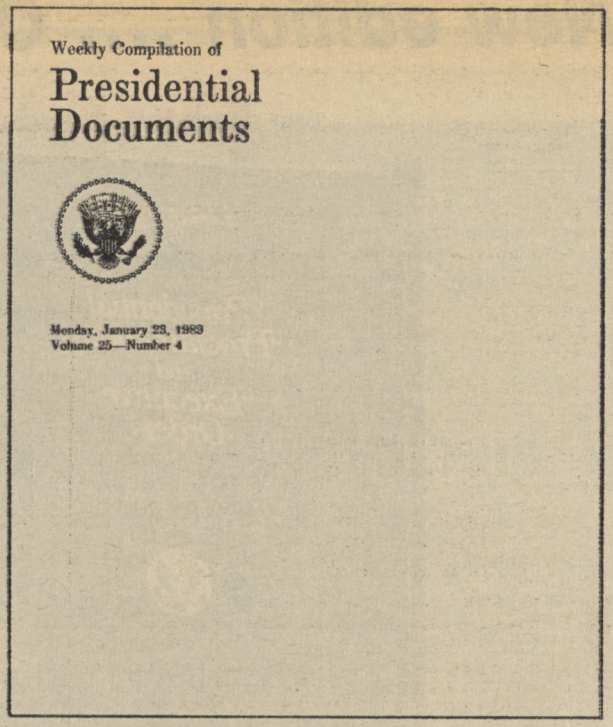
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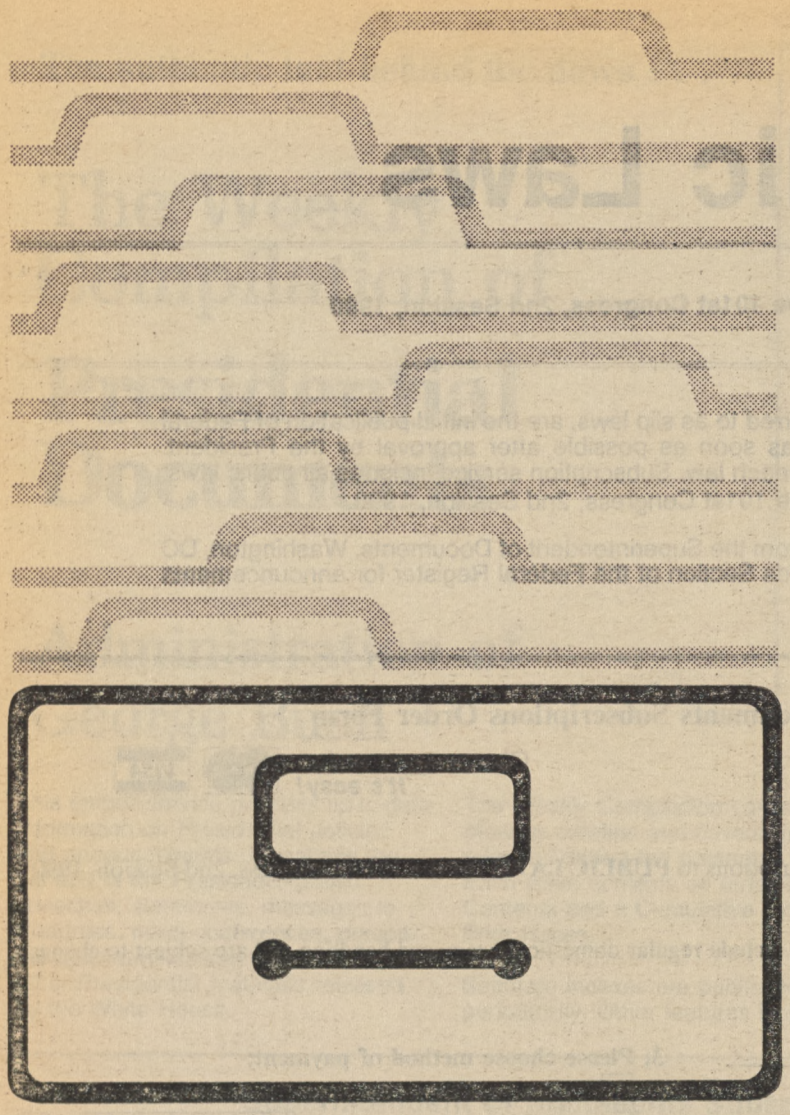
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