11-19-90
Vol. 55 No. 223

federal register

Monday
November 19, 1990

United States
Government
Printing Office
SUPERINTENDENT
OF DOCUMENTS
Washington, DC 20402

SECOND CLASS NEWSPAPER
Postage and Fees Paid
U.S. Government Printing Office
(ISSN 0097-6326)

11-19-90
Vol. 55 No. 223
Pages 48093-48214

federal register

Monday
November 19, 1990

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC, and Atlanta, GA, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** will be furnished by mail to subscribers for $340 per year in paper form; $195 per year in microfiche form; or $37,500 per year for the magnetic tape. Six-month subscriptions are also available at one-half the annual rate. The charge for individual copies in paper or microfiche form is $1.50 for each issue, or $1.50 for each group of pages as actually bound, or $175.00 per magnetic tape. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 55 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	202–783–3238
Magnetic tapes	275–3328
Problems with public subscriptions	275–3054

Single copies/back copies:

Paper or fiche	783–3238
Magnetic tapes	275–3328
Problems with public single copies	275–3050

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	523–5240
Magnetic tapes	275–3328
Problems with Federal agency subscriptions	523–5240

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

THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: November 27, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC.
RESERVATIONS: 202–523–5240

ATLANTA, GA

WHEN: December 12, at 9:00 a.m.
WHERE: Summit Building, 401 W. Peachtree Street, 19th Floor Conference Room, Atlanta, GA.
RESERVATIONS: 1–800–347–1997

Contents

Federal Register

Vol. 55, No. 223

Monday, November 19, 1990

Separate Parts In This Issue

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

CFR PARTS AFFECTED IN THIS ISSUE

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

Federal Register
Vol. 55, No. 223
Monday, November 19, 1990

Presidential Documents

Title 3—

The President

Proclamation 6229 of November 14, 1990

Thanksgiving Day, 1990

By the President of the United States of America

A Proclamation

In the first Presidential Thanksgiving Day proclamation, George Washington observed that "it is the Duty of all Nations to acknowledge the Providence of Almighty God, to obey his Will, to be grateful for his Benefits, and humbly to implore His Protection and Favor." As a people who have long enjoyed unparalleled material prosperity and the priceless blessings of peace and freedom, we Americans cannot fail to fulfill this great, yet joyous, duty. Thus, we pause each year on Thanksgiving Day to express our gratitude for the goodness and generosity of our Creator and to ask His continued protection and guidance in all our endeavors, both as individuals and as a Nation.

The observance of Thanksgiving was a cherished tradition in America long before George Washington called his countrymen "to the service of that great and glorious Being who is the beneficent Author of all the good that was, that is, or that will be." Indeed, we trace the tradition of giving thanks back to some of the earliest settlers in this country—not only the Pilgrims at Plymouth but also early colonists at Jamestown, New Amsterdam, and St. Augustine. With hands clasped in prayer and hearts full of gratitude, these men and women gave public thanks to God for having been sustained through times of hardship and peril.

William Bradford's account of the experience of the settlers at Plymouth Colony is not only a moving description of the trials of emigration to a wilderness but also captures their profound faith and contains a timeless exhortation to succeeding generations:

> Being thus passed the vast ocean . . . they had now no friends to welcome them, nor inns to entertain or refresh their weatherbeaten bodies, no houses or much less towns to repair to. . . . And for the season it was winter, and they that know the winters of that country know them to be sharp and violent. . . . Besides, what could they see but a hideous and desolate wilderness? . . . Neither could they, as it were, go to the top of Pisgah, to view from this wilderness a more goodly country to feed their hopes, for which way soever they turned their eyes (save upwards to the heavens) they could have little solace or content. . . . What could now sustain them but the spirit of God and His grace? They cried to the Lord, and He heard their voice, and looked on their adversity. Let them therefore praise the Lord, because He is good, and His mercies endure for ever.

The historic observance of a day of thanksgiving at Plymouth in 1621 was one of many occasions on which our ancestors paused to acknowledge their dependence on the mercy and favor of Divine Providence. Today, on this Thanksgiving Day, likewise observed during a season of celebration and harvest, we have added cause for rejoicing: the seeds of democratic thought sown on these shores continue to take root around the world. In Central and Eastern Europe, in Latin America, and elsewhere, courageous men and women are beginning to reap the blessings of freedom and self-government. Peoples who once suffered under the heavy yoke of totalitarianism have begun to claim the liberty to which all are heirs.

Our gratitude for the rights and opportunities we enjoy as Americans may be measured by how carefully we use and preserve these gifts, as when we cultivate in our children a love of freedom and an understanding of the responsibilities that freedom demands of us. We tend the precious blossom of

our liberty when we recall the example of our ancestors and strive to ensure that our own lives are firmly rooted in faith. Like our forebears, we must cherish the values and beliefs that are the foundation of strong, loving families and caring communities and recognize the importance of learning and hard work, because these are the wellspring of progress and prosperity.

The great freedom and prosperity with which we have been blessed is cause for rejoicing—and it is equally a responsibility. Indeed, Scripture tells us that much will be asked of those to whom much has been given. Our "errand in the wilderness," begun more than 350 years ago, is not yet complete. Abroad, we are working toward a new partnership of nations. At home, we seek lasting solutions to the problems facing our Nation and pray for a society "with liberty and justice for all," the alleviation of want, and the restoration of hope to all our people.

This Thanksgiving, as we enjoy the company of family and friends, let us gratefully turn our hearts to God, the loving Source of all Life and Liberty. Let us seek His forgiveness for our shortcomings and transgressions and renew our determination to remain a people worthy of His continued favor and protection. Acknowledging our dependence on the Almighty, obeying His Commandments, and reaching out to help those who do not share fully in this Nation's bounty is the most heartfelt and meaningful answer we can give to the timeless appeal of the Psalmist: "O give thanks to the Lord for He is good: for his steadfast love endures forever."

Finally, on this Thanksgiving Day, let us also remember all those Americans abroad who labor to advance the ideals for which this great Nation stands. Whether Peace Corps volunteers or military or diplomatic personnel, these selfless individuals often accept great personal risks and sacrifices to serve our country. Let us remember, in particular, those Americans held hostage and members of the Armed Forces serving in the Persian Gulf region. On this day, let us pray for their well-being and their safe return to the United States. And let us be thankful that such fine men and women are still willing to answer the call of duty to country and to defend the cause of liberty.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby call upon the American people to observe Thursday, November 22, 1990, as a National Day of Thanksgiving and to gather together in homes and places of worship on that day of thanks to affirm by their prayers and their gratitude the many blessings God has bestowed upon us.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, 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.

George Bush

[FR Doc. 90-27338
Filed 11-15-90; 2:32 pm]
Billing code 3195-01-M

Editorial note: For the President's remarks of Nov. 14 on Thanksgiving Day, see the *Weekly Compilation of Presidential Documents* (vol. 26, no. 46).

Presidential Documents

Proclamation 6230 of November 14, 1990

National American Indian Heritage Month, 1990

By the President of the United States of America

A Proclamation

Long before European explorers set foot on the North American continent, this great land had been cultivated and cherished by generations of American Indians. Unbeknownst to their fellowman halfway around the world, these Native peoples had developed rich, thriving cultures, as well as their own systems of social order. They also possessed a wealth of acquired wisdom and skills in hunting, tracking, and farming—knowledge and skills that would one day prove to be invaluable to traders and settlers from Europe.

Today Americans of all ages recognize the many outstanding achievements of this country's original inhabitants and their descendants. Young and old alike know the story of Sacajawea, the Shoshone woman who helped to guide Lewis and Clark on their historic expedition and, in so doing, helped to open the door to the Great West. The giant redwood trees protected in a number of our national parks bear the name of Sequoia, in honor of the great Cherokee leader who taught thousands of Indians to read and write and, in so doing, helped to unite and strengthen the Cherokee Nation. We also recall the achievements of Charles Curtis, the proud descendant of Native Americans who served this country not only as a member of Congress but also as Vice President. However, such celebrated examples constitute only a small portion of the rich, centuries-old heritage of American Indians. Indeed, each of the many tribes that have inhabited this great land boasts a long and fascinating legacy of its own.

Last year, when signing into law the "National Museum of the American Indian Act," I noted that our Nation would be moving forward with a new and deeper understanding of the diverse heritage of Native Americans. Like the many educational and cultural events currently being held across the country in observance of National American Indian Heritage Month, the development of a national museum dedicated to the preservation of American Indian history, art, language, literature, anthropology, and culture will help to enhance public awareness of—and appreciation for—these proud peoples.

During National American Indian Heritage Month, as we celebrate the fascinating history and time-honored traditions of Native Americans, we also look to the future. Our Constitution affirms a special relationship between the Federal Government and Indian tribes and—despite a number of conflicts, inequities, and changes over the years—our unique government-to-government relationship has endured. In recent years, we have strengthened and renewed this relationship. Today we reaffirm our support for increased Indian control over tribal government affairs, and we look forward to still greater economic independence and self-sufficiency for Native Americans.

The Congress, by Public Law 101–343, has designated November 1990 as "National American Indian Heritage Month" and has authorized and requested the President to issue a proclamation in observance of this month.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim November 1990 as National American Indian Heritage Month. I encourage all Americans and their elected representatives at the Federal, State, and local levels to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, 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.

George Bush

[FR Doc. 90-27339
Filed 11-15-90; 2:33 pm
Billing code 3195-01-M

Presidential Documents

Proclamation 6231 of November 14, 1990

National Farm-City Week, 1990

By the President of the United States of America

A Proclamation

For nearly four decades, we Americans have observed National Farm-City Week in honor of this country's farmers and all those who play a role in the production and distribution of U.S. agricultural goods. It is fitting that this week coincides with our annual celebration of Thanksgiving, a time when Americans traditionally give thanks for our many blessings—including our abundant supplies of safe, wholesome, and affordable foodstuffs.

American farmers are the most enterprising and efficient in the world. Constituting less than 2 percent of our population, these men and women feed the other 98 percent—and millions of people around the globe as well. Nowhere else does such a small percentage of a nation's population feed so many.

These hardworking Americans are assisted in their efforts, however, by millions of people in urban areas—by researchers who develop improved methods and technology for farming; by the manufacturers and suppliers of equipment, seeds, and fertilizers; by those who transport and process raw agricultural goods; and by retailers who distribute and sell finished farm products to consumers. Viewed in its broadest sense, agriculture is one of our Nation's largest employers, involving the storage, transportation, processing, distribution, and merchandising of U.S. agricultural products. Millions of Americans earn their living in farming and agriculture-related industries.

The rural and urban ties we celebrate during National Farm-City Week are steadily being strengthened as more and more American farmers begin to supply not only food and fiber but also raw materials for industrial use. These materials include biodegradable plastics, alternative fuels and fuel additives, as well as printing inks and newsprint. The development of these and other products is contributing to the creation of new and diverse agro-industries.

The Americans who work in our Nation's thriving agricultural sector make an invaluable contribution to the well-being of our families and to the economic strength of the entire country. During this special season, as we prepare to share a traditional Thanksgiving dinner with our loved ones, we do well to recognize all those who bring this Nation's agricultural bounty from field to table.

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 the week of November 16 through November 22, 1990, as National Farm-City Week. I call upon all Americans, in rural areas and cities alike, to join in recognizing the accomplishments of our Nation's farmers and of all those who cooperate in producing the abundance of agricultural goods that enrich and strengthen the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of November, 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.

George Bush

[FR Doc. 90-27360
Filed 11-15-90; 4:20 pm]
Billing code 3195-01-M

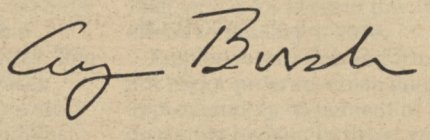
Presidential Documents

Executive Order 12734 of November 14, 1990

National Emergency Construction Authority

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and 3 U.S.C. 301, I declared a national emergency by Executive Order No. 12722, dated August 2, 1990, to deal with the threat to the national security and foreign policy of the United States caused by the invasion of Kuwait by Iraq. To provide additional authority to the Department of Defense to respond to that threat, and in accordance with section 301 of the National Emergencies Act (50 U.S.C. 1631), I hereby order that the emergency construction authority at 10 U.S.C. 2808 is invoked and made available in accordance with its terms to the Secretary of Defense and, at the discretion of the Secretary of Defense, to the Secretaries of the military departments.

This order is effective immediately and shall be transmitted to the Congress and published in the **Federal Register**.



THE WHITE HOUSE,
November 14, 1990.

[FR Doc. 90-27324
Filed 11-15-90; 1:28 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
Vol. 55, No. 223
Monday, November 19, 1990

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

[CS-89-010]

RIN 0581-AA19

Citrus Juices and Certain Citrus Products; Fee Revision for Analyses

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the fee charged by the Department for laboratory analysis of citrus juice and certain other citrus products performed by the newly formed Commodities Scientific Support Division of the Agricultural Marketing Service. The purpose of the fee increase is to recover increased costs of providing such laboratory services. The "Definition" section of the regulations is amended by adding a definition for the Commodities Scientific Support Division (CSSD). The rule also amends the title of the section concerning laboratory testing and analysis to more accurately reflect the types of services provided.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Dr. Craig A. Reed, Commodities Scientific Support Division, Agricultural Marketing Service, U.S. Department of Agriculture, P.O. Box 96456, room 3064 South Building, Washington, DC 20090-6456, Telephone (202) 447-5231.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 10, 1990 (55 FR 13280), the Agricultural Marketing Service published a proposed rule to revise fees for laboratory analysis of citrus juice and certain other citrus products. This rule makes final the provision of the proposed rule without change. No comments were received concerning the proposal.

This rule has been reviewed under Executive Order 12291 and Department Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices to consumers, individual industries, Federal, State or local government agencies, or geographic regions. It will not result in significant adverse effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a rule on small entities. The Administrator, Agricultural Marketing Service (AMS), has determined that this action will not have a significant economic impact on a substantial number of small entities. The rule reflects only those fee increases needed to recover the cost of laboratory services provided by the Commodities Scientific Support Division (CSSD) in the analysis of citrus juice and certain other citrus products. CSSD was established on January 15, 1989, by the AMS Administrator to consolidate the analytical laboratory testing services of AMS under one Division. Furthermore, the use of these services is voluntary.

This action reflects a fee increase needed to recover the cost of services rendered in accordance with the Agricultural Marketing Act of 1946 (AMA). The AMA authorizes voluntary official inspection, grading, and certification, on a user fee basis, of processed food products, including processed fruits, vegetables, and processed products made from these. The AMA provides that reasonable fees be collected from users of the program services to cover, as nearly as practicable, the cost of services rendered.

Laboratory analyses by AMS of citrus juice and other citrus products are currently being done only in Florida. Such products produced in Florida are required to meet certain standards through laboratory analyses in order to satisfy the Florida Citrus Code. This rule would amend § 52.47 of the regulations by increasing fees to be paid to AMS for laboratory services rendered by CSSD to the Florida citrus industry to reflect the costs currently associated with the program. The title of the section is also amended by inserting the word "microbiological" in lieu of "micro". In addition § 52.2, "Definitions", amended by adding a definition of the term "Commodities Scientific Support Division."

AMS regularly reviews its programs to determine if fees are adequate to cover costs. Since the last fee change effective June 5, 1986, (51 FR 20437), program operating costs have increased. Major contributing factors have been increased costs for reagents and instrumentation required for the more complex analyses performed by CSSD. There have also been four salary increases for Federal employees—a 3 percent pay increase effective January 1, 1987, a 2 percent pay increase effective January 1, 1988, a 4.1 percent pay increase effective January 1, 1989, and a 3.6 percent pay increase effective January 1, 1990.

Employee salaries and fringe benefits are major program costs that account for approximately 85 percent of the total operating budget. In fiscal year 1990, the following increases in program operating expenses were incurred: (1) A Government-wide salary increase of 3.6 percent effective January 1, 1990; (2) a 28.3 percent increase in the Agency's contribution to the Federal Employees Health Benefits Program (applicable to all Government agencies) effective January 1, 1990; (3) a 10 percent Government-wide increase in travel entitlements effective in October 1988; and (4) an inflationary cost increase of 4.0 percent for fiscal year 1990 (this includes increased instrument and reagent costs). The Agency has determined that due to the aforementioned increases in program operating costs, citrus juice and citrus product laboratory testing programs performed by CSSD will incur more than a $113,000 loss in fiscal year 1991 if the hourly laboratory fee is not raised. Based on the Agency's analysis of increased costs since 1986, it is determined that in order to cover the cost of services rendered, the fees charged for microbiological, chemical, and certain other special laboratory analyses performed by the CSSD on citrus juice and certain other citrus products are increased from $25 per

hour to $29 per hour. The current $25 per hour fee for other services charged in accordance with § 52.47 is not changed by this action. Accordingly, a new paragraph (b) is added to § 52.47 to reflect the proposed fee increase, and the current paragraph in § 52.47 is designated as paragraph (a) with conforming changes made for clarity.

List of Subjects in 7 CFR Part 52

Food grades and standards, Food labeling, Frozen foods, Fruit juices, Fruits, Reporting and recordkeeping requirements, Vegetables.

For the reasons set out in the preamble, 7 CFR part 52 is amended as follows:

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

1. The authority citation for 7 CFR part 52 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended: (7 U.S.C. 1622, 1624).

2. Section 52.2 is amended by adding a definition in alphabetical order to read as follows:

§ 52.2 Terms defined.

* * * * *

Commodities Scientific Support Division (CSSD). A Division of the Agricultural marketing Service (AMS) which performs analytical laboratory testing services for AMS.

* * * * *

3. Section 52.47 is revised to read as follows:

§ 52.47 Fees to be charged for microbiological, chemical and certain other special analyses.

(a) Unless otherwise provided in paragraph (b) of this section, fees charged for micro, chemical and certain other special analyses made at the request of the applicant, or because of additional specification requirements, and other applicable services, shall be at the rate of $25.00 per hour. Other applicable services include, but are not restricted to, grading unofficial samples, providing copies of score sheets and additional copies of certificates.

(b) Fees charged for microbiological, chemical and certain other special laboratory analyses performed by Commodities Scientific Support Division on citrus juice and certain other citrus products, requested by the applicant, or because of additional specification requirements and other applicable services, shall be at the rate of $29 per hour. Other applicable services include, but are not restricted to, analyzing unofficial samples, and providing original and additional copies of certificates.

Done at Washington, DC, November 14, 1990.

Daniel D. Haley,
Administrator.

[FR Doc. 90-27207 Filed 11-16-90; 8:45 am]
BILLING CODE 3410-02-M

---

7 CFR Part 907

[Navel Orange Regulation 713]

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from November 16 through November 22, 1990. Consistent with program objectives, such action is needed to establish and maintain orderly marketing conditions for fresh California-Arizona navel oranges for the specified week. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

EFFECTIVE DATE: Regulation 713 (7 CFR part 907) is effective for the period from November 16 through November 22, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2523-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 447-8139.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 907 (7 CFR part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed by the U.S. Department of Agriculture (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 the use of volume regulations on small entities as well as larger ones.

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

There are approximately 130 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,070 navel orange producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented 89 percent of the total production in 1989-90. District 2 is located in the southern coastal area of California and represented 9 percent of 1989-90 production; District 3 is the desert area of California and Arizona, and it represented slightly less than 1 percent; and District 4, which represented slightly less than 1 percent, is northern California. The Committee's estimate of 1990-91 production is 79,350 cars (one car equals 1,000 cartons at 37.5 pounds net weight each), as compared with 89,000 cars during the 1989-90 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic fresh (regulated) market is a preferred market for California-Arizona navel oranges while the export market continues to grow. The

Committee estimates that about 65 percent of the 1990–91 crop of 79,350 cars will be utilized in fresh domestic channels (51,250 cars), with the remainder being exported fresh (12 percent), processed (21 percent), or designated for other uses (2 percent). This compares with the 1989–90 total of 54,000 cars shipped to fresh domestic markets, about 61 percent of that year's crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to producers. Producers benefit from increased returns and improve market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

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

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

Major reasons for the use of volume regulations under this marketing order are to foster market stability and enhance producer revenue. Prices for navel oranges tend to be relatively inelastic at the producer level. Thus, even a small variation in shipments can have a great impact on prices and producer revenue. Under these circumstances, strong arguments can be advanced as to the benefits of regulation to producers, particularly smaller producers.

The Committee adopted its marketing policy for the 1990–91 season on July 10, 1990. The Committee revised its marketing policy at district meetings as follows: (1) Districts 1 and 4 on September 25, 1990, in Visalia, California; (2) District 3 on October 2, 1990, in Tempe, Arizona; and (3) District 2 on October 9, 1990, in Redlands, California. The marketing policy discussed, among other things, the potential use of volume and size regulations for the ensuing season. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Pello. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on November 13, 1990, in Bakersfield, California, to consider the current and prospective conditions of supply and demand and recommended, with nine members voting in favor, one opposing, and one abstaining, that 1,513,008 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, and weather and transportation conditions.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1990–91 marketing policy. The recommended amount of 1,513,008 cartons represents all requests for early maturity allotments made by handlers and compares to the 1,500,000 cartons specified for all districts in the Committee's October 9 revised shipping schedule. Of the 1,513,008 cartons, 1,423,507 cartons are allotted for District 1 and 89,501 cartons are allotted for District 3. Handlers in Districts 2 and 4 made no requests for early maturity allotment and have not yet begun to ship.

During the week ending on November 8, 1990, shipment of navel oranges to fresh domestic markets, including Canada, totaled 735,000 cartons compared with 1,060,000 cartons shipped during the week ending on November 9, 1989. Export shipments totaled 46,000 cartons compared with 242,000 cartons shipped during the week ending on November 9, 1989. Processing and other uses accounted for 116,000 cartons compared with 365,000 cartons shipped during the week ending on November 9, 1989.

Fresh domestic shipments to date this season total 1,134,000 cartons compared with 2,231,000 cartons shipped by this time last season. Export shipments total 51,000 cartons compared with 370,000 cartons shipped by this time last season. Processing and other use shipments total 223,000 cartons compared with 692,000 cartons shipped by this time last season.

The average f.o.b. shipping point price for the week ending on November 8, 1990, was $10.20 per carton based on a reported sales volume of 436,000 cartons compared with last week's average of $9.99 per carton on a reported sales volume of 201,000 cartons. The season average f.o.b. shipping point price to date is $10.14 per carton. The average f.o.b. shipping point prices for the week ending on November 9, 1989, was $9.23 per carton; the season average f.o.b. shipping point price at this time last year was $9.56.

At the meeting, several Committee members reported that maturity of the navel crop is variable throughout the producing districts and that, depending on how maturity progresses, a large amount of mature fruit could be available for shipment during the upcoming week. Committee members discussed the pros and cons of implementing volume regulation at this time. One Committee member favored open movement while the majority of Committee members favored the issuance of early maturity allotment, indicating that such action would help alleviate the potential risk of disorderly marketing conditions should maturity progress as anticipated.

According to the National Agricultural Statistics Service, the 1989–90 season average fresh equivalent on-tree price for California-Arizona navel oranges was $4.05 per carton, 64 percent of the season average parity equivalent price of $6.34 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1990–91 season average fresh on-tree price is estimated at $4.33 per carton, about 66 percent of the estimated fresh on-tree parity equivalent price of $6.56 per carton. It is currently estimated that there is a less than one percent probability that the 1990–91 season average fresh on-tree price will exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of navel oranges that may be shipped during the period from November 16 through November 22, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has

determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

A proposed rule regarding the implementation of volume regulation and a proposed shipping schedule for California-Arizona navel oranges for the 1990–91 season was published in the Sepetember 6, 1990, issue of the **Federal Register** (55FR 36653). That rule provided interested persons the opportunity to comment until October 9, 1990, on the need for regulation during the 1990–91 season, the proposed shipping schedule, and other factors relevant to the implementation of such regulations.

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

In addition, market information needed for the formulation of the basis for this action was not available until November 13, 1990, and this act action needs to be effective for the regulatory week which begins on November 16, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provison effective as specified.

List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

1. The authority citation for 7 CFR part 907 continues to read as follows:

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

2. Section 907.1013 is added to read as follows:

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

§ 907.1013 Navel orange regulation 713.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from November 16 through November 22, 1990, is established as follows:
(a) District 1: 1,423,507 cartons;
(b) District 2: unlimited cartons;
(c) District 3: 89,501 cartons;
(d) District 4: unlimited cartons;

Dated: November 15, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–27311 Filed 11–16–90; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 910

[Lemon Regulation 744]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona lemons that may be shipped to domestic markets during the period from November 18 through November 24, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh lemons with the demand for such lemons during the period specified. This action was recommended by the Lemon Administrative Committee (Committee), which is responsible for local administration of the lemon marketing order.

EFFECTIVE DATE: Regulation 744 [7 CFR part 910] is effective for the period from November 18 through November 24, 1990.

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

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

This final rule has been reviewed by the Department in accordance with Departmental Regulation 1521–1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

There are approximately 70 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,000 lemon producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.601] as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of handlers and producers of California-Arizona lemons may be classified as small entities.

The California-Arizona lemon industry is characterized by a large number of growers located over a wide area. The Committee's estimate of the1990–91 production is 42,140 cars (one car equals 1,000 cartons at 38 pounds net weight each), compared to 37,881 cars during the 1989–90 season. The production area is divided into three districts which span California and Arizona. The Committee estimates District 1, central California, 1990–91 production at 6,600 cars compared to the 4,158 cars produced in 1989–90. In District 2, southern California, the crop is expected to be 24,700 cars compared to the 24,292 cars produced last year. In District 3, the California desert and Arizona, the Committee estimates a production of 10,840 cars compared to the 9,436 cars produced last year. According to the National Agricultural Statistics Service, 1990–91 lemon production is expected to total 40,200 cars, 8 percent above the 1989–90 season and 1 percent more than the crop utilized in 1988–89.

The three basic outlets for California-Arizona lemons are the domestic fresh,

export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona lemons. Based on its crop estimate of 42,140 cars, the Committee estimates that about 42.5 percent of the 1990–91 crop will be utilized in fresh domestic channels (17,900 cars), compared with the 1989–90 total of 16,600 cars, about 44 percent of the total production of 37,881 cars in 1989–90. Fresh exports are projected at 20.1 percent of the total 1990–91 crop utilization compared with 22 percent in 1989–90. Processed and other uses would account for the residual 37.4 percent compared with 34 percent of the 1989–90 crop.

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

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

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

The Committee submitted its marketing policy for the 1990–91 season to the Department on June 19. The marketing policy discussed, among other things, the potential use of volume and size regulations for the ensuing season. The Committee considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Rodriguez. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate.

The Committee met publicly on November 13, 1990, in Newhall, California, to consider the current and prospective conditions of supply and demand and unanimously recommended that 268,000 cartons is the quantity of lemons deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations were compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, the preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

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

During the week ending on November 10, 1990, shipments of lemons to fresh domestic markets, including Canada, totaled 316,000 cartons compared with 301,000 cartons shipped during the week ending on November 11, 1989. Export shipments totaled 166,000 cartons compared with 159,000 cartons shipped during the week ending on November 11, 1989. Processing and other uses accounted for 344,000 cartons compared with 273,000 cartons shipped during the week ending on November 11, 1989.

Fresh domestic shipments to date for the 1990–91 season total 4,599,000 cartons compared with 4,378,000 cartons shipped by this time during the 1989–90 season. Export shipments total 2,222,000 cartons compared with 2,363,000 cartons shipped by this time during 1989–90. Processing and other use shipments total 3,880,000 cartons compared with 3,508,000 cartons shipped by this time during 1989–90.

For the week ending on November 10, 1990, regulated shipments of lemons to the fresh domestic market were 316,000 cartons on an adjusted allotment of 364,000 cartons which resulted in net undershipments of 48,000 cartons. Regulated shipments for the current week (November 11 through November 17, 1990) are estimated at 270,000 cartons on an adjusted allotment of 276,000 cartons. Thus, undershipments of 6,000 cartons could be carried over into the week ending on November 24, 1990.

The average f.o.b. shipping point price for the week ending on November 10, 1990, was $10.03 per carton based on a reported sales volume of 313,000 cartons compared with last week's average of $10.98 per carton on a reported sales volume of 302,000 cartons. The 1990–91 season average f.o.b. shipping point price to date is $12.79 per carton. The average f.o.b. shipping point price for the week ending on November 11, 1989, was $13.28 per carton; the season average f.o.b. shipping point price at this time during 1989–90 was $14.45 per carton.

The Department's Market News Service reported that, as of November 13, the demand for lemons is "fairly good" and the market for lemons is "steady." At the meeting, several Committee members indicated that the market had stabilized somewhat. One Committee member indicated that the market had improved from the prior week. Several members cautioned against increasing supplies too rapidly, whereas other members cautioned against unduly restricting supplies.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the California-Arizona 1990–91 season average fresh on-tree price is estimated at $8.83 per carton, 106 percent of the projected season average fresh on-tree parity equivalent price of $8.35 per carton. The California-Arizona 1989–90 season average fresh on-tree price is estimated at $9.02, 121 percent of the projected season average fresh on-tree parity equivalent price of $7.47 per carton.

Limiting the quantity of lemons that may be shipped during the period from November 18 through November 24, 1990, would be consistent with the provisions of the marketing order by tending to establish and maintain, in the interest of producers and consumers, an orderly, flow of lemons to market.

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

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

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

to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until November 13, 1990, and this action needs to be effective for the regulatory week which begins on November 18, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, and Reporting and recordkeeping requirements.

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

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

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

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

2. Section 910.1044 is added to read as follows:

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

§ 910.1044 Lemon Regulation 744.

The quantity of lemons grown in California and Arizona which may be handled during the period from November 18 through November 24, 1990, is established at 268,000 cartons.

Dated: November 14, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90–27296 Filed 11–16–90; 8:45 am]

BILLING CODE 3410–02–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 121

Small Business Size Standards

AGENCY: Small Business Administration.

ACTION: Statement of General Policy SBA Size Policy Statement No. 2.

SUMMARY: The Small Business Administration (SBA) is issuing this notice to explain its intended application of a recent revision to its size regulations. On December 21, 1989, SBA published a final rule governing its size standards regulation which, among other amendments, required, with certain exceptions, all small businesses whose size status is determined pursuant to annual receipts to restate their books of account to the accrual method of accounting. 13 CFR 121.402. This notice will explain the procedures SBA will follow in effecting this revision.

FOR FURTHER INFORMATION CONTACT: Catherine B. Thomas, Size Determinations Program Manager, (202) 653–6588.

SUPPLEMENTARY INFORMATION: The Small Business Administration (SBA) hereby gives notice of its intended application and interpretation of the method of determining annual receipts found at 13 CFR 121.402(d)(1). Size regulations were promulgated by the Agency substantially revising many of the provisions of Part 121 and reorganizing the numbering of paragraphs. These regulations appeared in the **Federal Register** on December 21, 1989, at 54 FR 52643 *et seq.* The particular paragraph in question relative to this size policy statement contains a proviso that ". . . revenues shown on the regular books of account or the Federal Income Tax return on a basis other than accrual is restated to show revenue on an accrual basis." This requirement for restatement of revenue to reflect an accrual basis of accounting is a change from earlier regulations which permitted revenues to be measured as entered on the regular books of account whether on a cash, accrual or other basis of accounting. See 13 CFR 121.2(c)(1)(1988). In making this change to a requirement for a uniform method of accounting that would apply to all firms, SBA desired to achieve a more fair and consistent manner of establishing the size of various concerns. The Agency became aware that the method of accounting elected could cause firms of differing economic strengths to be unfairly considered as possessing equivalent economic strengths for purposes of size. Further, SBA discovered that concerns of equivalent economic strength could demonstrate different levels of annual receipts depending upon which accounting method was elected by the firm for size determination purposes.

SBA continues to believe that a uniform system of accounting is appropriate when firms need to consider whether or not they are small for purposes of availing themselves of small business programs, and for SBA's purposes of performing formal size determinations. However, in the application and interpretation of the regulation, a question has arisen which requires clarification. The question is whether firms are required to restate their revenues for the years prior to the fiscal year beginning in 1990 to the accrual method of accounting before determining whether they are small. The answer is no.

SBA measures the annual receipts of a firm based on revenues which is has received for the firm's last three completed fiscal years. § 121.402(c). This three year average period of measurement has not changed with the regulations that were published on December 21, 1989. Because of the new requirement for restatement, however, small firms which employed the cash method of accounting prior to 1990, will begin in 1990 to have their books of account kept and annual statements prepared based on an accrual method of accounting for purposes of establishing their size status.For example, a firm whose fiscal year ends on May 31, 1990 would be expected to reflect its revenues based on an accrual method for the year beginning June 1, 1990, but may have revenues shown on a cash basis of accounting for the two prior years of May 31, 1990 and May 31, 1989. This would give rise to a size determination based on a "mixed" accounting system over the applicable three year period of time, unless the earlier two years are restated to accrual. This potential for mixed accounting periods will continue until the completion of any fiscal year beginning on or before December 31, 1992. To require the restatement of earlier fiscal years would require small firms to undergo the expense of new accounting statements, and, more significantly, would cause many small firms who had planned their growth and development with SBA's size standards in mind to suddenly find that, because of the new requirement for restatement of its revenues received up to two years ago, they have now become large businesses. In general, a firm with an expanding business and growing revenues need not realize those revenues for tax purposes or SBA size purposes as soon if it follows a cash method of accounting rather than an accrual method of accounting. There are many small businesses which have been close to the size standard for their industry and which legitimately have incorporated their size status into their business planning strategy based upon an expectation that the cash method of accounting would continue to apply as to fiscal years already completed.

SBA's regulations do not explicitly address revenue shown on the books of

account of a concern for its *prior* years. As a matter of application and interpretation, the Agency gives notice that prior years of revenue need not be restated. Beginning with the effective date of the regulations, January 1, 1990, firms are required to reflect their revenues on an accrual basis for the fiscal year which begins in 1990 and for all subsequent fiscal years, but such firms are not required to recalculate their revenues for fiscal years ending in 1990 and 1989.

Thus, SBA will permit a three year period of revenues for size purposes which includes cash-based revenues for fiscal years ending in 1990 or 1989 if that was the method of accounting already employed by the firm for its fiscal years ending in those years. Firms who have used an accrual method of accounting during 1990 and 1989 may not elect to restate their receipts to a cash method of accounting, since SBA's new restatement requirement does not affect such firms. Concerns who have followed the cash method of accounting in their fiscal years ending in 1990 and 1989 may elect to restate such revenues to reflect an accrual method of accounting.

Dated: November 13, 1990.

Susan Engeleiter,

Administrator.

[FR Doc. 90-27204 Filed 11-14-90; 2:21 pm]

BILLING CODE 8025-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 133

[Docket No. 88N-0437]

Cheeses; Amendment of Standards of Identity To Permit Use of Antimycotics on the Exterior of Certain Bulk Cheeses During Curing and Aging; 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 for the final rule that amended the standards of identity for edam cheese (and, by cross-reference, gouda cheese), swiss and emmentaler cheese, and swiss cheese for manufacturing to permit the use of antimycotics on the exterior of those bulk cheeses during curing and aging and on the exterior of the cheese for manufacturing.

EFFECTIVE DATE: April 30, 1990, for all products initially introduced or initially delivered for introduction into interstate commerce on or after this date.

FOR FURTHER INFORMATION CONTACT: James F. Lin, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0122.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 27, 1990 (55 FR 6794), FDA issued a final rule to amend the standards of identity for edam cheese (21 CFR 133.138), (and by cross-reference, gouda cheese (21 CFR 133.142)), swiss and emmentaler cheese (21 CFR 133.195), and swiss cheese for manufacturing (21 CFR 133.196) to permit the use of antimycotics on the exterior of these bulk cheeses during curing and aging and on the exterior of the cheese for manufacturing. These standards of identity already permit antimycotics to be applied to the surface of slices or cuts of these cheeses in consumer-size packages.

The final rule provided that any person who would be adversely affected by the regulation could at any time, on or before March 29, 1990, file written objections and request a hearing on the specific provisions to which there were objections. No objections or requests for a hearing were received in response to the final regulation.

List of Subjects in 21 CFR Part 133

Cheese, Food grades and standards.

PART 133—CHEESE AND RELATED CHEESE PRODUCTS

Therefore, under sections 201, 401, 403, 409, 701, and 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 343, 348, 371, 376) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Food and Safety and Applied Nutrition (21 CFR 5.62), notice is given that no objections were received and that the final regulation amending the standards of identity for edam cheese (21 CFR 133.138), (and by cross-reference, gouda cheese (21 CFR 133.142)), swiss and emmentaler cheese (21 CFR 133.195), and swiss cheese for manufacturing (21 CFR 133.196) as promulgated in the **Federal Register** of February 27, 1990 (55 FR 6794), became effective April 30, 1990.

Dated: November 8, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27177 Filed 11-16-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8318]

RIN 1545-AO38

Limitations on Passive Activity Losses and Credits; Developer Rule Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Amendments of temporary regulations.

SUMMARY: This document amends the temporary regulations relating to the limitations on passive activity losses and passive activity credits. The amendments clarify the treatment of lease-up services under the net income recharacterization rule for certain property the rental of which is incidental to development activity. The text of the temporary regulations also serves as the text of the proposed regulations for the notice of proposed rulemaking on this subject. The notice of proposed rulemaking appears in the Proposed Rules section of this issue of the **Federal Register**.

EFFECTIVE DATE: These amendments of the regulations are effective for taxable years beginning after December 31, 1987.

FOR FURTHER INFORMATION CONTACT: Dexter A. Johnson at 202-566-4751 (not a toll-free number), or at Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, room 4429, Washington, DC 20044 (Attn: CC:CORP:T:R (PS-071-89)).

SUPPLEMENTARY INFORMATION:

Background

Section 1.469-2T(f)(5) reduces a taxpayer's passive activity gross income by the net income and gain from certain rental property. This rule applies to certain property that is not used in an activity involving the rental of the property for a period of at least 12 months between its development and its disposition. A taxpayer is subject to the rule if the taxpayer materially or significantly participated for any taxable year in an activity that involved for that year the performance of services for the purpose of enhancing the property's value.

Section 1.469-2T(f)(5)(ii) provides that the use of property in an activity involving its rental begins when the performance of value-enhancing services is complete and substantially all of the property is first held out for

rent and is in a state of readiness for rental. Under § 1.469–2T(f)(5)(iii)(C), services performed for the purpose of enhancing the value of property include "lease-up" (*e.g.*, the solicitation of tenants) if, as of the time the taxpayer acquires an interest in the property, a substantial portion of the property is not leased. Numerous commentators have asked when lease-up is complete for purposes of commencing the 12-month rental period preceding a disposition of property. Commentators have also asked for guidance on when a substantial portion of property is not leased.

Treatment of Lease-up Clarified

These amendments of the regulations clarify that lease-up is treated as a value-enhancing service under § 1.469–2T(f)(5) unless more than 50 percent of the property is leased when the taxpayer acquires an interest in the property. The Internal Revenue Service has determined that this objective test will help taxpayers determine whether lease-up is a value-enhancing service in any given case.

Although lease-up may be treated as a value-enhancing service under the net income recharacterization rule in § 1.469–2T(f)(5), the Service believes that the commencement of the 12-month rental period should not be delayed until lease-up has been completed. Accordingly, these amendments of the regulations clarify that property is used in an activity involving its rental beginning on the first date on which (1) The taxpayer owns an interest in the item of property, (2) substantially all of the property is rented (or is held out for rent and is in a state of readiness for rental), and (3) no significant value-enhancing services (within the meaning of § 1.469–2T(f)(5)(ii)(B)) remain to be performed. Under § 1.469–2T(f)(5)(ii)(B), significant value-enhancing services excludes lease-up.

These amendments of the regulations apply as if they had been included in § 1.469–2T(f)(5) as promulgated in Treasury Decision 8175, 53 FR 5686, February 25, 1988, and as amended by Treasury Decision 8253, 54 FR 20527, May 12, 1989. Under § 1.469–11T(a)(2), § 1.469–2T(f)(5) applies for taxable years beginning after December 31, 1987.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these regulations is Dexter A. Johnson, Office of the Assistant Chief Counsel (Passthroughs and Special Industries), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR 1.441–2 Through 1.483–2

Accounting, Deferred compensation plans, Income taxes.

Adoption of Amendments to the Regulations

Accordingly, title 26, chapter 1, part 1 of the Code of Federal Regulations is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority for part 1 continues to read in part:

Authority: 26 U.S.C. 7805. * * * §§ 1.469–1T, 1.469–2T, 1.469–3T, 1.469–5T, and 1.469–11T also issued under 26 U.S.C. 469(1).

Par. 2. Section 1.469–2T is amended as follows:

Paragraphs (f)(5)(i)(B), (f)(5)(ii), (f)(5)(iii)(C), and (f)(5)(iv) are revised to read as set forth below.

§ 1.469–2T Passive activity loss (temporary).

* * * * *

(f) *Recharacterization of passive income in certain situations.* * * *

(5) *Net income from certain property rented incidental to development activity*—(i) * * *

(B) The taxpayer's use of the item of property in an activity involving the rental of the property commenced less than 12 months before the date of the disposition (within the meaning of paragraph (c)(2)(iii)(B) of this section) of such property; and

* * * * *

(ii) *Commencement of use*—(A) *In general.* For purposes of paragraph (f)(5)(i)(B) of this section, a taxpayer's use of an item of property in an activity involving the rental of the property commences on the first date on rental of the property commences on the first date on which—

(*1*) The taxpayer owns an interest in the item of property;

(*2*) Substantially all of the property is rented (or is held out for rent and is in a state of readiness for rental); and

(*3*) No significant value-enhancing services (within the meaning of paragraph (f)(5)(ii)(B) of this section) remain to be performed.

(B) *Value-enhancing services.* For purposes of this paragraph (f)(5)(ii), the term "value-enhancing services" means the services described in paragraphs (f)(5)(i)(C) and (iii) of this section, except that the term does not include lease-up. Thus, in cases in which this paragraph (f)(5) applies solely because substantial lease-up remains to be performed (*see* paragraph (f)(5)(iii)(C) of this section), the twelve month period described in paragraph (f)(5)(i)(B) of this section will begin when the taxpayer acquires an interest in the property if substantially all of the property is held out for rent and is in a state of readiness for rental on that date.

(iii) * * *

(C) Lease-up (unless more than 50 percent of the property is leased on the date that the taxpayer acquires an interest in the property).

(iv) *Examples.* The following examples illustrate the application of this paragraph (f)(5):

Example (1). (i) A, a calendar year individual, is a partner in calendar year partnership P, which develops real estate. In 1988, P acquires an interest in undeveloped land and arranges for the financing and construction of an office building on the land. Construction is completed in February 1990, and substantially all of the building is either rented or held out for rent and in a state of readiness for rental beginning on March 1, 1990. Twenty percent of the building is leased as of March 1, 1990.

(ii) P rents the building (or holds it out for rent) for the remainder of 1990 and all of 1991, and sells the building on February 1, 1992, pursuant to a contract entered into on January 15, 1991. P did not hold the building (or any other buildings) for sale to customers in the ordinary course of P's trade or business (*see* paragraph (c)(2)(v) of this section). A's distributive share of P's taxable losses from the rental of the building is $50,000 for 1990 and $30,000 for 1991. All of A's losses from the rental of the building are disallowed under § 1.469–1T(a)(1)(i) (relating to the disallowance of the passive activity loss for the taxable year). A's distributive share of P's gain from the sale of the building is $150,000. A has no other gross income or deductions from the activity of renting the building.

(iii) The real estate development activity that A holds through P involves in 1988, 1989, and 1990 the performance of services (*e.g.*, construction) for the purpose of enhancing the value of the building. Accordingly, an amount equal to A's net rental activity income from the building may be treated as gross income that is not from a passive activity if A's use of the building in an

activity involving the rental of the building commenced less than 12 months before the date of the disposition of the building. In this case, the date of the disposition of the building is January 15, 1991, the date of the binding contract for its sale.

(iv) A taxpayer's use of an item of property in an activity involving the rental of the property commences on the first date on which (A) The taxpayer owns an interest in the item of property, (B) substantially all of the property is rented (or is held out for rent and is in a state of readiness for rental), and (C) no significant value-enhancing services (within the meaning of paragraph (f)(5)(ii)(B) of this section) remain to be performed. In this case, A's use of the building in an activity involving the rental of the building commenced on March 1, 1990, less than 12 months before January 15, 1991, the date of disposition. Accordingly, if A materially (or significantly) participated in the real estate development activity in 1988, 1989, or 1990 (without regard to whether A materially participated in the activity in more than one of those years), an amount of A's gross rental activity income from the building for 1992 equal to A's net rental activity income from the building for 1992 is treated under this paragraph (f)(5) as gross income that is not from a passive activity. Under paragraph (f)(9)(iv) of this section, A's net rental activity income from the building for 1992 is $70,000 ($150,000 distributive share of gain from the disposition of the building minus $80,000 of reasonably allocable passive activity deductions).

Example 2. (i) X, a calendar-year taxpayer subject to section 469, acquires a building on February 1, 1992, when the building is 25 percent leased. During 1992, X rents the building (or holds it out for rent) and materially participates in an activity that involves the lease-up of the building. X's activities do not otherwise involve the performance of construction or other services for the purpose of enhancing the value of the building, and X does not hold the building (or any other building) for sale to customers in the ordinary course of X's trade or business. X sells the building on December 1, 1992.

(ii) Under paragraph (f)(5)(iii)(C) of this section, lease-up is considered a service performed for the purpose of enhancing the value of property unless more than 50 percent of the property is leased on the date the taxpayer acquires an interest in the property. Under paragraph (f)(5)(ii)(B) of this section, however, lease-up is not considered a value-enhancing service for purposes of determining when the taxpayer commences using an item of property in an activity involving the rental of the property. Accordingly, X's acquisition of the building constitutes a commencement of X's use of the building in a rental activity, because February 1, 1992 is the first date on which (A) The taxpayer owns an interest in the item of property, (B) substantially all of the property is held out for rent, and (C) no significant value-enhancing services (within the meaning of paragraph (f)(5)(ii)(B) of this section) remain to be performed. In this case, X disposes of the property within 12 months of the date X commenced using the building in a rental activity. Accordingly, an amount of X's gross rental activity income for 1992 equal to X's net rental activity income from the building for 1992 is treated under this paragraph (f)(5) as gain that is not from a passive activity.

Example 3. The facts are the same as in example (2) except that at the time X acquires the building it is 60 percent leased. Under paragraph (f)(5)(iii)(C) of this section, lease-up is not considered a service performed for the purpose of enhancing the value of property if more than 50 percent of the property is leased on the date the taxpayer acquires an interest in the property. Therefore, additional lease-up performed by X is not taken into account under this paragraph (f)(5). Since X's activities do not otherwise involve the performance of services for the purpose of enhancing the value of the building, none of X's gross rental activity income from the building will be treated as income that is not from a passive activity under this paragraph (f)(5).

* * * * *

There is need for immediate guidance with respect to the provisions contained in this Treasury decision. For this reason, it is impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

Approved: October 30, 1990.

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 90-27122 Filed 11-16-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 91046-0006]

Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of closure to directed fishing in the Aleutian Islands subarea; request for comments.

SUMMARY: The Secretary of Commerce is establishing a directed fishing allowance for pollock in the Aleutian Islands subarea and is prohibiting further directed fishing for pollock by vessels fishing in that area from 12 noon, Alaska local time (A.l.t.), November 14, 1990, through December 31, 1990. This action is necessary to prevent the total allowable catch (TAC) for pollock in the Aleutian Islands subarea from being exceeded before the end of the year. The intent of this action is to ensure optimum use of groundfish while conserving pollock stocks.

DATES: Effective from noon, A.l.t., November 14, 1990, through midnight, A.l.t., December 31, 1990.

Comments are invited on or before November 29, 1990.

ADDRESSES: Comments should be mailed to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802, or be delivered to Federal Building Annex, suite 6, 9109 Mendenhall Mall Road, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Patsy A. Bearden, Resource Management Specialist, NMFS, 907-586-7229.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Bering Sea/Aleutian Islands Groundfish (FMP) governs the groundfish fishery in the exclusive economic zone within the Bering Sea and Aleutian Islands (BSAI) Management Area under the Magnuson Fishery Conservation and Management Act. The FMP was developed by the North Pacific Fishery Management Council and is implemented by regulations at 50 CFR 611.93 and part 675.

Section 675.20(a)(1) of the implementing regulations establishes an optimum yield (OY) range of 1.4 to 2.0 million metric tons (mt) for all groundfish species in the BSAI Management Area. The TACs for target species and the "other species" category are specified annually within the OY range and apportioned by subarea under § 675.20(a)(2).

The 1990 initial TAC specified for pollock in the Aleutian Islands subarea is 85,000 mt, all of which was apportioned to DAP (55 FR 1434, January 16, 1990). By earlier notices, the Secretary prohibited any further DAP directed fishing for pollock and Pacific cod in the aggregate with trawl gear other than pelagic trawl gear in the entire BSAI area when the secondary prohibited species catch allowance of Pacific halibut (3,966 mt) was reached (55 FR 27643, July 5, 1990; 55 FR 33715, August 17, 1990). Currently, the Regional Director is establishing a directed fishing allowance for all gear of 82,000 mt for pollock in the Aleutian Islands subarea. The directed fishing allowance of 82,000 mt for pollock in the Aleutian Islands subarea will be reached on November 14, 1990. Therefore, pursuant to § 675.20(a)(8), the Regional Director is prohibiting further directed fishing for

pollock in the Aleutian Islands subarea effective 12 noon, A.l.t., November 14, 1990.

After the closure date, in accordance with § 675.20(h) (1) and (5), amounts of pollock retained on board vessels in the Aleutian Islands subarea must be less than 20 percent of the aggregate catch of the other fish or fish products retained at the same time on the vessel during the same trip. The previous closure published at 55 FR 27643 (July 5, 1990) remains in effect for vessels fishing with trawl gear other than pelagic trawl gear.

Classification

This action is taken under §§ 675.20(a)(8), (h)(1), and (h)(5) and is the compliance with Executive Order 12291.

The Assistant Administrator for Fisheries, NOAA, finds for good cause that it is impractical and contrary to the public interest to provide for prior notice and comment or to delay the effective date of this notice. The entire TAC for pollock in the Aleutian Islands subarea will be reached unless this notice takes effect promptly. If this should happen, all pollock taken in the area by other fisheries would be required to be discarded, resulting in considerable wastage. However, interested persons are invited to submit comments in writing to the previously cited address for a period of 15 days after the effective date of this notice.

List of Subjects in 50 CFR Part 675

Fish, Fisheries, Recordkeeping and reporting requirements.

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

Dated: November 14, 1990.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 90-27216 Filed 11-14-90; 2:12 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 55, No. 223
Monday, November 19, 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 910

[Docket Nos. AO–144–A14–ROI and FV–90–102FR]

Lemons Grown in California and Arizona; Termination of Proceeding on Proposed Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Withdrawal of proposed rule and termination of proceeding.

SUMMARY: This action terminates the proceeding on a proposed amendment of the Federal marketing order regulating lemons grown in California and Arizona. Public hearing sessions were held by the U.S. Department of Agriculture (Department) in 1983 and 1984 to consider proposed changes to the lemon marketing order. After the hearing sessions, the Department received numerous comments and briefs expressing widely divergent views on many of the changes proposed in the proceeding. On the basis of the hearing record, the Department issued a Recommended Decision in 1985. Exceptions to the Recommended Decision were received from numerous sectors of the industry which, once again, expressed divergent views on the proposals. After careful consideration of the entire rulemaking record, the Department is unable to conclude that the proposed amendment described in the Recommended Decision would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601 *et seq.*], hereinafter referred to as the "Act." Accordingly, the Department has determined to withdraw the proposed rule and to terminate the proceeding.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2526–S, P.O. box 96456, Washington, DC 20090–6456; telephone: (202) 382–1754.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding: Notice of hearing issued on January 10, 1983, and published in the **Federal Register** on January 13, 1983 [48 FR 1508]; amended notice of hearing issued on January 20, 1983, and published in the **Federal Register** on January 26, 1983 [48 FR 3624]; notice of opportunity to comment on proposed rulemaking issued on September 30, 1983, and published in the **Federal Register** on October 6, 1983 [48 FR 45565]; notice of reopened hearing issued on December 8, 1983, and published in the **Federal Register** on December 13, 1983 [48 FR 55472]; notice of an additional hearing session issued on January 27, 1984, and published in the **Federal Register** on February 1, 1984 [49 FR 4004]; extension of time for filing briefs issued on July 11, 1984, and published in the **Federal Register** on July 13, 1984 [49 FR 28566]; further extension of time for filing briefs issued on September 18, 1984, and published in the **Federal Register** on September 20, 1984 [49 FR 36862]; notice of recommended decision and opportunity to file exceptions issued on July 31, 1985, and published in the **Federal Register** on August 7, 1985 [50 FR 31850]; and extension of time for filing of exceptions to recommended decision issued on August 27, 1985, and published in the **Federal Register** on August 30, 1985 [50 FR 35238].

This action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and therefore is not subject to the requirements of Executive Order 12291 and Departmental Regulation 1512–1.

Preliminary Statement

This proceeding is conducted pursuant to the Act, and the applicable rules of practice and procedure governing the formulation and amendment of marketing agreements and orders [7 CFR part 900].

On November 18, 1982, the Lemon Administrative Committee (LAC), which locally administers the marketing order for California/Arizona lemons, requested that the Department hold a public hearing to consider proposed changes to the lemon marketing order. Proposals made by the LAC and other interested persons were included in the notice of hearing published in the **Federal Register** on January 13, 1983. The first session of the public hearing was subsequently held during February 14–18, 1983, in Oak View, California.

After analyzing the hearing record, the Department concluded that additional evidence was needed concerning the proposed changes initially under consideration as well as additional changes subsequently proposed by the LAC and other interested persons. Thus, four more public hearing sessions were held as follows: January 10–16, 1984, in Ventura, California; January 18–20, 1984, in Yuma, Arizona; January 23–27, 1984, in Bakersfield, California; and February 13–20, 1984, in Ventura, California. Following the additional hearing sessions, numerous comments were submitted to the Department expressing widely divergent views on many of the proposed changes.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Administrator of the Agricultural Marketing Service, on August 2, 1985, filed with the Hearing Clerk, U.S. Department of Agriculture, a recommended decision setting forth various proposed changes to the marketing agreement and order and provided an opportunity to file written exceptions thereto by September 6, 1985. Due to the many substantial issues raised in the exceptions, the deadline for the receipt of written exceptions was extended to October 7, 1985. Eleven exceptions were filed expressing widely divergent views.

Withdrawal of Proposed Rule and Termination of Proceeding

The Department has carefully considered the entire rulemaking record including the testimony and evidence presented at the hearing, the comments and briefs filed following the hearing, and the exceptions filed to the recommended decision. Based upon a thorough review of the proposed amendment and of the rulemaking record for this proceeding, the Department is unable to conclude that the proposed amendment specified in the recommended decision would tend to effectuate the declared policy of the Act, as amended. Accordingly, the proposed rule issued August 2, 1985, is withdrawn and the proceeding is hereby terminated.

List of Subjects in 7 CFR Part 910

Arizona, California, Lemons, Marketing agreements and orders.

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

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

Dated: November 9, 1990.

Jo Ann R. Smith,

Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 90–27151 Filed 11–16–90; 8:45 am]

BILLING CODE 3410–02–M

---

7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138, and 1139

[Docket No. AO–160–A66, etc; DA–90–024]

Milk in the Middle Atlantic and Other Marketing Areas; Emergency Decision on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR Part	Marketing area	AO Nos.
1004	Middle Atlantic	AO–160–A66
1001	New England	AO–14–A63
1002	New York-New Jersey	AO–71–A78
1005	Carolina	AO–388–A2
1006	Upper Florida	AO–356–A28
1007	Georgia	AO–366–A32
1011	Tennessee Valley	AO–251–A34
1012	Tampa Bay	AO–347–A31
1013	Southeastern Florida	AO–286–A38
1030	Chicago Regional	AO–361–A27
1032	Southern Illinois-Eastern Missouri.	AO–313–A38
1033	Ohio Valley	AO–166–A59
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A54
1040	Southern Michigan	AO–225–A41
1044	Michigan Upper Peninsula	AO–299–A25
1046	Louisville-Lexington-Evansville	AO–123–A61
1049	Indiana	AO–319–A37
1050	Central Illinois	AO–355–A26
1064	Greater Kansas City	AO–23–A59
1065	Nebraska-Western Iowa	AO–86–A46
1068	Upper Midwest	AO–178–A44
1075	Black Hills, South Dakota	AO–248–A20
1076	Eastern South Dakota	AO–260–A29
1079	Iowa	AO–295–A40
1093	Alabama-West Florida	AO–386–A10
1094	New Orleans-Mississippi	AO–103–A52
1096	Greatern Louisiana	AO–257–A39
1097	Memphis, Tennessee	AO–219–A45
1098	Nashville, Tennessee	AO–184–A54
1099	Paducah, Kentucky	AO–183–A44
1106	Southwest Plains	AO–210–A51
1108	Central Arkansas	AO–243–A42
1120	Lubbock-Plainview, Texas	AO–328–A29
1124	Pacific Northwest	AO–368–A18
1126	Texas	AO–231–A59
1131	Central Arizona	AO–271–A28
1132	Texas Panhandle	AO–262–A39
1134	Western Colorado	AO–301–A21
1135	Southwestern Idaho-Eastern Oregon.	AO–380–A8
1137	Eastern Colorado	AO–326–A25
1138	Rio Grande Valley	AO–335–A35
1139	Great Basin	AO–309–A29

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This emergency decision changes the formula for computing butterfat differentials in all Federal milk marketing orders. The change in the formula is based on industry proposals that were considered at a public hearing held on July 31, 1990, in Alexandria, Virginia. The changes to all orders are necessary to reflect current marketing conditions in that the current formula for computing butterfat differentials no longer adequately reflects the value of butterfat in the marketplace. The formula change lowers butterfat differentials and results in placing more of the value of milk on the skim milk portion and less value on the butterfat. Also the formula recognizes changes in both butter and skim milk prices.

The Secretary of Agriculture will determine whether producers favor the issuance of the proposed amended order.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. box 96456, Washington, DC 20090–6456, (202) 447–2089.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendments would reduce the regulatory burden of handlers and minimize the economic impact on producers.

Prior documents in this proceeding;

Notice of Hearing: Issued July 5, 1990; published July 11, 1990 (55 FR 28403).

Supplemental Notice of Hearing: Issued July 17, 1990; published July 23, 1990 (55 FR 29853).

Preliminary Statement

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the Middle Atlantic and certain other marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice (7 CFR part 900), at Alexandria, Virginia, on July 31, 1990. Notices of such hearing were issued on July 5, 1990 (55 FR 28403) and July 17, 1990 (55 FR 29853).

Interested parties were given until August 15, 1990, to file post-hearing briefs on the proposals as published in the hearing notice and on whether the proposals should be considered on an expedited basis.

The material issues on the record of the hearing relate to:

1. Changing the formula for computing butterfat differentials.

2. Whether emergency marketing conditions exist that would warrant the omission of a recommended decision and the opportunity to file written exceptions with respect to issue No. 1.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. Changing the Formula for Computing Butterfat Differentials

All Federal orders should be amended to provide for a new formula for calculating butterfat differentials that are used to adjust payments to producers for the butterfat content of their milk. Also, the same resulting butterfat differential would be used to adjust the Minnesota-Wisconsin price to 3.5 percent butterfat content. Such adjusted Minnesota-Wisconsin price is the "basic formula" price for determining class price for milk under all Federal orders. The revised formula reduces butterfat differentials and thus results in placing more of the value of milk on the skim milk portion and less value on the butterfat. Also, the formula provides a mechanism that recognizes the varying values of butterfat and skim milk as the values of these components of milk fluctuate.

Under Federal orders, blend prices to producers are announced for milk that contains 3.5 percent butterfat. Butterfat differentials are used to adjust such prices when the milk being paid for contains more or less than 3.5 percent butterfat. The prices are increased or decreased, respectively, for each one-tenth of one percent variation from 3.5 percent butterfat content. Thus, for milk that contains 4.0 percent butterfat, for example, the prices are increased to reflect the extra value of the additional half pound of butterfat in one hundred pounds of milk.

Since milk is paid for on a hundredweight basis, the price

adjustment to recognize the additional half pound of butterfat must also recognize the fact that there is one-half pound less of skim milk in the one hundred pounds of milk. Under the current application of butterfat differentials, the differentials represent the difference between the value of a tenth of a pound of butterfat and a tenth of a pound of skim milk in a hundredweight of milk. As a result, the value of a tenth of a pound of butterfat is the butterfat differential plus the value of a tenth of a pound of skim milk.

Most Federal orders do not specify a butterfat differential that is applicable to class prices to handlers. However, since handlers are required to pay producers for their milk on the basis of its butterfat content, they must reflect in some manner the cost of butterfat in the various uses of milk. Thus, a handler's minimum order cost for surplus butterfat is likely to be the surplus class price adjusted by the producer butterfat differential. In terms of the cost of a pound of surplus butterfat, a handler's cost thus would be the butterfat differential times ten plus the cost of a pound of skim milk in a hundredweight of milk that is priced in surplus use.

The producer butterfat differential is currently based on the price of butter and in most orders is computed by multiplying the Chicago Grade A (92-score) bulk butter price per pound by a factor of .115. Thus, for May of 1990, with a butter price of 98.95 cents per pound, the butterfat differential was 11.4 cents per tenth of a pound of butterfat. Also, all Federal orders utilize a butterfat differential to adjust the Minnesota-Wisconsin price to 3.5 percent butterfat content for use as the basic formula price for establishing minimum class prices for handlers. Such butterfat differential is computed by multiplying the Chicago butter price by a factor of .120 and in May 1990 was 11.9 cents for a tenth of a pound of butterfat.

Current butterfat differentials are dependent upon changes in only one variable, the price of butter, while a handler's cost for surplus butterfat depends upon the surplus class price level and the relative values of butterfat and skim milk. Consequently, an increase in the basic formula price can result in an increase in the cost of butterfat even if the price of butter and the resulting butterfat differential remain the same. This can occur because the increase in the skim milk value is added to the butterfat differential to reflect the minimum order cost for butterfat. For example, between October and November 1989 the basic formula price increased by 82 cents per hundredweight while the butter price remained at $1.205 per pound, with a constant butterfat differential of 13.9 cents. Thus, the cost of a pound of surplus butterfat increased by almost a cent per pound even though the butter price remained constant.

Since the current formulas for establishing butterfat differentials only recognize one variable, the minimum cost of butterfat under Federal orders can become distorted relative to the value of butter. Basically, industry proponents representing both producer and handler interests contend that such a situation currently exists and that a formula to establish a butterfat differential that considers both butterfat and skim milk values must be implemented on an emergency basis in all Federal orders. Industry representatives contend that the current formula for establishing butterfat differentials no longer reflects the value of butterfat, is resulting in substantial losses in handling surplus butterfat, is causing disorderly marketing conditions and that the problem is a result of the changes in the relative values of butter and nonfat dry milk under the Price Support Program and in the marketplace. As a result, two proposals were considered at an emergency hearing to revise the formula for computing butterfat differentials. Both proposals would result in lowering the cost of butterfat under current conditions and are based on an identical method to recognize the relative values of butterfat and skim milk in establishing a butterfat differential.

One of the proposals was submitted by Agri-Mark, Inc., the largest cooperative association that represents producers under the New England order. The other proposal was submitted by the Milk Industry Foundation/International Ice Cream Association, a trade association that represents fluid milk processors and ice cream makers throughout the United States, and by Prairie Farms Dairy, Inc., a cooperative association that represents producers and operates or manages 27 dairy processing plants. Both proposals utilize the same procedure to develop a formula for computing butterfat differentials to be used under all orders. The two formulas yield different results only because of the use of a different beginning assumption concerning the value of cream relative to the price of butter and because of the use of different butter prices in the calculations. These differences, which are explained later in this decision, are relatively minor. As a result, the primary issue of changing the formula to compute the butterfat differential, as well as the methodology to establish such formula, is the same under both proposals. In addition, all hearing participants testified in support of the methodology or to the need to adopt a revised formula because of substantial losses that are being incurred in handling surplus butterfat.

All participants testified that losses are being incurred in marketing surplus cream because current butterfat differentials overstate the value of butterfat in the marketplace. In addition to those previously mentioned, proponents include Allied Federated Cooperatives, Cabot Farmers' Cooperative, Dairylea Cooperative, Eastern Milk Producers Cooperative, St. Albans Cooperative Creamery, Upstate Milk Cooperative, Mid-America Dairymen, Associated Milk Producers/Morning Glory Farms Region, Milk Marketing, Inc., Florida Dairy Farmers' Association and Michigan Milk Producers Association. Such cooperative associations represent a substantial number of dairy farmers under a number of Federal orders.

Testimony in support of the proposed methodology or the need to change the butterfat differential formula was presented also by the National Milk Producers Federation, National All-Jersey, Inc. and the American Jersey Cattle Club. Representatives of proprietary handlers, including Dean Foods, Inc., Kroger Company, Frigo Cheese Corporation, Borden, Inc., Marigold Foods, Inc., and Kraft General Foods, Inc., similarly testified in support of the proposed changes. Also a representative of the United States Cheese Makers Association, the American Producers of Italian Type Cheese Association, the Wisconsin Cheese Makers Association and the Ohio Swiss Cheese Association testified in support of the proposed changes.

No one who testified or who filed subsequent briefs opposed changing the current formulas for establishing butterfat differentials.

Numerous examples of the current problems associated with the marketing of surplus cream as a result of current butterfat differentials were presented at the hearing. Agri-Mark testified that in May 1990, with a basic formula price of $12.78 per hundredweight and a butterfat differential of 11.4 cents, the cost of eight-tenths of a pound of butterfat that is used to produce a pound of butter was $.9823. Such cost was about equal to the support price for butter but was almost two cents above the market price for Grade A butter of $.9650 on the Chicago Mercantile

Exchange. As a result, butter manufactueres with their own producer milk or handlers with surplus cream incurred substantial losses on surplus cream since there was no margin between the cost of butterfat and the price of butter. Agri-Mark testified that such losses occurred during the previous months of 1990 and were continuing at the time of the hearing, and were likely to continue in the future if no change were made in the formula to compute the butterfat differential.

Agri-Mark presented data showing the production margin (the difference between the price of a pound of butter and the cost of butterfat used to produce butter) over a period of time. From 1980 through 1988 the price of a pound of butter exceeded the butterfat cost by 6 to 8 cents. Agri-Mark testified that in 1989 the margin fell to below 5 cents as a result of changes in the relationship of the price of butter and nonfat dry milk under the Price Support Program on April 1 and July 1 of that year. Also, Agri-Mark testified that the price support adjustments in 1990 have exacerbated the problem. On a monthyly basis the margin dropped to 1.4 cents in November 1989 and has average 1.5 cents for January through July of 1990 on the basis of the calculation method used by Agri-Mark. For the months of May, June and July, the Chicago butter price was less than 1 cent above the ingredient cost of butterfat.

Agri-Mark testified that a 1989 Cornell University study indicated that the cost of butter production averages 13 cents per pound but falls as low as 5.7 cents per pound for large plants operating at 100 percent of capacity. As a result, Agri-Mark testified that the recent losses incurred by butter manufacturers were obviously substantial when there was little or no margin between the ingredient cost of butterfat and the price of butter. Agri-Mark further testified that such losses are not incurred on cream purchases from other handlers because butter manufacturers lower the price for cream purchased from other handlers. The losses then are incurred by the handlers selling the cream since they are required to pay the minimum order prices for butterfat. It was Agri-Mark's position that some handlers are changing their purchasing patterns to minimize their losses and Agri-Mark anticipates that handlers will reduce their milk purchases from producers and purchases only enough raw milk to cover their butterfat needs. Agri-Mark contends that the current cost of butterfat is causing chaotic and unstable marketing conditions.

The Milk Industry Foundation/ International Ice Cream Association (MIF) also testified that substantial losses are being incurred because the current method for computing butterfat differentials overstates the value of butterfat and its cost to processors. MIF testified that although the disposal of excess butterfat has been an ongoing, major concern to processors, the situation is becoming even more critical as consumers more and more shift to the use of low-fat dairy products. MIF noted that on the basis of the basic formula price, the butter price and the butterfat differential for June 1990, a fluid milk processor would lose about $3,150 on each tanker load of cream. MIF testified that this loss would occur because the minimum Federal order cost for a load of cream would total $26,170. Such cost is based on both the minimum order cost of the butterfat ($1.2232 per pound) and the cost of the skin ($.0932 per pound) in a tanker load of 40 percent cream that contains 19,200 pounds of butterfat and 28,800 pounds of skim milk. MIF indicated that such load of cream could only be sold for $23,014 since the value of the cream in butter is worth 1.22 times the butter price. On a national basis, MIF estimated that such a loss represents almost $80 million per year for the fluid milk industry.

Prairie Farms Dairy, Inc. (Prairie Farms), also testified that it incurs substantial losses in handling surplus cream and that such losses have been increasing dramatically. Prairie Farms testified that in June 1989 its losses on a tanker load of cream due to Federal order pricing were about $1,500. For June 1990, Prairie Farms testified that the loss per load was about $3,100. For the period of January 1990 through June, Prairie Farms estimated that its total losses due to Federal order pricing exceeded $2.7 million.

All other handlers who appeared at the hearing testified on the substantial losses that are being incurred in marketing surplus cream. Also, all testified that such losses are a direct result of the current method employed under Federal orders to establish butterfat differentials. These handlers, as well as the proponents, contended that a new method for establishing butterfat differentials must be implemented to recognize that the cost of butterfat depends upon both butterfat and skim milk values.

In this regard, Agri-Mark testified that the current formula of .115 times the butter price to establish a butterfat differential was established almost two decades ago in most Federal orders. At that time, Agri-Mark noted that the butter price was about 70 cents per pound while the skim milk price was about $1.84 per hundredweight. In June 1990, the butter price was 89 cents per pound, representing a 40 percent increase, while the skim milk price had increased by about 400 percent to $9.32 per hundredweight. Agri-Mark testified that the butterfat differential should change in response to changes in both butter and skim milk values since a butterfat differential represents the diffierence between the value of butterfat and the value of skim. In fact, Agri-Mark testified that the primary reason that the butterfat differential needs to be adjusted is because the current formula has no mechanism to account for the higher skim milk value.

MIF also presented examples of the inability of the current formula for computing butterfat differentials to recognize an appropriate cost of butterfat in terms of its use in butter. The examples assume different butter and basic formula price changes and the resulting changes that would be incurred by handlers in marketing surplus cream. The first MIF calculation assumes a butter price of $1.0925 per pound which results in a butterfat differential of $.1256 under the current formula. With a basic formula price of $13.28 per hundredweight, the resulting costs per pound of butterfat and skim milk would be $1.3448 and $0.0888, respectively. Thus the minimum Federal order cost for a tanker load of 40 percent cream would be $28,347 (19,200 pounds of butterfat times $1.3448 plus 28,800 pounds of skim milk times $0.0888). The value of the surplus cream in the marketplace at 1.22 times the butter price would equal $25,591, indicating a loss of $2,756 by MIF's calculations.

MIF noted that if the butter price were to drop to $0.9825 per pound, while the basic formula price stayed the same, the butterfat differential would drop to $0.113 and the costs per pound of butterfat and skim milk would be $1.2232 and $0.0932, respectively. Thus, the minimum Federal order cost for a tanker load of 40 percent cream would be $26,170 while the value of the cream sold at 1.22 times the butter price would be $23,014. Consequently, even with a butter price and butterfat differential decrease, the loss on a tanker load of cream would increase to more than $3,501.

These examples merely indicate what was shown previously, namely, that the cost of butterfat depends upon both butter and skim milk values while the butterfat differential depends only on changes to the butter price.

The previous examples clearly indicate that the formula for computing butterfat differentials should be revised. A preponderance of evidence indicates that the current procedure results in a butterfat differential that establishes a cost for butterfat that is excessive in view of its value in butter, which is the primary use for surplus butterfat. Consequently, significant losses are being incurred in marketing an increasing supply of surplus cream. In addition, it is clear that any revised formula must incorporate the skim milk value that is associated with butterfat that is marketed as surplus cream.

As previously stated, both proposals rely on the same methodology to derive a formula to compute a butterfat differential. Both of the proposals result in the use of a skim milk value as well as a butter price in establishing a butterfat differential. The use of such a formula would not have resulted in a substantial difference from the butterfat differentials that existed under the current formula during 1980 through 1988. For example, under the Agri-Mark proposal, the proposed butterfat differential would have averaged one-tenth of a cent less than the actual butterfat differentials during such period, with a range of minus two-tenths of a cent to plus one-tenth of a cent. Also, on a monthly basis from January 1989 through June 1990, the actual and proposed butterfat differentials were fairly close until the fall of 1989, when the support price for butter was reduced and the Minnesota-Wisconsin price was increased. During this period, the proposed differential was as much as 1.6 cents less than the actual differential in December 1989. Thus, the proposal provides for a change in the butterfat differential as the prices of both butter and skim milk change and provides a mechanism to continually adjust to the relative values of butter and skim milk.

In order to reflect both the butter and skim milk values in the butterfat differential, the formula adopted herein includes a factor times the butter price minus a factor times the Minnesota-Wisconsin price at test. The factors that are used to multiply the respective prices are derived from an algebraic equation that relates the value of cream to the price of butter (cream-to-butter price ratio) to the cost of skim milk and butterfat. The end result of solving the equation is the adopted formula for the butterfat differential. Such formula is:

Butterfat differential = (.138 × Butter price) − (.0028 × M–W Price at test)

The derivation of the formula begins with the recognition that the current cost of a pound of butterfat to a handler is the butterfat differential times 10 plus the cost of one pound of skim milk that is priced in surplus use, as previously explained. In addition, it is recognized that surplus cream that contains 40 percent butterfat also contains 60 percent skim milk. Thus, there are 1.5 pounds of skim milk associated with each pound of butterfat in 40 percent cream. Consequently, a handler's cost of cream that contains one pound of butterfat is equal to the cost of 1.5 pounds of skim milk plus the cost of one pound of butterfat. Since the cost of a pound of butterfat includes the cost of one pound of skim milk, the cost of a pound of butterfat in cream (cream value) is equal to the cost of 2.5 pounds of skim milk plus the butterfat differential times 10, or:

Cream value = value of 2.5 lbs. skim + (BF Diff × 10).

The value of 2.5 pounds of skim milk is the cost of a hundredweight of skim milk times 2.5 percent, or:

Cream value = (.025 × Skim price) + (BF Diff × 10).

The hundredweight skim milk cost is the same as is currently defined, namely, the hundredweight cost of surplus milk adjusted by a butterfat differential to reflect the absence of butterfat. For example, the surplus value of a hundredweight of skim milk is the M–W price minus the butterfat test times 10 times the butterfat differential. The butterfat test is multiplied by 10 since the butterfat differential applies to each 10th of a pound (point) of butterfat. Thus, milk that tests 3.67 percent butterfat (3.67 pounds of butterfat in a hundredweight of milk) contains 36.7 points of butterfat.

In this regard, a constant 3.67 percent butterfat test is assumed in the methodology to derive the butterfat differential formula. The assumption of a constant butterfat test, which was utilized under each of the proposals, simplifies the process and provides for the use of a constant butterfat differential formula. Absent such a constraint, a varying butterfat test would require a monthly derivation of the formula during those months when the butterfat test is significantly different from the annual average butterfat content.

In equation form, the skim milk value in the M–W price is:

Skim milk value = M–W Price—(BF% × BF Diff. × 10), with the butterfat test held constant at 3.67.

Substituting this skim milk value in the previous cream value equation results in the following:

Cream value = .025 × (M–W Price—(3.67 × 10 × BF Diff.)) + (BF Diff × 10).

Multiplying these numbers results in the following:

Cream value = .025 × M–W Price − .9175 BF Diff + 10 BF Diff., or

Cream value = .025 × M–W Price + 9.0825 BF Diff.

In order to solve this equation for the butterfat differential formula, it is only necessary to determine an appropriate cream-to-butter price ratio to be used in the equation. In this regard, virtually all parties who participated at the hearing testified that cream is sold on the basis of some factor times the butter price since the value of butter influences the value of butterfat in cream. The factors testified to at the hearing ranged from less than 1.20 to more than 1.30 times the butter price, depending on supply/demand conditions, the seasons of the year and the ultimate products in which the cream would be used. In the context of the value of cream in butter, however, only the two factors (or ratios) that were proposed are relevant to the issue. Agri-Mark proposed that a factor of 1.25 be used since it represents the value at butter plants, while MIF proposed that a factor of 1.22 be used since it represents the surplus value of butterfat at a distributing plant.

MIF, and others, testified that a cream-to-butter price ratio of 1.22 yields a butterfat differential formula that provides a breakeven point to milk processors on the sale of surplus cream. Such parties testified that using the higher factor of 1.25 represents the value of cream at a butter plant and thus includes transportation costs that result in losses to milk processors.

Agri-Mark acknowledged that surplus cream is worth less at a distributing plant than at a butter plant. However, Agri-Mark also testified that a 1.25 ratio of cream to the butter price is a standard used by Agri-Mark and other butter manufacturers. Furthermore, Agri-Mark testified that there is a strong historical basis for such a ratio in that it averaged 1.25 during 1980 through 1988, with a range of 1.24 to 1.26 under Federal orders. The cream-to-butter ratio increased to 1.29 for 1989 when butter and skim milk price relationships changed. Agri-Mark also testified that significant amounts of cream are utilized in other uses than butter at facilities that generally are not as distant from fluid processing plants as are butter plants. Consequently, Agri-Mark testified that the lower ratio, which would result in a lower butterfat differential, should not be used since it could encourage inefficient movements of surplus cream while metropolitan handlers should be

encouraged to find local outlets for surplus cream.

A cream-to-butter price ratio of 1.25 should be used to derive the butterfat differential formula. There is a strong historical basis for the use of such a factor as indicated previously by data presented at the hearing. Furthermore, it is noted from testimony presented at the hearing that cream is sold at factors in excess of 1.25 times the butter price for use in products other than butter. Consequently, fluid milk processors should be encouraged to seek such outlets for surplus cream to the extent possible. Also, there is no evidence to suggest that a ratio of 1.22 has any historical justification.

A cream-to-butter price ratio of 1.25 provides the final component that is necessary to derive the butterfat differential formula. All that is necessary is to divide the previous cream value equation by the butter price as follows:

$$\frac{\text{Cream value}}{\text{Butter price}} = \frac{(.025 \times \text{M–W Price}) + 9.0825 \text{ BF Diff.}}{\text{Butter Price}}$$

With a constant ratio of 1.25, the equation is as follows:

$$1.25 = \frac{(.025 \times \text{M–W Price}) + 9.0825 \text{ BF Diff.}}{\text{Butter Price}}$$

Solving for the butterfat differential formula yields the following:

(1.25 × Butter Price) = (.025 × M–W Price) + 9.0825 BF Diff.

(1.25 × Butter Price) – (.025 × M–W Price) = 9.0825 BF Diff.

Dividing each side of the equation by 9.0825 yields the butterfat differential formula:

(.138 × Butter Price) – (.025 × M–W Price) = Butterfat Differential

The use of such equation in all orders will result in lowering the butterfat differential and will reflect the value of butterfat in the marketplace. The formula adjusts to changes in the values of both butterfat and skim milk.

The price per pound of butter that is used in the formula should be the Chicago Mercantile Exchange price for Grade A (92-score) butter rather than the Chicago butter price that is currently used to calculate butterfat differentials. The use of such price was proposed by MIF while Agri-Mark proposed the continued use of the Chicago butter price. Most of the witnesses at the hearing supported a change to the Mercantile price. It is noted that the Mercantile price is currently utilized in the Class II price formula on the basis of a final decision that was issued on July 8, 1981 (46 FR 36151) of which official notice was taken at the hearing.

The only basis presented by Agri-Mark for continued use of the Chicago butter price is that such price takes into account the support price for butter. Since a significant proportion of butter is sold to the Commodity Credit Corporation, Agri-Mark contended that the support price should continue to be considered in determining butter prices. In this regard, the support price for butter is obviously a factor that affects the butter price on the Chicago Mercantile Exchange.

The Chicago butter price is estimated by the Agricultural Marketing Service as a result of its use under Federal orders. The estimated price itself is based on the Exchange price. On the other hand, the Chicago Mercantile price for butter is an actual price on a regulated exchange. Also, most witnesses were familiar with and relied on the Exchange price for butter as a basis for selling cream.

Since the Exchange price appears to be more readily relied upon as an indicator of butter and cream values by the industry, such price should be used in the butterfat differential formula. A monthly average of the butter price should be computed by the Director of the Dairy Division from the prices of the Chicago Mercantile as reported and published weekly by the Dairy Division, Agricultural Marketing Service. A reported price should be used for that day and all following days of the month until a different price is reported. Such procedure results in utilizing a butter price for each day of each month to compute a monthly average price.

The Minnesota-Wisconsin price is used in the butterfat differential formula as the skim milk value. The monthly price at its announced butterfat test must obviously be used for this purpose since the price at 3.5 percent butterfat content, or any other test, will not be known until after a butterfat differential is computed. The computed butterfat differential will be used to adjust prices to producers for butterfat content as well as to adjust the Minnesota-Wisconsin price to 3.5 percent butterfat for use as the basic formula price in establishing class prices to handlers. Currently, different butterfat differentials are used for the two different adjustments. The application of two different butterfat differentials should be discontinued as proposed.

The primary issue involved in revising the butterfat differential formula is that the current formulas result in establishing a cost for butterfat that is excessive in terms of the value of butter. Consequently, it would be inconsistent to recognize such fact in the producer butterfat differential and ignore the same fact in adjusting the Minnesota-Wisconsin price to 3.5 percent butterfat for use as the basic formula price under Federal orders. To continue to use two different butterfat differentials would result in establishing two different costs for butterfat when the evidence establishes that current butterfat costs are excessive.

The formula adopted herein results in establishing a lower butterfat differential. As a result of using a lower butterfat differential to adjust the Minnesota-Wisconsin price, the basic formula price will be somewhat higher than would otherwise be the case if the butterfat test of the announced Minnesota-Wisconsin price exceeds 3.5 percent butterfat. However, such an increase in the basic formula price would basically offset a decrease in producer prices for milk that contains

more than 3.5 percent butterfat. Actually, record evidence indicates that the application of the lower butterfat differential to both prices results in essentially no change in total dollars paid to producers. Although there will be little change in aggregate dollars paid, there will be some redistribution of payments to producers. The difference in payments between high-test and low-test producers will narrow as high-test producers will receive somewhat less than currently while low-test producers will receive somewhat more than currently due to the application of a lower butterfat differential. This occurs because a lower butterfat differential places a lesser value on butterfat and greater value on skim milk. Such a redistribution is consistent with the shift in values between butterfat and skim milk in the marketplace and under the Price Support Program.

A number of orders currently specify that the basic formula price shall not be less than $4.33 for the purpose of computing Class I prices. However, such a "floor price" is not included in orders that have been promulgated in recent years, and it has been eliminated in a number of amended orders. Although the level of the basic formula price was not an issue in this proceeding, the $4.33 is not included in the regulatory language accompanying this decision in order to recognize that such a "floor price" is outdated and serves no useful purpose.

The amendatory language for most of the orders includes the revised butterfat differential in the section of the order (which is not the same in all orders) that specifies the butterfat differential that is used to adjust prices to producers. The section pertaining to the basic formula price specifies the butterfat differential to be used by referencing the appropriate section of the order that contains the butterfat differential formula.

A number of conforming changes are necessary in three Federal orders to incorporate the revised butterfat differential formula and to carry out the objective of recognizing a cost for butterfat that is consistent with the price of butter. Two of the orders, Michigan Upper Peninsula (part 1044) and Black Hills, South Dakota (part 1075), currently provide for handler butterfat differential adjustments to class prices and a producer butterfat differential that is a weighted average of the handler adjustments. Such orders are being revised to provide for one butterfat differential and as a result a number of sections in each of the orders are revised. These revisions include the deletion of the computation of the weighted average butterfat content of producer milk, the adjustment to a handler's net pool obligation to reflect the butterfat content of producer milk as well as the requirements to compute and announce handler butterfat differentials.

Different modifications are necessary for the Great Basin order (part 1139) which provides for a component pricing plan. Such order does not provide for a producer butterfat differential but rather provides for the calculation of a butterfat price per pound and a skim milk price per hundredweight. The order does, however, provide for the use of a butterfat differential to adjust the Minnesota-Wisconsin price to 3.5 percent butterfat to determine the basic formula price. Consequently, the revised butterfat differential formula is being included in the section of the order that determines the basic formula price. Such butterfat differential, in conjunction with the basic formula price, is then used to compute the price per pound of butterfat and the price per hundredweight of skim milk. These modifications obtain the same results as the butterfat differential formula that is to be applicable in other orders.

2. Emergency Marketing Conditions.

Evidence presented at the hearing clearly establishes that current butterfat differentials are resulting in costs for butterfat that are excessive in terms of current butter prices. As a result, handlers are incurring substantial losses in the marketing of surplus cream. Consequently, the issuance of a recommended decision and the opportunity to file written exceptions is being omitted as requested by all parties who testified at the hearing. Emergency action is clearly needed to implement the revised formula at the earliest possible date.

In view of the situation, amended orders will be issued as soon as the required procedures are completed to ascertain whether producers favor the issuance of the amended orders. In this regard, it is noted that the butterfat differential is announced on the fifth day of the month and applies to milk marketed during the previous month. Consequently, any order published on or before the fifth of the month will be applicable to milk marketed the previous month. Such application is consistant with the current application of these provisions.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when each of the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a Marketing Agreement regulating the handling of milk, and an Order amending the orders regulating the handling of milk in the aforesaid marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered that this entire

decision and the two documents annexed hereto be published in the Federal Register.

Referendum Order to Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that referendums be conducted and completed on or before the 25th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300–311), to determine whether the issuance of the orders as amended and as hereby proposed to be amended, regulating the handling of milk in the New York-New Jersey, Eastern Ohio-Western Pennsylvania, Louisville-Lexington-Evansville, Alabama-West Florida, Georgia, and Nashville, Tennessee marketing areas is approved or favored by producers, as defined under the terms of the orders (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

The representative period for the conduct of such referendums is hereby determined to be May 1990 for the New York-New Jersey order and September 1990 for the Eastern Ohio-Western Pennsylvania, Louisville-Lexington-Evansville, Alabama-West Florida, Georgia, and Nashville, Tennessee orders.

The agents of the Secretary to conduct such referendums are hereby designated to be the respective market administrators of the aforesaid orders.

Determination of Producer Approval and Representative Periods for All Other Orders

May 1990 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the New England and Middle Atlantic marketing areas, August 1990 for Chicago Regional, and September 1990 for orders regulating the handling of milk in all other marketing areas except those for which a referendum is provided, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

List of Subjects in 7 CFR Parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138 and 1139

Milk marketing orders.

Signed at Washington, DC, on November 9, 1990.

John E. Frydenlund,

Deputy Assistant Secretary, Marketing and Inspection Services.

Order Amending the Orders Regulating the Handling of Milk in the Middle Atlantic and Other Marketing Areas

This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Findings and Determinations

The findings and determinations hereinafter set forth supplement those that were made when the orders were first issued and when they were amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders.

(a) Findings. A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure (7 CFR part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing areas; and the minimum prices specified in the orders as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders as hereby amended regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order Relative to Handling

It is therefore ordered that on and after the effective date hereof, the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of the orders, as amended, and as hereby amended, as follows:

1. The authority citation for 7 CFR parts 1001, 1002, 1004, 1005, 1006, 1007, 1011, 1012, 1013, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1064, 1065, 1068, 1075, 1076, 1079, 1093, 1094, 1096, 1097, 1098, 1099, 1106, 1108, 1120, 1124, 1126, 1131, 1132, 1134, 1135, 1137, 1138, and 1139 continues to read as follows:

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

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

2. Section 1004.51 is revised to read as follows:

§ 1004.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1004.74 shall be used.

3. Section 1004.74 is revised to read as follows:

§ 1004.74 Butterfat differential.

In making payments to producers and cooperative associations required pursuant to § 1004.73, each handler shall add for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or may deduct for each one-tenth of 1 percent of average butterfat content below 3.5 percent, as a butterfat differential an amount per hundredweight which shall be computed by the market administrator as follows: Round to the nearest one-tenth cent, 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the

daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1001—MILK IN THE NEW ENGLAND MARKETING AREA

4. Section 1001.51 is revised to read as follows:

§ 1001.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1001.76(b) shall be used.

5. Section 1001.76(b) is revised to read as follows:

§ 1001.76 Butterfat differential.

* * * * *

(b) Round to the nearest one-tenth cent, 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

6. Section 1002.50 is revised to read as follows:

§ 1002.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1002.81 shall be used.

7. Section 1002.81 is revised to read as follows:

§ 1002.81 Butterfat differential.

The butterfat differential for the adjustment of prices as specified in this part shall be plus or minus for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent an amount computed as follows: Round to the nearest one-tenth cent, 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1005—MILK IN THE CAROLINA MARKETING AREA

8. Section 1005.51 is revised to read as follows:

§ 1005.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1005.74 shall be used.

9. Section 1005.74 is revised to read as follows:

§ 1005.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1006—MILK IN THE UPPER FLORIDA MARKETING AREA

10. Section 1006.51 is revised to read as follows:

§ 1006.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1006.74 shall be used.

11. Section 1006.74 is revised to read as follows:

§ 1006.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1007—MILK IN THE GEORGIA MARKETING AREA

12. Section 1007.51 is revised to read as follows:

§ 1007.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants

in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1007.74 shall be used.

13. Section 1007.74 is revised to read as follows:

§ 1007.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices for base and excess milk shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1011—MILK IN THE TENNESSEE VALLEY MARKETING AREA

14. Section 1011.51 is revised to read as follows.

§ 1011.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1011.74 shall be used.

15. Section 1011.74 is revised to read as follows:

§ 1011.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1012—MILK IN THE TAMPA BAY MARKETING AREA

16. Section 1012.51 is revised to read as follows:

§ 1012.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1012.74 shall be used.

17. Section 1012.74 is revised to read as follows:

§ 1012.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1013—MILK IN THE SOUTHEASTERN FLORIDA MARKETING AREA

18. Section 1013.51 is revised to read as follows:

§ 1013.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1013.74 shall be used.

19. Section 1013.74 is revised to read as follows:

§ 1013.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

20. Section 1030.51 is revised to read as follows:

§ 1030.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1030.74 shall be used.

21. Section 1030.74 is revised to read as follows:

§ 1030.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1032—MILK IN THE SOUTHERN ILLINOIS-EASTERN MISSOURI MARKETING AREA

22. Section 1032.51 is revised to read as follows:

§ 1032.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1032.74 shall be used.

23. Section 1032.74 is revised to read as follows:

§ 1032.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

24. Section 1033.50 is revised to read as follows:

§ 1033.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1033.73 shall be used.

25. Section 1033.73 is revised to read as follows:

§ 1033.73 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at a rate (rounded to the nearest one-tenth cent) determined by multiplying 0.138 by the butter price less 0.002 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

26. Section 1036.51 is revised to read as follows:

§ 1036.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1036.74 shall be used.

27. Section 1036.74 is revised to read as follows:

§ 1036.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent at a rate (rounded to the nearest one-tenth cent) determined by multiplying 0.138 by the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

28. Section 1040.51 is revised to read as follows:

§ 1040.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1040.74 shall be used.

29. Section 1040.74 is revised to read as follows:

§ 1040.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the

daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1044—MILK IN THE MICHIGAN UPPER PENINSULA MARKETING AREA

§ 1044.18 [Removed and Reserved]

30. Section 1044.18 is removed and reserved.

31. Section 1044.22 is amended by revising paragraphs (i)(1)(i), (i)(1)(ii), (i)(1)(iii) and (i)(2) to read as follows:

§ 1044.22 Additional duties of the market administrator.

* * * * *

(i) * * *

(1)(i) The Class I price for the following month;

(ii) The butterfat differential for the preceding month;

(iii) The Class II price for the preceding month; and

(2) The 12th day of each month the uniform price for the proceeding month;

* * * * *

32. Section 1044.46(c) is revised to read as follows:

§ 1044.46 Allocation of skim milk and butterfat classified.

* * * * *

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class.

33. Section 1044.50 is revised to read as follows:

§ 1044.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to 1044.62 shall be used.

§ 1044.52 [Removed and Reserved]

34. Section 1044.52 is removed and reserved.

35. Section 1044.61(a) is revised to read as follows:

§ 1044.61 Computation of uniform price.

* * * * *

(a) Add the value obtained pursuant to 1044.60;

* * * * *

36. Section 1044.62 is revised to read as follows:

§ 1044.62 Butterfat differential.

The applicable uniform prices to be paid pursuant to § 1044.70 shall be increased or decreased for each one-tenth of one percent which the butterfat content of milk is above or below 3.5 percent respectively, by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1046—MILK IN THE LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

37. Section 1046.51 is revised to read as follows:

§ 1046.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1046.74 shall be used.

38. Section 1046.74 is revised to read as follows:

§ 1046.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1049—MILK IN THE INDIANA MARKETING AREA

39. Section 1049.51 is revised to read as follows:

§ 1049.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential as specified in § 1049.74 shall be used.

40. Section 1049.74 is revised to read as follows:

§ 1049.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

41. Section 1050.51 is revised to read as follows:

§ 1050.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1050.74 shall be used.

42. Section 1050.74 is revised to read as follows:

§ 1050.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1064—MILK IN THE GREATER KANSAS CITY MARKETING AREA

43. Section 1064.51 is revised to read as follows:

§ 1064.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1064.74 shall be used.

44. Section 1064.74 is revised to read as follows:

§ 1064.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month.

The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported

PART 1065—MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

45. Section 1065.51 is revised to read as follows:

§ 1065.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1065.74 shall be used.

46. Section 1065.74 is revised to read as follows:

§ 1065.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1068—MILK IN THE UPPER MIDWEST MARKETING AREA

47. Section 1068.51 is revised to read as follows:

§ 1068.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1068.74 shall be used.

48. Section 1068.74 is revised to read as follows:

§ 1068.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1075—MILK IN THE BLACK HILLS, SOUTH DAKOTA MARKETING AREA

§ 1075.22 [Removed and Reserved]

49. Section 1075.22 is removed and reserved.

50. Section 1075.27 is amended by revising paragraphs (j)(l)(i), (j)(l)(ii), (j)(l)(iii) and (j)(2) to read as follows:

§ 1075.27 Additional duties of the market administrator.

* * * * *

(j) * * *

(l)(i) The Class I price for the following month;

(ii) The butterfat differential for the preceding month; and

(iii) The Class II price for the preceding month; and

(2) The 10th day of each month, the uniform price for the proceeding month;

* * * *

51. Section 1075.46(c) is revised to read as follows:

§ 1075.46 Allocation of the skim milk and butterfat in each class.

* * * * *

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class.

52. Section 1075.50 is revised to read as follows:

§ 1075.50 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1075.81 shall be used.

§ 1075.52 [Removed and Reserved]

53. Section 1075.52 is removed and reserved.

54. Section 1075.70(a) is revised to read as follows:

§ 1075.70 Computation of the net pool obligation of each handler.

* * * * *

(a) Multiply the quantity of producer milk in each class, as computed pursuant to § 1075.46(c), by the applicable class prices (adjusted pursuant to § 1075.53);

* * * * *

§ 1075.71 [Amended]

55. In § 1075.71 paragraph (b) is removed and paragraphs (c) and (d) are redesignated as (b) and (c) respectively.

56. Section 1075.81 is revised to read as follows:

§ 1075.81 Butterfat differential.

The uniform price to be paid shall be increased or decreased for each one-tenth of 1 percent that the butterfat content of the milk is above or below 3.5 percent, respectively, at a rate determined by rounding to the nearest one-tenth cent, 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1076—MILK IN THE EASTERN SOUTH DAKOTA MARKETING AREA

57. Section 1076.51 is revised to read as follows:

§ 1076.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1076.74 shall be used.

58. Section 1076.74 is revised to read as follows:

§ 1076.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1079—MILK IN THE IOWA MARKETING AREA

59. Section 1079.51 is revised to read as follows:

§ 1079.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1079.74 shall be used.

60. Section 1079.74 is revised to read as follows:

§ 1079.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month.

The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported

PART 1093—MILK IN THE ALABAMA-WEST FLORIDA MARKETING AREA

61. Section 1093.51 is revised to read as follows:

§ 1093.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1093.74 shall be used.

62. Section 1093.74 is revised to read as follows:

§ 1093.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price(s) shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as

reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1094—MILK IN THE NEW ORLEANS-MISSISSIPPI MARKETING AREA

63. Section 1094.51 is revised to read as follows:

§ 1094.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1094.74 shall be used.

64. Section 1094.74 is revised to read as follows:

§ 1094.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each 0.1 percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest 0.1 cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1096—MILK IN THE GREATER LOUISIANA MARKETING AREA

65. Section 1096.51 is revised to read as follows:

§ 1096.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1096.74 shall be used.

66. Section 1096.74 is revised to read as follows:

§ 1096.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1097—MILK IN THE MEMPHIS, TENNESSEE MARKETING AREA

67. Section 1097.51 is revised to read as follows:

§ 1097.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1097.74 shall be used.

68. Section 1097.74 is revised to read as follows:

§ 1097.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1098—MILK IN THE NASHVILLE, TENNESSEE MARKETING AREA

69. Section 1098.51 is revised to read as follows:

§ 1098.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1098.74 shall be used.

70. Section 1098.74 is revised to read as follows:

§ 1098.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each 0.1 percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest 0.1 cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1099—MILK IN THE PADUCAH, KENTUCKY MARKETING AREA

71. Section 1099.51 is revised to read as follows:

§ 1099.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1099.74 shall be used.

72. Section 1099.74 is revised to read as follows:

§ 1099.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1106—MILK IN THE SOUTHWEST PLAINS MARKETING AREA

73. Section 1106.51 is revised to read as follows:

§ 1106.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1106.74 shall be used.

74. Section 1106.74 is revised to read as follows:

§ 1106.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1108—MILK IN THE CENTRAL ARKANSAS MARKETING AREA

75. Section 1108.51 is revised to read as follows:

§ 1108.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1108.74 shall be used.

76. Section 1108.74 is revised to read as follows:

§ 1108.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each 0.1 percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest 0.1 cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1120—MILK IN THE LUBBOCK-PLAINVIEW, TEXAS MARKETING AREA

77. Section 1120.51 is revised to read as follows:

§ 1120.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1120.74 shall be used.

78. Section 1120.74 is revised to read as follows:

§ 1120.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform prices shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

79. Section 1124.51 is revised to read as follows:

§ 1124.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the

nearest cent. For such adjustment, the butterfat differential pursuant to § 1124.74 shall be used.

80. Section 1124.74 is revised to read as follows:

§ 1124.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1126—MILK IN THE TEXAS MARKETING AREA

81. In § 1126.51 is revised to read as follows:

§ 1126.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1126.74 shall be used.

82. Section 1126.74 is revised to read as follows:

§ 1126.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA

83. Section 1131.51 is revised to read as follows:

§ 1131.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1131.74 shall be used.

84. Section 1131.74 is revised to read as follows:

§ 1131.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1132—MILK IN THE TEXAS PANHANDLE MARKETING AREA

85. Section 1132.51 is revised to read as follows:

§ 1132.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1132.74 shall be used.

86. Section 1132.74 is revised to read as follows:

§ 1132.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1134—MILK IN THE WESTERN COLORADO MARKETING AREA

87. Section 1134.51 is revised to read as follows:

§ 1134.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1134.74 shall be used.

88. Section 1134.74 is revised to read as follows:

§ 1134.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per

hundredweight, at test, for manufacturing grade milk, fob. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1135—MILK IN THE SOUTHWESTERN IDAHO-EASTERN OREGON MARKETING AREA

89. Section 1135.51 is revised to read as follows:

§ 1135.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1135.74 shall be used.

90. Section 1135.74 is revised to read as follows:

§ 1135.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent of one percent variation from 3.5 percent by a butterfat differential rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported

PART 1137—MILK IN THE EASTERN COLORADO MARKETING AREA

91. Section 1137.51 is revised to read as follows:

§ 1137.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to 1137.74 shall be used.

92. Section 1137.74 is revised to read as follows:

§ 1137.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1138—MILK IN THE RIO GRANDE VALLEY MARKETING AREA

93. Section 1138.51 is revised to read as follows:

§ 1138.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential pursuant to § 1138.74 shall be used.

94. Section 1138.74 is revised to read as follows:

§ 1138.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.138 times the butter price less 0.0028 times the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

PART 1139—MILK IN THE GREAT BASIN MARKETING AREA

95. Section 1139.50 is amended by revising paragraphs (d) and (f) to read as follows.

§ 1139.50 Class prices and component prices.

* * * * *

(d) The butterfat price per pound shall be the total of: (1) The skim milk value per hundredweight for the month, computed pursuant to paragraph (f) of this section, divided by 100; and (2) the butterfat differential for the month, computed pursuant to § 1139.51(a) multiplied by 10.

(e) * * *

(f) The skim milk price per hundredweight shall be the basic formula price for the month less an amount computed by multiplying the butterfat differential computed pursuant to 1139.51(a) by 35.

96. Section 1139.51(a) is revised to read as follows:

§ 1139.51 Basic formula price.

(a) The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.138 times the butter price less 0.0028 times the

average price per hundredweight, at test, for manufacturing grade milk, fob. plants in Minnesota and Wisconsin, as reported by the Department for the month. The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division, using the price reported each week as the daily price for that day and for each following day until the next price is reported.

* * * * *

United States Department of Agriculture

Agricultural Marketing Service

Marketing Agreement Regulating the Handling of Milk in Certain Marketing Areas

The parties hereto, in order to effectuate the declared policy of the Act, and in accordance with the rules of practice and procedure effective thereunder (7 CFR part 900), desire to enter into this marketing agreement and do hereby agree that the provisions referred to in paragraph I hereof as augmented by the provisions specified in paragraph II hereof, shall be and are the provisions of this marketing agreement as if set out in full herein.

I. The findings and determinations, order relative to handling, and the provisions of §§ —[1] to —, all inclusive, of the order regulating the handling of milk in the said marketing area (7 CFR parts [2]) which is annexed hereto; and

II. The following provisions:

§ [3] Record of milk handled and authorization to correct typographical errors.

(a) Record of milk handled. The undersigned certifies that he handled during the month of hundredweight of milk covered by this marketing agreement.

(b) Authorization to correct typographical errors. The undersigned hereby authorizes the Director, or Acting Director, Dairy Division, Agricultural Marketing Service, to correct any typographical errors which may have been made in this marketing agreement.

§ [3] Effective date. This marketing agreement shall become effective upon the execution of a counterpart hereof by the Secretary in accordance with § 900.14(a) of the aforesaid rules of practice and procedure.

In witness whereof, The contracting handlers, acting under the provisions of the Act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

(Signature)
By _____
(Name) (Title)

(Address)
(Seal)
Attest _____
Date _____

[FR Doc. 90-27150 Filed 11-16-90; 8:45 am]
BILLING CODE 3410-02-M

[1] First and last sections of the respective orders.
[2] Appropriate part number.
[3] Next consecutive section number.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-218-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which currently requires repetitive inspections for cracks of the forward entry doorway forward frame, repair if necessary, and an optional terminating modification. This action would require repetitive inspections of airplanes previously modified. This proposal is prompted by reports of cracking of the forward entry doorway forward frame of airplanes previously modified. This condition, if not corrected, could result in loss of the structural integrity of the forward entry doorway.

DATES: Comments must be received no later than January 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANN-103, Attention: Airworthiness Rules Docket No. 90-NM-218-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton R. Wood, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2772. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-218-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

On April 1, 1986, the FAA issued AD 83-03-01 R1, Amendment 39-5283 (51 FR 11713, April 7, 1986), to require repetitive inspections of the forward entry doorway forward frame for cracks, and repair, if necessary. An optional terminating modification was included in the AD. That action was prompted by numerous reports of fatigue cracks originating in the frame web. This condition, if not corrected, could result in loss of structural integrity of the forward entry doorway.

Since issuance of that AD, there have been reports of cracking of the forward entry doorway forward frame on airplanes that have incorporated the terminating modification specified in AD 83-03-01 R1.

The FAA has reviewed and approved Boeing Service Bulletin 727-53-0153, Revision 5, dated December 14, 1989, which describes the procedures for inspection, repair, and modification of the forward entry doorway forward frame. The new modification described in this revision to the service bulletin consists of a reinforcement of the door frames.

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would supersede AD 83–03–01 R1 with a new airworthiness directive that would retain the inspection requirements of AD 83–03–01 R1, and add repetitive inspections for airplanes previously modified in accordance with earlier revisions of the service bulletin previously described. The new modification specified in Revision 5 of the service bulletin is included as an optional terminating action for the required inspections.

There are approximately 336 Model 727 series airplanes that have been modified in accordance with Boeing Service Bulletin 727–53–0153, or Revisions 1 through Revision 4, in the worldwide fleet. It is estimated that 245 airplanes of U.S. registry would be affected by this AD, that it would take approximately 58 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $568,400.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by superseding Amendment 39–5283 (51 FR 11713, April 7, 1986), AD 83–03–01 R1, with the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes, listed in Boeing Service Bulletin 727–53–0153, Revision 5, dated December 14, 1989, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure the structural integrity of the forward entry doorway forward frame, accomplish the following:

A. Visually inspect the forward entry doorway frame for cracks in accordance with Boeing Service Bulletin 727–53–0153, dated February 1, 1980, or Revisions 1 through 5 of that Service Bulletin, at the earlier of the times indicated in subparagraphs A.1. or A.2. of this AD, and repeat the inspection at intervals not to exceed 3,700 landings:

1. Within the next 1,850 landings after March 11, 1983 (the effective date of Amendment 39–4561), or prior to accumulating 25,000 landings, whichever occurs later; or

2. Within the next 1,850 landings after May 16, 1986, (the effective date of Amendment 39–5283), or prior to accumulating 15,000 landings, whichever occurs later.

B. For airplanes modified in accordance with Boeing Service Bulletin 727–53–0153, dated February 1, 1980, or Revisions 1 through Revision 4 of that Service Bulletin, dated November 8, 1985, conduct the inspections described in paragraph A. of this AD prior to the accumulation of 10,000 landings after the modification or within the next 3,700 landings after the effective date of this AD, whichever occurs later. Repeat the inspection at intervals not to exceed 3,700 landings.

C. Cracked structure must be repaired prior to further flight, in accordance with Boeing Service Bulletin 727–53–0153, Revision 5, dated December 14, 1989, or earlier FAA-approved revisions of that Service Bulletin. Repair in accordance with Revisions 2 through 5 of the service bulletin constitutes terminating action for the requirements of this AD.

D. Modification in accordance with Boeing Service Bulletin 727–53–0153, Revision 5, dated December 14, 1989, constitutes terminating action for the requirements of this AD.

E. For the purpose of complying with this AD, subject to acceptance by the assigned FAA Principal Maintenance Inspector, the number of landings may be determined by dividing each airplane's number of hours time-in-service by the operator's fleet average time from takeoff to landing for the airplane type.

F. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on November 7, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–27165 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 90–NM–235–AD]

Airworthiness Directives; British Aerospace Model ATP Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain British Aerospace Model ATP series airplanes, which would require disconnecting the stall warning contoured airframe heaters from the essential busbars and reconnecting them to the non-essential busbars. This proposal is prompted by a report that, in the event of a single transformer rectifier unit (TRU) failure, a potential for overload exists on the remaining TRU. This condition, if not corrected, could result in the loss of all DC (battery) electrical power.

DATES: Comments must be received no later than January 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal

Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–235–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–235–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain British Aerospace Model ATP series airplanes. During a system review, the manufacturer determined that, in the event of a single transformer rectifier unit (TRU) failure, a potential for overload exists on the remaining TRU. TRU's provide power for all DC (battery) loads, including power to recharge the main batteries. This condition, if not corrected, could result in the loss of all DC electrical power.

British Aerospace has issued Service Bulletin ATP–27–18, Revision 1, dated January 31, 1990, which describes procedures to disconnect the stall warning contoured airframe heaters from the essential 28V DC busbars and reconnecting them to the non-essential busbars. This modification will prevent the potential overload situation. The United Kingdom CAA has classified this service bulletin as mandatory.

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require disconnecting the stall warning contoured airframe heaters from the essential 28V DC busbars and reconnecting them to the non-essential busbars, in accordance with the service bulletin previously described.

It is estimated that 15 airplanes of U.S. registry would be affected by this AD, that it would take approximately four manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The estimated cost for required parts is $168. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $4,920.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment:

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the rules docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model ATP series airplanes, Serial Numbers 2002 through 2018, inclusive, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent the loss of all DC electrical power, accomplish the following:

A. Within 60 days after the effective date of this AD, disconnect the stall warning contoured airframe heaters from the essential 28V DC busbars and reconnect them to the non-essential busbars, in accordance with the Accomplishment Instructions in British Aerospace Service Bulletin ATP–27–18, Revision 1, dated January 31, 1990.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM–113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM–113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, Dulles International Airport, Washington, DC 20041–0414. These documents may be examined at the FAA, Northwest

Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Issued in Seattle, Washington, on November 7, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–27168 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 90–NM–234–AD]

Airworthiness Directives; British Aerospace Model BAe 125–800A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Model BAe 125–800A series airplanes, which would require a one-time visual inspection of the left and right main landing gear (MLD) side stay to wing pick-up fitting for adequate clearance; a visual inspection to detect distortion of the left and right MLG side stay center pivot; and a dye penetrant inspection to detect cracks in the left and right MLG side stay attachment lugs; and repair, if necessary. This proposal is prompted by reports of damage to various MLG components due to severe vibration on takeoff and landing. This condition, if not corrected, could result in reduced structural integrity of the MLG.

DATES: Comments must be received no later than January 10, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM–103, Attention: Airworthiness Rules Docket No. 90–NM–234–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW, Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM–113; telephone (206) 227–2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90–NM–234–AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Model BAe 125–800A series airplanes. There have been recent reports of damage to various components of the main landing gear (MLD) due to severe vibration on takeoff and landing. This includes cracks in the MLG side stay attachment lug; failure of the aft lug in the MLG side stay mounting fitting; and excessive wear of the MIG side stay center pivot, which can lead to distortion of the attaching nut. These conditions, if not corrected, could result in reduced structural integrity of the MLG.

British Aerospace has issued the following service bulletins:

(1) Service Bulletin 32–227, dated August 30, 1990, which describes procedures for inspections to detect damage, wear, and cracking in the MLG side stay assemblies and torque link assemblies, and repair, if necessary.

(2) Service Bulletin 32–224, Revision 1, dated August 30, 1990, which describes procedures for an inspection of the MLG side stay to wing pick-up fitting for required clearance, and repair, if necessary.

(3) Service Bulletin 32–225, dated May 30, 1990, which describes procedures for an inspection to detect distortion of the MLG sidestay center pivot, and repair, if necessary.

(4) Service Bulletin 57–72, dated January 28, 1990, which describes procedures for a dye penetrant inspection to detect cracking in the MLG side stay attachment lug, and repair, if necessary.

The United Kingdom CAA has classified these service bulletins as mandatory.

It should be noted that British Aerospace Service Bulletin 32–227 references British Aerospace Service Bulletin 32–222, which is not addressed in this proposed rule since a separate airworthiness directive has been issued to address it [reference AD 90–21–22, Amendment 39–6772 (55 FR 41513, October 12, 1990)].

This airplane model is manufactured in the United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require a one-time inspection of the left and right MLG side stay to wing pick-up fitting for adequate clearance, an inspection to detect distortion of the left and right MLG side stay center pivot, and a dye penetrant inspection to detect cracks in the left and right MLG side stay attachment lugs, and repair, if necessary, in accordance with the service bulletins previously described.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

It is estimated that 108 airplanes of U.S. registry would be affected by this AD, that it would take approximately 36 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $155,520.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the

various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to all Model BAe 125–800A series airplanes, certificated in any category. Compliance is required within 60 days after the effective date of this AD, unless previously accomplished.

To detect damage to main landing gear (MLG) components and to prevent reduced structural integrity of the MLG, accomplish the following:

A. Perform a visual inspection of the left and right MLG side stay to wing pick-up fitting for adequate clearance, in accordance with British Aerospace Service Bulletin 32–224, Revision 1, dated August 30, 1990.

1. If clearance is less than 0.025 inch, prior to further flight, perform a dye penetrant inspection and repair, in accordance with British Aerospace Service Bulletin 57–72, dated January 28, 1990, and then proceed to paragraph B. of this AD.

2. If there is a minimum clearance of 0.025 inch around the full circumference, prior to further flight, proceed to paragraph B. of this AD.

B. Disassemble, clean, lubricate, and reassemble and recheck clearance in accordance with British Aerospace Service Bulletin 32–224, Revision 1, dated August 30, 1990.

1. If a minimum clearance of 0.025 inch does not exist, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA, Airplane Transport Directorate.

2. If there is a minimum clearance of 0.025 inch, proceed to paragraph C. of this AD.

C. Unless accomplished in accordance with paragraph A.1. of this AD, perform a dye penetrant inspection of the left and right MLG side stay attachment lugs, in accordance with British Aerospace Service Bulletin 57–72, dated January 28, 1990.

1. If a crack is found, prior to further flight, repair in accordance with paragraph 2.A.(5) of the service bulletin, and repeat dye penetrant inspection to ensure all cracks have been removed.

2. If cracks are still evident, prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM–113, FAA Transport Airplane Directorate.

3. If no cracks are found, prior to further flight, thoroughly degrease the blended area, restore protective treatment and surface finish, reinstall side stay assembly, and torque tighten upper side stay locating pin retaining nut to 500 inch-pounds +/— 50 inch-pounds in accordance with paragraphs 2.A. (9) and (10) of the service bulletin.

D. Perform a visual inspection of the left and right MLG side stay center pivot for distortion, in accordance with British Aerospace Service Bulletin 32–225, dated May 30, 1990.

1. If distortion is less than 0.002 inch, prior to further flight, reinstall nut to side stay center pivot, in accordance with paragraph 2.A.(3) of the service bulletin.

2. If distortion is greater than 0.002 inch, prior to further flight, discard nut and replace with new nut, in accordance with paragraphs 2.A.(4) through 2.A.(9) of the service bulletin.

3. If a side stay center pivot nut was found to be distorted and was replaced, prior to further flight, remove the affected side stay from the airplane, disassemble, and perform the following, in accordance with British Aerospace Service Bulletin 32–227, dated August 30, 1990:

a. Conduct a visual inspection for cracks using an 8X magnifying glass.

b. Conduct an eddy current inspection of the upper side stay assembly.

c. Conduct a magnetic particle inspection of the lower side stay assembly.

4. If cracked parts are found, prior to further flight, replace with new parts having the same part numbers, and accomplish the following:

a. Restore protective treatment, bond any detached washers, replace any worn or damage items, and reassemble side stay upper arm to lower arm, and reinstall side stay on airplane in accordance with the service bulletin.

b. Perform adjustment/test procedures in accordance with the service bulletin.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM–113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM–113.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041–0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on November 8, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–27169 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

---

14 CFR Part 39

[Docket No. 90–NM–118–AD]

Airworthiness Directives; Short Brothers, PLC, Model SD3–30 and SD3–60 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: This notice proposes to amend an earlier proposed airworthiness directive (AD), applicable to all Short Brothers, PLC, Model SD3–30 series airplanes and certain Model SD3–60 series airplanes, which would have required changing the power source for the pitot/static heaters from the shedding busbars to the associated main busbars. This proposal would amend the proposed AD by clarifying the accomplishment procedures to ensure that proper methods are used to change the power source for the pitot/static heaters from the shedding busbars to the associated main busbars. This proposal would also reduce the compliance time.

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

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane

Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-118-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Short Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202-3719. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-118-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

A proposal to amend part 39 of the Federal Aviation Regulations, which would have required changing the power source for the pitot/static heaters from the shedding busbars to the associated main busbars, was published as a Notice of Proposed Rulemaking (NPRM) in the **Federal Register** on August 14, 1990 (55 FR 33135).

That NPRM was prompted by recent reports of loss of electrical power to the pitot/static heaters due to a generator failure. This condition, if not corrected, could result in incorrect airspeed and altitude information being provided to the pilot and/or co-pilot in the event of a generator or engine failure in certain flight conditions.

One commenter, the Air Line Pilots Association (ALPA), supported the proposed rule but recommended that the compliance time be reduced to 60 days. The FAA concurs. Upon further review of the available data, the FAA has determined that the compliance time for this AD action should be reduced from the proposed 4,800 hours time-in-service to 60 days in order to ensure the safety of the fleet, in light of the serious consequences of erroneous airspeed and altitude information provided to pilots under certain flight conditions.

Since a reduction in the proposed compliance time would expand the scope of the proposed rule, the FAA has determined that it is necessary to revise the Notice accordingly and provide additional time for public comment.

Additionally, since the issuance of the NPRM, Short Brothers has issued Service Bulletin SD360-24-18, Revision 2, dated September 14, 1990, and Service Bulletin SD360-24-25, Revision 1, dated September 14, 1990, which recommend a reduction in the suggested compliance times and corrects the procedures to change the power source for the pitot/static heaters from the shedding busbars to the associated main busbars. The FAA has determined that it is appropriate to cite these latest revisions as the service information documents applicable to this AD action. In doing so, the FAA has deleted previously proposed paragraph D., since the procedures that would have been required by that paragraph are now incorporated in Revision 2 of Service Bulletin SD340-24-18.

This airplane model is manufactured in United Kingdom and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

It is estimated that 120 airplanes of U.S. registry would be affected by this AD, that it would take approximately 6.5 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The required modification kit will be provided to the operators at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $31,200.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. By revising the Notice of Proposed Rulemaking, Docket No. 90-NM-118-AD, FR Doc. 90-19060, published in the **Federal Register** on August 14, 1990 (55 FR 33135).

Short Brothers, PLC: Applies to all Model SD3-30 series airplanes; and Model SD3-60 series airplanes, Serial Numbers SH3601 through SH3762, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent loss of power to the pitot/static heaters and subsequent incorrect airspeed and altitude information being provided to the pilot and/or co-pilot in the event of a generator or engine failure, accomplish the following:

A. For Model SD3-30 series airplanes: Within 60 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with the Accomplishment Instructions in Short

Brothers Service Bulletin SD330–24–25, Revision 1, dated September 14, 1990.

B. For Model SD3–60 series airplanes, Serial Numbers SH3601 through SH3661, inclusive, and SH3663 through SH3665, inclusive: Within 60 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with part A of the Accomplishment Instructions of Short Brothers Service Bulletin SD360–24–18, Revision 2, dated September 14, 1990.

C. For Model SD3–60 series airplanes, Serial Numbers SH3662 and SH3666 through SH3762, inclusive: Within 60 days after the effective date of this AD, revise the power source for the pitot/static heaters, in accordance with Part B of the Accomplishment Instructions of Short Brothers Service Bulletin SD360–24–18, Revision 2, dated September 14, 1990.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM–113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM–113.

E. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Shorts Brothers, PLC, 2011 Crystal Drive, suite 713, Arlington, Virginia 22202–3719. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Seattle, Washington, on November 8, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90–27167 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[PS–071–89]

RIN 1545–A061

Limitations on Passive Activity Losses and Credits; Developer Rule Amendments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking by cross-reference to temporary regulations.

SUMMARY: In the Rules and Regulations portion of this issue of the **Federal Register**, the Internal Revenue Service is issuing temporary regulations that amend previously issued temporary regulations concerning the limitations on passive activity losses and passive activity credits. The text of those temporary regulations also serves as the comment document for this notice of proposed rulemaking.

DATES: Comments and requests for a public hearing must be delivered by February 19, 1991. These regulations are proposed to apply for taxable years beginning after December 31, 1987.

ADDRESSES: Send comments and requests for a public hearing to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, room 4429, Washington, DC 20044 (Attn: CC:CORP:T:R (PS–071–89)).

FOR FURTHER INFORMATION CONTACT: Dexter A. Johnson at 202–566–4751 (not a toll-free number), or at Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, room 4229, Washington, DC 20044 (Attn: CC:CORP:T:R (PS–071–89)).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations in the Rules and Regulations portion of this issue of the **Federal Register** amends § 1.469–2T(f)(5) in title 26 of the Code of Federal Regulations. Section 1.469–2T(f)(5) excludes certain net income and gain from passive activity gross income. This document proposes to adopt the temporary regulations as final regulations. Accordingly, the text of the temporary regulations serves as the comment document for this notice of proposed rulemaking. In addition, the preamble to the temporary regulations explains the proposed and temporary rules.

For the text of the temporary regulations, see T.D. 8318, published in the Rules and Regulations portion of this issue of the **Federal Register**.

Special Analyses

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

Comments and Requests for a Public Hearing

Before these proposed regulations are adopted, consideration will be given to any written comments that are submitted (preferably a signed original and seven copies) to the Internal Revenue Service. All comments will be available for public inspection and copying. A public hearing will be scheduled and held upon written comments on the proposed rules. Notice of the time and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Dexter A. Johnson of the Office of the Assistant Chief Counsel (Passthroughs and Special Industries), Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing regulations on matters of both substance and style.

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 90–27121 Filed 11–16–90; 8:45 am]

BILLING CODE 4830–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Montana Permanent Regulatory Program

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

ACTION: Proposed rule; reopening and extension of comment period.

SUMMARY: OSM is announcing receipt of additional explanatory information pertaining to a previously proposed amendment to the Montana permanent regulatory program (hereinafter, the "Montana program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The additional explanatory information pertains to design precipitation event standards for structures that control runoff from the area above and from the surface of

waste disposal structures, as proposed in the June 19, 1990 amendment submittal.

This notice sets forth the times and locations that the Montana program and proposed amendment to that program are available for public inspection and the reopened comment period during which interested persons may submit written comments on the proposed amendment.

DATES: Written comments must be received by 4 p.m., m.s.t. December 4, 1990.

ADDRESSES: Written comments should be mailed or hand-delivered to Guy Padgett at the address listed below.

Copies of the Montana 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 holiday. Each requester may receive one copy of the proposed amendment by contacting OSM's Casper Field Office.

Guy Padgett, Director, Casper Field Office, Office of Surface Mining Reclamation and Enforcement, 100 East B Street, room 2128, Casper, WY 82601–1918, Telephone: (307) 261–5776

Montana Department of State Lands, Reclamation Division, Capitol Station, 1625 Eleventh Avenue, Helena, MT 59620, Telephone: (406) 444–2074.

FOR FURTHER INFORMATION CONTACT: Guy Padgett, Director, Casper Field Office, on telephone number (307) 261–5776.

SUPPLEMENTARY INFORMATION:

I. Background on the Montana Program

On April 1, 1980, the Secretary of the Interior conditionally approved the Montana program. General background information on the Montana program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Montana program can be found in the April 1, 1980 **Federal Register** (45 FR 21560). Subsequent actions concerning Montana's program and program amendments can be found at 30 CFR 926.12, 926.15, and 926.16.

II. Proposed Amendment

By letter dated June 19, 1990 (administrative record No. MT–7–01), Montana submitted a proposed amendment to its program pursuant to SMCRA. Montana submitted the proposed amendment at its own initiative in response to changes to the Montana program and mining conditions in the State and to more closely comply with current Federal regulations.

OSM published a notice in the July 11, 1990 **Federal Register** (55 FR 28414) announcing receipt of the amendment and inviting public comment on the adequacy of the proposed amendment (administrative record No. MT–7–01). The public comment period ended August 10, 1990.

During its review of the amendment, OSM identified a concern relating to the use of a 24-hour design precipitation event standard for structures that control runoff from the area above and from the surface of waste disposal structures. The Federal regulations use a 6-hour design precipitation event standard. OSM notified Montana of the concerns by letter dated September 7, 1990 (administrative record No. MT–7–13). Montana responded in a letter dated October 29, 1990 by submitting additional explanatory information justifying the use of the 24-hour design precipitation event standard (administrative record No. MT–7–15).

III. Public Comment Procedures

OSM is reopening the comment on the proposed Montana program amendment to provide the public an opportunity to reconsider the adequacy of the amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments 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 Montana program.

Written comments should be specific, pertain only to the issues 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 Casper Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

List of Subjects in 30 CFR Part 926

Intergovernmental relations, Surface mining, Underground mining.

Dated: November 7, 1990.

Richard E. Dawes,

Acting Assistant Director, Western Support Center.

[FR Doc. 90–27208 Filed 11–16–90; 8:45 am]

BILLING CODE 4310–05–M

30 CFR Part 946

Virginia Regulatory Program; Ownership and Control Data; Improvidently Issued Permits

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

ACTION: Proposed rule; Reopening and extension of comment period on proposed amendment.

SUMMARY: OSM is announcing the receipt of revisions to a previously proposed amendment to the Virginia permanent regulatory program (hereinafter referred to as the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). By letter dated October 18, 1990 (Administrative Record No. VA–776), Virginia submitted additional information to both support and modify its proposed amendment dated June 29, 1990 (Administrative Record No. VA–752), relating to ownership and control data and improvidently issued permits. Accordingly, OSM is reopening and extending the public comment period on Virginia's June 29, 1990, proposed amendment. OSM will consider the new information, the existing proposed amendment, and any previous comments when making a final decision on the proposed amendment.

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

DATES: Written comments must be received on or before 4 p.m. on December 4, 1990. If requested, a public hearing on the proposed amendment will be held on November 29, 1990; requests to present testimony at the hearing must be received on or before 4 p.m. November 26, 1990.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Mr. Douglas E. Stone, Acting Director, Big Stone Gap Field Office at the first address listed below. If a hearing is requested, it will be held at the same address.

Copies of the Virginia program, proposed amendment, and all written comments received in response to this notice will be available for review at the locations listed below during normal business hours Monday through Friday,

excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSM Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1216, Powell Valley Square Shopping Center, room 220, Route 23, Big Stone Gap, Virginia 24219, Telephone (703) 523–4303.

Virginia Division of Mined Land Reclamation, P.O. Drawer U, 622 Powell Avenue, Big Stone Gap, Virginia 24219, Telephone (703) 523–8100.

FOR FURTHER INFORMATION CONTACT: Mr. Douglas E. Stone, Acting Director, Big Stone Gap Field Office, Telephone (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior conditionally approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the Virginia 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 December 15, 1981 Federal Register (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and proposed amendments are identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Discussion of Proposed Amendment

By letter dated June 29, 1990 (Administrative Record No. VA–752), Virginia submitted a proposed amendment to its program pursuant to SMCRA. OSM announced in the August 7, 1990 Federal Register (55 FR 32100–32101) receipt of the amendment and invited public comment. By letter dated September 24, 1990 (Administrative Record No. VA–767), OSM notified Virginia of three items contained in the proposed amendment that required either clarification or revision. By letter dated October 18, 1990 (Administrative Record No. VA–776), Virginia submitted clarifications and revisions to the proposed amendment as described below.

1. Proposed rule VR 480–03–19.773.15(d)(1). OSM requested Virginia to clarify that it is interpreting this rule as applying to unabated enforcement actions and delinquent civil penalties incurred under any State or Federal program, not just those actions and penalties issued by OSM or Virginia. Virginia has provided this clarification.

2. Proposed rule VR 480–03–19.773.17(h). Virginia's proposed amendment required ownership and control data to be updated only after the State issued cessation orders. OSM requested Virginia to revise this rule to reference both Federal and State regulations. This rule requires that the ownership and control data be updated 30 days after a cessation order is issued regardless of the issuing authority. Virginia has revised this rule referencing both State and Federal regulations.

3. Proposed rule VR 480–03–19.773.20(b). OSM requested Virginia to submit "a policy statement or acknowledge that it will adhere to violations review criteria consistent with those set forth in the preamble to 30 CFR 773.20(b) (54 FR 18440–18441, April 28, 1989)." Virginia has responded that "Virginia will adhere to the violations review criteria that are set forth in the preamble to 30 CFR 773.20(b) to the extent they do not conflict with the criteria in effect in Virginia at the time the permit was issued."

III. Public Comments Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendment proposed by Virginia satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Virginia program.

Written Comments

Written comments should be specific, pertain only to the issues 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 Big Stone Gap Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under "**FOR FURTHER INFORMATION CONTACT**" by close of business on November 26, 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 persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those 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 at the Big Stone Gap Field Office by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT**". All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under "**ADDRESSES**". A written summary of each public meeting will be made part of the Administrative Record.

List of Subjects in 30 CFR Part 946

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

Dated: November 9, 1990.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 90–27140 Filed 11–16–90; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 531

[Docket No. 89–19; Notice 03]

Intent To Prepare Environmental Impact Statement for Fuel Economy Program; Announcement of Public Scoping Meeting

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

ACTION: Announcement of public scoping meeting.

SUMMARY: On September 12, 1989, NHTSA published a notice of intent to prepare a programmatic Environmental Impact Statement (EIS) to address the environmental impacts of the Corporate Average Fuel Economy (CAFE) program for passenger cars and light trucks (55 FR 37702). In that notice, NHTSA announced that the agency would hold a public scoping meeting concerning the EIS. This notice announces the time and

location of the public scoping meeting and presents a draft outline of the EIS.

DATES: The public scoping meeting will be held on December 13, 1990, beginning at 9 a.m. Written comments on the outline of the EIS or the meeting must be received by NHTSA's docket section no later than December 27, 1990.

ADDRESSES: The public scoping meeting will be held at the Federal Aviation Administration Auditorium, Third Floor, 800 Independence Avenue, SW., Washington, DC. Written comments on the outline of the EIS or the meeting should refer to Docket No. 89–19; Notice 03 and be submitted to the following: Docket Section, room 5109, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590. It is requested that 10 copies be submitted. The Docket is open from 9:30 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: All questions concerning the public scoping meeting should be directed to: Mr. Paul Spencer, Office of Market Incentives, NRM–21, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: (202) 366–4794. Any other questions should be directed to Mr. Orron Kee, Office of Market Incentives, NRM–21, National Highway Traffic Safety Administration, 400 7th Street, SW., Washington, DC 20590. Telephone: (202) 366–0846.

SUPPLEMENTARY INFORMATION: Title V of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 *et seq.*) requires the Secretary of Transportation to administer a program for regulating the average fuel economy of new passenger cars and light trucks in the U.S. market. The authority to administer the program has been delegated by the Secretary to the Administrator of NHTSA.

NHTSA's general responsibilities with regard to fuel economy include (1) Establishing and amending average fuel economy standards for manufacturers of passenger cars and light trucks, as appropriate, (2) promulgating regulations concerning procedures, definitions, and reports necessary to administer the fuel economy standards, and (3) enforcing fuel economy standards and regulations.

Section 502 sets the CAFE standard for passenger cars at 27.5 mpg for model year (MY) 1985 and beyond. Section 502(a)(4) of the Act authorizes, but does not require, NHTSA to amend the 27.5 mpg standard for 1985 or any subsequent model year. If the standard is amended for a particular model year, it must be set at a level which is the maximum feasible average fuel economy for that year. In determining the maximum feasible average fuel economy level, the agency is required by section 502(e) of the Act to consider the following four factors: (1) Technological feasibility, (2) economic practicability, (3) the effect of other Federal motor vehicle standards on fuel economy, and (4) the need of the nation to conserve energy.

Pursuant to section 502(f)(2), any amendment that has the effect of making a CAFE standard more stringent must be promulgated at least 18 months prior to the beginning of the model year in question. The legislative history of the Act provides that amendments reducing a standard must be promulgated before the commencement of the model year in question.

The Act does not require absolute achievement of the standard by manufacturers for each model year. Instead, it allows a shortfall in one year (or years) to be offset if a manufacturer exceeds the standard for another year (or years). Credits for exceeding average fuel economy standards may be carried back for three model years, or carried forward for three model years. If a manufacturer still does not meet the standard after taking credits into account, it is liable to the Federal government for civil penalties under section 508.

Acting in accordance with the provisions discussed above, NHTSA has on several occasions reduced the statutory passenger car CAFE standard. It reduced the 27.5 mpg standard to 26.0 mpg for MY's 1986, 1987, and 1988, and to 26.5 mpg for MY 1989. On May 22, 1989, NHTSA issued a notice terminating a rulemaking proceeding that it had commenced to consider amending the standard for MY 1990. As a result, the standard for MY 1990 remained at the statutory level of 27.5 mpg. A detailed discussion of these rulemakings and the bases for the agency's decisions is found in the May 22, 1989 termination notice (54 FR 21985).

Although NHTSA's authority to amend the statutory standard for passenger cars is discretionary, the agency is required by section 502(b) of the Cost Savings Act to set standards each model year for light trucks. Such standards must be prescribed at least 18 months prior to the beginning of the affected model year. Following the same statutory criteria as for passenger car standards regarding selection of the maximum feasible level, in recent years NHTSA set the light truck standard at 20.0 mpg for MY 1986, 20.5 mpg for MY 1987 through MY 1989, 20.0 mpg for MY 1990, and 20.2 mpg for MY 1991 (alternative standards for 2-wheel drive and 4-wheel drive light trucks are also provided for each of those years). For MY 1992, NHTSA set the standard for light trucks at 20.2 mpg, without alternative standards for two-wheel drive and four-wheel drive trucks. A comprehensive discussion of the agency's decisions with regard to light truck fuel economy standards is found in the April 5, 1988 final rule setting light truck standards for MY's 1990 and 1991 (53 11090).

In the May 22, 1989 termination notice regarding the MY 1990 standard cars, MHTSA announced that the agency had determined that it would be appropriate to prepare a programmatic EIS. This programmatic EIS would address the possible cumulative environmental impacts of NHTSA's past and possible future actions relating to amending passenger car standards, as well as those from setting or amending standards for light trucks. In recent years, NHTSA has not prepared an EIS in connection with the CAFE program. Instead, on the basis of environmental assessments and supplements addressing the potential impacts of each proposed action, the agency concluded those actions would not have a significant environmental impact.

Under the Council on Environmental Quality (CEQ) regulations, the first step following an agency decision to prepare an EIS is to initiate the scoping process to identify significant issues and determine the scope of issues to be addressed. Therefore, on September 12, 1989, NHTSA published a notice of intent to prepare a programmatic EIS to address the environmental impacts of the CAFE program for passenger cars and light trucks (54 FR 37702). NHTSA requested comments on the types of impacts which should be analysis and their relative significance so that the detail of analyzed and their relative significance so that the detail of analysis may be geared to potential significance of impact. NHTSA also requested comments on the extent to which any mitigation measures are available to NHTSA in light of its statutory mandate to set CAFE standards at the maximum feasible level.

NHTSA received a number of comments on these issues. Based on those comments and other information, NHTSA has prepared a draft outline of the EIS which is presented below. The outline includes all significant environmental topics suggested by commenters. However, NHTSA did not include a number of non-environmental (*e.g.*, economic) matters suggested by

commenters in the EIS outline. An agency is not required to evaluate non-environmental matters in an EIS. Further, NHTSA believes that non-environmental matters are best discussed in documents other than an EIS (*e.g.*, a Regulatory Impact Analysis.). NHTSA expects that the EIS will be completed in about two years. The completion of the EIS is contingent upon the availability of appropriated funds.

Public involvement and interagency coordination will be maintained throughout the development of the EIS. In the notice of intent, NHTSA announced that the agency would hold a public scoping meeting concerning the EIS. The public scoping meeting will begin at 9 a.m. on December 13, 1990 and will be held in the Federal Aviation Administration Auditorium, Third Floor, 800 Independence Avenue, SW., Washington, DC. Members of the public and interested Federal, state and local agencies are invited to attend the scoping meeting. Persons who wish to speak at the meeting should contact Mr. Paul Spencer (whose address and telephone number are provided near the beginning of this notice), no later than December 7, 1990. The request may be made by telephone or made in writing. If the request is mailed to Mr. Spencer, it should be received by December 7, 1990. Persons should indicate the estimated length of their presentation and whether they will need any special equipment, such as projectors. NHTSA reserves the right to limit the length of any presentation if necessary for the timely conclusion of the public meeting. A verbatim written transcript will be prepared of the meeting and will be available for public review in the docket indicated above. NHTSA will prepare a schedule of persons making presentations at the meeting, which will be available at the beginning of the meeting. If the schedule is prepared sufficiently far in advance of the meeting, NHTSA will send a copy of the schedule to all persons scheduled to speak at the meeting. However, NHTSA requests that all speakers be available to speak both earlier and later than scheduled since the meeting may not proceed precisely according to schedule.

The meeting will begin with NHTSA personnel briefly discussing the outline of the EIS and the agency plans for completing the EIS. Next, persons who have previously indicated an interest in speaking at the meeting, will speak in the order indicated in the schedule. A NHTSA official will serve as moderator of the meeting. A panel of NHSTA and cooperating agency personnel will hear the speakers and may ask questions at the conclusion of each presentation. Other meeting attendees will not be permitted to question speakers directly. However, meeting attendees may submit written questions to Mr. Spencer. The moderator may ask the questions of the speaker, at his or her discretion. Persons submitting questions should indicate their name and affiliation with the written questions.

Persons making oral presentations are requested to submit at least 15 copies of either the full text or an outline of their presentation to Mr. Spencer no later than December 12, 1990. This will aid NHTSA and cooperating agency personnel in asking questions of the persons speaking. Persons whose presentations include visual aids should submit copies of them to Mr. Spencer at the meeting. Copies of visual aids and written copies of presentations will be included in the docket indicated above. If time allows, when all scheduled speakers have finished their presentations, the moderator may allow persons to make additional brief remarks.

The following is a draft outline of the EIS:

Environmental Impact Statement Outline

I. Cover Sheet
II. Summary
III. Table of Contents
IV. A. Introduction (Description of Action)
B. Purpose and Need for the Action
C. History of CAFE Standards
D. Contribution of CAFE Standards to Reducing Automotive Fuel Consumption
E. Effects of Alternative Motor Fuels Act
F. Impact Analysis of Alternatives
G. Possible CAFE Effects on the Environment
H. NEPA Requirements
I. Time Frame Considered
1. Short Term (up to 5 years)
2. Long Term (up to 20 years)
V. Summary of Environmental Impacts
VI. Alternatives Considered
A. Current Rulemaking Procedures
B. Proposed and Potential Activities
1. Proposed changes to CAFE law
2. Alternatives to CAFE law
3. Alternative Fuel Considerations
VII. Mathematical Modelling of CAFE Effects
A. Existing Fuel Consumption Models
B. Evaluation of Contribution of CAFE Regulations vs. Market Effects to Reduction in Automotive Fuel Consumption
C. Variables to be considered
1. Design Changes
2. Changes in Type of Fuel
3. Production Changes
4. Vehicle Miles Traveled (VMT) Effects
5. Scrappage Effects
6. Effects of consumer Substitution of Vehicle Types
7. Extremely High- or Low-mpg Vehicles
D. Model Accuracy
VIII. Appendices: Detailed Analysis of Impacts
A. Appendix A: Energy and natural Resources Impacts Due to Fuel Requirements Changes
1. Fuel Distribution System
2. Fabrication Steel and Other Metals
3. Plastics
4. Production Energy
5. Miscellaneous
B. Appendix B: Environmental Impacts
1. Air Quality
a. General
b. Emissions
c. Acid Deposition
d. Other Deposition Products (Direct and Refinery)
2. Other Waste Disposition
3. Water Quality and Water Supply
a. Offshore Drilling
b. Marine Emissions
c. Oil Spills
4. Tailpipe Emissions (Quantitative)
a. Volatile Organic Compound Emissions
b. Carbon Dioxide Emissions
c. Nitrogen Oxides
d. Particulate Emissions
e. Polynuclear Aromatic Hydrocarbons
f. Other Unregulated Emissions
5. Health
a. Public
b. Occupational
6. Regional Effects
a. Non-attainment Areas
b. Sensitive Ecosystems
c. Petroleum Resource Development
7. Petroleum Substitutes
8. Climatology Effects
a. Greenhouse Gases
b. Ozone Depletion
c. Others (e.g., acid precursors)
C. Appendix C: cumulative Impacts
IX. Index
X. List of Consultants
XI. List of Preparers
XII. References

As indicated above, persons may submit written comments on the EIS outline or the meeting to the docket. It is requested but not required that 10 copies be submitted.

All comments should not exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary points in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address. To the extent possible, comments filed after the closing date will also be considered. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

Issued: November 14, 1990.

Barry Felrice,

Associate Administrator for Rulemaking.

[FR Doc. 90-27248 Filed 11-14-90; 5:01 pm]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 55, No. 223
Monday, November 19, 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

Animal and Plant Health Inspection Service

[Docket No. 90-219]

Safety Issues Related to Genetically Engineered Wheat and Corn; Public Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of public meeting.

SUMMARY: A workshop will be held by the Keystone Center to identify and discuss biological and environmental safety issues related to small and large-scale plantings of genetically engineered wheat and corn.

DATES: The 3-day workshop will be held on December 6, 1990, from noon to 6 p.m., December 7, 1990, from 8 a.m. to 6 p.m., and December 8, 1990, from 8 a.m. to noon.

ADDRESSES: The workshop will be held at the Keystone Center in Keystone, Colorado. Workshop participants will be directed to appropriate conference rooms upon arriving at the center. No street address for the center exists, specific directions to the center and other logistical assistance can be obtained by contacting the Keystone Center representatives listed below under **FOR FURTHER INFORMATION CONTACT.**

FOR FURTHER INFORMATION CONTACT: John R. Ehrmann or Denise Seibert, The Keystone Center, Box 606, Keystone, CO 80435, 303–468–5822, or Dr. Sivramiah Shantharam, Biotechnologist, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 841, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of regulated articles. A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for release into the environment of a regulated article.

The Keystone Center will hold a 3-day workshop to discuss biosafety issues associated with open and wind pollinated crops, specifically wheat and corn. APHIS believes it would be desirable to hold such a workshop to identify and discuss biological and environmental safety issues related to small and large-scale plantings of genetically engineered wheat and corn.

The 3-day workshop will focus on three major areas of discussion: (1) The potential for gene exchange with non-target organisms, (2) the potential environmental consequences of gene exchange, and (3) appropriate safeguards for preventing or monitoring gene exchange.

The workshop will be open to the public. Its goal is to provide an opportunity for open discussion of views concerning the above issues as they relate to genetically-engineered wheat and corn released into the environment.

A more detailed agenda and additional background information can be obtained by contacting the Keystone Center representatives listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 14th day of November 1990.

Robert Melland,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 90–27209 Filed 11–16–90; 8:45 am]

BILLING CODE 3410–34–M

Farmers Home Administration

Limiting to the Redelegation of Authority to Approve Debt Settlements and Releases of Liability in Connection With Voluntary Liquidations

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice of redelegation of authority.

SUMMARY: On October 20, 1989, The Farmers Home Administration (FmHA) Administrator redelegated certain authorities to all State Directors dealing with the settlement of and/or release of liability on FmHA debts, owed by borrowers, who made application to settle their FmHA debts or requested release of liability. Notice of this redelegation was published in 54 FR 43840 (October 27, 1989). The redelegation authority granted on October 20, 1989, expired on September 30, 1990, and the Administrator now gives notice to renew that redelegation through September 30, 1991, but reduces the State Directors' approval authority not to exceed $1,000,000 (including principal, interest and other charges). All debt settlement/release of liability cases in excess of $1,000,000 must be submitted to the National Office for settlement/release of liability cases in excess of $1,000,000 must be submitted to the National Office for approval by the Administrator. This action is taken to expedite the processing of debt settlement applications/requests of borrowers who are unable to repay all of their FmHA debts. The effect of the extension of the redelegation of the Administrator's authority is the continued expediting of the administrative reivew process for debt settlements and releases of liability permitting more timely debt relief to FmHA borrowers, and to correspondingly reduce the Agency's portfolio of inactive uncollectible accounts.

EFFECTIVE DATES: October 1, 1990, through September 30, 1991.

FOR FURTHER INFORMATION CONTACT: Thomas B. Baden, Senior Loan Officer, Farmer Programs Loan Servicing Division, Farmers Home Administration, USDA, room 5437, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone (202) 475–4008.

SUPPLEMENTARY INFORMATION: The Catalog of Federal Domestic Assistance programs affected by this notice are:

10.410 Very Low and Low Income Housing Loans
10.416 Soil and Water Loans
10.417 Very Low-Income Housing Repair Loans and Grants
10.428 Economic Emergency Loans

Notice: The notice of the delegation of authority for approving debt settlement/release of liability cases reads as follows:

This extends the authority given under the unnumbered memorandum dated October 20, 1989, entitled "Limiting the Redelegation of Authority for Approving Debt Settlement/Release of Liability Cases" but reduces the approval authority not to exceed $1,000,000 (including principal, interest and other charges). All debt settlement/release of liability cases in excess of $1,000,000 must be submitted to the National Office for approval by the Administrator.

Pursuant to authority delegated to me as Administrator, Farmers Home Administration, I hereby redelegate to State Directors approval authority not to exceed $1,000,000 (including principal, interest, and other charges) for the following:

1. Debt settlement cases in accordance with Section 1956.58(a) of FmHA Instruction 1956–B, "Debt Settlement-Farmer Programs and Single Family Housing, (Revised 7–29–87, PN 59)."

2. Release of liability cases in accordance with §§ 1955.10(f)(2) and 1955.20(b)(2) of FmHA Instruction 1955–A, "Liquidation of Loans Secured by Real Estate and Acquisition of Real and Chattel Property."

3. Release of liability cases in accordance with § 1962.34(h) of FmHA Instruction 1962–A, "Servicing and Liquidation of Chattel Security," and §§ 1965.26(f)(5)(ii) and 1965.27(f) of FmHA Instruction 1965–A, "Servicing of Real Estate Security for Farmer Programs and Certain Note-Only Cases."

This authority DOES NOT extend to debt settlement of Nonprograms loans, Economic Opportunity loans, and claims against third-party converters.

This extension of the redelegation shall be effective through September 30, 1991, unless revoked or otherwise modified in writing. The authority delegated to the State Director cannot be further delegated.

Dated: October 30, 1990.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 90–27205 Filed 11–16–90; 8:45 am]

BILLING CODE 3410–07–M

Forest Service

Opening of the Oil Spill Public Information Center; Anchorage, AK

AGENCY: USDA, Forest Service.

ACTION: Information notice.

SUMMARY: Today's notice is provided to inform the public of the opening of the Oil Spill Public Information Center ("the Center" or "OSPIC") in Anchorage, Alaska. The Federal trustee agencies for the *Exxon Valdez* Oil Spill (the Departments of Agriculture and the Interior and the National Oceanic and Atmospheric Administration (NOAA)), the Department of Justice and the Environmental Protection Agency (EPA), and the State of Alaska are making oil spill-related information available to the public through the Center. Scientific data, restoration planning documents, and other information will be accessible, including material on injuries caused by the grounding of the *Exxon Valdez* on Bligh Reef in Prince William Sound on March 24, 1989. The "OSPIC" project was initiated by the Federal Government and is operated and, at the current time, funded by the Federal agencies.

DATES: The Center began operations on September 27, 1990.

FOR FURTHER INFORMATION CONTACT: The Oil Spill Public Information Center, The Simpson Building, suite 402, 645 G Street, Anchorage, Alaska 99501 or call one of the following telephone numbers to reach the Center directly: 1–800–283–7745 (toll-free, outside Alaska), 1–800–478–7745 (toll-free, within Alaska), or (907) 278–8008 (in Anchorage). The Center's Director of Information Services is Mary McGee. Documents discussed in the notice can be obtained by contacting the Center.

I. Background

The March 24, 1989, grounding of the tanker *Exxon Valdez* in Alaska's Prince William Sound led to the largest oil spill in U.S. history. The nearly 11 million gallons of crude oil that spilled from the vessel spread west along the Gulf of Alaska to cover more than 1,000 miles of coastline. The spill injured areas extremely rich in natural resources. In particular, it injured fish, birds, mammals, intertidal and subtidal plants and animals. and their associated habitats. The majority of those lands affected are managed or held in trust by the State of Alaska, the Department of the Interior, or the USDA, Forest Service. NOAA is the Federal trustee for the Nation's marine resources, and, as such, is the Federal trustee for marine resources injured as a consequence of the *Exxon Valdez* Oil Spill. The Federal trustees and the State of Alaska are conducting a damage assessment under applicable laws to determine the extent of the injuries or destruction to all natural resources, their associated uses, and intrinsic values.

II. Opening of the Oil Spill Public Information Center

The Federal trustees and the Department of Justice opened the Oil Spill Public Information Center in Anchorage, Alaska. The purpose of this facility is to make available to the public scientific and other information related to the *Exxon Valdez* Oil Spill. The goal of the Federal agencies is to provide as much factual information to the public as possible in order to enable the public to participate in developing approaches to restoration. The Center will contain a wide array of data and information related to the oil spill from a number of sources. The reference and research collection will include information from numerous disciplines in the natural and social sciences, economics, and law.

The Federal trustees, EPA, and the State of Alaska are seeking to persuade the Exxon Corporation to join in providing scientific data, documents, and funding for the Center to ensure the greatest possible flow of information to the public. As scientific data samples are validated and become available, they will be subjected to a quality assurance/quality control ("QA/QC") process before being considered for inclusion in the Center. The purpose of "QA/QC", in this context, is to ensure that the parameters, protocols, and definitions needed to allow independent analysis are mutually understood. The Federal trustees expect that additional oil spill response information and scientific damage assessment study data will be made available in the Center in the near future while restoration planning is underway.

Among the documents now available through the Center are the 1989 and 1990 State/Federal Natural Resource Damage Assessment and Restoration Plans for the *Exxon Valdez* Oil Spill. These documents describe the nature and extent of the scientific studies that have been undertaken by the State and Federal agencies to assess damage caused by the oil spill. In addition, the Center holds the recent report entitled: "Restoration Planning Following the *Exxon Valdez* Oil Spill: August 1990 Progress Report," describing the restoration planning process.

Also available are several documents compiled by the Restoration Planning Work Group (RPWG), which is cochaired by EPA and the State of Alaska and also composed of representatives from the U.S. Department of Agriculture, U.S. Department of the Interior, and NOAA. EPA has been directed by the President to coordinate long-term restoration

planning on behalf of the Federal trustees. The RPWG task is planning for the restoration of the areas affected by the *Exxon Valdez* Oil Spill. A literature search undertaken by EPA yielded approximately 200 publications that will soon be available at the Center. These include publications that discuss subarctic restoration techniques, the past restoration of various types of resources, the creation of new aquatic habitats, the success of organisms grown in oil-contaminated substrates, long-term monitoring techniques, and other matters.

The information in the Center will be available in various media, such as microfilms, microfiche, audio/video tapes, photographs, and computerized data bases. Printed material, such as technical reports, newspaper and magazine articles, and books, are also available in a reading room. Equipment will be on hand for accessing these resources, such as microfilm reader-printers, computers, video equipment, and photocopiers. The Center will also be equipped to serve users outside the Anchorage area. The Center will be a contributing member of the Western Library Network (WLN).

Through the WLN, the Center will be able to share its resources with other libraries throughout the United States, Canada, and other countries.

Dated: November 8, 1990.

Robert W. Williams,

Deputy Regional Forester.

[FR Doc. 90-27155 Filed 11-16-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Semiconductor Technical Advisory Committee, Partially Closed Meeting

A meeting of the Semiconductor Technical Advisory Committee will be held, December 6, 1990, 9 a.m., Herbert C. Hoover Building, room 1629, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to semiconductors and related equipment or technology.

Agenda: **General Session**

1. Opening Remarks by the Chairman and Commerce Representative.
2. Introduction of Members and Visitors.
3. Presentation of Papers or Comments by the Public.
4. Discussion of Results of Round Two U.S. Proposed Core List for Electronics.

Executive Session

5. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control programs and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, in order to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that you forward your public presentation materials or comments at least one week before the meeting to the address listed below: Ms. Ruth D. Fitts, U.S. Department of Commerce/BXA, Office of Technology & Policy Analysis, 14th & Constitution Avenue, NW., room 4069A Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 5, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Dated: November 9, 1990.

Betty A. Ferrell,

Director, Technical Advisory Committee Unit, Office of Technology and Policy Analysis.

[FR Doc. 90-27215 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DT-M

International Trade Administration

[A-201-601]

Certain Fresh Cut Flowers From Mexico; Termination in Part of Antidumping Duty Administrative Review

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice of termination in part of Antidumping Duty Administrative Review.

SUMMARY: On May 17, 1989, the Department of Commerce initiated an administrative review of the antidumping order on certain fresh cut flowers from Mexico. The Department has now terminated this review with respect to five exporters.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Steve Alley, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-8830 or (202) 377-1766, respectively.

SUPPLEMENTARY INFORMATION:

Background

On May 24, 1989, the Department published a notice of initiation of administrative review of the antidumping order on certain fresh cut flowers from Mexico. This notice stated that we would review entries from eight exporters during the period April 1, 1988, through March 31, 1989.

Las Flores de Mexico, San Marcos, Agro-Export, and Super Rosa Monrog subsequently withdrew their requests for review on July 6, 1989. Rancho Mision el Descanso withdrew its request for review on July 12, 1989. Accordingly, the Department has terminated the administrative review with respect to Las Flores de Mexico, San Marcos, Agro-Export, Super Rosa Monrog and Rancho Mision el Descanso.

This notice is in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)) and § 353.22(a)(5) of the Department's regulations (19 CFR 353.22(a)(5)).

Dated: November 9, 1990.

Francis J. Sailer,

Deputy Assistant Secretary for Investigations, Import Administration.

[FR Doc. 90-27125 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-813]

Antidumping Duty Order; Light Scattering Instruments and Parts Thereof (LSIs) From Japan

AGENCY: Import Administration, International Trade Administration, Commerce.
ACTION: Notice.

SUMMARY: In its investigation, the U.S. Department of Commerce (the Department) determined that LSIs from Japan are being sold in the United States at less than fair value. In a separate investigation, the U.S. International Trade Commission (ITC) determined that a U.S. industry is being threatened with material injury by reason of imports of LSIs from Japan. The ITC did not determine, pursuant to section 735(b)(4)(B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(b)(4)(B), that, but for the suspension of liquidation of entries of LSIs from Japan, the domestic industry would have been materially injured.

When the ITC finds threat of material injury, but does not determine that material injury would have occurred if liquidation had not been suspended, the "Special Rule" provision of section 736(b)(2) of the Act (19 U.S.C. 1673e(b)(2)) applies. Therefore, all unliquidated entries of LSIs from Japan, as described in this notice, which were entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's final determination in the **Federal Register**. will be liable for the assessment of antidumping duties. We will direct the U.S. Customs Service to terminate the suspension of liquidation for entries entered, or withdrawn from warehouse, for consumption before the date on which the ITC publishes its final determination in the **Federal Register**, and to release any bond or other security, and refund any cash deposit, posted to secure the payment of estimated antidumping duties with respect to these entries.

A cash deposit of estimated antidumping duties must be made on all entries of LSIs from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication in **Federal Register** of the ITC's final determination.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Erik Warga or Louis Apple, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377 8922 or 377–1769, respectively.

SUPPLEMENTARY INFORMATION: The products covered by this investigation are light scattering instruments, and the parts thereof specified below, from Japan that have classical measurement capabilities, whether or not also capable of dynamic measurements. Classical measurement (also known as static measurement) capability usually means the ability to measure absolutely (i.e., without reference to molecular standards) the weight and size of macromolecules and submicron particles in solution, as well as certain molecular interaction parameters, such as the so-called second virial coefficient. (An instrument that uses single-angle instead of multi-angle measurement can only measure molecular weight and the second virial coefficient.) Dynamic measurement (also known as quasi-elastic measurement) capability refers to the ability to measure the diffusion coefficient of molecules or particles in suspension and deduce therefrom features of their size and size distribution. LSIs subject to this investigation employ laser light and may use either the single-angle or multi-angle measurement technique.

The following parts are included in the scope of the investigation when they are manufactured according to specifications and operational requirements for use only in an LSI as defined in the preceding paragraph: Scanning photomultiplier assemblies, immersion baths (to provide temperature stability and/or refractive index matching), sample-containing structures, electronic signal-processing boards, molecular characterization software, preamplifier/discriminator circuitry, and optical benches. LSIs subject to this investigation may be sold inclusive or exclusive of accessories such as personal computers, cathode ray tube displays, software, or printers. LSIs are currently classifiable under Harmonized Tariff Schedule (HTS) subheading 9027.30.40. LSI parts are currently classifiable under HTS subheading 9027.90.40. HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Different items with the same name as subject parts may enter under subheading 9027.90.40. To avoid the unintended suspension of liquidation of non-subject parts, those items entered under subheading 9027.90.40 and generally known as scanning photomultiplier assemblies, immersion baths, sample-containing structures, electronic signal-processing boards, molecular characterization software, preamplifier/discriminator circuitry, and optical benches must be accompanied by an importer's declaration to the Customs Service to the effect that they are not manufactured for use in a subject LSI.

In accordance with section 735(a) of the Act (19 U.S.C. 1673d(a)), on August 21, 1990, the Department made its final determination that LSIs from Japan are being sold at less than fair value (55 FR 34952, August 27, 1990). On November 2, 1990, in accordance with section 735(d) of the Act (19 U.S.C. 1673d(d)), the ITC notified the Department that such imports threaten a U.S. industry with material injury. The ITC did not determine, pursuant to section 735(b)(4)(B) of the Tariff Act of 1930, as amended (the Act) (19 U.S.C. 1673d(b)(4)(B)), that, but for the suspension of liquidation of entries of LSIs from Japan, the domestic industry would have been materially injured by subject imports.

Therefore, in accordance with sections 736 and 751 of the Act (19 U.S.C. 1673e and 1675), the Department will direct U.S. Customs officers to assess, upon further advice by the administering authority pursuant to section 736(a)(1) of the Act (19 U.S.C. 1673e(a)(1)), antidumping duties equal to the amount by which the foreign market value of the merchandise exceeds the United States price for all entries of LSIs from Japan. These antidumping duties will be assessed on all unliquidated entries of LSIs from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the ITC's final determination in the **Federal Register**. We will direct the U.S. Customs Service to terminate the suspension of liquidation for entries entered, or withdrawn from warehouse, for consumption before the date on which the ITC publishes its final affirmative determination of threat of material injury in the **Federal Register**, and to release any bond or other security, and refund any cash deposit, posted to secure the payment of estimated duties with respect to these entries.

On or after the date of publication of the ITC's final determination in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below:

Manufacturers/producers/exporters	Margin percentage
Otsuka Electronics Co., Ltd.	129.71
All Others	129.71

This notice constitutes an antidumping duty order with respect to LSIs from Japan, pursuant to section 736(a) of the Act (19 U.S.C. 1673e(a)). Interested parties may contact the Central Records Unit, room B-099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

This order is published in accordance with section 736(a) of the Act (19 U.S.C. 1673e(a)) and 19 CFR 353.21.

Dated: November 9, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27124 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-019]

Preliminary Results of Antidumping Duty Administrative Review; Cyanuric Acid From Japan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Cyanuric acid from Japan: preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on cyanuric acid from Japan. This review covers one manufacturer/exporter of cyanuric acid to the United States and one trading company for the period April 1, 1989, through March 31, 1990. The review indicates the existence of dumping margins for Shikoku Chemicals Co. (Shikoku) and Mitsubishi Corporation (Mitsubishi), an unrelated trading company.

We invite interested parties to comment on these preliminary results. If this review proceeds as expected, we will issue final results on or before January 18, 1991.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Carole A. Showers or Julie Anne Osgood, Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-3217 and 377-0167, respectively.

SUPPLEMENTARY INFORMATION:

Case History

On April 27, 1984, the Department published in the **Federal Register** (49 FR 18148) the antidumping duty order on cyanuric acid and its chlorinated derivatives from Japan. On November 21, 1988, the Department published in the **Federal Register** its tentative determination to revoke in part the antidumping duty order on chlorinated derivatives (*i.e.*, dichloro isocyanurates (DCA) and tricholoro isocyanuric acid (TCA)) (53 FR 46896). The Department is currently reviewing entries of the chlorinated derivatives for the period April 1, 1988, through November 20, 1988, the sixth or "gap" review period, to determine if sales at less than fair value are likely to occur. The Department will make its final determination whether to revoke the order with respect to chlorinated derivatives upon completion of the sixth review.

On January 18, 1990, the Department published the final results of its most recently completed administrative reviews which covered the periods April 1, 1985, through March 31, 1986, and April 1, 1986, through March 31, 1987, (55 FR 1690). On April 27 and 30, 1990, Monsanto Company, Shikoku and Mitsubishi, respectively, requested that the Department conduct an administrative review for the period April 1, 1989, through March 31, 1990, in accordance with § 353.22(a) of the Department's regulations. We published a notice of initiation of this antidumping duty administrative review on June 1, 1990, (55 FR 22366) covering Shikoku and Mitsubishi. As a result of the Department's tentative determination to revoke the order on the chlorinated derivatives, we are conducting a review of cyanuric acid separate from its chlorinated derivatives for this seventh review period.

On June 18, 1990, we issued questionnaires pertaining only to cyanuric acid. A request for information was inadvertently mailed to Toyo Menka Kaisha, Ltd., a trading company. Because no interested party requested that the Department review shipments or sales of cyanuric acid made by Toyo Menka Kaisha, Ltd., it is not covered in this administrative review. On August 17, 1990, Shikoku and Mitsubishi stated in a letter to the Department that they would not respond to the Department's request for information.

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of cyanuric acid, (also known as isocyanuric acid) used in the swimming pool trade. Cyanuric acid is sold in three basic consistencies: powder, granular, and tablet. During the review period, cyanuric acid was classifiable under item 425.1050 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under item 2933.69.50.50 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

Use of Best Information Available

We have determined, in accordance with section 776(c) of the Act, that the use of best information available is appropriate for entries of the subject merchandise from Shikoku and Mitsubishi.

In deciding what to use as best information available, § 353.37(b) of the Department's regulations provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is best information available. When a company refuses to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department assigns to that company the highest margin for the subject merchandise of: (1) The highest margin calculated for that company in any previous review; (2) the highest margin calculated for any respondent within that country that supplied adequate responses in any previous review; or, (3) the margin for that company calculated in the less than fair value (LTFV) investigation.

Because Shikoku and Mitsubishi refused to respond to the Department's request for information, as best information available, we used the margin calculated for Shikoku in the LTFV investigation, 10.93 percent.

Preliminary Results of the Review

We preliminarily determine the margins to be:

Manufacturer/ exporter	Time period	Margin (percent)
Shikoku Chemicals Co.	04/1/89-3/31/90	10.93
Shikoku Chemicals Co./ Mitsubishi Corporation	04/1/89-3/31/90	10.93

Upon completion of this administrative review, the Department will issue appraisement instructions concerning Shikoku and Mitsubishi directly to the U.S. Customs Service. Furthermore, the following deposit requirements will be effective upon publication of our final results of this administrative review for all shipments of cyanuric acid entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for any shipments of this merchandise manufactured or exported by the remaining known manufacturers/exporters not covered in this review will continue to be at the rate published in the final results of the most recently completed review applicable to each of these firms (55 FR 1690, January 18, 1990); (2) the cash deposit rate for the companies included in this review will be that established in the final results of this administrative review; and (3) the cash deposit rate for any future entries of this merchandise from a new producer and/or exporter, not covered in this or prior administrative reviews, whose first shipments occurred after March 31, 1990, and who is unrelated to any reviewed firm, will be 5.76 percent. This is the calculated rate applicable to new manufacturers and/or exporters from the most recently completed administrative review where shipments were made.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

Public Comment

In accordance with § 353.38 of the Department's regulations, we will hold a public hearing, if requested, on December 18, 1990, at 2 p.m. in room 3708, to afford interested parties an opportunity to comment on these preliminary results. Interested parties who wish to request or participate in a hearing must submit a written request within ten days of the date of publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; (3) the reasons for attending; and, (4) a list of the issues to be discussed.

In addition, ten copies of the business proprietary version and five copies of the non-proprietary version of case briefs must be submitted to the Assistant Secretary no later than December 4, 1990. Ten copies of the business proprietary version and five copies of the non-proprietary version of rebuttal briefs must be submitted to the Assistant Secretary no later than December 11, 1990. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal brief. If no hearing is requested, interested parties still may comment on these preliminary results in the form of case and rebuttal briefs. Written argument should be submitted in accordance with section 353.38 of the Department's regulations and will be considered if received within the time limits specified in this notice.

This administrative review and notice are in accordance with sections 751(a)(1) of the Act and § 353.22(c)(5) of the Department's regulations.

Dated: November 9, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27213 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-815]

Postponement of Final Antidumping Duty Determination and Postponement of Public Hearing: Gray Portland Cement and Clinker From Japan

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: This notice informs the public that we have received a request from respondents in this antidumping duty investigation to postpone the final determination, as permitted in section 735(a)(2) of the Tariff Act of 1930, as amended (the Act), (19 U.S.C. 1673d(a)(2)). Based on this request, we are postponing our final determination as to whether sales of gray portland cement and clinker from Japan have occurred at less than fair value until not later than March 15, 1991.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: V. Irene Darzenta (202) 377-0186 or Louis Apple (202) 377-1769, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: On October 31 and November 2, 1990, Nihon Cement Co., Ltd. and Onoda Cement Co., Ltd., the only two producers of the subject merchandise in this investigation, requested that the Department postpone the final determination until not later than 135 days after the date of publication of the preliminary determination, in accordance with section 735(a)(2) of the Act. Accordingly, we are postponing the date of the final determination until not later than March 15, 1991.

The public hearing which was scheduled for December 28, 1990, will now be held on March 1, 1991, at 9:30 a.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue NW., Washington DC. Case briefs are now due on February 22 and rebuttal briefs are due on February 26, 1991.

The U.S. International Trade Commission is being advised of this postponement in accordance with section 735(d) of the Act. This notice is published pursuant to section 735(d) of the Act and 19 CFR 353.20(b)(2).

Dated: November 9, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27214 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-437-601]

Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the Republic of Hungary

AGENCY: International Trade Administration, Import Administration, Commerce.

ACTION: Notice.

SUMMARY: On September 27, 1990, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the Republic of Hungary. This review covers MGM, the exporter who accounts for all Hungarian exports to the United States of the subject merchandise. The period of review is June 1, 1988 through May 31, 1989. The final dumping margin is 1.84 percent.

EFFECTIVE DATE: November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Kimberly Hardin, Mary Jenkins, or James Terpstra, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street

and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377–8371, 377–1756, or 377–3965, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 27, 1990, the Department published in the **Federal Register** (55 FR 39497) the preliminary results of this administrative review of the antidumping duty order on TRBs from the Hungarian People's Republic, (52 FR 23319, June 19, 1987). The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of TRBs from Hungary. During the review period, until January 1, 1989, such merchandise was classifiable under items 680.30, 680.39, 681.10, and 692.32 of the *Tariff Schedules of the United States Annotated* (TSUSA). This merchandise is currently classifiable under the *Harmonized Tariff Schedule* (HTS) item numbers 8482.20.00, 8482.91.00.60, 8482.99.30, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, and 8483.90.80. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This review covers one manufacturer/exporter of Hungarian TRBs and the period June 1, 1988 through May 31, 1989.

United States Price

In calculating United States price, the Department used purchase price, as defined in section 772 of the Act. Purchase price was based on either the FOB Hamburg port price to unrelated purchasers or the ex-factory price to unrelated purchasers. With respect to FOB Hamburg sales, we made deductions for foreign inland freight, and brokerage and handling charges. We used Portuguese freight costs as a surrogate for inland freight costs in Hungary. We selected Portugal as the surrogate country for the reasons explained below in the Foreign Market Value section of this notice. We have used market-economy data where provided. Deductions for brokerage and handling were based on the charges paid in Deutsche Marks by the Hungarian producer, Magyar Gordulocsapagy Muvek (MGM), to a West German freight forwarder.

Foreign Market Value

We have concluded that Hungary is a non-market-economy country for purposes of this administrative review. Respondent has not contested non-market-economy country treatment in this administrative review; therefore, we have calculated foreign market value in accordance with section 773(c) of the Act. Given that this review was initiated subsequent to the effective date of section 1316 of the Omnibus Trade and Competitiveness Act of 1988 (1988 Act), section 773(c) of the Act requires us to use the constructed value based on the valuation of factors of production or prices of such or similar merchandise in a market economy country as the basis for determining foreign market value. The Act further provides that the Secretary will value the factors of production in a market economy country which is comparable in terms of economic development to the non-market country.

Where possible, we valued the factors on the basis of prices paid by MGM to market-economy suppliers in convertible currency. Where MGM did not pay market-economy prices, we relied on publicly available factor price data in Portugal. We chose Portugal as the surrogate for valuing the factors of production because we were able to obtain more complete publicly available data pertaining to Portugal than for other potential surrogate countries with comparable economies.

The material costs for each component were determined by multiplying the gross weight of steel used to produce each component by the steel unit price les the salable scrap value. The respondent did not identify waste and miscalculated the cost of materials by adding the scrap value to the net value of steel. Therefore, the scrap factor was adjusted to reflect only that portion considered salable; the porton considered as waste is included in the cost of materials.

We valued the factors of production as follows:

- Certain raw material costs were based on MGM's imports of steel products from market economies for which MGM paid in freely convertible currency.
- In the absence of market-economy prices paid by MGM, we relied on EUROSTAT data in the surrogate country. Given that Portugal does not have the capacity to produce the bearing quality steel that is used to produce TRBs, we used EUROSTAT Portuguese import data to value steel rods, hot-rolled steel rods and steel strips.
- We valued steel scrap, factory overhead, indirect labor and inland freight using information supplied by the American Embassy in Lisbon. The information provided by the Embassy reflected the costs a producer of TRBs would incur in Portugal.
- We valued labor using Portuguese labor rate data obtained from the U.S. Bureau of Labor Statistics (BLS). We used the OECD Main Economic Indicators Labor Wage Index to adjust the labor rate to coincide with the period of review. This rate is representative of actual labor rates in Portugal for all categories of labor workers, therefore, we have only calculated one labor rate. *See* DOC position on comment 5.
- We used the OECD Main Economic Indicators Consumer Price Index to adjust factor values drawn from periods outside the review period. In the absence of data coinciding precisely with the review period, we determined that such adjustments would provide data representative of the period of review.
- We used the statutory minimum of ten percent of the sum of material and fabrication costs for general expenses.
- We used the statutory minimum of eight percent of material and fabrication costs plus general expenses for profit.
- Consistent with our valuation of packing in *TRBs from the Hungarian People's Republic*, 52 FR 17428 (May 8, 1987), (*TRBs from the HPR*), *TRBs from the Socialist Republic of Romania*, 52 FR 17433 (May 8, 1987), *TRBs from the People's Republic of China*, 52 FR 19748 (May 27, 1987), we valued packing on the basis of publicly available data contained in the public file of the antidumping investigation of TRBs from Italy, 52 FR 24198 (June 29, 1987).

Currency Conversion

We made currency conversions in accordance with section 353.60(a) of the Department's regulations (19 C.F.R. 353.60(a)). All currency conversions were made at the rates certified by the Federal Reserve Bank.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. We received case and rebuttal briefs from respondent, MGM, and from petitioner, the Timken Company.

Comment 1

Petitioner argues that the Department should reject MGM's response and use best information available (BIA) because the factors of production reported by MGM were: (1) Not based on MGM's actual experience, (2) not related to the review period, and (3) not responsive to the Department's questionnaire and deficiency letters. petitioner objects to respondent's

reporting technological production norms in lieu of factors of production based on actual usage. Petitioner contends that the data was non-responsive because MGM refused to provide actual cost data despite the Department's explicit request for it. Further, petitioner argues that MGM's actual data have never been verified and that the Department's preliminary acceptance of this nonresponsive data is an abuse of discretion. In addition, petitioner claims that MGM's data is nonresponsive because it has not reported "quantity produced" data. Finally, petitioner asserts that the financial information reported by MGM was not based on actual company records and should be ignored.

Respondent states that it submitted its production factors based on norms because the production factors, unlike cost factors, are constant. Respondent states that its production did not vary materially between the investigation and subsequent periods of review; therefore, as long as its production process does not vary and its technology does not change, the norms are the "best information available" of the ratios and quantities of inputs.

Respondent further contends that the Department has conducted verification of respondent's data in the original investigation. Respondent also points out that its financial information was provided in the format specified by the Department. Finally, respondent alleges that it complied with the Department's request for reporting the quantity produced for each TRB type.

DOC Position

Although the Department requested that MGM report actual production factors for the period of review, MGM's reported technological norms are reasonably representative of MGM's actual production experience. These technological norms are the company's own estimate of its factors, are based at least in part on actual company records, and have been relied upon in previous departmental proceedings. Contrary to petitioner's assertion, the Department verified in the original investigation that thee was little variance between MGM's actual factors and its technological norms. Nothing in MGM's response, or other information on the record, suggests that MGM's production methods have changed significantly. Hence, there is no indication that MGM's actual factors would vary from the technological norms more now then during the original investigation. Finally, the financial statements were not used by the Department and, contrary to petitioner's assertion, the "quantity produced" data was submitted by respondent.

Comment 2

Petitioner argues that the Department's precedent indicates that where the information submitted by respondents cannot be verified, it is appropriate to select data that is unfavorable to respondents. As BIA, petitioner encourages the Department to assign the largest reported labor input to all part numbers, to reject all reported scrap adjustments, and to use the highest reported steel price to value all steel components. As another alternative, petitioner argues that the Department should assign to MGM the dumping rate contained in Timken's original petition.

Respondent argues that it would not be acceptable for the Department to resort to BIA since it has submitted its variable production costs, based on constant production factors. Respondent claims that the Department's use of its data is appropriate and permissible under the statute.

DOC Position

For reasons discussed in DOC Position to Comment #1, we have relied upon respondent's factors information.

Comment 3

Respondent argues that the Department did not use the correct price to calculate the steel input price of the cups and cones of TRB type K2580/20.

Petitioner, for the reasons cited in comments 1 and 2, argues that this correction is unwarranted.

DOC Position

We agree with respondent. We mistakenly used the tube price in the preliminary results. We have used the surrogate steel input price for hot-rolled steel rods for the price of the cups and cones of TRB type K25580/20 in the final results.

Comment 4

Respondent argues that the 24.3 percent overhead rate used for the preliminary results is preferable to the 30 percent rate reported by the American Embassy in Lisbon because the Department has a financial statement supporting the 24.3 percent rate. Respondent objects to the use of the 30 percent overhead rate because it is derived from an unidentified source without any classification of expenses.

Petitioner argues that the 24.3 percent factory overhead rate used for the preliminary results in unreliable because it is based on a financial statement for 1987, which predates the review period. Moreover, this financial statement indicates that all overhead expenses are not captured by the Department's overhead calculation. In addition, petitioner argues that the Department's overhead calculation does not account for indirect labor costs.

Department's Position

We agree with respondent that the 24.3 percent factory overhead rate is more appropriate. While the 30 percent rate reported by the U.S. Embassy in Lisbon purportedly covers a later period, no source documentation was provided to support it. Given that the financial statement of the Portuguese bearing manufacturer covering the earlier period is on the record, we have relied on the 24.3 percent rate. We disagree with respondent, however, that indirect labor costs are accounted for under the category "Other Epenses and Charges" section of the Portuguese bearing manufacturer's financial statement in question. Therefore, we have included as best information available an additional 15 percent of total labor costs for indirect labor costs. The 15 percent figure was provided by the American Embassy in Lisbon and is reported to reflect indirect labor expenses of a Portuguese bearing manufacturer.

Comment 5

Petitioner argues that the Departmen should value labor based on the "fully-loaded," skill-specific labor rates provided by the American Embassy in Lisbon. Petitioner argues that the BLS labor rate dilutes the labor costs incurred for a highly technical production process.

Respondent argues that the skill-specific labor rates, provided by the American Embassy in Lisbon, should not be used in lieu of the BLS labor rate. Respondent states that the BLS rate is "fully-loaded" and is more reliable than the information received from the American Embassy in Lisbon.

DOC Position

We have determined that the BLS labor data is a more reliable source for labor rate data than the data provided by the American Embassy in Lisbon. We compared labor rates provided by the American Embassy in Lisbon for two different time periods and were unable to reconcile the data contained in those submissions. The BLS is responsible for monitoring and reporting labor rates worldwide and, as such, is a reliable source of information for this purpose. Moreover, analysis of the BLS data indicates that it takes skill ratios into consideration. Therefore, for purposes of

the final results of this review, we determined that the information published by the BLS was the best information on the record for use in valuing the labor factors of production provided by MGM.

Comment 6

Petitioner argues that the Department should reduce U.S. price for credit costs incurred by MGM. Petitioner states that the Department should calculate credit costs based on the longest credit period estimated by MGM, valued at the average discount rate that prevailed in Portugal throughout the review period.

Respondent states that an extension of credit cannot be appropriately inferred by petitioner merely because the banking system in Hungary necessitates such a time delay or because respondent itself may elect, for a number of reasons, to delay its draw on the letter of credit.

DOC Position

We disagree with petitioner. There is no statutory basis for deducting credit expenses from the United States price in purchase price transactions. Moreover, in this instance the specificity of the data obtained for valuing factors is not sufficient for us to identify the directly related selling expense adjustment which would have to be made to the foreign market value. See TRBs from the HPR.

Final Results of the Review

As a result of this review, we determine the margin to be:

Manufacturer/ exporter	Review period	Margin (percent)
Magyar Gordulocsopagy Muvek	6/1/88–5/31/89	1.84

The Department will instruct the Customs Service to assess antidumping duties at that rate on all appropriate entries. Individual differences between United States Price and Foreign Market Value may vary from the percentage stated above. The Department will issue appraisement instructions concerning MGM directly to the Customs Service.

Furthermore, as provided for in section 751(a)(1) of the Act, the Department will require a cash deposit of estimated antidumping duties based on the above margin on entries of this merchandise from MGM. For any entries of this merchandise from a new exporter, whose first shipments occurred after May 31, 1989, and who is unrelated to MGM or any previously reviewed firm, a cash deposit of 1.84 percent shall be required. This deposit requirement is effective for all shipments of certain TRBs from Hungary entered or withdrawn from warehouse, for consumption on or after the date of publication this notice and shall remain in effect until the publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and § 353.22(c)(8) of the Department's regulations (19 CFR 353.22(c)(8)(1990)).

Dated: November 9, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–27212 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–05–M

Export Trade Certificate of Review

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review. This notice summarizes the conduct for which certification is sought and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377–5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001–21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90–00016." A summary of the application follows:

Summary of the Application

Applicant: International Trading Organization, Inc. (ITO), 1330 Connecticut Avenue, NW., suite 300, Washington, DC 20036, *Contact:* Ms. Susan A. Kernus, Manager. Telephone: 202/822–6760.

Application No.: 90–00016.

Date Deemed Submitted: November 1, 1990.

Members (in addition to the applicant): Dixie Chemical Company, Inc., Houston, Texas (controlling entity: DX Holding, Inc., Houston, Texas); Flint Ink, Cincinnati, Ohio (controlling entity: none); Inolex Chemical Company, Philadelphia, Pennsylvania (controlling entity: none); Koch Chemical Company, Wichita, Kansas (controlling entity: Koch Refining Co., Wichita, Kansas); PCR, Inc., Jacksonville, Florida (controlling entity: none); Sherex Chemical Company, Dublin, Ohio (controlling entity: Schering Aktiengesellschaft, Berlin, Germany).

Export Trade

1. Products

Alkyds (Standard Industrial Classification (SIC) code 2821400); presscake/dry pigment flushed color (SIC 2865300); pigment dispersions, including black (SIC 2851533); waterproofing compounds (SIC 2899581; specific antineoplastic agents (SIC 2834145); laboratory reagents and chemicals for research purposes, only (SIC 2869537); textile finishing agents (SIC 2843061); bulk surface active agents (SIC 2843085); other chemical specialties (SIC 2899597), industrial organic chemicals (SIC 2869598), and miscellaneous end-use chemicals and chemical products (SIC 2869600).

2. Services

Engineering, design and related services related to Products and to contracts that substantially incorporate Products; servicing of Products; and training with respect to the use of Products.

3. Technology Rights

Proprietary rights to all kinds of technology associated with Products or Services including but not limited to

patents, trademarks, service marks, trade names, copyrights (including neighboring rights), trade secrets, know-how, semiconductor mask works, utility models (including petty patents), plant breeders rights, industrial designs, and *sui generis* forms of biotechnology protection and computer software protection.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services and Technology Rights)

Consulting; international market research; marketing and trade promotion; trade show participation; insurance; legal assistance; transportation; trade documentation and freight forwarding; communication and processing of export orders; warehousing; foreign exchange; financing; taking title to goods; services related to compliances with customs requirements; and liaison with foreign government agencies, trade associations, and banking institutions.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

1. ITO and/or one or more of its Members may:

a. Engage in joint bidding or other joint selling arrangements for Products, Services, and/or Technology Rights in Export Markets and allocate sales resulting from such arrangements;

b. Establish export prices for sales of Products, Services, and/or Technology Rights by the Members in Export Markets, with each Member being free to deviate from such prices by whatever amount it sees fit;

c. Discuss and reach agreements relating to specifications and requirements demanded by specific potential customers for Products for Export Markets;

d. With respect to Products, Services, and/or Technology Rights, refuse to quote prices for, or to market or sell in, Export Markets;

e. Provide and/or jointly negotiate for and purchase from Suppliers Export Trade Facilitation Services for Members;

f. Solicit non-Member Suppliers to sell their Products, Services, and/or Technology Rights or offer their Export Trade Facilitation Services through the certified activities of ITO and/or its Members;

g. Coordinate with respect to the servicing of Products in Export Markets, including the establishment of joint service and training centers in such markets;

h. License associated Technology Rights in conjunction with the sale of Products;

i. Engage in joint promotional activities, such as advertising and trade shows, aimed at developing existing or new Export Markets;

j. Bring together groups of Members to plan and discuss how to fulfill the Product, Service, and/or Technology Rights requirements of specific export customers or Export Markets;

k. Operate and establish jointly owned subsidiaries or other joint venture entities, owned exclusively by Members, to export Products to Export Markets, operate service and training centers in Export Markets, and provide Export Trade Facilitation Services to Members; and

l. Jointly procure transportation services for Products exported or in the course of being exported for any or all of the Members, or non-Members.

2. ITO and/or its Members may enter into agreements wherein ITO and/or one or more Members agree to act in certain countries or markets as the Members' exclusive or nonexclusive Export Intermediary for Products, Services and/or Technology Rights in that country or market. In such agreements, (i) ITO or the Member(s) acting as an exclusive Export Intermediary may agree not to represent any other Supplier for sale in the relevant country or market, and (ii) Members may agree that they will export for sale in the relevant country or market only through ITO or the Member(s) acting as exclusive Export Intermediary, and that they will not export independently to the relevant country or market, either directly or through any other Export Intermediary.

3. ITO and/or its Members may exchange and discuss the following types of information:

a. Information that is already generally available to the trade or public;

b. Information about sales and marketing efforts for Export Markets; activities and opportunities for sales of Products and Services in Export Markets; selling strategies for Export Markets; pricing in Export Markets; projected demands in Export Markets; customary terms of sale in Export Markets; the types of Products available from competitors for sale in particular Export Markets, and the prices for such Products; and customer specifications for Products in Export Markets;

c. Information about terms and conditions of contracts for sales in Export Markets to be considered and/or bid on by ITO and its Members;

d. Information about joint bidding, selling, or servicing arrangements for Export Markets and allocation of sales resulting from such arrangements among the Members;

e. Information about expenses specific to exporting to and within Export Markets, including without limitation transportation, intermodal shipments, insurance, inland freight to port, port storage, commissions, export sales, documentation, financing, customs, duties, and taxes;

f. Information about U.S. and foreign legislation and regulations affecting sales in Export Markets; and

g. Information about ITO or its Members' export operations, including without limitation sales and distribution networks established by ITO or its Members in Export Markets, and prior export sales by Members (including export price information).

4. ITO may provide its Members or other Suppliers the benefit of any Export Trade Facilitation Services to facilitate the export of Products to Export Markets. This may be accomplished by ITO itself, or by agreement with Members or other parties.

5. ITO and/or its Members may meet to engage in the activities described in paragraphs one through four above.

6. ITO and/or its Members may refuse to provide Export Trade Facilitation Services to non-Members. ITO and/or its Members may refuse to allow participation in the other activities described in paragraphs one through five above, by non-Members.

7. ITO and/or its Members may forward to the appropriate individual Member requests for information received from a foreign government or its agent (including private pre-shipment inspection firms) concerning that Member's domestic or export activities (including prices and/or costs), and if such individual Member elects to respond, it shall respond directly to the requesting foreign government or its agent with respect to such information.

8. Members may license and sub-license Technology Rights in Export Markets to non-Members, but in all instances the terms of such licenses shall be determined solely by negotiations between the licensor Member and such non-Member without coordination with ITO or any other Member. Such licenses and sub-licenses

may: convey exclusive or non-exclusive rights in Export Markets; impose requirements as to the prices at which Products or Services incorporating, or manufactured or produced using, Technology Rights may be sold or leased in Export Markets; impose requirements as to pricing and other terms and conditions of sub-licenses of Technology Rights in Export Markets; restrict licensees and sub-licensees as to fields of use, or maximum sales or operations, in Export Markets; impose territorial restrictions (relating to any Export Market) on foreign licensees and sub-licensees; require the assignment back or exclusive or non-exclusive grantback to the licensor Member of rights (in Export Markets) to all improvements in Technology Rights, whether or not such improvements fall within the field of use authorized in such license; require package licensing of Technology Rights; and require products or services (including, but not limited to, Products and Services) to be used, sold, or leased as a condition of the license of Technology Rights.

Definitions

1. An *Export Intermediary* means a person who acts as a distributor, sales representative, sales or marketing agent, or broker, or who performs similar functions, including providing or arranging for the provision of Export Trade Facilitation Services.

2. A *Supplier* means a person who produces, provides, or sells a Product, Service, Technology Right associated with a Product or Service, and/or an Export Trade Facilitation Service, whether a Member or non-Member.

3. *Members* comprise member companies of ITO listed in this Federal Register Notice of Application and those member companies of ITO subsequently incorporated in the Certificate pursuant to the amendment procedures set forth below.

Abbreviated Amendment Procedure

Additional ITO members may be incorporated in the Certificate through an abbreviated amendment procedure which shall consist of a written notification to the Secretary of Commerce and the Attorney General identifying the ITO members that desire to become a Member under the Certificate, and certifying for each such ITO member the sales of individual Products in its prior fiscal year. Notice of the members so identified shall be published in the Federal Register. However, ITO may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the Federal Register, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the Certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend the Certificate of Review to incorporate such members, effective as of the date on which the application for amendment is deemed submitted. If the Secretary of Commerce does not within 60 days of publication in the Federal Register so amend the Certificate of Review, such amendment must be sought through the non-abbreviated amendment procedure.

Dated: November 13, 1990.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 90-27114 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DR-M

Short-Supply Determination; Certain Type 409 CB Welding Quality Stainless Steel Wire Rod

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of Short-Supply Determination on certain type 409 CB welding quality stainless steel wire rod.

Short-Supply Review Number: 25

SUMMARY: The Secretary of Commerce ("Secretary") hereby grants a short-supply allowance for 25 net tons of certain Type 409 CB welding quality stainless steel wire rod for the fourth quarter of 1990 and the first quarter of 1991 under the U.S.-EC and U.S.-Japan steel arrangements.

EFFECTIVE DATE: November 28, 1990.

FOR FURTHER INFORMATION CONTACT: Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230; (202) 377-0159.

SUPPLEMENTARY INFORMATION: On October 9, 1990, the Secretary received an adequate petition from National-Standard Company ("National-Standard") requesting a short-supply allowance for 540,000 pounds (270 net tons) of this product for the fourth quarter of 1990 and the first quarter of 1991 under Article 8 of the Arrangement Between and European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products and paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Steel Products. National-Standard requested short supply due to both the inability of the only potential domestic supplier to produce material meeting its specifications and the unavailability of export licenses for National-Standard's foreign suppliers. The Secretary conducted this short-supply review pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.102 of the Department of Commerce's Short-Supply Procedures. 19 CFR 357.102.

The requested material meets the following specifications:

1. *Chemistry:*

	Range	Aim
Carbon	0.05 max	Low
Manganese	0.45-0.75 max	0.55-0.75
Phosphorus	0.028 max	
Sulfur	0.028 max	
Silicon	0.45-0.75 max	0.55-0.75
Nickel	0.50 max	
Chromium	11.00-12.00	
Molybdenum	0.50 max	Low
Iron	Balance	
Copper	0.25 max	Low
Aluminum	0.10 max	
Columbium	10XC min./.60 max	

$Co + Ti + V = \leq 0.50$

2. *Size:* 0.218 inch (5.5mm) Diameter
3. *Size Tolerance:* ±0.008 inch (0.20mm)
4. *Condition:* Hot-rolled, annealed and pickled rod for redraw.
5. *Tensile:* 70,000 PSI Max.
6. *Reduction:* 75% Min.
7. *Inclusions:* #3 Heavy Max.
8. *Grain Size:* Aim ASTM 4 to 7
9. *Ovality:* 0.011 inch (0.28mm) Max.
10. *Surface:*
    Individual surface imperfections: 0.006 inch (0.152mm) max.
    Cumulative surface imperfections: 0.012 inch (0.305mm) max.
11. *Metallurgical Structure:* Tensile and Reduction-Average results on 10% sample. (Minimum 2 samples).

On October 9, 1990, the Secretary established an official record on this short-supply request (Case Number 25) in the Central Records Unit, room B-099, Import Administration, U.S. Department of Commerce at the above address. On October 18, 1990, the Secretary published a notice in the Federal Register announcing a review of this request and soliciting comments from interested parties. Comments were required to be received no later than October 25, 1990, and interested parties were invited to file replies to any comments no later than five days after that date. In order to determine whether this product could be supplied in the

U.S. market for the last quarter of 1990 and the first quarter of 1991, the Secretary sent questionnaires to Carpenter Technology Corporation ("CarTech"), Al Tech Specialty Steel Corporation ("Al Tech"), and Baltimore Specialty Steels Corporation ("BSSC"). The Secretary received adequate questionnaire responses from the three companies and comments from the petitioner.

Questionnaire Responses

CarTech is the only company of the three that produces this product. CarTech stated that it is willing and able to supply 80,000 pounds per month of the requested product to National-Standard. Its current order-to-delivery period is 60 days.

Analysis

National-Standard's short-supply petition stated that CarTech's material is unacceptable due to grain size and structure, but it did not provide sufficient evidence to support this claim. In addition, the Secretary was informed during the review by CarTech and National-Standard that CarTech is currently supplying commercial quantities of Type 409 CB welding quality stainless steel wire rod to National-Standard and has orders for the balance of 1990. Based on the facts that National-Standard is continuing to buy commercial quantities of this product from CarTech, and National-Standard was unable to provide definitive evidence that CarTech supplied unacceptable material, the Secretary can only conclude that CarTech is an acceptable supplier of the requested product.

CarTech is willing and able to supply 80,000 pounds per month of National-Standard's 90,000 pound per month requirement during the requested six-month period. Because the first month of this request has lapsed, the Secretary cannot authorize short supply for any National-Standard shortfall during this period. In addition, the Secretary cannot conclude that CarTech cannot supply material during the balance of 1990 because its order-to-delivery time is 60 days. The Secretary's practice is to grant short supply only when a domestic mill cannot supply material within a normal order-to-delivery time period, and 60 days represents a normal order-to-delivery period. Because CarTech can supply 80,000 pounds per month, and National-Standard needs 90,000 pounds month, there is a monthly shortfall of 10,000 pounds. Therefore, the total shortfall for November 1990 through March 1991 is 50,00 pounds (25 net tons).

Conclusion

Because CarTech has supplied Type 409 CB welding quality stainless steel wire rod to National-Standard and is continuing to supply this product, it must be regarded as an acceptable supplier. However, it cannot meet National-Standard's entire monthly needs. The difference between National-Standard's requirements and CarTech's offer to supply is 25 net tons. Therefore, pursuant to section 4(b)(4)(A) of the Act and 357.102 of Commerce's Short-Supply Regualtions, the Secretary hereby grants a short-supply allowance for 25 net tons of Type 409 CB welding quality stainless steel wire rod for the fourth quarter of 1990 and the first quarter of 1991 under Article 8 of the Arrangement Between the European Coal and Steel Community and the European Economic Community, and the Government of the United States of America Concerning Trade in Certain Steel Products and paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States of America Concerning Trade in Certain Steel Products.

Dated: November 8, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-27126 Filed 11-16-90; 8:45 am]

BILLING CODE 3510-DS-M

Short-Supply Determination; Certain Alloy Steel Plate

AGENCY: Import Administration/ International Trade Administration, Commerce.

ACTION: Notice of short-supply determination on certain alloy steel plate.

SHORT-SUPPLY REVIEW NUMBER: 26.

SUMMARY: The Secretary of Commerce ("Secretary") hereby grants a request for a short-supply allowance of 200 metric tons of certain alloy steel plate for the remainder of 1990 under Paragraph 8 of the U.S.-Japan steel arrangement.

EFFECTIVE DATE: November 9, 1990.

FOR FURTHER INFORMATION CONTACT: Marissa Rauch or Richard O. Weible, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230 (202) 377-1390 or (202) 377-0159.

SUPPLEMENTARY INFORMATION: On October 12, 1990, the Secretary received an adequate short-supply petition from U.S. Metalsource requesting a short-supply allowance for 200 metric tons of certain NAK 55 steel plate for the balance of 1990 under Paragraph 8 of the Arrangement Between the Government of Japan and the Government of the United States Concerning Trade in Certain Steel Products. U.S. Metalsource alleges that NAK 55 steel plate is not produced in the United States and Daido Steel Company in Japan (its foreign supplier) has no regular export licenses to meet its needs for this material.

The Secretary conducted this short-supply review pursuant to section 4(b)(4)(A) of the Steel Trade Liberalization Program Implementation Act, Public Law No. 101-221, 103 Stat. 1886 (1989) ("the Act"), and § 357.102 of the Department of Commerce's Short-Supply Procedures, 19 CFR 357.102 ("Commerce's Short-Supply Procedures").

The requested material meets the following specifications:

Chemical Composition, Typical

C	Mn	S	Si	Cu	Ni	A1
0.15	1.50	0.10	0.30	1.00	3.00	1.00

Manufacturing Practice

NAK 55 is initially air melted to restrictive clean steel standards and then Vacuum Arc Remelted to obtain the level of internal soundness and cleanliness necessary. The ingots are then hot rolled or forged to the billet, plate, or bar sizes.

Thermal Treatment

NAK 55 is solution treated and age hardened to obtain the desired mechanical properties and hardness.

Mechanical Properties, Typical:

Tensile strength	183 ksi
Yield strength	147 ksi
Reduction of area	38%
Elongation in 2 inches	15%
Hardness	40 HRC

Size Ranges

Thickness: 0.750 inch to 4.000 inches.
Widths: 15 inches to 40 inches.

Polishability

NAK 55 can be readily polished to a uniform mirror finish.

Weldability

Using prescribed welding procedure and welding rods, NAK 55 can be readily weld repaired. The welded component can then be re-aged to

obtain the same properties and characteristics in the weld region as in the parent metal with no distortion.

Action: On October 12, 1990, the Secretary established an official record on this short-supply request (Case Number 26) in the Central Records Unit, room B–099, Import Administration, U.S. Department of Commerce at the above address. On October 25, 1990, the Secretary published a notice in the **Federal Register** announcing a review of this request and soliciting comments from interested parties. Comments were required to be received no later than November 1, 1990, and interested parties were invited to file replies to any comments no later than November 6, 1990. The Secretary also sent questionnaries to Bethelehem Steel Corporation, Lukens Steel Company, and USX Corporation. The Secretary received adequate questionnaire responses from all three companies and no comments to the **Federal Register** notice.

Questionnaire responses: All three respondents stated that they currently do not produce the requested product and do not have the capability to make it.

Conclusion: Because no U.S. producer indicated that it produces or has the capability to produce the requested NAK 55 plate, and because this material is not available from offshore suppliers with regular licenses, the Secretary determines that short supply exists for the requested 200 metric tons of this product meeting U.S. Metalsource's specifications. Pursuant to section 4(b)(4)(A) of the Act, and § 357.102 of Commerce's Short-Supply Procedures, the Secretary grants U.S. Metalsource's request for a short-supply allowance of 200 metric tons of certain NAK 55 steel plate for the remainder of 1990.

Dated: November 9, 1990.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90–27211 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–DS–M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Public Meetings and Public Hearing

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Caribbean Fishery Management Council (Council), and the Council's Administrative Committee will hold separate public meetings on November 27–29, 1990. Additionally, the Council will convene a public hearing on November 28, as discussed below. The public meetings and the public hearing will take place in the conference room of the Hotel Pierre, Santurce, Puerto Rico. Fishermen and other interested persons are invited to attend the public meetings, which will be conducted in English; however, simultaneous English/Spanish translation services will be available during the Council meeting. The public will be allowed to submit oral or written statements regarding the agenda items.

Council. The Council will begin its 71st regular public meeting on November 28, 1990, at 9 a.m., to discuss, among other topics, Amendment #2 to the Shallow-water Reef Fish Fishery Management Plan (FMP) and Amendment #1 to the Spiny Lobster FMP. The Council will recess at 5 p.m., on November 28. On November 29 the Council will reconvene at 9 a.m., and adjourn at approximately noon.

The Council will convene a public hearing on November 27 from 1:30 p.m., to 2:30 p.m., to discuss the overfishing definition for the Spiny Lobster FMP.

Administrative Committee. The Council's Administrative Committee will meet on November 27 from 1:30 p.m., to approximately 5 p.m., to discuss matters pertaining to the Caribbean Council's administrative operations.

For more information contact Miguel A. Rolon, Executive Director, Caribbean Fishery Management Council, Banco de Ponce Building, suite 1108, Hato Rey, Puerto Rico 00918–2577; telephone: (809) 766–5926.

Dated: November 13, 1990.

David S. Crestin,

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

[FR Doc. 90–27115 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–22–M

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Pelagic Subpanel of the Western Pacific Fishery Management Council's Advisory Panel will hold a public meeting on November 19, 1990, at 6:30 p.m., at the Kalani Center, 2058 Maluhia Road, Fort DeRussy, room #2, Honolulu, HI.

The Pelagic Subpanel will provide input for consideration by the Western Pacific Fishery Management Council regarding a proposed 3-year moratorium on new entry into the Hawaii longline fisheries. The Subpanel will discuss impacts of alternative eligibility criteria, announced earlier by the Western Pacific Council, such as the June 21, 1990, control date. Other Council fishery management issues to be discussed are the relationships between the proposed moratorium and gear conflicts between longliners and other pelagic fishermen in the Main Hawaiian Islands. A public comment period is scheduled.

For more information contact Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813; telephone: (808) 523–1368; fax: (808) 526–0824.

Dated: November 13, 1990.

David S. Crestin,

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

[FR Doc. 90–27116 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–22–

[Modification No. 1 to Permit No. 588]

Marine Mammals; Modification of Permit; Mystic Marinelife Aquarium

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 588 issued to Mystic Marinelife Aquarium, 55 Coogan Boulevard, Mystic, Connecticut 06355–1997, on May 11, 1987 (52 FR 19374) is modified in the following manner:

Section B.6 is deleted and replaced by:

6. The authority to acquire the marine mammals authorized herein shall extend from the date of issuance through December 31, 1992. The terms and conditions of this Permit (Sections B and C) shall remain in effect as long as one of the marine mammals taken hereunder is maintained in captivity under the authority and responsibility of the Permit Holder.

This modification becomes effective upon publication in the **Federal Register**.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, Maryland, 20910 (301/427–2289);

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930 (508/281–9200); and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger

Boulevard, St. Petersburg, Florida 33702 (813/893–3141).

Dated: November 9, 1990.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 90–27117 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–22–M

Public Meeting on Final Management Plan for the North Carolina National Estuarine Research Reserve; Addition of Masonboro Island Component

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public meeting notice.

SUMMARY: Notice is hereby given that the Department of Environment, Health, and Natural Resources, of the State of North Carolina, will hold public meetings to present and disucuss the proposed final management plan for the North Carolina National Estuarine Research Reserve. This plan includes Masonboro Island as an additional reserve component to the already designated Rachel Carson, Currituck Banks, and Zeke's Island components. The purpose of the meeting is to receive the views of interested parties on the final management plan.

As part of the procedures leading to the designation of the reserve, the State of North Carolina must submit the proposed final management plan to NOAA for its review and approval. Copies of the plan will be made available for review before the meeting by Friday, November 16, 1990 at the Currituck County Library, Dare County Library, Carteret County Library and the New Hanover Country Library.

Meetings will be held in the following locations:

Currituck Banks: Monday, November 26, 1990, 7 p.m., North Carolina Aquarium at Roanoke Island, Manteo, North Carolina

Rachel Carson: Tuesday, November 27, 1990, 7 p.m., North Carolina Maritime Museum, 315 Front Street, Beaufort, North Carolina

Masonboro Island and Zeke's Island: Wednesday, November 28, 1990, 7 p.m., Bryan Auditorium, Morton Hall, University of North Carolina at Wilmington Campus, 601 South College Road, Wilmington, North Carolina

FOR FURTHER INFORMATION CONTACT: Cheryl A. Graham, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825 Connecticut Avenue, NW., Washington, DC 20235 (202) 673–5122.

(Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Estuarine Sanctuaries)

Dated: November 14, 1990.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 90–27184 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the Republic of Korea

November 9, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: November 15, 1990.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–8041. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limits for certain categories are being adjusted, variously, for swing, special shift and carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 55 FR 1706, published on January 18, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

November 9, 1990.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on January 11, 1990 by the Chairman, Committee for the Implementation of Textile Agreements. This directive concerns imports into the United States of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in the Republic of Korea and exported during the period which began on January 1, 1990 and extends through December 31, 1990.

Effective on November 15, 1990, you are directed to amend further the directive of January 11, 1990 to include adjusted limits for the following categories, in accordance with the provisions of the current bilateral agreement between the Governments of the United States and the Republic of Korea:

Category	Adjusted 12-mo limit [1]
Sublevels in Group I	
201	1,378,000 kilograms.
300/301	2,691,970 kilograms.
410	3,412,500 square meters.
604	304,694 kilograms.
611	3,360,000 square meters.
613/614	5,400,000 square meters.
619/620	92,555,000 square meters.
624	7,410,000 square meters.
Group II	
237, 239, 330–354, 359, 431–448, 459, 630–654 and 659, as a group.	564,590,000 square meters equivalent.
Sublevels in Group II	
333/334/335	238,500 dozen of which not more than 121,900 dozen shall be in Category 335.
336	51,352 dozen.
340	569,270 dozen of which not more than 295,582 dozen shall be in Category 340–D.[2]
341	147,294 dozen.
342/642	180,124 dozen.
345	101,115 dozen.
347/348	440,084 dozen.
351	131,302 dozen.
352	149,318 dozen.
433	13,994 dozen.
445/446	53,000 dozen.
459–W [3]	93,904 kilograms.
631	267,098 dozen pairs.
636	256,755 dozen.
640–D [4]	2,981,930 dozen.
641	1,091,081 dozen of which not more than 39,617 dozen shall be in Category 641–Y [5]
647/648	1,259,743 dozen.
650	21,653 dozen.
659–S [6]	159,245 kilograms.

Category	Adjusted 12-mo limit [1]
Group III	
831–844 and 847–859, as a group.	12,476,802 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1989.
[2] Category 340–D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030.
[3] Category 459–W: only HTS number 6506.90.4060.
[4] Category 640–D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.2030 and 6205.90.4030.
[5] Category 641–Y: only HTS numbers 6204.23.0050, 6204.29.2030, 6206.40.3010 and 6206.40.3025.
[6] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–27127 Filed 11–16–90; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF EDUCATION

Proposed Information Collection Requests

AGENCY: Education.

ACTION: Notice of proposed information collection requests.

SUMMARY: The Director, Office of Information Resources Management, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1980.

DATES: Interested persons are invited to submit comments on or before December 19, 1990.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, Department of Education, Office of Management and Budget, 726 Jackson Place, NW., room 3208, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to James O'Donnell, Department of Education, 400 Maryland Avenue, SW., room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: James O'Donnell (202) 708–5174.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations.

The Acting Director, Office of Information Resources Management, publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Frequency of collection; (4) The affected public; (5) Reporting burden; and/or (6) Recordkeeping burden; and (7) Abstract. OMB invites public comment at the address specified above. Copies of the requests are available from James O'Donnell at the address specified above.

Dated: November 13, 1990.

James O'Donnell,

Acting Director, Office of Information Resources Management.

Office of Postsecondary Education

Type of review: Extension
Title: Performance Report for the Student Support Services Program
Frequency: Annually
Affected Public: Non-profit institutions
Reporting burden
Responses: 704
Burden hours: 3168
Recordkeeping burden
Recordkeepers: 0
Burden hours: 0
Abstract: Grantees who participate in the Student Support Services Program submit this report to the Department. The Department uses the information to assess the accomplishment of project goals and objectives, and to aid in effective program management.

Office of Special Education and Rehabilitative Services

Type of review: Revision
Title: Grant Application under the Education of the Handicapped Act
Frequency: Annually
Affected public: State or local governments
Reporting burden
Responses: 2710
Burden hours: 94000
Recordkeeping Burden
Recordkeepers: 0
Burden hours: 0
Abstract: This form will be used by State educational agencies to apply for funding under the Education of the Handicapped Act. The Department uses this information to make grant awards.

Office of Educational Research and Improvement

Type of review: Extension
Title: Integrated Postsecondary Education Data Systems (IPEDS)
Frequency: Annually
Affected public: Businesses or other for profit; Non-profit institutions
Reporting burden
Responses: 42,400
Burden hours: 78,440
Recordkeeping Burden
Recordkeepers: 0
Burden hours: 0
Abstract: The information collected for the OPEDS is used to report statistics on the condition of postsecondary education. IPEDS provides data on a broad range of topics including postsecondary students, faculty and staff, programs, institutions and finances.

Type of review: New
Title: National Adult Literacy Survey (Field Test)
Frequency: One-time
Affected public: Individuals or households
Reporting burden
Responses: 2000
Burden hours: 2340
Recordkeeping Burden
Recordkeepers: 0
Burden hours: 0
Abstract: The Department is in the process of developing a survey of literacy skills of a nationally representative sample of adults. This field test will try out background questions and procedures to be used in the main survey.

[FR Doc. 90–27134 Filed 11–16–90; 8:45 am]

BILLING CODE 4000–01–M

[CFDA Nos. 84.003A and 84.003E]

Transitional Bilingual Education and Special Alternative Instructional Program

AGENCY: Department of Education.

ACTION: Notice extending the closing date for new awards under the Transitional Bilingual Education Program and the Special Alternative

Instructional Program for fiscal year (FY) 1991.

SUMMARY: On September 17, 1990, the Department of Education published a notice in the **Federal Register** inviting applications under the Transitional Bilingual Education Program and the Special Alternative Instructional Program for FY 1991 (55 FR 38197). Detailed information concerning these competitions was included in that notice. The purpose of this notice is to extend the closing date for transmittal of applications under these programs from December 7, 1990, to January 17, 1991. This extension will allow potential applicants additional time to develop their proposals. The Intergovernmental Review date is also extended from February 5, 1991, to March 18, 1991.

FOR APPLICATIONS OR INFORMATION CONTACT: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., room 5086, Switzer Building, Washington, DC 20202–6641. Telephone: (202) 732–5701.

Authority: 20 U.S.C. 3291(a)(1)(3).

Dated: October 26, 1990.

Rita Esquivel,

Director, Office of Bilingual Education, and Minority Languages Affairs.

[FR Doc. 90–27135 Filed 11–16–90; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Assistant Secretary for International Affairs and Energy Emergencies

Proposed Subsequent Arrangement; Sweden

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160), notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) concerning the Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation between the Government of the United States of America and the Government of Sweden concerning Peaceful Uses of Nuclear Energy.

The subsequent arrangement to be carried out under the above-mentioned agreements involves approval of the following retransfer: RTD/SW(EU)–148, for the transfer from Belgium to Sweden of 5 irradiated fuels rods, containing 2,612 grams of uranium, enriched to 2.55 percent in the isotope uranium-235. and 15.6 grams of plutonium, for destructive and non-destructive testing.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than fifteen days after the date of publication of this notice.

Issued in Washington, DC on November 13, 1990.

Richard H. Williamson,

Associate Deputy Assistant Secretary for International Affairs.

[FR Doc. 90–27200 Filed 11–16–90; 8:45 am]

BILLING CODE 6450–01–M

Office of Fossil Energy

[FE Docket No. 90–68–NG]

Washington Natural Gas Co.; Order Granting Authorization to Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of an order granting authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order in FE Docket No. 90–68–NG granting authorization to Washington Natural Gas Company (Washington Natural) to import from Canada, on a firm basis, up to 10,000 MMBtu per day (9635 Mcf/d) of natural gas through October 31, 1992, and 15,000 MMBtu per day (14,452 Mcf/d) commencing November 1, 1992, through October 31, 2003. The natural gas would be imported from Canada at a point on the U.S.-Canadian border near Sumas, Washington, pursuant to a gas purchase agreement between Washington Natural and Mobil Oil Canada, Ltd.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday and Friday, except Federal holidays.

Issued in Washington, DC, November 9, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90–27201 Filed 11–16–90; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Project No. 2056–005 Minnesota]

Northern States Power Company; Availability of Environmental Assessment

November 9, 1990.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a license amendment for the proposed St. Anthony Falls Lower Dam Redevelopment Project located on the Mississippi River in Hennepin County, near Minneapolis, Minnesota, and has prepared an Environmental Assessment (EA) for the proposed project. In the EA, the Commission's staff has analyzed the potential environmental impacts of the proposed project and has concluded that approval of the proposed project, with appropriate mitigative measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street, NE, Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27148 Filed 11–16–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP88–180–011]

Algonquin Gas Transmission Company; Proposed Changes in FERC Gas Tariff

November 9, 1990.

Take notice that Algonquin Gas Transmission Company ("Algonquin") on November 1, 1990, tendered for filing proposed changes in its FERC Gas Tariff, Second Revised Volume No. 1 proposed to be effective December 1, 1990, as set forth in the attached tariff sheet list.

Algonquin states that the attached Tariff sheets are to implement service pursuant to Rate Schedule FTP as authorized by the Federal Energy Regulatory Commission's ("Commission") Order issued July 2, 1990 in Docket No. CP88–180 *et al.* ("Order"). The Order approved Rate Schedule FTP and Form of Service Agreement for Rate Schedule FTP with

certain modifications reflected on the enclosed sheets. Specifically those modifications are as summarized below:

• Revised Original Sheet No. 596B—revised to conform contract year with underlying Texas Eastern Transmission Corporation ("Texas Eastern") service.

• Revised Original Sheet No. 798A—revised to conform term with underlying Texas Eastern service.

• Revised Original Sheet No. 798D—revised to indicate that interpretation of the Service Agreement would be in accordance with the laws of the state in which the delivery point is located.

Additionally a rate sheet number was inserted at section 4.2 of Revised Original Sheet No. 596C.

Algonquin also filed Original, First and Second Revised Sheet No. 225 to implement initial rates under Rate Schedule FTP. Such rate sheet contains Phase II rates commencing November 1, 1991 as authorized in the Order and interim rates for the period December 1, 1990 through October 31, 1991. Such interim rates are pending Commission approval in Docket No. CP88–185–004 filed on October 25, 1990. In that amendment, Algonquin requested authority to commence interim service by means of alternative arrangements at reduced rates developed in accordance with the methodology employed by the Commission to set the initial rates contained in the Order.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before November 19, 1900. 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. 90–27145 Filed 11–16–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER90–278–000]

Dartmouth Power Associates Limited Partnership; Issuance of Commission Order and Comment Period

November 9, 1990.

Take notice that on October 29, 1990 the Federal Energy Regulatory Commission issued an Order Accepting Rates For Filing and Granting and Denying Waivers (Order). On March 21, 1990, as completed October 5, 1990, Dartmouth Power Associates Limited Partnership (Dartmouth) submitted a Power Purchase Agreement between Dartmouth and Commonwealth Electric Company (Commonwealth Electric), and an Amendment to the Agreement. The rates from Dartmouth to Commonwealth Electric were negotiated between the parties, and Dartmouth requested that the Commission find that its rates were just and reasonable, as market-based rates. In the Order, the Commission found that Dartmouth's market-pricing proposal would result in rates to Commonwealth Electric within the legally mandated zone of reasonableness.

The Commission's October 29, 1990, Order in Ordering Paragraphs (F), (G) and (H) reads as follows:

(F) Within thirty (30) days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liability by Dartmouth 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 Procedures (18 CFR and 385.214 (1990)).

(G) Absent a request for hearing within the period set forth in Ordering Paragraph (F) above, Dartmouth is authorized to issue securities and assume obligations or liabilities as guarantor, indorser, surety, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

(H) The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Commonwealth Electric's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing a motion to intervene or protest, as set forth above, is November 28, 1990.

Copies of the full text of the order are available from the Commission's Public Reference Branch, room 3308, 941 North Capitol St., NE., Washington, DC, 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27149 Filed 11–16–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. TQ91–4–4–000]

Granite State Gas Transmission, Inc.; Proposed Changes in Rates

November 9, 1990.

Take notice that on November 7, 1990, Granite State Gas Transmission, Inc. (Granite State), 120 Royall Street, Canton, Massachusetts 02021 filed the revised tariff sheets, listed below, in its FERC Gas Tariff, Second Revised Volume No. 1, containing changes in rates for effectiveness on the dates indicated:

Revised tariff sheets	Proposed effective dates
Second Revised Original Sheet No. 21.	November 7, 1990.
Second Revised First Revised Sheet No. 21.	November 27, 1990.

According to Granite State, this filing revises the purchased gas cost adjustment submitted on November 1, 1990 in Docket No. TQ91–3–4–000. It is further stated that the revised rates are based on the same projected purchase costs for the remainder of the fourth quarter as those in the November 1 filing, except for a change in the cost of gas purchased from Shell Canada, Limited (Shell). Granite State states that the Commodity charge for purchases from Shell is based on weighted average of the costs for alternate fuels available in Granite States's markets based on a formula that includes the costs for No. 2 and No. 6 fuel oil and other natural gas supplies. According to Granite State, since the crises in the Persian Gulf, the costs for the fuel oil components have been rising rapidly. It is stated that this out-of-cycle purchased gas adjustment is necessary to avoid undercollections of purchased gas costs.

Granite State states that the revised rates on Second Revised Original Sheet No. 7 are proposed for effectiveness on November 7, 1990. It is further stated that the revised rates on Second Revised First Sheet No. 21 are identical to those on the former tariff sheet; however, when the restated Base Tariff Rates filed by Granite State in Docket No.

RP91–12–000 become effective on November 27, 1990, the rates on Second Revised First Revised Sheet No. 21 will supersede those on Second Revised Original Sheet No. 21.

It is stated that the proposed rate changes are applicable to Granite State's jurisdictional sales services rendered to Bay State Gas Company and Northern Utilities, Inc. Granite State further states that copies of its filing were served upon its customers and the regulatory commissions of the States of Maine, Massachusetts and New Hampshire.

Any person desiring to be heard or to make any protest with reference to 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 November 19, 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 to the proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90–27147 Filed 11–16–90; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP91–19–000]

Natural Gas Pipeline Company of America; Changes in FERC Gas Tariff

November 9, 1990.

Take notice that on November 5, 1990, Natural Gas Pipeline Company of America (Natural) filed the below listed tariff sheets to be a part of its FERC Gas Tariff, First Revised Volume No. 1A, to be effective December 1, 1990:

Original Sheet No. 35.1
Original Sheet No. 35.2
First Revised Sheet No. 111
Original Sheet No. 111A

Natural states that the tariff revisions were submitted to satisfy certain commitments made by Natural in connection with the Stipulation and Agreement on Gas Inventory Demand Charge filed June 4, 1990 in Docket No. CP89–1281 (Settlement). The filing reflects certain revisions which Natural undertook in its Reply Comments on the Settlement. The changes include: (1) establishment of a procedure for Shippers to request that Natural enter into operational balancing agreements; and (2) introduction into Natural's FTS tariff of the concept of a "feeder agreement" under which an FTS Agreement may be linked with another FTS Agreement at designated points. Natural reserved the right to withdraw the proposed tariff sheets if the Settlement is not timely approved by the Commission.

Natural requested waiver of the Commission's Regulations to be extent necessary to permit the proposed tariff sheets to become effective December 1, 1990.

Natural states that a copy of this filing was mailed to Natural's jurisdictional customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. CP89–1281.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before November 19, 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. 90–27146 Filed 11–16–90; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 3857–5]

Approval of PSD Permits and the Rescission of a PSD Permit; Region 6

Notice is hereby given that the Environmental Protection Agency (EPA), Region 6, has issued Prevention of Significant Deterioration (PSD) permits to the following:

1. PSD–TX–696M–2—Warren Petroleum Company: PSD–TX–696M–2 modifies PSD–TX–696M–1 by authorizing an increase in the allowable emission rate for carbon monoxide from 72.2 lb/hr to 81.2 lb/hr for those times when the gas turbine is operating without the heat recovery steam generator at loads at or below 9MW at the existing natural gas fractionation plant located on Highway 146 in Mount Belvieu, Chambers County, Texas. This modified permit was issued on January 18, 1990.

2. PSD–TX–767—Hill Petroleum Company: This permit, issued on February 2, 1990, authorizes the construction of a gas turbine cogeneration facility at the existing refinery located at 9701 Manchester in Houston, Harris County, Texas.

3. PSD–TX–695M–2—Rhone-Poulenc Basic Chemicals Group: PSD–TX–695M–2 modifies PSD–TX–695M–1 to authorize the use of a one-hour averaging time for the limits on the sulfuric acid furnace oxygen content and outlet temperature at the existing sulfuric acid plant located at 3439 Park Street in Baytown, Harris County, Texas. This modified permit was issued on February 28, 1990.

4. PSD–TX–285M–2—Shintech, Incorporated: PSD–TX–285M–2 modifies PSD–TX–285M–1 to authorize the relocation of point sources and performing of ambient monitoring for vinyl chloride monomer, and also corrects an error in the maximum allowable emission rate table for Plant 2 at the existing polyvinyl chloride facility located at 5618 Highway 332 East, Freeport, Brazoria County, Texas. This modified permit was issued on March 9, 1990.

5. PSD–TX–118M–2—Union Carbide Chemical and Plastics Company, Inc.: PSD–TX–118M–2 modifies PSD–TX–118M–1 to: (1) Allow the production of Flexomer products in one of the two reaction trains in the low pressure polyethylene facility; (2) add two new storage bins; (3) add a purge bin vent recovery system; (4) update emissions from the large flare; (5) authorize an increase in the VOC fugitive emissions, and add three additional fugitive points; (6) add new PM emission points for a new additive system and a transfer filter system; (7) eliminate emission points 499 and 517 through 520; (8) update the PSD permit to reflect PM emission sampling results performed prior to 1985; (9) update PSD permit for the addition of blending and finishing equipment that occurred in 1979 and 1985; (10) change the procedure for fugitive emission testing in Special Provision No. 2.a from the EPA OAQPS Guideline Series to NSPS appendix A, Method 21; (11) change the authorized operating hours from 8000 per year to 8760 hours per year; (12) put emission limits in lb/occ for intermittent PM emission points and lb/hr for all others; (13) include the

Texas Air Control Board fugitive monitoring program; (14) indicate applicable NSPS regulations; (15) report compliance test results quarterly; and (16) reduce emissions from shutdown before new equipment starts up. This low pressure polyethylene plant is located approximately 14 miles south of Port Lavaca, Calhoun County, Texas. This modified permit was issued on March 14, 1990.

6. PSD–TX–769—Simpson Pasadena Paper Company: This permit, issued on March 16, 1990, authorizes the construction of two 213 MMBtu/hr boilers for steam generation at the existing paper mill located on N. Shaver Street, Pasadena, Harris County, Texas.

7. PSD–TX–120M–2—Capitol Aggregates, Inc.: PSD–TX–120M–2 modifies PSD–TX–120M–1 to authorize the change of nitrogen oxide emissions from the level projected based on calculations to the level measured by stack sampling at the existing Portland Cement Plant located at 11551 Nacogdoches Road, San Antonio, Bexar County, Texas. This modified permit was issued on April 23, 1990.

8. PSD–TX–739M–3—Tenaska III Texas Partners: PSD–TX–739M–3 modifies PSD–TX–739M–2 to permanently change the maximum firing rate of the duct burners from 333 MMBtu/hr to 225 MMBtu/hr and to increase the emissions of carbon monoxide from 62 T/yr to 128 T/yr and volatile organic compounds from 2 T/yr to 4 T/yr. There will also be a decrease in nitrogen oxides from 175 T/yr to 99 T/yr and sulfur dioxide from 22 T/yr to 15 T/yr at the gas turbine cogeneration facility located adjacent to the Campbell Soup Plant at 500 Loop 286, NW in Paris, Lamar County, Texas. This modified permit was issued on April 25, 1990.

9. PSD–TX–741M–1—Oryx Energy Company: PSD–TX–741M–1 modifies PSD–TX–741 to reflect the use of actual site conditions (ASC) for the purpose of determining No_x emission levels from their compressor engines instead of adjusting the emission levels to Reference Ambient Day Conditions (RAC) as specified by § 60.324 of the proposed NSPS, subpart FF. These compressor engines are at the existing natural gasoline plant located off FM Road 2294, approximately 4.5 miles southwest of San Isidro, Starr County, Texas. This modified permit was issued on April 25, 1990.

10. PSD–TX–332M–3—Texas Eastman Company: PSD–TX–332M–3 modifies PSD–TX–332M–2 to revise Special Provisions 4 and 5 to require the sampling and analysis of certain liquid streams when these streams are being burned as fuel in the boilers covered by this permit at the existing chemical process plant located on Kodak Boulevard, approximately five miles southeast of Longview, Harrison County, Texas. This modified permit was issued on June 4, 1990.

11. PSD–TX–324M–5—Valero Refining Company: PSD–TX–324M–5 modifies PSD–TX–324M–4 to allow Valero to use their own QA/QC procedures instead of the QA/QC procedures of Appendix F for the continuous emissions monitors required by Special Provisions 5, 6, 7, 8, and 22. The refinery is located at 5900 Up River Road, Corpus Christi, Nueces County, Texas. This modified permit was issued on June 6, 1990.

12. PSD–TX–777—Koch Refining Company: This permit, issued on June 22, 1990, authorizes the expansion of the existing xylene complex at the refinery located on Suntide Road in Corpus Christi, Nueces County, Texas.

13. PSD–TX–773—Hill Petroleum Company: This permit, issued on June 28, 1990, authorizes the construction of a combined cycle gas turbine cogeneration facility at the existing petroleum refinery located at Loop 297 and 14th Street, Texas City, Galveston County, Texas.

14. PSD–TX–500M–3—Shell Western E&P, Inc.: PSD–TX–500M–3 modifies PSD–TX–500M–2 to authorize: (1) The installation of a new Sulferox[sm] sulfur recovery unit to replace a 3-stage claus and tail gas incinerator; (2) the increase in gas throughput from 180 to 290 MMSCFD; and (3) the installation of a new heater at the existing CO_2 recovery plant located off FM Road 1939, approximately 1.5 miles north of Denver City, Yoakum County, Texas. This modified permit was issued on June 28, 1990.

These permits have been issued under EPA's Prevention of Significant Air Quality Deterioration Regulations at 40 CFR 52.21, as amended August 7, 1980. The time period established by the Consolidated Permit Regulations at CFR 124.19 for petitioning the Administrator to review any condition of the permit decisions has expired. Such a petition to the Administrator is, under 5 U.S.C. 704, a prerequisite to the seeking of judicial review of the final agency action. No petitions for review of these permits have been filed with the Administrator.

Notice is hereby given that the Environmental Protection Agency (EPA) Region 6, rescinded the following Prevention of Significant Deterioration (PSD) permit:

1. PSD–OK–183a—Texaco Pipeline, Incorporated: This permit was issued to Getty Pipeline (now Texaco Pipeline) on February 7, 1979, to authorize the construction of five (5) petroleum storage tanks near Glenpool, Tulsa County, Oklahoma. This permit was issued under 40 CFR 52.21, as in effect on June 19, 1978. The PSD regulations, as amended on August 7, 1980, do not apply to the storage tanks. The source no longer constitutes a major stationary source since, under the new definition of "potential to emit," its controlled emissions will be less than 250 tons per year for any pollutant regulated under the Act. Therefore, EPA determined that a PSD permit is no longer required for the storage tanks and rescinded the permit on May 2, 1990.

A notice of EPA's proposed action to rescind the PSD permit was published in a newspaper in the affected area of the facility.

Documents relevant to the above actions are available for public inspection during normal business hours at the Air, Pesticides and Toxics Division, U.S. Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202.

Under section 307(b)(1) of the Clean Air Act, judicial review of the approval of these actions is available, if at all, only by the filing of a petition for a review in the United States Fifth Circuit Court of Appeals for Texas and the Tenth Circuit Court of Appeals for Oklahoma within 60 days of January 19, 1991. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

This notice will have no effect on the National Ambient Air Quality Standards.

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

Dated: October 18, 1990.

Joe D. Winkle,

Acting Regional Administrator, Region 6.

[FR Doc. 90–27198 Filed 11–16–90; 8:45 am]

BILLING CODE 6560–50–M

[OPTS–59276C; FRL–3837–7]

Toxic and Hazardous Substances; Certain Chemicals; Approval of Modification to a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of modification of the test marketing period for a test marketing

exemption (TME) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA designated the original test marketing application as TME–89–26. The test marketing conditions are described below.

EFFECTIVE DATE: October 9, 1990.

FOR FURTHER INFORMATION CONTACT: Andrea Pfahles-Hutchens, New Chemical Branch, Chemical Control Division (TS–794), Office of Toxic Substances, Environmental Protection Agency, Rm. E–611, 401 M St., SW., Washington, DC 20460, (202) 382–2255.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves the modification of the test marketing period for TME–89–26. EPA has determined that test marketing of the new chemical substance described below, under the conditions set out in the TME application, and for the modified time period specified in the modification request, will not present an unreasonable risk of injury to health or the environment. Production volume, use, and the number of customers must not exceed that specified in the application. All other conditions and restrictions described in the original notice of approval of test marketing application remain the same.

T–89–26

Notice of Approval of Original Application: October 10, 1989 (54 FR 42840).

Modified Test Marketing Period: Confidential.

Commencing on: Confidential.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information come to its attention which casts significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury to health or the environment.

Dated: October 9, 1990.

John W. Melone,

Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc 90–27203 Filed 11–16–90; 8:45 am]

BILLING CODE 6560–50–F

[WH–FRL–3861–4]

Prince William Sound and Gulf of Alaska; Restoration Work Plan and Program

AGENCY: Environmental Protection Agency and Alaska Department of Fish and Game.

ACTION: Notice of intent to prepare a draft restoration work plan and to propose a 1991 restoration program.

SUMMARY: The Environmental Protection Agency (EPA), on behalf of the Federal trustees (the Departments of the Interior and Agriculture and the National Oceanic and Atmospheric Administration) and the Alaska Department of Fish and Game (ADF&G), on behalf of the State Trustee, are announcing the intent of the Federal and State governments to prepare a draft restoration work plan for the Prince William Sound and the Gulf of Alaska, and to propose a restoration program for the 1991 field season.

DATES: The Federal and State of Alaska governments intend to jointly publish a draft restoration work plan and a restoration program for the 1991 field season in the **Federal Register** on or about December 28, 1990, and will accept comments on the draft plan and proposed 1991 projects for 30 days after the publication of that notice.

FOR FURTHER INFORMATION CONTACT: Susan MacMullin—EPA, Washington, DC (202/483–7166) or Stanley Senner—ADF&G, Anchorage, AK (907/271–2461).

SUPPLEMENTARY INFORMATION:

I. Background

The March 24, 1989, grounding of the tanker *Exxon Valdez* in Alaska's Prince William Sound caused the largest oilspill in U.S. history. A slick containing about 11 million gallons of North Slope crude oil covered the western portion of the Sound and moved to Cook Inlet and along the Gulf of Alaska. More than 1,000 miles of shoreline were affected, including State and national forests, wildlife refuges, and parks. The spill damaged areas extremely rich in natural resources. It injured fish, birds, mammals, intertidal and subtidal plants and animals and their associated habitats. The area's important historical and archaeological resources also were injured as a result of oiling and cleanup activities. The oil also adversely affected intrinsic values.

Soon after the spill occurred, President Bush and Alaska Governor Cowper expressed the desire that the environment and economy of Prince William Sound and the Gulf of Alaska be fully restored. Responsibility for full restoration of these natural resources and the services they provide rests with Federal and State agencies.

Both Federal and State law provide authority for response, damage assessment, and restoration actions undertaken following the *Exxon Valdez* oilspill. Under Federal law, section 107(f) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and section 311(f) of the Federal Water Pollution Control Act (Clean Water Act) provide for Federal and State officials to act as trustees on behalf of the injured, lost and destroyed natural resources and to pursue recovery of damages for injury, loss or destruction of these resources. Federal law authorizes the State and Federal governments to present claims to the responsible parties for damages for injury, loss or destruction of natural resources and their uses. The funds received from these claims must be used to restore, replace or acquire the equivalent of the natural resources and services injured, lost or destroyed by the spill.

CERCLA applies to releases of hazardous substances other than oil, while the Clean Water Act applies to oilspills. Both laws are supplemented by the National Contingency Plan (40 CFR part 300) and the Natural Resource Damage Assessment (NRDA) regulations (43 CFR part 11) which set out a process, which is not mandatory, for determining proper compensation to the public for injury, loss or destruction of natural resources. In this case, the natural resource trustees have not made a final decision on whether to follow the NRDA regulations. In combination, these laws and regulations provide the structure for the Federal/State response, damage assessment, and restoration activities following the *Exxon Valdez* oilspill.

Restoration (including actions to restore, replace or acquire the equivalent of resources) is one component of this process. Combined with response, cleanup and the damage assessment process, these efforts seek to minimize adverse impacts and compensate the public for natural resource injury, loss, or destruction and

lost use and intrinsic values, by restoring the resources and the services they provide.

Response activities include the initial emergency measures to contain the spilled oil and minimize adverse impacts, as well as the subsequent efforts to clean up oil from the spill area. The magnitude of and circumstances surrounding the *Exxon Valdez* oil spill resulted in relatively little of the spilled oil being contained. Consequently, cleanup activity has focused primarily on removing oil from the shoreline areas affected by the spill. Cleanup activities continued through the summer of 1990 and are expected to resume next year.

In 1989, State and Federal natural resource trustee agencies initiated scientific studies after the oil spill to assess the amount of damage. Most of these studies were continued into 1990, with a number of new studies being initiated as well. This damage assessment process, which is comprised of data collection and analysis components, will continue in 1991. It is designed to identify and quantify the specific resource injury, loss, or destruction and to determine corresponding monetary values. These monetary values include restoration costs, as well as lost-use and intrinsic values. Claims for those damages will be presented to the responsible parties, and under Federal law, the monies received must be used for restoration, replacement or acquisition of equivalent resources.

Restoration builds upon the spill response and damage assessment process by planning for, and then implementing, activities to restore the injured, lost or damaged environment.

The NRDA regulations define "restoration" or "rehabilitation" as . . . "actions undertaken to return an injured resources to its baseline condition as measured in terms of the injured resource's physical, chemical, or biological properties or the services it previously provided . . ." The preceding definition of restoration from the NRDA regulations is provided in this notice for informational purposes. As mentioned earlier, the NRDA regulations are not mandatory.

Generally, the concept of "restoration" includes direct restoration, replacement and the acquisition of equivalent resources:

- Direct restoration refers to measures, in addition to response actions, taken, usually on-site, to directly rehabilitate an injured, lost or destroyed resource.
- Replacement refers to substituting one resource for an injured, lost or destroyed resource of the same or similar type.
- Acquisition of equivalent resources includes the purchase or protection of resources to enhance the recovery, productivity, and survival of the ecosystems affected by the oil spill.

The goal of the restoration planning effort is to identify appropriate measures that can be taken to restore natural resources affected by the *Exxon Valdez* oil spill. Specific objectives include:

- Identify or develop technically feasible restoration options for natural resources and services potentially affected by the oil spill.
- Determine the nature and pace of natural recovery of injured resources, and identify where direct restoration measures may be appropriate.
- Incorporate an approach to restoration that, where appropriate, focuses on recovery of ecosystems, rather than on the individual components of those systems.
- Identify the costs associated with implementing restoration measures, in support of the overall natural resource damage assessment process.
- Encourage, provide for and be responsive to public participation and review during the restoration planning process.

Among the documents now available on the restoration program are several compiled by the Restoration Planning Work Group (RPWG), which is composed of representatives from the U.S. Departments of Agriculture and the Interior, NOAA, EPA and the Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources. The RPWG is responsible for planning for the restoration of the areas affected by the *Exxon Valdez* oil spill. To that end, the RPWG has undertaken to gather and develop information on all aspects of restoration related to oil spills.

During the past 18 months, EPA conducted a computerized literature search to identify restoration approaches that have potential for success, as well as actions to avoid. The databases searched were: Aquatic Science Abstracts (1978–1898), BIOSIS Previews (1970–1990) Environmental Bibliography (1969–1989), ENVIROLINE (1970–1989), Pollution Abstracts (1970–1990), and NTIS (1964–1990). The search yield approximately 450 publications. EPA then reviewed the titles and abstracts and identified the most relevant publications for acquisition and detailed review. Articles were selected according to the following criteria:

- Techniques potentially applicable to sub-arctic conditions;
- Restoration of the same resources as those that may have been damaged by the *Exxon Valdez* oil spill;
- Creation of new aquatic habitats (by dredge-and-fill techniques, construction of artificial reefs, etc);
- success of organisms grown in or transplanted to oil-contaminated substrates;
- Approaches and techniques for long-term monitoring studies.

This selective bibliography (approximately 200 citations) is found in appendix A to this notice. The full bibliography of about 450 citations (Item 1, appendix B) is available as noted in appendix B.

The RPWG has developed two reports which are publicly available. One documents the proceedings of an oil spill restoration symposium held on March 26–27, 1990, in Anchorage, Alaska (Item 2, appendix B). The symposium began with introductory statements by Dennis Kelso, Commissioner of the Alaska Department of Environmental Conservation, and Tom Dunne, Acting Regional Administrator of the U.S. Environmental Protection Agency. These opening remarks described the restoration planning process and its objectives. Three keynote speakers addressed the symposium on legal issues related to the damage assessment and restoration process, experiences with restoration of nonmarine ecosystems and public participation in the planning process. A final keynote speaker provided an overview of restoration concepts.

Panel discussions comprised the remainder of the symposium. Sessions addressed direct and indirect restoration of six categories of resources or their uses: Coastal habitats, fisheries, marine and terrestrial mammals, birds, cultural resources and recreation uses. Panelists included experts on restoration in each of these six categories, as well as representatives from various resource user groups, Alaska Native corporations, public land managers, environmental interest groups and the timber and tourism industries. All panel sessions included opportunities for questions and comments from the public, and an extended public comment session took place at the end of the symposium.

Restoration concepts and ideas discussed at the symposium can be grouped into three categories. Broad restoration approaches and philosophies; recommendations for public participation during the restoration planning process; and ideas addressing restoration of specific

resources (e.g., fisheries, mammals, cultural resources).

The second report is the August 1990 progress report, "Restoration Planning Following the *Exxon Valdez* Oil Spill" (Item 3, appendix B), which summarizes the RPWG activities to date. Its chapters present discussions on public participation programs, a technical workshop, the literature review, and restoration feasibility studies. The report also organizes a possible restoration program in a series of matrices for birds, mammals, fish and shellfish, coastal habitats, recreational uses, cultural resources and multiple resources and values. Within each matrix, categories of potentially injured, lost or destroyed resources are cross-referenced to potential restoration approaches.

The report also offers a discussion of future restoration planning activities, including the evaluation and selection of restoration options and development of a final restoration plan.

The RPWG has undertaken a series of restoration studies designed to assess the potential of direct restoration techniques for some of the resources injured by the oil spill. The study titles are as follows:

Restoration Feasibility Study No. 1.	Re-establishment of *Fucus in Rocky Intertidal Ecosystems.*
Restoration Feasibility Study No. 2.	Re-establishment of Critical Fauna in Rocky Intertidal Ecosystems.
Restoration Feasibility Study No. 3.	Identification of Potential Sites for Stabilization and Restoration of Beach Wild Rye.
Restoration Feasibility Study No. 4.	Identification of Upland Habitats used by Wildlife Affected by the Exxon Valdez oil spill.
Restoration Feasibility Study No. 5.	Land Status, Uses, and Management Plans in Relation to Natural Resources and Service.

There Restoration Technical Support Projects are also being carried out in 1990. The first project will support development of detailed plans for potential restoration studies in 1991, including, but not limited to:

- "Natural recovery" monitoring;
- Pink salmon stock identification;
- Herring stock identification/ spawing site inventory;
- Artifical habitat construction for fish and shellfish;
- Alternative recreation site/facility identification;
- Historic site/artifact restoration; and,
- Forage fish availability.

A second Restoration Technical Support Project will develop and implement a scientific peer review process for the feasibility studies and potential restoration projects.

The third Restoration Technical Support Project will assess and summarize existing beach segment survey data to identify sites for future restoration projects.

These studies are summarized in the document "The 1990 State/Federal Natural Resource Damage Assessment and Restoration Plans for the Exxon Valdez Oil Spill (Item 4, appendix B). Included in this document are responses to public comments received concerning the 1989 damage assessment report (Item 5, appendix B). Commenters responded to a general section that briefly discussed restoration planning as a goal for the upcoming year.

II. Notice of Intent to Publish a Draft Restoration Work Plan and a Proposed Restoration Program for the 1991 Field Season

EPA, on behalf of the Federal trustee agenciers, and ADF&G, on behalf of the State Trustee, are announcing the intent of the Federal and State of Alaska governments to jointly publish in the **Federal Register** on or about December 28, 1990 the following:

- A draft restoration work plan that addresses appropriate steps for long-range restoration or Prince William Sound and the Gulf of Alaska.
- A proposed restoration program for the 1991 field season.

The draft restoration work plan is expected to provide the public with information about the restoration plans of the Federal and State trustees and identify a proposed program, including restoration projects, that may be implemented in 1991. Development of this work plan is not required by the NRDA regulations. The Federal and State governments expect the parties responsible for the oil spill to pay for these projects.

The State and Federal governments will request public comment on restoration priorities and methods upon the publication of the draft restoration work plan in the **Federal Register**. The restoration work plan will not be the final restoration plan, but an opportunity for further public participation in the restoration planning process.

Dated: October 24, 1990.

LaJuana S. Wilcher,

Assistant Administrator, Office of Water, Environmental Protection Agency.

Dated: October 30, 1990.

Gregg K. Erickson,

Director, Division of Oil Spill Impact Assessment and Restoration, Alaska Department of Fish and Game.

Appendix A

Addy, J.M.; Levell, D. (1975). Sand and mud fauna and the effects of oil pollution and cleansing. Presented at the Instiute of Petroleum/Field Studies Council Meeting on Marine Ecology and Oil Pollution, Scotland, April 21–25, 1975, P91 (100).

Anderson, J.W., Riley, R.G.; Bean, R.M. (1978). Recruitment of Benthic Animals as a Function of Petroleum Hydrocarbon Concentrations in the Sediment. Journal of the Fisheries Research Board of Canada, Vol. 35, No. 5, pp. 776–790.

Anderson, R.C. (1983). Economic perspectives on oil spill damage assessment. Oil Petrochem. Pollut., Vol. 1, No. 2, pp. 79–84

Anonymous (1986). Oil recovery specialist battles against the black stuff. Water Waste Treatment, Vol 29, No. 2, p. 36

Ardizzone, G.D.; Bombace, G. (1983). Artificial reef experiments along a Tyrrhenian sea coast. Seminar on Scientific Aspects of Artificial Reefs and Floating Mariculture in the Mediterranean, Cannes, December 7, 1982.

Armstrong, N.E. (1982). Spill cleanup. Part 3, biological measures. In: Hazardous Materials Spills Handbook. McGraw-Hill Book Co., NY

Armstrong, N.E., Gloyna, E.F., Wyss, O. (1984). Biological countermeasures for the control of hazardous material spills. NTIS, Springfield, VA (USA). Report Number: NTIS PB84–140276

Army Engineer District, Mobile, AL (USA). (1984). Exploration and production of hydrocarbon resources in coastal Alabama and Mississippi. Final Generic Environmental Impact Statement. 1006 pp. NTIS Number: AD–A154 316/4/GAR. Report Number: COESAM/PD–EE–84–009.

Artificial reefs. (1986). Technology, Vol. 8, No. 6. Publisher: PCARRD, Los Banos (Phillipines), 16 pp. (Received July, 1989). Report Number: ISSN 0115–7787

Ash, C.; Garrett, C.; Gray, S. (1989). Prevention and cleanup of petrolem contamination of ground water Florida s Super Act. Fla Sci 52 (4). 225–229.

Aska, D.Y. (editor). (1981). Artificial reefs: Proceedings of a Conference Held September 13–15, 1979, in Daytona Beach, Florida. Conference on Artificial Reefs Daytona Beach, FL (USA) 13 Sep 1979. Rep. Fla. Sea Grant Program. Publisher(s): FSG, Gainesville, FL (USA), 235 pp. Report Number: FSG–R–41

Atlas, R.M. (1978). Potential interaction of microorganisms and pollutants from petroleum development. In: Marine Biological Effects of OCS Petroleum Development. Wolfe, D.A., ed. . Presented at the Formal Scientific Review of

Biological Effects Studies, Seattle, WA (USA), Nov 29, 1977. Report Number: NOAA-TM-ERL-OCSEAP-1. pp. 156-166. Publisher(s): NOAA ERL, Boulder, CO (USA).

Atlas, R.M.; Horowitz, A.; Busdosh, M. (1978). Prudhoe crude oil in arctic marine ice, water, and sediment ecosystems: Degradation and interactions with microbial and benthic communities. Presented at the Symposium on Recovery Potential of Oil Marine Norther Environments Halifax (Canada) 10 Oct 1977. J. Fish. Res. Board Can. 35(4), 585-590.

Axiak, V.; George, J.J. (1987). Behavioral responses of a marine bivalve (Venus verrucosa) to pollution by petroleum hydrocarbons. Water Air Soil Pollut., Vol. 35, No. 3-4, pp. 395-410.

Baker, J.M. (1970). The Effects of Oils on Plants. Environ. Pollut. (1), pp. 27-44.

Baker, J.M. (1975?). The Field Studies Council Oil Pollution Research Unit. Presented at Inst of Petroleum/Field Studies Council Meeting on Marine Ecology and Oil Pollution, Scotland, Apr 21-23, 1975, P17 (3).

Bakke, T. (1986?). Experimental long term oil pollution in a boreal rocky shore environment. Env Canada 9th Arctic Marine Oil Spill Technical Seminar, Edmonton, Jun 10-12, 1986, P167(12).

Beillois, P.; Desaunay, Y.; Dorel, D.; Lemoine, M. (1979). Pollution effects after the Amoco Cadiz grounding: Conditions of fishery resources in the Bays of Morlaix and Lannion. Report Institut Scientifique et Technique des Peches Maritimes, Nantes, France, January, 1979.

Bender, M.E.; Shearls, E.A.; Ayres, R.P.; Hershner, C.H.; Huggett, R.J. (1977). Ecological effects of experimental oil spills on eastern coastal plain estaurine ecosystems. Presented at the Oil Spill Conference, New Orleans, LA (USA), 8 Mar 1977. Publisher(s): American Petroleum Inst., Washington, DC (USA), p. 505-509. Report Number: API-Pub-4284

Bender, M.E.; Shearls, E.A.; Murray, L.; Huggett, R.J. (1980). Ecological effects of experimental oil spills in eastern coastal plain estuaries. Environ. Int., 3(2):121-133.

Biological Sciences Department, Floridan International University, Miami, FL 33199 (USA). (1986). Mitigation of estuarine fisheries nurseries: Seagrass Restoration. Presented at the Mitigation Symposium: A National Workshop on Mitigating Losses of Fish and Wildlife Habitats Fort Collins, CO (USA) 16 July, 1979. Gen. Tech. Rep. U.S. Department of Agriculture. U.S. Dept. Agriculture Fort Collins, CO (USA). Report Number: p 667-669

Bodennec, G.; Glemarec, G.; Grizel, M.; Kaas, H.; Legrand, R.; Le Moal, V.; Michel, P.; Miossec, P.; et al. (1983). Oil pollution impact on marine fauna and flora. Impact des hydrocarbures sur la flore et la faune marines. Rapport collectif. (Oil pollution impact on marine flora and fauna. A collective report.) Michel, P. ed., 1983., pp. 105-182. Contract CEE/ISTPM: BG/82/614 (629).

Bodin, P. (1988). Results of ecological monitoring of three beaches polluted by the Amoco Cadiz oil spill: Development of meiofauna from 1978 to 1984. Mar. Ecol. Prog. Ser., Vol. 42, No. 2, pp. 105-123

Bodin, P.; Boucher D. (1983). Medium-term evolution of meiobenthos and chlorophyll pigments on some beaches polluted by the Amoco Cadiz oil spill. Oceanol. Acta, Vol. 6, No. 3, pp. 321-332

Bombace, G. (1979). Experiments on artificial reefs in the central Adriatic (SE Conero, Ancona). 1st Convegno Scientifico Nazionale del Progetto Finalizzato Oceanografia e Fondi Marini Rome (Italy) March 5, 1979. Atti del Convegno Scientifico Nazionale (Roma 5-6-7 Marzo 1979). [Proceedings of the National Scientific Meeting (Rome 5-6-7 March)], Vol. 1, pp. 185-198

Bombace, G.; Rossi, V. (1986). Socio-ecological effect following the construction of a marine area protected by artificial reefs in the Porto Recanati zone. Tech. Sonsult. of the General Fiosheries Council for the Mediterranean on Open Sea Shellfish Culture in Association with Artificial Reefs Anconal (Italy) 17 March 1986. Inst. Ric. Pesca Marit., CNR, Molo Madracchio, 60100 Ancona, Italy. FAO Rapp. Peches., No. 357 (FAO fish. Rep.). Report of the Technical Consultation of the General Fisheries Council for the Mediterranean on Open Sea Shellfish Culture in Association with Artificial Reefs, Ancona, Italy, 17-19 March 1986. pp. 157-164. Report Number: ISBN 92-5-0024550-X

Bonsdorff, E. (1981). The Antonio Gramisci oil spill impact on the littoral and benthic ecosystems. Mar. Pollut. Bull., Vol. 12, No. 9, pp. 301-305

Botero, A.J.; Garzon, F.J.; Gutierrez, M.G. (1981). Establishment and development of a fish community in an artificial reef made from scrap tires. Bol. Mus. Mar. Bogota, No. 10, pp. 63-81.

Boucher, G.; Chamroux, S.; Riaux, C. (1984). Changes in physiochemical and biological characteristics of a sandy stretch of sublittoral sand polluted by hydrocarbons. Stn. Biol. de Roscoff, P1. Georges Tessier, Roscoff 29211, France. Mar Environ Res 12(1):1-24. CODEN: MERSD

Breslin, V.T.; Roethel, F.J.; Schaeperkoetter, V.P. (1988). Physical and chemical interactions of stabilized incineration with the marine environment. 81st APCA Annual Meeting & Exhibition Dallas, TX (USA), June 19-24, 1988, p. 22

Broman, D.; Ganning, B.; Lindblad, C. (1983). Effects of high pressure, hot water shore cleaning after oil spills on shore ecosystems in the northern Baltic proper. Mar. Environ. Res., Vol. 10, No. 3, pp. 173-187.

Broome, S.W.; Seneca, E.D.; Woodhouse, W.W., Jr. (1988). Tidal salt marsh restoration. Aquat Bot 32(1-2):1-22.

Brown, C.H. (1978). The role of the U.S. Fish and Wildlife Service in responding to oil spills. Presented at: Energy/Environment 78 Los Angeles (USA) 22 Aug 1978. Dep. Interior, US Fish & Wildlife Serv. (ES), National Oil & Hazardous Substances Spill Coordinator, Washington, DC 20240, USA. In: Proceedings: Energy/Environment 78: a symposium on energy development impacts. Lindstedt-Siva, J. ed., Society of Petroleum Industry Biologists Los Angeles (USA). p 321.

Brown, D.J.S.; Baxter, A. (1984). August 1980 oil spill clean-up project—Bahrain report summary of task force operations. UNEP Reg. Seas Rep. Stud., No. 44. Combating Oil Pollution in the Kuwait Action Plan Region, pp. 125-146

Brown, J.; West, G.C. (1970). Tundra biome research in Alaska—the structure and function of cold-dominated ecosystems. Tundra Biome Analysis of Ecosystems, College, Alaska. Sponsor: Cold Regions Research and Engineering Lab., Hanover, N.H. Report No.: 70-1. 157 pp. NTIS Number: PC A08/MF A01

Brownlee, M.J.; Mattice, E.R.; Levings, C.D. (1984). The Campbell River Estuary: A report on the design, construction and preliminary follow-up study findings of intertidal marsh islands created for purposes of estuarine rehabilitation. Can. Manuscr. Rep. Fish. Aquat. Sci., No. 1789, 63 pp. Report Number: ISSN 0706-6473

Bublea, B. (1985). Effect of biological activity on the movement of fluids through porous rocks and sediments and its application to enhanced oil recovery. Baas Becking Geobiological Lab., Canberra, ACT 2601, Australia. Geomicrobiol J 4 (3). p. 313-328. CODEN: GEJOD

Butler, A.C.; Sibbald, R.R. (1986). Isolation and Gas Chromatagraphic Determination of Saturated and Polycyclic Aromatic Hydrocarbons in Mussels. Natl Inst for Water Research, South Africa. B Env Contam & Tox, V37, N4, P570(9). The original document is available from Bowker.

Butler, W.H. (1985). Multiple land use: An essential part of environmental planning. Apea J, Vol. 25, No. 1, P311(5).

Cadena, F.C. (1988). Treatment of water supplies contaminated with toxic pollutants using tailored soils. Sponsor: New Mexico State Univ., Las Cruces, NM; Water Resources Div., Geological Survey, Reston, VA. Report No.: WRRI-235. 63 pp. Prepared in cooperation with New Mexico State Univ., Las Cruces, NM. Sponsored by Water Resources Div., Geological Survey, Reston, VA. NTIS Number: PB89-151443/XAB

Cairns, J., Jr., Buikema, A.L. (1984). Restoration of habitats impacted by oil spills: Workshop summary. Restoration of Habitats Impacted by Oil Spills Symposium, Blacksburg, VA (USA) 9-11 Nov 1981. Dept. Biol., Univ. Cent. Environ. Stud., Virginia Polytech. Inst. and State Univ., Blacksburg, VA 24061, USA. Restoration of habitats impacted by oil spills. Cairns, J., Jr., and Buikema, A.L., eds. Pages 173-180. Report Number: ISBN 0-250-40551-2.

Cairns, J., Jr.; Dickson, K.L.; Herricks, E.E. (1977). Recovery and restoration of damaged ecosystems. International Sumposium on the Recovery of Damaged Ecosystems, Blacksburg, VA, March 23-25, 1975, 531 pp. Publisher(s): University Press of Virginia, Charlottesville, VA.

Canevari, G.P. (1979). The restoration of oiled shorelines by the proper use of chemical dispersants. Presented at the 1979 Oil Spill

Conference, Los Angeles, CA (USA), 19 Mar 1979. Proc. Oil Spill Conf. American Petroleum Institute Washington, DC (USA). p 443-446.

Carlisle, J.G., Jr. (1976). Artificial modification of the ecosystem. 1. Artificial reefs. 2. Offshore oil drilling platforms. Joint Oceanographic Assembly, Edinburgh (UK), September 13, 1976.

Carr, R.S.; Linden, O. (1984). Bioenergetic responses of Gammarus salinus and Mytilus edulis to oil and oil dispersants in a model ecosystem. Mar. Ecol. (Prog. Ser.), Vol. 19, No. 3, pp. 285-291.

Castle, R.W. (1977). Restoration of oil-contaminated shorelines. Presented at the Oil Spill Response Workshop, Metairie, LA (USA), February 15, 1977. In: Proceedings of the 1977 Oil Spill Response Workshop. Fore, P.L, ed. p 105-112. Publisher(s): U.S. Fish and Wildlife Service, Biological Services Program NSTL Station, MS.

Chamberlain, G. (1989). Technology tackles the oil spill. Design News, Jun 19, 89, P90(6).

Clark, R.B. (1982). Biological effects of oil pollution. Water Science and Technology, Vol. 14, No. 9-11, p. 1185. NOTE: Proceedings of the Eleventh Biennial Conference of the International Association on Water Pollution Research and Control, Cape Town, 29th March—2nd April 1982.

Clark, R.C., Jr.; Patten, B.G.; DeNike, E.E. (1978). Observations of a cold-water intertidal community after 5 years of a low-level, persistent oil spill from the General M.C. Meigs. Presented at the Symposium on Recovery Potential of Oiled Marine Northern Environments, Halifax (Canada), October 10, 1977. J. Fish. Res. Board Can. 35(5), 754-765.

Cole, J. (1979). Scientists guage extent of recovery after an oil spill. Smithsonian, V10, N7, P68 (7).

Cox, G.V.; Cowell, E.B. (1979). Mitigating oil spill damage—ecologically responsible clean-up techniques. Presented at the Mitigation Symposium: A National Workshop on Mitigating Losses of Fish and Wildlife Habitats, Fort Collins, CO (USA), July 16, 1979. Gen. Tech. Rep. U.S. Dept. Agric. U.S. Dept. Agriculture, Fort Collins, CO (USA). p. 121-128.

Craig, P.C.; Haldorson, L. (1979). Beaufort Sea barrier island-lagoon ecological process studies: Ecology of fishes in Simpson Lagoon, Beaufort Sea, Alaska. Environmental assessment of the Alaskan continental shelf. Annual reports of principal investigators for the year ending March 1979. Vol. 6: Effects. p. 363-470. Publisher(s): NOAA Environmental Research Labs, Boulder, CO (USA). Outer Continental Shelf Environmental Assessment Program.

Cundell, A.M.: Mitchell, R. (1977)., Microbial Succession on a wooden surface exposed to the sea. Lab Appl. Microbiol., Div. Eng Appl. Phys., Harvard Univ., Cambridge, MA 02138, USA. Int. Biodeterior. Bull., 13(3), 67-73.

Dauble, Dennis D.; Gray, Robert H.; Skalski, J.R.; Lusty, E.W.; Simmons, M.A. (1985). Avoidance of a Water-Soluble Fraction of Coal Liquid by Fathead Minnows. Transactions of the American Fisheries Society, Vol. 114, pp. 754-760.

Dauvin, J.C. (1987). Long term evolution (1978–1986) of the amphipod populations of the fine sand community of Pierre Noire (Bay of Morlaix, western English Channel) after the Amoco Cadiz disaster. Mar. Environ. Res., Vol. 21, No. 4, pp. 247-273.

de Jong, E. (1980). The effect of a crude oil spill on cereals. Environmental Pc¹lution. Series A: Ecological and Biological, 22(3), 187-196.

Deis, D.R.; Dial, R.S.; Quammen, M.L. (1987). The use of mitigation in environmental planning for port development. Proceedings of the 10th National Conference on Estuarine and Coastal Management: Tools of the Trade, New Orleans, LA (USA), October 12–15, 1986. Vol. 2. Lynch, M.P.; McDonald, K.L., eds. Pages 707-718.

Dial, R.S.; Deis, D.R. (1986). Mitigation options for fish and wildlife resources affected by port and other water-dependent developments in Tampa Bay, Florida. NTIS Number: PB87-140703/GAR. 171 pp.

Diaz, R.J.; Boesch, D.F. (1977). Habitat development field investigations, Windmill Point Marsh Development Site, James River, Virginia. Appendix C. Environmental impacts of marsh development with dredged material: Acute impacts on the macrobenthic community. Technical Report, U.S. Army Corps of Engineers, Waterways Experimental Station. 158 p. Publisher(s): U.S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, VA (USA), November, 1977. Contract No. DACW66–75–C–0053.

Dibble, J.T.; Bartha, R. (1979). Rehabilitation of Oil-Inundated Agricultural Land: A Case History. Soil Science, Vol. 128, No. 1, pp. 56–60.

Dicks, B.; Iball, K. (1981?). Ten years of saltmarsh monitoring # the case history of a Southampton water saltmarsh and a changing refinery effluent discharge. Presented at EPA/API/USCG 1981 Oil Spill Conf, Atlanta, Mar 2–5, 81, P361 (14).

Dolah, R.F. van; Wendt, P.H.; Wenner, C.A.; Martore, R.M.; Sedberry, G.R. (1987). Environmental impact research program: Ecological effects of rubble weir jetty construction at Murrells Inlet, South Carolina. Volume 3. Community structure and habitat utilization of fishes and decapods associated with the jetties.Army Corps of Engineers, Waterways Experimental Station, Vicksburg, MS (USA), 163 pp. NTIS Number: AD–A187 676/2/GAR.

Dorrler, J.S. (1976?). Energy Resource Extraction; Oil And Gas Production. EPA, NJ. Presented at EPA Natl Conf on Healt, Env Effects, & Control Technology of Energy Use, Washington, DC, February 9–11, 76 (9). The original document is available from Bowker.

Eidam, C.L.; Hancock, J.A.; Jones, R.G.; Hanson, J.R.; Smith, D.C.; Hay, K.G.; McNeil, C.S.L. (1975?). Oil Spill Cleanup. EPA. Presented at EPA/API/USCG Conf on Prevention & Control of Oil Pollution, San Francisco, CA, March 25–27, 1975, P217 (52). The original document is available from Bowker.

Elouard, B.; Desrosiers, G.; Brethes, J.C.; Vigneault, Y. (1983). A study of a fish habitat created around islets of dredged material Grande-Entree lagoon, Magdalen Islands. Rapp. Tech. Can. Sci. Halieut. Aquat., No. 1209F. 77 pp. Report Number: ISSN 0706–6570.

Engelhardt, F.R.; Gilfillan, E.S.; Boehm, P.D.; Mageau, C. (1985). Metabolic effects and hydrocarbon fate in Arctic bivalves exposed to dispersed petroleum. Proceedings of the 3rd International Symposium on Responses of Marine Organisms to Pollutants Plymouth (UK) 17 Apr 1985. Moore, M.N., ed. Mar. Environ. Res., Vol. 17, No. 2–4, Pages 245–249.

Erwin, K.L.; Best, G.R. (1985). Marsh community development in a central Florida phosphate surface-mined reclaimed wetland. 8th Biennial International Estuarine Research Conference, Durham, NH (USA), July 28, 1985. Estuaries, Vol. 8, No. 2B, p. 111A.

Farrington, J.W. (1985). Oil pollution: A decade of research and monitoring. Oceanus, Fall 85, V28, N3, P2(11).

Faucher, C. (1983). Quantitative comparison of benthic populations on St. Efflam beaches. Etude de la Macrofaune du Microphytobenthos de la Meiofaune des Estrans et Etude des Chenaux des Abers, pp. 1–11. (Ecological Survey of Macrofauna, Microphytobenthos and Meiofauna of the Foreshore, and Survey of the Channels of the Abers Estuaries). Report Number: Contract CNEXO82/2604.

Federle, T.W.; Vestal, J.R.; Hater, G.R.; et al. (1979). Effects of Prudhoe Bay crude oil on primary production and zooplankton in arctic tundra thaw ponds. Marine Environmental Research 2(1), 3–18.

Fedkenheuer, A.W.; Heacock, H.M.; Lewis, D.L. (1980). Early performance of native shrubs and trees planted on amended Athabasca Oil Sand tailings. Reclamation Review, V3, N1, P47 (9).

Fickeinsen, D.H.; Vaughan, B.E. (1984). Behavior of Complex Mixtures in Aquatic Environments. PNL–5135. Pacific Northwest Laboratory Operated for the U.S. Department of Energy by Battelle Memorial Institute, Richland, WA.

Flower, R.J. (1983). Some effects of a small oil spill on the littoral community at Rathlin Island, Co. Antrim. Ir. Nat. J., Vol. 21, No. 3, pp. 117–120

Fonseca, M.S.; Kenworthy, W.; Phillips, R.C. (1982). A cost-evaluation technique for restoration of seagrass and other plant communities. Environ. Conserv., Vol. 9, No. 3, pp. 237–242.

Forget, C.A.; Sartor, J.D. (1971?). Earthmoving Equip for Restoration of Oil-Contaminated Beaches. API/EPA Conf June 15–17, 1971, Washington, DC P505. The original document is available from Bowker.

Franco, P.J.; Giddings, J.M.; Herbes, S.E.; Hook, L.A.; Newbold, J.D.; Roy, W.K.; Southworth, G.R.; Stewart, A.J. (1984). Effects of chronic exposure to coal-derived oil on freshwater ecosystems: 1. Microcosms. Environ. Toxicol. Chem., Vol. 3, No. 3, pp. 447–463.

Frankiewicz, T.C. (1980).Design and management for resource recovery. Vol. 1: Energy from Waste. Occidental Res. Corp. Frenkievicz, T.C., ed. Ann Arbor Science Publishers, Inc., Ann Arbor, MI, USA.

XIV + 209 pp. (illus.). Report Number: ISBN 0–250–40312–9. 0(0) CODEN: DMRRD

Fricke, A.H.; Hennig, H.F–K.O.; Orren, M.J. (1981). Relationship between oil pollution and psammolittoral meiofauna density of two South African beaches. Marine Environ. Res., Vol. 5, No. 1, pp. 59–77.

Fucik, K.W.; Bright, T.J.; Goodman, K.S. (1984). Measurements of damage, recovery, and rehabilitation of coral reefs exposed to oil. Restoration of Habitats Impacted by Oil Spills Symposium, Blacksburg, VA (USA), 9–11 Nov 1981. Cairns, J., Jr.; Buikema, A.L., (eds). Pages 115–134. Report Number: ISBN 0–250.40551–2.

Galbraith, D.M. (1978). Reclamation and Coal Exploration: Peace River Coal Block, British Columbia, Canada. Canada Dept of Mines & Petroleum Resources, British Columbia. Presented at Intl Congress for Energy & Ecosystem (Pergamon) Ecol & I Coal Resource Development Conf. Grand Forks, June 12–16, 78, V1 P444 (3).

Ganning, B.; Reish, D.J.; Strughan, D. (1984). Recovery and restoration of rocky shores, sandy beaches, tidal flats, and shallow subtidal bottoms impacted by oil spills. Restoration of Habitats Impacted by Oil Spills Symposium, Blacksburg, VA (USA), 9–11 Nov 1981. Cairns, J., Jr.; Buikema, A.L. eds. Pages 7–36. Report Number: ISBN 0–250–40551–2

Getter, C.D.; Cintron, G.; Dicks, B.; Lewis, R.R., III; Seneca, E.D. (1984). The recovery and restoration of salt marshes and mangroves following an oil spill. Restoration of Habitats Impacted by Oil Spills Symposium, Blacksburg, VA (USA), 9–11 Nov 1981. Cairns, J., Jr.; Buikema, A.L., eds. Pages 65–114. Report Number: ISBN 0–250–40551–2

Giroux, J.–F. (1981). Use of artificial islands by nesting waterfowl in southeastern Alberta. J. Wildl. Manage., Vol. 45, No. 3, pp. 669–679.

Glemarc, M.; Hussenot, E.; Moal, Y. Le (1982). Utilization of biological indications in hypertrophic sedimentary areas to describe dynamic process after the Amoco Cadiz oil spill. International Symposium on Utilization of Coastal Ecosystems: Planning, Pollution and Productivity, Rio Grande (Brazil), 22 Nov 1982. Fundacao Univ., Rio Grande (Brazil); Duke Univ. Mar. Lab., Beaufort NC (USA). Atlantica, Vol. 5, No. 2, p. 48. Special issue. Summary only.

Gomoiu, M.T. (1983). Some ecological aspects of artificial reef construction along the coasts of north-western Black Sea. Journee d Etudes sur less Aspects Scientifiques Concernant les Recifs Artificiels et la Mariculture Suspendue, Cannes, France, 7 Decembre 1982. Pages 113–119. (Seminar on Scientific Aspects of Artificial Reefs and Floating Mariculture in the Mediterranean, Cannes, France, December 7, 1982).

Goodman, K.S.; Baker, J., editors, (1982). A preliminary ecological survey of the coastline of Abu Dhabi, United Arab Emirates. A report prepared for the Abu Dhabi Marine Operating Company (ADMA–OPCO) by BP International, Ltd., Environmental Control Centre, London. Volume 1. Text, tables and figures. Volume 2. Photographs. Publishers(s): British Petroleum International Ltd., London (UK). 178 pp.

Goodman, K.S.; Nunn, R.M. (1982). The littoral ecology of the area around Mongstad Refinery, Fensfjorden, Norway, 1981. An Interim Report to Rafinor A/S and Co. by BP International Limited. Publisher(s): BP International Ltd., Brittanic House, Moor Lane, London EC2Y 9BU, UK, 63 pp.

Gordon, W.G. (1981). Artificial reefs and the FCMA. Proceedings of a Conference on Artificial Reefs, Daytona Beach, FL (USA), September 13, 1979. Aska, D.Y., ed. Pages 75–77. Rep. Fla. Sea Grant Program. Report Number: FSC–R–41.

Gordon, W.G. (1986). NMFS and Army Corps of Engineers restore fisheries habitats: A cooperative venture. Fisheries, Sep–Oct 1986, V11, N5, P2(6).

Gore, J.A. editor. (1985). The restoration of rivers and streams: Theories and experience. Butterworth Publishers, Stoneham, MA (USA).

Gore, J.A.; Johnson, L.S. (1979). Biotic recovery of a reclaimed river channel after coal strip mining. Presented at the Mitigation Symposium: A National Workshop on Mitigating Losses of Fish and Wildlife Habitats, Fort Collins, CO (USA), July 16, 1979. Gen. Tech. Rep. US Dept. Agriculture, Fort Collins, CO (USA). P 239–244.

Gourbault, N.; Helleouet, M.N.; Naim, O.; Renaud-Mornant, J. (1980). Amoco Cadiz oil pollution. Contract COB-MUSEUM 79 5975. Effets de la pollution sur la meiofaune de Roscoff (greve de Roscoff chenal de la riviere de Morlaix). Deuxieme annee. Premiers resultats. [Research contract COB-MUSEUM 79/5975. Pollution effects on the meiofaune in Roscoff (Roscoff beach, Morlaix river channel). Preliminary results after two years study. 6 pp.]. Mus. Natl. Hist. Nat., Prog. Zool.-Vers, Paris, France. (Museum National d Histoire Naturelle Paris, France).

Grove, R.S. (1982). Artificial reefs as a resource management option for siting coastal power stations in southern California. Mar. Fish. Rev., Vol. 44, No. 6–7, pp. 24–27.

Grula, M.M.; Grula, E.A. (1983). Biodegradation of materials used in enhanced oil recovery. Final report, July 1, 1978, to November 30, 1981. Oklahoma State Univ., Stillwater, OK 74074, USA, NTIS, Springfield, VA (USA). Number: DE4002019.

Gudin, C.; Syratt, W.J. (1975). Biological aspects of land rehabilitation following hydrocarbon contamination. Env. Pollution, V8, N2, P107 (6).

Gumtz, G.D. (1972). Restoration of beaches contaminated by oil. United States Environmental Protection Agency. Environmental protection technology series, EPA–R2–72–045. NTIS Number: PB–214 419/4. 138 pp.

Gundlach, E.R.; Marchand, M. (eds.); Bodin, P.; Boucher, D. (1982) Mid-term evolution of meiobenthos and microphytobenthos on beaches touched by the Amoco Cadiz oil spill. Univ. Bretagne Occidentale, Lab. Oceanogr. Biol., 6 Ave Le Gorgeu, 29283 Brest Cedex, France. NOAA/CNEXO Joint Scientific Commission Workshops: Physical Chemical and Microbiological Studies after the Amoco Cadiz Oil Spill; Biological Studies after the Amoco Cadiz Oil Spill. Charleston, SC (USA), October 28, 1981; Brest (France) September 17, 1981. Ecological Study of the Amoco Cadiz Oil Spill: Report of the NOAA–CNEXO Joint Scientific Commission. pp 329–362. Joint NOAA/CNEXO Scientific Commission, Washington, DC (USA).

Gundlach, E.R.; Marchand, M. (eds.); Bodin, P.; Boucher, D. (1982). Natural recovery of salt-marsh vegetation destroyed by the Amoco Cadiz oil spill: Circumstances and tendencies. Lab. Bot. Gen., Campus Sci. Beaulieu, 35402-Rennes Cedex, France. NOAA/CNEXO Joint Scientific Commission Workshops: Physical, Chemical and Microbiological Studies after the Amoco Cadiz Oil Spill; Biological Studies after the Amoco Cadiz Oil Spill. Charleston, SC (USA), October 28, 1981; Brest (France) September 17, 1981. Ecological Study of the Amoco Cadiz Oil Spill: Report of the NOAA–CNEXO Joint Scientific Commission; pp 329–362. Joint NOAA/CNEXO Scientific Commission, Washington, DC (USA) Hampson, G.R.; Moul, E.T. (1978). No. 2 fuel oil spill in Bourne, Massachusetts: immediate assessment of the effects on marine invertebrates and a 3-year study of growth and recovery of a salt marsh. Presented at a Symposium on Recovery Potential of Oiled Marine Northern Environments, Halifax (Canada), October 10, 1977. J. Fish. Res. Board Can., 35(5), 731–744.

Hann, R.W., Jr. (1977). Fate of oil from the supertanker Metula. Presented at the Oil Spill Conference, New Orleans, LA (USA), March 8, 1977. Publisher(s): American Petroleum Inst., Washington, DC (USA). Pages 465–468. Report Number: API-Publ—4284

Hansen, K.; Vestergaard, P. (1986). Initial establishment of vegetation in a man-made coastal area in Denmark. Nord. J. Bot., Vol. 6, No. 4, pp. 479–495.

Herbes, S.E.; Southworth, G.R.; Shaeffer, D.L.; Griest, W.H.; Maskarinec, M.P. (1980). Critical Pathways of Polycyclic Aromatic Hydrocarbons in Aquatic Environments. The Scientific Basis of Toxicity Assessment, H. Witschi (ed.), Elsevier/North Holland Biomedical Press, pp. 113–128.

Horner, R.A. (1978). Beaufort Sea plankton studies. Seattle, WA, USA. In: Environmental assessment of the Alaskan continental shelf. Annual reports of principal investigators for the year ending March 1978. Volume 5, receptors—fish, littoral, benthos. P 85–142. Publisher(s): US Environmental Research Laboratories, Boulder, CO. Outer Continental Shelf Enviornmental Assessment Program.

Hueckel, G.J.; Buckley, R.M. (1986). The mitigation potential of artificial reefs in Puget Sound, Washington. Oceans 86 Conference Record: Science-Engineering-Adventure, Vol. 2. Data Management, Instrumentation and Economics, Washington, DC (USA), 23–25 Sep 1986, pp. 542–546. Oceans 86. Report Number: IEEE–86CH2363–0.

Hunt, L.J. (1979). Use of dreged material disposal in mitigation. Presented at the

Mitigation Symposium: A National Workshop on Mitigating Losses of Fish and Wildlife Habitats, Fort Collins, CO (USA), 16 July 1979. US Army Corps of Engineers, Waterways Exp. Stn., Vicksburg, MS, USA. Gen. Tech. Rep. US Dept Agric. US Dept. Agriculture Fort Collins, CO (USA). Report Number: p 502–507.

Ibanez, F.; Dauvin, J.-C. (1988). Long-term changes (1977 to 1987) in a muddy fine sand Abra alba—Melinna palmata community from the western English Channel: Multivariate time-series analysis. Mar. Ecol. (Prog. Ser.) Vol. 49, No. 1–2, pp. 65–81.

Jackson, J.B.C.; et al. (1989). Ecological Effects of a Major Oil Spill on Panamanian Coastal Marine Communities. Science, Vol. 243, pp. 37–44.

Jacobs, R.P.W.M. (1980). Effects of the Amoco Cadiz oil spill on the seagrass community at Roscoff with special reference to the benthic infauna. MarLow chronic additions of no. 2 fuel oil: Chemical behavior, biological impact and recovery in a simulated estuarine environment. Mar. Ecol. (prog. Ser.)., Vol. 9, No. 2, pp. 121–136.

Jennings, A.L. (1972). Spill damage restoration. Natl Conf Hazardous Material Spill Houston Mar 21–23, 1972, P221 (3).

Johnson, L.A. (1981). Revegetation and selected terrain disturbances along the Trans-Alaska Pipeline, 1975–1978. Cold Regions Research and Engineering Lab., Hanover, NH (USA), 122 pp. NTIS Number: AD–A138 426/2.

Jones, L.E.; Hunter, R.A. (1981). Strategies for rehabilitation and enhancement of coastal sites for waterfowl. 6th Biennial International Estuarine Research Conference, Gleneden Beach, OR (USA), 1–5 Nov 1981. Estuaries, Vol. 4, No. 3, p. 266. Summary only.

Kelley, K. (1988). Seagrass replanting efforts may improve fisheries. Natl. Fishermen, Vol. 68, No. 11, pp. 14–16.

Kentula, M.E. (1986). Wetland rehabilitation and creation in the Pacific Northwest. Ecol. Res. Ser., U.S. Environ. Prot. Agency, 29 pp. NTIS Number: PB86–241023/GAR. Report Number: EPA/600/D–86/183.

Krahn, Margaret M.; et al. (1986). Associations Between Metabolites of Aromatic Compounds in Bile and the Occurrence of Hepatic Lesions in English Sole (Parophrys vetulus) from Puget Sound, Washington. Arch. Environ. Contam. Toxicol Vol. 15, pp. 61–67.

Lauren, D.J.; Rice, S. (1985). Significance of Active and Passive Depuration in the Clearance of Naphthalene from the Tissues of Hemigrapsus nudus (Crustacea: Decapoda). Marine Biology, Vol. 88, pp. 135–142.

Levasseur, J.; Durand, M.-A.; Jory, M.-L. (1981). Biomorphologic and floristic aspects of the reconstitution of a phanerogamic vegetal cover, altered by the Amoco Cadiz oil spill and the following clean-up operations: Special study of the Ile-Grande Salt Marshes (Cotes du Nord). Amoco Cadiz: Fates and Effects of the Oil Spill. Proceedings of the International Symposium. Centre Oceanologique de Bretagne, Brest (France). November 19–22, 1979, pp. 455–473. Report Number: ISBN 2–90272–09–9.

Little, A.E. (1983). A resurvey of rocky shore transects in Milford Haven, January–April 1979: Comparisons with data collected from 1961–1978. Publisher(s): Oil Pollution Research Unit, Pembroke (UK), 1983. 241 pp., published in 2 volumes. Report Number: FSC(OPRU)/6/83.

Lum, A.L. (1978). Shorebird fauna changes of a small tropical estuary following habitat alteration: Biological and political impacts of environmental restoration. Environmental Management 2(5):423–430.

Maiero, D.J.; Castle, R.W.; Crain, O.L. (1978). Protection, cleanup and restoration of salt marshes endangered by oil spills: A procedural manual. United Research Services, San Mateo, CA (USA). Contract No. EPA–68–03–2160.

Malins, D.C.; et al. (1987). Field and Laboratory Studies of the Etiology of Liver Neoplasms in Marine Fish from Puget Sound. Environmental Health Perspectives, Vol. 71, pp. 5–16.

Maynard, Desmond J.; Weber, Douglas D. (1981). Avoidance Reactions of Juvenile Coho Salmon (Oncorhynchus kisutch) to Monocyclic Aromatics. Can. J. Fish. Aquat. Sci., Vol. 38, pp. 772–778.

Melzian, Brian D.; Lake, James. (1986/87). Accumulation and Retention of No. 2 Fuel Oil Compounds in the Blue Crab, Callinectes sapidus Rathbun. Oil & Chemical Pollution, Vol. 3, No. 5, p. 367.

Motohiro, T. (1983). Tainted Fish Caused by Petroleum Compounds—A Review. Wat. Sci. Tech. (Finland), Vol. 15, pp. 75–83.

Mann, K.H. (1978). A biologist looks at oil in the sea. Shore And Beach 46(4):27–29.

Mann, K.H.; Clark, R.B. (1977). Session 3. Summary and overview: Long-term effects of oil spills on marine intertidal communities. Presented at the Symposium on Recovery Potential of Oiled Marine Northern Environments, Halifax (Canada), 10 Oct 1977. J. Fish. Res. Board Can. 35(5): 791–795.

McGill, W.B. (1977). Soil restoration following oil spils—A review. J. Can. Pet. Technol., 16(2), 60–67.

Meade, N.F. (1981). The Amoco Cadiz oil spill: An analysis of emergency response clean-up and environmental rehabilitation costs. Presented at OECD Cost of Oil Spills Conf, France, Jun 16–18, 81, P130 (18).

Michelson, P.G.; Schamel, D.; Tracy, Ionson, A. (1977). Avian community ecology at two sites on Espenberg Peninsula in Kotzebue Sound, Alaska. In: Environmental assessment of the Alaskan continental shelf. Volume 5. receptors—birds. U.S. National Oceanic and Atmospheric Administration, Boulder, CO. Environmental Research Laboratories, Mar 1977, P. 1–74. Contract No. 3–5–22–56. Report Number: NOAA/ERL–AR–77–5

Mozley, S.C.; Butler, M.G. (1978). Arctic effects of crude oil on aquatic insects of tundra ponds. Presented at the Workshop on Ecological Effects of Hydrocarbon Spills in Alaska, Woods Hole, MA (USA), 8 Apr 1978.

Nakatani, R.E.; et al. (1985). Effect of Prudhoe Bay Crude Oil on the Homing of Coho Salmon in Marine Waters. Health and Environmental Sciences Department API Publication No. 4411, American Petroleum Institute, Washington, D.C.

Neff, Jerry M. (1985). Use of Biochemical Measurements to Detect Pollutant-Mediated Damage to Fish. Aquatic Toxicology and Hazard Assessment: Seventh Symposium, ASTM STP 854, pp. 155–183.

Niedzialkowski, D.M.; Kerr, R.L. (1988). Wetlands mitigation banking: Planning for protection of environmental values. Proceedings of the Symposium on Coastal Water Resources Wilmington, NC (USA). Lyke, W.L.; Hoban, T.J., eds. Tech. Publ. Ser. Am. Water Resour. Assoc. Pages 789–790. Report Number: TPS–88–1

Niesen, T.M.; Lyke, E.B. (1981). Pioneer infaunal communities in the Hayward Salt Marsh restoration (San Francisco Bay). 6th Biennial International Estuarine Research Conference, Gleneden Beach, OR (USA), 1–5 Nov 1981. Estuaries, Vol. 4, No. 3, p. 243. Summary only.

Niewolak, S. (1978). Microbiological aspects of restoration of cultivated soils contaminated with crude oil. Wiad Ekol 24(2): 109–118.

OBrien, P.Y.; Dixons, P.S. (1976). The effects of oils and oil components on algae a review. Br. Phycol. J. 11(2): 115–142.

Owens, E.H.; Rashid, M.A. (1976). Coastal environments and oil spill residues in Chedabucto Bay Nova Scotia Canada. Can. J. Earth. Sci. 13(7): 908–928.

Owens, E.H.; Robillard, G.A. (1981). Spill impacts and shoreline cleanup operations on Arctic and sub-Arctic coasts. Presented at EPA/API/USCG 1981 Oil Spill Conf, Atlanta, Mar 2–5, 81, P305 (5).

Pacific Northwest Laboratory. (1986). Reconnaissance Survey of Eight Bays in Puget Sound. Final Reports, Volume I and II. Prepared for U,S. Environmental Protection Agency Region 10, Seattle WA, by Battelle, Marine Research Laboratory, Sequin, WA.

Palmer, H.V.R., Jr. (1972). Falmouths oiled shellfish beds being restored. National Fisherman 53(4): C10, Aug. 1972

Pasquet, R. (1981). Effectiveness and Cost of Onshore Techniques to Control the Accidental Pollution of the Sea by Oil. Cedre, France. Presented at OECD Cost of Oil Spills Conf, France, June 16–18, 81, P112 (18). The original document is available from Bowker.

Pearson, Walter H.; et al. (1980). Detection of Petroleum Hydrocarbons by the Dungeness Crab, Cancer Magister. Fishery Bulletin, Vol. 78, No. 3, pp. 821–826.

Perna, A.J.; Wayne, T.J. (1970). Effects, recovery, reuse of oil from aqueous environments. Conf at Univ of Rhode Island, Jul 21–23, 70 P232 (12)

Petersen, J.A. (1984). Establishment of mussel beds: Attachment behavior and distribution of recently settled mussels (Mytilus californianus). Veliger, Vol. 27, No. 1, pp. 7–13.

Petty, S.E.; et al. (1982). Assessment of Synfuel Spill Cleanup Options. PNL–4244. Pacific Northwest Laboratory Operated for the U.S. Department of Energy by Battelle Memorial Institute, Richland, WA.

Phillips, R.C. (1980). Transplanting methods. In: Handbook of seagrass biology: An ecosystem perspective. Phillips, R.C.;

McRoy, C.P., eds. p 41–56. Publisher(s): Garland STPM New York, NY (USA)
Prince, E.D.; Maughan, O.E. (1978). Freshwater artificial reefs: biology and economics. Fisheries, 3(1), 5–9.
Prince, E.D.; Maughan, O.E.; Prouha, P. (1977). How to build a freshwater artificial reef. Sea Grant Rep. Va. Polytechnic Inst. Publisher(s): VPI, Blacksburg, VA (USA), 2nd ed. 17p. Report Number: VPI–SG–77–02
Proskurenko, I.V. (1977). The Planning of technical facilities in mariculture. In: Proceedings of the Fifth Japan-Soviet Joint Symposium on Aquaculture, September 1976, Tokyo and Sapporo, Japan. Motoda, S., (ed.). Presented at the 5th Japan-Soviet Joint Symposium on Aquaculture, Tokyo (Japan), 14 Sept. 1976; Sapporo (Japan), 15 Sept. 1976. Pac. Res. Inst. Fish. Oceanogr. (TINRO), 20, Lenin St. Vladivostok, USSR. Publisher(s): Tokai University, Tokyo (Japan), March 1977, p. 297–304
Race, M.S. (1985). Critique of present wetlands mitigation policies in the United States based on an analysis of past restoration projects in San Francisco Bay. Environ. Manage., Vol. 9, No. 1, pp. 71–82.
Race, M.S. (1986). Wetlands restoration and mitigation policies: Reply. Environ. Manage., Vol. 10, No. 5, pp. 571–572.
Radvanyi, A. (1980). Control of small mammal damage in the Alberta Canada oil Sands Reclamation and AF Forestation Program. For Sci 26 (4):687–702.
Range, J.D.; Feller, M.A. (1979?). Congressional Perspectives on the Need for Estimating Environmental Damage from Oil and Hazardous Waste Spills. Presented at U.S. Fish & Wildlife Service Pollution Response Conference, St. Petersburg, May 8–10, 79, P157 (5). The original document is available from Bowker.
Rauta, C.; Zarioiu, V.; Creanga, I.; Petre, N.; Kaszoni, E.; Carstea, S.; Mihalache, G. (1987). Preliminary research concerning the technology for bringing under agricultural use some soils polluted with petroleum residues. An Inst Cercet Pedol Agrochim 47(0):211–220.
Renaud-Mornant, J.; Gourbault, N. (1980). Survival of meiofauna after the Amoco Cadiz oil spill (Morlaix Channel and Roscoff Beach, Brittany, France). Bull. Mus. Natl. Nat. (France) (4E Ser.) (A Zool. Biol. Ecol. Anim.), Vol. 2, No. 3, p. 759–772.
Rice, S.D.; Korn, S.; Karinen, J.F. (1979). Lethal and sublethal effects on selected Alaskan marine species after acute and long-term exposure to oil and oil components. In: Environmental assessment of the Alaskan continental shelf. Annual reports of principal investigators for the year ending March 1979, Volume 6, effects. p. 27–59. Publisher(s): NOAA Environmental Research Labs, Boulder, CO (USA), Outer Continental Shelf Environmental Assessment Program.
Riley, R.G.; et al. (1980/81). Changes in the Volatile Hydrocarbon Content of Prudehoe Bay Crude Oil Treated Under Different Simulated Weathering Conditions. Marine Environmental Research, Vol. 4, pp. 109–119.
Roubal, William T.; et al. (1977). Accumulation and Metabolism of Carbon-14 Labeled Benzene, Naphthalene, and Anthracene by Young Coho Salmon (Oncorhynchus Kisutch). Archives of Environmental Contamination and Toxicology, Vol. 5, pp. 513–529.
Samuels, W.B.; Lanfear, K.J. (1982). Simulations of seabird damage and recovery from oilspills in the northern Gulf of Alaska. J Env Management, Sept. 82, V15, N2, P169 (14).
Schiegg, H.O. (1980). Field Infiltration as a Method for the Disposal of Oil in Water Emulsions from the Restoration of Oil Polluted Aquifers. Electrowatt Eng. Serv., Ltd., CH–8022 Zurich, Switzerland. Water Res 14 (8). 1011–1016. CODEN: WATRA
Schwendinger, R.B. (1968). Reclamation of Soil Contaminated with Oil. Journal of the Institute of Petroleum, Vol. 54, No. 535, pp. 182–197.
Seaman, W., Jr.; Aska, D.Y. (1986). The Florida reef network: Strategies to enhance user benefits. Artificial Reefs—Marine and Freshwater Applications. D. Itri, F.M., ed. Pages 545–561. Report Number: ISBN 0–87371–010–X
Seneca, E.D.; Broome, S.W. (1982). Restoration of marsh vegetation impacted by the Amoco Cadiz oil spill and subsequent cleanup operations at Ile Grande, France. NOAA/CNEXO Joint Scientific Commission Workshops: Physical, Chemical, and Microbiological Studies after the Amoco Cadiz Oil Spill, Biological Studies after the Amoco Cadiz Oil Spill, Charleston, SC (USA). Brest (France) 17 Sept. 1981. 28 Oct. 1981. Ecological Study of the Amoco Cadiz Oil Spill: Report of the NOAA-CNEXO Joint Scientific Commission. Gundlanch, E.R.; Marchand, M., eds. Pages 363–420.
Shaw, D.G.; Cheek, L.M.; Paul, A.J. (1977). Uptake and Release of Petroleum by Intertidal Sediments at Port Valdez, Alaska. Estuarine and Coastal Marine Science, Vol. 5, pp. 109–119.
Sheehy, D.J. (1979). Fisheries Development: Japan. Water Spectrum., Vol. 12, No. 1, pp. 1–9.
Sheehy, D.J. (1986). New approaches in artificial reef design and applications. Artificial Reefs—Marine and Freshwater Applications. D Itri, F.M., (ed.). Pages 253–263. Report Number: ISBN 0–87371–010–X
Shilova, I.I. (1977). Primary plant successions on technogenic sand outcrops in oil and gas producing regions in the Centra Ob Valley. Acad. of Sciences USSR, Ural Scientific Centre, Inst. of Plant and Animal Ecology, Ulitsa Pervomaiskaya 91, Sverdlovsk, Nauka, USSR. Soviet Journal of Ecology 8(6), 475–482, Coden: SJECAH. Illus. refs. (Some in Czech; Russ.)
Skalski, John R.; McKenzie, Daniel H. (1982) A Design for Aquatic Monitoring Programs. Journal of Environmental Management, Vol. 14, pp. 237–251.
Southward, A.J. (1982). An ecologist's view of the implications of the observed physiological and biochemical effects of petroleum compounds on marine organisms and ecosystems. The Long-Term Effects of Oil Pollution on Marine Populations, Communities and Ecosystems, London (UK), 28–29 Oct. 1981. Philos. Trans. R. Soc. Lond. Ser. B., Vol. 297, No. 1087, pp. 241–255.
Southward, A.J.; Southward, E.C. (1978). Recolonization of rocky shores in Cornwall after use of toxic dispersants to clean up the Torrey Canyon spill. Presented at the Symposium on Recovery Potential of Oiled Marine Northern Environments, Halifax (Canada), 10 Oct. 1977. J. Fish. Res. Board Can. 35(5):682–706.
Spaulding, Malcolm L.; et al. (1985). Oil Spill Fishe y Impact Assessment Model: Sensitivity to Spill Location and Timing. Estuarine, Coastal and Shelf Science, Vol. 20, pp. 41–53.
Stevenson, J.C. (1978). Recovery potential of oiled marine northern environments: Symposium papers. Journal of the Fisheries Research Board of Canada 35(5):499–795.
Stikney, R.R.; Dodd, J.D. (1979). Artificial propagation of a salt marsh. Sea Front., 25(3), 173–179.
Strand, John A. III; Vaughan, B.E. (1981). Ecological Fate and Effects of Solvent Refined Coal (SRC) Materials: A Status Report. Pacific Northwest Laboratory Operated for the U.S. Department of Energy by Battelle Memorial Institute, Richland, WA.
Swift, W.H.; Touhill, C.J.; Haney, W.A.; Nakatani, R.E.; Peterson, P.L. (1969). Review of Santa Barbara Channel oil pollution incident. (Water pollution control research series.) Report No.: USCG–794102/003 or FWPCA–15080–EAG–07/69; W70–06320. 165 p. Also available as Water Pollution Control Research Series DAST–20. NTIS Number: AD–726 156 or PB–191 712. Contract No.: FWPCA–14–12–530 or DI–14–12–530.
Swift, W.H.; Touhill, C.J.; Templeton, W.L.; Roseman, D.P. (1969). Oil Spillage Prevention Control and Restoration State of the Art and Research Needs Water Pollution. J Water Pollut Contr Fed 41 (3 PT. 1). 392–412. CODEN: JWPFA.
Sylva, D.P. de (1982). Potential for increasing artisanal fisheries production from floating artificial habitats in the Caribbean: Proceedings of the 34th Annual Gulf and Caribbean Fisheries Institute, Mayaguez, PR (USA), Nov. 1981. No. 34., pp. 156–167.
Szaro, Robert C. (1979). Bunker C Fuel Oil Reduces Mallard Egg Hatchability. Bull. Environm. Contam. Toxicol., Vol. 22, pp. 731–732.
Thayer, G.W.; Fonseca, M.S.; Kenworthy, W.J. (1982). Restoration and enhancement of seagrass meadows for maintenance of nearshore productivity. International Symposium on Utilization of Coastal Ecosystems: Planning, Pollution and Productivity, Rio Grande (Brazil, 22 Nov. 1982. Fundacao Univ. Rio Grande (Brazil) Duke Univ. Mar. Lab., Beaufort, NC (USA). Atlantica, Vol. 5, No. 2, pp. 118–119. Special issue. Summary only.
Thomas, M.L.H. (1977). Long-term biological effects of Bunker C oil in the intertidal zone. In: Fate and effects of petroleum hydrocarbons in marine ecosystems and organisms: Proceedings of a symposium held at the Olympic Hotel, Seattle, WA (USA) on 10–12 Nov. 1976. Wolfe, D.A. (ed.). Pergamon, New York, NY (USA), 1977, pp. 238–246. Report Number: ISBN 0–08–021613–7.

Thomas, Robert E.; Rice, Stanley D. (1981). Excretion of Aromatic Hydrocarbons and Their Metabolites by Freshwater and Seawater Dolly Varden Char. Biological Monitoring of Marine Polluants, Academic Press, pp. 425–448.

Thorhaug, A. (1979). Mitigation of estuarine fisheries nurseries: seagrass restoration. Presented at the Mitigation Symposium: A National Workshop on Mitigating Losses of Fish and Wildlife Habitats, Fort Collins, CO (USA), 16 Jul. 1979. Gen. Tech. Rep. U.S. Dept. Agriculture, Fort Collins, CO (USA), pp. 667–669.

Thorhaug, A. (1980). Restoration of seagrass communities: Strategies for lessening man's impact on nearshore marine resources. Tropical Ecology and Development. Proceedings of the 5th International Symposium of Tropical Ecology, 16–21 April 1979, Kuala Lumpur, Malaysia. Part 2. Furtado, J.I., ed. Pages 1199–1206.

Thorhaug, A.; Miller, B.; Jupp, B.; Bookers, F. (1985). Effects of a variety of impacts on seagrass restoration in Jamaica. Mar. Pollut. Bull., Vol. 16, No. 9, pp. 355–360.

Tyler, J. (1981). Materials placement procedures—surface to bottom transfer. Artificial Reefs: Proceedings of a Conference held September 13–15, 1979, in Daytona Beach, FL. Aska, D.Y., ed. Rep. Fla. Sea Grant Program. Pages 106–109. Report Number: FSG–R–41.

URS Research Co., San Mateo, CA (1970). Evaluation of Selected Earthmoving Equipment for the Restoration of Oil-Contaminated Beaches. Water pollution control research series, 29 Aug. 69–1 Jul. 70. Corp. Source Codes: 405800. Report No.: W72–04296; EPA–15080–EOS–10/70. 174p Contract No.: EPA–15080–EOS.

URS Research Co., San Mateo, CA. (1970). Preliminary Operations Planning Manual for the Restoration of Oil-Contaminated Beaches. Water pollution control research series. Corp. Source Codes: 405800. Report No.: W70–06319; FWPCA–15080–EOS–3/70. 76p. Contract No.: DI–14–12–811.

Vanderhorst, J.R.; Blaylock, J.W.; Wilkinson, P.; Wilkinson, M.: Fellingham, G. (1980). Recovery of Strait of Juan de Fuca intertidal habitat following experimental contamination with oil. NTIS, Springfield, VA, Number: PB81–112518. Vandermeulen, J.H. (1977). The Chedabucto Bay Spill—Arrow, 1970. Oceanus 20(4):31–39.

Vandermeulen, J.H. (1978). Introduction to the Symposium on Recovery Potential of Oiled Marine Northern Environments. Presented at the Symposium on Recovery Potential of Oiled Marine Northern Environments, Halifax (Canada), 10 Oct. 1977. Dept. Fish. Environ., Fish. Mar. Serv., Mar. Ecol. Lab., Bedford Inst. Oceanogr., Dartmouth, NS B2Y 4As, Canada, 35(5), 505–508. 1978. Special issue of selected papers presented at symposium on Recovery Potential of Oiled Marine Northern Environments. J. Fish Res. Board Can.

Vanlooke, R.; Berlinde, A.M.; Berstraete, W.; de Borger, R. (1979). Microbial Release of Oil from Soil Columns. Univ. Ghent, Coupure 533, 9000 Ghent, Belgium. Eviron Sci Technol 13 (3). 346–348. CODEN: ESTHA.

Ward, D.M.; Winfrey, M.R.; Beck, E.; Boehm, P. (1982). Amoco Cadiz pollutants in anaerobic sediments: Fate and effects on anaerobic processes. NOAA/CNEXO Joint Scientific Commission Workshops: Physical, Chemical, and Microbiological Studies after the Amoco Cadiz Oil Spill Biological Studies after the Amoco Oil Spill, Charleston, SC (USA). Brest (France) 17 Sep 1981. 28 Oct 1981. Ecological Study of the Amoco Cadiz Oil Spill: Report of the NOAA-CNEXO Joint Scientific Commission. Gundlach, E.R., Marchand, M., (eds.) Pages 159–190.

Whipple, J.A.; Eldridge, M.B.; Benville, P. Jr. (1981) An Ecological Perspective of the Effects of Monocyclic Aromatic Hydrocarbons on Fishes. Biological Monitoring of Marine Pollutants, Academic Press, pp. 483–551.

White, Donald H.; King, K.A.; Coon, N.C. (1979) Effects of No. 2 Fuel Oil on Hatchability of Marine and Estuarine Bird Eggs. Bull Environm. Contam. Toxicol., Vol. 21, pp. 7–10.

Wilcox, C.G. (1986). Comparison of shorebird and waterfowl densities on restored and natural intertidal mudflats at Upper Newport Bay, California, USA. Colonial Waterbirds, Vol. 9, No. 2, pp. 218–226.

Wilson, T.C.; Krenn, S.J. (1986). Construction and evaluation of an artificial reef designed to enhance nearshore rockfish production. Oceans 86 Conference Record: Science-Engineering-Adventure, Washington, DC (USA), 23–25 Sep 1986. Vol. 2. Data Management, Instrumentation and Economics, pp. 547–551. Report Number: IEEE–86CH2363–0.

Word, J.Q.; et al. (1987). Reconnaissance of Petroleum Contamination from the ARCO Anchorage Oil Spill at Port Angeles, Washington, and its Influence on Selected Areas of the Strait of Juan De Fuca. Prepared by ARCO Marine, Inc. by Battelle, Pacific Northwest Laboratories, Richland, WA.

Word, J.Q.; et al. (1987). Effectiveness of Cleaning Oiled Beach Sediments at Ediz Hook Following the ARCO Anchorage Oil Spill. Prepared for ARCO Marine Inc. by Battelle, Pacific Northwest Laboratories, Richland, WA.

Zentner, J. (1985). Wetland restoration in coastal California: A decade of management lessons. 8th Biennial International Estuarine Research Conference, Durham, NH (USA), 28 Jul 1985. Estuaries, Vol. 8, No. 2B, p. 30A.

Zieman, J.C.; Orth, R.A.; Phillips, R.C.; Thayer, G.; Thorhaug, A. (1984). The effects of oil on seagrass ecosystems. Restoration of Habitats Impacted by Oil Spills Symposium, Blacksburg, VA (USA), 9–11 Nov 1981. Restoration of Habitats Impacted by Oil Spills. Cairns, J., Jr., Buikema, A.L.; eds. Pages 37–64. Report Number: ISBN 0–250–40551–2.

Appendix B

Item 1: "Ecological Restoration of PWS and the GOA: An Annotated Bibliography of Relevant Literature." RPWG and EPA-ORD, March 1990.

Item 2: "Restoration Following the Exxon Valdez Oil Spill: Proceedings the Public Symposium," Prepared by the RPWG, July 1990.

Item 3: "Restoration Following the Exxon Valdez Oil Spill: August 1990 Progress Report." Prepared by the RPWG, August 1990.

Item 4: "State/Federal Natural Resource Damage Assessment Plan for the Exxon Valdez Oil Spill—Sept. 1990." Trustee Council.

Item 5: "State/Federal Natural Resource Damage Assessment Plan for the Exxon Valdez Oil Spill—Aug. 1989." Trustee Council.

[FR Doc. 90–27196 Filed 11–16–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL RESERVE SYSTEM

Central Bancshares of the South, Inc., 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.

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 December 10, 1990.

A. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President), 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Central Bancshares of the South, Inc.*, Birmingham, Alabama, and Compass Bancshares, Inc., Houston, Texas; to acquire Trust Company, Houston, Texas, and Trust Corporation, Houston, Texas, and thereby engage in trust company activities pursuant to section 225.25(b)(3) of the Board's Regulation Y. These activities will be conducted in the State of Texas.

B. **Federal Reserve Bank of St. Louis** (Randall C. Sumner, Vice President), 411 Locust Street, St. Louis, Missouri 63166:

1. *Chambers Bancshares, Inc.*, Danville, Arkansas; to acquire Petit Jean Insurance Agency, Danville, Arkansas, and thereby engage in general insurance agency activities such as the sale of automobile, home, business, life and health insurance in a community with a population of less than 5,000 pursuant to § 225.25(b)(8)(iii)(A) of the Board's Regulation Y. The activity will be limited to the subsidiary bank's primary service area out of the bank's sole office located in Danville, Arkansas.

Board of Governors of the Federal Reserve System, November 13, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–27163 Filed 11–16–90; 8:45 am]

BILLING CODE 6210–01–M

John B. DeNault; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has 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 notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than December 3, 1990.

A. **Federal Reserve Bank of San Francisco** (Kenneth R. Binning, Assistant Vice President), 101 Market Street, San Francisco, California 94105:

1. *John B. DeNault*; to acquire 28.28 percent of the voting shares of Liberty Bank, South San Francisco, California.

Board of Governors of the Federal Reserve System, November 13, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–27162 Filed 11–16–90; 8:45 am]

BILLING CODE 6210–01–M

First Midwest Corporation of Delaware, 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 Comapny 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 msut be received not later than December 10, 1990.

A. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President), 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Midwest Corporation of Delaware*, Elmwood Park, Illinois; to acquire 100 percent of the voting shares of Oquawka Bancshares, Inc., Oquawka, Illinois, and thereby indirectly acquire Bank of Oquawka, Oquawka, Illinois.

2. *First Neighborhood Bancshares, Inc.*,Toledo, Illinois; to become a bank holding company by acquring 100 percent of the voting shares of The First National Bank in Toledo, Toledo, Illinois.

B. **Federal Reserve Bank of Minneapolis** (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Security State Bank Holding Company*, Hannaford, North Dakota; to acquire at least 98.56 percent of the voting shares of First State Bank of New Rockford, New Rockford, North Dakota.

Board of Governors of the Federal Reserve System, November 13, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90–27164 Filed 11–16–90; 8:45 am]

BILLING CODE 6210–01–M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvement Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b) (2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and require that notice of his action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action will respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 102990 AND 110990

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Signet Banking Corporation, United Counties Bancorporation, United Counties Trust Company	91-0060	10/29/90
Lee-GN Holding Corp., American Health Companies Inc., American Health Companies Inc	91-0065	10/29/90
George L. Argyros, U.S. Computer Services dba Cable Data, U.S. Computer Services	91-0046	10/30/90
Toufic Aboukhater, The Henley Group, Inc., The Henley Group, Inc	91-0070	10/30/90
BM Group PLC, Blackwood Hodge p.l.c., Blackwood Hodge p.l.c.	91-0032	10/31/90
Ishihara Sangyo Kaisha, Ltd., AB Industrivarden, SDS Enterprises, Inc	91-0061	10/31/90
The Fuji Bank, Limited, Kroy, Inc., Kroy, Inc	91-0102	10/31/90
Canadian Pacific Limited, Bessemer Securities Corporation, Overhead Door Corporation	91-2256	11/01/90
The Hearst Trust, Capital Cities/ABC, Inc., ESPN Inc	91-0021	11/01/90
Edisto Resources Corporation, Hall-Houston Oil Company (Delaware)-Joint Venture, Hall-Houston Oil Company (Delaware)-Joint Venture	91-0062	11/02/90
Gary L. Hall, Hall-Houston Oil Company (Delaware)-Joint Venture, Hall-Houston Oil Company (Delaware)-Joint Venture	91-0077	11/02/90
Edisto Resources Corporation, Hall-Houston Oil Company (Delaware)-Joint Venture, Hall-Houston Offshore Partnership	91-0079	11/02/90
General Motors Corporation, Xerox Corporation, NAVCO Corp	91-0086	11/02/90
Kobe Steel, Ltd., PrairieTek Corporation, PrairieTek Corporation	91-0091	11/02/90
President and Fellows of Harvard College, Harken Energy Corporation, E-Z Serve Holding Company, Inc., and Tejas Power Corp	91-0104	11/02/90
ICM Property Investors Incorporated, Peter B. Bedford, Peter B. Bedford	91-0116	11/02/90
Gannett Co., Inc., Peter C. and Sharon M. Labovitz, Twelve Entities	91-0026	11/06/90
Cawsl Corp., Ryder System, Inc., Ryder Temperature Controlled Carriage, Inc	91-0038	11/06/90
Nabors Industries, Inc., Loyal Trust No. 1, Henley Drilling Company	91-0092	11/06/90
Pennzoil Company, Oryx Energy Company, Sun Operating Limited Partnership	91-0109	11/06/90
Fuji Heavy Industries, Ltd., Robert S. Lee, Penn Jersey Subaru, Inc	91-0125	11/06/90
Fuji Heavy Industries, Ltd., John W. Merriam, Penn Jersey Suburu, Inc	91-0126	11/06/90
Neste Oy, Creative Pultrusions, Inc., Creative Pultrusions, Inc	91-0128	11/06/90
Carl E. Hirsch, Jacor Communications, Inc., Jacor Communications, Inc	91-0131	11/06/90
Trivest Institutional Fund, Ltd., Daniel J. Sullivan, The Shannon Group, Inc	91-0028	11/08/90
Radex Heraklith Industriebeteiligungs AG, National Refractories Holding Co., National Refractories Holding Co	91-1737	11/09/90
Mitsubishi Metal Corporation, Mitsubishi Mining & Cement Co., Ltd., Mitsubishi Mining & Cement Co., Ltd	91-0039	11/09/90
Sanken Electric Co., Ltd., Sprague Technologies, Inc., Sprague Electric Company	91-0050	11/09/90
Compagnie Financiere Ehrbar, P.J. Carroll and Company plc, P.J. Carroll and Company plc	91-0127	11/09/90
Tomoku Co., Ltd., Longview Fibre Company, Longview Fibre Company	91-0130	11/09/90
ConAgra International, Inc., Harlin Holdings Pty. Limited, Elders IXL Ltd. (three divisions thereof)	91-0149	11/09/90
Quantum Fund N.V., Sharon Steel Corporation, Mueller Industries, Inc	91-0151	11/09/90

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 90-27188 Filed 11-16-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Federal Financial Participation in State Assistance Expenditures; Federal Matching Shares for Aid to Families With Dependent Children, Medicaid, and Aid to Needy Aged, Blind, or Disabled Persons for October 1, 1991 through September 30, 1992

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: The Federal Percentages and Federal Medical Assistance Percentages for Fiscal Year 1992 have been calculated pursuant to the Social Security Act (the Act). These percentages will be effective from October 1, 1991 through September 30, 1992. This notice announces the calculated "Federal percentages" and "Federal medical assistance percentages" that we will use in determining the amount of Federal matching in State welfare and medical expenditures. The table gives figures for each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands. Programs under title XIX of the Act exist in each jurisdiction; title IV-A programs in all jurisdictions except American Samoa and the Northern Mariana Islands; programs under titles I, X, and XIV operate only in Guam and the Virgin Islands; while a program under title XVI (AABD) operates only in Puerto Rico. The percentages in this notice apply to State expenditures for assistance payments and medical services (except family planning which is subject to a higher matching rate). The statute provides separately for Federal matching of administrative costs.

Sections 1101(a)(8) and 1905(b) of the Act, as revised by section 9528 of Pub. L. 99-272, require the Secretary of Health and Human Services to publish these percentages each year. The Secretary is to figure the percentages, by formulas in sections 1101(a)(8), and 1905(b) of the Act, from the Department of Commerce's statistics of average income per person in each State and in the Nation as a whole. The percentages are within upper and lower limits given in those two sections of the Act. The statute specifies the percentages to be applied to Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

The "Federal percentages" are for Aid to Families with Dependent Children (AFDC) and aid to needy aged, blind, or disabled persons, and the "Federal medical assistance percentages" are for Medicaid. However, under section 1118 of the Act, States with approved Medicaid plans may claim Federal matching funds for expenditures under approved State plans for these other programs using either the Federal percentage or the Federal medical assistance percentage. These States may claim at the Federal medical assistance percentage without regard to any maximum on the dollar amounts per recipient which may be counted under paragraphs (1) and (2) of sections 3(a), 403(a), 1003(a), 1403(a), and 1603(a) of the Act.

EFFECTIVE DATES: The percentages listed will be effective for each of the 4 quarter-year periods in the period

beginning October 1, 1991 and ending September 30, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Emmett Dye, Office of Family Assistance, Family Support Administration, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20447, Telephone (202) 252–5041.

(Catalog of Federal Domestic Assistance Program Nos. 13.808—Assistance Payments—Maintenance Assistance (State Aid); 13.614—Medical Assistance Program)

Dated: November 13, 1990.

Louis W. Sullivan,

Secretary of Health and Human Services.

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES

[Effective October 1, 1991–September 30, 1992 (Fiscal year 1992)]

State	Federal percentages	Federal medical assistance percentages
Alabama	65.00	72.93
Alaska	50.00	50.00
American Samoa	50.00	* 50.00
Arizona	58.45	62.61
Arkansas	65.00	75.66
California	50.00	50.00
Colorado	50.00	54.79
Connecticut	50.00	50.00
Delaware	50.00	50.12
District of Columbia	50.00	50.00
Florida	50.00	54.69
Georgia	57.54	61.78
Guam	50.00	* 50.00
Hawaii	50.00	52.57
Idaho	65.00	73.24
Illinois	50.00	50.00
Indiana	59.84	63.85
Iowa	61.15	65.04
Kansas	54.70	59.23
Kentucky	65.00	72.82
Louisiana	65.00	75.44
Maine	58.22	62.40
Maryland	50.00	50.00
Massachusetts	50.00	50.00
Michigan	50.45	55.41
Minnesota	50.00	54.43
Mississippi	65.00	79.99
Missouri	56.49	60.84
Montana	65.00	71.70
Nebraska	60.56	64.50
Nevada	50.00	50.00
New Hampshire	50.00	50.00
New Jersey	50.00	50.00
New Mexico	65.00	74.33
New York	50.00	50.00
North Carolina	62.80	66.52
North Dakota	65.00	72.75
Northern Mariana Islands	50.00	50.00
Ohio	56.26	60.63
Oklahoma	65.00	70.74
Oregon	59.50	63.55
Pennsylvania	52.05	56.84
Puerto Rico	50.00	* 50.00
Rhode Island	50.00	53.29
South Carolina	65.00	72.66
South Dakota	65.00	72.59
Tennessee	64.90	68.41
Texas	60.20	64.18
Utah	65.00	75.11
Vermont	57.08	61.37
Virgin Islands	50.00	* 50.00

FEDERAL PERCENTAGES AND FEDERAL MEDICAL ASSISTANCE PERCENTAGES—Continued

[Effective October 1, 1991–September 30, 1992 (Fiscal year 1992)]

State	Federal percentages	Federal medical assistance percentages
Virginia	50.00	50.00
Washington	50.00	54.98
West Virginia	65.00	77.68
Wisconsin	55.98	60.38
Wyoming	65.00	69.10

* For purposes of section 1118 of the Social Security Act, the percentage used under titles I, X, XIV, and part A of title IV will be 75 per centum.

[FR Doc. 90–27192 Filed 11–16–90; 8:45 am]

BILLING CODE 4150–04–M

Food and Drug Administration

[Docket No. 90P–0358]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Mayfield Dairy Farms, Inc., to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0349.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Mayfield Dairy Farms, Inc., 813 East Madison Ave., P.O. box 310, Athens, TN 37303.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 8.25 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "33% fewer calories" and "80% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 90,000 quarts (85,170 liters) of the test product. The product will be manufactured at Mayfield Dairy Farms, 813 East Madison Ave., Athens, TN 37303, and distributed in Tennessee and Georgia.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

Dated: November 7, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–27180 Filed 11–16–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P–0366]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Gillette Dairy to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0349.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Gillette Dairy, 700 East Omaha Ave., P.O. box 19, Norfolk, NE 68701.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "75% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 200,000 quarts (189,260 liters) of the test product. The product will be manufactured at Gillette Dairy, 700 East Omaha Ave., P.O. box 19, Norfolk, NE 68701, and distributed in Colorado, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wyoming.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

Dated: November 11, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–27181 Filed 11–16–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P–0367]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Western Dairymen Cooperative, Inc., to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

FOR FURTHER INFORMATION CONTACT: Frederick E. Boland, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202–485–0227.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Western Dairymen Cooperative, Inc., 175 South West Temple, Salt Lake City, UT 84101.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and 75% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 60,000 quarts (56,778 liters) of the test product. The product will be manufactured at 1225 Wall Ave., Ogden, UT 84404, and distributed in Arizona, Colorado, Idaho, Nevada, Utah, and Wyoming.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

Dated: November 7, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–27182 Filed 11–16–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P-0355]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to Schucks Mid States Dairy to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than (February 19, 1991.

FOR FURTHER INFORMATION CONTACT: Frederick E. Boland, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0117.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to Schnucks Mid States Dairy, 6040 North Lindbergh Blvd., Hazelwood, MO 63042.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "75% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 46,000 quart-size units (43,529 liters) and 54,000 half-gallon size units (102,200 liters) of the test product. The product will be manufactured at Schnucks Mid States Dairy, 6040 North Lindbergh Blvd., Hazelwood, MO 63042, and distributed in central Illinois, southwestern Indiana, west central Kansas, and Missouri.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

Dated: November 7, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90–27178 Filed 11–16–90; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 90P-0357]

Eggnog Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to the Galliker Dairy Co. to market test a product designated as "light eggnog" that deviates from the U.S. standard of identity for eggnog (21 CFR 131.170). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than Fedruary 19, 1991.

FOR FURTHER INFORMATION CONTACT: Howard A. Anderson, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0349.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to the Galliker Dairy Co., 143 Donald Lane, P.O. box 159, Johnstown, PA 15907–0159.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for eggnog in 21 CFR 131.170 in that: (1) The fat content of the product is reduced from 6 percent to 1 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 4-fluid-ounce (118.5-milliliter) serving of the product contains 8 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to eggnog but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light eggnog." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ less calories" and "75% less fat than regular eggnog".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fact content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 50,000 quarts (47,315 liters) of the test product. The product is to be manufactured at the Galliker Dairy Co., 143 Donald Lane, Johnstown Industrial Park, Johnstown, PA 15907–0159, and distributed in Maryland and Pennsylvania.

Each of the ingredients used in the food must be stated on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

Dated: November 7, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27179 Filed 11-16-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90P-0331]

Sour Cream Deviating From Identity Standard; Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit has been issued to the Knudsen Division, Kraft General Foods, to market test a product designated as "light sour cream" that deviates from the U.S. standard of identity for sour cream (21 CFR 131.160). The purpose of the temporary permit is to allow the applicant to measure consumer acceptance of the product.

DATES: This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 9, 1991.

FOR FURTHER INFORMATION CONTACT: Shellee A. Davis, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0343.

SUPPLEMENTARY INFORMATION: In accordance with 21 CFR 130.17 concerning temporary permits to facilitate market testing of foods deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), FDA is giving notice that a temporary permit has been issued to the Knudsen Division, Kraft General Foods, 1900 West Slauson Ave., Los Angeles, CA 90047.

The permit covers limited interstate marketing tests of a product that deviates from the U.S. standard of identity for sour cream in 21 CFR 131.160 in that: (1) The fat content of the product is reduced from 18 percent to 9 percent, and (2) sufficient vitamin A palmitate is added in a suitable carrier to ensure that a 2-tablespoon (28.35-gram) serving of the product contains 4 percent of the U.S. Recommended Daily Allowance for vitamin A. The product meets all requirements of the standard with the exception of these deviations. The purpose of the variation is to offer the consumer a product that is nutritionally equivalent to sour cream but contains fewer calories and less fat.

For the purpose of this permit, the name of the product is "light sour cream." The principal display panel of the label must include the statements "reduced calories" and "reduced fat" following the name. In addition, the label must bear the comparative statements "⅓ fewer calories" and "50% less fat sour cream".

The product complies with the reduced calorie labeling requirements in 21 CFR 105.66(d). In accordance with FDA's current views, reduced fat food labeling is acceptable because there is at least a 50-percent reduction in the fat content of the product. The information panel of the label will bear nutrition labeling in accordance with 21 CFR 101.9.

This permit provides for the temporary marketing of 7,500,000 pounds (3,402,000 kilograms) of the test product. The product will be manufactured at Knudsen Division, 715 West Divisadero St., Visalia, CA 93291, and distributed in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

Each of the ingredients used in the food must be declared on the label as required by the applicable sections of 21 CFR part 101. This permit is effective for 15 months, beginning on the date the food is introduced or caused to be introduced into interstate commerce, but not later than February 19, 1991.

Dated: November 7, 1990.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-27176 Filed 11-16-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-660-00-4143-02]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provision of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms and explanatory material may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the requirement should be made within 30 days directly to the Bureau Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Projects (1004-0142), Washington, DC 20503, telephone (202) 395-7340.

Title: Solid Minerals (Other than Coal) Exploration and Mining Operations Reporting (43 CFR 3590).

OMB Clearance Number: 1004-0142.

Abstract: Requirements are given in this part for exploration and mining plans, including surface and underground maps. These maps are required to be furnished to the authorized officer annually or as otherwise specified. Other information required in this part include records of all core or test holes made on the leased or permit lands, mining methods, and changes to exploration and/or mining plans. Normally this information is received on an "on occasion" basis and does not require formal or routine reporting. Production maps which show the extent of mining activities are required on a routine basis (usually monthly or quarterly) to enable the authorized officer to verify production.

The information contained in 43 CFR part 3590 is being collected to permit the authorized officer to determine whether proposed and existing exploration and mining operations for solid leasable minerals, other than coal, on the Federal lands are in compliance with the applicable statutory and regulatory requirements, and to ensure that production reported for royalty purposes is accurate.

Bureau form number: None.

Frequency: On occasion, monthly, quarterly, and annually.

Description of Respondents: Solid mineral (other than coal) lessees, permittees and operators.

Estimated completion time: On average, 2 hours.

Annual Responses: 1,993.

Annual Burden Hours: 3,986.

Bureau Clearance Officer: (Alternate) Gerri Jenkins (202) 653-8853.

Dated: September 27, 1990.

Adam A. Sokoloski,

Acting Assistant Director, Energy and Mineral Resources.

[FR Doc. 90-27160 Filed 11-16-90; 8:45 am]

BILLING CODE 4310-84-M

[NV-930-91-4212-11; N-33414]

Termination of Recreation and Public Purpose Classification; NV

November 8, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action terminates Recreation and Public Purpose (R&PP) Classification N–33414 in its entirety. The land will be opened to the public land laws generally, including the mining and mineral leasing laws.

EFFECTIVE DATE: Termination is effective with the publication of this document. The land will be open to entry effective 10 a.m. on December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Vienna Wolder, Nevada State Office, BLM, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, 702–785–6526.

SUPPLEMENTARY INFORMATION: Pursuant to section 7 of the Taylor Grazing Act (48 Stat. 1272) and the authority delegated by appendix 1 of Bureau of Land Management Manual 1203 dated April 14, 1987, Recreation and Public Purpose Classification N–33414 is hereby terminated in its entirety:

Mount Diablo Meridian, Nevada

T. 32 N., R. 23 E.,
Sec. 23, NW¼NW¼.

The area described contains 40 acres in Washoe County.

The classification made pursuant to the Act of June 14, 1926, as amended, segregated the public land from all other forms of appropriation under the public land laws, including location under the United States mining laws and the mineral leasing laws. The land was leased to Gerlach General Improvement District for wastewater treatment facility. The lease expired February 15, 1990. The facility is now authorized pursuant to title V of the Federal Land Policy and Management Act. The Recreation and Public Purpose classification is, therefore, no longer considered appropriate.

At 10 a.m. on December 19, 1990, the land will be open to the operation of the public land laws and the mineral leasing laws, subject to valid existing rights, existing classifications and withdrawals, and requirements of applicable law. All valid applications received prior to or at 10 a.m. on December 19, 1990, will be considered as simultaneously filed. All other applications received will be considered in order of filing.

At 10 a.m. on December 19, 1990, the land will also be open to the operation of the mining laws. Appropriation of lands under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 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.

Fred Wolf,

Acting State Director, Nevada.

[FR Doc. 90–27156 Filed 11–16–90; 8:45 am]

BILLING CODE 4310–HC–M

[ID–050–01–4410–08]

Meeting of the Shoshone District Advisory Council

AGENCY: Bureau of Land Management (BLM); Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the Shoshone (Idaho) District Advisory Council.

DATES: Thursday, January 10, 1991.

ADDRESSES: BLM District Office, 400 West F Street, Shoshone, ID 83352.

FOR FURTHER INFORMATION CONTACT: District Manager K Lynn Bennett, Shoshone District Office, P.O. Box 2–B, Shoshone, ID 83352. Telephone (208) 886–2206 or FTS 554–6110.

SUPPLEMENTARY INFORMATION: The proposed agenda for the meeting includes the following items:

(1) Review of issues identified during public scoping for the Bennett Hills Resource Area Resource Management Plan and formulation of planning criteria for the Plan.

(2) Miscellaneous or other topics as needed.

The Shoshone District Advisory Council is established under section 309 of the Federal Land Policy and Management Act of 1976 (Pub. L. 94–579; 43 U.S.C. 1701 *et seq.*) as amended. Operation and administration of the Council will be in accordance with the Federal Advisory Committee Act of 1972 (Pub. L. 92–463; 5 U.S.C. appendix 1) and Department of Interior regulations, including 43 CFR part 1784.

The meeting will be open to the public. Anyone may present oral statement before the Council at 9:15 a.m. or may file a written statement with the Council regarding matters on the agenda. Oral statements will be limited to ten minutes.

Anyone wishing to make an oral statement should notify the District Manager by January 8, 1991. Records of the meeting will be available in the Shoshone District Office for public inspection or copying within 30 days after the meeting.

K Lynn Bennett,

District Manager.

[FR Doc. 90–27158 Filed 11–16–90; 8:45 am]

BILLING CODE 4310–GG–M

[CA–050–4410–04]

Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting, Ukiah, California, District Advisory Council.

SUMMARY: Pursuant to Public Law 94–579 and 43 CFR 1780, the Ukiah District Advisory Council will meet in Eureka, California, December 13–14, 1990. Agenda items will include a tour of the Mad River Slough and Dunes Management Area, the Draft Environmental Impact Statement and River Management Plan for the South Fork Eel Wild and Scenic River, a supplement to the Arcata Resource Management Plan, and the Draft King Range Visitor Services Plan. A complete agenda is available from the Ukiah BLM Office.

DATES: December 13, 10 a.m. to 5 p.m. and December 14, 8 a.m. to 12 p.m.

ADDRESSES: Carter House Hotel, 3rd & L Streets, Eureka, California.

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462–3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory Council are open to the public. Individuals may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 4 p.m. Thursday, December 13. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: November 9, 1990.

Alfred W. Wright,

District Manager.

[FR Doc. 90–27161 Filed 11–16–90; 8:45 am]

BILLING CODE 4310–84–M

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Intent To Prepare Draft Environmental Impact Statement for Operations and Maintenance of the Lower Rio Grande Flood Control Project; Hidalgo County Texas, et al

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of intent to prepare a draft environmental Impact statement (DEIS).

SUMMARY: This notice advises the public that pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the United States Section ("U.S. Section") of the International Boundary and Water Commission ("Commission") proposes to gather information necessary for the preparation of a DEIS to be used to determine specific options to the operations and maintenance of the Lower Rio Grande Flood Control Project that could be implemented to minimize, consistent with the law and international agreements, the impact of the operations and maintenance of the flood control project on ecological and environmental resources in Hidalgo, Cameron, and Willacy Counties, Texas. A public meeting regarding this proposal will also be held and, dependent on availability of funding, a DEIS will be prepared. This notice is being provided as required by the Council on Environmental Quality Regulations (40 CFR 1501.7) and the U.S. Section's Operational Procedures for Implementing section 102 of the National Environmental Policy Act of 1969, published in the **Federal Register** September 2, 1981 (46 FR 44083–44094; Rule 100.7.b.6.b.) to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the DEIS.

The DEIS will discuss separately, among other laws and regulations, the requirements of international agreements with Mexico regarding the operations and maintenance of the project, the Endangered Species Act, and the U.S. Fish and Wildlife Service's Land Protection Plan. It will also present an analysis of the impacts of various alternative operations and maintenance practices, including existing ones, as affected by changes in land use practices in the Lower Rio Grande Valley.

The U.S. Section will conduct a scoping meeting to obtain information on which to base operations and maintenance practice options to be analyzed in the NEPA process. The U.S. Section will be the lead agency in the development of the DEIS. The Advisory Council on Historic Preservation, Army Corps of Engineers, Bureau of Reclamation, Environmental Protection Agency, Federal Emergency Management Agency.

Fish and Wildlife Service, Geological Survey, Immigration and Naturalization Service, and Soil Conservation Service have indicated that they will participate as cooperating agencies pursuant to 40 CFR 1501.6, to the extent possible.

DATES: Written comments will be accepted for an indefinite period of time, which shall continue until receipt of appropriation funds necessary for completion of the DEIS. A public meeting will be held on January 29, 1991, at a time and place to be determined later.

ADDRESS: All interested parties are invited to submit written comments and suggestions, for inclusion in the formal record, to the U.S. Section prior to, during, or after the public scoping meeting. Comments should be sent to Dr. Conrad G. Keyes, Jr., Principal Engineer, Planning, U.S. Section, International Boundary and Water Commission, United States and Mexico, 4171 North Mesa Street, C–310, El Paso, Texas 79902–1422. Telephone: 915/534–6703, FTS 570–6703.

SUPPLEMENTARY INFORMATION: The U.S. Section proposes to gather information necessary for the preparation of a DEIS to be used to determine specific options to the operations and maintenance of the Lower Rio Grande Flood Control Project that could be implemented to minimize, consistent with the law and international agreements, the impact of the operations and maintenance of the flood control project on ecological and environmental resources in the "Lower Rio Grande Valley of South Texas," including the lower Laguna Madre.

The Governments of the United States and Mexico pursuant to an agreement reached in 1932, developed through the Commission a coordinated plan for an international project for protection of the Lower Rio Grande Valley in both countries against flooding of the river.

The United States portion of the project is operated to divert and convey excess floodwaters from the Rio Grande to the Gulf of Mexico through the river and interior floodways. Two diversion dams, Anzalduas Dam and Retamal Dam, are operated jointly by the United States and Mexico for flood control, with Anzalduas Dam also operated to divert water as required by the Treaty of February 3, 1944, "Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande" (TS 994; 59 Stat. 1219). Flood operations of the project also involve very close coordination of the United States and Mexican Sections of the Commission in the operation of two upstream reservoirs (Amistad and Falcon) to control floodwaters reaching the project area. The two Sections work closely on the division of excess floodwaters diverted into each country. Normal operations of the project include the daily operation of Anzalduas Dam for division of waters between the two countries and inspection of the entire project to ensure flood readiness.

Maintenance activities are divided into the following general categories: levees, interior floodways, river channel, and diversion dams (Anzalduas and Retamal). The United States portion of the project includes the following features for protection of the Lower Rio Grande Valley of Texas: (a) Rio Grande Floodway from Penitas to the Gulf of Mexico; (b) Anzalduas Diversion Dam on the Rio Grande south of Mission; (c) Retamal Diversion Dam on the Rio Grande south of Donna; (d) interior floodways, including Banker, Main, North, and Arroyo Colorado; (e) an earth weir in the North Floodway; (f) 270 miles of river and interior floodway levees; (g) 64 miles of pilot channels within the interior floodways; (h) approximately 600 drain and irrigation structures crossing the levees; and (i) 16 bridges including seven multiple box structures crossing the pilot channel in the Banker Floodway.

Recent activities by the U.S. Fish and Wildlife Service to preserve and protect what has come to be known as "The Wildlife Corridor," and new U.S. Section studies of hydraulic capabilities of the flood control project have necessitated a reevaluation of operations and maintenance practices for the project.

The DEIS will consider a range of alternatives based on the issues and concerns associated with the project. Two alternatives that can be specified at present are discontinuance of current operations and maintenance practices (the No Action alternative) and the alternative to continue current operations and maintenance of the project. Other alternatives may consist of modifications or changes in the various elements of current operations and maintenance practices such as: (a) Modification of certain maintenance practices where hydraulic studies have shown project facilities are adequate to allow for establishment of wildlife

corridor vegetation along the river and in the interior floodways; (b) raising of levees where needed to protect areas from flooding yet allow for establishment of wildlife corridor vegetation; and (c) relocation of levees in designated areas along the Rio Grande.

The DEIS will identify, describe, and evaluate the existing environmental, cultural, sociological and economical, and recreational resources; explain the flood protection project; describe current practice toward establishment of wildlife corridors throughout the valley to connect key wildlife areas with the river and other wildlife areas; and evaluate the impacts associated with the alternatives under consideration. Significant issues which will be analyzed and addressed in the DEIS are affects on: (a) Fish and wildlife; (b) terrestrial habitat; (c) endangered species; (d) aquatic habitats; (e) cultural resources; (f) water quality; and (g) living marine and estuarine resources from changes in quantity, quality, timing and location of fresh water inflows to the Laguna Madre and tidal reach of the Rio Grande.

Coordination has been ongoing and will continue with the U.S. Fish and Wildlife Service and National Marine Fisheries Service to insure compliance with section 7 of the Endangered Species Act of 1973, as amended. Cultural resources reconnaissance for the project area will be coordinated with the Texas State Historic Preservation Officer.

The environmental review of this project will be conducted in accordance with the requirements of NEPA, CEQ Regulations (40 CFR parts 1500–1508), other appropriate federal regulations, and the U.S. Section procedures for compliance with those regulations. Copies of the DEIS will be transmitted to federal and state agencies and other interested parties for comments and will be filed with the Environmental Protection Agency in accordance with 40 CFR parts 1500–1508 and U.S. Section procedures.

The U.S. Section estimates, pending receipt of appropriation funds necessary for completion, the DEIS will be made available to the public by April 1993.

Dated: November 5, 1990.

Suzette Zaboroski,

Staff Counsel.

[FR Doc. 90–27157 Filed 11–16–90; 8:45am]

BILLING CODE 4710-03-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 489]

Railroad Revenue Adequacy, 1989 Determination

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: On November 16, 1990, the Commission served a decision announcing the 1989 revenue adequacy determinations for the Nation's Class I railroads. Two carriers (Burlington Northern and Norfolk Southern) are found to be revenue inadequate.

EFFECTIVE DATE: This decision shall be effective on November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Ward L. Ginn, Jr. (202) 275–7489 (TDD for hearing impaired: (202) 275–1721).

SUPPLEMENTARY INFORMATION: This annual determination of railroad revenue adequacy is made in accordance with the standards developed in "Standards for Railroad Revenue Adequacy", 364 I.C.C. 803 (1981), as modified in Standards for Railroad Revenue Adequacy", 3 I.C.C. 2d 261 (1986), and "Supplemental Reporting on Consolidated Information for Revenue Adequacy Purposes", 5 I.C.C. 2d 65 (1988). It also incorporates modifications made in "Railroad Revenue Adequacy—1988 Determination", 6 I.C.C. 2d 933 (1990). This decision applies the rate of return standard to data for the year 1989.

A railroad will be considered revenue adequate under 49 U.S.C. 10704(a) if it achieves a rate of return on net investment at least equal to the current cost of capital for the railroad industry for 1989, determined to be 11.5 percent in "Railroad Cost of Capital—1989", 6 I.C.C. 2d 836 (1990). Additional information is contained in the full decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275–1721.] This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: November 8, 1990.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 90–27189 Filed 11–16–90; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

[Application No. D–7958 et al.]

Proposed Exemptions; Shearson Lehman Hutton, Inc., et al.

AGENCY: Pension and Welfare Benefits Administration, Labor.

ACTION: Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this **Federal Register** Notice. Comments and request for a hearing should state the reasons for the writer's interest in pending exemption.

ADDRESSES: All written comments and request for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Exemption Determinations, room N–5671, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefits Administration, U.S. Department of Labor, room N–5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall

include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Shearson Lehman Hutton Inc. (Shearson) Located in New York, NY

[Application No. D–7958]

Proposed Exemption

I. Transactions

A. Effective March 6, 1989, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving trusts and certificates evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and an employee benefit plan when the sponsor, servicer, trustee or insurer of a trust, the underwriter of the certificates representing an interest in the trust, or an obligor is a party in interest with respect to such plan;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.A. (1) or (2).

Notwithstanding the foregoing, section I.A. does not provide an exemption from the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407 for the acquisition or holding of a certificate on behalf of an Excluded Plan by any person who has discretionary authority or renders investment advice with respect to the assets of that Excluded Plan.[1]

B. Effective March 6, 1989, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and a plan when the person who has discretionary authority or renders investment advice with respect to the investment of plan assets in the certificates is (a) An obligor with respect to 5 percent or less of the fair market value of obligations or receivables contained in the trust, or (b) an affiliate of a person described in (a); if:

(i) The plan is not an Excluded Plan;

(ii) Solely in the case of an acquisition of certificates in connection with the initial issuance of the certificates, at least 50 percent of each class of certificates in which plans have invested is acquired by persons independent of the members of the Restricted Group and at least 50 percent of the aggregate interest in the trust is acquired by persons independent of the Restricted Group;

(iii) A plan's investment in each class of certificates does not exceed 25 percent of all of the certificates of that class outstanding at the time of the acquisition; and

(iv) Immediately after the acquisition of the certificates, no more than 25 percent of the assets of a plan with respect to which the person has discretionary authority or renders investment advice are invested in certificates representing an interest in a trust containing assets sold or serviced by the same entity.[2] For purposes of this paragraph B.(1)(iv) only, an entity will not be considered to service assets contained in a trust if it is merely a subservicer of that trust;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates, provided that the conditions set forth in paragraphs B.(1) (i), (iii) and (iv) are met; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.B. (1) or (2).

C. Effective march 6, 1989, the restrictions of sections 406(a), 406(b) and 407(a) of the Act, and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c) of the Code, shall not apply to transactions in connection with the servicing, management and operation of a trust, provided:

(1) such transactions are carried out in accordance with the terms of a binding pooling and servicing arrangement; and

(2) the pooling and servicing agreement is provided to, or described in all material respects in the prospectus or private placement memorandum provided to, investing plans before they purchase certificates issued by the trust.[3]

Notwithstanding the foregoing, section I.C. does not provide an exemption from the restrictions of section 406(b) of the Act or from the taxes imposed by reason of section 4975(c) of the Code for the receipt of a fee by a servicer of the trust from a person other than the trustee or sponsor, unless such fee constitutes a "qualified administrative fee" as defined in section III.S.

D. Effective March 6, 1989, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by sections 4975 (a) and (b) of the Code by reason of sections 4975(c)(1)(A) through (D) of the Code, shall not apply to any transactions to which those restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest or disqualified person (including a fiduciary) with respect to a plan by a virtue of providing services to the plan (or by virtue of having a relationship to such service provider described in section 3(14) (F), (G), (H) or (I) of the Act or section 4975(e)(2) (F),

[1] Section I.A. provides no relief from sections 406(a)(1)(E), 406(a)(2) and 407 for any person rendering investment advice to an Excluded Plan within the meaning of section 3(21)(A)(ii) and regulation 29 CFR 2510.3–21(c).

[2] For purposes of this exemption, each plan participating in a commingled fund (such as a bank collective trust fund or insurance company pooled separate account) shall be considered to own the same proportionate undivided interest in each asset of the commingled fund as its proportionate interest in the total assets of the commingled fund as calculated on the most recent preceding valuation date of the fund.

[3] In the case of a private placement memorandum, such memorandum must contain substantially the same information that would be disclosed in a prospectus if the offering of the certificates were made in a registered public offering under the Securities Act of 1933. In the Department's view, the private placement memorandum must contain sufficient information to permit plan fiduciaries to make informed investment decisions.

(G), (H) or (I) of the Code), solely because of the plan's ownership of certificates.

II. General Conditions

A. The relief provided under Part I is available only if the following conditions are met:

(1) The acquisition of certificates by a plan is on terms (including the certificate price) that are at least as favorable to the plan as they would be in an arm's-length transaction with an unrelated party;

(2) The rights and interests evidenced by the certificates are not subordinated to the rights and interests evidenced by other certificates of the same trust;

(3) The certificates acquired by the plan have received a rating at the time of such acquisition that is in one of the three highest generic rating categories from either Standard & Poor's Corporation (S&P's), Moody's Investors Service, Inc. (Moody's), Duff & Phelps Inc. (D & P) or Fitch Investors Service, Inc. (Fitch);

(4) The trustee is not an affiliate of any member of the Restricted Group. However, the trustee shall not be considered to be an affiliate of a servicer solely because the trustee has succeeded to the rights and responsibilities of the servicer pursuant to the terms of a pooling and servicing agreement providing for such succession upon the occurrence of one or more events of default by the servicer;

(5) The sum of all payments made to and retained by the underwriters in connection with the distribution or placement of certificates represents not more than reasonable compensation for underwriting or placing the certificates; the sum of all payments made to and retained by the sponsor pursuant to the assignment of obligations (or interests therein) to the trust represents not more than the fair market value of such obligations (or interests); and the sum of all payments made to and retained by the servicer represents not more than reasonable compensation for the servicer's services under the pooling and servicing agreement and reimbursement of the servicer's reasonable expenses in connection therewith; and

(6) The plan investing in such certificates is an "accredited investor" as defined in rule 501(a)(1) of regulation D of the Securities and Exchange Commission under the Securities Act of 1933.

B. Neither any underwriter, sponsor, trustee, servicer, insurer, or any obligor, unless it or any of its affiliates has discretionary authority or renders investment advice with respect to the plan assets used by a plan to acquire certificates, shall be denied the relief provided under Part I, if the provision of subsection II.A.(6) above is not satisfied with respect to acquisition or holding by a plan of such certificates, provided that (1) Such condition is disclosed in the prospectus or private placement memorandum; and (2) in the case of a private placement of certificates, the trustee obtains a representation from each initial purchaser which is a plan that it is in compliance with such condition, and obtains a covenant from each initial purchaser to the effect that, so long as such initial purchaser (or any transferee of such initial purchaser's certificates) is required to obtain from its transferee a representation regarding compliance with the Securities Act of 1933, any such transferees will be required to make a written representation regarding compliance with the condition set forth in subsection II.A.(6) above.

III. Definitions

For purposes of this exemption:

A. *Certificate* means:

(1) A certificate—

(a) That represents a beneficial ownership interest in the assets of a trust; and

(b) That entitles the holder to pass-through payments of principal, interest, and/or other payments made with respect to the assets of such trust; or

(2) A certificate denominated as a debt instrument—

(a) That represents an interest in a Real Estate Mortgage Investment Conduit (REMIC) within the meaning of section 860D(a) of the Internal Revenue Code of 1986; and

(b) That is issued by and is an obligation of a trust;

With respect to certificates defined in (1) and (2) above for which Shearson or any of its affiliates is either (i) the sole underwriter or the manager or co-manager of the underwriting syndicate, or (ii) a selling or placement agent.

For purposes of this exemption, references to "certificates representing an interest in a trust" include certificates denominated as debt which are issued by a trust.

B. *Trust* means an investment pool, the corpus of which is held in trust and consists solely of:

(1) Either

(a) Secured consumer receivables that bear interest or are purchased at a discount (including, but not limited to, home equity loans and obligations secured by shares issued by a cooperative housing association);

(b) Secured credit instruments that bear interest or are purchased at a discount in transactions by or between business entities (including, but not limited to, qualified equipment notes secured by leases, as defined in section III.T);

(c) Obligations that bear interest or are purchased at a discount and which are secured by single-family residential, multi-family residential and commercial real property (including obligations secured by leasehold interests on commercial real property);

(d) Obligations that bear interest or are purchased at a discount and which are secured by motor vehicles or equipment, or qualified motor vehicle leases (as defined in section III.U);

(e) "Guaranteed governmental mortgage pool certificates," as defined in 29 CFR 2510.3–101(i)(2);

(f) Fractional undivided interests in any of the obligations described in clauses (a)–(e) of this section B.(1);

(2) Property which had secured any of the obligations described in subsection B.(1);

(3) Undistributed cash or temporary investments made therewith maturing no later than the next date on which distributions are to be made to certificateholders; and

(4) Rights of the trustee under the pooling and servicing agreement, and rights under any insurance policies, third-party guarantees, contracts of suretyship and other credit support arrangements with respect to any obligations described in subsection B.(1).

Nothwithstanding the foregoing, the term "trust" does not include any investment pool unless: (i) The investment pool consists only of assets of the type which have been included in other investment pools, (ii) certificates evidencing interests in such other investment pools have been rated in one of the three highest generic rating categories by S&P's, Moody's, D & P, or Fitch for at least one year prior to the plan's acquisition of certificates pursuant to this exemption, and (iii) certificates evidencing interests in such other investment pools have been purchased by investors other than plans for at least one year prior to the plan's acquisition of certificates pursuant to this exemption.

C. *Underwriter* means:

(1) Shearson;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with Shearson; or

(3) Any member of an underwriting syndicate or selling group of which Shearson or a person described in (2) is a manager or co-manager with respect to the certificates.

D. *Sponsor* means the entity that organizes a trust by depositing obligations therein in exchange for certificates.

E. *Master servicer* means the entity that is a party to the pooling and servicing agreement relating to trust assets and is fully responsible for servicing, directly or through subservicers, the assets of the trust.

F. *Subservicer* means an entity which, under the supervision of and on behalf of the master servicer, services loans contained in the trust, but is not a party to the pooling and servicing agreement.

G. *Servicer* menas any entity which services loans contained in the trust, including the master servicer and any subservicer.

H. *Trustee* means the trustee of the trust, and in the case of certificates which are denominated as debt instruments, also means the trustee of the indenture trust.

I. *Insurer* means the insurer or guarantor of, or provider of other credit support for, a trust. Notwithstanding the foregoing, a person is not an insurer solely because it holds securities representing an interest in a trust which are of a class subordinated to certificates representing an interest in the same trust.

J. *Obligor* means any person, other than the insurer, that is obligated to make payments with respect to any obligation or receivable included in the trust. Where a trust contains qualified motor vehicle leases or qualified equipment notes secured by leases, "obligor" shall also include any owner of property subject to any lease included in the trust, or subject to any lease securing an obligation included in the trust.

K. *Excluded plan* means any plan with respect to which any member of the Restricted Group is a "plan sponsor" within the meaning of section 3(16)(B) of the Act.

L. *Restricted group* with respect to a class of certificates means:

(1) Each underwriter;

(2) Each insurer;

(3) The sponsor;

(4) The trustee;

(5) Each servicer;

(6) Any obligor with respect to obligations or receivables included in the trust constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the trust, determined on the date of the initial issuance of certificates by the trust; or

(7) Any affiliate of a person described in (1)–(6) above.

M. *Affiliate* of another person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), a brother, a sister, or a spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

N. *Control* means the power to exercise a controlling influence over the management or policies of a person other than an individual.

O. A person will be *independent* of another person only if:

(1) Such person is not an affiliate of that other person; and

(2) The other person, or an affiliate thereof, is not a fiduciary who has investment management authority or renders investment advice with respect to any assets of such person.

P. *Sale* includes the entrance into a forward delivery commitment (as defined in section Q below), provided:

(1) The terms of the forward delivery commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party;

(2) The prospectus or private placement memorandum is provided to an investing plan prior to the time the plan enters into the forward delivery commitment; and

(3) At the time of the delivery, all conditions of this exemption applicable to sales are met.

Q. *Forward delivery commitment* means a contract for the purchase or sale of one or more certificates to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the certificates) and optional contracts (which give one party the right but not the obligation to deliver certificates to, or demand delivery of certificate from, the other party).

R. *Reasonable compensation* has the same meaning as that term is defined in 29 CFR 2550.408c–2.

S. *Qualified administrative fee* means a fee which meets the following criteria:

(1) The fee is triggered by an act or failure to act by the obligor other than the normal timely payment of amounts owing in respect of the obligations;

(2) The servicer may not charge the fee absent the act or failure to act referred to in (1);

(3) The ability to charge the fee, the circumstances in which the fee may be charged, and an explanation of how the fee is calculated are set forth in the pooling and servicing agreement; and

(4) The amount paid to investors in the trust will not be reduced by the amount of any such fee waived by the servicer.

T. *Qualified equipment note secured by a lease* means an equipment note:

(a) Which is secured by equipment which is leased;

(b) Which is secured by the obligation of the lessee to pay rent under the equipment lease; and

(c) With respect to which the trust's security interest in the equipment is at least as protective of the rights of the trust as the trust would have if the equipment note were secured only by the equipment and not the lease.

U. *Qualified motor vehicle lease* means a lease of a motor vehicle where:

(a) The trust holds a security interest in the lease;

(b) The trust holds a security interest in the leased motor vehicle; and

(c) The trust's security interest in the leased motor vehicle is at least as protective of the trust's rights as the trust would receive under a motor vehicle installment loan contract.

V. *Pooling and servicing agreement* means the agreement or agreements among a sponsor, a servicer and the trustee establishing a trust. In the case of certificates which are denominated as debt instruments, "Pooling and Servicing Agreement" also includes the indenture entered into by the trustee of the trust issuing such certificates and the indenture trustee.

EFFECTIVE DATE: This exemption, if granted, will be effective for transactions occurring on or after March 6, 1989.

Summary of Facts and Representations

The facts and representations contained in the application are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. Shearson itself and through its affiliated companies is a full-service global banking organization that engages in securities transactions as both a principal and agent and which provides underwriting, research and financial services to institutional, corporate and private investment clients as well as governments, foundations and charitable organizations. Shearson is one of only a few firms that are members of the New York, London and Tokyo exchanges and are actively involved in the equity and debt markets of those financial centers. The firm is

prominent in Eurobond and Euroequity markets and is a major factor in international government securities markets, international research and foreign exchange. Shearson has extensive experience in underwriting and trading asset-backed pass-through securities such as the certificates.

Trust Assets

2. Shearson seeks exemptive relief to permit plans to invest in pass-through certificates representing undivided interests in the following categories of trusts: (1) Single and multi-family residential or commercial mortgage investment trusts; [4] (2) motor vehicle receivables investment trusts; (3) consumer or commercial receivables investment trusts; and (4) guaranteed governmental mortgage pool certificate investment trusts. [5]

3. commercial mortgage investment trusts may include mortgages on ground leases of real property. Commercial mortgages are frequently secured by ground leases on the underlying property, rather than by fee simple interests. The separation of the fee simple interest and the ground lease interest is generally done for tax reasons. Properly structured, the pledge of the ground lease to secure a mortgage provides a lender with the same level of security as would be provided by a pledge of the related fee simple interest. In all cases, the term of any ground lease to secure a mortgage will be at least ten years longer than the term of that mortgage.

Trust Structure

4. Each trust is established under a pooling and servicing agreement between a sponsor, a servicer and a trustee. The sponsor or servicer of a trust selects assets to be included in the trust. These assets are receivables which may have been originated by a sponsor or servicer of the trust, by an affiliate of the sponsor or servicer, or by an unrelated lender and subsequently acquired by the trust sponsor or servicer.

Prior to the closing date, the sponsor acquires legal title to all assets selected for the trust, establishes the trust and designates an independent entity as trustee. On the closing date, the sponsor conveys to the trust legal title to the assets, and the trustee issues certificates representing fractional undivided interests in the trust assets. Shearson, alone or together with other broker-dealers, acts as underwriter or placement agent with respect to the sale of the certificates. Most sales will be either firm commitment underwritings or private placements. In connection with a private placement, Shearson may act either as agent or principal. Shearson may also act as the lead underwriter for a syndicate of securities underwriters.

Certificateholders are entitled to receive monthly, quarterly or semi-annually installments of principal and/or interest, or lease payments due on the receivables, adjusted, in the case of payments of interest, to a specified rate—the pass-through rate—which may be fixed or variable.

5. Some of the certificates will be multi-class certificates. Shearson requests exemptive relief for two types of multi-class certificates: "Strip" certificates and "fast-pay/slow-pay" certificates. Strip certificates are a type of security in which the stream of interest payments on receivables is split from the flow of principal payments and separate classes of certificates are established, each representing rights to disproportionate payments of principal and interest.[6]

"Fast-pay/slow-pay" certificates involve the issuance of classes of certificates having different stated maturities or the same maturities with different payment schedules. In certain transactions of this type, interest and/or principal payments received on the underlying receivables are distributed first to the class of certificates having the earliest stated maturity of principal, and/or earlier payment schedule, and only when that class of certificates has been paid in full (or has received a specified amount) will distributions be made with respect to the second class of certificates. Distributions on certificates having later stated maturities will proceed in like manner until all the certificateholders have been paid in full. The only difference between this multi-class pass-through arrangement and a single-class pass-through arrangement is the order in which distributions are made to certificateholders. In each case, certificateholders will have a beneficial ownership interest in the underlying assets. In neither case will the rights of a plan purchasing a certificate which is eligible for the exemption be subordinated to the rights of another certificateholder in the event of default on any of the underlying obligations. In particular, if the amount available for distribution to such certificateholders is less than the amount required to be so distributed, all such certificateholders will share in the amount distributed on a pro rata basis.[7]

6. For tax reasons, the trust must be maintained as an essentially passive entity. Therefore, both the sponsor's discretion and the servicer's discretion with respect to assets included in a trust are severely limited. Pooling and servicing agreements provide for substitution of assets by the sponsor only in the event of defects in loan or lease documentation discovered within a relatively short time after issuance of trust certificates (within 120 days, except in the case of 30-year obligations in which case the period may be as long as two years). Shearson represents that the sponsor's "right of substitution" is in effect a remedy for certificateholders in the event of the sponsor's breach of its warranty of representations regarding the assests in a trust. Any obligation so substituted is required to have characteristics substantially similar to those of the original obligation.

In some cases, the affected receivable would be repurchased, with the purchase price applied as a payment on the affected receivable and passed through to certificateholders.

Parties to Transactions

7. The originator of a receivable is the entity that initially lends money to a

[4] The Department notes that PTE 83–1 (48 FR 895, January 7, 1983), a class exemption for mortgage pool investment trusts, would generally apply to trusts containing single-family residential mortgages, provided that the applicable conditions of PTE 83–1 are met. Shearson requests relief for single-family residential mortgages in this exemption because it would prefer one exemption for all trusts of similar structure.

[5] Guaranteed governmental mortgage pool certificates are mortgage-backed securities with respect to which interest and principal payable is guaranteed by the Government National Mortgage Association (GNMA), the Federal Home Loan Mortgage Corporation (FHLMC), or the Federal National Mortgage Association (FNMA). The Department's regulation relating to the definition of plan assets (29 CFR 2510.3–101(i)) provides that where a plan acquires a guaranteed governmental mortgage pool certificate, the plan's assets include the certificate and all of its rights with respect to such certificate under applicable law, but do not, solely by reason of the plan's holding of such certificate, include any of the mortgages underlying such certificate. The applicant is requesting exemptive relief for trusts containing guaranteed governmental mortgage pool certificates, because the certificates in the trusts are plan assets.

[6] It is the Department's understanding that where a plan invests in REMIC "residual" interest certificates to which this exemption applies, some of the income received by the plan as a result of such investment may be considered unrelated business taxable income to the plan, which is subject to income tax under the Code. The Department emphasizes that the prudence requirement of section 404(a)(1)(B) of the Act would require plan fiduciaries to carefully consider this and other tax consequences prior to causing plan assets to be invested in certificates pursuant to this exemption.

[7] If a trust issues subordinated certificates, holders of such subordinated certificates may not share in the amount distributed on a pro rata basis. The Department notes tha the exemption does not provide relief for plan investment in such subordinated certificates.

borrower (obligor), such as a homeowner or automobile purchaser, or leases property to the lessee. The originator may either retain a receivable in its portfolio or sell it to a purchaser, such as a trust sponsor.

Originators of receivables included in the trusts will be businesses experienced in the origination of receivables of the type included in a trust. Each trust may contain assets of one or more originators. The originator of the receivables may also function as the trust sponsor or servicer.

8. The duties of a trust sponsor are typically limited to depositing receivables in a trust in exchange for certificates issued by the trust that are then sold to investors. The sponsor of a trust typically selects the trustee.

9. The trustee of a trust is the legal owner of the receivables in the trust. The trustee is also a party to or beneficiary of all the documents and instruments deposited in the trust, and as such is responsible for enforcing all the rights created thereby in favor of certificateholders.

The trustee will be an independent entity, and therefore will be unrelated to Shearson, the trust sponsor or the servicer. Shearson represents that the trustee will be a substantial financial institution experienced in trust activities. The trustee receives a fee for its services, which will be paid by the servicer, sponsor, or the trust as specified in the pooling and servicing agreement and disclosed in the prospectus or private placement memorandum relating to the offering of the certificates.

10. The servicer of a trust administers the receivables on behalf of the certificateholders. The servicer's functions typically involve, among other things, notifying borrowers of amounts due on receivables, maintaining records of payments received on receivables and instituting foreclosure or similar proceedings in the event of default. In cases where a pool of receivables has been purchased from a number of different originators and deposited in a trust, it is common for the receivables to be "subserviced" by their respective originators and for a single entity to "master service" the pool of receivables on behalf of the owners of the related series of certificates. Where this arrangement is adopted, a receivable continues to be serviced from the perspective of the borrower by the local subservicer, while the investor's perspective is that the entire pool of receivables is serviced by a single, central master servicer who collects payments from the local subservicers and passes them through to certificateholders.

In most cases, the originator and servicer of receivables to be included in a trust and the sponsor of the trust (though they themselves may be related) will be unrelated to Shearson. In some cases, however, affiliates of Shearson may originate or service receivables included in a trust, or may sponsor a trust.

Certificate Price, Pass-Through Rate and Fees

11. In some cases, the sponsor will obtain the receivables from various originators pursuant to existing contracts with such originators under which the sponsor continually buys receivables. In other cases, the sponsor will purchase the receivables at fair market value from the originator or a finance company pursuant to a purchase and sale agreement related to the specific offering of certificates. However, in some cases, the sponsor will purchase the receivables from other sources in the secondary market.

As compensation for the receivables transferred to the trust, the sponsor receives certificates representing the entire beneficial interest in the trust. The sponsor sells these certificates for cash to investors or securities underwriters, or may retain a portion of the certificates for its own account.

12. The price of the certificates, both in the initial offering and in the secondary market, is affected by market forces including investor demand, the pass-through interest rate on the certificates in relation to the rate payable on investments of similiar types and quality, expectations as to the effect on yield resulting from prepayment of underlying receivables, and expectations as to the likelihood of timely payment.

The pass-through rate for certificates is generally equal to the interest rate on receivables included in the trust minus a specified servicing fee.[8] This rate is generally determined by the same market forces that determine the price of a certificate. There is a direct relationship between the price of certificates and the pass-through rate. For example, if certificates backed by comparable pools of mortgages are sold at different pass-through rates, the certificates having the higher pass-through rate would have a higher purchase price.

[8] The pass-through rate on certificates representing interests in trusts holding leases is determined by breaking down lease payments into "principal" and "interest" components based on an implicit interest rate.

13. As compensation for performing its servicing duties, the servicer (who may also be the sponsor, and receive fees for acting in that capacity) will typically retain most or all of the difference between payments received on the receivables and payments payable (at the pass-through rate) to certificateholders. The servicer may receive additional compensation by having the use of the amounts paid on the receivables between the time they are received by the servicer and the time they are due to the trust (which time is set forth in the pooling and servicing agreement). The servicer will be required to pay the administrative expenses of servicing the trust, including, in some cases, the trustee's fee, out of its servicing compensation.

The servicer is also compensated to the extent it may provide credit enhancement to the trust or otherwise arrange to obtain credit support from another party. This "credit support fee" may be aggregated with other servicing fees, and is either paid out of the payments received on the receivables in excess of the pass-through payments made to certificateholders or paid in a lump sum at the time the trust is established.

14. The servicer(s) may be entitled to retain certain administrative fees paid by a third party, usually the obligor. These administrative fees fall into three categories: (a) Prepayment fees; (b) late payment and payment extension fees and other fees related to the modification of the terms of an obligation as permitted by the provisions of the pooling and servicing agreement (including the partial release of collateral to the extent provided therein); and (c) fees and charges associated with foreclosure or repossession, the management of foreclosed or repossessed property, or any conversion of a secured obligation into cash proceeds, upon default of an obligation held by a trust.

Compensation payable to the servicer will be set forth or referred to in the pooling and servicing agreement and described in reasonable detail in the prospectus or private placement memorandum relating to the certificates.

15. Payments on receivables may be made by obligors to the servicer at various times during the period preceding any date on which pass-through payments to the trust are due. In some cases, the pooling and servicing agreement may permit the servicer to place these payments in non-interest bearing accounts in itself or to commingle such payments with its own funds prior to the distribution dates. In

these cases, the servicer would be entitled to the benefit derived from the use of the funds between the date of payment on a receivable and the pass-through date. Commingled payments may not be protected from the creditors of the servicer in the event of the servicer's bankruptcy or receivership. In the event that payments on receivables are held in non-interest bearing accounts or commingled with the servicer's funds, the servicer will be required to make deposits attributable to such payments by a date specified in the pooling and servicing agreement into an account from which payments are made to certificateholders.

16. Shearson will receive a fee in exchange for its services in connection with the securities underwriting or private placement of certificates. In a securities underwriting, this fee would normally consist of the difference between what Shearson receives for the certificates that it distributes and what it pays the sponsor for those certificates. In a private placement, the fee normally takes the form of an agency commission paid by the sponsor.

Purchase of Receivables by Servicer

17. The applicant represents that as the principal amount of the receivables in a trust is reduced by payment or repurchase, the cost of administering the trust generally increases, making the servicing of the trust prohibitively expensive at some point. Consequently, the pooling and servicing agreement generally provides that the servicer may purchase the receivables remaining in the trust when the aggregate unpaid balance payable on the receivables is reduced to a specified percentage (usually 5 to 10 percent) of the initial aggregate unpaid balance.

The purchase price of a receivable will be at least equal to the unpaid principal balance on the receivable plus accrued interest, less any unreimbursed advances of principal made by the servicer.

Certificate Ratings

18. The certificates will have received one of the three highest ratings available from either S&P's, Moody's, D&P or Fitch. Insurance or other credit support (such as surety bonds, letters of credit, reserve funds, cash flow subordination or guarantees) will be obtained by the trust sponsor to the extent necessary for the certificates to attain the desired rating. The amount of credit support is set by the rating agencies at a level that is a multiple of the very worst historical credit loss experience for obligations of the type included in the issuing trust.

Provision of Credit Support

19. In some cases, the master servicer, or an affiliate of the master servicer, may provide credit support to the trust (*i.e.* act as an insurer). Typically, in these cases, the master servicer will first advance funds in a timely manner to cover any delinquent payments to the extent that it expects to recover those moneys out of future payments, or the master servicer, as the provider of the credit support, will be called upon (by itself on behalf of the trustee or directly by the trustee) to provide funds in such capacity to cover such payments to the full extent of its obligations under the credit support mechanism. However, in some cases the master servicer may not be obligated to advance funds, but instead will be called upon to provide funds to cover defaulted payments to the full extent of its obligations as insurer. Moreover, the master servicer typically can recover advances either from the provider of credit support or from the future payment stream.

If the master servicer fails to advance funds and fails to call upon the credit support mechanism to provide funds to cover delinquent payments, the trustee may exercise its rights as beneficiary of the credit support to obtain funds under the credit support mechanism. Therefore, in all cases, the independent trustee will be ultimately responsible for deciding when to exercise its rights as beneficiary of that credit support.

When a master servicer advances funds, the amount so advanced is recoverable by the servicer from the provider of credit support or out of future payments on receivables held by the trust to the extent not covered by credit support. However, where the master servicer provides credit support to the trust, there are protections in place to guard against a delay in calling upon the credit support to take advantage of the fact that the dollar limit on the credit support declines as payments on receivables included in the trust are passed through to investors. These safeguards include:

(a) There is often a disincentive to postponing credit losses because the sooner repossession or foreclosure activities are commenced, the more value that can be realized on the security for the obligation;

(b) The master servicer has servicing guidelines which include a general policy as to the allowable delinquency period after which an obligation ordinarily will be deemed uncollectible. The pooling and servicing agreement will require the master servicer to follow its normal servicing guidelines and will set forth the master servicer's general policy as to the period of time after which delinquent obligations ordinarily will be considered uncollectible;

(c) As frequently as payments are due on the receivables included in the trust (monthly, quarterly or semi-annually, as set forth in the pooling and servicing agreement), the master servicer is required to report to the independent trustee the amount of all past-due payments and the amount of all servicer advances, along with other current information as to collections on the receivables and draws upon the credit support. Further, the master servicer is required to deliver to the trustee annually a certificate of an executive officer of the master servicer stating that a review of the servicing activities has been made under such officer's supervision, and either stating that the master servicer has fulfilled all of its obligations under the pooling and servicing agreement or, if the master servicer has defaulted under any of its obligations, specifying any such default. The master servicer's reports are reviewed at least annually by independent accountants to ensure that the master servicer is following its normal servicing standards and that the master servicer's reports conform to the master servicer's internal accounting records. The results of the independent accountants' review are delivered to the trustee;

(d) The credit support has a "floor" dollar amount that protects investors against the possibility that a large number of credit losses might occur towards the end of the life of the trust, whether due to servicer advances or any other cause. Once the floor amount has been reached, the servicer lacks an incentive to postpone the recognition of credit losses because the credit support amount becomes a fixed dollar amount, subject to reduction only for actual draws. From the time that the floor amount is effective until the end of the life of the trust, there are no proportionate reductions in the credit support amount caused by reductions in the pool principal balance. Indeed, since the floor is a fixed dollar amount, the amount of credit support ordinarily increases as a percentage of the pool principal balance during the period that the floor is in effect.

Disclosure

20. In connection with the original issuance of certificates, the prospectus or private placement memorandum will be furnished to investing plans. The prospectus or private placement memorandum will contain information

pertinent to a plan's decision to invest in the certificates, including:

(a) Information concerning the certificates, including payment terms, tax consequences of owning and selling certificates, the legal investment status and rating of the certificates, and any risk factors with respect to the certificates;

(b) Information about the underlying receivables, including the types of receivables, the diversification of the receivables, their payment terms, and legal aspects of the receivables;

(c) Information about the servicing of the receivables, including the identity of the master servicer and servicing compensation;

(d) Information about the sponsor of the trust;

(e) A full description of all material provisions of the pooling and servicing agreement; and

(f) Information about the scope and nature of the secondary market, if any, for such certificates.

21. Certificateholders will be provided with information concerning the amount of principal and interest to be paid on certificates at least as frequently as distributions are made to certificateholders. Certificateholders will also be provided with periodic information statements setting forth material information concerning the status of the trust.

22. In the case of a trust that offers and sells certificates in a registered public offering, the trustee, the master servicer or the sponsor will file such periodic reports as may be required to be filed under the Securities Exchange Act of 1934. Although some trusts that offer certificates in a public offering will file quarterly reports on Form 10–Q and Annual Reports on Form 10–K, many trusts obtain, by application to the Securities and Exchange Commission, a complete exemption from the requirement to file quarterly reports on Form 10–Q and a modification of the disclosure requirements for annual reports on Form 10–K. If such an exemption is obtained, these trusts normally would continue to have the obligation to file current reports on form 8–K to report material developments concerning the trust and the certificates. While the Securities and Exchange Commission's interpretation of the periodic reporting requirements is subject to change, periodic reports concerning a trust will be filed to the extent required under the Securities Exchange Act of 1934.

23. At or about the time distributions are made to certificateholders, a report will be delivered to the trustee as to the status of the trust and its assets, including underlying obligations. Such report will typically contain information regarding the trust's assets, payments received or collected by the servicer, the amount of prepayments, delinquencies, servicer advances, defaults and foreclosures, the amount of any payments made pursuant to any credit support, and the amount of compensation payable to the servicer. Such report will also be delivered or made available to the rating agency or agencies that have rated the trust's certificates. Such report will be available to investors and its availability will be made known to potential investors. In addition, promptly after each distribution date, certificateholders will receive a statement summarizing information regarding the trust and its assets, including underlying obligations.

Secondary Market Transactions

24. Shearson normally attempts to make a market for securities for which it is lead or co-managing underwriter. It is also Shearson's policy to facilitate sales by investors who purchase certificates if Shearson has acted as agent or principal in the original placement of the certificates and if such investors request Shearson's assistance.

Retroactive Relief

25. Shearson represents that it has engaged in transactions related to mortgage-backed and asset-backed securities based on the assumption that retroactive relief would not be granted. However, since March 1989, it is possible that some transactions may have occurred that arguably would be prohibited. For example, because many certificates are held in street or nominee name, it is not always possible to identify whether the percentage interest of plans in a trust is or is not "significant" for purposes of the Department's regulation relating to the definition of plan assets (29 CFR 2510.3–101(f)). In addition, with respect to the "publicly-offered security" exception contained in that regulation (29 CFR 2510.3–101(b)), Shearson represents that it is difficult to determine whether each purchaser of a certificate is independent of all other purchasers.

Therefore, Shearson requests relief retroactive for transactions which have occurred on or after March 6, 1989, the date Shearson originally filed its exemption application with the Department.

Summary

26. In summary, the applicant represents that the transactions for which exemptive relief is requested satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The trusts contain "fixed pools" of assets. There is little discretion on the part of the trust sponsor to substitute receivables contained in the trust once the trust has been formed;

(b) Certificates in which plans invest will have been rated in one of the highest rating categories by S&P's, Moody's, D&P or Fitch. Credit support will be obtained to the extent necessary to attain the desired rating;

(c) All transactions for which Shearson seeks exemptive relief will be governed by the pooling and servicing agreement, which is made available to plan fiduciaries for their review prior to the plan's investment in certificates;

(d) Exemptive relief from sections 406(b) and 407 for sales to plans is substantially limited; and

(e) Shearson has made, and anticipates that it will continue to make, a secondary market in certificates.

Discussion of Proposed Exemption

I. Differences between Proposed Exemption and Class Exemption PTE 83–1

The exemptive relief proposed herein is similar to that provided in PTE 81–7 (46 FR 7520, January 23, 1981), Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts, amended and restated as PTE 83–1 (48 FR 895, January 7, 1983).

PTE 83–1 applies to mortage pool investment trusts consisting of interest-bearing obligations secured by first or second mortgages or deeds of trust on single-family residential property. The exemption provides relief from sections 406(a) and 407 of the Act for the sale, exchange or transfer in the initial issuance of mortgage pool certificates between the trust sponsor and a plan, when the sponsor, trustee or insurer of the trust is a party-in-interest with respect to the plan, and the continued holding of such certificates, provided that the conditions set forth in the exemption are met. PTE 83–1 also provides exemptive relief from section 406(b)(1) and (b)(2) of the Act for the above-described transactions when the sponsor, trustee or insurer of the trust is a fiduciary with respect to the plan assets invested in such certificates, provided that additional conditions set forth in the exemption are met. In particular, section 406(b) relief is conditioned upon the approval of the transaction by an independent fiduciary. Moreover, the total value of certificates purchased by a plan must not exceed 25 percent of the amount of the issue, and

at least 50 percent of the aggregate amount of the issue must be acquired by persons independent of the trust sponsor, trustee or insuer. Finally, PTE 83–1 provides conditional exemptive relief from section 406(a) and (b) of the Act for transactions in connection with the servicing and operation of the mortgage trust.

Under PTE 83–1, exemptive relief for the above transactions is conditioned upon the sponsor and the trustee of the mortgage trust maintaining a system for insuring or otherwise protecting the pooled mortgage loans and the property securing such loans, and for indemnifying certificateholders against reductions in pass-through payments due to defaults in loan payments or property damage. This system must provide such protection and indemnification up to an amount not less than the greater of one percent of the aggregate principal balance of the largest mortgage.

The exemptive relief proposed herein differs from that provided by PTE 83–1 in the following major respects: (1) The proposed exemption provides individual exemptive relief rather than class relief; (2) The proposed exemption covers transactions involving trusts containing a broader range of assets than single-family residential mortgages; (3) Instead of requiring a system for insuring the pooled receivables, the proposed exemption conditions relief upon the certificates having received one of the three highest ratings available from S&P's, Moody's, D&P or Fitch (insurance or other credit support would be obtained only to the extent necessary for the certificates to attain the desired rating); and (4) The proposed exemption provides more limited section 406(b) and section 407 relief for sales transactions.

II. Ratings of Certificates

After consideration of the representations of the applicant and information provided by S&P's, Moody's, D&P and Fitch, the Department has decided to condition exemptive relief upon the certificates having attained a rating in one of the three highest generic rating categories from S&P's, Moody's, D&P or Fitch. The Department believes that the rating condition will permit the applicant flexibility in structuring trusts containing a variety of mortgages and other receivables while ensuring that the interests of plans investing in certificates are protected. The Department also believes that the ratings are indicative of the relative safety of investments in trusts containing secured receivables. The Department is conditioning the proposed exemptive relief upon each particular type of asset-backed security having been rated in one of the three highest rating categories for at least one year and having been sold to investors other than plans for at least one year.[9]

III. Limited Section 406(b) and Section 407(a) Relief for Sales

Shearson represents that in some cases a trust sponsor, trusts, servicer, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates may be a pre-existing party in interest with respect to an investing plan.[10] In these cases, a direct or indirect sale of certificates by the party in interest to the plan would be a prohibited sale or exchanged of property under section 406(a)(1)(A) of the Act.[11] Likewise, issues are raised under section 406(a)(1)(D) of the Act where a plan fiduciary causes a plan to purchase certificates where trust funds will be used to benefit a party in interest.

Additionally, Shearson represents that a trust sponsor, servicer, trustee, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates representing an interest in a trust may be fiduciary with respect to an investing plan. Shearson represents that the exercise of fiduciary authority by any of these parties to cause the plan to invest in certificates representing an interest in the trust would violate section 406(b)(1), and in some cases section 406(b)(2), of the Act.

Moreover, Shearson represents that to the extent there is a plan asset "look through" to the underlying assets of a trust, the investment in certificates by a plan covering employees of an obligor under receivables contained in a trust may be prohibited by sections 406(a) and 407(a) of the Act.

After consideration of the issues involved, the Department has determined to provide the limited sections 406(b) and 407(a) relief as specified in the proposed exemption.

For further information contact: Paul Kelty of the Department, telephone (202) 523–8194. (This is not a toll-free number.)

Building Services Local 32B–J Pension Fund (the Pension Fund); Building Services Local 32B–J Health Fund (the Health Fund); Building Services Local 32B–J Legal Service Fund (the Legal Service Fund, collectively the Funds); Located in New York, NY

[Application Nos. D–8396, L–8397 and L–8398]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18571, April 28, 1975). If the exemption is granted the restrictions of sections 406(a) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the leasing of an office building (the Building) between the Funds and the 101 Limited Partnership (the Landlord), a party in interest with respect to the Funds, pursuant to certain triple net leases (the Leases), leasehold improvement agreements (the LIA's), and an operating agreement (the Operating Agreement, collectively, the Agreements); provided that neither the Landlord, nor the owners of the Landlord: (a) Are fiduciaries with respect to such Funds, or (b) directly or indirectly, influence or exercise any decision making authority in connection with the selection of the fiduciaries for such Funds or in connection with the decision of such fiduciaries to enter into the Agreements on behalf of the Funds or to exercise any rights or obligations conferred upon the Funds under such Agreements; and provided further that the terms of the Agreements are at least as favorable to the Funds as those obtainable in arm's length transactions between unrelated parties.[12]

---

[9] In referring to different "types" of asset-backed securities, the Department means certificates representing interests in trusts containing different "types" of receivables, such as single family residential mortgages, multi-family residential mortgages, commercial mortgages, home equity loans, auto loan receivables, installment obligations for consumer durables secured by purchase money security interests, etc. The Department intends this condition to require that certificates in which a plan invests are of the type that have been rated (in one of the three highest generic rating categories by S&P's, D&P, Fitch or Moody's) and purchased by investors other than plans for at least one year prior to the plan's investment pursuant to the proposed exemption. In this regard, the Department does not intend to require that the particular assets contained in a trust must have been "seasoned" (*e.g.*, originated at least one year prior to the plan's investment in the trust).

[10] In this regard, we note that the exemptive relief proposed herein is limited to certificates with respect to which Shearson or any of its affiliates is either (a) The sole underwriter or manager or comanager of the underwriting syndicate, or (b) a selling or placement agent.

[11] The applicant represents that where a trust sponsor is an affiliate of Shearson, sales to plans by the sponsor may be exempt under PTE75–1, Part II (relating to purchases and sales of securities by broker-dealers adn their affiliates), if Shearson is not a fiduciary with respect to plan assets to be invested in certificates.

[12] For purposes of this proposed exemption, references to specific provisions of title I of the Act,

Continued

Summary of Facts and Representations

1. The Funds provide benefits for members of the Services Employees International Union (the Union) employed in the building service and maintenance industry throughout New York City, Long Island, and portions of New Jersey. As of June 30, 1989, each of the Funds had approximately 60,000 participants. As of that same date, the Pension Fund, the Health Fund, and the Legal Services Fund had assets of approximately $581.7 million, $22.2 million, and $16.8 million, respectively.

The Funds are Taft-Hartly Plans jointly administrated by four employer designated trustees and four Union designated trustees (the Board of Trustees). The Realty Advisory Board, a multiemployer bargaining association which represents building owners and management agents, appoints two of the employer designated trustees, while the Midtown Owners Association, a multiemployer association which represents building owners in lower midtown Manhattan, and the Service Employers Association, a multiemployer association which represents cleaning contractors, each appoint one of the remaining two employer designated trustees. It is represented that some of the individuals serve as Trustees for more than one of the Funds.

2. The Landlord is a Delaware limited partnership, with offices located at 767 Fifth Avenue, New York, New York. The general partners of the Landlord are 101 Silver Corporation and 101 Equities Corporation, both Delaware corporations which are controlled, respectively, by Allen Silverman (Mr. Silverman) and by Edward J. Minskoff (Mr. Minskoff). The limited partners of the Landlord are: (1) A and E Limited Partnership, and (2) 101 Avenue of the Americas Limited Partnership. Substantially all of the interests in each of the limited partners is owned by Mr. Minskoff, Mr. Silverman, or by entities which Mr. Minskoff, Mr. Silverman, or Mr. Silverman's immediate family control.

In addition, Mr. Silverman is the president and 80% shareholder of Royal-Prudential Services, Inc. (Royal), and Mr. Silverman's wife and children own the remaining 20% of the shares in Royal. Royal, an office cleaning business, employs members of the Union under the terms of a collective bargaining agreement and is a contributing employer to the Funds. Accordingly, Mr. Silveman, an owner, directly or indirectly, of 50% or more of Royal, an employer any of whose employees are covered by the Funds, is a party in interest with respect to the Funds, pursuant to section 3(14) (E) of the Act. It is represented, however, that Royal is not a member of any of the multiemployer associations which select the fiduciaries for the Funds.

Prior to the execution of the Agreements, Mr. Silverman, through entities he owns, controlled approximately 68.75% of the Landlord. It is represented that once it was realized that this ownership level caused the Landlord to become a party in interest pursuant to section 3(14)(G) of the Act, Mr. Silverman reduced his ownership interest in the Landlord to 49.75% by transferring a 19% interest in the Landlord to one of the entities owned by Mr. Minskoff. In this way, Mr. Minskoff, through entities he owns, obtained control of 50.25% of the Landlord. It is represented that Mr. Minskoff does not now own any entity that employs Union members, nor does he make contributions to any of the Funds. Accordingly, neither Mr. Minskoff nor the Landlord is a party in interest with respect to the Funds. Further, it is represented that neither Mr. Minskoff nor Mr. Silverman is a fiduciary to the Funds, nor directly or indirectly, influences or exercises any decision making authority in connection with the selection of fiduciaries for the Funds or in connection with the decision of such fiduciaries to enter into the Agreements on behalf of the Funds or the exercise of any rights or obligations conferred upon the Funds under such Agreements.

Pursuant to an option agreement dated December 19, 1989, entities owned by Mr. Silverman obtained the right to repurchase the 19% interest in the Landlord (the Option to Repurchase) for approximately $2.4 million. The Option to Repurchase must be exercised within two years from the date entered and may only be exercised if this prohibited transaction exemption has been granted. Upon execution of the Option to Repurchase, entities owned by Mr. Silverman, a party in interest with respect to the Fund, will again own 50% or more of the Landlord. Consequently, the Landlord will become a party in interest with respect to the Funds, pursuant to section 3(14)(G). Thus, the Agreements between the Funds and the Landlord will become subject to the prohibited transaction restrictions of section 406(a) of the Act. For this reason, the applicant requests an exemption from the point in time that the Option to Repurchase is executed by Mr. Silverman or by entities which he owns or controls.

3. Currently, the Funds and the Union lease facilities at various locations. The Pension Fund and Health Fund rent offices located at 60 Madison Avenue, New York, New York, while the Legal Services Fund has offices at 1 Penn Plaza, New York, New York. The Health Fund operates a health center at 920 Ninth Avenue a/k/a/ 345 West 58th Street, New York, New York. It is represented that the size of the existing rental facilities are inadequate, and the premises are in poor condition and are inefficient. For these and various other reasons, the Funds have long wanted to consolidate their administrative offices and operations at a single location, which would also house the Union's offices.

4. To this end, on December 19, 1989, the Landlord entered into the Leases and the LIA's with the Funds to construct the Building, a 23 story build-to-suit office facility, which the Funds will occupy as tenants. On the same date, the Landlord executed a separate lease and leasehold improvement agreement with the Union, concerning the Union's occupancy of the same Building. Simultaneously, both the Union and the Funds entered into the Operating Agreement with the Landlord concerning the operation and management of the Building following construction. Contemporaneously, the Landlord also entered into a 99 year ground lease (the Trinity Lease) with the Rector, Church Wardens and Vestrymen of Trinity Church to lease the land (the Land) located at 95–109 Avenue of the Americas, 8–18 Grand Street, and 45–61

---

unless otherwise specified, refer also to the corresponding provisions of the Code.

The Department notes that the Agreements, copies of which were submitted with the application, describe the overall relationship between the Landlord and the Funds with respect to the construction, leasing, and management of the Building. The LIA's relate to services to be supplied by the Landlord to the Funds during the construction of the Building. The Operating Agreement describes the responsibilities of the parties, pursuant to the terms set forth in the Leases, with respect to the operation and management of the Building after it is constructed. The Department notes that section 408(b)(2) and the regulations promulgated thereunder (29 CFR 2550.408(b)(2)), would not apply to the Leases as a result of the Funds' inability to terminate such Leases without penalty on reasonably short notice under the circumstances. Therefore, the Department is proposing to exempt the Leases from the point in time where the Landlord becomes a party in interest with respect to the Funds. However, the Department also recognizes that the Agreements contain many provisions that can be characterized as the provision of services between the Landlord and the Funds which may be entitled to relief under section 408(b)(2). In this regard, the Department notes that it is not proposing relief for such provision of services. The Department believes that any relief from section 406(a) that may be necessary for the provision of services in connection with the leasing transactions described in this proposal is provided by the statutory exemption contained in section 408(b)(2) of the Act.

Watts Street, New York, New York) upon which the Building will be constructed.

Upon completion, the Building will have approximately 401,846 square feet of above-ground rentable space, consisting of office space and street level retail space. There will also be approximately 7,396 useable square feet of storage space, and approximately 5,294 useable square feet of space for accessory parking. The Funds and the Union will occupy approximately 78% and 22%, respectively, of the space in the Building. It is represented that the Union will lease all of the retail and parking space in the Building and some of the storage and office space. The Funds will lease the remainder of the office and storage space. The Building will contain for the benefit of the Union and the Funds, an auditorium/cafeteria for meetings, a health center for medical diagnosis and treatment, a school and training facility for continuing education, a legal services clinic, and benefit/pension service areas. In addition, the Building will house general and executive office space for the benefit of the Union and the Funds.

The leases between the Funds and the Landlord and the lease entered between the Union and the Landlord concerning the occupancy of the Building are represented to contain identical initial twenty (20) year terms. Further, the Funds and the Union, as tenants, (the Tenant or Tenants) have discretion to execute eight (8) successive renewal options which, if exercised, would extend the term in increments of 5 years for the first period; 10 years for the second year, 14 years for the third period, 10 years for the fourth period, 10 years for the fifth period, 10 years for the sixth period, 10 years for the seventh period, and approximately 10 years for the eighth period, covering a total period of 99 years. Although the Tenants do not have the ability to cancel or terminate the leases upon short-term notice during any of the rental periods, the Funds can terminate the Leases following the end of the initial twenty (20) year term of the Leases and any renewal period thereafter.

The rent for office space or retail space will, during the first year of the Leases, be $26.11 per rentable square foot and will increase by increments to $43.78 per rentable square foot by the twentieth year of the Leases. The rent for storage or parking space will, during the first year of the Leases, be $17.00 per useable square foot and will increase by increments to $28.24 per useable square foot by the twentieth year of the Leases. In addition, the terms of the Leases provide for increases in these rental rates for each period for which the Leases are extended. All rent is on a triple net basis, which means that the Tenants will be responsible for all costs of operating and maintaining the Building, including without limitation, the cost of ground rent, utilities, real estate taxes, maintenance of base building, shell, core, and systems, structural and non-structural repairs and replacement, management, insurance, casualty and condemnation restorations.

The Landlord is required to develop, design and construct the shell and core of the Building, except that the Tenants will contribute $21.67 per rentable square foot towards the cost of building the standard tenant improvements (the Building Standard Tenant Improvements). The Building Standard Tenant Improvements means the general facilities, electrical construction, heating, ventilation, and air conditioning (HVAC) specifications, finish work and materials set forth in Schedule F of the LIA's. The Tenants will pay for all HVAC, plumbing, and other requirements that they desire in excess of such Building Standard Tenant Improvements. Tenants are also required to pay for all of their own furnishing and equipment.

It is represented that the rentals and the costs which are not specific to the leased premises of any one of the Tenants in the Building are allocated in proportion to the actual use by such Tenant of space in the Building. The cost of improvements for the design and construction of interior space of the specifically leased premises of any one of the Tenants will be paid for by such Tenant. In addition, each of the Tenants is responsible for its *pro rata* share of the costs of operating and maintaining the Building, including their *pro rata* share of the costs which are allocable to the common areas of the Building. It is represented by counsel for the Funds and the Unions that the Operating Agreement is written in such a way that no Tenant will be responsible for the default of any other Tenant with respect to the payment of its obligations.

Under certain terms, conditions, and limitations contained in the Leases with the Funds, the lease with the Union, and the Operating Agreement, both the Funds and the Union: (a) Have a right of first refusal to purchase all or any part of the Landlord's leasehold estate in the Building and the Land under the Trinity Lease or all or any portion of the partnership interests (general or limited) in the Landlord in the event of a bona-fide third party offer, within twenty (20) days after such bona-fide offer, and under similar terms and conditions as those in such bona-fide offer, (b) may participate proportionately to the extent of an aggregate 20% interest in the excess net proceeds, as defined in section 46.02 of the Leases,[13] of any sale, transfer, or certain refinancing of all or a portion of the partnership interests in the Landlord or the Landlord's leasehold estate under the Trinity Lease, (c) will receive proportionately an aggregate 11% interest in the net cash flow from the Building in the 11th year, which will increase to 20% in the 16th year and continue at 20% for each year thereafter, (d) may execute an option to purchase, either the Landlord's leasehold estate under the Trinity Lease or all of the partnership interests in the Landlord, after the 20th year, at the then fair market value, and (e) have an option proportionately to acquire an aggregate 20% limited partnership interest in the Landlord during the 31st year.[14] In addition, the Operating Agreement provides for the appointment by the Tenants of a tenant representative who will represent the Tenants with respect to the exercise of certain rights and options of the Tenants under the Leases and LIA's.

5. The Board of Trustees represent that the Funds entered into the Agreements only after careful consideration of the alternatives and on the basis of the Board of Trustees' conclusion that the terms of the Agreements were advantageous to the Funds. It is represented that it is in the interest of the Funds to consolidate their operations at one location at commercially reasonable rental rates and that the Agreements accomplish this purpose.

With regard to the Funds inability under the terms of the Agreements to cancel or terminate within a reasonably short period of time, the Board of Trustees state that the impetus behind the terms of the Agreements was the Funds' desire for a permanent facility designed to meet their special needs. In this regard, the Funds will expand considerable funds (approximately $10 million) in improving the interior space of the Building, especially with respect

[13] For purposes of this clause (b) excess net proceeds generally refers to the gross proceeds of any such sale, transfer, or refinancing less allowable deductions relating to the expenses of the Landlord in connection with such sale, transfer, or refinancing, determinable on a rentable square footage basis.

[14] The Department is not providing any exemptive relief at this time for the execution of any of the above described provisions of the Leases which could involve the sale or exchange of property between the Plan and a party in interest.

to the development of a state-of-the-art health center which will occupy approximately 100,000 square feet of space in the Building. In the opinion of the Board of Trustees, it is unlikely that the Funds, having expended such substantial amounts for the specialized development of the Building, have any intention of cancelling the Leases or vacating the Building in a relatively short period of time.

It is also represented that the membership of the Union has experienced steady growth for a period in excess of thirty years since 1934 when the Union was first formed. Therefore, there is no significant risk that the Funds will be burdened with unneeded space in the Building. It is further represented that the building service and maintenance industry is stable and not subject to economic fluctuations, so that there is no concern that the Funds, which derive their income from employer contributions, will ever be unable to fulfill the financial obligations of the Agreements. Accordingly, it is represented that the Board of Trustees agreed to the terms of the Agreements, even though such terms do not permit the Funds to vacate their respective space in the Building or otherwise terminate the Agreements on short notice.[15]

In addition, Ronald Raab, Esq., partner in Manning, Raab, Dealy & Strum, counsel for the Funds and for the Union, represents that in order for the Landlord to obtain financing of the magnitude needed to construct the Building (approximately $100 million), it was necessary to obtain the Funds' and the Union's long-term commitments for the space in the Building in order to provide enough cash flow to service the debt. In this regard, the Funds and the Unions intentionally sought to enter into long-term agreements whereby they would secure many of the benefits of ownership of the Building, without being burdened by the risks inherent in the construction of a major office building in mid-town Manhattan. It is represented that the Board of Trustees prudently entered into the long-term commitment to obtain a permanent facility on behalf of the Funds, because they believed that the substantial ownership rights and benefits, as described in paragraph #4 above, derived from provisions in the Agreements outweighed the benefits of a short-term cancellation provision.

6. Before entering into the Agreements, the Funds and the Union secured professional advice from a consulting architect, and expert real estate legal counsel, and from appraisers. In this regard, Appraisers and Planners, Inc., was engaged by the Plan and the Union as a qualified independent appraiser to review the terms of the transactions to determine the reasonableness of the projected rents, equity participations, and cash flow participation described in paragraph #4 above. In the opinion of James Levy, ASA, MAI, SRPA, an associate of Appraisers and Planners, Inc., the proposed rental schedule, equity participation, and cash flow participation are reasonable in conjunction with the entire proposal based on an analysis of the existing market.

The Funds and the Union also hired James O'Rorke, Esq. (Mr. O'Rorke), partner in Skadden, Arps, Slate, Meagher, & Flom, as expert real estate counsel. Mr. O'Rorke has actively practiced in the field of real property law for 28 years and is a member of the American College of Real Estate Lawyers. Mr. O'Rorke was engaged to specifically address the issue of why the Agreements entered into by the Funds did not contain a provision which would permit each of the Funds to cancel within a reasonably short period of time. In the opinion of Mr. O'Rorke, a long-term lease was necessary: (a) To avoid the risks associated with financing, constructing, and developing the Building; (b) to justify the considerable expense of improving the interior of the Building and to amortize such costs of customizing the Building over a useful life of twenty years for the built-in fixtures; (c) to obtain financing, because the Building was not designed as a speculative office building and, as a custom-built facility, would be difficult to re-let; (d) to insulate the Funds from market rental risks; (e) to obtain benefits from a 99 year term which is longer than the anticipated useful life of the Building, and (f) to obtain advantageous ownership rights and benefits, such as those described in paragraph #4 above.

7. In summary, it is represented that the proposed transactions meet the statutory criteria for an exemption under section 408(a) of the Act because:

(a) The Funds and the Union will be able to consolidate operations in one location;

(b) An independent appraiser has determined that the rental rate to be paid by the Funds and the other terms of the Agreements are reasonable;

(c) The Funds will obtain permanent headquarters constructed to their specifications without the attendant risks of financing the purchase and/or constructing the Building;

(d) The Board of Trustees has determined that the benefits obtained from the long-term commitment provisions in the Agreements outweigh the benefits to be derived from a provision which would permit the Funds to terminate or cancel the Agreements on reasonably short notice; and

(e) Neither Mr. Silverman nor Mr. Minskoff is a fiduciary with respect to the Funds, nor does either, directly or indirectly, influence or exercise any decision making authority in connection with the selection of fiduciaries of the Funds or in connection with the decision of such fiduciaries to enter into the Agreements on behalf of the Funds or to exercise any rights or obligations conferred upon the Funds under such Agreements.

Notice to interested persons: Notice of this proposed exemption will be provided to all interested persons in the manner agreed upon by the applicant and the Department within nine (9) days of the date of publication in the Federal Register. Such notice shall include a copy of the notice of pendency of the exemption as published in the Federal Register and shall inform interested persons of their right to comment and to request a hearing. Comments and hearing requests on the proposed exemption are due thirty-nine (39) days after the date of publication of this proposed exemption in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Angelena C. Le Blanc of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404

[15] The Department herein is not expressing any opinion as to whether the Trustees' decision to enter into the Agreements on behalf of the Funds satisfied ERISA's general standards of fiduciary conduct. Section 404 requires, among other things, a fiduciary to discharge his duties respecting a plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion. Accordingly, the plan fiduciaries are held to the prudence standard with respect to the decision to enter into the Agreements on behalf of the Funds, as well as to the exercise of the Funds' rights and obligations under the Agreements.

of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit to the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 13th day of November 1990.

Ivan Strasfeld,

Director of Exemption Determinations, Pension and Welfare Benefits Administration, U.S. Department of Labor.

[FR Doc. 90–27186 Filed 11–16–90; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL COMMISSION ON MIGRANT EDUCATION

Meetings

ACTION: Notice of meeting.

SUMMARY: The National Commission on Migrant Education will hold its seventh meeting on December 3 and 4, 1990, for the purpose of holding a hearing. The Commission was established by Public Law 100–297, April 28, 1988.

DATE, TIME, AND PLACE: Monday, December 3, 1 to 5 p.m. and 7 to 10 p.m.; December 4, 8 a.m. to noon, Fairway Resort, Tee Room, 2105 South 10th Street, McAllen, Texas.

STATUS: Open—public hearing.

AGENDA:

Monday, December 3

1–5 p.m.—Testimony on (1) MSRTS utilization, (2) interestate/interagency coordination in migrant education, and (3) parental involvement.

7–10 p.m.—Testimony from migrant parents and students.

Tuesday, December 4

8–9 a.m.—Business Session

9–Noon—Testimony from the public on any and all matters relevant to migrant education.

For Additional Information: Contact Nancy Watson, 301–492–5336, National Commission on Migrant Education, 8120 Woodmont Avenue, Fifth Floor, Bethesda, Maryland 20814.

Linda Chavez,

Chairman.

[FR Doc. 90–27199 Filed 11–16–90; 8:45 am]

BILLING CODE 6820–DE–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Public Partnership Office Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Office of Public Partnership Advisory Panel (Locals Section) to the National Council on the Arts will be held on December 4, 1990 from 9 a.m.–5:30 p.m. and December 5 from 9 a.m.–5 p.m. in room M–09 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on December 4 from 9 a.m.–5:30 p.m. and December 5 from 3 p.m.–5 p.m. The topics will be application review and policy discussion.

The remaining portion of this meeting on December 5 from 9 a.m.–3 p.m. is for the purpose of Panel evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended. In accordance with the determination of the Chairman of November 7, 1990, this session will be closed to the public pursuant to subsection (c)(9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting. Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: November 8, 1990.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 90–27120 Filed 11–16–90; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Committee Management; Establishment

The Assistant Director for Scientific, Technological, and International Affairs has determined that the establishment of the International Programs Review Panel is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 *et seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Name of the Committee: International Programs Review Panel.

Purpose: To advise on the merit of special initiative proposals or applications submitted to the Division of International Programs.

Balanced Membership Plan: The panel will consist of up to about 25 panelists. Criteria used to maintain balanced membership are demonstrated capabilities in scientific research, age, gender, minority, geographic origin, and disabled.

Responsible NSF Official: Dr. Robert Hardy, Deputy Division Director, International Programs, (202) 357–9552.

Dated: November 13, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–27130 Filed 11–16–90; 8:45 am]

BILLING CODE 7555–01–M

Advisory Panel for BBS Research Training Groups; Meeting

The National Science foundation announces the following meeting:

Name: Advisory Panel for BBS Research Training Groups.

Date and Time: Thursday, December 6, 1990 from 8:30–6 Friday, December 7, 1990 from 8:30–5.

Place: Room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550.

Type of Meeting: Closed.

Contact Person: Dr. Gerald Selzer, Program Director, Special Projects, Division of Instrumentation and Resources, room 312, National Science Foundation, 1800 G St. NW., Washington, DC 20550, Telephone: (202) 357–9880.

Purpose of Advisory Panel: To provide advice and recommendations concerning support for training activities in research areas supported by the Biological, Behavioral and Social Sciences Directorate of the National Science Foundation.

Agenda: To review and evaluate preliminary proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated November 13, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–27128 Filed 11–16–90; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Social and Economic Science; Meeting

The National Science Foundation announces the following meeting:

Name: Human Dimensions of Global Environmental Change Panel.

Date/Time: December 3, 1990, 8:30 a.m. to 5 p.m.

Place: State Plaza Hotel, 2117 E St, NW., Washington, DC

Type of Meeting: Closed.

Contact Person: Dr. Thomas J. Baerwald, Program Director, Geography and Regional Science, National Science Foundation, 1800 G St., NW., room 336, Washington, DC 20550, Telephone: 202/357–7326.

Purpose of Meeting: To provide advice and recommendations concerning research proposals on the Human Dimensions of Global Environmental Change.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: The proposals reviewed contained information of a proprietary or confidential nature, including technical information, financial data (such as salaries), and personal information concerning individuals associated with the proposals. These matters are within the exemptions (4) and (6) of 5 U.S.C. 552b, Government in the Sunshine Act. February 18, 1977.

Dated: November 13, 1990.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 90–27129 Filed 11–16–90; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panels; Meetings

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings(s) to be held at 1800 G. Street, NW., Washington, DC 20550 (except where otherwise indicated).

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to provide advice and recommendations to the National Science Foundation concerning the support of research, engineering, and science education. The agenda is to review and evaluate proposals as part of the selection process for awards. The entire meeting is closed to the public because the panels are reviewing proposals that include information of a proprietary or confidential nature, including technical information, financial data, such as salaries; and personal information concerning individuals associated with the prosposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b (c), the Government in the Sunshine Act.

CONTACT PERSON: M. Rebecca Winkler, Committee Management Officer, room 208, 357–7363

Dated: November 13, 1990.

M. Rebecca Winkler,

Committee Management Officer.

Committee name	Agenda	Date(s)	Times	Room *
Special Emphasis Panel in Teacher Preparation and Enhancement.	Teacher Prep. Panel	12/06/90 12/08/90	8:30 a.m.–5 p.m.	635
Special Emphasis Panel in Physics	Pres. Young Invest. Award	11/30/90	9 a.m.–5 p.m.	523
Special Emphasis Panel in Physics	Research Experiences	12/03/90	9 a.m.–5 p.m.	540
Special Emphasis Panel in Astronomical Sciences	Pres. Young Invest. Award	12/05/90	8:30 a.m.–5 p.m.	540B
Special Emphasis Panel in Mathematical Sciences	Pres. Young Invest. Award	12/03/90 12/04/90	8:30 a.m.–5 p.m. 8:30 a.m.–5 p.m.	536

* At 1800 G Steet, NW., Washington, DC.

Committee name	Date(s)	Time	Location
International Programs Review Panel Agenda: Proposal Review—INT	11/29/90	9:30a.m.–3:30 p.m.	State Plaza Hotel, 2117 E Street, NW., Washington, DC.

[FR Doc. 90–27131 Filed 11–16–90; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Abnormal Occurrence Report, Section 208 Report Submitted to the Congress

Notice is hereby given that pursuant to the requirements of section 208 of the Energy Reorganization Act of 1974, as amended, the Nuclear Regulatory Commission (NRC) has published and issued another periodic report to Congress on abnormal occurrences (NUREG–0090, Vol. 13, No. 2).

Under the Energy Reorganization Act of 1974, which created the NRC, an

abnormal occurrence is defined as "an unscheduled incident or event that the Commission (NRC) determines is significant from the standpoint of public health or safety." The NRC has made a determination, based on criteria published in the **Federal Register** (42 FR 10950) on February 24, 1977, that events involving an actual loss or significant reduction in the degree of protection against radioactive properties of source, special nuclear, and by-product material are abnormal occurrences.

The report to Congress is for the second calendar quarter of 1990. The report identifies the occurrences or events that the Commission determined to be significant and reportable; the remedial actions that were undertaken are also described.

The report discusses six abnormal occurrences, none involving a nuclear power plant. There were five abnormal occurrences at NRC licensees: (1) Deficiencies in brachytherapy program; (2) a radiation overexposure of a radiographer; (3) a medical diagnostic misadministration; (4) administration of I–131 to a lactating female with uptake by her infant; and (5) a medical therapy misadministration. An Agreement State (Arizona) reported an abnormal occurrence involving a medical diagnostic misadministration. The report also contains information that updates a previously reported abnormal occurrence.

A copy of the report is available for public inspection and/or copying at the NRC Public Document room, 2120 L Street, NW; (Lower Level), Washington DC 20555, or at any of the nuclear power plant Local Public Document Rooms throughout the country.

Copies of NUREG–0090, Vol. 13, No. 2 (or any of the previous reports in this series), may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013–7082. A year's subscription to the NUREG–0090 series publication, which consists of four issues, is also available.

Copies of the report may also be purchased from the National Technical Information Service, Springfield, VA 22161.

Dated at Rockville, MD this 13th day of November 1990.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 90–27190 Filed 11–16–90; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service; Schedules A, B and C

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: This gives notice of positions placed or revoked under Schedules A and B, and placed under Schedule C in the excepted service, as required by civil service rule VI, Exceptions from the Competitive Service.

FOR FURTHER INFORMATION CONTACT: John Daley, (202) 606–0950.

SUPPLEMENTARY INFORMATION: The Office of Personnel Management published its last monthly notice updating appointing authorities established or revoked under the Excepted Service provisions of 5 CFR part 213 on October 3, 1990 (55 FR 12973). Individual authorities established or revoked under Schedules A, B, or C between September 1, 1990, and September 30, 1990, appear in the listing below. Future notices will be published on the fourth Tuesday of each month, or as soon as possible thereafter. A consolidated listing of all authorities will be published as of June 30, 1990.

Schedule A

The following exception was established:

Department of the Air Force

One position of Supervisory Logistics Management Specialist, GS–346–15, in the 2762nd Logistics Squadron (Special) at Wright-Patterson Air Force Base, Ohio. Effective September 14, 1990.

Schedule B

The following exceptions were established:

Department of Defense, Interdependent Activities

Four positions, GS–15 or below, in the White House Military Office providing support for airlift operations, special events, security, and/or administrative services to the Office of the President. Effective September 4, 1990. The following exception was revoked:

Federal Deposit Insurance Corporation

Up to 569 positions at GS–15 and below engaged in exploring methods to promote stability in the thrift industry, restore the industry to profitability, and protect individual savers. No additional appointments may be made under this authority after September 30, 1990. Effective September 18, 1990.

Schedule C

Department of the Air Force

One Staff Assistant to the Assistant to the Vice President for National Security Affairs. Effective September 20, 1990.

Agency for International Development

One Supervisory Public Affairs Specialist to the Deputy Assistant Administrator, Bureau for External Affairs. Effective September 17, 1990.

One Executive Assistant to the Administrator. Effective September 27, 1990.

Department of Agriculture

One Special Assistant to the Director, Office of Public Affairs. Effective September 17, 1990.

One Confidential Assistant to the Director, Office of Public Affairs. Effective September 17, 1990.

One Confidential Assistant to the Administrator, Food and Nutrition Service. Effective September 27, 1990.

One Special Assistant to the Director, Office of Public Affairs. Effective September 27, 1990.

One Director, Office of Congressional and Public Affairs, to the Manager, Federal Crop Insurance Corporation. Effective September 28, 1990.

Administrative Office of the U.S. Courts

One Writer-Editor to the Legislative and Public Affairs Officer. Effective September 20, 1990.

Department of Commerce

One Confidential Assistant to the Assistant Secretary for Trade Development. Effective September 4, 1990.

One Special Assistant to the Deputy Assistant Secretary for Basic Industries. Effective September 4, 1990.

One Director of Legislative and Intergovernmental Affairs to the Under Secretary for Travel and Tourism. Effective September 4, 1990.

One Special Assistant to the Chief of Staff. Effective September 4, 1990.

One Confidential Assistant to the Deputy Under Secretary for Technology Administration. Effective September 7, 1990.

One Congressional Affairs Specialist to the Congressional Affairs Officer. Effective September 12, 1990.

One Director, Officer of International Technology Policy and Programs, to the Assistant Secretary for Technology Policy. Effective September 17, 1990.

One Confidential Assistant to the Deputy Assistant Secretary for Science and Electronics. Effective September 17, 1990.

One Director of Congressional Affairs to the Under Secretary for Technology. Effective September 17, 1990.

One Director, Office of Policy Coordination, to the Deputy Assistant Secretary for International Economic Policy. Effective September 24, 1990.

One Confidential Assistant to the Under Secretary for Technology. Effective September 28, 1990.

One Confidential Assistant to the Deputy Assistant Secretary for Legislative and Intergovernmental Affairs.

Consumer Product Safety Commission

One Staff Assistant to the Chairman. Effective September 25, 1990.

Department of Defense

One Special Assistant to the Deputy Assistant Secretary (Inter-American Affairs). Effective September 24, 1990.

Department of Energy

One Deputy to the Director, Office of Scheduling and Logistics. Effective September 7, 1990.

One Staff Assistant to the Director, Office of Civilian Radioactive Waste Management. Effective September 7, 1990.

One Special Assistant to the Assistant Secretary for Defense Programs. Effective September 7, 1990.

One Staff Assistant to the Associate Director, Office of Waste Operations. Effective September 7, 1990.

One Director of Scheduling and Logistics to the Secretary. Effective September 7, 1990.

One Staff Assistant to the Special Assistant to the Secretary (Special Projects). Effective September 10, 1990.

Two Public Affairs Specialists to the Director, Office of Public Affairs. Effective September 10, 1990.

One Staff Assistant to the General Counsel. Effective September 17, 1990.

One Staff Assistant to the Senior Policy Specialist, Office of New Production Reactors. Effective September 24, 1990.

Department of Transportation

One Staff Assistant to the Chief of Staff. Effective September 10, 1990.

Department of Education

One Confidential Assistant to the Assistant Secretary for Educational Research and Improvement. Effective September 7, 1990.

One Confidential Assistant to the Assistant Secretary for Postsecondary Education. Effective September 7, 1990.

One Special Assistant for Domestic Policy to the Secretary. Effective September 17, 1990.

One Confidential Assistant to the Director, Office of Public Affairs. Effective September 18, 1990.

One Confidential Assistant to the Director, Center for International Education. Effective September 18, 1990.

One Special Assistant to the Director, Intergovernmental Affairs Staff. Effective September 24, 1990.

One Senior Policy Analyst to the Assistant Secretary for Educational Research and Improvement. Effective September 27, 1990.

Environmental Protection Agency

One Program Advisor to the Assistant Administrator for International Activities. Effective September 7, 1990.

One Staff Assistant to the Director, External Relations and Education Division, Office of Communications and Public Affairs. Effective September 7, 1990.

One Special Assistant to the Deputy Associate Administrator for Communications and Public Affairs. Effective September 27, 1990.

One Program Advisor to the Associate Administrator, Office of Administration and Resources Management. Effective September 30, 1990.

Federal Emergency Management Agency

One Special Assistant to the Director. Effective September 24, 1990.

Federal Maritime Commission

One Confidential Assistant to a Commissioner. Effective September 7, 1990.

One Special Assistant to a Commissioner. Effective September 17, 1990.

Government Printing Office

One Congressional Relations Officer to the Public Printer. Effective September 30, 1990.

General Services Administration

One Special Assistant to the Chief of Staff. Effective September 4, 1990.

One Confidential Assistant to the Deputy Administrator. Effective September 6, 1990.

One Staff Assistant to the Director of Child Care and Development Programs. Effective September 20, 1990.

Department of Health and Human Services

One Special Assistant to the Assistant Secretary for Legislation. Effective September 17, 1990.

One Special Assistant to the Secretary. Effective September 24, 1990.

Department of Housing and Urban Development

One Special Assistant to the General Counsel. Effective September 7, 1990.

One Special Assistant to the Deputy Assistant Secretary for Enforcement and Compliance. Effective September 20, 1990.

One Staff Assistant to the Assistant Secretary for Public and Indian Housing. Effective September 20, 1990.

One Special Assistant to the Under Secretary. Effective September 28, 1990.

Department of the Interior

One Staff Assistant to the Deputy Director, Minerals Management Service. Effective September 4, 1990.

One Special Assistant to the Solicitor. Effective September 12, 1990.

One Special Assistant to the Associate Director, Information and Analysis. Effective September 17, 1990.

One Special Assistant to the Assistant Secretary, Policy, Management and Budget. Effective September 17, 1990.

One Special Assistant to the Assistant Director, Office of Legislative and Congressional Affairs, National Park Service. Effective September 24, 1990.

One Special Assistant to the Executive Assistant to the Secretary. Effective September 24, 1990.

Department of Justice

One Confidential Assistant (Private Secretary), to the Assistant Attorney General, Criminal Division. Effective September 4, 1990.

One Special Assistant to the Director, Bureau of Justice Statistics. Effective September 17, 1990.

One Attorney-Advisor to the Assistant Attorney General, Legislative Affairs. Effective September 20, 1990.

One Special Assistant to the Assistant Attorney General, Civil Division. Effective September 28, 1990.

Department of Labor

One Staff Assistant to the Chief of Staff. Effective September 4, 1990.

One Staff Assistant to the Secretary. Effective September 17, 1990.

National Endowment for the Humanities

One Special Assistant to the Deputy Chairman. Effective September 17, 1990.

Office of Government Ethics

One Attorney-Advisor General to the Director. Effective September 28, 1990.

Office of Management and Budget

One Special Assistant to the Associate Director for Legislative Affairs. Effective September 4, 1990.

Office of National Drug Control Policy

One Confidential Assistant to the Press Secretary. Effective September 4, 1990.

One Confidential Assistant to the Special Assistant to the Director. Effective September 4, 1990.

Pension Benefit Guaranty Corporation

One Staff Assistant to the Deputy Executive Director for Insurance Operations. Effective September 4, 1990.

Small Business Administration

One Special Assistant to the Associate Deputy Administrator for Finance, Investment, and Procurement. Effective September 24, 1990.

Department of State

One Policy Adviser to the Ambassador-at-Large/Permanent Representative to the Organization of American States. Effective September 4, 1990.

One Secretary to the Principal Deputy Assistant Secretary, Bureau of Human Rights and Humanitarian Affairs. Effective September 4, 1990.

One Staff Assistant to the Under Secretary for Political Affairs. Effective September 4, 1990.

One Secretary (Typing), to the Assistant Secretary for Legislative Affairs. Effective September 4, 1990.

Department of the Treasury

One Staff Assistant (Correspondence Review), to the Executive Secretary. Effective September 10, 1990.

One Legislative Analyst to the Assistant Secretary (Legislative Affairs). Effective September 10, 1990.

One Confidential Assistant to the Treasurer of the United States. Effective September 10, 1990.

One Review Officer to the Executive Secretary. Effective September 11, 1990.

One Director, Office of Congressional Relations, to the Director, Office of Thrift Supervision. Effective September 25, 1990.

One Special Assistant to the Assistant Secretary for Public Affairs and Public Liaison. Effective September 27, 1990.

United States Information Agency

One Corporate Liaison Officer to the Associate Director for Programs. Effective September 21, 1990.

Authority: 5. U.S.C. 3301; E.O. 10555, 3 CFR 1954–1958 Comp, P. 218.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 90–27132 Filed 11–16–90; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–28603; SR–NSCC–89–13]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving Proposed Rule Change Concerning the Automated Settlement of Mutual Fund Dividends

November 9, 1990.

The National Securities Clearing Corporation ("NSCC"), on August 14, 1989, filed a proposed rule change (File No. SR–NSCC–89–13) with the Securities and Exchange Commission ("Commission" or "SEC") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] The rule change modifies NSCC's Rules to provide for the automated settlement of mutual fund dividends through NSCC's Networking Service. Notice of this proposal was published in the Federal Register on September 8, 1989, to solicit comments from interested persons.[2] No comments were received. On September 29, 1989, the Commission granted approval of the proposal on a temporary basis through December 31, 1989,[3] and on December 29, 1989, the Commission extended the temporary approval through February 28, 1990.[4] On March 1, 1990, the Commission extended the temporary approval for eight months through October 31, 1990, to collect further information about the operation of the proposed service.[5] On October 17, 1990, NSCC filed an amendment to its proposed rule change.[6] On October 17, 1990, NSCC also requested permanent approval of the proposal.[7] This order approves the proposal as discussed below.

I. Description of the Proposal

The rule change amends NSCC's rule 52, section 17 (captioned "Networking").[8] The proposal authorizes NSCC to establish a networking dividend service and provide automated settlement of cash dividends paid by mutual funds on mutual fund holdings maintained in Networking accounts. This proposal enables a Fund member (*i.e.*, the mutual fund) to make only one distribution payment to NSCC, instead of separate payments to each broker that participates in NSCC's Fund/Serv Networking Service. The Fund member's distribution payment to NSCC is re-distributed by NSCC, through the Networking Service, to the various brokers.[9]

Under the proposal, NSCC provides to the broker-dealer and Fund members using Networking a new file termed the Networking Settlement Summary File ("Summary File"). The Summary File consists of two sub-files: (1) The Networking Settlement Summary Detail Output Record ("Output Record"), and (2) the Networking Settlement Summary Trailer Record ("Trailer Record").

The Output Record details on a daily basis for each Fund member and each broker as of the day before a distribution's payable date ("Payable–1"): (1) The payable and settlement dates,[10] (2) the settlement amounts, and (3) all dividend updates (*i.e.*, additions and corrections) up to and including Payable–1. The Trailer Record details the identical information on a daily basis as of settlement date. NSCC makes the Summary File available at approximately 11 a.m. daily.[11]

---

[1] 15 U.S.C. 78s(b)(1).

[2] *See* Securities Exchange Act Rel. No. 27199 (August 30, 1989), 54 FR 37395.

[3] *See* Securities Exchange Act Rel. No 27324 (September 29, 1989), 54 FR 41707.

[4] *See* Securities Exchange Act Rel. No. 27581 (December 29, 1989), 55 FR 1126.

[5] *See* Securities Exchange Act Rel. No. 27754 (March 1, 1990), 55 FR 8275.

[6] *See* letter from Alison N. Hoffman, Associate Counsel, NSCC to Ester Saverson, Jr., Branch Chief, SEC, dated October 15, 1990. The amendment added that for any mutual fund with a history of late dividend payment to NSCC's dividend service, the service will not distribute dividends in excess of $10 million unless the mutual fund first renders payment to NSCC.

[7] *Id.*

[8] "Networking" is an NSCC mutual fund service, provided on a subscription basis, that permits automated transmission of mutual fund customer account data among NSCC broker-dealers and Fund members. *See* Securities Exchange Act Release No. 26376 (December 20, 1988), 53 FR 52544 (File No. SR–NSCC–88–08).

Section 17, prior to this rule change, had authorized NSCC's member broker-dealers and Fund members to use NSCC's Networking Service for the transmission, among themselves, of mutual fund customer account data. NSCC notes that such services were part of Networking's "initial phase," which provided NSCC members with a centralized data communications system for the exchange of customer information and securities positions. *See* NSCC Important Notice No. A3232, dated August 10, 1989.

[9] NSCC states in its filing that a valid payable date for this purpose will be defined as any date on which New York banks are open for business.

[10] Under the proposal, payable dates and settlement dates ordinarily will be the same. But a Fund member could report its dividend payable information after the payable date. In that case, the settlement date would be the date on which the information was reported. *See* NSCC's Important Notice No. A3232, dated August 10, 1989.

[11] Unless noted otherwise in this order, all times refer to Eastern Time.

Under the proposal, Fund members must pay their cash dividend settlement figures in same-day funds, via Fedwire,[12] no later than NSCC's close-of-business ("COB") on the payable date.[13] NSCC pays its broker members in next-day funds at approximately 3 p.m. daily. Inasmuch as NSCC is paid in same-day funds but pay its members in next-day funds, it credits its broker members with interest earned on those funds.

Under the proposal, dividend payments constitute independent obligations of the Fund members. Accordinglsy, NSCC ordinarily will not net these payments against the Funds member's other settlement balances. If however, as a result of Networking dividend corrections and reversals, a Fund member's settlement figure results in a credit balance, NSCC will repay the balance in next-day funds.[14] NSCC also has amended its proposal concerning distribution of dividends in excess of $10 million: (1) If a mutual fund payor has a history of late dividend payments to NSCC, NSCC will not distribute a dividend in excess of $10 million to its members on behalf of such mutual fund, unless NSCC first has received payment; and (2) where a mutual fund payor has no history of late dividend payments to NSCC, NSCC will make credit determinations of whether to distribute funds on a case-by-case basis.[15]

II. NSCC's Rationale for the Proposal

NSCC states that the proposed rule change is consistent with section 17A of the Act inasmuch as automating the settlement of mutual fund dividends would promote the prompt and accurate clearance and settlement of securities transactions.

III. Discussion

The Commission believes that the proposal is consistent with the Act, particularly section 17A of the Act. Specifically, sections 17A(b)(3) (A) and (F) of the Act provide that a clearing agency be organized to facilitate and its rules be designed to promote the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[16]

The proposal will allow a mutual fund participating in NSCC's Fund/Serv to make a single dividend payment to NSCC, and NSCC then will distribute the dividends to the appropriate broker-dealers, via its Networking Service, in next-day funds. Thus, the Commission believes that the proposal will promote the prompt and accurate clearance and settlement of mutual fund dividends.

In the temporary approval order issued on March 1, 1990,[17] the Commission requested further information about the operation of the proposed service in the form of: (1) Financial safeguards in connection with the extension of credit to mutual funds,[18] and (2) data concerning the timeliness of payments to NSCC by participating mutual funds. In this regard, NSCC has amended its filing to provide that it will restrict credit to any mutual fund payor with a history of late dividend payments to NSCC's dividend service so that the service will not distribute amounts in excess of $10 million on behalf of such mutual funds unless NSCC first has received payment.[19] Additionally, NSCC has provided the Commission with the statistical results for a six month period (March 1, 1990 through August 31, 1990) of the service's mutual fund payment, which shows that of $30,519,723 in expected payments, $29,822,238 (97.71%) was timely received (*i.e.*, received by COB on payable day) and that an additional $694,559 (2.27%) was received the following day. The remainder (0.02%) was received in full within three days after payable day.[20] Thus, the Commission believes that the proposal, as amended, seems to provide adequate procedures to safeguard mutual fund dividends. Moreover, the receipt of payment records (as portrayed by NSCC's six month statistical report) indicate that NSCC's controls are adequate to safeguard mutual fund dividends.

IV. Conclusion

For the reasons discussed in this order, the Commission finds that the proposal is consistent with the requirements of the Act, particularly section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change (SR–NSCC–89–13) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[21]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–27141 Filed 11–16–90; 8:45 am]

BILLING CODE 8010–01–M

[12] "Fedwire" is an acronym for the Federal Reserve System wire facility which provides a system for transferring funds among all 12 Federal Reserve Banks, their 24 branches, the Federal Reserve offices in Washington, DC and Chicago, and the Commercial Credit Corporation. *See* Division of Market Regulation, Securities and Exchange Commission, The October 1987 Market Break, at 1–12 (1988).

[13] The original proposal applied a payment deadline of 1:00 p.m. on settlement day. For technical reasons involving the routine of Fedwire transmissions, the 1 p.m. deadline proved unworkable. Accordingly, the proposal, as amended, has adopted a deadline of COB on settlement day. *See* letter from Alison N. Hoffman, Associate Counsel, NSCC, to Thomas C. Etter, Attorney, SEC, dated February 21, 1990.

[14] NSCC notes in its filing that the dividend payments will not be a guaranteed service. If NSCC were to credit a broker with a dividend and not receive the corresponding debit from the Fund member, the credit would be subject to reversal.

[15] *See, supra,* note 6.

[16] 15 U.S.C. 78q–1(b)(3) (A) and (F) (1989).

[17] *See, supra,* note 5.

[18] Financial safeguards, previously cited to the Commission by NSCC in connection with this service, that would help protect NSCC in its extension of credit to mutual funds include: (1) NSCC's authority under Fund/Serv to reverse the payments it makes to broker-dealers; (2) NSCC's policy of receiving mutual fund dividends from mutual funds in same-day funds and of rendering payment to broker-dealers in next-day funds, which gives NSCC an opportunity to "stop payment" on funds it has issued to broker-dealers; (3) the fact that mutual fund dividends distributed through Networking tend to be in comparatively small amounts relative to NSCC's assets, which itself minimizes NSCC's degree of exposure; and (4) inasmuch as NSCC has the right to recover against either a mutual fund or a broker-dealer, the only risk of loss to NSCC would come from a simultaneous failure of both the payor mutual fund and the payee broker-dealer, a likelihood which NSCC regards as remote. Telephone conversation between Alison N. Hoffman, Associate Counsel, NSCC, and Thomas C. Etter, Jr., Attorney, SEC (December 20, 1989).

[19] *See, supra,* note 6.

[20] *See* letter from Alison N. Hoffman, Associate Counsel, NSCC, to Thomas C. Etter, Attorney, SEC, dated September 28, 1990.

[21] 17 CFR 200.30–3(a)(12).

[Rel. No. 34–26809; International Series Rel. No. 189; File No. SR–NASD–90–55]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Granting Accelerated Approval to Proposed Rule Change Extending the Informational Linkage With the Stock Exchange of Singapore Ltd. for 6 Month Period

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on October 16, 1990, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD has filed, pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder, for Commission authorization to extend for a 6 month period the operation of its Pilot Program with the Stock Exchange of Singapore Limited ("SES"). The Pilot Program currently consist of an interchange of closing price and volume data on 27 NASDAQ securities that are also traded through the SES's facilities. With the thirteen hour time difference (twelve hours during EDT), the trading hours of the SES and NASD markets do not overlap. Hence, the end-of-day information being exchanged under the Pilot Program primarily assist the establishment of opening prices for the following business day. The Pilot Program currently involves no automated order routing or execution capabilities, and no such capability will be established during the proposed extension.

The Commission originally authorized operation of the NASD–SES Pilot Program for a two-year term [1] that was recently extended through November 12, 1990.[2] Commission approval of the instant filing would permit continuation of this Pilot Program through May 12, 1991. During this interval, the NASD will consult with the SES regarding the future structure and operation of the linkage. Prior to the conclusion of the proposed extension, the NASD expects to compile and submit certain additional information requested by the Commission staff on the operation of the NASD–SES linkage.[3] Such information will facilitate the Commission's deliberations on any longer-term extension of this Pilot Program.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The NASD–SES Pilot Program commenced operation with the Commissions's approval of File No. SR–NASD–87–40 on March 14, 1988. The principal features of this program were fully described in section 1 of that form 19b–4, which description is hereby incorporated by reference.[4]

The current authorization of the NASD–SES Pilot Program will expire on November 13, 1990. The NASD, on its own as well as the SES's behalf, hereby request that the Commission approve an interim extension of the Pilot Program for 6 months. This period will enable continuation of the Pilot while the NASD and SES staffs consult on the future direction and structure of the Pilot Program. These matters will be detailed in a subsequently Rule 19b–4 filing.

During the proposed extension, the Pilot Program will continue operating in its present form. Specifically, each market will transmit to the other static price/volume information compiled at the end of each trading day on selected NASDAQ securities.[5] The SES will transmit the closing inside quotation and cumulative reported volume (collectively referred to as "SES information") respecting each Pilot security quoted on the SES. Similarly, the NASD will transmit for each Pilot security the closing inside quotes, cumulative volume, last sale price (for NASDAQ/NMS issues only) and the closing quote of every NASDAQ market maker in each of the 27 Pilot securities (collectively referred to as "NASD information"). Because the SES now employs an order-driven system (known as the "CLOB") rather than a system of competing market makers, SES information received under the Pilot Program no longer includes the closing quotes of individual market makers in Pilot securities.[6] Although some SES members continue to function as dealers, they are not obliged to maintain continuous, two-sided quotes in any of the NASDAQ securities designated as Pilot securities. Hence, the closing inside quotes received from the SES in these securities (which might entirely consist of open limit orders of public investors) may be somewhat wider than the corresponding inside quotes calculated from the bids/offers of NASDAQ market makers that are transmitted to the SES.

The exchange of static, end-of-day information will remain the principal function of the Pilot Program for the duration of the proposed extension. Nonetheless, subject to mutual agreement of the NASD and the SES, the number of Pilot securities may be increased to 35, the number originally authorized by the Commission in 1988. SES information will continue to be provided only to subscribers of NASDAQ Level ⅔ services. Similarly, NASD information transmitted to Singapore will be available only on the terminals used by SES members to access the exchange's CLOB system. Finally, the original agreement between the NASD and the SES will remain in effect for the term of the extended Pilot Program. This agreement, which provides for the sharing of regulatory information as needed, is believed adequate given the limited nature and limited scope of the Pilot Program.[7]

Regarding the statutory basis for the extended Pilot Program, the NASD relies on sections 11A(a)(1) (B) and (C), 15A(b)(6), and 17(A)(a)(1) of the Act. Subsections (B) and (C) of section 11A(a)(1) set forth the Congressional goals of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the execution of investor orders in the best market through the application of new data processing and communications techniques. Section 15A(b)(6) requires in part that the rules of the NASD be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to

[1] *See* Rel. No. 34–25457 (March 14, 1988), 53 FR 9156 (March 21, 1988).

[2] *See* Rel. No. 34–28331 (August 13, 1990), 55 FR 33797 (August 17, 1990) approving File No. SR–NASD–90–42 that authorized the Pilot Program's operation through November 12, 1990.

[3] *See* letter dated September 21, 1990 to Frank J. Wilson, Executive Vice President and General Counsel, NASD, from Kathryn V. Natale, Esq., Assistant Director, Division of Market Regulation, Securities and Exchange Commission.

[4] *See also* Rel. No. 34–25065 (October 28, 1987), 52 FR 42167 (November 3, 1987).

[5] When the Pilot Program commenced operation, 35 NASDAQ securities were selected for inclusion. These securities were listed in Exhibit 2 to File No. SR–NASD–87–40. Over time, 8 securities were deleted for reasons unrelated to the Pilot Program, *e.g.*, mergers and listing on a national securities exchange. At this point, end-of-day information continues to be exchanged on the remaining 27 NASDAQ securities.

[6] This modification in the SES's market structure was not contemplated when the NASD submitted File No. SR–NASD–87–40.

[7] The NASD notes that any substantive enhancement to the Pilot Program, including introduction of an automated order routing and/or execution system, would require concurrent authorizations from the Commission and the Monetary Authority of Singapore. No such enhancement will be implemented during the requested extension.

remove impediments to and perfect the mechanism of a free and open market * * *" Finally, section 17A(a)(1) reflects the Congressional goals of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The NASD submits that extension of the Pilot Program will further these ends by providing the cooperative regulatory environment and operating experience needed for advancement of these goals in the context of internationalization of securities markets.

B. Self-Regulatory Organization's Statement on Burden on Competition

The extended Pilot Program will permit the continued exchange of static market data on a limited group of NASDAQ securities between the NASD and SES on a non-exclusive basis. The cost of supporting the Pilot Program is nominal, and the sponsoring markets absorb their respective costs. The market information being exchanged by the NASD and SES under the Pilot Program is deemed to constitute an exchange of equivalent value. Hence, no additional fee is paid by NASD and SES member firms for receipt of the static data being provided on Pilot securities.

The NASD submits that neither the structure nor operation of the present Pilot Program poses any burden on competition. The brief extension being sought will enable the sponsoring markets to formalize the future objectives and structure of the Pilot Program. These matters will be addressed in a subsequent rule 19b–4 filing that will provide a further opportunity for public comment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 sections 11A(a)(1) (B) and (C), 15A(b)(6), 17A(a)(1) and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing of notice of filing thereof. The Commission believes that accelerated approval is appropriate to avoid termination of the Pilot Program pending formalization of the sponsors' plans for the future operation of this program. The brief extension being approved should allow sufficient time for the NASD to prepare another rule 19b–4 filing regarding this program, which filing will incorporate certain additional information germane to the Commission's deliberations on this matter.[8] Further, the Commission acknowledges the limited nature of the Pilot Program and that no substantive changes will be implemented during the proposed extension. Accordingly, the Commission believes that the Pilot Program should not be terminated under these circumstances.

IV. Solicitation of Comment

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of 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 in the caption above and should be submitted by December 10, 1990.

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 a period of 6 months, allowing the NASD–SES Pilot Program to continue through May 12, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Dated: November 9, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90–27142 Filed 11–16–90; 8:45 am]

BILLING CODE 8010–01–M

[8] *See* note 3. The Commission reiterated in that letter its concerns regarding the approval of the Pilot Program on a permanent basis. As previously communicated, permanent approval will not be granted until the Commission has received information regarding: (1) The monitoring of quotations received from the Stock Exchange of Singapore; (2) procedures established for sharing surveillance information; and (3) data regarding system capacity. In response, the Division has been informed that both the NASD and the SES will take appropriate measures to meet these requirements. Furthermore, as previously communicated to the NASD, this extension is granted with the proviso that the information requested be submitted for Commission review no later than 90 days before expiration of the extension (*i.e.*, February 12, 1991).

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Notice of Review of Petition and Public Hearing

SUMMARY: The purpose of this notice is to announce the acceptance of a petition filed by the American International Group, Inc. (AIG) and the schedule for the public hearing and comment period. A decision on accepting this petition as part of the 1990 GSP Annual Review was deferred at the time this review was initiated (55 FR 34878).

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 414, Washington, DC 20506. The telephone number is (202) 395–6971. Public versions of all documents are also available for review by appointment with the USTR Public Reading room. Documents will be available in the reading room shortly after the filing deadlines. Appointments may be made from 10 a.m. to noon and 1 p.m. to 4 p.m. by calling (202) 395–6186.

SUPPLEMENTARY INFORMATION:

I. Acceptance of Petition for Review

1. Notice is hereby given of acceptance for review of the petition filed by the American International Group, Inc. (AIG) requesting that the GSP status of Peru be reviewed with respect to the criteria listed in subsection 502(b)(4) of the Trade Act of 1974 (the Act), as amended (19 U.S.C. 2461–65).

The AIG petition was filed on June 1, 1990, pursuant to a prior **Federal Register** notice (55 FR 14029) as part of the 1990 GSP Annual Review. In the **Federal Register** notice announcing the petitions accepted as part of the 1990 Annual Review (55 FR 34878), a decision on accepting the AIG petition was deferred. The President's decision regarding the disposition of this petition will be made along with all other petitions being considered as part of the 1990 Annual Review.

2. *Information Subject to Public Inspection.* Information submitted in connection with the hearing will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and 15 CFR 2006.10. Briefs or statements must be submitted in twelve copies in English. If the document contains business confidential information, twelve copies of a nonconfidential version of the submission along with twelve copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

3. *Communications.* All communications with regard to the hearing should be addressed to: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 414, Washington, DC 20506. The telephone number of the Secretary of the GSP Subcommittee is (202) 395–6971. Questions may be directed to any member of the staff of the GSP Information Center.

Acceptance for review of the petition listed herein does not indicate any opinion with respect to a disposition on the merits of the petition. Acceptance indicates only that the petition has been found to be eligible for review by the GSP Subcommittee and the Trade Policy Staff Committee (TPSC), and that such review will take place.

II. Deadline for Receipt of Requests to Participate in the Public Hearing

The GSP Subcommittee of the TPSC invites submissions in support of or in opposition to the AIG petition. All such submissions should conform to 15 CFR part 2007, particularly §§ 2007.0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3).

A hearing is scheduled to be held on January 8 beginning at 10 a.m. in the U.S. International Trade Commission's Hearing room, 500 E Street, SW., Washington, DC The hearing will be open to the public and a transcript of the hearing will be made available for public inspection or can be purchased from the reporting company. No electronic media coverage will be allowed.

Pre-hearing briefs and requests to present oral testimony in connection with public hearing should be accompanied by twelve copies, in English, of all written briefs or statements and should be received by the Chairman of the GSP Subcommittee no later than 5 p.m. Thursday, December 13. Requests to make an oral presentation at the hearing must submit the name, address, and telephone number of the witness(es) representing the requestor. A pre-hearing brief is required of all parties wishing to testify. Oral testimony before the GSP Subcommittee will be limited for each party submitting a brief to five-minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. Substitution of witnesses will be permitted until 5 p.m. Wednesday, December 19. Rebuttal briefs should be submitted in twelve copies, in English, by 5 p.m. Wednesday, January 23, 1991. In order to complete the review by April 1, no opportunity to submit post-hearing briefs concerning this petition will be provided.

David A. Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 90–27191 Filed 11–16–90; 8:45 am]

BILLING CODE 3190–01–M

[Docket No. 301–81–M]

Initiation of Section 302 Investigation, Notice of Proposed Determinations, Notice of Public Hearing, and Request for Written Comments: Denial of Benefits Under a Trade Agreement by the European Communities

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302(b) of the Trade Act of 1974, as amended ("the Trade Act"); notice of proposed determinations; request for written comments; and notice of public hearing.

SUMMARY: The United States Trade Representative (USTR) has determined to initiate an investigation under section 302(b) of the Trade Act with respect to denial of benefits under a trade agreement by the European Communities (EC). The USTR proposes to determine that such benefits have been denied and to take appropriate action. USTR invites written comments and will conduct public hearings on this matter.

DATES: This investigation is effective November 15, 1990. The hearing will be held on November 26, 1990. Written comments from interested persons not participating in the hearing must be filed by 5 p.m. on November 23, 1990, and rebuttal briefs must be filed by noon on November 27, 1990.

ADDRESSES: Comments should be addressed to the Chairman, section 301 Committee, Office of the United States Trade Representative, room 223, 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Bennett Harman, Director, European Community Affairs, (202) 395–3074, or Marilyn Moore, Senior Agricultural Economist, (202) 395–5006, or Richard Steinberg, Assistant General Counsel, (202) 395–7305.

SUPPLEMENTARY INFORMATION: As part of the arrangements for the accession of Portugal and Spain to the European Economic Communities (EEC), the EEC withdrew tariff concessions on products from Portugal and Spain, imposed variable levies on Spanish imports of corn and sorghum, and took other actions affecting U.S. exports, effective beginning March 1, 1986. The average annual value of U.S. exports affected by the EEC's actions exceeded one billion dollars in the 1981–83 period.

In discussions with the EC in 1986, the United States Government sought the removal of certain restrictions and, in accordance with U.S. rights under Articles XXIV and XXVIII of the General Agreement on Tariffs and Trade (GATT), sought appropriate compensation from the EC for the tariff and variable levy actions

On January 29, 1987, the United States Government entered into an "Agreement for the Conclusion of Negotiations Between the United States nd the European Community Under GATT Article XXIV:6." That agreement set forth several measures to be taken by the EC and temporarily compensated the United States by, *inter alia*, reducing duty rates on an autonomous basis on 29 tariff lines and ensuring a minimum access level of imports of two million metric tons of corn and of three hundred thousand metric tons of sorghum into Spain for consumption from non-EC sources. Those measures were to apply until December 31, 1990. The agreement also specified that both parties would initiate in July 1990 a "major review of the situation * * * with the objective of determining at that time what new action, if any, might be appropriate." Both parties reserved "full GATT rights including those which would otherwise be time-limited."

In July 1990, representatives of the Government of the United States and the EC met to initiate a review of the situation. Notwithstanding the U.S. right under GATT Article XXIV to continue compensation for the withdrawal of

concessions associated with the addition of Portugal and Spain to the EEC, the EC has refused to extend such compensation beyond December 31, 1990.

Where a contracting party to the GATT has withdrawn a concession in the expansion of a customs union, Article XXIV of the GATT entitles other contracting parties to negotiated compensation, or, in the absence of a successful negotiation, to use Article XXVIII to "withdraw substantially equivalent concessions." The Article XXVIII right is time-limited and could be construed, in this case, to expire at midnight on December 31, 1990, unless exercised.

Unless the trade measures in the 1987 agreement are extended or a new agreement is reached with the EC, certain trade rights or measures contained in the 1987 agreement might expire at midnight on December 31, 1990. Article XXVIII requires that notice of intent to withdraw substantially equivalent concessions be received by the GATT Contracting Parties thirty days prior to the date that such concessions are withdrawn.

Thus, the United States Government considers itself to be obliged to give notice by December 1, 1990, of the intent of the United States to exercise its Article XXVIII rights after December 31, 1990.

Legal Authority

Section 302(b) of the Trade Act authorizes the USTR to initiate an investigation to determine, *inter alia*, whether United States rights under a trade agreement are being denied. When the USTR has determined, pursuant to section 304 of the Trade Act, that the rights of the United States under a trade agreement are being denied, section 301 of the Trade Act authorizes the USTR to, *inter alia*, suspend the benefits of trade agreement concessions to carry out a trade agreement.

Investigation

Pursuant to section 302(b)(1)(A) of the Trade Act of 1974, as amended, the USTR has determined that an investigation under section 302 should be initiated with respect to the EC's policy and practice in this matter, in order to determine whether it is actionable under section 301.

Proposed Determinations

The USTR proposes that if the United States and the EC are unable to negotiate by midnight on December 31, 1990, a mutually acceptable solution that compensates the United States in accordance with its rights under the GATT, then the USTR will determine that the EC will be denying benefits to the United States under a trade agreement as of midnight December 31, 1990.

Under Article XXVIII of the GATT, the United States Government would have to give thirty days notice prior to withdrawing concessions if negotiations to compensate the United States in accordance with its GATT rights were not successful. Therefore, the USTR proposes to continue attempting to engage the EC in negotiations for compensation, and, if no agreement is reached by December 1, 1990, to give notice to the GATT Contracting Parties on December 1, 1990, of the United States Government's intent to suspend its obligation to maintain tariffs at their appropriate rates on products listed in the Annex. The USTR further proposes that if no agreement is reached by December 31, 1990, then the USTR may increase tariffs after December 31, 1990, on products listed in the Annex.

Expeditious Action Required

Section 304(b) of the Trade Act requires, *inter alia*, consultation with interested persons after giving not less than thirty days notice thereof, unless expeditious action is required. The USTR has determined that expeditious action is required because failure to act by December 1, 1990, could result in forfeiture of United States international legal rights under Article XXVIII of the GATT. Moreover, failure to act by December 1, 1990, could result in the loss of U.S. international legal rights to act after midnight on December 31, 1990, when trade rights or measures contained in the 1987 agreement might expire. Accordingly, it was not possible to provide thirty days notice for comment or hearings on this matter.

Public Hearing

A public hearing requiring this matter will be held at 9 a.m. on November 26, 1990 in Courtroom A, room 100, at the International Trade Commission, 500 E Street, SW., Washington, DC 20436.

Interested persons wishing to testify orally must provide a written request to do so by noon on November 23, 1990, to Ms. Dorothy Balaban, Staff Assistant to the section 301 Committee, Office of the U.S. Trade Representative, room 222, 600 17th Street, NW., Washington, DC 20506. In addition, they must provide the following information: (1) Name, address, telephone number, and firm or affiliation; and (2) a summary of their presentation. After consideration of a request to present oral testimony at the public hearing, the Chairman of the section 301 Committee will notify the applicant of the time of his or her testimony, if the request conforms to the requirements set forth in the regulations promulgated under section 301 of the Trade Act, published at 55 FR 20,593, 20,597 (May 18, 1990) (to be codified at 15 CFR 2006.9). (The citations to regulatory provisions set forth below refer to the sections in 15 CFR part 2006 at which the relevant provisions of the regulations published on May 18, 1990, will be codified.) Remarks at the hearing will be limited to 5 minutes.

In addition, persons presenting oral testimony must submit 20 copies of their complete written testimony, in English, by noon on November 23, 1990, to Ms. Balaban at the address listed above. All written submissions must be filed in accordance with 15 CFR 2006.8.

The public is invited to comment on: (1) Whether the EC policy and practice at issue is actionable under section 301, including comments on whether it denies benefits under a trade agreement; and if so, (2) the appropriateness of subjecting the products listed in the Annex to a suspension of bound duties or an increase in duties in response to the EC policy and practice; (3) the amount of the burden or restriction on U.S. commerce caused by the EC policy and practice; (4) levels at which U.S. customs duties on particular products should be set; and (5) the degree to which increased duties might have an adverse effect on U.S. consumers of the products concerned. The comments submitted will be considered in determining actionability under section 301 and in recommending any action under section 301 to the USTR.

Written Comments

Persons not wishing to participate in the public hearing may submit written comments, in 20 copies, by 5 p.m. on November 23, 1990. All written comments must be filed in accordance with 15 CFR 2006.8.

In order to assure each party an opportunity to contest the information provided by other parties, the section 301 Committee will entertain rebuttal briefs filed by any party, in accordance with 15 CFR 2006.8(c), by noon on November 27, 1990.

Comments will be placed in a file (Docket 301–81) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. (Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked **"BUSINESS CONFIDENTIAL"** in a contrasting color ink at the top of each

page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the public file.) The docket shall be available for public inspection at the USTR Reading Room, room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC. An appointment to review the docket may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading room is open to the public from 10 a.m. to noon and from 1 p.m. to 4 p.m., Monday to Friday.

Andrew W. Shoyer,

Acting Chairman, Section 301 Committee.

BILLING CODE 3190–01–M

Annex

HTS Subheading 1/	Article
	[The bracketed language in this list has been included only to clarify the scope of the numbered subheadings which are being considered, and such language is not itself intended to describe articles which are under consideration.]
	Cheese and curd:
	Blue-veined cheese:
	[Roquefort]
	Other:
0406.40.60	In original loaves
0406.40.80	Other
	Other cheese:
0406.90.15	Edam and Gouda cheeses
	Lettuce (Lactuca sativa) and chicory (Cichorium spp.), fresh or chilled:
	Chicory:
0705.21.00	Witloof chicory (Cichorium intybus var. foliosum)
0705.29.00	Other
	Other nuts, fresh or dried, whether or not shelled or peeled:
0802.40.00	Chestnuts (Castanea spp.)
	Starches; inulin:
	Starches:
1108.13.00	Potato starch
	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
	Mucilages and thickeners, whether or not modified, derived from vegetable products:
	[Agar-agar]
	[Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds]
1302.39.00	Other
	Rapeseed, colza or mustard oil, and fractions thereof, whether or not refined, but not chemically modified:
	[Crude oil]
	Other:
	[Imported to be used in the manufacture of rubber substitutes or lubricating oil]
	Other:
	[Denatured]
1514.90.90	Other
	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:
	Industrial fatty alcohols:
	Derived from fatty substances of animal or vegetable origin:
	[Oleyl]
1519.30.40	Other

1/ Harmonized Tariff Schedule of the United States.

Annex
-2-

HTS Subheading 1/	Article
	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:
	[Cucumbers including gherkins]
	[Onions]
	Other:
	[Capers]
	Other:
	Vegetables:
2001.90.25	Artichokes
	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:
	[Sweet corn (Zea mays var. saccharata)]
	Other vegetables and mixtures of vegetables:
	Fruits of the genus Capsicum (peppers) or of the genus Pimenta (e.g., allspice):
2005.90.50	Pimientos (Capsicum anuum)
2005.90.80	Artichokes
	Yeasts (active or inactive); other single-cell microorganisms, dead (but not including vaccines of heading 3002); prepared baking powders:
	Inactive yeasts; other single-cell microorganisms, dead:
	[Yeasts (except dried brewers' yeast)]
	[Dried brewers' yeast, crude]
2102.20.60	Other
	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavored; ice and snow:
2201.10.00	Mineral waters and aerated waters
	Wine of fresh grapes, including fortified wines; grape must other than that of heading 2009:
	[Sparkling wine]
	Other wine; grape must with fermentation prevented or arrested by the addition of alcohol:
	In containers holding 2 liters or less:
	[Effervescent wine]
	Other:
	Of an alcoholic strength by volume not over 14 percent vol.:
	Valued not over $1.05/liter:
2204.21.4015	White
	Other:
	In containers holding over 2 liters but not over 4 liters:
	Of an alcoholic strength by volume not over 14 percent vol.:
	Valued not over $1.05/liter:
2204.29.2015	White
	Valued over $1.05/liter:
2204.29.2045	White
	Vermouth and other wine of fresh grapes flavored with plants or aromatic substances:
	In containers holding 2 liters or less:
2205.10.30	Vermouth
	Other:
	Vermouth:
2205.90.20	In containers each holding over 2 liters but not over 4 liters
2205.90.40	In containers each holding over 4 liters

1/Harmonized Tariff Schedule of the United States.

Annex
-3-

HTS Subheading 1/	Article
	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 percent vol.; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages:
	Spirits obtained by distilling grape wine or grape marc (grape brandy):
	[Pisco and singani]
	Other:
	In containers each holding not over 4 liters:
2208.20.40	Valued over $3.43/liter
	In containers each holding over 4 liters:
2208.20.60	Valued over 2.38/liter
2208.50.00	Gin and Geneva
	Other:
	Brandy:
	[Slivovitz]
	Other:
	In containers each holding not over 4 liters:
2208.90.30	Valued over $3.43/liter
	In containers each holding over 4 liters:
2208.90.40	Valued over $2.38/liter
2208.90.45	Cordials, liqueurs, kirschwasser and ratafia
	Vegetable alkaloids, natural or reproduced by synthesis, and their salts, ethers, esters and other derivatives:
	[Alkaloids of opium and their derivatives; salts thereof]
	[Alkaloids of cinchona and their derivatives; salts thereof]
	[Caffeine and its salts]
	[Ephedrines and their salts]
	[Theophylline and aminophylline (Theophylline-ethylenediamine) and their derivatives; salts thereof]
	[Alkaloids of rye ergot and their derivatives; salts thereof]
	[Nicotine and its salts]
	Other:
	[Natural]
2939.90.50	Other
	Sheep or lamb skin leather, without wool on, other than leather of heading 4108 or 4109:
	Parchment-dressed or prepared after tanning:
4105.20.30	Not fancy
4105.20.60	Fancy
4111.00.00	Composition leather with a basis of leather or leather fiber, in slabs, sheets or strip, whether or not in rolls

1/ Harmonized Tariff Schedule of the United States.

[FR Doc. 90-27333 Filed 11-16-90; 8:45 am]
BILLING CODE 3190-01-C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Draft Change 3, Advisory Circular 27-1, Certification of Normal Category Rotorcraft, and Draft Change 2, Advisory Circular 29-2A, Certification of Transport Category Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Availability of draft advisory circular (AC) changes.

SUMMARY: This notice announces the availability of and request for comments on Draft Change 3, AC 27–1, Certification of Normal Category Rotorcraft, and Draft Change 2, AC–29–2A, Certification of Transport Category Rotorcraft. The Draft changes contain guidance material for demonstrating compliance with 14 CFR parts 27 and 29 of the Federal Aviation Regulations (FAR).

DATES: Comments must identify Draft Change 3, AC 27–1, or Draft Change 2, AC 29–2A, and must be received by February 22, 1991.

ADDRESSES: Comments may be mailed to FAA, Rotorcraft Standards Staff, ASW–110, Rotorcraft Directorate, Aircraft Certification Service, Fort Worth, Texas 76193–0110.

FOR FURTHER INFORMATION CONTACT: Ms. Jannette Fletcher, Rotorcraft Standards Staff, ASW–110, Rotorcraft Directorate, Aircraft Certification Service, Fort Worth, Texas 76193–0110, telephone (817) 624–5122.

SUPPLEMENTARY INFORMATION: Copies of the draft changes have been mailed to all known affected industry and government entities, both foreign and domestic. Any interested person not receiving these draft changes may obtain a copy by contacting the person named under **"FOR FURTHER INFORMATION CONTACT."**

Interested persons are invited to submit comments on these draft changes. Comments received may be inspected at the office of the Rotorcraft Standards Staff, FAA, building 3B, room 142, 4400 Blue Mound Road, Fort Worth, Texas.

Issued in Fort Worth, Texas, on November 5, 1990.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 90–27170 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

Proposed Advisory Circular; Crash Resistant Fuel Systems in Normal and Transport Category Rotorcraft

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments; draft advisory circular material.

SUMMARY: This notice announces the availability of proposed advisory material pertaining to crash resistant fuel systems (CRFS) in normal and transport category rotorcraft. This material is being developed to provide guidance on rulemaking to add comprehensive CRFS design and test criteria to the airworthiness standards.

DATES: Comments must be received on or before April 3, 1991.

ADDRESSES: Comments on the draft advisory material should be mailed to the FAA, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110.

FOR FURTHER INFORMATION CONTACT: Mrs. Debra H. Myers, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110; telephone (817) 624–5118.

SUPPLEMENTARY INFORMATION: The FAA has issued Notice of Proposed Rulemaking No. 90–24 (55 FR 41000, October 5, 1990), which proposes to add design and test criteria to parts 27 and 29 to minimize fuel (and other flammable fluid) spillage near ignition sources, minimize potential ignition sources and, therefore, improve the evacuation time needed for crew and passengers to escape a postcrash fire. The draft advisory material will provide an acceptable means of compliance with the new CRFS standards, when adopted.

Copies of the draft advisory material have been mailed to all known, affected industry and government entities, both foreign and domestic. Any interested person not receiving this draft advisory material may obtain a copy by contacting the person named under **"FOR FURTHER INFORMATION CONTACT."**

All comments received may be inspected at the office of the Rotorcraft Standards Staff, building 3B, room 142, 4400 Blue Mound Road, Fort Worth, Texas.

Issued in Fort Worth, Texas, on November 8, 1990.

James D. Erickson,

Manager, Rotorcraft Directorate Aircraft Certification Service.

[FR Doc. 90–27172 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

Proposed Advisory Circular; Dynamic Evaluation of Seat Restraint Systems and Occupant Restraint for Rotorcraft (Normal and Transport)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comments; proposed advisory circular material.

SUMMARY: This notice announces the availability of proposed advisory circular material pertaining to dynamic evaluation of seat restraint systems and occupant restraint for normal and transport category rotorcraft. This advisory circular material will provide guidance on recently adopted amendments to the airworthiness standards that significantly improve occupant protection for normal and transport category rotorcraft in a survivable emergency landing impact mode.

DATES: Comments must be received on or before February 22, 1991.

ADDRESSES: Comments on the draft advisory material should be mailed to the FAA, Rotorcraft Standards Staff, Forth Worth, Texas 76193–0110.

FOR FURTHER INFORMATION CONTACT: Mrs. Debra H. Myers, Rotorcraft Standards Staff, Fort Worth, Texas 76193–0110; telephone (817) 624–5118.

SUPPLEMENTARY INFORMATION: The FAA adopted Amendments 27–25 and 29–29 (55 FR 47310, November 13, 1989), effective December 13, 1989, that added two dynamic crash impact design conditions for seat and occupant restraint systems and that also increased the static design load factors for the occupant seating devices. This advisory material will provide an acceptable means of compliance with the new occupant restraint standards.

Copies of the draft advisory material have been mailed to all known, affected industry and government entities, both foreign and domestic. Any interested person not receiving this draft advisory material may obtain a copy by contacting the person named under **"FOR FURTHER INFORMATION CONTACT."**

All comments received may be inspected at the office of the Rotorcraft Standards Staff, building 3B, room 142, 4400 Blue Mound Road, Fort Worth, Texas.

Issued in Forth Worth, Texas, on November 8, 1990.

James D. Erickson,

Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 90–27171 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

Environmental Impact Statement; Memphis International Airport Master Plan; Memphis, Shelby County, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Aviation Administration intends to prepare an Environmental Impact Statement to address environmental and related impacts expected to be associated with the implementation of the Master Plan, Memphis International Airport, Memphis, Shelby County, Tennessee.

FOR FURTHER INFORMATION CONTACT: Peggy S. Kelley, Planner, FAA Airports District Office, 3973 Knight Arnold Road, suite 105, Memphis, TN 38118–3004. Telephone Number 901–544–3495.

SUPPLEMENTARY INFORMATION: The proposed airfield development will involve: Construction of Runway 18E–36E, 9000 feet long and 150 feet wide, 927 feet east of Runway 18L–36R; construction of parallel taxiways, high-speed exists, and connecting taxiways; installation of runway, taxiway, and approach lighting systems for Category III approaches to Runway 18E–36E; removal of Swinnea Road between Winchester Road and Shelby Drive and relocation of utilities; construction of replacement for Swinnea Road along alignment of Nancy Street; relocation and channelization of Hurricane Creek; lowering of Winchester Road to provide clearances and extension of tunnel under Runway 18L–36R; extension of Runway 18L–36R up to 2,700 feet to the south, with connecting taxiways and relocation of navigation aids; reconstruction and strengthening of Winchester road tunnel; lowering of Shelby Drive; construction of other taxiways; reconstruction of Runways 18L–36R, 18L–36L and 9–27; extension of Taxiway A; relocation of the VORTAC; and deactivation of Runways 15–33 and 3–21. The proposed development will involve acquisition of approximately 313 acres primarily east and south of the airport. Other proposed development includes increased passenger and employee parking, rental car service facilities and increased passenger terminal facilities. The area south of the existing passenger terminal between the two parallel runways will be reserved for potential long-term terminal development. The area east of Runway 18E–36E will be developed for airline and airport support facilities.

The FAA plans to coordinate with Federal, State, and local agencies which have jurisdiction by law or have special expertise with respect to any environmental impacts associated with the project. Preliminary project scoping meetings were held in 1986 and 1988. A formal project scoping meeting was held in February 1989. Several agencies have been involved in the preparation and/or review of the Environmental Assessment. Public workshops were held and public hearings were conducted by the Memphis Shelby County Airport Authority. Comments by the public have been received as a result of these meetings and incorporated in the Environmental Assessment. All interested agencies, organizations, and persons are invited to provide input and comments for refining the Environmental Impact Statement. Comments should be directed to FAA Airports District Office, 3973 Knight Arnold Rd., Suite 105, Memphis, TN 38118–3004.

The Environmental Assessment for the Master Plan, Memphis International Airport, Memphis, Tennessee, is available for review at the Memphis-Shelby County Airport Authority's office, FAA Memphis Airports District Office and at libraries in the vicinity of the airport.

Comments should be made within 30 days of the date of this notice.

Issued on November 1, 1990.

Billy J. Langley,

Manager, Memphis ADO.

[FR Doc. 90–27166 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

[Special Committee 159]

Radio Technical Commission for Aeronautics (RTCA); Minimum Operational Performance Standards for Supplemental Airborne Navigation Equipment Using Global Positioning System; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., appendix I), notice is hereby given for the Sixteenth Meeting of Special Committee 159 on Minimum Operational Performance Standards for Supplemental Airborne Navigation Equipment using Global Positioning System (GPS) to be held December 13–14, 1990, in the RTCA Conference Room, One McPherson Square, 1425 K Street, NW., suite 500, Washington, DC 20005.

The agenda for this meeting is as follows: (1) Chairman's remarks; (2) Approval of minutes of the Fifteenth Meeting held on July 30–August 1, 1990; (3) Reports of Working Group activities; (a) Integrity implementation; (b) Operations; (c) Test requirements; (4) Reports on GPS/GLONASS activities; (5) Review of EUROCAE and other comments; (6) Review of second draft of the Committee Report; (7) Assignment of tasks; (8) Other business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street, NW., suite 500, Washington, DC 20005; (202) 682–0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 13, 1990.

Geoffrey R. McIntyre,

Designated Officer.

[FR Doc. 90–27173 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTION

Federal Railroad Administration

Petition for Exemption or Waiver; Wabash and Grand River Railway, Co., et al

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that seven railroads have petitioned the Federal Railroad Administration (FRA) for a waiver of compliance with provisions of the Hours of Service Act (83 Stat. 464, Pub. L. 91–189, 45 U.S.C. 64a(e)).

The Hours of Service Act currently makes it unlawful for a railroad to require specified employees to remain on-duty in excess of 12 hours. However, the Hours of Service Act contains a provision permitting a railroad which employs not more than 15 employees subject to the statute, to seek an exemption from the 12-hour limitation.

Wabash & Grand River Railway, Company (WGRY)

[FRA Waiver Petition Docket No. HS–90–17]

The WGRY seeks an exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The WGRY states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The WGRY provides service over 40 miles of trackage between Norfolk Southern connection at Brunswick, Missouri, to Chillicothe, Missouri.

The petitioner indicates that granting the exemption is in the public interest

and will not adversely affect safety. Additionally, the petitoner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Wiregrass Central Railroad Company, Inc. (WCGR)

[FRA Waiver Petition Docket No. HS–90–22]

The WCGR seeks an exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The WCGR states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The WCGR provides service over 23 miles of trackage between CSX Transportation connection at Waterford, Alabama, to Enterprise, Alabama.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Mississippi Delta Railroad (MSDR)

[FRA Waiver Petition Docket No. HS–90–16]

The MSDR seeks an exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The MSDR states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The MSDR provides service over 60 miles of trackage between Illinois Central connection at Swan Lake, Mississippi, to Jonestown, Mississippi.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Alabama & Florida Railroad Company (AFLR)

[FRA Waiver Petition Docket No. HS–90–21]

The AFLR seeks an exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The AFLR states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The AFLR provides service over 78 miles of trackage between CSX Transportation connection at Georgianna, Alabama, to Geneva, Alabama.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Ontario Midland Railroad (OMID)

[FRA Waiver Petition Docket No. HS–90–15]

The OMID seeks continuation of a previously issued exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The OMID states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The OMID provides service, on two interconnected lines joined at Wallington, New York. The first line is between Newark, New York and Sodus Point, New York, a distance of 15 miles. The second line is between West Webster, New York and Red Creek, New York, a distance of 40.6 miles. Total mileage operated by the OMID is 55.6 miles.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Ontario Central Railroad (ONCT)

[FRA Waiver Petition Docket No. HS–90–20]

The ONCT seeks continuation of a previously issued exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The ONCT states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The ONCT provides service over 13 miles of trackage between East Shortsville and West Victor, New York.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Pioneer Valley Railroad (PVRR)

[FRA Waiver Petition Docket No. HS–90–18]

The PVRR seeks continuation of a previously issued exemption so it may permit certain employees to remain on-duty not more than 16 hours in any 24-hour period. The PVRR states that it is not its intention to employ a train crew over 12 hours per day under normal circumstances, but this exemption, if granted, would help its operation if unusual operating conditions are encountered. The PVRR provides service over 26 miles of trackage between Westfield and Holyoke, and between Westfield and Easthampton, all within the State of Massachusetts.

The petitioner indicates that granting the exemption is in the public interest and will not adversely affect safety. Additionally, the petitioner asserts it employs not more than 15 employees and has demonstrated good cause for granting this exemption.

Interested persons are invited to participate in these proceedings by submitting written views and comments. FRA has not scheduled a public hearing since facts do not appear to so warrant. If any interested party desires a public hearing, he or she should notify FRA in writing, before the end of the comment period and specify the basis for his or her request. Any communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number HS–90–XX) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

Communications received before January 15, 1991, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All comments received will be available for examination both before and after the closing date for comments during regular business hours (9 a.m.–5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Issued in Washington, DC on November 7, 1990.

J.W. Walsh,

Associate Administrator for Safety.

[FR Doc. 90–27154 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–16–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket S-873]

Lykes Bros. Steamship Co., Inc.; Extension of Time for Comments in the Matter of Docket S-873

Notice is hereby given that the closing date for comments in Docket S-873 application of Lykes Bros. Steamship Co., Inc. is extended to December 14, 1990. The Notice of Application of Docket S-873 was published in the **Federal Register** of November 8, 1990 (55 FR 47024-47025).

(Catalog of Federal Domestic Assistance Program No. 20.804 (Operating-Differential Subsidies)).

By Order of the Maritime Administrator.

Dated: November 14, 1990.

James E. Saari,

Secretary, Maritime Administration.

[FR Doc. 90-27202 Filed 11-16-90; 8:45 am]

BILLING CODE 4910-81-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 223
Monday, November 19, 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).

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

Executive Committee Meeting

DATE AND TIME:

December 11 and 12, 1990
1:00 p.m.—9:00 p.m.; and
9:00 a.m.—4:30 p.m., respectively

PLACE: Embassy Suites Hotel, 1250 22nd Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE DISCUSSED:

Opening Remarks, Chairman Reid
General Discussion
NCLIS Budget, FY 1991 and 1992
Discussion, Orientation for New Members
Discussion, January Reorganization Meeting
White House Conference Update
NCLIS Program Plans
Discussion, Hearings for Native Americans
NCLIS Unfinished Business
Review, NCLIS Meeting Agendas and Dates for Future Meetings
New Business

Special provisions will be made for handicapped individuals by calling Barbara Whiteleather, (202) 254–3100, no later than one week in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Barbara Lee Whiteleather, Special Assistant to the Director, 1111 18th Street, N.W. (310), Washington, D.C. 20036, (202) 254–3100.

Dated: November 8, 1990.

Peter R. Young,

NCLIS Executive Director.

[FR Doc. 90–27288 Filed 11–15–90; 12:10 pm]

BILLING CODE 7527–01–M

Corrections

Federal Register
Vol. 55, No. 223
Monday, November 19, 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

Animal and Plant Health Inspection Service

9 CFR Part 301

[Docket No. 90-114]

RIN 0579-AA29

Citrus Canker

Correction

In rule document 90-21351 beginning on page 37442 in the issue of Tuesday, September 11, 1990, make the following correction:

On page 37450, in the third column, § 301.75-2(c) should read as follows:

§ 301.75-2 [Corrected]

* * * * *

(c) Regulated articles moved interstate with a limited permit to an area of the United States that is not a commercial citrus-producing area may not subsequently be moved interstate into any commercial citrus-producing area.

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-3848-2]

Standards of Performance for New Stationary Sources; Test Methods in Appendix A and Performance Specifications in Appendix B; Technical Amendment

Correction

In rule document 90-24498 beginning on page 47471 in the issue of Wednesday, November 14, 1990, make the following correction:

On page 47473, in the first column, in the fifth line, the second "5A" should read "5A˚".

BILLING CODE 1505-01-D

federal register

Monday
November 19, 1990

Part II

Department of the Interior

Bureau of Indian Affairs

Environmental Impact Statement (EIS) for Proposed Lease to Construct a Hazardous Waste Incinerator and Landfill on Kaw Tribal Lands, Formerly Part of Chilocco School Reserve, Kay County, OK; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Environmental Impact Statement (EIS) for Proposed Lease to Construct a Hazardous Waste Incinerator and Landfill on Kaw Tribal Lands, Formerly Part of Chilocco School Reserve, Kay County, Oklahoma

AGENCY: Bureau of Indian Affairs (BIA), Interior.

ACTION: Notice of intent and public scoping meetings.

SUMMARY: This notice advises the public that the Department of the Interior, Bureau of Indian Affairs, in cooperation with the Kaw Indian Tribe and Waste-Tech Services, intends to gather information necessary for the preparation of an EIS for the proposal to lease approximately 855 acres of Indian trust land for use as a hazardous waste incineration facility and associated ash landfill in Kay County, Oklahoma.

Public scoping meetings will be held to solicit suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS. This notice is required by the National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7).

DATES: Comments should be received on or before December 27, 1990. The scoping meetings will be held to identify issues and alternatives to be evaluated in the EIS. The dates and locations of the scoping meetings are as follows:

November 28, 1990, 7 p.m., New Kirk High School Auditorium, 9th and Main, New Kirk, Oklahoma; November 29, 1990, 7 p.m., Northwest Community Center, 615 West Birch, Arkansas City, Kansas.

Comments and participation in the scoping process are solicited and should be directed to the addresses noted below. Significant issues to be covered during the scoping process will include socioeconomic conditions, surface use, air quality, surface and subsurface water quality, archeological, cultural, and historic site concerns, biotic resources, State and Federal permitting requirements, and site closure and post closure stipulations.

ADDRESSES: Comments should be addressed to William Collier, Area Director, Bureau of Indian Affairs, Anadarko Area Office, P.O. Box 368, Anadarko, OK 73005, or ENSR Consulting and Engineering, 1716 Heath Parkway, Fort Collins, CO 80524.

FOR FURTHER INFORMATION CONTACT: Mike Reed, Environmental/Coordinator, Bureau of Indian Affairs, Anadarko Area Office, P.O. Box 368, Anadarko, Oklahoma 73005, telephone (405) 247–6673.

SUPPLEMENTARY INFORMATION: The Bureau of Indian Affairs, in cooperation with Waste Tech Services Inc., of Golden, Colorado, will prepare an EIS for the proposed lease of approximately 855 acres of Kaw Tribal land located on the old Chilocco School Reserve in north central Oklahoma (sections 21 & 22, township 29N, range 2E, Indian Meridian). The lease would allow Waste-Tech to install a RCRA permitted treatment, storage, and disposal facility (TSD).

The TSD facility would be fully integrated, consisting of a receiving and waste analysis station, a rotary kiln incinerator to thermally destruct hazardous chemical waste regulated under RCRA and an adjacent landfill for the disposal of ash. Treated wastes would be primarily from the chemical and refinery industry and would arrive at the site by truck or rail. The facility is not designed to accept or treat radioactive wastes, explosives, dioxins, PCB's in amounts greater than 50 parts per million, infectious medical waste or municipal solid wastes.

The TSD facility would occupy approximately 130 acres of approximately 855 acres under lease. The landfill would eventually occupy slightly less than 100 acres. Construction of the facility would require approximately two years. An operational work force of approximately 110 people would be expected for the life of the facility.

Information describing the proposed TSD facility will be sent to all Federal, Tribal, State or Local agencies or to any private organization(s) and citizen(s) expressing an interest in this proposal.

Principal alternatives identified for consideration in the EIS are the proposed action of an incinerator and landfill on-site, an incinerator facility as in the proposed action but without an adjacent landfill, an incinerator and landfill on-site but with different facility access and transportation routes, and no development of the site (no action).

A draft EIS is expected to be available by the end of February, 1991.

This notice is published pursuant to Sec. 1501.7 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 437 *et seq.*), Department of the Interior Manual (516 DM 1–6) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM–8.

Dated: November 9, 1990.

Stan Speaks,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 90–27153 Filed 11–16–90; 8:45 am]

BILLING CODE 4310–02–M

federal register

Monday
November 19, 1990

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Part 139

Airport Certification and Operations; Clarification of Various Provisions; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 139

[Docket No. 25698; Amdt. No. 139-17]

RIN 2120-AD10

Airport Certification and Operations; Clarification of Various Provisions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This final rule makes two changes to the certification and operations regulations of land airports serving air carriers. The first change revises the certification requirements to provide that a person operating an uncertificated airport may serve, when authorized by the Administrator, unscheduled air carrier operations with aircraft having a seating capacity of more than 30 passengers. As revised, airport certification requirements and the regulations applicable to air carrier operations are consistent in this regard. The second change clarifies responsibility for the establishment of and compliance with rules for airport ground vehicle operations by tenants, contractors, and employees. This change is necessary to address the responsibility of certificate holders with regard to ground vehicle operations.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Jose Roman, Airport Safety and Operations Division (AAS-300), Office of Airport Safety and Standard, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 724-0356.

SUPPLEMENTARY INFORMATION:

Background

Part 139 of the Federal Aviation Regulations (FAR) prescribes rules governing the certification and operation of land airports servicing certain air carrier operations conducted with aircraft having a seating capacity of more than 30 passengers. In 1987, FAA issued a final rule, Amendment No. 139-14 (52 FR 44276; November 18, 1987), that revised and reorganized part 139 to clarify it, to define certain requirements more specifically, and to impose additional safety requirements. After the issuance of the final rule, it became evident to the FAA that changes were necessary to make these regulatory requirements consistent with air carrier operations regulations and to further clarify the requirements of part 139. In addition, on October 11, 1988, FAA received a joint petition for rulemaking from the Airport Operators Council International (AOCI) and the American Association of Airport Executives (AAAE) to clarify responsibility for regulatory violations concerning airport ground vehicle operations. As a result, FAA issued a Notice of Proposed Rulemaking (NPRM) No. 89-30 on October 10, 1989 (54 FR 42912; October 18, 1989).

The NPRM proposed two changes. First, it proposed to amend § 139.101(b) to allow the Administrator to authorize the operator of an uncertificated airport to serve unscheduled air carrier operations with aircraft having a seating capacity of more than 30 passengers. This change was proposed to make the certification regulations in part 139 consistent with the operations regulations in § 121.590 that permit such operations when authorized by the Administrator.

Second, in response to the AOCI/AAAE petition, the NPRM proposed to clarify the obligations of airport operators under § 139.329 with regard to the operation of ground vehicles where there is access to the airport movement areas. Section 139.329 currently states, in pertinent part, "Each certificate holder shall—* * * (e) Ensure that each employee, tenant, or contractor who operates a ground vehicle on any portion of the airport which has access to the movement area is familiar and complies with the airport's rules and procedures for the operation of ground vehicles * * *."

The petitioners raised the concern that the words "and complies" in paragraph (e) of § 139.329 could be interpreted to place strict liability on airport operators for any ground vehicle violations. The petitioners noted that the words "and complies," found in the 1987 final rule revising part 139, were not included in the proposed rule language of the antecedent NPRM published in 1985 (50 FR 43094; October 23, 1985). The petitioners noted also that the change in the wording of the rule provision from the 1985 NPRM to the 1987 final rule was not discussed in the preamble of that final rule.

A summary of the petition was published in the **Federal Register** on November 14, 1988 (53 FR 45771). In response to the petition, the FAA received approximately 20 comments supporting the request for change. No responses were received opposing the petition, although the Air Line Pilots Association (ALPA) has since stated that it submitted opposing comments in response to the petition summary. The FAA has no record of receipt of ALPA's comments at that time; however, its comments were resubmitted in response to the NPRM in this rulemaking (NPRM No. 89-30), and have been considered and addressed in the discussion of comments below.

The FAA concurred with AOCI/AAAE that the language in § 139.329(e) should be revised, and the petitioners' issue was addressed in NPRM No. 89-30 issued last October. The preamble to the NPRM stated that it was not the intent of the FAA in the 1987 revision to establish strict liability on the part of the airport operators with regard to ground vehicle operations; rather, the intent was to require airport operators to have adequate procedures to control ground vehicle operations where there is access to the airport movement areas. The NPRM proposed to delete the words "and complies" from § 139.329(e) and to modify paragraphs (b) and (e) of § 139.329 to clarify the responsibilities of airport operators.

Discussion of Comments

The FAA received 194 comments in response to the NPRM. None of these comments addresses the proposed revision to § 139.101(b); hence, the revision is adopted as proposed. As revised, § 139.101(b) will permit the operator of an uncertificated airport, when authorized by the Administrator, to serve unscheduled air carrier operations with aircraft having a seating capacity of more than 30 passengers. This revision is designed to address emergency and unusual circumstances.

Of the 194 comments that addressed the issue of control of ground vehicles, 192 are in general agreement. Most of the comments received were from airport operators representing a broad spectrum of airports. Almost 90 percent of the comments received were similar letters that used text suggested by AAAE. This text urged adoption of the proposed revision. The text stated further that, on a broader level, there is concern about the FAA's apparent general policy of holding airport operators liable for violations of regulations by tenants, independent contractors, and others whose behavior the airport operator cannot reasonably control. Four commenters submitted essentially identical letters that used language developed by AOCI. These commenters state that, while they prefer the AOCI proposal to revise § 139.329(e) by simply deleting "and complies," they do not oppose the FAA's more extensive proposal to revise paragraph (b) as well. While applauding FAA's action to clarify the strict liability concerns raised by § 139.329(e), these commenters point out that airports are subject to strict

liability for violations of other regulations by tenants and contractors, *e.g.*, certain security violations of FAR part 107; they urge FAA to change its policy of holding airports strictly liable under such regulations for the actions of others which these commenters believe they cannot reasonably control.

The two commenters who oppose this clarification of airport operator liability argue that responsibility for safe ground vehicle operations should reside with the airport operator and should not be abrogated. One, an aviation service company, a tenant on a public-use airport, adamantly disagrees with the proposed revision that it views as relieving airport operators from ground vehicle operation responsibility. This commenter states that mismanagement of operational aspects of an airport rightly should place the airport operator's certificate in jeopardy. The other, Air Line Pilots Association (ALPA), also opposes the clarification that limits airport operators' responsibility. In particular, ALPA notes that control of ground vehicles is a significant safety problem at many airports, and "* * * the airport is the proper authority to regulate and enforce the movement of ground vehicles."

Additionally, ALPA believes that the FAA should assist each airport operator in developing a program addressing every aspect of ground vehicle movement. In ALPA's view, such a program would include a requirement to train and license drivers and to establish and enforce penalties for noncompliance. It further suggests that the FAA incorporate the provisions of future advisory circulars (AC's) relating to ground vehicle operations into the pertinent regulatory text.

The FAA agrees with ALPA that ground vehicle operations in airport movement areas must adhere to established airport procedures. Indeed, the final rule clarifies the airport operator's obligation in this regard by requiring the airport operator to "establish and implement procedures" for ground vehicle operation, including "identifying the consequences of noncompliance." And, as ALPA further notes, there are several airports with noteworthy ground vehicle operations programs currently in effect. While the FAA acknowledges the necessity for each airport to develop comprehensive ground vehicle operations procedures, it also recognizes that such procedures must reflect the specific needs of each airport. The procedures may vary based upon airport size and complexity, the number and type of ground vehicle operations, and other differences among airports. Therefore, while the FAA has not mandated a specific uniform program, it will continue to assist airport operators in developing procedures consistent with each airport's particular circumstances.

The National Air Transportation Association (NATA) in its comments does not object to the language proposed in the NPRM, but it does express concern about what it describes as a continuing effort by airport operators to avoid responsibility for activities occurring on airports. NATA favors airport operators establishing and implementing adequate procedures for the safe operation of ground vehicles. Not only is it in the tenant's best interest to operate ground vehicles safely, adds NATA, but the potential cost of unsafe operations is an economic incentive for employers of ground vehicle operators to ensure that their employees are properly trained.

Concurring with NATA's argument for retention of airport operators' responsibility for airport operations, the FAA is issuing this rule revision—not to relieve airport operators of responsibility—but rather to clarify the extent of their duties and obligations. FAA agrees also with NATA's focus on training regarding ground vehicle safety. It is the FAA's position that ground vehicle operation safety on airports can best be accomplished by developing comprehensive guidelines and appropriate training requirements for airport personnel, tenants, contractors and others who operate these vehicles. Consequently, a jointly developed FAA and industry report entitled "A Guide to Ground Vehicle Operations on the Airport," soon to be issued by the FAA, addresses employee instruction regarding safe ground vehicle operation, and includes information on signs, lights, markings and tower communications.

While supportive of this clarification of existing regulatory text, the Air Transport Association (ATA) believes that the revision should address "reasonableness" with regard to program establishment and implementation. The FAA finds that the "reasonableness" of any vehicle operations program is fostered by the exchange of information among the airport sponsor, tenants, air carriers and other operators on the airport who meet regularly with the airport sponsor to discuss operational and other matters. The FAA's review of ground vehicle control procedures when they are initially established, during the annual airport certification inspection, and during surveillance or other inspections provides ample opportunities to address the reasonableness of an airport's program.

Another commenter suggests that additional language be added to § 139.329 (b) and (e) to specify in detail the consequence of violations, "including fines and/or temporary loss of driving privileges." The FAA does not agree that such specificity in the regulations is necessary. Because of the size, complexity, and diversity of airport operations, the specific consequences of violations are best addressed in each airport's procedures.

Several commenters articulate concerns that are far broader than the issues presented for consideration in the NPRM. Some of these concerns—such as airport operators' liability for the actions of tenants and contractors in circumstances unrelated to ground vehicle operations—were incorporated in the text provided by AAAE and AOCI and used by the majority of commenters. For example, the Tupelo (Mississippi) Airport Authority's submission, after noting its support of the proposed revision, adds: "We also urge a review of FAA's policy of holding airport operators liable for an array of other tenant infractions * * *."

Other commenters make reference to fines imposed for regulatory infractions. For example, comments submitted by the Ocala (Florida) Municipal Airport note that, unlike the impact on larger airports such as those in Atlanta, Chicago or Orlando, imposition of significant fines on the Ocala Municipal Airport would "have a devastating impact."

In a similar vein, comments submitted by the New Orleans International Airport state that "airports already face liability for violations by tenants and others over which we have no control. These violations and the attendant fines are levied in spite of the fact that the airports have taken corrective action in an expeditious manner."

While expressing strongly held opinions, these comments are beyond the scope of this rulemaking action and, therefore, do not directly affect the issuance of this final rule. The FAA has worked and will continue to work cooperatively with airport operators to assure compliance with the requirements of Part 139.

This amendment to § 139.329 differs from the proposed rule in one minor respect. The word "procedures" is used in both paragraphs (b) and (e) in lieu of the words "program" and "rules and procedures" contained in the NPRM. This change is intended to maintain consistent terminology.

In summary, this final rule amending § 139.329(b) requires operators to establish and implement procedures for safe ground vehicle operation in airport movement and safety areas, including identifying and consequences of noncompliance with the procedures by employees, tenants, and contractors. In contrast, the text of this section prior to revision mandated that airport operators only provide procedures for such ground vehicle operations. Consequently, the final rule clearly holds airport operators responsible for developing and implementing procedures appropriate to the airport, as well as for identifying the consequences of noncompliance.

Additionally, this final rule changes § 139.329(e) to require that airport operators ensure that employees, tenants, and contractors operating ground vehicles where there is access to the movement areas are familiar with the consequences of noncompliance with the procedures. The requirement for the airport operator to ensure that employees, tenants, and contractors are familiar with the procedures remains unchanged. Prior to this revision, this section included language that an airport operator ensure that each individual who operates a ground vehicle "complies with" the airport's procedures for ground vehicle operations. The revised rule eliminates the language that created uncertainty about airport operators' liability and clearly establishes airport operators' responsibility for communicating the consequences for noncompliance.

Paperwork Reduction Act

The amendment to §§ 139.101 and 139.329 do not change any recordkeeping or reporting burden associated with those sections. Information collection requirements in part 139 have previously been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB Control Number 2120–0063.

Regulatory Evaluation

The changes to Part 139 will likely result in some regulatory relief and impose negligible costs upon certificate holders. The amendment to § 139.329(e) will provide some regulatory relief through language clarification because the airport operator will no longer be misperceived as the guarantor of the compliance of all its tenants and contractors. The FAA has not quantified any specific economic benefits, although there are some perceived benefits, as reflected in the AOCI/AAAE petition. The amendment to § 139.329(b), however, may impose negligible costs because the standard will require the certificate holder to also identify the consequences of noncompliance. In conclusion, the FAA has determined that the expected economic impact of the amendments are minimal and, therefore, a full Regulatory Evaluation is not warranted.

International Trade Impact Analysis

The amendments affect only airports subject to part 139 of the Federal Aviation Regulations. Accordingly, the amendments have no impact on trade opportunities for U.S. firms doing business overseas and foreign firms doing business in the United States.

Federalism Implications

The regulations herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Evaluation and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291 and not significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Additionally, it is certified that, under the criteria of the Regulatory Flexibility Act, this regulation will not have a significant economic impact, positive or negative, on a substantial number of small entities.

List of Subjects in 14 CFR Part 139

Air carriers, Aircraft, Airports, Airplanes, Air Safety, Aviation Safety, Air transportation, Safety, Transportation.

The Amendments

In consideration of the foregoing, the Federal Aviation Administration amends part 139 of the Federal Aviation Regulations (14 CFR part 139) as follows:

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CERTAIN AIR CARRIERS

1. The authority citation for part 139 is revised to read as follows:

Authority: 49 U.S.C. App. 1354(a) and 1432; 49 U.S.C. section 106(g) (Revised, Pub. L. 97–449, January 12, 1983).

2. Section 139.101 is revised to read as follows:

§ 139.101 Certification requirements: general.

(a) No person may operate a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, serving any scheduled passenger operation of an air carrier operating an aircraft having a seating capacity of more than 30 passengers without an airport operating certificate, or in violation of that certificate, the applicable provisions of this part, or the approved airport certification manual for that airport.

(b) Unless otherwise authorized by the Administrator, no person may operate a land airport in any State of the United States, the District of Columbia, or any territory or possession of the United States, serving any unscheduled passenger operation of an air carrier operating an aircraft having a seating capacity of more than 30 passengers without a limited airport operating certificate, or in violation of that certificate, the applicable provisions of this part, or the approved airport specifications for that airport.

3. By amending § 139.329 by revising paragraphs (b) and (e) to read as follows:

§ 139.329 Ground vehicles.

* * * * *

(b) Establish and implement procedures for the safe and orderly access to, and operation on, the movement area and safety areas by ground vehicles, including provisions identifying the consequences of noncompliance with the procedures by an employee, tenant, or contractor;

* * * * *

(e) Ensure that each employee, tenant, or contractor who operates a ground vehicle on any portion of the airport that has access to the movement area is familiar with the airport's procedures for the operation of ground vehicles and the consequences of noncompliance; and

* * * * *

Issued in Washington, DC, on November 13, 1990.

James B. Busey,

Administrator.

[FR Doc. 90–27174 Filed 11–16–90; 8:45 am]

BILLING CODE 4910–13–M

Reader Aids

Federal Register

Vol. 55, No. 223

Monday, November 19, 1990

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-3447

Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

The United States Government Manual

General information	523-5230

Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the hearing impaired	523-5229

FEDERAL REGISTER PAGES AND DATES, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

101.....46037

Proclamations:

2351 (Modified by Proc. 6228).....47835
6219.....46033
6220.....46035
6221.....46783
6222.....46785
6223.....47447
6224.....47725
6225.....47727
6226.....47729
6227.....47731
6228.....47835
6229.....48093
6230.....48095
6231.....48097

Executive Orders:

12170 (See Notice of Nov. 9, 1990).....47453
12677 (See Memorandum of Aug. 17, 1990).....46491
12722 (See EO 12734).....48099
12727 (See EO 12733).....47731
12732.....46489
12733.....47837
12734.....48099

Administrative Orders:

Presidential Determinations:

No. 91-2 of Oct. 10, 1990.....46933
No. 91-4 of Oct. 25, 1990.....46935
No. 91-5 of Oct. 25, 1990.....46937
No. 91-6 of Oct. 30, 1990.....47733
No. 91-7 of Oct. 30, 1990.....47735

Memorandums:

August 17, 1990.....46491

Notices:

Nov. 9, 1990.....47453

5 CFR

532.....46140
1800.....47839
1810.....47839
1820.....47839
1830.....47839
1840.....47839

7 CFR

52.....48101
301.....47737, 47738
800.....46131
907.....46641, 48102
908.....46641
910.....46493, 47301, 48104
932.....46037
944.....46037
966.....47045
984.....47840
1530.....47740
1910.....46187

Proposed Rules:

17.....47061
51.....46070
246.....46285
319.....47884
360.....47776
910.....48111
927.....46071
971.....46072
989.....47063
1001.....48112
1002.....48112
1004.....48112
1005.....48112
1006.....48112
1007.....48112
1011.....48112
1012.....48112
1013.....48112
1030.....48112
1032.....48112
1033.....48112
1036.....48112
1040.....48112
1044.....48112
1046.....48112
1049.....48112
1050.....48112
1064.....48112
1065.....48112
1068.....48112
1075.....48112
1076.....48112
1079.....48112
1093.....48112
1094.....48112
1096.....48112
1097.....48112
1098.....48112
1099.....48112
1106.....48112
1108.....48112
1120.....48112
1124.....48112
1126.....48112
1131.....48112
1132.....48112
1134.....48112
1135.....48112
1137.....48112
1138.....48112
1139.....48112

9 CFR

77.....47303

92.....46039
114.....46188
301.....48208
312.....47841
329.....47841
381.....47841

10 CFR

0.....47740
1.....47740

Proposed Rules:

Ch. I.....46217
35.....47481
1021.....46444

12 CFR

207.....46040
210.....47428
220.....46040
221.....46040
224.....46040
225.....47741, 47843
360.....46495
382.....46495
383.....46495
384.....46495
385.....46495
386.....46495
387.....46495
388.....46495
389.....46495
390.....46495
391.....46495
392.....46495
393.....46495
394.....46495
395.....46495
396.....46495
745.....47455

Proposed Rules:

1613.....47481

13 CFR

107.....46190
121.....48106

Proposed Rules:

107.....46217

14 CFR

21.....46191, 47455
23.....46888, 46028, 47455
25.....46191
39.....46198–46201, 46497–46502, 46648–46657, 46787, 47028, 47046, 47047, 47304–47305, 47846–47848
71.....46203, 46924, 46939, 47307
75.....46940
91.....47028, 47298, 47309
135.....47028
139.....48212

Proposed Rules:

Ch. I.....46826, 46956, 47339, 47483
21.....47065
25.....47065
39.....46217–46220, 46524–46528, 46671–46683, 46826, 46956, 47067–47071, 47339, 47885–47889, 48129–48133
71.....46132, 46221, 47073, 47483
75.....47341

15 CFR

25.....47851
30.....47048
772.....46503
773.....47050
774.....46503
775.....46503
786.....47048
787.....46503

17 CFR

Proposed Rules:

200.....46288
210.....46288
229.....46288
230.....46288
239.....46288
240.....46288
249.....46288
260.....46288
269.....46288

18 CFR

2.....47457, 47863
11.....47309
35.....47311
271.....46660, 47743
284.....47457–47462
382.....47311

19 CFR

141.....47051

20 CFR

404.....46131
422.....46661

21 CFR

5.....47052
73.....46044
133.....48107
178.....47054, 47322
310.....46914
312.....47034
314.....47034
320.....47034
514.....46045
520.....46942
556.....46942
558.....46513
630.....47873

Proposed Rules:

201.....46134
808.....47165

22 CFR

514.....46943

Proposed Rules:

514.....46073

24 CFR

Proposed Rules:

200.....46632

26 CFR

1.....48107
43.....46667

Proposed Rules:

1.....46529, 48135
43.....46132

27 CFR

9.....47744–47747
19.....47604
24.....47604
25.....47604
70.....47604
71.....47323
170.....47604
179.....47604
194.....47604
197.....47604
250.....47604
270.....47604
275.....47604
285.....47604
290.....47604
296.....47604

28 CFR

551.....47055

29 CFR

522.....46466, 47028
1910.....46052, 46948
1926.....47660
2619.....47749
2676.....47750

Proposed Rules:

1910.....46074, 46958, 47074, 47487
1915.....47487
1917.....47487
1918.....47487
1926.....46958, 47487
1928.....47487

30 CFR

250.....46203, 47751
913.....46203
914.....46054
917.....46054
925.....46888

Proposed Rules:

46.....46400
56.....46400
57.....46400
77.....46400
701.....47430
816.....47430
817.....47430
913.....47890
920.....47892
925.....46076
926.....48135
935.....47342
946.....48136

32 CFR

199.....46667
286.....46950
589.....47042
720.....47876

Proposed Rules:

169a.....46959

33 CFR

100.....47326
117.....47753
165.....46204, 47327, 47470

Proposed Rules:

100.....47489, 47490
110.....47075
117.....47776
161.....47077

34 CFR

Proposed Rules:

674.....47438
675.....47438
676.....47438

36 CFR

Proposed Rules:

1228.....46828
1253.....47078
1254.....47078
1280.....47078

37 CFR

1.....46951

38 CFR

Proposed Rules:

4.....46959

39 CFR

Proposed Rules:

111.....46078

40 CFR

52.....46205, 46206, 46788
60.....47471, 48208
82.....47753
86.....46622
122.....47990
123.....47990
124.....47990
180.....47474, 47475
261.....46354, 47328, 47330
271.....46354
302.....46354
721.....46766
761.....46790

Proposed Rules:

22.....46470
52.....46530, 46684, 46829, 47491, 47894
171.....46890
261.....46829, 47493
503.....47210
721.....47286
761.....46470

41 CFR

301–8.....46064

42 CFR

412.....46064
413.....46064

Proposed Rules:

405.....46685
408.....46222
412.....46887
413.....46689, 46887

43 CFR

Public Land Orders:

6808.....47165
6809.....46887
6814.....46668

Proposed Rules:

4.....46132, 46530, 47831

44 CFR

64.....46208
65.....46210
67.....46211

Proposed Rules:

67.....46225

45 CFR

1214.....47755

Proposed Rules:

303.....47777

46 CFR

64.....47476

98.....47476
310.....46951

47 CFR

1.....46513
15.....46790
21.....46513
22.....46952, 47335
43.....46513
73.....46212, 46213, 46792–46794, 46954, 47336, 47477, 47764, 47765, 47879, 47880
74.....46513
68.....46065
78.....46513
80.....46514

Proposed Rules:

1.....46834
73.....46078, 46230–46233, 46836–46839, 46960, 46961, 47342–47346, 47494–47496, 47779, 47780, 47895, 47896
90.....46834

48 CFR

525.....46068
552.....46068
1804.....47477
1806.....47477
1810.....47477
1813.....47477
1815.....47477
1819.....47477
1837.....47477
1842.....47477
1843.....47477
1852.....47477
1853.....47477
1870.....47477
Ch. 99.....47055

Proposed Rules:

15.....46930
245.....47896
Ch. 53.....46839

49 CFR

1.....47165
40.....46669
171.....46794
172.....46794
571.....46669
575.....47765
1011.....47336
1043.....47337
1044.....47337
1118.....47336
1132.....47336
1145.....47337
1162.....47336
1167.....47337
1171.....47337

Proposed Rules:

171.....46839
172.....46839
175.....46839
391.....46080
531.....48137
553.....47028
571.....46961

50 CFR

216.....47880
227.....46515
371.....47058
641.....46955
646.....46213, 47831
647.....47059
669.....46214
672.....47883
674.....47773
675.....47883, 48109

Proposed Rules:

17.....46080, 46963, 47081, 47347
21.....47498
33.....47350
60.....46968
611.....46082, 46841, 47897
652.....47781
663.....46841
672.....47897
675.....46082

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List November 15, 1990

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $620.00 domestic, $155.00 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, DC 20402. Charge orders (VISA, MasterCard, or GPO Deposit Account) may be telephoned to the GPO order desk at **(202) 783-3238** from 8:00 a.m. to 4:00 p.m. eastern time, Monday—Friday (except holidays).

Title	Price	Revision Date
1, 2 (2 Reserved)	$11.00	Jan. 1, 1990
3 (1989 Compilation and Parts 100 and 101)	11.00	[1] Jan. 1, 1990
4	16.00	Jan. 1, 1990
5 Parts:		
1–699	15.00	Jan. 1, 1990
700–1199	13.00	Jan. 1, 1990
1200–End, 6 (6 Reserved)	17.00	Jan. 1, 1990
7 Parts:		
0–26	15.00	Jan. 1, 1990
27–45	12.00	Jan. 1, 1990
46–51	17.00	Jan. 1, 1990
52	24.00	Jan. 1, 1990
53–209	19.00	Jan. 1, 1990
210–299	25.00	Jan. 1, 1990
300–399	12.00	Jan. 1, 1990
400–699	20.00	Jan. 1, 1990
700–899	22.00	Jan. 1, 1990
900–999	29.00	Jan. 1, 1990
1000–1059	16.00	Jan. 1, 1990
1060–1119	13.00	Jan. 1, 1990
1120–1199	10.00	Jan. 1, 1990
1200–1499	18.00	Jan. 1, 1990
1500–1899	11.00	Jan. 1, 1990
1900–1939	11.00	Jan. 1, 1990
1940–1949	21.00	Jan. 1, 1990
1950–1999	24.00	Jan. 1, 1990
2000–End	9.50	Jan. 1, 1990
8	14.00	Jan. 1, 1990
9 Parts:		
1–199	20.00	Jan. 1, 1990
200–End	18.00	Jan. 1, 1990
10 Parts:		
0–50	21.00	Jan. 1, 1990
51–199	17.00	Jan. 1, 1990
200–399	13.00	[2] Jan. 1, 1987
400–499	21.00	Jan. 1, 1990
500–End	26.00	Jan. 1, 1990
11	11.00	Jan. 1, 1990
12 Parts:		
1–199	12.00	Jan. 1, 1990
200–219	12.00	Jan. 1, 1990
220–299	21.00	Jan. 1, 1990
300–499	19.00	Jan. 1, 1990
500–599	17.00	Jan. 1, 1990
600–End	17.00	Jan. 1, 1990
13	25.00	Jan. 1, 1990
14 Parts:		
1–59	25.00	Jan. 1, 1990
60–139	24.00	Jan. 1, 1990
140–199	10.00	Jan. 1, 1990
200–1199	21.00	Jan. 1, 1990
1200–End	13.00	Jan. 1, 1990
15 Parts:		
0–299	11.00	Jan. 1, 1990
300–799	22.00	Jan. 1, 1990
800–End	15.00	Jan. 1, 1990
16 Parts:		
0–149	6.00	Jan. 1, 1990
150–999	14.00	Jan. 1, 1990
1000–End	20.00	Jan. 1, 1990
17 Parts:		
1–199	15.00	Apr. 1, 1990
200–239	16.00	Apr. 1, 1990
240–End	23.00	Apr. 1, 1990
18 Parts:		
1–149	16.00	Apr. 1, 1990
150–279	16.00	Apr. 1, 1990
280–399	14.00	Apr. 1, 1990
400–End	9.50	Apr. 1, 1990
19 Parts:		
1–199	28.00	Apr. 1, 1990
200–End	9.50	Apr. 1, 1990
20 Parts:		
1–399	14.00	Apr. 1, 1990
400–499	25.00	Apr. 1, 1990
500–End	28.00	Apr. 1, 1990
21 Parts:		
1–99	13.00	Apr. 1, 1990
100–169	15.00	Apr. 1, 1990
170–199	17.00	Apr. 1, 1990
200–299	5.50	Apr. 1, 1990
300–499	29.00	Apr. 1, 1990
500–599	21.00	Apr. 1, 1990
600–799	8.00	Apr. 1, 1990
800–1299	18.00	Apr. 1, 1990
1300–End	9.00	Apr. 1, 1990
22 Parts:		
1–299	24.00	Apr. 1, 1990
300–End	18.00	Apr. 1, 1990
23	17.00	Apr. 1, 1990
24 Parts:		
0–199	20.00	Apr. 1, 1990
200–499	30.00	Apr. 1, 1990
500–699	13.00	Apr. 1, 1990
700–1699	24.00	Apr. 1, 1990
1700–End	13.00	Apr. 1, 1990
25	25.00	Apr. 1, 1990
26 Parts:		
§§ 1.0-1–1.60	15.00	Apr. 1, 1990
§§ 1.61–1.169	28.00	Apr. 1, 1990
§§ 1.170–1.300	18.00	Apr. 1, 1990
§§ 1.301–1.400	17.00	Apr. 1, 1990
§§ 1.401–1.500	29.00	Apr. 1, 1990
§§ 1.501–1.640	16.00	[3] Apr. 1, 1989
§§ 1.641–1.850	19.00	Apr. 1, 1990
§§ 1.851–1.907	20.00	Apr. 1, 1990
§§ 1.908–1.1000	22.00	Apr. 1, 1990
§§ 1.1001–1.1400	18.00	Apr. 1,1990
§§ 1.1401–End	24.00	Apr. 1, 1990
2–29	21.00	Apr. 1, 1990
30–39	15.00	Apr. 1, 1990
40–49	13.00	[3] Apr. 1, 1989
50–299	16.00	[3] Apr. 1, 1989
300–499	17.00	Apr. 1, 1990
500–599	6.00	Apr. 1, 1990
600–End	6.50	Apr. 1, 1990
27 Parts:		
1–199	24.00	Apr. 1, 1990
200–End	14.00	Apr. 1, 1990
28	28.00	July 1, 1990

Title	Price	Revision Date
29 Parts:		
0–99	18.00	July 1, 1990
100–499	8.00	July 1, 1990
500–899	26.00	July 1, 1990
900–1899	12.00	July 1, 1990
1900–1910 (§§ 1901.1 to 1910.441)	24.00	July 1, 1989
1910 (§§ 1910.1000 to end)	13.00	July 1, 1989
1911–1925	9.00	[4] July 1, 1989
1926	12.00	July 1, 1990
1927–End	25.00	July 1, 1990
30 Parts:		
0–199	22.00	July 1, 1990
200–699	14.00	July 1, 1990
*700–End	21.00	July 1, 1990
31 Parts:		
0–199	15.00	July 1, 1990
200–End	19.00	July 1, 1990
32 Parts:		
1–39, Vol. I	15.00	[5] July 1, 1984
1–39, Vol. II	19.00	[5] July 1, 1984
1–39, Vol. III	18.00	[5] July 1, 1984
1–189	24.00	July 1, 1990
190–399	28.00	July 1, 1990
400–629	22.00	July 1, 1989
630–699	13.00	[4] July 1, 1989
700–799	17.00	July 1, 1990
800–End	19.00	July 1, 1990
33 Parts:		
1–199	30.00	July 1, 1989
200–End	20.00	July 1, 1990
34 Parts:		
1–299	23.00	July 1, 1990
300–399	14.00	July 1, 1990
400–End	27.00	July 1, 1990
35	10.00	July 1, 1990
36 Parts:		
1–199	12.00	July 1, 1989
200–End	21.00	July 1, 1989
*37	15.00	July 1, 1990
38 Parts:		
0–17	24.00	Sept. 1, 1989
18–End	21.00	Sept. 1, 1989
39	14.00	July 1, 1989
40 Parts:		
1–51	25.00	July 1, 1989
52	25.00	July 1, 1989
53–60	29.00	July 1, 1989
61–80	11.00	July 1, 1989
81–85	11.00	July 1, 1990
86–99	25.00	July 1, 1989
100–149	27.00	July 1, 1990
150–189	21.00	July 1, 1989
190–259	13.00	July 1, 1990
190–299	29.00	July 1, 1989
300–399	10.00	July 1, 1989
400–424	23.00	July 1, 1990
425–699	23.00	[4] July 1, 1989
700–789	15.00	July 1, 1989
790–End	21.00	July 1, 1990
41 Chapters:		
1, 1–1 to 1–10	13.00	[6] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)	13.00	[6] July 1, 1984
3–6	14.00	[6] July 1, 1984
7	6.00	[6] July 1, 1984
8	4.50	[6] July 1, 1984
9	13.00	[6] July 1, 1984
10–17	9.50	[6] July 1, 1984
18, Vol. I, Parts 1–5	13.00	[6] July 1, 1984
18, Vol. II, Parts 6–19	13.00	[6] July 1, 1984
18, Vol. III, Parts 20–52	13.00	[6] July 1, 1984
19–100	13.00	[6] July 1, 1984

Title	Price	Revision Date
1–100	8.50	July 1, 1990
101	24.00	July 1, 1990
102–200	11.00	July 1, 1990
201–End	13.00	July 1, 1990
42 Parts:		
1–60	16.00	Oct. 1, 1989
61–399	6.50	Oct. 1, 1989
400–429	22.00	Oct. 1, 1989
430–End	24.00	Oct. 1, 1989
43 Parts:		
1–999	19.00	Oct. 1, 1989
1000–3999	26.00	Oct. 1, 1989
4000–End	12.00	Oct. 1, 1989
44	22.00	Oct. 1, 1989
45 Parts:		
1–199	16.00	Oct. 1, 1989
200–499	12.00	Oct. 1, 1989
500–1199	24.00	Oct. 1, 1989
1200–End	18.00	Oct. 1, 1989
46 Parts:		
1–40	14.00	Oct. 1, 1989
41–69	15.00	Oct. 1, 1989
70–89	7.50	Oct. 1, 1989
90–139	12.00	Oct. 1, 1989
140–155	13.00	Oct. 1, 1989
156–165	13.00	Oct. 1, 1989
166–199	14.00	Oct. 1, 1989
200–499	20.00	Oct. 1, 1989
500–End	11.00	Oct. 1, 1989
47 Parts:		
0–19	18.00	Oct. 1, 1989
20–39	18.00	Oct. 1, 1989
40–69	9.50	Oct. 1, 1989
70–79	18.00	Oct. 1, 1989
80–End	20.00	Oct. 1, 1989
48 Chapters:		
1 (Parts 1–51)	29.00	Oct. 1, 1989
1 (Parts 52–99)	18.00	Oct. 1, 1989
2 (Parts 201–251)	19.00	Oct. 1, 1989
2 (Parts 252–299)	17.00	Oct. 1, 1989
3–6	19.00	Oct. 1, 1989
7–14	25.00	Oct. 1, 1989
15–End	27.00	Oct. 1, 1989
49 Parts:		
1–99	14.00	Oct. 1, 1989
100–177	28.00	Oct. 1, 1989
178–199	22.00	Oct. 1, 1989
200–399	20.00	Oct. 1, 1989
400–999	25.00	Oct. 1, 1989
1000–1199	18.00	Oct. 1, 1989
1200–End	19.00	Oct. 1, 1989
50 Parts:		
1–199	18.00	Oct. 1, 1989
200–599	15.00	Oct. 1, 1989
600–End	14.00	Oct. 1, 1989
CFR Index and Findings Aids	30.00	Jan. 1, 1990
Complete 1990 CFR set	620.00	1990
Microfiche CFR Edition:		
Complete set (one-time mailing)	115.00	1985
Complete set (one-time mailing)	185.00	1986
Complete set (one-time mailing)	185.00	1987
Subscription (mailed as issued)	185.00	1988
Subscription (mailed as issued)	188.00	1989

Title	Price	Revision Date
Individual copies	2.00	1990

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

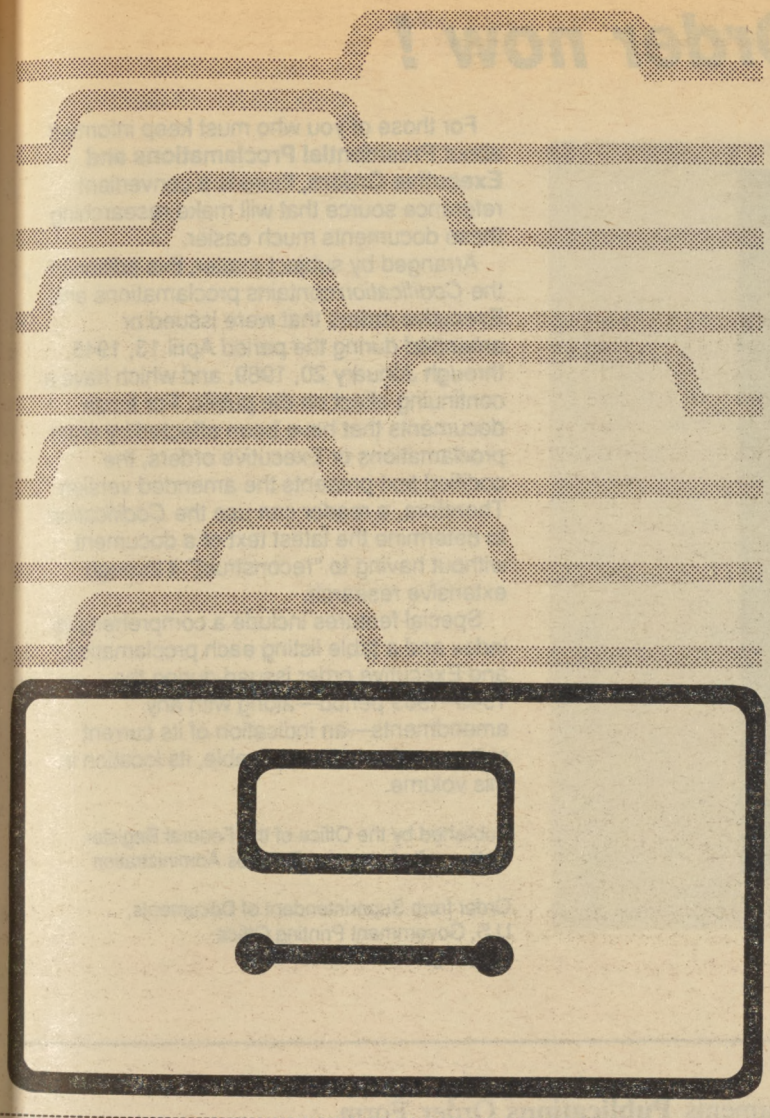
[2] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1989. The CFR volume issued January 1, 1987, should be retained.

[3] No amendments to this volume were promulgated during the period Apr. 1, 1989 to Mar. 30, 1990. The CFR volume issued April 1, 1989, should be retained.

[4] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1990. The CFR volume issued July 1, 1989, should be retained.

[5] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[6] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the e' CFR volumes issued as of July 1, 1984 containing those chapters.



Guide to Record Retention Requirements

in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
SUPPLEMENT: Revised January 1, 1990

The GUIDE and the SUPPLEMENT should be used together. This useful reference tool, compiled from agency regulations, is designed to assist anyone with Federal recordkeeping obligations.

The various abstracts in the GUIDE tell the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The GUIDE is formatted and numbered to parallel the CODE OF FEDERAL REGULATIONS (CFR) for uniformity of citation and easy reference to the source document.

Compiled by the Office of the Federal Register, National Archives and Records Administration.

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325.

Superintendent of Documents Publication Order Form

Order Processing Code: ***6788**

Charge your order. It's easy!

To fax your orders and inquiries. 202-275-0019

☐ **YES,** please send me the following indicated publication:

_____copies of the 1989 GUIDE TO RECORD RETENTION REQUIREMENTS IN THE CFR S/N 069-000-00020-7 at $12.00 each.

_____copies of the 1990 SUPPLEMENT TO THE GUIDE, S/N 069-000-00025-8 at $1.50 each.

1. The total cost of my order is $_____ (International customers please add 25%). All prices include regular domestic postage and handling and are good through 8/90. After this date, please call Order and Information Desk at 202-783-3238 to verify prices.

Please Type or Print

2. _____
(Company or personal name)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____)
_____
(Daytime phone including area code)

3. Please choose method of payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐-☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

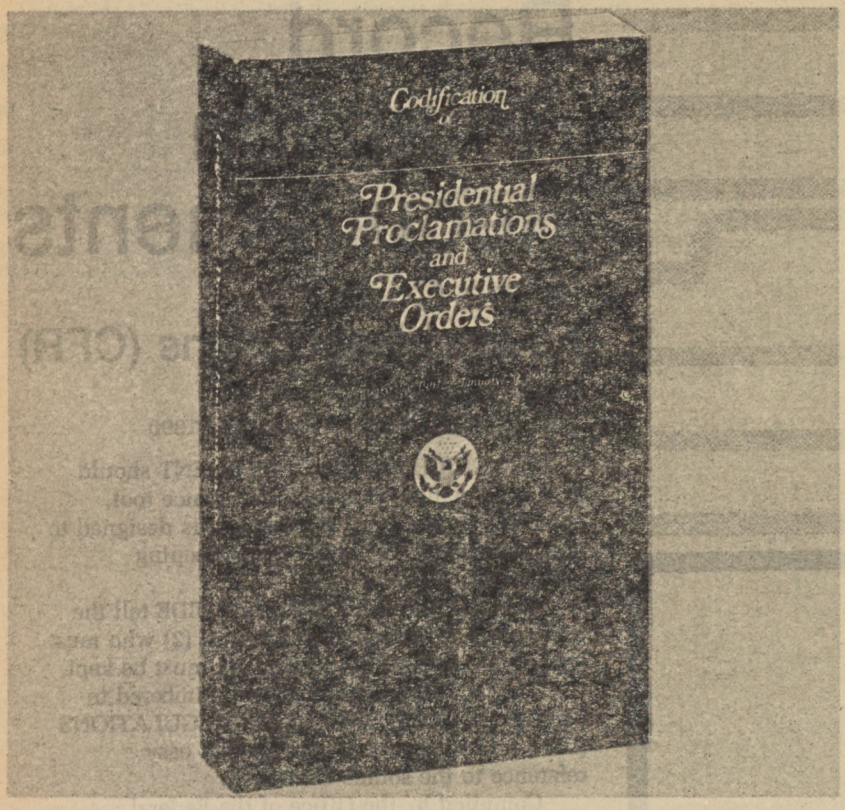
Thank you for your order!

_____
(Signature)

2/90

4. **Mail To:** Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325

New edition .... Order now !



For those of you who must keep informed about **Presidential Proclamations and Executive Orders,** there is a convenient reference source that will make researching these documents much easier.

Arranged by subject matter, this edition of the *Codification* contains proclamations and Executive orders that were issued or amended during the period April 13, 1945, through January 20, 1989, and which have a continuing effect on the public. For those documents that have been affected by other proclamations or Executive orders, the codified text presents the amended version. Therefore, a reader can use the *Codification* to determine the latest text of a document without having to "reconstruct" it through extensive research.

Special features include a comprehensive index and a table listing each proclamation and Executive order issued during the 1945–1989 period—along with any amendments—an indication of its current status, and, where applicable, its location in this volume.

Published by the Office of the Federal Register, National Archives and Records Administration

Order from Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402–9325

Order Processing Code:
***6661**

Superintendent of Documents **Publications** Order Form

P3

Charge your order. It's easy!

To fax your orders and inquiries–(202) 275-0019

☐ **YES,** please send me the following indicated publication:

_____ copies of the CODIFICATION OF PRESIDENTIAL PROCLAMATIONS AND EXECUTIVE ORDERS, S/N 069-000-00018-5 at $32.00 each.

The total cost of my order is $_____. (International customers please add 25%.) Prices include regular domestic postage and handling and are good through 1/90. After this date, please call Order and Information Desk at 202-783-3238 to verify prices.

_____
(Company or personal name) (Please type or print)

_____
(Additional address/attention line)

_____
(Street address)

_____
(City, State, ZIP Code)

(_____) _____
(Daytime phone including area code)

Please Choose Method of Payment:

☐ Check payable to the Superintendent of Documents

☐ GPO Deposit Account ☐☐☐☐☐☐☐–☐

☐ VISA or MasterCard Account

☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

_____
(Credit card expiration date)

Thank you for your order!

_____
(Signature)

7/89

Mail To: Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325